

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3002

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## AN ACT

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

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

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Department of Defense  
3 Authorization Act for Fiscal Year 2009”.

4 **SEC. 2. TABLE OF CONTENTS.**

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

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1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

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

5 **DIVISION A—DEPARTMENT OF**  
6 **DEFENSE AUTHORIZATIONS**  
7 **TITLE I—PROCUREMENT**  
8 **Subtitle A—Authorization of**  
9 **Appropriations**

10 **SEC. 101. ARMY.**

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

- 13 (1) For aircraft, \$4,957,435,000.  
14 (2) For missiles, \$2,211,460,000.  
15 (3) For weapons and tracked combat vehicles,  
16 \$3,689,277,000.  
17 (4) For ammunition, \$2,303,791,000.  
18 (5) For other procurement, \$11,861,704,000.

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

20 (a) NAVY.—Funds are hereby authorized to be appro-  
21 priated for fiscal year 2009 for procurement for the Navy  
22 as follows:

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

1           (2) For weapons, including missiles and tor-  
2 pedoes, \$3,605,482,000.

3           (3) For shipbuilding and conversion,  
4 \$13,037,218,000.

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

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

9           (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
10 are hereby authorized to be appropriated for fiscal year  
11 2009 for procurement of ammunition for the Navy and  
12 the Marine Corps in the amount of \$1,131,712,000.

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

14           Funds are hereby authorized to be appropriated for  
15 fiscal year 2009 for procurement for the Air Force as fol-  
16 lows:

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

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

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

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

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

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

24           (1) For Defense-wide procurement,  
25 \$3,466,928,000.

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

### 3           **Subtitle B—Army Programs**

#### 4       **SEC. 111. STRYKER MOBILE GUN SYSTEM.**

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

20           (b) QUARTERLY REPORTS.—

21           (1) REPORTS REQUIRED.—The Secretary of the  
22 Army shall submit to the congressional defense com-  
23 mittees on a quarterly basis a report setting forth  
24 the following:

1           (A) The status of any necessary mitigating  
2 actions taken by the Army to address defi-  
3 ciencies in the Stryker Mobile Gun System that  
4 are identified by the Director of Operational  
5 Test and Evaluation.

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

8           (C) A statement of additional actions need-  
9 ed to be taken, if any, to mitigate operational  
10 deficiencies in the Stryker Mobile Gun System.

11           (D) A compilation of all hostile fire en-  
12 gagements resulting in damage to the vehicle,  
13 resulting in a non-mission capable status of the  
14 Stryker Mobile Gun System.

15           (2) CONSULTATION.—The Secretary shall sub-  
16 mit each report required by paragraph (1) in con-  
17 sultation with the Director of Operational Test and  
18 Evaluation.

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

22           (c) EXPANSION OF LIMITATION ON AVAILABILITY OF  
23 FUNDS FOR PROCUREMENT OF SYSTEM.—Section 117(a)  
24 of the National Defense Authorization Act for Fiscal Year



1 2008 is amended by striking “by sections 101(3) and  
2 1501(3)” and inserting “by this Act or any other Act.”.

3 **SEC. 112. PROCUREMENT OF SMALL ARMS.**

4 (a) REPORT ON CAPABILITIES BASED ASSESS-  
5 MENT.—

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

12 (2) LIMITATION ON USE OF CERTAIN FUNDS  
13 PENDING REPORT.—Not more than 75 percent of  
14 the aggregate amount authorized to be appropriated  
15 for the Department of Defense for fiscal year 2009  
16 and available for the Guardrail Common Sensor pro-  
17 gram may be obligated for that program until after  
18 the Secretary of the Army submits to the congress-  
19 sional defense committees a report required under  
20 paragraph (1).

21 (b) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

22 (1) COMPETITION REQUIRED.—In the event the  
23 Capabilities Based Assessment identifies gaps in the  
24 current capabilities of the small arms of the Army  
25 and the Secretary of the Army determines that a

1 new individual weapon is required to address such  
2 gaps, the Secretary shall procure the new individual  
3 weapon through one or more contracts entered into  
4 after full and open competition described in para-  
5 graph (2).

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

10 (A) is open to all developmental item solu-  
11 tions and nondevelopmental item (NDI) solu-  
12 tions; and

13 (B) provides for the award of the contract  
14 or contracts concerned based on selection cri-  
15 teria that reflect the key performance param-  
16 eters and attributes identified in an Army-ap-  
17 proved service requirements document.

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

23 (1) The certification of a carbine-type rifle re-  
24 quirement that does not require commonality with  
25 existing technical data.

1           (2) A full and open competition leading to the  
2           award of contracts for carbine-type rifles in lieu of  
3           a developmental program intended to meet the pro-  
4           posed carbine-type rifle requirement.

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

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

## 14           **Subtitle C—Navy Programs**

### 15   **SEC. 131. AUTHORITY FOR ADVANCED PROCUREMENT AND** 16                           **CONSTRUCTION OF COMPONENTS FOR THE** 17                           **VIRGINIA-CLASS SUBMARINE PROGRAM.**

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

21           (1) by redesignating subsection (b) as sub-  
22           section (c); and

23           (2) by inserting after subsection (a) the fol-  
24           lowing new subsection (b):

1       “(b) **ADVANCE PROCUREMENT AND CONSTRUCTION**  
2 **OF COMPONENTS.**—The Secretary may enter into one or  
3 more contracts for advance procurement and advance con-  
4 struction of those components for the Virginia-class sub-  
5 marine program for which authorization to enter into a  
6 multiyear procurement contract is granted under sub-  
7 section (a) if the Secretary determines that cost savings  
8 or construction efficiencies may be achieved for Virginia-  
9 class submarines through the use of such contracts.”.

10 **SEC. 132. REFUELING AND COMPLEX OVERHAUL OF THE**  
11 **U.S.S. THEODORE ROOSEVELT.**

12       (a) **AMOUNT AUTHORIZED FROM SCN ACCOUNT.**—

13           (1) **IN GENERAL.**—Of the amount authorized to  
14 be appropriated for fiscal year 2009 by section  
15 102(a)(3) for shipbuilding and conversion, Navy,  
16 \$124,500,000 is available for the commencement of  
17 the nuclear refueling and complex overhaul of the  
18 U.S.S. Theodore Roosevelt (CVN-71) during fiscal  
19 year 2009.

20           (2) **FIRST INCREMENT.**—The amount made  
21 available under paragraph (1) is the first increment  
22 of the three increments of funding planned to be  
23 available for the nuclear refueling and complex over-  
24 haul of the U.S.S. Theodore Roosevelt.

25       (b) **CONTRACT AUTHORITY.**—

1           (1) IN GENERAL.—The Secretary of the Navy  
2           may enter into a contract during fiscal year 2009  
3           for the nuclear refueling and complex overhaul of  
4           the U.S.S. Theodore Roosevelt.

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

## 12       **Subtitle D—Air Force Programs**

### 13       **SEC. 151. F-22A FIGHTER AIRCRAFT.**

14          (a) AVAILABILITY OF FUNDS.—Subject to subsection  
15       (b), of the amount authorized to be appropriated by sec-  
16       tion 103(1) for procurement of aircraft for the Air Force,  
17       \$497,000,000 shall be available, at the election of the  
18       President, for either, but not both, of the following:

19           (1) Advance procurement of F-22A fighter air-  
20          craft in fiscal year 2010.

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

23       (b) CERTIFICATION.—

24           (1) IN GENERAL.—The amount referred to in  
25          subsection (a) shall not be available for the purpose

1 elected by the President under that subsection until  
2 the President certifies to the congressional defense  
3 committees the following (as applicable):

4 (A) That procurement of F-22A fighter  
5 aircraft is in the national interests of the  
6 United States.

7 (B) That the winding down of the produc-  
8 tion line for F-22A fighter aircraft is in the na-  
9 tional interests of the United States.

10 (2) DATE OF SUBMITTAL.—Any certification  
11 submitted under this subsection may not be sub-  
12 mitted before January 21, 2009.

13 **Subtitle E—Joint and Multiservice**  
14 **Matters**

15 **SEC. 171. ANNUAL LONG-TERM PLAN FOR THE PROCURE-**  
16 **MENT OF AIRCRAFT FOR THE NAVY AND THE**  
17 **AIR FORCE.**

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

1 **“§ 231a. Budgeting for procurement of aircraft for the**  
2 **Navy and Air Force: annual plan and cer-**  
3 **tification**

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

7 “(1) a plan for the procurement of the aircraft  
8 specified in subsection (b) for the Department of the  
9 Navy and the Department of the Air Force devel-  
10 oped in accordance with this section; and

11 “(2) a certification by the Secretary that both  
12 the budget for such fiscal year and the future-years  
13 defense program submitted to Congress in relation  
14 to such budget under section 221 of this title pro-  
15 vide for funding of the procurement of aircraft at a  
16 level that is sufficient for the procurement of the  
17 aircraft provided for in the plan under paragraph  
18 (1) on the schedule provided in the plan.

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

21 “(1) Fighter aircraft.

22 “(2) Attack aircraft.

23 “(3) Bomber aircraft.

24 “(4) Strategic lift aircraft.

25 “(5) Intratheater lift aircraft.

1           “(6) Intelligence, surveillance, and reconnais-  
2           sance aircraft.

3           “(7) Tanker aircraft.

4           “(8) Any other major support aircraft des-  
5           ignated by the Secretary of Defense for purposes of  
6           this section.

7           “(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1)  
8           The annual aircraft procurement plan developed for a fis-  
9           cal year for purposes of subsection (a)(1) should be de-  
10          signed so that the aviation force provided for under the  
11          plan is capable of supporting the national security strategy  
12          of the United States as set forth in the most recent na-  
13          tional security strategy report of the President under sec-  
14          tion 108 of the National Security Act of 1947 (50 U.S.C.  
15          404a), except that, if at the time the plan is submitted  
16          with the defense budget materials for that fiscal year, a  
17          national security strategy report required under such sec-  
18          tion 108 has not been submitted to Congress as required  
19          by paragraph (2) or paragraph (3), if applicable, of sub-  
20          section (a) of such section, then the plan should be de-  
21          signed so that the aviation force provided for under the  
22          plan is capable of supporting the aviation force structure  
23          recommended in the report of the most recent Quadrennial  
24          Defense Review.



1       “(2) Each annual aircraft procurement plan shall in-  
2 clude the following:

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

7           “(B) A description of the necessary aviation  
8 force structure to meet the requirements of the na-  
9 tional security strategy of the United States or the  
10 most recent Quadrennial Defense Review, whichever  
11 is applicable under paragraph (1).

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

16          “(D) An assessment by the Secretary of De-  
17 fense of the extent to which the combined aircraft  
18 forces of the Department of the Navy and the De-  
19 partment of the Air Force meet the national security  
20 requirements of the United States.

21       “(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT  
22 BUDGET IS INSUFFICIENT TO MEET APPLICABLE RE-  
23 QUIREMENTS.—If the budget for a fiscal year provides for  
24 funding of the procurement of aircraft for either the De-  
25 partment of the Navy or the Department of the Air Force

1 at a level that is not sufficient to sustain the aviation force  
2 structure specified in the aircraft procurement plan for  
3 such Department for that fiscal year under subsection (a),  
4 the Secretary shall include with the defense budget mate-  
5 rials for that fiscal year an assessment that describes and  
6 discusses the risks associated with the reduced force struc-  
7 ture of aircraft that will result from funding aircraft pro-  
8 curement at such level. Such assessment shall be coordi-  
9 nated in advance with the commanders of the combatant  
10 commands.

11 “(e) DEFINITIONS.—In this section:

12 “(1) The term ‘budget’, with respect to a fiscal  
13 year, means the budget for that fiscal year that is  
14 submitted to Congress by the President under sec-  
15 tion 1105(a) of title 31.

16 “(2) The term ‘defense budget materials’, with  
17 respect to a fiscal year, means the materials sub-  
18 mitted to Congress by the Secretary of Defense in  
19 support of the budget for that fiscal year.

20 “(3) The term ‘Quadrennial Defense Review’  
21 means the review of the defense programs and poli-  
22 cies of the United States that is carried out every  
23 4 years under section 118 of this title.”.

24 (b) CLERICAL AMENDMENT.—The table of sections  
25 at the beginning of chapter 9 of such title is amended by

1 inserting after the item relating to section 231 the fol-  
2 lowing new item:

“231a. Budgeting for procurement of aircraft for the Navy and Air Force: an-  
annual plan and certification.”.

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

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

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

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

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

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

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

15 (4) For Defense-wide activities,  
16 \$21,113,501,000, of which \$188,772,000 is author-  
17 ized for the Director of Operational Test and Eval-  
18 uation.

19 **SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECH-**  
20 **NOLOGY.**

21 (a) FISCAL YEAR 2009.—Of the amounts authorized  
22 to be appropriated by section 201, \$11,895,180,000 shall  
23 be available for the Defense Science and Technology Pro-

1 gram, including basic research, applied research, and ad-  
2 vanced technology development projects.

3 (b) BASIC RESEARCH, APPLIED RESEARCH, AND AD-  
4 VANCED TECHNOLOGY DEVELOPMENT DEFINED.—For  
5 purposes of this section, the term “basic research, applied  
6 research, and advanced technology development” means  
7 work funded in programs elements for defense research  
8 and development under Department of Defense budget ac-  
9 tivity 1, 2, or 3.

10 **Subtitle B—Program Requirements, Restrictions, and Limita-**  
11 **ments, Restrictions, and Limita-**  
12 **tions**

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

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

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

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

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

4           (3) The cost and duration of any flight or on-  
5           orbit demonstrations of the technologies being devel-  
6           oped.

7           (4) A plan for implementing an acquisition pro-  
8           gram with respect to technologies determined to be  
9           successful under the plan.

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

13          (6) A schedule for completion of a full analysis  
14          of the on-orbit performance characteristics of the  
15          Space-Based Infrared System and the Space Track-  
16          ing and Surveillance System, and an assessment of  
17          how the performance characteristics of such systems  
18          will inform the decision to proceed to a next genera-  
19          tion overhead nonimaging infrared system.

20          (c) LIMITATION ON OBLIGATION AND EXPENDITURE  
21          OF FUNDS FOR THIRD GENERATION INFRARED SURVEIL-  
22          LANCE PROGRAM.—Not more than 50 percent of the  
23          amounts authorized to be appropriated for fiscal year  
24          2009 by section 201(3) for research, development, test,  
25          and evaluation for the Air Force and available for the

1 Third Generation Infrared Surveillance program may be  
2 obligated or expended until the date that is 30 days after  
3 the date on which the Secretary submits to the congress-  
4 sional defense committees the plan required by subsection  
5 (a).

6 **SEC. 212. ADVANCED BATTERY MANUFACTURING AND**  
7 **TECHNOLOGY ROADMAP.**

8 (a) ROADMAP REQUIRED.—The Secretary of Defense  
9 shall, in coordination with the Secretary of Energy, de-  
10 velop a multi-year roadmap to develop advanced battery  
11 technologies and sustain domestic advanced battery manu-  
12 facturing capabilities and an assured supply chain nec-  
13 essary to ensure that the Department of Defense has as-  
14 sured access to advanced battery technologies to support  
15 current military requirements and emerging military  
16 needs.

17 (b) ELEMENTS.—The roadmap required by sub-  
18 section (a) shall include, but not be limited to, the fol-  
19 lowing:

20 (1) An identification of current and future ca-  
21 pability gaps, performance enhancements, cost sav-  
22 ings goals, and assured technology access goals that  
23 require advances in battery technology and manufac-  
24 turing capabilities.

1           (2) Specific research, technology, and manufac-  
2           turing goals and milestones, and timelines and esti-  
3           mates of funding necessary for achieving such goals  
4           and milestones.

5           (3) Specific mechanisms for coordinating the  
6           activities of Federal agencies, State and local gov-  
7           ernments, coalition partners, private industry, and  
8           academia covered by the roadmap.

9           (4) Such other matters as the Secretary of De-  
10          fense and the Secretary of Energy consider appro-  
11          priate for purposes of the roadmap.

12          (c) COORDINATION.—

13           (1) IN GENERAL.—The roadmap required by  
14           subsection (a) shall be developed in coordination  
15           with the military departments, appropriate Defense  
16           Agencies and other elements and organizations of  
17           the Department of Defense, other appropriate Fed-  
18           eral, State, and local government organizations, and  
19           appropriate representatives of private industry and  
20           academia.

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

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

5 **SEC. 213. AVAILABILITY OF FUNDS FOR DEFENSE LABORA-**  
6 **TORIES FOR RESEARCH AND DEVELOPMENT**  
7 **OF TECHNOLOGIES FOR MILITARY MISSIONS.**

8 (a) AVAILABILITY OF FUNDS.—

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

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

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

22 (C) To fund workforce development activi-  
23 ties that improve the capacity of the defense  
24 laboratory to recruit and retain personnel with



1 scientific and engineering expertise required by  
2 the defense laboratory.

3 (2) CONSULTATION REQUIRED.—The mecha-  
4 nisms established under paragraph (1) shall provide  
5 that funding shall be utilized under paragraph (1) at  
6 the discretion of the director of a defense laboratory  
7 in consultation with the science and technology exec-  
8 utive of the military department concerned.

9 (b) ANNUAL REPORT ON USE OF AUTHORITY.—

10 (1) IN GENERAL.—Not later than March 1 each  
11 year, the Secretary of Defense shall submit to the  
12 congressional defense committees a report on the use  
13 of the authority under subsection (a) during the pre-  
14 ceding year.

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

18 (A) A current description of the mecha-  
19 nisms under subsection (a).

20 (B) A statement of the amount of funding  
21 made available by each defense laboratory for  
22 research and development described in sub-  
23 section (a)(1).

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

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

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

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

18 **SEC. 214. ASSURED FUNDING FOR CERTAIN INFORMATION**  
19                   **SECURITY AND INFORMATION ASSURANCE**  
20                   **PROGRAMS OF THE DEPARTMENT OF DE-**  
21                   **FENSE.**

22          (a) IN GENERAL.—Of the amount authorized to be  
23          appropriated for each fiscal year after fiscal year 2008 for  
24          a program specified in subsection (b), not less than the  
25          amount equal to one percent of such amount shall be avail-

1 able in such fiscal year for the establishment or conduct  
2 under such program of a program or activities to—

3 (1) anticipate advances in information tech-  
4 nology that will create information security chal-  
5 lenges for the Department of Defense when fielded;  
6 and

7 (2) identify and develop solutions to such chal-  
8 lenges.

9 (b) COVERED PROGRAMS.—The programs specified  
10 in this subsection are the programs described in the budg-  
11 et justification documents submitted to Congress in sup-  
12 port of the budget of the President for fiscal year 2009  
13 (as submitted pursuant to section 1105(a) of title 31,  
14 United States Code) as follows:

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

17 (2) Each other Department of Defense informa-  
18 tion assurance program.

19 (3) Any program of the Department of Defense  
20 under the Comprehensive National Cybersecurity  
21 Initiative that is not funded by the National Intel-  
22 ligence Program.

23 (c) SUPPLEMENT NOT SUPPLANT.—Amounts avail-  
24 able under subsection (a) for a fiscal year for the pro-  
25 grams and activities described in that subsection are in

1 addition to any other amounts available for such fiscal  
2 year for the programs specified in subsection (b) for re-  
3 search and development relating to new information assur-  
4 ance technologies.

5 **SEC. 215. REQUIREMENTS FOR CERTAIN AIRBORNE INTEL-**  
6 **LIGENCE COLLECTION SYSTEMS.**

7 (a) IN GENERAL.—Except as provided pursuant to  
8 subsection (b), effective as of October 1, 2012, each air-  
9 borne intelligence collection system of the Department of  
10 Defense that is connected to the Distributed Common  
11 Ground/Surface System shall have the capability to oper-  
12 ate with the Network-Centric Collaborative Targeting Sys-  
13 tem.

14 (b) EXCEPTIONS.—The requirement in subsection (a)  
15 with respect to a particular airborne intelligence collection  
16 system may be waived by the Chairman of the Joint Re-  
17 quirements Oversight Council under section 181 of title  
18 10, United States Code. Waivers under this subsection  
19 shall be made on a case-by-case basis.

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

3 **SEC. 231. REVIEW OF THE BALLISTIC MISSILE DEFENSE**  
4                           **POLICY AND STRATEGY OF THE UNITED**  
5                           **STATES.**

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

9           (b) **ELEMENTS.**—The matters addressed by the re-  
10 view required by subsection (a) shall include, but not be  
11 limited to, the following:

12                   (1) The ballistic missile defense policy of the  
13 United States in relation to the overall national se-  
14 curity policy of the United States.

15                   (2) The ballistic missile defense strategy and  
16 objectives of the United States in relation to the na-  
17 tional security strategy of the United States and the  
18 military strategy of the United States.

19                   (3) The organization, discharge, and oversight  
20 of acquisition for the ballistic missile defense pro-  
21 grams of the United States.

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

1           (5) The process for determining requirements  
2 for missile defense capabilities under the ballistic  
3 missile defense programs of the United States, in-  
4 cluding input from the joint military requirements  
5 process.

6           (6) The process for determining the force struc-  
7 ture and inventory objectives for the ballistic missile  
8 defense programs of the United States.

9           (7) Standards for the military utility, oper-  
10 ational effectiveness, suitability, and survivability of  
11 the ballistic missile defense systems of the United  
12 States.

13           (8) The affordability and cost-effectiveness of  
14 particular capabilities under the ballistic missile de-  
15 fense programs of the United States.

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

19           (10) Accountability, transparency, and over-  
20 sight with respect to the ballistic missile defense pro-  
21 grams of the United States.

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

25           (c) REPORT.—

1           (1) IN GENERAL.—Not later than January 31,  
2           2010, the Secretary shall submit to Congress a re-  
3           port setting forth the results of the review required  
4           by subsection (a).

5           (2) FORM.—The report required by this sub-  
6           section shall be in unclassified form, but may include  
7           a classified annex.

8 **SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
9                   **PROCUREMENT, CONSTRUCTION, AND DE-**  
10                   **PLOYMENT OF MISSILE DEFENSES IN EU-**  
11                   **ROPE.**

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

18           (1) The government of the country in which  
19           such major components of such missile defense sys-  
20           tem (including interceptors and associated radars)  
21           are proposed to be deployed has given final approval  
22           (including parliamentary ratification) to any missile  
23           defense agreements negotiated between such govern-  
24           ment and the United States Government concerning

1 the proposed deployment of such components in such  
2 country.

3 (2) 45 days have elapsed following the receipt  
4 by Congress of the report required by section 226(c)  
5 of the National Defense Authorization Act for Fiscal  
6 Year 2008 (Public Law 110–181; 122 Stat. 42).

7 (b) ADDITIONAL LIMITATION.—In addition to the  
8 limitation in subsection (a), no funds authorized to be ap-  
9 propriated by this Act may be obligated or expended for  
10 the acquisition (other than initial long-lead procurement)  
11 or deployment of operational missiles of a long-range mis-  
12 sile defense system in Europe until the Secretary of De-  
13 fense, after receiving the views of the Director of Oper-  
14 ational Test and Evaluation, submits to Congress a report  
15 certifying that the proposed interceptor to be deployed as  
16 part of such missile defense system has demonstrated,  
17 through successful, operationally realistic flight testing, a  
18 high probability of accomplishing its mission in an oper-  
19 ationally effective manner.

20 (c) CONSTRUCTION.—Nothing in this section shall be  
21 construed to limit continuing obligation and expenditure  
22 of funds for missile defense, including for research and  
23 development and for other activities not otherwise limited  
24 by subsection (a) or (b), including, but not limited to, site



1 surveys, studies, analysis, and planning and design for the  
2 proposed missile defense deployment in Europe.

3 **SEC. 233. AIRBORNE LASER SYSTEM.**

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

8 (1) review and evaluate the testing conducted  
9 on the first Airborne Laser system aircraft, includ-  
10 ing the planned shutdown demonstration testing;  
11 and

12 (2) submit to the Secretary of Defense and to  
13 Congress an assessment by the Director of the oper-  
14 ational effectiveness, suitability, and survivability of  
15 the Airborne Laser system.

16 (b) LIMITATION ON AVAILABILITY OF FUNDS FOR  
17 LATER AIRBORNE LASER SYSTEM AIRCRAFT.—No funds  
18 authorized to be appropriated for the Department of De-  
19 fense may be obligated or expended for the procurement  
20 of a second or subsequent aircraft for the Airborne Laser  
21 system program until the Secretary of Defense, after re-  
22 ceiving the assessment of the Director of Operational Test  
23 and Evaluation under subsection (a)(2), submits to Con-  
24 gress a certification that the Airborne Laser system has  
25 demonstrated, through successful testing and operational

1 and cost analysis, a high probability of being operationally  
2 effective, suitable, survivable, and affordable.

3 **SEC. 234. ANNUAL DIRECTOR OF OPERATIONAL TEST AND**  
4 **EVALUATION CHARACTERIZATION OF OPER-**  
5 **ATIONAL EFFECTIVENESS, SUITABILITY, AND**  
6 **SURVIVABILITY OF THE BALLISTIC MISSILE**  
7 **DEFENSE SYSTEM.**

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

11 (1) by redesignating paragraph (2) as para-  
12 graph (3);

13 (2) by inserting after paragraph (1) the fol-  
14 lowing new paragraph (2):

15 “(2) The Director of Operational Test and Evalua-  
16 tion shall also each year characterize the operational effec-  
17 tiveness, suitability, and survivability of the ballistic mis-  
18 sile defense system, and its elements, that have been field-  
19 ed or tested before the end of the preceding fiscal year.”;  
20 and

21 (3) in paragraph (3), as redesignated by para-  
22 graph (1) of this subsection, by inserting “and the  
23 characterization under paragraph (2)” after “the as-  
24 sessment under paragraph (1)”.

1 (b) CONFORMING AMENDMENT.—The heading of  
2 such section is amended to read as follows: “ANNUAL  
3 OT&E ASSESSMENT AND CHARACTERIZATION OF CER-  
4 TAIN BALLISTIC MISSILE DEFENSE MATTERS.—”.

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

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

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

18 (b) ELEMENTS.—The assessment required by sub-  
19 section (a) shall consider the following:

20 (1) The extent to which boost-phase missile de-  
21 fense is feasible, practical, and affordable.

22 (2) Whether any of the existing boost-phase  
23 missile defense technology demonstration efforts of  
24 the Department of Defense (particularly the Air-  
25 borne Laser and the Kinetic Energy Interceptor)

1 have a high probability of performing a boost-phase  
2 missile defense mission in an operationally effective,  
3 suitable, survivable, and affordable manner.

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

8 (1) Operational considerations, including the  
9 need and ability to be deployed in a particular oper-  
10 ational position at a particular time to be effective.

11 (2) Geographic considerations, including limita-  
12 tions on the ability to deploy systems within oper-  
13 ational range of potential targets.

14 (3) Command and control considerations, in-  
15 cluding short timelines for detection, decision-mak-  
16 ing, and engagement.

17 (4) Concepts of operations.

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

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

24 (7) Reliability, availability, and maintainability.

25 (8) Cost and cost-effectiveness.

1           (9) Force structure requirements.

2           (d) REPORT.—

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

12          (2) FORM.—The report under paragraph (1)  
13          shall be submitted to the congressional defense com-  
14          mittees in unclassified form, but may include a clas-  
15          sified annex.

16          (e) FUNDING.—Of the amount authorized to be ap-  
17          propriated for fiscal year 2009 by section 201(4) for re-  
18          search, development, test, and evaluation for Defense-wide  
19          activities and available for the Missile Defense Agency,  
20          \$3,500,000 is available for the assessment required by  
21          subsection (a).

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

24          (a) IN GENERAL.—Not later than 75 days after the  
25          date of the enactment of this Act, the Secretary of Defense

1 shall, after consultation with the chair and ranking mem-  
2 ber of the Committee on Armed Services of the Senate  
3 and of the Committee on Armed Services of the House  
4 of Representatives, enter into a contract with one or more  
5 independent entities under which the entity or entities  
6 shall conduct an independent assessment of the feasibility  
7 and advisability of developing a space-based interceptor  
8 element to the ballistic missile defense system.

9 (b) ELEMENTS.—The study required under sub-  
10 section (a) shall include the following:

11 (1) An assessment of the need for a space-  
12 based interceptor element to the ballistic missile de-  
13 fense system, including an assessment of—

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

16 (i) such a space-based interceptor ele-  
17 ment would address; and

18 (ii) other elements of the ballistic mis-  
19 sile defense system would not address;

20 (B) whether other elements of the ballistic  
21 missile defense system could be modified to  
22 meet the threat described in subparagraph (A)  
23 and the modifications necessary for such ele-  
24 ments to meet that threat; and

1 (C) any other alternatives to the develop-  
2 ment of such a space-based interceptor element.

3 (2) An assessment of the components and capa-  
4 bilities and the maturity of critical technologies nec-  
5 essary to make such a space-based interceptor ele-  
6 ment operational.

7 (3) An estimate of the total cost for the life  
8 cycle of such a space-based interceptor element, in-  
9 cluding the costs of research, development, dem-  
10 onstration, procurement, deployment, and launching  
11 of the element.

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

16 (5) An assessment of possible debris generated  
17 from the use or testing of such a space-based inter-  
18 ceptor element and any effects of such use or testing  
19 on other space systems.

20 (6) An assessment of any treaty or policy impli-  
21 cations of the development or deployment of such a  
22 space-based interceptor element.

23 (7) An assessment of any command, control, or  
24 battle management considerations of using such a  
25 space-based interceptor element, including estimated

1 timelines for the detection of ballistic missiles, deci-  
2 sionmaking with respect to the use of the element,  
3 and interception of the missile by the element.

4 (c) REPORT.—

5 (1) SUBMITTAL.—Upon completion of the inde-  
6 pendent assessment required under subsection (a),  
7 the entity or entities conducting the assessment shall  
8 submit contemporaneously to the Secretary of De-  
9 fense, the Committee on Armed Services of the Sen-  
10 ate, and the Committee on Armed Services of the  
11 House of Representatives a report setting forth the  
12 results of the assessment.

13 (2) COMMENTS.—Not later than 60 days after  
14 the date on which the Secretary of Defense receives  
15 the report required under paragraph (1), the Sec-  
16 retary may submit to the Committee on Armed Serv-  
17 ices of the Senate and the Committee on Armed  
18 Services of the House of Representatives any com-  
19 ments on the report or any recommendations of the  
20 Secretary resulting from the report.

21 (3) FORM.—The report required under para-  
22 graph (1) and any comments and recommendations  
23 submitted under paragraph (2) shall be submitted in  
24 unclassified form, but may include a classified  
25 annex.



1 (d) FUNDING.—Of the amount authorized to be ap-  
2 propriated for fiscal year 2009 by section 201(4) for re-  
3 search, development, test, and evaluation for Defense-wide  
4 activities and available for the Missile Defense Agency,  
5 \$5,000,000 shall be available to carry out the study re-  
6 quired under subsection (a).

7 **SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY-2 FOR-**  
8 **WARD-BASED X-BAND RADAR.**

9 (a) AVAILABILITY OF FUNDS.—Subject to subsection  
10 (b), of the amount authorized to be appropriated by sec-  
11 tion 201(4) for research, development, test, and evalua-  
12 tion, Defense-wide activities, up to \$89,000,000 may be  
13 available for Ballistic Missile Defense Sensors for the acti-  
14 vation and deployment of the AN/TPY-2 forward-based  
15 X-band radar to a classified location.

16 (b) LIMITATION.—

17 (1) IN GENERAL.—Funds may not be available  
18 under subsection (a) for the purpose specified in  
19 that subsection until the Secretary of Defense sub-  
20 mits to the Committees on Armed Services of the  
21 Senate and the House of Representatives a report on  
22 the deployment of the AN/TPY-2 forward-based X-  
23 band radar as described in that subsection, includ-  
24 ing:

1           (A) The location of deployment of the  
2 radar.

3           (B) A description of the operational pa-  
4 rameters of the deployment of the radar, in-  
5 cluding planning for force protection.

6           (C) A description of any recurring and  
7 non-recurring expenses associated with the de-  
8 ployment of the radar.

9           (D) A description of the cost-sharing ar-  
10 rangements between the United States and the  
11 country in which the radar will be deployed re-  
12 garding the expenses described in subparagraph  
13 (C).

14           (E) A description of the other terms and  
15 conditions of the agreement between the United  
16 States and such country regarding the deploy-  
17 ment of the radar.

18           (2) FORM.—The report under paragraph (1)  
19 shall be submitted in unclassified form, but may in-  
20 clude a classified annex.

## 1                   **Subtitle D—Other Matters**

### 2   **SEC. 251. MODIFICATION OF SYSTEMS SUBJECT TO SURVIV-** 3                   **ABILITY TESTING BY THE DIRECTOR OF** 4                   **OPERATIONAL TEST AND EVALUATION.**

5           (a) **AUTHORITY TO DESIGNATE ADDITIONAL SYS-**  
 6 **TEMS AS MAJOR SYSTEMS AND PROGRAMS SUBJECT TO**  
 7 **TESTING.**—Section 2366(e)(1) of title 10, United States  
 8 Code, is amended by striking “or conventional weapon sys-

9 tem” and inserting “conventional weapon system, or other  
 10 system or program designated by the Director of Oper-

11 ational Test and Evaluation for purposes of this section”.

12           (b) **FORCE PROTECTION EQUIPMENT.**—Section  
 13 139(b) of such title is amended—

14                   (1) by striking paragraph (3); and

15                   (2) by redesignating paragraphs (4) through  
 16 (7) as paragraphs (3) through (6), respectively.

### 17 **SEC. 252. BIENNIAL REPORTS ON JOINT AND SERVICE CON-** 18                   **CEPT DEVELOPMENT AND EXPERIMEN-** 19                   **TATION.**

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

22 **“§ 485. Joint and service concept development and**  
 23                   **experimentation**

24           “(a) **BIENNIAL REPORTS REQUIRED.**—Not later  
 25 than January 1 of each even numbered-year, the Com-

1 mander of the United States Joint Forces Command shall  
2 submit to the congressional defense committees a report  
3 on the conduct and outcomes of joint and service concept  
4 development and experimentation.

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

7 “(1) A description of any changes since the lat-  
8 est report submitted under this section to each of  
9 the following:

10 “(A) The authority and responsibilities of  
11 the Commander of the United States Joint  
12 Forces Command with respect to joint concept  
13 development and experimentation.

14 “(B) The organization of the Department  
15 of Defense responsible for executing the mission  
16 of joint concept development and experimen-  
17 tation.

18 “(C) The process for tasking forces (in-  
19 cluding forces designated as joint experimen-  
20 tation forces) to participate in joint concept de-  
21 velopment and experimentation and the specific  
22 authority of the Commander over those forces.

23 “(D) The resources provided for initial im-  
24 plementation of joint concept development and  
25 experimentation, the process for providing such

1 resources to the Commander, the categories of  
2 funding for joint concept development and ex-  
3 perimentation, and the authority of the Com-  
4 mander for budget execution for joint concept  
5 development and experimentation activities.

6 “(E) The process for the development and  
7 acquisition of materiel, supplies, services, and  
8 equipment necessary for the conduct of joint  
9 concept development and experimentation.

10 “(F) The process for designing, preparing,  
11 and conducting joint concept development and  
12 experimentation.

13 “(G) The assigned role of the Commander  
14 for—

15 “(i) integrating and testing in joint  
16 concept development and experimentation  
17 the systems that emerge from warfighting  
18 experimentation by the armed forces and  
19 the Defense Agencies;

20 “(ii) assessing the effectiveness of or-  
21 ganizational structures, operational con-  
22 cepts, and technologies relating to joint  
23 concept development and experimentation;  
24 and

1           “(iii) assisting the Secretary of De-  
2           fense and the Chairman of the Joint  
3           Chiefs of Staff in setting priorities for re-  
4           quirements or acquisition programs in light  
5           of joint concept development and experi-  
6           mentation.

7           “(2) A description of the conduct of joint con-  
8           cept development and experimentation activities dur-  
9           ing the two-year period ending on the date of such  
10          report, including—

11                 “(A) the funding involved;

12                 “(B) the number of activities engaged in;

13                 “(C) the forces involved;

14                 “(D) the national and homeland security  
15          challenges addressed;

16                 “(E) the operational concepts assessed;

17                 “(F) the technologies assessed;

18                 “(G) the scenarios and measures of effec-  
19          tiveness utilized; and

20                 “(H) specific interactions under such ac-  
21          tivities with commanders of other combatant  
22          commands and with other organizations and en-  
23          tities inside and outside the Department.

24           “(3) A description of the conduct of concept de-  
25          velopment and experimentation activities of the mili-

1 tary departments during the two-year period ending  
2 on the date of such report, including—

3 “(A) the funding involved;

4 “(B) the number of activities engaged in;

5 “(C) the forces involved;

6 “(D) the national and homeland security  
7 challenges addressed;

8 “(E) the operational concepts assessed;

9 “(F) the technologies assessed;

10 “(G) the scenarios and measures of effec-  
11 tiveness utilized; and

12 “(H) specific interactions under such ac-  
13 tivities with commanders of the combatant com-  
14 mands and with other organizations and enti-  
15 ties inside and outside the Department.

16 “(4) A description of the conduct of joint con-  
17 cept development and experimentation, and of con-  
18 cept development and experimentation of the mili-  
19 tary departments, during the two-year period ending  
20 on the date of such report with respect to the devel-  
21 opment of warfighting concepts for operational sce-  
22 narios more than 10 years in the future, including—

23 “(A) the funding involved;

24 “(B) the number of activities engaged in;

25 “(C) the forces involved;

1           “(D) the challenges addressed;

2           “(E) the operational concepts assessed;

3           “(F) the technologies assessed;

4           “(G) the scenarios and measures of effec-  
5           tiveness utilized; and

6           “(H) specific interactions with com-  
7           manders of other combatant commands and  
8           with other organizations and entities inside and  
9           outside the Department.

10          “(5) A description of the mechanisms used to  
11          coordinate joint, service, interagency, Coalition, and  
12          other appropriate concept development and experi-  
13          mentation activities.

14          “(6) An assessment of the return on investment  
15          in concept development and experimentation activi-  
16          ties, including a description of the following:

17                 “(A) Specific outcomes and impacts within  
18                 the Department of the results of past joint and  
19                 service concept development and experimen-  
20                 tation in terms of new doctrine, operational  
21                 concepts, organization, training, materiel, lead-  
22                 ership, personnel, or the allocation of resources,  
23                 or in activities that terminated support for leg-  
24                 acy concepts, programs, or systems.



1           “(B) Specific actions taken by the Sec-  
2           retary of Defense to implement the rec-  
3           ommendations of the Commander based on con-  
4           cept development and experimentation activi-  
5           ties.

6           “(7) Such recommendations (based primarily  
7           based on the results of joint and service concept de-  
8           velopment and experimentation) as the Commander  
9           considers appropriate for enhancing the development  
10          of joint warfighting capabilities by modifying activi-  
11          ties throughout the Department relating to—

12                 “(A) the development or acquisition of spe-  
13                 cific advanced technologies, systems, or weap-  
14                 ons or systems platforms;

15                 “(B) key systems attributes and key per-  
16                 formance parameters for the development or ac-  
17                 quisition of advanced technologies and systems;

18                 “(C) joint or service doctrine, organization,  
19                 training, materiel, leadership development, per-  
20                 sonnel, or facilities;

21                 “(D) the reduction or elimination of redun-  
22                 dant equipment and forces, including the syn-  
23                 chronization of the development and fielding of  
24                 advanced technologies among the armed forces

1 to enable the development and execution of  
2 joint operational concepts; and

3 “(E) the development or modification of  
4 initial capabilities documents, operational re-  
5 quirements, and relative priorities for acquisi-  
6 tion programs to meet joint requirements.

7 “(8) With respect to improving the effectiveness  
8 of joint concept development and experimentation  
9 capabilities, such recommendations (based primarily  
10 on the results of joint warfighting experimentation)  
11 as the Commander considers appropriate regard-  
12 ing—

13 “(A) the conduct of, adequacy of resources  
14 for, or development of technologies to support  
15 such capabilities; and

16 “(B) changes in authority for acquisition  
17 of materiel, supplies, services, equipment, and  
18 support from other elements of the Department  
19 of Defense for concept development and experi-  
20 mentation by joint or service organizations.

21 “(9) The coordination of the concept develop-  
22 ment and experimentation activities of the Com-  
23 mander of the United States Joint Forces Command  
24 with the activities of the Commander of the North

1 Atlantic Treaty Organization Supreme Allied Com-  
2 mand Transformation.

3 “(10) Any other matters that the Commander  
4 consider appropriate.

5 “(c) COORDINATION AND SUPPORT.—The Secretary  
6 of Defense shall ensure that the Secretaries of the military  
7 departments and the heads of other appropriate elements  
8 of the Department of Defense provide the Commander of  
9 the United States Joint Forces Command such informa-  
10 tion and support as is required to enable the Commander  
11 to prepare the reports required by subsection (a).”.

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

“485. Joint and service concept development and experimentation.”.

16 **SEC. 253. REPEAL OF ANNUAL REPORTING REQUIREMENT**  
17 **RELATING TO THE TECHNOLOGY TRANSI-**  
18 **TION INITIATIVE.**

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

21 (1) by striking subsection (h); and

22 (2) by redesignating subsection (i) as subsection

23 (h).

1 **SEC. 254. EXECUTIVE AGENT FOR PRINTED CIRCUIT BOARD**  
2 **TECHNOLOGY.**

3 (a) EXECUTIVE AGENT.—Not later than 90 days  
4 after the date of the enactment of this Act, the Secretary  
5 of Defense shall designate a senior official of the Depart-  
6 ment of Defense to act as the Executive Agent of the De-  
7 partment of Defense for printed circuit board technology.

8 (b) SPECIFICATION OF ROLES, RESPONSIBILITIES,  
9 AND AUTHORITIES.—The roles, responsibilities, and au-  
10 thorities of the Executive Agent designated under sub-  
11 section (a) shall be as described in a directive issued by  
12 the Secretary of Defense for purposes of this section not  
13 later than one year after the date of the enactment of this  
14 Act.

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

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

25 (2) To develop and recommend to the Secretary  
26 of Defense funding strategies that meet the recap-

1       talization and investment requirements of the De-  
2       partment for printed circuit board and interconnect  
3       technology, which strategies shall be consistent with  
4       the roadmap developed under paragraph (1).

5               (3) To assure that continuing expertise in  
6       printed circuit board technical is available to the De-  
7       partment.

8               (4) To assess the vulnerabilities, trust-  
9       worthiness, and diversity of the printed circuit board  
10      supply chain, including the development of trust-  
11      worthiness requirements for printed circuit boards  
12      used in defense systems, and to develop strategies to  
13      address matters in that supply chain that are identi-  
14      fied as a result of such assessment.

15              (5) To support technical assessments and anal-  
16      yses, especially with respect to acquisition decisions  
17      and planning, relating to printed circuit boards

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

20      (d) RESOURCES AND AUTHORITIES.—The Secretary  
21      of Defense shall ensure that the Executive Agent des-  
22      ignated under subsection (a) has the appropriate resources  
23      and authorities to perform the roles and responsibilities  
24      of the Executive Agent under this section.

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

8 **SEC. 255. REPORT ON DEPARTMENT OF DEFENSE RE-**  
9 **SPONSE TO FINDINGS AND RECOMMENDA-**  
10 **TIONS OF THE DEFENSE SCIENCE BOARD**  
11 **TASK FORCE ON DIRECTED ENERGY WEAP-**  
12 **ONS.**

13 (a) REPORT REQUIRED.—Not later than January 1,  
14 2010, the Secretary of Defense shall submit to the Com-  
15 mittee on Armed Services of the Senate and the Com-  
16 mittee on Armed Services of the House of Representatives  
17 a report on the implementation of the recommendations  
18 of the Defense Science Board Task Force on Directed En-  
19 ergy Weapons.

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

22 (1) An analysis of each of the findings and rec-  
23 ommendations of the Defense Science Board Task  
24 Force on Directed Energy Weapons.

1           (2) A detailed description of the response of the  
2 Department of Defense to each finding and rec-  
3 ommendation of the Task Force, including—

4           (A) for each recommendation that is being  
5 implemented or that the Secretary plans to im-  
6 plement—

7           (i) a summary of actions that have  
8 been taken to implement such rec-  
9 ommendation; and

10          (ii) a schedule, with specific mile-  
11 stones, for completing the implementation  
12 of such recommendation; and

13          (B) for each recommendation that the Sec-  
14 retary does not plan to implement—

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

17          (ii) a summary of the alternative ac-  
18 tions, if any, the Secretary plans to take to  
19 address the purposes underlying such rec-  
20 ommendation, if any.

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

1 **SEC. 256. ASSESSMENT OF STANDARDS FOR MISSION CRIT-**  
2 **ICAL SEMICONDUCTORS PROCURED BY THE**  
3 **DEPARTMENT OF DEFENSE.**

4 (a) ASSESSMENT OF METHODS FOR VERIFICATION  
5 OF TRUST OF SEMICONDUCTORS PROCURED FROM COM-  
6 Mercial SOURCES.—The Under Secretary of Defense for  
7 Acquisition, Technology, and Logistics shall conduct an  
8 assessment of various methods for verification of trust of  
9 the semiconductors procured by the Department of De-  
10 fense from commercial sources for utilization in mission  
11 critical components of potentially vulnerable defense sys-  
12 tems.

13 (b) ELEMENTS.—The assessment required by sub-  
14 section (a) shall include the following:

15 (1) An identification of various existing meth-  
16 ods for verification of trust of semiconductors that  
17 are suitable for Department of Defense purposes as  
18 described in subsection (a).

19 (2) An identification of various methods for  
20 verification of trust of semiconductors that are cur-  
21 rently under development and have promise for suit-  
22 ability for Department of Defense purposes as de-  
23 scribed in subsection (a), including methods under  
24 development at the Defense Agencies, the national  
25 laboratories, and institutions of higher education,  
26 and in the private sector.



1           (3) A determination of the most suitable meth-  
2           ods identified under paragraphs (1) and (2) for De-  
3           partment of Defense purposes as described in sub-  
4           section (a).

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

9           (5) Any other matters that the Under Secretary  
10          considers appropriate for the verification of trust of  
11          semiconductors from commercial sources for utiliza-  
12          tion in mission critical components of any category  
13          or categories of vulnerable defense systems.

14          (c) CONSULTATION.—The Under Secretary shall con-  
15          duct the assessment required by subsection (a) in con-  
16          sultation with appropriate elements of the Department of  
17          Defense, the intelligence community, private industry, and  
18          academia.

19          (d) EFFECTIVE DATE.—The assessment required by  
20          subsection (a) shall be completed not later than December  
21          31, 2009.

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

1       **TITLE III—OPERATION AND**  
2                   **MAINTENANCE**  
3       **Subtitle A—Authorization of**  
4                   **Appropriations**

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

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

- 11           (1) For the Army, \$31,282,460,000.  
12           (2) For the Navy, \$34,811,598,000.  
13           (3) For the Marine Corps, \$5,607,354,000.  
14           (4) For the Air Force, \$35,244,587,000.  
15           (5)       For       Defense-wide       activities,  
16           \$25,926,564,000.  
17           (6) For the Army Reserve, \$2,642,641,000.  
18           (7) For the Navy Reserve, \$1,311,085,000.  
19           (8)   For   the   Marine   Corps   Reserve,  
20           \$213,131,000.  
21           (9) For the Air Force Reserve, \$3,142,892,000.  
22           (10) For the Army National Guard,  
23           \$5,909,846,000.  
24           (11) For the Air National Guard,  
25           \$5,883,926,000.

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

3           (13) For Environmental Restoration, Army,  
4 \$447,776,000.

5           (14) For Environmental Restoration, Navy,  
6 \$290,819,000.

7           (15) For Environmental Restoration, Air Force,  
8 \$496,277,000.

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

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

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

15           (19) For Cooperative Threat Reduction pro-  
16 grams, \$434,135,000.

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

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

3   **SEC. 311. EXPANSION OF COOPERATIVE AGREEMENT AU-**  
4                           **THORITY FOR MANAGEMENT OF NATURAL**  
5                           **RESOURCES TO INCLUDE OFF-INSTALLATION**  
6                           **MITIGATION.**

7           Section 103a(a) of the Sikes Act (16 U.S.C. 670c–  
8 1(a)) is amended by striking “to provide for the mainte-  
9 nance and improvement” and all that follows through the  
10 period at the end and inserting the following: “to provide  
11 for one or both of the following:

12                   “(1) The maintenance and improvement of nat-  
13 ural resources on, or to benefit natural and historic  
14 research on, Department of Defense installations.

15                   “(2) The maintenance and improvement of nat-  
16 ural resources outside of Department of Defense in-  
17 stallations if the purpose of the cooperative agree-  
18 ment is to relieve or eliminate current or anticipated  
19 challenges that could restrict, impede, or otherwise  
20 interfere, whether directly or indirectly, with current  
21 or anticipated military activities.”.

1 **SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**  
2 **TION AGENCY FOR CERTAIN COSTS IN CON-**  
3 **NECTION WITH MOSES LAKE WELLFIELD**  
4 **SUPERFUND SITE, MOSES LAKE, WASH-**  
5 **INGTON.**

6 (a) **AUTHORITY TO REIMBURSE.**—

7 (1) **TRANSFER AMOUNT.**—Using funds de-  
8 scribed in subsection (b), the Secretary of Defense  
9 may, notwithstanding section 2215 of title 10,  
10 United States Code, transfer not more than  
11 \$64,049.40 to the Moses Lake Wellfield Superfund  
12 Site 10–6J Special Account.

13 (2) **PURPOSE OF REIMBURSEMENT.**—The pay-  
14 ment under paragraph (1) is to reimburse the Envi-  
15 ronmental Protection Agency for its costs incurred  
16 in overseeing a remedial investigation/feasibility  
17 study performed by the Department of the Army  
18 under the Defense Environmental Restoration Pro-  
19 gram at the former Larson Air Force Base, Moses  
20 Lake Superfund Site, Moses Lake, Washington.

21 (3) **INTERAGENCY AGREEMENT.**—The reim-  
22 bursement described in paragraph (2) is provided for  
23 in the interagency agreement entered into by the  
24 Department of the Army and the Environmental  
25 Protection Agency for the Moses Lake Wellfield  
26 Superfund Site in March 1999.

1       (b) SOURCE OF FUNDS.—Any payment under sub-  
2 section (a) shall be made using funds authorized to be ap-  
3 propriated by section 301(17) for operation and mainte-  
4 nance for Environmental Restoration, Formerly Used De-  
5 fense Sites.

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

10 **SEC. 313. COMPREHENSIVE PROGRAM FOR THE ERADI-**  
11 **CATION OF THE BROWN TREE SNAKE POPU-**  
12 **LATION FROM MILITARY FACILITIES IN**  
13 **GUAM.**

14       The Secretary of Defense shall establish a com-  
15 prehensive program to control and, to the extent prac-  
16 ticable, eradicate the brown tree snake population from  
17 military facilities in Guam and to ensure that military ac-  
18 tivities, including the transport of civilian and military  
19 personnel and equipment to and from Guam, do not con-  
20 tribute to the spread of brown tree snakes.

1     **Subtitle C—Workplace and Depot**  
2                                     **Issues**

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

7             Section 2474 of title 10, United States Code, is  
8 amended by adding at the end the following new sub-  
9 section:

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

1 **SEC. 322. MINIMUM CAPITAL INVESTMENT FOR CERTAIN**  
2 **DEPOTS.**

3 (a) **ADDITIONAL ARMY DEPOTS.**—Subsection (e)(1)  
4 of section 2476 of title 10, United States Code, is amend-  
5 ed by adding at the end the following new subparagraphs:

6 “(F) Watervliet Arsenal, New York.

7 “(G) Rock Island Arsenal, Illinois.

8 “(H) Pine Bluff Arsenal, Arkansas.”.

9 (b) **SEPARATE CONSIDERATION AND REPORTING OF**  
10 **NAVY DEPOTS AND MARINE CORPS DEPOTS.**—Such sec-  
11 tion is further amended—

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

14 “(D) Separate consideration and reporting of  
15 Navy Depots and Marine Corps depots.”; and

16 (2) in subsection (e)(2)—

17 (A) by redesignating subparagraphs (A)  
18 through (G) as clauses (i) through (vii), respec-  
19 tively, and indenting the margins of such  
20 clauses, as so redesignated, 6 ems from the left  
21 margin;

22 (B) by inserting after “Department of the  
23 Navy:” the following:

24 “(A) The following Navy depots:”;

25 (C) by inserting after clause (vii), as redес-  
26 igned by subparagraph (A), the following:



1 “(B) The following Marine Corps depots:”;

2 and

3 (D) by redesignating subparagraphs (H)

4 and (I) as clauses (i) and (ii), respectively, and

5 indenting the margins of such clauses, as so re-

6 designated, 6 ems from the left margin.

## 7 **Subtitle D—Reports**

8 **SEC. 331. ADDITIONAL INFORMATION UNDER ANNUAL SUB-**

9 **MISSIONS OF INFORMATION REGARDING IN-**

10 **FORMATION TECHNOLOGY CAPITAL ASSETS.**

11 Section 351 of the Bob Stump National Defense Au-

12 thorization Act for Fiscal Year 2003 (Public Law 107–

13 314; 116 Stat. 2516; 10 U.S.C. 221 note) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (2), by striking

16 “\$30,000,000 and an estimated total life cycle

17 cost” and inserting “\$30,000,000 or an esti-

18 mated total life cycle cost”; and

19 (B) by adding at the end the following new

20 paragraph:

21 “(3) Information technology capital assets not

22 covered by paragraphs (1) and (2) that have been

23 determined by the Chief Information Officer of the

24 Department of Defense to be significant invest-

25 ments.”;

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

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

5           “(d) REQUIRED INFORMATION FOR SIGNIFICANT IN-  
6 VESTMENTS.—With respect to each information tech-  
7 nology capital asset not covered by paragraph (1) or (2)  
8 of subsection (a), but covered by paragraph (3) of that  
9 subsection, the Secretary of Defense shall include such in-  
10 formation in a format that is appropriate to the current  
11 status of such asset.”.

## 12           **Subtitle E—Other Matters**

### 13           **SEC. 341. MITIGATION OF POWER OUTAGE RISKS FOR DE-** 14                           **PARTMENT OF DEFENSE FACILITIES AND AC-** 15                           **TIVITIES.**

16           (a) RISK ASSESSMENT.—The Secretary of Defense  
17 shall conduct a comprehensive technical and operational  
18 risk assessment of the risks posed to mission critical in-  
19 stallations, facilities, and activities of the Department of  
20 Defense by extended power outages resulting from failure  
21 of the commercial electricity grid and related infrastruc-  
22 ture.

23           (b) RISK MITIGATION PLANS.—

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

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

3           (2) MITIGATION GOALS.—In developing the risk  
4       mitigation plans under paragraph (1), the Secretary  
5       of Defense shall prioritize the mission critical instal-  
6       lations, facilities, and activities that are subject to  
7       the greatest and most urgent risks.

8       (c) ANNUAL REPORT.—

9           (1) IN GENERAL.—The Secretary of Defense  
10       shall submit a report on the efforts of the Depart-  
11       ment of Defense to mitigate the risks described in  
12       subsection (a) as part of the budget justification ma-  
13       terials submitted to Congress in support of the De-  
14       partment of Defense budget for fiscal year 2010 and  
15       each fiscal year thereafter (as submitted with the  
16       budget of the President under section 1105(a) of  
17       title 31, United States Code).

18           (2) CONTENT.—Each report submitted under  
19       paragraph (1) shall describe the integrated  
20       prioritized plans developed under subsection (b) and  
21       the progress made toward achieving the goals estab-  
22       lished under such subsection.

1 **SEC. 342. INCREASED AUTHORITY TO ACCEPT FINANCIAL**  
2 **AND OTHER INCENTIVES RELATED TO EN-**  
3 **ERGY SAVINGS AND NEW AUTHORITY RE-**  
4 **LATED TO ENERGY SYSTEMS.**

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

8 (b) ENERGY SYSTEMS.—Section 2915 of such title  
9 is amended by adding at the end the following new sub-  
10 section:

11 “(f) ACCEPTANCE OF FINANCIAL INCENTIVES, FI-  
12 NANCIAL ASSISTANCE, AND SERVICES.—The Secretary of  
13 Defense may authorize any military installation to accept  
14 any financial incentive, financial assistance, or services  
15 generally available from a gas or electric utility or State  
16 or local government to use or construct an energy system  
17 using solar energy or other renewable form of energy if  
18 the use or construction of the system is consistent with  
19 the energy performance goals and energy performance  
20 plan for the Department of Defense developed under sec-  
21 tion 2911 of this title.”.

22 **SEC. 343. RECOVERY OF IMPROPERLY DISPOSED OF DE-**  
23 **PARTMENT OF DEFENSE PROPERTY.**

24 (a) IN GENERAL.—Chapter 165 of title 10, United  
25 States Code, is amended by adding at the end the fol-  
26 lowing new section:

1 **“§ 2790. Recovery of improperly disposed of Depart-**  
2 **ment of Defense property**

3 “(a) PROHIBITION.—No member of the armed forces,  
4 civilian employee of the United States Government, con-  
5 tractor personnel, or other person may sell, lend, pledge,  
6 barter, or give any clothing, arms, articles, equipment, or  
7 other military or Department of Defense property except  
8 in accordance with the statutes and regulations governing  
9 Government property.

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

14 “(c) AUTHORITY FOR SEIZURE OF IMPROPERLY DIS-  
15 POSED OF PROPERTY.—If any person is in the possession  
16 of military or Department of Defense property without  
17 right or title to, or interest in, the property because it has  
18 been disposed of in violation of subsection (a), any Fed-  
19 eral, State, or local law enforcement official may seize the  
20 property wherever found.

21 “(d) INAPPLICABILITY TO CERTAIN PROPERTY.—  
22 Subsections (b) and (c) shall not apply to property on pub-  
23 lic display by public or private collectors or museums in  
24 secured exhibits.

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

1 jurisdiction, regardless of the current approximated or es-  
2 timated value of the property, to determine whether prop-  
3 erty was disposed of in violation of subsection (a). Any  
4 such determination shall be by a preponderance of the evi-  
5 dence.

6 “(2) In the case of property, the possession of which  
7 could undermine national security or create a hazard to  
8 public health or safety, the determination under para-  
9 graph (1) may be made after the seizure of the property.  
10 If the person from whom the property is seized is found  
11 to have been lawfully in possession of the property and  
12 the return of the property could undermine national secu-  
13 rity or create a hazard to public health or safety, the Sec-  
14 retary of Defense shall reimburse the person for the fair  
15 value for the property.

16 “(f) DELIVERY OF SEIZED PROPERTY.—Any law en-  
17 forcement official who seizes property under subsection (c)  
18 and is not authorized to retain it for the United States  
19 shall deliver the property to an authorized member of the  
20 armed forces or other authorized official of the Depart-  
21 ment of Defense or the Department of Justice.

22 “(g) RETROACTIVE ENFORCEMENT AUTHORIZED.—  
23 This section shall apply to any military or Department of  
24 Defense property that is disposed of on or after January  
25 1, 2002, in a manner that is not in accordance with stat-

1 utes and regulations governing Government property in ef-  
2 fect at the time of the disposal of the property.”.

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

“2790. Recovery of improperly disposed of Department of Defense property.”.

6 **TITLE IV—MILITARY**  
7 **PERSONNEL AUTHORIZATIONS**  
8 **Subtitle A—Active Forces**

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

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

- 12 (1) The Army, 532,400.  
13 (2) The Navy, 325,300.  
14 (3) The Marine Corps, 194,000.  
15 (4) The Air Force, 316,771.

16 **Subtitle B—Reserve Forces**

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

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

- 21 (1) The Army National Guard of the United  
22 States, 352,600.  
23 (2) The Army Reserve, 205,000.  
24 (3) The Navy Reserve, 66,700.  
25 (4) The Marine Corps Reserve, 39,600.

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

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

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

5       (b) ADJUSTMENTS.—The end strengths prescribed by  
6 subsection (a) for the Selected Reserve of any reserve com-  
7 ponent shall be proportionately reduced by—

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

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

18 Whenever such units or such individual members are re-  
19 leased from active duty during any fiscal year, the end  
20 strength prescribed for such fiscal year for the Selected  
21 Reserve of such reserve component shall be increased pro-  
22 portionately by the total authorized strengths of such  
23 units and by the total number of such individual members.



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

3 Within the end strengths prescribed in section  
4 411(a), the reserve components of the Armed Forces are  
5 authorized, as of September 30, 2009, the following num-  
6 ber of Reserves to be serving on full-time active duty or  
7 full-time duty, in the case of members of the National  
8 Guard, for the purpose of organizing, administering, re-  
9 cruiting, instructing, or training the reserve components:

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

12 (2) The Army Reserve, 16,170.

13 (3) The Navy Reserve, 11,099.

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

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

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

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

20 The minimum number of military technicians (dual  
21 status) as of the last day of fiscal year 2009 for the re-  
22 serve components of the Army and the Air Force (notwith-  
23 standing section 129 of title 10, United States Code) shall  
24 be the following:

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

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

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

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

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

8 (a) LIMITATIONS.—

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

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

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

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

21           (3) AIR FORCE RESERVE.—The number of non-  
22 dual status technicians employed by the Air Force  
23 Reserve as of September 30, 2009, may not exceed  
24 90.

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

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

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

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

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

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

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

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

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

1 **SEC. 416. INCREASED END STRENGTHS FOR RESERVES ON**  
2 **ACTIVE DUTY IN SUPPORT OF THE ARMY NA-**  
3 **TIONAL GUARD AND ARMY RESERVE AND**  
4 **MILITARY TECHNICIANS (DUAL STATUS) OF**  
5 **THE ARMY NATIONAL GUARD.**

6 (a) RESERVES ON ACTIVE DUTY IN SUPPORT OF  
7 ARMY NATIONAL GUARD AND ARMY RESERVE.—Notwith-  
8 standing the limitations specified in section 412 and sub-  
9 ject to the provisions of this section, the number of Re-  
10 serves authorized as of September 30, 2009, to be serving  
11 on full-time active duty or full-time duty, in the case of  
12 members of the National Guard, for purposes of orga-  
13 nizing, administering, recruiting, instructing, or training  
14 the reserve components shall be the number as follows:

15 (1) In the case of the Army National Guard of  
16 the United States, the number authorized by section  
17 412(1), plus an additional 2,110 Reserves.

18 (2) In the case of the Army Reserve, the num-  
19 ber authorized by section 412(2), plus an additional  
20 91 Reserves.

21 (b) MILITARY TECHNICIANS (DUAL STATUS) OF  
22 ARMY NATIONAL GUARD.—Notwithstanding the limita-  
23 tion specified in section 413(2) and subject to the provi-  
24 sions of this section, the minimum number of military  
25 technicians (dual status) as of September 30, 2009, for  
26 the Army National Guard of the United States (notwith-

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

6 (c) ASSIGNMENT OF PERSONNEL UNDER ADDI-  
7 TIONAL END STRENGTHS.—Any personnel on duty or  
8 service under the additional end strengths authorized by  
9 subsection (a) or (b) may only be assigned to units of com-  
10 pany size or below.

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

15 **SEC. 417. MODIFICATION OF AUTHORIZED STRENGTHS FOR**  
16 **MARINE CORPS RESERVE OFFICERS ON AC-**  
17 **TIVE DUTY IN THE GRADES OF MAJOR AND**  
18 **LIEUTENANT COLONEL TO MEET NEW FORCE**  
19 **STRUCTURE REQUIREMENTS.**

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

25 “99

1	“103
2	“107
3	“111
4	“114
5	“117
6	“120
7	“123
8	“126
9	“129
10	“132
11	“134
12	“136
13	“138
14	“140
15	“142”.

16 (b) AUTHORIZED STRENGTHS FOR LIEUTENANT  
17 COLONELS.—The table in section 12011(a)(1) of such  
18 title is further amended by striking the numbers in the  
19 column relating to “Lieutenant Colonel” in the items re-  
20 lating to the Marine Corps Reserve and inserting the fol-  
21 lowing new numbers:

22	“63
23	“67
24	“70
25	“73

1           “76  
2           “79  
3           “82  
4           “85  
5           “88  
6           “91  
7           “94  
8           “97  
9           “100  
10          “103  
11          “106  
12          “109”.

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

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

19   **SEC. 421. MILITARY PERSONNEL.**

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

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

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

3           (b) CONSTRUCTION OF AUTHORIZATION.—The au-  
4     thorization of appropriations in subsection (a) supersedes  
5     any other authorization of appropriations (definite or in-  
6     definite) for such purpose for fiscal year 2009.

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

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

11     **SEC. 501. MODIFICATION OF DISTRIBUTION REQUIRE-**  
12                           **MENTS FOR COMMISSIONED OFFICERS ON**  
13                           **ACTIVE DUTY IN GENERAL AND FLAG OFFI-**  
14                           **CER GRADES.**

15           (a) INCREASE IN NUMBER OF OFFICERS SERVING IN  
16     GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—  
17     Subsection (b) of section 525 of title 10, United States  
18     Code, is amended by striking “16.3 percent” each place  
19     it appears in paragraphs (1) and (2)(A) and inserting  
20     “16.4 percent”.

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

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



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

3 **SEC. 502. MODIFICATION OF LIMITATIONS ON AUTHORIZED**  
4 **STRENGTHS OF GENERAL AND FLAG OFFI-**  
5 **CERS ON ACTIVE DUTY.**

6 (a) GENERAL LIMITATIONS.—Subsection (a) of sec-  
7 tion 526 of title 10, United States Code, is amended by  
8 striking paragraphs (1) through (4) and inserting the fol-  
9 lowing new paragraphs:

10 “(1) For the Army, 222.

11 “(2) For the Navy, 159.

12 “(3) For the Air Force, 206.

13 “(4) For the Marine Corps, 59.”.

14 (b) LIMITED EXCLUSION FOR JOINT DUTY RE-  
15 QUIREMENTS.—Subsection (b) of such section is amended  
16 to read as follows:

17 “(b) LIMITED EXCLUSION FOR JOINT DUTY RE-  
18 QUIREMENTS.—(1) The Secretary of Defense may des-  
19 ignate up to 324 general officer and flag officer positions  
20 that are joint duty assignments for the purposes of chap-  
21 ter 38 of this title for exclusion from the limitations in  
22 subsection (a). Officers in positions so designated shall not  
23 be counted for the purposes of those limitations.

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

1 minimum number of officers serving in positions des-  
2 ignated under paragraph (1) for each armed force shall  
3 be as follows:

4           “(A) For the Army, 85.

5           “(B) For the Navy, 61.

6           “(C) For the Air Force, 76.

7           “(D) For the Marine Corps, 21.”.

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

12           “(c) TEMPORARY EXCLUSION FOR ASSIGNMENT TO  
13 CERTAIN TEMPORARY BILLETS.—(1) The limitations in  
14 subsection (a) do not apply to a general or flag officer  
15 assigned to a temporary joint duty assignment billet des-  
16 ignated by the Secretary of Defense for purposes of this  
17 section.

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

22           (d) CONFORMING REPEAL OF LIMITATION ON NUM-  
23 BER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE  
24 IN POSITIONS OUTSIDE THEIR OWN SERVICE.—

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

3           (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions at the beginning of chapter 41 of such title is  
5 amended by striking the item relating to section  
6 721.

7           (e) ACQUISITION AND CONTRACTING BILLETS.—The  
8 Secretary of Defense, the Secretaries of the military de-  
9 partments, the Chairman of the Joint Chiefs of Staff, and  
10 the chiefs of staff of the Armed Forces shall take appro-  
11 priate actions to ensure that—

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

16           (2) not less than 10 percent of all general offi-  
17 cers and flag officers in the Armed Forces generally,  
18 and in each Armed Force (as applicable), who serve  
19 in an acquisition position have significant con-  
20 tracting experience.

21           (f) EFFECTIVE DATE.—This section and the amend-  
22 ments made by this section shall take effect on January  
23 1, 2010.

1 **SEC. 503. CLARIFICATION OF JOINT DUTY REQUIREMENTS**  
2 **FOR PROMOTION TO GENERAL OR FLAG**  
3 **GRADES.**

4 (a) **IN GENERAL.**—Subsection (a) of section 619a of  
5 title 10, United States Code, is amended by striking “un-  
6 less—” and all that follows and inserting “unless the offi-  
7 cer has been designated as a joint qualified officer in ac-  
8 cordance with section 661 of this title.”.

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

11 (1) in the matter preceding paragraph (1), by  
12 striking “paragraph (1) or paragraph (2) of sub-  
13 section (a), or both paragraphs (1) and (2) of sub-  
14 section (a),” and inserting “subsection (a)”; and

15 (2) in paragraph (4), by striking “if the offi-  
16 cer’s” and all that follows and inserting “if—

17 “(A) the officer’s total consecutive years in  
18 joint duty assignments is not less than two  
19 years; and

20 “(B) the officer has successfully completed  
21 a program of education meeting the require-  
22 ments for Phase II joint professional military  
23 education under subsections (b) and (c) of sec-  
24 tion 2155 of this title”.

1 (c) REPEAL OF SPECIAL RULE FOR NUCLEAR PRO-  
 2 PULSION OFFICERS.—Such section is further amended by  
 3 striking subsection (h).

4 (d) CONFORMING AND CLERICAL AMENDMENTS.—

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

7 **“§ 619a. Eligibility for consideration for promotion:**  
 8 **joint qualified officer designation re-**  
 9 **quired for promotion to general or flag**  
 10 **grade; exceptions”.**

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

“619a. Eligibility for consideration for promotion: joint qualified officer designa-  
 tion required for promotion to general or flag grade; excep-  
 tions.”.

15 **SEC. 504. MODIFICATION OF AUTHORITIES ON LENGTH OF**  
 16 **JOINT DUTY ASSIGNMENTS.**

17 (a) SERVICE EXCLUDABLE FROM TOUR LENGTH RE-  
 18 QUIREMENTS.—Subsection (d) of section 664 of title 10,  
 19 United States Code, is amended—

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

23 “(D) a qualifying reassignment from a  
 24 joint duty assignment—

1 “(i) for unusual personal reasons (in-  
2 cluding extreme hardship and medical con-  
3 ditions) beyond the control of the officer or  
4 the armed forces; or

5 “(ii) to another joint duty assignment  
6 immediately after—

7 “(I) the officer was promoted to  
8 a higher grade, if the reassignment  
9 was made because no joint duty as-  
10 signment was available within the  
11 same organization that was commen-  
12 surate with the officer’s new grade; or

13 “(II) the officer’s position was  
14 eliminated in a reorganization.”; and

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

17 “(3) Service in a joint duty assignment in a  
18 case in which the officer’s tour of duty in that as-  
19 signment brings the officer’s accrued service for pur-  
20 poses of subsection (f)(3) to the applicable standard  
21 prescribed in subsection (a).”.

22 (b) EXCLUSIONS OF SERVICE FROM COMPUTING AV-  
23 ERAGE TOUR LENGTHS.—Subsection (e) of such section  
24 is amended by striking paragraph (2) and inserting the  
25 following new paragraph (2):

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

4               “(A) Service described in subsection (c).

5               “(B) Service described in subsection (d).

6               “(C) Service described in subsection (f)(6).”.

7       (c) SERVICE CONTRIBUTING TOWARD FULL TOUR  
8 OF DUTY.—Subsection (f) of such section is amended—  
9               (1) by striking paragraph (3) and inserting the  
10 following new paragraph (3):

11               “(3) Accrued joint experience in joint duty as-  
12 signments as described in subsection (g).”;

13               (2) in paragraph (4), by striking “(except that”  
14 and all that follows through “at any time)”; and

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

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

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

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

1 training, and participation in joint exercises, and for such  
2 periods, as shall be prescribed in regulations by the Sec-  
3 retary of Defense in consultation with the advice of the  
4 Chairman of the Joint Chiefs of Staff.”.

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

7 (1) in paragraph (1)—

8 (A) by striking “accord” and inserting  
9 “award”; and

10 (B) by striking “(f)(4), or (g)(2)” and in-  
11 serting “or (f)(4)”; and

12 (2) by striking paragraph (3).

13 (f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN  
14 JOINT TASK FORCE ASSIGNMENTS.—Such section is fur-  
15 ther amended by striking subsection (i).

16 **SEC. 505. TECHNICAL AND CONFORMING AMENDMENTS RE-**  
17 **LATING TO MODIFICATION OF JOINT SPE-**  
18 **CIALTY REQUIREMENTS.**

19 (a) JOINT DUTY ASSIGNMENTS AFTER COMPLETION  
20 OF JOINT PROFESSIONAL MILITARY EDUCATION.—Sec-  
21 tion 663 of title 10, United States Code, is amended—

22 (1) in subsection (a)—

23 (A) in the heading, by striking “JOINT  
24 SPECIALTY OFFICERS.—” and inserting

25 “JOINT QUALIFIED OFFICERS.—”; and



1 (B) by striking “officer with the joint special-  
2 tialty” and inserting “designated as a joint  
3 qualified officer”; and

4 (2) in subsection (b)(1), by striking “do not  
5 have the joint specialty” and inserting “are not des-  
6 ignated as joint qualified officers”.

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

9 (1) in subsection (a)(1)(A), by striking “officers  
10 with the joint specialty” and inserting “officers des-  
11 ignated as joint qualified officers”; and

12 (2) in subsection (b)(1), by striking “officers  
13 with the joint specialty” and inserting “officers des-  
14 ignated as joint qualified officers”.

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

17 (1) in paragraph (1)—

18 (A) in subparagraph (A), by striking “se-  
19 lected for the joint specialty” and inserting  
20 “designated as joint qualified officers”; and

21 (B) in subparagraph (B), by striking “se-  
22 lection for the joint specialty but were not se-  
23 lected” and inserting “designation as joint  
24 qualified officers but were not designated”;

1           (2) in paragraph (2), by striking “officers with  
2           the joint specialty” and inserting “officers des-  
3           ignated as joint qualified officers”;

4           (3) in paragraph (3), by striking “selected for  
5           the joint specialty” each place it appears and insert-  
6           ing “designated as joint qualified officers”;

7           (4) in paragraph (4)—

8                 (A) in subparagraph (A), by striking “se-  
9                 lected for the joint specialty” and inserting  
10                “designated as joint qualified officers”; and

11               (B) by striking subparagraph (B) and in-  
12               serting the following new subparagraph (B):

13                   “(B) a comparison of—

14                         “(i) the number of officers designated  
15                         as joint qualified officers who had served  
16                         in a joint duty assignment list billet and  
17                         completed Phase II joint professional mili-  
18                         tary education; with

19                         “(ii) the number of officers designated  
20                         as joint qualified officers based on their  
21                         aggregated joint experiences and comple-  
22                         tion of Phase II joint professional military  
23                         education.”;

24           (5) by striking paragraph (16);

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

3           (7) by inserting after paragraph (4) the fol-  
4           lowing new paragraph (5):

5           “(5) The promotion rate for officers from with-  
6           in the promotion zone who are designated as joint  
7           qualified officers compared with the promotion rate  
8           for other officers considered for promotion from  
9           within the promotion zone in the same pay grade  
10          and the same competitive category, shown for all of-  
11          ficers of the armed force and for officers of the  
12          armed force concerned designated as joint qualified  
13          officers.”;

14          (8) in paragraph (7), as redesignated by para-  
15          graph (6) of this subsection—

16                (A) by striking “officers with the joint spe-  
17                cialty” and inserting “officers designated as  
18                joint qualified officers”; and

19                (B) by striking “paragraph (5)” and in-  
20                serting “paragraph (6)”;

21          (9) in paragraph (8), as so redesignated, by  
22          striking “paragraph (5)” and inserting “paragraph  
23          (6)”;

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

1 (A) by striking “officers with the joint spe-  
2 cialty” and inserting “officers designated as  
3 joint qualified officers”; and

4 (B) by striking “paragraph (5)” and in-  
5 serting “paragraph (6)”;

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

7 (A) by striking “officers with the joint spe-  
8 cialty” and inserting “officers designated as  
9 joint qualified officers”; and

10 (B) by striking “paragraph (5)” and in-  
11 serting “paragraph (6)”;

12 (12) in paragraph (11), as so redesignated, by  
13 striking “selection for the joint specialty” and in-  
14 serting “designation as joint qualified officers”;

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

16 (A) by striking “paragraphs (5) through  
17 (9)” and inserting “paragraphs (6) through  
18 (10)”;

19 (B) by striking “having the joint specialty”  
20 and inserting “designated as joint qualified offi-  
21 cers”;

22 (14) by redesignating paragraph (18) as para-  
23 graph (19); and

24 (15) by inserting after paragraph (17) the fol-  
25 lowing new paragraph (18):

1           “(18) The number of officers in the grade of  
2           captain or above, or in the case of the Navy, lieuten-  
3           ant or above, certified at each level of joint qualifica-  
4           tion, with such numbers to be set forth separated for  
5           each armed force and for each covered grade of offi-  
6           cer within each armed force.”.

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

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

13                   (1) in subsection (a)—

14                           (A) by striking paragraph (2); and

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

17                   (2) in subsection (b), by striking “on active  
18           duty” in the matter preceding paragraph (1).

19           (b) **CONFORMING AMENDMENT.**—The heading of  
20 subsection (a) of such section is amended by striking “AC-  
21 TIVE DUTY OFFICERS” and inserting “IN GENERAL”.

1 **SEC. 507. MODIFICATION OF AUTHORITY ON STAFF JUDGE**  
2 **ADVOCATE TO THE COMMANDANT OF THE**  
3 **MARINE CORPS.**

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

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

14 (1) by inserting “(1)” after “(a)”; and

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

17 “(2) An officer while serving in the position of Staff  
18 Judge Advocate to the Commandant of the Marine Corps  
19 under section 5046 of this title is in addition to the num-  
20 ber that would otherwise be permitted for the Marine  
21 Corps for officers in grades above the brigadier general  
22 under the first sentence of paragraph (1).”.

1 **SEC. 508. INCREASE IN NUMBER OF PERMANENT PROFES-**  
2 **SORS AT THE UNITED STATES AIR FORCE**  
3 **ACADEMY.**

4 Section 9331(b)(4) of title 10, United States Code,  
5 is amended by striking “21 permanent professors” and in-  
6 serting “25 permanent professors”.

7 **SEC. 509. SERVICE CREDITABLE TOWARD RETIREMENT**  
8 **FOR THIRTY YEARS OR MORE OF SERVICE OF**  
9 **REGULAR WARRANT OFFICERS OTHER THAN**  
10 **REGULAR ARMY WARRANT OFFICERS.**

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

13 (1) in subsection (a), “A regular warrant offi-  
14 cer” and inserting “A regular Army warrant offi-  
15 cer”;

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

18 (3) by inserting after subsection (a) the fol-  
19 lowing new subsection (b);

20 “(b) A regular warrant officer (other than a regular  
21 Army warrant officer) who has at least 30 years of active  
22 service that could be credited to him under section 511  
23 of the Career Compensation Act of 1949, as amended,  
24 may be retired 60 days after the date on which he com-  
25 pletes that service, except as provided by section 8301 of  
26 title 5.”; and

1           (4) in subsections (c) and (d), as redesignated  
2           by paragraph (2), by inserting “or (b)” after “sub-  
3           section (a)”.

4 **SEC. 510. MODIFICATION OF REQUIREMENTS FOR QUALI-**  
5                                   **FICATION FOR ISSUANCE OF POSTHUMOUS**  
6                                   **COMMISSIONS AND WARRANTS.**

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

9           (1) in subsection (a), by striking “in line of  
10          duty” each place it appears; and

11          (2) by adding at the end the following new sub-  
12          section:

13          “(c) A commission issued under subsection (a) shall  
14          require a certification by the Secretary of the military de-  
15          partment concerned that at the time of death the member  
16          was qualified for appointment to the next higher grade.”.

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

19          (1) in subsection (a), by striking “in line of  
20          duty”; and

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

23          “(c) A warrant issued under subsection (a) shall re-  
24          quire a finding by the Secretary of the military depart-



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

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

## 7 **Subtitle B—Enlisted Personnel** 8 **Policy**

### 9 **SEC. 521. INCREASE IN MAXIMUM PERIOD OF REENLIST-** 10 **MENT OF REGULAR MEMBERS OF THE** 11 **ARMED FORCES.**

12 (a) INCREASE IN MAXIMUM PERIOD.—Section  
13 505(d) of title 10, United States Code, is amended—

14 (1) in paragraph (2), by striking “six years”  
15 and inserting “eight years”; and

16 (2) in paragraph (3)(A), by striking “six years”  
17 and inserting “eight years”.

18 (b) CONFORMING AMENDMENT RELATING TO PAY-  
19 MENT OF REENLISTMENT BONUS.—Section  
20 308(a)(2)(A)(ii) of title 37, United States Code, is amend-  
21 ed by striking “six” and inserting “eight”.

1     **Subtitle C—Reserve Component**  
2                     **Management**

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

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

10                 “(4) Those serving in a joint duty assignment  
11 for purposes of chapter 38 of this title, except that  
12 the number of officers who may be excluded under  
13 this paragraph may not exceed the number equal to  
14 20 percent of the number of officers authorized for  
15 the armed force concerned by subsection (a).”.

16             (b) EXCLUSION OF NAVY OFFICERS SERVING IN  
17 JOINT DUTY ASSIGNMENTS.—Subsection (c) of such sec-  
18 tion is amended—

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

21                 (2) by striking the matter in paragraph (1) be-  
22 fore the matter relating to line corps and inserting  
23 the following:

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

1           “(A) Those counted under section 526 of this  
2 title.

3           “(B) Those serving in a joint duty assignment  
4 for purposes of chapter 38 of this title, except that  
5 the number of officers who may be excluded under  
6 this paragraph may not exceed the number equal to  
7 20 percent of the number of officers authorized for  
8 the Navy in subsection (a).

9           “(2) Of the number of Navy reserve officers author-  
10 ized by subsection (a), 40 are distributed among the line  
11 and staff corps as follows:”.

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

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

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

21           (a) **SELECTIVE SERVICE AND UNITED STATES PROP-**  
22 **ERTY AND FISCAL OFFICERS.**—Section 12647 of title 10,  
23 United States Code, is amended by striking “60 years”  
24 and inserting “62 years”.

1 (b) HEADQUARTERS AND RESERVE TECHNICIAN OF-  
2 FICER PERSONNEL.—

3 (1) IN GENERAL.—Subsection (b) of section  
4 14702 of such title is amended—

5 (A) in the subsection caption, by striking  
6 “AGE 60” and inserting “AGE 62”; and

7 (B) by striking “60 years” and inserting  
8 “62 years”.

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

11 **“§ 14702. Retention on reserve active-status list of**  
12 **certain officers until age 62”.**

13 (3) CLERICAL AMENDMENT.—The table of sec-  
14 tions at the beginning of chapter 1409 of such title  
15 is amended by striking the item relating to section  
16 14702 and inserting the following new item:

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

17 **SEC. 534. AUTHORITY FOR VACANCY PROMOTION OF NA-**  
18 **TIONAL GUARD AND RESERVE OFFICERS OR-**  
19 **DERED TO ACTIVE DUTY IN SUPPORT OF A**  
20 **CONTINGENCY OPERATION.**

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

23 (1) in subsection (d)—

24 (A) by inserting “(1)” before “Except as  
25 provided in subsection (e)”; and

1 (B) by striking “unless” in the first sen-  
2 tence and all that follows through the end of  
3 the subsection and inserting “unless the offi-  
4 cer—

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

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

10 “(2) If the name of an officer is removed under para-  
11 graph (1) from a list of officers recommended for pro-  
12 motion, the officer shall be treated as if the officer had  
13 not been considered for promotion or examined for Fed-  
14 eral recognition.”; and

15 (2) in subsection (e)(1)(B), by inserting “or by  
16 examination for Federal recognition under title 32”  
17 after “this title”.

18 **SEC. 535. AUTHORITY FOR RETENTION OF RESERVE COM-**  
19 **PONENT CHAPLAINS AND MEDICAL OFFI-**  
20 **CERS UNTIL AGE 68.**

21 (a) RESERVE CHAPLAINS AND MEDICAL OFFI-  
22 CERS.—Section 14703(b) of title 10, United States Code,  
23 is amended by striking “67 years” and inserting “68  
24 years”.

1 (b) NATIONAL GUARD CHAPLAINS AND MEDICAL OF-  
2 FICERS.—Section 324(a) of title 32, United States Code,  
3 is amended—

4 (1) in paragraph (1), by striking “or” at the  
5 end;

6 (2) by redesignating paragraph (2) as para-  
7 graph (3); and

8 (3) by inserting after paragraph (1) the fol-  
9 lowing new paragraph (2):

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

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

14 (a) DUAL DUTY STATUS AUTHORIZED FOR ANY OF-  
15 FICER ON ACTIVE DUTY.—Subsection (a)(2) of section  
16 325 of title 32, United States Code, is amended by strik-  
17 ing “in command of a National Guard unit”.

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

20 (1) by redesignating subsection (b) as sub-  
21 section (c); and

22 (2) by inserting after subsection (a) the fol-  
23 lowing new subsection (b):

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

1 or of the Commonwealth of Puerto Rico, or the com-  
2 manding general of the District of Columbia National  
3 Guard, as applicable, may give the authorization or con-  
4 sent required by subsection (a)(2) with respect to an offi-  
5 cer in advance for the purpose of establishing the succes-  
6 sion of command of a unit.”.

7 **SEC. 537. MODIFICATION OF MATCHING FUND REQUIRE-**  
8 **MENTS UNDER NATIONAL GUARD YOUTH**  
9 **CHALLENGE PROGRAM.**

10 (a) IN GENERAL.—Subsection (d) of section 509 of  
11 title 32, United States Code, is amended to read as fol-  
12 lows:

13 “(d) MATCHING FUNDS REQUIRED.—(1) The  
14 amount of assistance provided by the Secretary of Defense  
15 to a State program of the Program for a fiscal year under  
16 this section may not exceed 60 percent of the costs of op-  
17 erating the State program during that fiscal year.

18 “(2) The limitation in paragraph (1) may not be con-  
19 strued as a limitation on the amount of assistance that  
20 may be provided to a State program of the Program for  
21 a fiscal year from sources other than the Department of  
22 Defense.”.

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

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

3 **SEC. 538. REPORT ON COLLECTION OF INFORMATION ON**  
4 **CIVILIAN SKILLS OF MEMBERS OF THE RE-**  
5 **SERVE COMPONENTS OF THE ARMED**  
6 **FORCES.**

7 Not later than March 1, 2009, the Secretary of De-  
8 fense shall submit to the congressional defense committees  
9 a report on the feasibility and advisability, utility, and cost  
10 effectiveness of the following:

11 (1) The collection by the Department of De-  
12 fense of information on the civilian skills, qualifica-  
13 tions, and professional certifications of members of  
14 the reserve components of the Armed Forces that  
15 are relevant to military manpower requirements.

16 (2) The establishment by each military depart-  
17 ment, and by the Department of Defense generally,  
18 of a system that would match billets and personnel  
19 requirements with members of the reserve compo-  
20 nents of the Armed Forces who have skills, qualifica-  
21 tions, and certifications relevant to such billets and  
22 requirements.

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



1       fications, and certifications possessed by members of  
2       the reserve components of the Armed Forces to as-  
3       sist such employers in hiring and employing such  
4       members.

5               (4) Actions to ensure that employment informa-  
6       tion collected for and maintained in the Civilian Em-  
7       ployment Information database of the Department  
8       of Defense is current and accurate.

9               (5) Actions to incorporate any matter deter-  
10      mined feasible and advisable under paragraphs (1)  
11      through (4) into the Defense Integrated Military  
12      Human Resources System.

## 13                   **Subtitle D—Education and** 14                   **Training**

### 15   **SEC. 551. AUTHORITY TO PRESCRIBE THE AUTHORIZED** 16                   **STRENGTH OF THE UNITED STATES NAVAL** 17                   **ACADEMY.**

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

20               (1) in subsection (a)—

21                   (A) by striking “4,000 or such higher  
22                   number” and inserting “4,400 or such lower  
23                   number”; and

24                   (B) by striking “under subsection (h)”;  
25                   and

1           (2) by striking subsection (h).

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

6 **SEC. 552. TUITION FOR ATTENDANCE OF CERTAIN INDIVID-**  
7 **UALS AT THE UNITED STATES AIR FORCE IN-**  
8 **STITUTE OF TECHNOLOGY.**

9           Section 9314(c) of title 10, United States Code, is  
10 amended by adding at the end the following new para-  
11 graphs:

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

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

20           “(C) The cost of any tuition charged an individual  
21 under this paragraph shall be borne by the department,  
22 agency, or component sending the individual for instruc-  
23 tion at the Institute.

24           “(5) Amounts received by the Institute for the in-  
25 struction of students under this subsection shall be re-

1 tained by the Institute and available to the Institute to  
 2 cover the costs of such instruction. The source and dis-  
 3 position of such amounts shall be specifically identified in  
 4 the records of the Institute.”.

5 **SEC. 553. INCREASE IN STIPEND FOR BACCALAUREATE**  
 6 **STUDENTS IN NURSING OR OTHER HEALTH**  
 7 **PROFESSIONS UNDER HEALTH PROFESSIONS**  
 8 **STIPEND PROGRAM.**

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

11 (1) in subsection (e)(2)(A), by striking “of  
 12 \$100 per month” and inserting “, in an amount de-  
 13 termined under subsection (f),”; and

14 (2) in subsection (f), by striking “subsection (b)  
 15 or (c)” and inserting “subsection (b), (c), or (e)”.

16 **SEC. 554. CLARIFICATION OF DISCHARGE OR RELEASE**  
 17 **TRIGGERING DELIMITING PERIOD FOR USE**  
 18 **OF EDUCATIONAL ASSISTANCE BENEFIT FOR**  
 19 **RESERVE COMPONENT MEMBERS SUP-**  
 20 **PORTING CONTINGENCY OPERATIONS AND**  
 21 **OTHER OPERATIONS.**

22 Section 16164(a)(2) of title 10, United States Code,  
 23 is amended by striking “other than dishonorable condi-  
 24 tions” and inserting “honorable conditions”.

1 **SEC. 555. PAYMENT BY THE SERVICE ACADEMIES OF CER-**  
 2 **TAIN EXPENSES ASSOCIATED WITH PARTICI-**  
 3 **PATION IN ACTIVITIES FOSTERING INTER-**  
 4 **NATIONAL COOPERATION.**

5 (a) IN GENERAL.—Chapter 101 of title 10, United  
 6 States Code, is amended by adding the following new sec-  
 7 tion:

8 **“§ 2016. Service academies: payment of expenses of**  
 9 **foreign visitors for international coopera-**  
 10 **tion; expenses of cadets and midshipmen**  
 11 **in certain travel or study abroad**

12 “(a) PAYMENT OF EXPENSES OF CERTAIN FOREIGN  
 13 VISITORS.—The Superintendent of the United States Mili-  
 14 tary Academy, the United States Naval Academy, or the  
 15 United States Air Force Academy may, if such Super-  
 16 intendent considers it necessary in the interests of inter-  
 17 national cooperation, pay the following:

18 “(1) Travel, subsistence, and special compensa-  
 19 tion of officers, students, and representatives of for-  
 20 eign countries visiting the service academy con-  
 21 cerned.

22 “(2) Other hosting and entertainment expenses  
 23 in connection with foreign visitors to the service  
 24 academy concerned.

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

1 United States Military Academy or the United States Air  
 2 Force Academy, and a midshipman at the United States  
 3 Naval Academy, who travels or studies abroad in a pro-  
 4 gram to enhance language skills or cultural understanding  
 5 may be paid per diem in connection with such travel or  
 6 study at a rate lower than the rate authorized by the Joint  
 7 Federal Travel Regulations if the Superintendent of the  
 8 service academy concerned determines that payment of per  
 9 diem at such lower rate is in the best interest of the  
 10 United States.”.

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

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

14 **Subtitle E—Defense Dependents’**  
 15 **Education Matters**

16 **SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**  
 17 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**  
 18 **PENDENTS OF MEMBERS OF THE ARMED**  
 19 **FORCES AND DEPARTMENT OF DEFENSE CI-**  
 20 **VILIAN EMPLOYEES.**

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

1 for Defense-wide activities, \$30,000,000 shall be available  
2 only for the purpose of providing assistance to local edu-  
3 cational agencies under subsection (a) of section 572 of  
4 the National Defense Authorization Act for Fiscal Year  
5 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C.  
6 7703b).

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

15 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In  
16 this section, the term “local educational agency” has the  
17 meaning given that term in section 8013(9) of the Ele-  
18 mentary and Secondary Education Act of 1965 (20 U.S.C.  
19 7713(9)).

20 **SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**  
21 **ABILITIES.**

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

1 Floyd D. Spence National Defense Authorization Act for  
2 Fiscal Year 2001 (as enacted into law by Public Law 106–  
3 398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

4 **SEC. 563. TRANSITION OF MILITARY DEPENDENT STU-**  
5 **DENTS AMONG LOCAL EDUCATIONAL AGEN-**  
6 **CIES.**

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

11 “(d) **TRANSITION OF MILITARY DEPENDENTS**  
12 **AMONG LOCAL EDUCATIONAL AGENCIES.**—(1) The Sec-  
13 retary of Defense shall work collaboratively with the Sec-  
14 retary of Education in any efforts to ease the transitions  
15 of military dependent students from Department of De-  
16 fense dependent schools to other schools and among  
17 schools of local educational agencies.

18 “(2) The Secretary of Defense may use funds of the  
19 Department of Defense Education Activity for purposes  
20 as follows:

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

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

3 “(B) To provide programs for local educational  
4 agencies with military dependent students under-  
5 going the transitions described in paragraph (1), in-  
6 cluding programs for training for teachers and ac-  
7 cess to distance learning courses for military de-  
8 pendent students who attend public schools in the  
9 United States.”.

## 10 **Subtitle F—Military Family** 11 **Readiness**

### 12 **SEC. 571. AUTHORITY FOR EDUCATION AND TRAINING FOR** 13 **MILITARY SPOUSES PURSUING PORTABLE** 14 **CAREERS.**

15 Section 1784 of title 10, United States Code, is  
16 amended by inserting at the end the following new sub-  
17 section:

18 “(h) EDUCATION AND TRAINING FOR MILITARY  
19 SPOUSES PURSUING PORTABLE CAREERS.—(1) The Sec-  
20 retary of Defense may carry out programs to provide or  
21 make available to eligible spouses of members of the  
22 armed forces education and training to facilitate the pur-  
23 suit by such eligible spouses of a portable career.

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



1 able to carry out this section in accordance with such regu-  
2 lations as the Secretary shall prescribe for purposes of this  
3 subsection.

4 “(3) In this subsection:

5 “(A)(i) The term ‘eligible spouse’ means any  
6 person married to a member of the armed forces on  
7 active duty.

8 “(ii) The term does not include the following:

9 “(I) Any person who is married to, but le-  
10 gally separated from, a member of the armed  
11 forces under court order or statute of any State  
12 or possession of the United States.

13 “(II) Any person who is a member of the  
14 armed forces.

15 “(B) The term ‘portable career’ includes an oc-  
16 cupation identified by the Secretary of Defense, in  
17 consultation with the Secretary of Labor, as requir-  
18 ing education and training that results in a creden-  
19 tial that is recognized nationwide by industry or spe-  
20 cific businesses.”.

## 1           **Subtitle G—Other Matters**

### 2   **SEC. 581. DEPARTMENT OF DEFENSE POLICY ON THE PRE-** 3                   **VENTION OF SUICIDES BY MEMBERS OF THE** 4                   **ARMED FORCES.**

5           (a) **POLICY REQUIRED.**—Not later than August 1,  
6 2009, the Secretary of Defense shall develop a comprehen-  
7 sive policy designed to prevent suicide by members of the  
8 Armed Forces.

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

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

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

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

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

1           (2) A requirement for the appointment by the  
2 appropriate military authority of a separate inves-  
3 tigating officer to conduct an administrative inves-  
4 tigation into each suicide by a member of the Armed  
5 Forces in accordance with the requirements specified  
6 under paragraph (1).

7           (3) Requirements for minimum information to  
8 be determined under each investigation pursuant to  
9 paragraph (2), including, but not limited to, the fol-  
10 lowing:

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

16           (B) Any other illness or injury of the mem-  
17 ber at the time of the completion of suicide.

18           (C) Any receipt of health care services, in-  
19 cluding mental health care services, by the  
20 member before the completion of suicide.

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

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

1           (F) The military duty assignment of the  
2           member at the time of the completion of sui-  
3           cide.

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

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

12          (4) A requirement for a report from each ad-  
13          ministrative investigation conducted pursuant to  
14          paragraph (2) which shall set forth the findings and  
15          recommendations resulting from such investigation.

16          (5) Procedures for the protection of the con-  
17          fidentiality of information contained in each report  
18          on an investigation pursuant to paragraph (4).

19          (6) A requirement that the Deputy Chief of  
20          Staff for Personnel of the military department con-  
21          cerned receive and analyze each report on an inves-  
22          tigation pursuant to paragraph (4).

23          (7) The appointment by the Secretary of De-  
24          fense of an appropriate official or executive agent  
25          within the Department of Defense to receive and

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

3 (A) identify trends or common causal fac-  
4 tors in suicides by members of the Armed  
5 Forces; and

6 (B) advise the Secretary on means by  
7 which the suicide education and prevention  
8 strategies and programs of the military depart-  
9 ments can respond appropriately and effectively  
10 to such trends and causal factors.

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

14 (A) The results of investigations into sui-  
15 cide by members of the Armed Forces pursuant  
16 to paragraph (2) for each calendar year begin-  
17 ning with 2010.

18 (B) Actions taken to improve the suicide  
19 education and prevention strategies and pro-  
20 grams of the military departments.

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

1 other investigation of the suicide required by law, includ-  
2 ing any investigation for criminal purposes.

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

9 (1) a description of the policy; and

10 (2) a plan for the implementation of the policy  
11 throughout the Department of Defense.

12 **SEC. 582. RELIEF FOR LOSSES INCURRED AS A RESULT OF**  
13 **CERTAIN INJUSTICES OR ERRORS OF THE**  
14 **DEPARTMENT OF DEFENSE.**

15 (a) RELIEF AUTHORIZED.—Chapter 3 of title 10,  
16 United States Code, is amended by inserting after section  
17 127c, as added by section 1201 of the John Warner Na-  
18 tional Defense Authorization Act for Fiscal Year 2007  
19 (Public Law 109–364; 120 Stat. 2410), the following new  
20 section:

21 **“§ 127e. Relief for losses incurred as a result of cer-**  
22 **tain injustices or errors of the Depart-**  
23 **ment of Defense**

24 **“(a) RELIEF AUTHORIZED.—Under regulations pre-**  
25 **scribed by the Secretary of Defense, the Secretary of De-**

1 fense or the Secretary of the military department con-  
2 cerned may, upon a determination that a member or  
3 former member of the armed forces has suffered imprison-  
4 ment as a result of an injustice or error of the Department  
5 of Defense or any of its employees acting in an official  
6 capacity following conviction by a court-martial, provide  
7 such relief on account of such error as such Secretary de-  
8 termines equitable and fair, including the payment of  
9 moneys to any person whom such Secretary determines  
10 is entitled to such moneys.

11       “(b) PAYMENT AS A MATTER OF SOLE DISCRE-  
12 TION.—The payment of any moneys under this section is  
13 within the sole discretion of the Secretary of Defense and  
14 the Secretaries of the military departments.

15       “(c) PAYMENT OF INTEREST.—The authority to pay  
16 moneys under this section includes the authority to pay  
17 interest on such moneys in amounts calculated in accord-  
18 ance with the regulations required under subsection (a).

19       “(d) FUNDS.—Amounts for the payment of moneys  
20 and interest under this section shall be derived from  
21 amounts available to the Secretary of Defense or the Sec-  
22 retary of the military department concerned for the pay-  
23 ment of emergency and extraordinary expenses under sec-  
24 tion 127 of this title.

1       “(e) ANNUAL REPORTS.—Each annual report of the  
2 Secretary of Defense under section 127(d) of this title  
3 shall include a description of the disposition of each re-  
4 quest for relief under this section during the fiscal year  
5 covered by such report, including a statement of the  
6 amount paid with respect to each finding of injustice or  
7 error warranting payment under this section during such  
8 fiscal year.”.

9       (b) CLERICAL AMENDMENT.—The table of sections  
10 at the beginning of chapter 3 of such title is amended by  
11 inserting after the item relating to section 127c, as so  
12 added, the following new item:

“127e. Relief for losses incurred as a result of certain injustices or errors of  
the Department of Defense.”.

13 **SEC. 583. PATERNITY LEAVE FOR MEMBERS OF THE ARMED**  
14 **FORCES.**

15       (a) LEAVE AUTHORIZED.—Section 701 of title 10,  
16 United States Code, is amended by adding at the end the  
17 following new subsection:

18       “(j)(1) Under regulations prescribed by the Secretary  
19 of Defense, a member of the armed forces on active duty  
20 who is the husband of a woman who gives birth to a child  
21 may be given up to 21 days of leave to be used in connec-  
22 tion with the birth of the child.



1 “(2) Leave under paragraph (1) is in addition to  
2 other leave authorized under the provisions of this sec-  
3 tion.”.

4 (b) EFFECTIVE DATE.—The amendment made by  
5 subsection (a) shall take effect on the date of the enact-  
6 ment of this Act, and shall apply only with respect to chil-  
7 dren born on or after that date.

8 **SEC. 584. ENHANCEMENT OF AUTHORITIES ON PARTICIPA-**  
9 **TION OF MEMBERS OF THE ARMED FORCES**  
10 **IN INTERNATIONAL SPORTS COMPETITIONS.**

11 (a) IN GENERAL.—Section 717 of title 10, United  
12 States Code, is amended—

13 (1) in subsection (a)(1), by striking “and the  
14 Olympic Games” and inserting “the Olympic Games,  
15 and the Military World Games”;

16 (2) in subsection (b), by striking “subsections  
17 (c) and (d)” and inserting “subsections (c) and (e)”;

18 (3) in subsection (c)—

19 (A) in paragraph (1)—

20 (i) by striking “\$3,000,000” and in-  
21 serting “\$6,000,000”; and

22 (ii) by striking “October 1, 1980” and  
23 inserting “October 1, 2008”; and

24 (B) in paragraph (2)—

1 (i) by striking “\$100,00” and insert-  
2 ing “\$200,000”; and

3 (ii) by striking “October 1, 1980” and  
4 inserting “October 1, 2008”;

5 (4) by redesignating subsection (d) as sub-  
6 section (e); and

7 (5) by inserting after subsection (c) the fol-  
8 lowing new subsection (d):

9 “(d)(1) The Secretary of Defense may plan for the  
10 following:

11 “(A) The participation by military personnel in  
12 international sports activities and competitions as  
13 authorized by subsection (a).

14 “(B) The hosting of military international  
15 sports activities, competitions, and events such as  
16 the Military World Games.

17 “(2) Planning and other activities associated with  
18 hosting of international sports activities, competitions, and  
19 events under this subsection shall, to the maximum extent  
20 possible, be funded using appropriations available to the  
21 Department of Defense .”.

22 (b) REPORT ON PLANNING FOR INTERNATIONAL  
23 SPORTS ACTIVITIES, COMPETITIONS, AND EVENTS.—

24 (1) REPORT REQUIRED.—Not later than Octo-  
25 ber 1, 2009, the Secretary of Defense shall submit

1 to the Committees on Armed Services of the Senate  
2 and the House of Representatives a report setting  
3 forth a comprehensive plan for the following:

4 (A) The participation by personnel of the  
5 Department of Defense in international sports  
6 activities, competitions, and events (including  
7 the Pan American Games, the Olympic Games,  
8 the Paralympic Games, the Military World  
9 Games, other activities of the International  
10 Military Sports Council (CISM), and the Inter-  
11 allied Confederation of Reserve Officers  
12 (CIOR)) through fiscal year 2015.

13 (B) The hosting by the Department of De-  
14 fense of military international sports activities,  
15 competitions, and events through fiscal year  
16 2015.

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

19 (A) A discussion of the military inter-  
20 national sports activities, competitions, and  
21 events that the Department of Defense intends  
22 to seek to host, an estimate of the costs of  
23 hosting such activities, competitions, and events  
24 that the Department intends to seek to host,

1 and a description of the sources of funding for  
2 such costs.

3 (B) A discussion of the use and replenish-  
4 ment of funds in the account in the Treasury  
5 for the Support for International Sporting  
6 Competitions for the hosting of such activities,  
7 competitions, and events that the Department  
8 intends to seek to host.

9 (C) A discussion of the support that may  
10 be obtained from other departments and agen-  
11 cies of the Federal Government, State and local  
12 governments, and private entities in encour-  
13 aging participation of members of the Armed  
14 Forces in international sports activities, com-  
15 petitions, and events or in hosting of military  
16 international sports activities, competitions, and  
17 events.

18 (D) Such recommendations for legislative  
19 or administrative action as the Secretary con-  
20 siders appropriate to implement or enhance  
21 planning for the matters described in paragraph  
22 (1).

23 (c) EFFECTIVE DATE.—The amendments made by  
24 subsection (a) shall take effect on October 1, 2008.

1 **SEC. 585. PILOT PROGRAMS ON CAREER FLEXIBILITY TO**  
2 **ENHANCE RETENTION OF MEMBERS OF THE**  
3 **ARMED FORCES.**

4 (a) PILOT PROGRAMS AUTHORIZED.—

5 (1) IN GENERAL.—Each Secretary of a military  
6 department may carry out a pilot program under  
7 which officers and enlisted members of the regular  
8 components of the Armed Forces under the jurisdic-  
9 tion of such Secretary may be inactivated from ac-  
10 tive duty in order to meet personal or professional  
11 needs and returned to active duty at the end of such  
12 period of inactivation from active duty.

13 (2) PURPOSE.—The purpose of the pilot pro-  
14 grams under this section shall be to evaluate wheth-  
15 er permitting inactivation from active duty and  
16 greater flexibility in career paths for members of the  
17 Armed Forces will provide an effective means to en-  
18 hance retention of members of the Armed Forces  
19 and the capacity of the Department of Defense to  
20 respond to the personal and professional needs of in-  
21 dividual members of the Armed Forces.

22 (b) LIMITATION ON ELIGIBLE MEMBERS.—A mem-  
23 ber of the Armed Forces is not eligible to participate in  
24 a pilot program under this section during any period of  
25 service required of the member due to receipt of the fol-  
26 lowing:

1           (1) An accession bonus for medical officers in  
2           critically short wartime specialties under section  
3           302k of title 37, United States Code.

4           (2) An accession bonus for dental specialists in  
5           critically short wartime specialties under section  
6           302l of title 37, United States Code.

7           (3) A retention bonus for members qualified in  
8           critical military skills or assigned to high priority  
9           units under section 355 of title 37, United States  
10          Code.

11          (c) LIMITATION ON NUMBER OF MEMBERS.—Not  
12          more than 20 officers and 20 enlisted members of an  
13          Armed Force may participate in a pilot program under  
14          this section at any one time.

15          (d) LIMITATION ON PERIOD OF INACTIVATION FROM  
16          ACTIVE DUTY.—The period of inactivation from active  
17          duty under the pilot program under this section of a mem-  
18          ber participating in the pilot program shall be such period  
19          as the Secretary concerned shall specify in the agreement  
20          of the member under subsection (e), except that such pe-  
21          riod may not exceed three years.

22          (e) AGREEMENT.—Each member of the Armed  
23          Forces who participates in a pilot program under this sec-  
24          tion shall enter into a written agreement with the Sec-

1 retary of the military department concerned under which  
2 agreement that member shall agree as follows:

3           (1) To accept an appointment or enlist, as ap-  
4           plicable, and serve in the Ready Reserve of the  
5           Armed Force concerned during the period of the  
6           member's inactivation from active duty under the  
7           pilot program.

8           (2) To undergo during the period of the inac-  
9           tivation of the member from active duty under the  
10          pilot program such inactive duty training as the Sec-  
11          retary concerned shall require in order to ensure  
12          that the member retains appropriate proficiency in  
13          the member's military skills, professional qualifica-  
14          tions, and physical readiness during the inactivation  
15          of the member from active duty.

16          (3) Following completion of the period of the  
17          inactivation of the member from active duty under  
18          the pilot program, to serve two months as a member  
19          of the Armed Forces on active duty for each month  
20          of the period of the inactivation of the member from  
21          active duty under the pilot program.

22          (f) ORDER TO ACTIVE DUTY.—Under regulations  
23          prescribed by the Secretary of the military department  
24          concerned, a member of the Armed Forces participating  
25          in a pilot program under this section may, in the discre-

1 tion of such Secretary, be required to terminate partici-  
2 tion in the pilot program and be ordered to active duty.

3 (g) PAY AND ALLOWANCES.—

4 (1) BASIC PAY.—During each month of partici-  
5 pation in a pilot program under this section, a mem-  
6 ber who participates in the pilot program shall be  
7 paid basic pay in an amount equal to two-thirtieths  
8 of the amount of monthly basic pay to which the  
9 member would otherwise be entitled under section  
10 204 of title 37, United States Code, as a member of  
11 the uniformed services on active duty in the grade  
12 and years of service of the member when the mem-  
13 ber commences participation in the pilot program.

14 (2) SPECIAL AND INCENTIVE PAYS.—

15 (A) PROHIBITION ON RECEIPT DURING  
16 PARTICIPATION.—A member who participates in  
17 a pilot program shall not, while participating in  
18 the pilot program, be paid any special or incen-  
19 tive pay or bonus to which the member is other-  
20 wise entitled under an agreement under chapter  
21 5 of title 37, United States Code, that is in  
22 force when the member commences partici-  
23 pation in the pilot program.

24 (B) TREATMENT OF REQUIRED SERV-  
25 ICE.—The inactivation from active duty of a



1 member participating in a pilot program shall  
2 not be treated as a failure of the member to  
3 perform any period of service required of the  
4 member in connection with an agreement for a  
5 special or incentive pay or bonus under chapter  
6 5 of title 37, United States Code, that is in  
7 force when the member commences participa-  
8 tion in the pilot program.

9 (C) REVIVAL OF SPECIAL PAYS UPON RE-  
10 TURN TO ACTIVE DUTY.—Subject to subpara-  
11 graph (D), upon the return of a member to ac-  
12 tive duty after completion by the member of  
13 participation in a pilot program—

14 (i) any agreement entered into by the  
15 member under chapter 5 of title 37,  
16 United States Code, for the payment of a  
17 special or incentive pay or bonus that was  
18 in force when the member commenced par-  
19 ticipation in the pilot program shall be re-  
20 vived, with the term of such agreement  
21 after revival being the period of the agree-  
22 ment remaining to run when the member  
23 commenced participation in the pilot pro-  
24 gram; and

1           (ii) any special or incentive pay or  
2           bonus shall be payable to the member in  
3           accordance with the terms of the agree-  
4           ment concerned for the term specified in  
5           clause (i).

6           (D) LIMITATIONS.—

7           (i) LIMITATION AT TIME OF RETURN  
8           TO ACTIVE DUTY.—Subparagraph (C) shall  
9           not apply to any special or incentive pay or  
10          bonus otherwise covered by that subpara-  
11          graph with respect to a member if, at the  
12          time of the return of the member to active  
13          duty as described in that subparagraph—

14                   (I) such pay or bonus is no  
15                   longer authorized by law; or

16                   (II) the member does not satisfy  
17                   eligibility criteria for such pay or  
18                   bonus as in effect at the time of the  
19                   return of the member to active duty.

20          (ii) CESSATION DURING LATER SERV-  
21          ICE.—Subparagraph (C) shall cease to  
22          apply to any special or incentive pay or  
23          bonus otherwise covered by that subpara-  
24          graph with respect to a member if, during  
25          the term of the revived agreement of the

1 member under subparagraph (C)(i), such  
2 pay or bonus ceases being authorized by  
3 law.

4 (E) REPAYMENT.—A member who is ineli-  
5 gible for payment of a special or incentive pay  
6 or bonus otherwise covered by this paragraph  
7 by reason of subparagraph (D)(i)(II) shall be  
8 subject to the requirements for repayment of  
9 such pay or bonus in accordance with the terms  
10 of the applicable agreement of the member  
11 under chapter 5 of title 37, United States Code.

12 (F) CONSTRUCTION OF REQUIRED SERV-  
13 ICE.—Any service required of a member under  
14 an agreement covered by this paragraph after  
15 the member returns to active duty as described  
16 in subparagraph (C) shall be in addition to any  
17 service required of the member under an agree-  
18 ment under subsection (e).

19 (3) CERTAIN TRAVEL AND TRANSPORTATION  
20 ALLOWANCES.—

21 (A) IN GENERAL.—Subject to subpara-  
22 graph (B), a member who participates in a pilot  
23 program is entitled, while participating in the  
24 pilot program, to the travel and transportation

1 allowances authorized by section 404 of title 37,  
2 United States Code, for—

3 (i) travel performed from the mem-  
4 ber's residence, at the time of release from  
5 active duty to participate in the pilot pro-  
6 gram, to the location in the United States  
7 designated by the member as his residence  
8 during the period of participation in the  
9 pilot program; and

10 (ii) travel performed to the member's  
11 residence upon return to active duty at the  
12 end of the member's participation in the  
13 pilot program.

14 (B) LIMITATION.—An allowance is payable  
15 under this paragraph only with respect to travel  
16 of a member to and from a single residence.

17 (h) PROMOTION.—

18 (1) OFFICERS.—

19 (A) LIMITATION ON PROMOTION.—An offi-  
20 cer participating in a pilot program under this  
21 section shall not, while participating in the pilot  
22 program, be eligible for consideration for pro-  
23 motion under chapter 36 or 1405 of title 10,  
24 United States Code.

1 (B) PROMOTION AND RANK UPON RETURN  
2 TO ACTIVE DUTY.—Upon the return of an offi-  
3 cer to active duty after completion by the offi-  
4 cer of participation in a pilot program—

5 (i) the Secretary concerned shall ad-  
6 just the officer's date of rank in such man-  
7 ner as the Secretary of Defense shall pre-  
8 scribe in regulations for purposes of this  
9 section; and

10 (ii) the officer shall be eligible for con-  
11 sideration for promotion when officers of  
12 the same competitive category, grade, and  
13 seniority are eligible for consideration for  
14 promotion.

15 (2) ENLISTED MEMBERS.—An enlisted member  
16 participating in a pilot program shall not be eligible  
17 for consideration for promotion during the period  
18 that—

19 (A) begins on the date of the member's in-  
20 activation from active duty under the pilot pro-  
21 gram; and

22 (B) ends at such time after the return of  
23 the member to active duty under the pilot pro-  
24 gram that the member is treatable as eligible  
25 for promotion by reason of time in grade and

1           such other requirements as the Secretary of the  
2           military department concerned shall prescribe  
3           in regulations for purposes of the pilot pro-  
4           gram.

5           (i) **MEDICAL AND DENTAL CARE.**—A member par-  
6           ticipating in a pilot program under this section shall, while  
7           participating in the pilot program, be treated as a member  
8           of the Armed Forces on active duty for a period of more  
9           than 30 days for purposes of the entitlement of the mem-  
10          ber and the member’s dependents to medical and dental  
11          care under the provisions of chapter 55 of title 10, United  
12          States Code.

13          (j) **TREATMENT OF PERIOD OF PARTICIPATION FOR**  
14          **PURPOSES OF RETIREMENT AND RELATED PURPOSES.**—  
15          Any period of participation of a member in a pilot pro-  
16          gram under this section shall not count toward—

17                 (1) eligibility for retirement or transfer to the  
18                 Ready Reserve under either chapter 571 or 1223 of  
19                 title 10, United States Code;

20                 (2) computation of retired or retainer pay  
21                 under chapter 71 or 1223 of title 10, United States  
22                 Code; or

23                 (3) computation of total years of commissioned  
24                 service under section 14706 of title 10, United  
25                 States Code.

1 (k) REPORTS.—

2 (1) INTERIM REPORTS.—Not later than June 1  
3 of each of 2010 and 2012, each Secretary of a mili-  
4 tary department shall submit to the congressional  
5 defense committees a report on the implementation  
6 and current status of the pilot programs conducted  
7 by such Secretary under this section.

8 (2) FINAL REPORT.—Not later than March 1,  
9 2015, the Secretary of Defense shall submit to the  
10 congressional defense committees a report on the  
11 pilot programs conducted under this section.

12 (3) ELEMENTS OF REPORT.—Each interim re-  
13 port and the final report under this subsection shall  
14 include the following:

15 (A) A description of each pilot program  
16 conducted under this section, including a de-  
17 scription of the number of applicants for such  
18 pilot program and the criteria used to select in-  
19 dividuals for participation in such pilot pro-  
20 gram.

21 (B) An assessment by the Secretary con-  
22 cerned of the pilot programs, including an eval-  
23 uation of whether—

24 (i) the authorities of the pilot pro-  
25 grams provided an effective means to en-

1           hance the retention of members of the  
2           Armed Forces possessing critical skills, tal-  
3           ents, and leadership abilities;

4           (ii) the career progression in the  
5           Armed Forces of individuals who partici-  
6           pate in the pilot program has been or will  
7           be adversely affected; and

8           (iii) the usefulness of the pilot pro-  
9           gram in responding to the personal and  
10          professional needs of individual members  
11          of the Armed Forces.

12          (C) Such recommendations for legislative  
13          or administrative action as the Secretary con-  
14          cerned considers appropriate for the modifica-  
15          tion or continuation of the pilot programs.

16          (1) DURATION OF PROGRAM AUTHORITY.—The au-  
17          thority to conduct a pilot program authorized by this sec-  
18          tion shall commence on January 1, 2009 and expire on  
19          December 31, 2014. No member of the Armed Forces may  
20          be in a period of inactivation from active duty under the  
21          pilot program after December 31, 2014.



1 **SEC. 586. PROHIBITION ON INTERFERENCE IN INDE-**  
2 **PENDENT LEGAL ADVICE BY THE LEGAL**  
3 **COUNSEL TO THE CHAIRMAN OF THE JOINT**  
4 **CHIEFS OF STAFF.**

5 Section 156(d) of title 10, United States Code, is  
6 amended—

7 (1) by inserting “(1)” before “The Legal Coun-  
8 sel”; and

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

11 “(2) No officer or employee of the Department of De-  
12 fense may interfere with the ability of the Legal Counsel  
13 to give independent legal advice to the Chairman of the  
14 Joint Chiefs of Staff and to the Joint Chiefs of Staff.”.

15 **TITLE VI—COMPENSATION AND**  
16 **OTHER PERSONNEL BENEFITS**  
17 **Subtitle A—Pay and Allowances**

18 **SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC**  
19 **PAY.**

20 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The  
21 adjustment to become effective during the fiscal year 2009  
22 required by section 1009 of title 37, United States Code,  
23 in the rates of monthly basic pay authorized members of  
24 the uniformed services shall not be made.

1 (b) INCREASE IN BASIC PAY.—Effective on January  
2 1, 2009, the rates of monthly basic pay for members of  
3 the uniformed services are increased by 3.9 percent.

4 **Subtitle B—Bonuses and Special**  
5 **and Incentive Pays**

6 **SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL**  
7 **PAY AUTHORITIES FOR RESERVE FORCES.**

8 (a) SELECTED RESERVE REENLISTMENT BONUS.—  
9 Section 308b(g) of title 37, United States Code, is amend-  
10 ed by striking “December 31, 2008” and inserting “De-  
11 cember 31, 2009”.

12 (b) SELECTED RESERVE AFFILIATION OR ENLIST-  
13 MENT BONUS.—Section 308c(i) of such title is amended  
14 by striking “December 31, 2008” and inserting “Decem-  
15 ber 31, 2009”.

16 (c) SPECIAL PAY FOR ENLISTED MEMBERS AS-  
17 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section  
18 308d(c) of such title is amended by striking “December  
19 31, 2008” and inserting “December 31, 2009”.

20 (d) READY RESERVE ENLISTMENT BONUS FOR PER-  
21 SONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of  
22 such title is amended by striking “December 31, 2008”  
23 and inserting “December 31, 2009”.

24 (e) READY RESERVE ENLISTMENT AND REENLIST-  
25 MENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Sec-

1 tion 308h(e) of such title is amended by striking “Decem-  
2 ber 31, 2008” and inserting “December 31, 2009”.

3 (f) **SELECTED RESERVE ENLISTMENT BONUS FOR**  
4 **PERSONS WITH PRIOR SERVICE.**—Section 308i(f) of such  
5 title is amended by striking “December 31, 2008” and in-  
6 serting “December 31, 2009”.

7 **SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL**  
8 **PAY AUTHORITIES FOR HEALTH CARE PRO-**  
9 **FSSIONALS.**

10 (a) **NURSE OFFICER CANDIDATE ACCESSION PRO-**  
11 **GRAM.**—Section 2130a(a)(1) of title 10, United States  
12 Code, is amended by striking “December 31, 2008” and  
13 inserting “December 31, 2009”.

14 (b) **REPAYMENT OF EDUCATION LOANS FOR CER-**  
15 **TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-**  
16 **LECTED RESERVE.**—Section 16302(d) of such title is  
17 amended by striking “January 1, 2009” and inserting  
18 “January 1, 2010”.

19 (c) **ACCESSION BONUS FOR REGISTERED NURSES.**—  
20 Section 302d(a)(1) of title 37, United States Code, is  
21 amended by striking “December 31, 2008” and inserting  
22 “December 31, 2009”.

23 (d) **INCENTIVE SPECIAL PAY FOR NURSE ANES-**  
24 **THETISTS.**—Section 302e(a)(1) of such title is amended

1 by striking “December 31, 2008” and inserting “Decem-  
2 ber 31, 2009”.

3 (e) SPECIAL PAY FOR SELECTED RESERVE HEALTH  
4 PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-  
5 CIALTIES.—Section 302g(e) of such title is amended by  
6 striking “December 31, 2008” and inserting “December  
7 31, 2009”.

8 (f) ACCESSION BONUS FOR DENTAL OFFICERS.—  
9 Section 302h(a)(1) of such title is amended by striking  
10 “December 31, 2008” and inserting “December 31,  
11 2009”.

12 (g) ACCESSION BONUS FOR PHARMACY OFFICERS.—  
13 Section 302j(a) of such title is amended by striking “De-  
14 cember 31, 2008” and inserting “December 31, 2009”.

15 (h) ACCESSION BONUS FOR MEDICAL OFFICERS IN  
16 CRITICALLY SHORT WARTIME SPECIALTIES.—Section  
17 302k(f) of such title is amended by striking “December  
18 31, 2008” and inserting “December 31, 2009”.

19 (i) ACCESSION BONUS FOR DENTAL SPECIALIST OF-  
20 FICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—  
21 Section 302l(g) of such title is amended by striking “De-  
22 cember 31, 2008” and inserting “December 31, 2009”.

1 **SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AU-**  
2 **THORITIES FOR NUCLEAR OFFICERS.**

3 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
4 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
5 312(f) of title 37, United States Code, is amended by  
6 striking “December 31, 2008” and inserting “December  
7 31, 2009”.

8 (b) NUCLEAR CAREER ACCESSION BONUS.—Section  
9 312b(c) of such title is amended by striking “December  
10 31, 2008” and inserting “December 31, 2009”.

11 (c) NUCLEAR CAREER ANNUAL INCENTIVE  
12 BONUS.—Section 312c(d) of such title is amended by  
13 striking “December 31, 2008” and inserting “December  
14 31, 2009”.

15 **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAY-**  
16 **MENT OF OTHER BONUSES AND SPECIAL**  
17 **PAYS.**

18 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
19 tion 301b(a) of title 37, United States Code, is amended  
20 by striking “December 31, 2008” and inserting “Decem-  
21 ber 31, 2009”.

22 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g)  
23 of such title is amended by striking “December 31, 2008”  
24 and inserting “December 31, 2009”.

25 (c) REENLISTMENT BONUS FOR ACTIVE MEM-  
26 BERS.—Section 308(g) of such title is amended by strik-

1 ing “December 31, 2008” and inserting “December 31,  
2 2009”.

3 (d) ENLISTMENT BONUS.—Section 309(e) of such  
4 title is amended by striking “December 31, 2008” and in-  
5 serting “December 31, 2009”.

6 (e) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-  
7 ICAL SKILLS.—Section 324(g) of such title is amended by  
8 striking “December 31, 2008” and inserting “December  
9 31, 2009”.

10 (f) INCENTIVE BONUS FOR CONVERSION TO MILI-  
11 TARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL  
12 SHORTAGE.—Section 326(g) of such title is amended by  
13 striking “December 31, 2008” and inserting “December  
14 31, 2009”.

15 (g) ACCESSION BONUS FOR OFFICER CAN-  
16 DIDATES.—Section 330(f) of such title is amended by  
17 striking “December 31, 2008” and inserting “December  
18 31, 2009”.

19 (h) RETENTION BONUS FOR MEMBERS WITH CRIT-  
20 ICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY  
21 UNITS.—Section 355(i) of such title, as redesignated by  
22 section 661(c) of the National Defense Authorization Act  
23 for Fiscal Year 2008 (Public Law 110–181), is amended  
24 by striking “December 31, 2008” and inserting “Decem-  
25 ber 31, 2009”.

1 (i) INCOME REPLACEMENT FOR RESERVE MEMBERS  
2 EXPERIENCING EXTENDED AND FREQUENT MOBILIZA-  
3 TIONS.—Section 910(g) of such title is amended by strik-  
4 ing “December 31, 2008” and inserting “December 31,  
5 2009”.

6 **SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAY-**  
7 **MENT OF REFERRAL BONUSES.**

8 (a) HEALTH PROFESSIONS REFERRAL BONUS.—  
9 Subsection (i) of section 1030 of title 10, United States  
10 Code, as added by section 671(b) of the National Defense  
11 Authorization Act for Fiscal Year 2008 (Public Law 110–  
12 181), is amended by striking “December 31, 2008” and  
13 inserting “December 31, 2009”.

14 (b) ARMY REFERRAL BONUS.—Subsection (h) of sec-  
15 tion 3252 of title 10, United States Code, as added by  
16 section 671(a) of the National Defense Authorization Act  
17 for Fiscal Year 2008, is amended by striking “December  
18 31, 2008” and inserting “December 31, 2009”.

19 **SEC. 616. PERMANENT EXTENSION OF PROHIBITION ON**  
20 **CHARGES FOR MEALS RECEIVED AT MILI-**  
21 **TARY TREATMENT FACILITIES BY MEMBERS**  
22 **RECEIVING CONTINUOUS CARE.**

23 Section 402(h) of title 37, United States Code, is  
24 amended—

1 (1) in paragraph (1), by striking “during any  
2 month covered by paragraph (3)”;

3 (2) by striking paragraph (3).

4 **SEC. 617. ACCESSION AND RETENTION BONUSES FOR THE**  
5 **RECRUITMENT AND RETENTION OF PSY-**  
6 **CHOLOGISTS FOR THE ARMED FORCES.**

7 (a) **MULTIYEAR RETENTION BONUS FOR PSYCHOLO-**  
8 **GISTS.—**

9 (1) **IN GENERAL.**—Chapter 5 of title 37, United  
10 States Code, is amended by inserting after section  
11 301e the following new section:

12 **“§ 301f. Multiyear retention bonus: psychologists of**  
13 **the armed forces**

14 “(a) **BONUS AUTHORIZED.**—An officer described in  
15 subsection (c) who executes a written agreement to remain  
16 on active duty for up to four years after completion of  
17 any other active-duty service commitment may, upon ac-  
18 ceptance of the agreement by the Secretary concerned, be  
19 paid a retention bonus as provided in this section.

20 “(b) **MAXIMUM AMOUNT OF BONUS.**—The amount of  
21 a retention bonus under subsection (a) may not exceed  
22 \$25,000 for each year of the agreement of the officer con-  
23 cerned.

24 “(c) **ELIGIBLE OFFICERS.**—An officer described in  
25 this subsection is an officer of the armed forces who—



1           “(1) is a psychologist of the armed forces;

2           “(2) is in a pay grade below pay grade O–7;

3           “(3) has at least eight years of creditable serv-  
4           ice (computed as described in section 302b(f) of this  
5           title) or has completed any active-duty service com-  
6           mitment incurred for psychology education and  
7           training;

8           “(4) has completed initial residency training (or  
9           will complete such training before September 30 of  
10          the fiscal year in which the officer enters into an  
11          agreement under subsection (a)); and

12          “(5) holds a valid State license to practice as  
13          a doctoral level psychologist.

14          “(d) REPAYMENT.—An officer who does not complete  
15          the period of active duty specified in the agreement en-  
16          tered into under subsection (a) shall be subject to the re-  
17          payment provisions of section 303a(e) of this title.”.

18          (2) CLERICAL AMENDMENT.—The table of sec-  
19          tions at the beginning of chapter 5 of such title is  
20          amended by inserting after the item relating to sec-  
21          tion 301e the following new item:

“301f. Multiyear retention bonus: psychologists of the armed forces.”.

22          (b) ACCESSION BONUS FOR PSYCHOLOGISTS.—

23                 (1) IN GENERAL.—Chapter 5 of title 37, United  
24                 States Code, is amended by inserting after section  
25                 302l the following new section:

1 **“§ 302m. Special pay: accession bonus for psycholo-**  
2 **gists**

3 “(a) **ACCESSION BONUS AUTHORIZED.**—A person de-  
4 scribed in subsection (b) who executes a written agreement  
5 described in subsection (e) to accept a commission as an  
6 officer of the armed forces and remain on active duty for  
7 a period of not less than four consecutive years may, upon  
8 acceptance of the agreement by the Secretary concerned,  
9 be paid an accession bonus in an amount determined by  
10 the Secretary concerned.

11 “(b) **ELIGIBLE PERSONS.**—A person described in this  
12 section is any person who—

13 “(1) is a graduate of an accredited school of  
14 psychology; and

15 “(2) holds a valid State license to practice as  
16 a doctoral level psychologist.

17 “(c) **MAXIMUM AMOUNT OF BONUS.**—The amount of  
18 an accession bonus under subsection (a) may not exceed  
19 \$400,000.

20 “(d) **LIMITATION ON ELIGIBILITY.**—A person may  
21 not be paid a bonus under subsection (a) if—

22 “(1) the person, in exchange for an agreement  
23 to accept an appointment as an officer, received fi-  
24 nancial assistance from the Department of Defense  
25 to pursue a course of study in psychology; or

1           “(2) the Secretary concerned determines that  
2           the person is not qualified to become and remain  
3           certified as a psychologist.

4           “(e) AGREEMENT.—The agreement referred to in  
5           subsection (a) shall provide that, consistent with the needs  
6           of the armed force concerned, the person executing the  
7           agreement will be assigned to duty, for the period of obli-  
8           gated service covered by the agreement, as an officer of  
9           such armed force as a psychologist.

10          “(f) REPAYMENT.—A person who, after signing an  
11          agreement under subsection (a), is not commissioned as  
12          an officer of the armed forces, does not become licensed  
13          as a psychologist, or does not complete the period of active  
14          duty specified in the agreement shall be subject to the re-  
15          payment provisions of section 303a(e) of this title.

16          “(g) TERMINATION OF AUTHORITY.—No agreement  
17          under this section may be entered into after December 31,  
18          2009.”.

19                 (2) CLERICAL AMENDMENT.—The table of sec-  
20                 tions at the beginning of chapter 5 of such title is  
21                 amended by inserting after the item relating to sec-  
22                 tion 302l the following new item:

                  “302m. Special pay: accession bonus for psychologists.”.

23           “(c) EFFECTIVE DATE.—The amendments made by  
24           this section shall take effect on October 1, 2008.

1 **SEC. 618. AUTHORITY FOR EXTENSION OF MAXIMUM**  
2 **LENGTH OF SERVICE AGREEMENTS FOR SPE-**  
3 **CIAL PAY FOR NUCLEAR-QUALIFIED OFFI-**  
4 **CERS EXTENDING PERIOD OF ACTIVE SERV-**  
5 **ICE.**

6 Section 312(a)(3) of section 312 of title 37, United  
7 States Code, is amended by striking “three, four, or five  
8 years” and inserting “not less than three years”.

9 **SEC. 619. INCENTIVE PAY FOR MEMBERS OF**  
10 **PRECOMMISSIONING PROGRAMS PURSUING**  
11 **FOREIGN LANGUAGE PROFICIENCY.**

12 (a) INCENTIVE PAY AUTHORIZED.—

13 (1) IN GENERAL.—Chapter 5 of title 37, United  
14 States Code, is amended by inserting after section  
15 316 the following new section:

16 **“§ 316a. Special pay: incentive pay for members of**  
17 **precommissioning programs pursuing**  
18 **foreign language proficiency**

19 “(a) INCENTIVE PAY.—The Secretary of Defense  
20 may pay incentive pay under this section to an individual  
21 who—

22 “(1) is enrolled as a member of the Senior Re-  
23 serve Officers’ Training Corps or the Marine Corps  
24 Platoon Leaders Class, as determined in accordance  
25 with regulations prescribed by the Secretary of De-  
26 fense under subsection (e); and

1           “(2) participates in a language immersion pro-  
2           gram approved for purposes of the Senior Reserve  
3           Officers’ Training Corps, or in study abroad, or is  
4           enrolled in an academic course that involves instruc-  
5           tion in a foreign language of strategic interest to the  
6           Department of Defense as designated by the Sec-  
7           retary of Defense for purposes of this section.

8           “(b) PERIOD OF PAYMENT.—Incentive pay is payable  
9           under this section to an individual described in subsection  
10          (a) for the period of the individual’s participation in the  
11          language program or study described in paragraph (2) of  
12          that subsection.

13          “(c) AMOUNT.—The amount of incentive pay payable  
14          to an individual under this section may not exceed \$3,000  
15          per year.

16          “(d) REPAYMENT.—An individual who is paid incen-  
17          tive pay under this section but who does not satisfactorily  
18          complete participation in the individual’s language pro-  
19          gram or study as described in subsection (a)(2), or who  
20          does not complete the requirements of the Senior Reserve  
21          Officers’ Training Corps or the Marine Corps Platoon  
22          Leaders Class, as applicable, shall be subject to the repay-  
23          ment provisions of section 303a(e) of this title.

1       “(e) REGULATIONS.—This section shall be adminis-  
2       tered under regulations prescribed by the Secretary of De-  
3       fense.

4       “(f) REPORTS.—Not later than January 1, 2010, and  
5       annually thereafter through 2014, the Secretary of De-  
6       fense shall submit to the Director of the Office of Manage-  
7       ment and Budget, and to Congress, a report on the pay-  
8       ment of incentive pay under this section during the pre-  
9       ceding fiscal year. Each report shall include, for the fiscal  
10      year covered by such report, the following:

11           “(1) The number of individuals paid incentive  
12      pay under this section, the number of individuals  
13      commencing receipt of incentive pay under this sec-  
14      tion, and the number of individuals ceasing receipt  
15      of incentive pay under this section.

16           “(2) The amount of incentive pay paid to indi-  
17      viduals under this section.

18           “(3) The aggregate amount recouped under sec-  
19      tion 303a(e) of this title in connection with receipt  
20      of incentive pay under this section.

21           “(4) The languages for which incentive pay was  
22      paid under this section, including the total amount  
23      paid for each such language.

24           “(5) The effectiveness of incentive pay under  
25      this section in assisting the Department of Defense

1 in securing proficiency in foreign languages of stra-  
 2 tegic interest to the Department of Defense, includ-  
 3 ing a description of how recipients of pay under this  
 4 section are assigned and utilized following comple-  
 5 tion of the program of study.

6 “(g) TERMINATION OF AUTHORITY.—No incentive  
 7 pay may be paid under this section after December 31,  
 8 2013.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-  
 10 tions at the beginning of chapter 5 of such title is  
 11 amended by inserting after the item relating to sec-  
 12 tion 316 the following new item:

“316a. Special pay: incentive pay for members of precommissioning programs  
 pursuing foreign language proficiency.”.

13 (b) EFFECTIVE DATE.—The amendments made by  
 14 this section shall take effect on October 1, 2008.

## 15 **Subtitle C—Travel and** 16 **Transportation Allowances**

### 17 **SEC. 631. SHIPMENT OF FAMILY PETS DURING EVACU-** 18 **ATION OF PERSONNEL.**

19 Section 406(b)(1) of title 37, United States Code, is  
 20 amended by adding at the end the following new subpara-  
 21 graph:

22 “(H)(i) Except as provided in paragraph (2) and sub-  
 23 ject to clause (iii), in connection with an evacuation from  
 24 a permanent station located in a foreign area, a member

1 is entitled to transportation (including shipment and pay-  
2 ment of any quarantine costs) of not more than two family  
3 household pets.

4 “(ii) A member entitled to transportation under  
5 clause (i) may be paid reimbursement or, at the member’s  
6 request, a monetary allowance in accordance with the pro-  
7 visions of subparagraph (F) if the member secures by  
8 commercial means shipment and any quarantining of the  
9 pets otherwise subject to transportation under clause (i).

10 “(iii) The provision of transportation under clause (i)  
11 and the payment of reimbursement under clause (ii) shall  
12 be subject to such regulations as the Secretary of Defense  
13 shall prescribe with respect to members of the armed  
14 forces for purposes of this subparagraph. Such regulations  
15 may specify limitations on the types or size of pets for  
16 which transportation may be so provided or reimburse-  
17 ment so paid.”.

18 **SEC. 632. SPECIAL WEIGHT ALLOWANCE FOR TRANSPOR-**  
19 **TATION OF PROFESSIONAL BOOKS AND**  
20 **EQUIPMENT FOR SPOUSES.**

21 (a) SPECIAL WEIGHT ALLOWANCE.—Section  
22 406(b)(1)(D) of title 37, United States Code, is amend-  
23 ed—

24 (1) by inserting “(i)” after “(D)”;



1           (2) in the second sentence of clause (i), as so  
2 redesignated, by striking “this subparagraph” and  
3 inserting “this clause”;

4           (3) by redesignating the last sentence as clause  
5 (iii) and indenting the margin of such clause, as so  
6 designated, two ems from the left margin; and

7           (4) by inserting after clause (i), as redesignated  
8 by paragraph (2), the following new clause:

9           “(ii) In addition to the weight allowance authorized  
10 for such member with dependents under paragraph (C),  
11 the Secretary concerned may authorize up to an additional  
12 500 pounds in weight allowance for shipment of profes-  
13 sional books and equipment belonging to the spouse of  
14 such member.”.

15           (b) EFFECTIVE DATE.—The amendments made by  
16 subsection (a) shall take effect on October 1, 2009, and  
17 shall apply with respect to shipment provided on or after  
18 that date.

19 **SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES**  
20 **FOR MEMBERS OF THE RESERVE COMPO-**  
21 **NENTS OF THE ARMED FORCES ON LEAVE**  
22 **FOR SUSPENSION OF TRAINING.**

23           (a) ALLOWANCES AUTHORIZED.—

1           (1) IN GENERAL.—Chapter 7 of title 37, United  
2 States Code, is amended by inserting after section  
3 411j the following new section:

4 **“§ 411k. Travel and transportation allowances: travel**  
5 **performed by certain members of the re-**  
6 **serve components of the armed forces in**  
7 **connection with leave for suspension of**  
8 **training**

9           “(a) ALLOWANCE AUTHORIZED.—The Secretary con-  
10 cerned may reimburse or provide transportation to a mem-  
11 ber of a reserve component of the armed forces on active  
12 duty for a period of more than 30 days who is performing  
13 duty at a temporary duty station for travel between the  
14 member’s temporary duty station and the member’s per-  
15 manent duty station in connection with authorized leave  
16 pursuant to a suspension of training.

17           “(b) MINIMUM DISTANCE BETWEEN STATIONS.—A  
18 member may be paid for or provided transportation under  
19 subsection (a) only as follows:

20           “(1) In the case of a member who travels be-  
21 tween a temporary duty station and permanent duty  
22 station by air transportation, if the distance between  
23 such stations is not less than 300 miles.

24           “(2) In the case of a member who travels be-  
25 tween a temporary duty station and permanent duty

1 station by ground transportation, if the distance be-  
2 tween such stations is more than the normal com-  
3 muting distance from the permanent duty station  
4 (as determined under the regulations prescribed  
5 under subsection (e)).

6 “(c) MINIMUM PERIOD OF SUSPENSION OF TRAIN-  
7 ING.—A member may be paid for or provided transpor-  
8 tation under subsection (a) only in connection with a sus-  
9 pension of training covered by that subsection that is five  
10 days or more in duration.

11 “(d) LIMITATION ON REIMBURSEMENT.—The  
12 amount a member may be paid under subsection (a) for  
13 travel may not exceed the amount that would be paid by  
14 the government (as determined under the regulations pre-  
15 scribed under subsection (e)) for the least expensive means  
16 of travel between the duty stations concerned.

17 “(e) REGULATIONS.—The Secretary concerned shall  
18 prescribe regulations to carry out this section. Regulations  
19 prescribed by the Secretary of a military department shall  
20 be subject to the approval of the Secretary of Defense.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-  
22 tions at the beginning of chapter 7 of such title is  
23 amended by inserting after the item relating to sec-  
24 tion 411j the following new item:

“411k. Travel and transportation allowances: travel performed by certain mem-  
bers of the reserve components of the armed forces in connec-  
tion with leave for suspension of training.”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) shall take effect on the date of the enact-  
3 ment of this Act, and shall apply with respect to travel  
4 that occurs on or after that date.

## 5 **Subtitle D—Retired Pay and** 6 **Survivor Benefits**

### 7 **SEC. 641. PRESENTATION OF BURIAL FLAG TO THE SUR-** 8 **VIVING SPOUSE AND CHILDREN OF MEM-** 9 **BERS OF THE ARMED FORCES WHO DIE IN** 10 **SERVICE.**

11 Section 1482(a) of title 10, United States Code, is  
12 amended by adding at the end the following new para-  
13 graphs:

14 “(12) Presentation of a flag of equal size to the  
15 flag presented under paragraph (10) to the surviving  
16 spouse (regardless of whether the surviving spouse  
17 remarries after the decedent’s death), if the person  
18 to be presented the flag under paragraph (10) is  
19 other than the surviving spouse.

20 “(13) Presentation of a flag of equal size to the  
21 flag presented under paragraph (10) to each child,  
22 regardless of whether the person to be presented a  
23 flag under paragraph (10) is a child of the decedent.

24 For purposes of this paragraph, the term ‘child’ has

1 the meaning prescribed by section 1477(d) of this  
2 title”.

3 **SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF**  
4 **SBP SURVIVOR ANNUITIES BY DEPENDENCY**  
5 **AND INDEMNITY COMPENSATION.**

6 (a) REPEAL.—

7 (1) IN GENERAL.—Subchapter II of chapter 73  
8 of title 10, United States Code, is amended as fol-  
9 lows:

10 (A) In section 1450, by striking subsection

11 (c).

12 (B) In section 1451(c)—

13 (i) by striking paragraph (2); and

14 (ii) by redesignating paragraphs (3)

15 and (4) as paragraphs (2) and (3), respec-

16 tively.

17 (2) CONFORMING AMENDMENTS.—Such sub-  
18 chapter is further amended as follows:

19 (A) In section 1450—

20 (i) by striking subsection (e);

21 (ii) by striking subsection (k); and

22 (iii) by striking subsection (m).

23 (B) In section 1451(g)(1), by striking sub-  
24 paragraph (C).

25 (C) In section 1452—

1 (i) in subsection (f)(2), by striking  
2 “does not apply—” and all that follows  
3 and inserting “does not apply in the case  
4 of a deduction made through administra-  
5 tive error.”; and

6 (ii) by striking subsection (g).

7 (D) In section 1455(c), by striking “,  
8 1450(k)(2),”.

9 (b) PROHIBITION ON RETROACTIVE BENEFITS.—No  
10 benefits may be paid to any person for any period before  
11 the effective date provided under subsection (f) by reason  
12 of the amendments made by subsection (a).

13 (c) PROHIBITION ON RECOUPMENT OF CERTAIN  
14 AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPI-  
15 ENTS.—A surviving spouse who is or has been in receipt  
16 of an annuity under the Survivor Benefit Plan under sub-  
17 chapter II of chapter 73 of title 10, United States Code,  
18 that is in effect before the effective date provided under  
19 subsection (f) and that is adjusted by reason of the  
20 amendments made by subsection (a) and who has received  
21 a refund of retired pay under section 1450(e) of title 10,  
22 United States Code, shall not be required to repay such  
23 refund to the United States.

1 (d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY  
2 FOR DEPENDENT CHILDREN.—Section 1448(d) of such  
3 title is amended—

4 (1) in paragraph (1), by striking “Except as  
5 provided in paragraph (2)(B), the Secretary con-  
6 cerned” and inserting “The Secretary concerned”;  
7 and

8 (2) in paragraph (2)—

9 (A) by striking “DEPENDENT CHIL-  
10 DREN.—” and all that follows through “In the  
11 case of a member described in paragraph (1),”  
12 and inserting “DEPENDENT CHILDREN ANNU-  
13 ITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—  
14 In the case of a member described in paragraph  
15 (1),”; and

16 (B) by striking subparagraph (B).

17 (e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY  
18 ELIGIBLE SPOUSES.—The Secretary of the military de-  
19 partment concerned shall restore annuity eligibility to any  
20 eligible surviving spouse who, in consultation with the Sec-  
21 retary, previously elected to transfer payment of such an-  
22 nuity to a surviving child or children under the provisions  
23 of section 1448(d)(2)(B) of title 10, United States Code,  
24 as in effect on the day before the effective date provided  
25 under subsection (f). Such eligibility shall be restored

1 whether or not payment to such child or children subse-  
 2 quently was terminated due to loss of dependent status  
 3 or death. For the purposes of this subsection, an eligible  
 4 spouse includes a spouse who was previously eligible for  
 5 payment of such annuity and is not remarried, or remar-  
 6 ried after having attained age 55, or whose second or sub-  
 7 sequent marriage has been terminated by death, divorce  
 8 or annulment.

9 (f) EFFECTIVE DATE.—The sections and the amend-  
 10 ments made by this section shall take effect on the later  
 11 of—

12 (1) the first day of the first month that begins  
 13 after the date of the enactment of this Act; or

14 (2) the first day of the fiscal year that begins  
 15 in the calendar year in which this Act is enacted.

## 16 **Subtitle E—Other Matters**

17 **SEC. 651. SEPARATION PAY, TRANSITIONAL HEALTH CARE,**  
 18 **AND TRANSITIONAL COMMISSARY AND EX-**  
 19 **CHANGE BENEFITS FOR MEMBERS OF THE**  
 20 **ARMED FORCES SEPARATED UNDER SUR-**  
 21 **VIVING SON OR DAUGHTER POLICY.**

22 (a) AVAILABILITY OF SEPARATION PAY OTHERWISE  
 23 AVAILABLE FOR INVOLUNTARY SEPARATION.—

24 (1) IN GENERAL.—A member of the Armed  
 25 Forces who is separated from the Armed Forces



1 under the Surviving Son or Daughter policy of the  
2 Department of Defense before the member completes  
3 twenty years of service in the Armed Force shall be  
4 entitled to separation pay payable under section  
5 1174 of title 10, United States Code.

6 (2) NO MINIMUM SERVICE BEFORE SEPARA-  
7 TION.—A member of the Armed Forces described in  
8 paragraph (1) who is separated from the Armed  
9 Forces as described in that paragraph is entitled to  
10 separation pay under that paragraph without regard  
11 to section 1174(c) of title 10, United States Code.

12 (3) INAPPLICABILITY OF REQUIREMENT FOR  
13 SERVICE IN READY RESERVE.—Section 1174(e) of  
14 title 10, United States Code, shall not apply to a  
15 member of the Armed Forces described in paragraph  
16 (1) who is separated from the Armed Forces as de-  
17 scribed in that paragraph.

18 (4) AMOUNT OF PAY.—The amount of the sepa-  
19 ration pay to be paid to a member pursuant to this  
20 subsection shall be based on the years of active serv-  
21 ice actually completed by the member before the  
22 member's separation from the Armed Forces as de-  
23 scribed in paragraph (1).

24 (b) TRANSITIONAL HEALTH CARE.—

1           (1) IN GENERAL.—A member of the Armed  
2           Forces who is separated from the Armed Forces  
3           under the Surviving Son or Daughter policy of the  
4           Department of Defense is entitled to health care  
5           benefits under section 1145 of title 10, United  
6           States Code, as if such member were an individual  
7           described by subsection (a)(2) of such section.

8           (2) DEPENDENTS.—The dependents of a mem-  
9           ber entitled to health care benefits under paragraph  
10          (1) are entitled to health care benefits in the same  
11          manner with respect to such member as dependents  
12          of members of the Armed Forces are entitled to such  
13          benefits with respect to such members under section  
14          1145 of title 10, United States Code.

15          (c) TRANSITIONAL COMMISSARY AND EXCHANGE  
16          BENEFITS.—A member of the Armed Forces who is sepa-  
17          rated from the Armed Forces under the Surviving Son or  
18          Daughter policy of the Department of Defense is entitled  
19          to continue to use commissary and exchange stores and  
20          morale, welfare, and recreational facilities in the same  
21          manner as a member on active duty in the Armed Forces  
22          during the two-year period beginning on the later of the  
23          following dates:

24                (1) The date of the separation of the member.

1           (2) The date on which the member is first noti-  
2           fied of the members entitlement to benefits under  
3           this subsection.

4           (d) SURVIVING SON OR DAUGHTER POLICY OF THE  
5           DEPARTMENT OF DEFENSE DEFINED.—In this section,  
6           the term “Surviving Son or Daughter policy of the De-  
7           partment of Defense” means the policy of the Department  
8           of Defense for the separation from the Armed Forces of  
9           a member of the Armed Forces who is a son or daughter  
10          in a family in which the father, mother, or another son  
11          or daughter—

12           (1) has been killed in action or died while serv-  
13          ing in the Armed Forces from a wound, accident, or  
14          disease;

15           (2) is a member of the Armed Forces in a cap-  
16          tured or missing-in-action status; or

17           (3) has a service-connected disability rated 100  
18          percent disabling (including a disability of 100 per-  
19          cent mental disability), as determined by the Sec-  
20          retary of Veterans Affairs or the Secretary of the  
21          military department concerned, and is not gainfully  
22          employed because of such disability.

1           **TITLE VII—HEALTH CARE**  
2                           **PROVISIONS**  
3           **Subtitle A—TRICARE Program**

4   **SEC. 701. CALCULATION OF MONTHLY PREMIUMS FOR COV-**  
5                           **ERAGE UNDER TRICARE RESERVE SELECT**  
6                           **AFTER 2008.**

7           (a) IN GENERAL.—Section 1076d(d)(3) of title 10,  
8 United States Code, is amended—

9                       (1) by inserting “(A)” after “(3)”;

10                      (2) in subparagraph (A), as so designated, by  
11 striking the second sentence; and

12                      (3) by adding at the end the following new sub-  
13 paragraph:

14           “(B) The appropriate actuarial basis for purposes of  
15 subparagraph (A) shall be determined as follows:

16                      “(i) For calendar year 2009, by utilizing the re-  
17 ported cost of providing benefits under this section  
18 to members and their dependents during calendar  
19 years 2006 and 2007.

20                      “(ii) For each calendar year after calendar year  
21 2009, by utilizing the actual cost of providing bene-  
22 fits under this section to members and their depend-  
23 ents during the calendar years preceding such cal-  
24 endar year.”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on October 1, 2008.

3 **Subtitle B—Other Health Care**  
4 **Authorities**

5 **SEC. 711. ENHANCEMENT OF MEDICAL AND DENTAL READI-**  
6 **NESS OF MEMBERS OF THE ARMED FORCES.**

7 (a) EXPANSION OF AVAILABILITY OF MEDICAL AND  
8 DENTAL SERVICES FOR RESERVES.—

9 (1) EXPANSION OF AVAILABILITY FOR RE-  
10 SERVES ASSIGNED TO UNITS SCHEDULED FOR DE-  
11 PLOYMENT WITHIN 75 DAYS OF MOBILIZATION.—  
12 Subsection (d)(1) of section 1074a of title 10,  
13 United States Code, is amended by striking “The  
14 Secretary of the Army shall provide to members of  
15 the Selected Reserve of the Army” and inserting  
16 “The Secretary concerned shall provide to members  
17 of the Selected Reserve”.

18 (2) AVAILABILITY FOR CERTAIN OTHER RE-  
19 SERVES.—Such section is further amended by add-  
20 ing at the end the following new subsection:

21 “(g)(1) The Secretary concerned may provide to any  
22 member of the Selected Reserve not described in sub-  
23 section (d)(1) or (f), and to any member of the Individual  
24 Ready Reserve with a specially designated deployment re-  
25 sponsibility, the medical and dental services specified in

1 subsection (d)(1) if the Secretary determines that the re-  
2 ceipt of such services by such member is necessary to en-  
3 sure that the member meets applicable standards of med-  
4 ical and dental readiness.

5 “(2) Services may not be provided to a member under  
6 this subsection for a condition that is the result of the  
7 member’s own misconduct.

8 “(3) The services provided under this subsection shall  
9 be provided at no cost to the member.”.

10 (3) FUNDING.—Such section is further amend-  
11 ed by adding at the end the following new sub-  
12 section:

13 “(h) Amounts available for operation and mainte-  
14 nance of a reserve component of the armed forces may  
15 be available for purposes of this section to ensure the med-  
16 ical and dental readiness of members of such reserve com-  
17 ponent.”.

18 (b) WAIVER OF CERTAIN COPAYMENTS FOR DENTAL  
19 CARE FOR RESERVES FOR READINESS PURPOSES.—Sec-  
20 tion 1076a(e) of such title is amended—

21 (1) by redesignating paragraphs (1), (2), and  
22 (3) as subparagraphs (A), (B), and (C), respectively;

23 (2) by striking “A member or dependent” and  
24 inserting “(1) Except as provided pursuant to para-  
25 graph (2), a member or dependent”; and

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

3           “(2) During a national emergency declared by the  
4 President or Congress, the Secretary of Defense may  
5 waive, whether in whole or in part, the charges otherwise  
6 payable by a member of the Selected Reserve of the Ready  
7 Reserve or a member of the Individual Ready Reserve  
8 under paragraph (1) for the coverage of the member alone  
9 under the dental insurance plan established under sub-  
10 section (a)(1) if the Secretary determines that such waiver  
11 of the charges would facilitate or ensure the readiness of  
12 a unit or individual for a scheduled deployment.”.

13           (c) REPORT ON POLICIES AND PROCEDURES IN SUP-  
14 PORT OF MEDICAL AND DENTAL READINESS.—

15           (1) IN GENERAL.—Not later than March 1,  
16 2009, the Secretary of Defense shall submit to the  
17 Committees on Armed Services of the Senate and  
18 the House of Representatives a report on the policies  
19 and procedures of the Department of Defense to en-  
20 sure the medical and dental readiness of members of  
21 the Armed Forces.

22           (2) ELEMENTS.—The report required by para-  
23 graph (1) shall include the following:

24                   (A) A description of the current standards  
25                   of each military department with respect to the

1 medical and dental readiness of individual mem-  
2 bers of the Armed Forces (including members  
3 of the regular components and members of the  
4 reserve components), and with respect to the  
5 medical and dental readiness of units of the  
6 Armed Forces (including units of the regular  
7 components and units of the reserve compo-  
8 nents), under the jurisdiction of such military  
9 department.

10 (B) A description of the manner in which  
11 each military department applies the standards  
12 described under subparagraph (A) with respect  
13 to each of the following:

14 (i) Performance evaluation.

15 (ii) Promotion.

16 (iii) In the case of the members of the  
17 reserve components, eligibility to attend  
18 annual training.

19 (iv) Continued retention in service in  
20 the Armed Forces.

21 (v) Such other matters as the Sec-  
22 retary considers appropriate.

23 (C) A statement of the number of members  
24 of the Armed Forces (including members of the  
25 regular components and members of the reserve



1 components) who were determined to be not  
2 ready for deployment at any time during the  
3 period beginning on October 1, 2001, and end-  
4 ing on September 30, 2008, due to failure to  
5 meet applicable medical or dental standards,  
6 and an assessment of whether the unreadiness  
7 of such members for deployment could reason-  
8 ably have been mitigated by actions of the  
9 members concerned to maintain individual med-  
10 ical or dental readiness.

11 (D) A description of any actual or per-  
12 ceived barriers to the achievement of full med-  
13 ical and dental readiness in the Armed Forces  
14 (including among the regular components and  
15 the reserve components), including, but not lim-  
16 ited to, barriers associated with the following:

17 (i) Quality or cost of, or access to,  
18 medical and dental care.

19 (ii) Availability of programs and in-  
20 centives intended to prevent medical or  
21 dental problems.

22 (E) Such recommendations for legislative  
23 or administrative action as the Secretary con-  
24 siders appropriate to ensure the medical and  
25 dental readiness of individual members of the

1 Armed Forces and units of the Armed Forces,  
2 including, but not limited to, recommendations  
3 regarding the following:

4 (i) The advisability of requiring that  
5 fitness reports of members of the Armed  
6 Forces include—

7 (I) a statement of whether or not  
8 a member meets medical and dental  
9 readiness standards for deployment;  
10 and

11 (II) in cases in which a member  
12 does not meet such standard, a state-  
13 ment of actions being taken to ensure  
14 that the member meets such stand-  
15 ards and the anticipated schedule for  
16 meeting such standards.

17 (ii) The advisability of establishing a  
18 mandatory promotion standard relating to  
19 individual medical and dental readiness  
20 and, in the case of a unit commander, unit  
21 medical and dental readiness.

1 **SEC. 712. ADDITIONAL AUTHORITY FOR STUDIES AND DEM-**  
2 **ONSTRATION PROJECTS RELATING TO DE-**  
3 **LIVERY OF HEALTH AND MEDICAL CARE.**

4 Section 1092(a) of title 10, United States Code, is  
5 amended by adding at the end the following new para-  
6 graphs:

7 “(3) The Secretary of Defense may include in the  
8 studies and demonstration projects conducted under para-  
9 graph (1) studies and demonstration projects to provide  
10 awards and incentives to members of the armed forces and  
11 covered beneficiaries who obtain health promotion and dis-  
12 ease prevention health care services in accordance with  
13 terms and schedules prescribed by the Secretary. Such  
14 awards and incentives may include, but are not limited  
15 to, cash awards and, in the case of members of the armed  
16 forces, personnel incentives.

17 “(4)(A) The Secretary of Defense may, in consulta-  
18 tion with the other administering Secretaries, include in  
19 the studies and demonstration projects conducted under  
20 paragraph (1) studies and demonstration projects to pro-  
21 vide awards or incentives to individual health care profes-  
22 sionals under the authority of such Secretaries, including  
23 members of the uniformed services, Federal civilian em-  
24 ployees, and contractor personnel, to encourage and re-  
25 ward effective implementation of innovative health care  
26 programs designed to improve quality, cost-effectiveness,

1 health promotion, medical readiness, and other priority ob-  
2 jectives. Such awards and incentives may include, but are  
3 not limited to, cash awards and, in the case of members  
4 of the armed forces, personnel incentives.

5 “(B) Amounts available for the pay of members of  
6 the uniformed services shall be available for awards and  
7 incentives under this paragraph with respect to members  
8 of the uniformed services.

9 “(5) The Secretary of Defense may include in the  
10 studies and demonstration projects conducted under para-  
11 graph (1) studies and demonstration projects to improve  
12 the medical and dental readiness of members of reserve  
13 components of the armed forces, including the provision  
14 of health care services to such members for which they  
15 are not otherwise entitled or eligible under this chapter.

16 “(6) The Secretary of Defense may include in the  
17 studies and demonstration projects conducted under para-  
18 graph (1) studies and demonstration projects to improve  
19 the continuity of health care services for family members  
20 of mobilized members of the reserve components of the  
21 armed forces who are eligible for such services under this  
22 chapter, including payment of a stipend for continuation  
23 of employer-provided health coverage during extended pe-  
24 riods of active duty.”.

1 **SEC. 713. TRAVEL FOR ANESTHESIA SERVICES FOR CHILD-**  
2 **BIRTH FOR DEPENDENTS OF MEMBERS AS-**  
3 **SIGNED TO VERY REMOTE LOCATIONS OUT-**  
4 **SIDE THE CONTINENTAL UNITED STATES.**

5 Section 1040(a) of title 10, United States Code, is  
6 amended—

7 (1) by inserting “(1)” after “(a)”; and

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

10 “(2)(A) For purposes of paragraph (1), required  
11 medical attention of a dependent shall include anesthesia  
12 services for childbirth for the dependent equivalent to the  
13 anesthesia services for childbirth that would be available  
14 to the dependent in military treatment facilities located  
15 in the United States.

16 “(B) In the case of a dependent in a remote location  
17 outside the continental United States who elects services  
18 authorized by subparagraph (A), the transportation au-  
19 thorized in paragraph (1) may consist of transportation  
20 to a military treatment facility providing such services  
21 that is located in the continental United States nearest  
22 to the closest port of entry into the continental United  
23 States from such remote location.

24 “(C) The second through sixth sentences of para-  
25 graph (1) shall apply to a dependent provided transpor-  
26 tation under this paragraph.

1       “(D) Notwithstanding any other provision of this  
2 paragraph, the total cost incurred by the United States  
3 for the provision of transportation and expenses (including  
4 per diem) with respect to a dependent under this para-  
5 graph may not exceed the cost the United States would  
6 otherwise incur for the provision of transportation and ex-  
7 penses with respect to the dependent under paragraph (1)  
8 if the transportation and expenses were provided to the  
9 dependent under paragraph (1) rather than this para-  
10 graph.”.

## 11       **Subtitle C—Other Health Care** 12   **Matters**

### 13       **SEC. 721. REPEAL OF PROHIBITION ON CONVERSION OF** 14   **MILITARY MEDICAL AND DENTAL POSITIONS** 15   **TO CIVILIAN MEDICAL AND DENTAL POSI-** 16   **TIONS.**

17       (a) REPEAL.—Subsection (a) of section 721 of the  
18 National Defense Authorization Act for Fiscal Year 2008  
19 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c  
20 note) is repealed.

21       (b) REVIVAL OF CERTIFICATION AND REPORT RE-  
22 QUIREMENTS ON CONVERSION OF POSITIONS.—

23               (1) IN GENERAL.—The provisions of sub-  
24 sections (a) and (b) of section 742 of the John War-  
25 ner National Defense Authorization Act for Fiscal

1 Year 2007 (Public Law 109–364; 120 Stat. 2306),  
2 as in effect on January 27, 2008 (the day before the  
3 date of the enactment of the National Defense Au-  
4 thorization Act for Fiscal Year 2008), are hereby re-  
5 vived.

6 (2) APPLICABLE DEFINITIONS.—In the dis-  
7 charge of subsections (a) and (b) of section 742 of  
8 the John Warner National Defense Authorization  
9 Act for Fiscal Year 2007, as revived by paragraph  
10 (1), the following definitions shall apply:

11 (A) The definitions in paragraphs (1)  
12 through (4) of section 742(f) of the John War-  
13 ner National Defense Authorization Act for Fis-  
14 cal Year 2007, as in effect on January 27,  
15 2008.

16 (B) The definition in section 721(d)(4) of  
17 the National Defense Authorization Act for Fis-  
18 cal Year 2008.

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

5 **Subtitle A—Provisions Relating to**  
6 **Major Defense Acquisition Pro-**  
7 **grams**

8 **SEC. 801. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR**  
9 **DEFENSE ACQUISITION PROGRAMS UNDER**  
10 **ACQUISITION REPORTING REQUIREMENTS.**

11 (a) AUTHORITY TO DESIGNATE MAJOR SUBPRO-  
12 GRAMS AS SUBJECT TO ACQUISITION REPORTING RE-  
13 QUIREMENTS.—

14 (1) IN GENERAL.—Chapter 144 of title 10,  
15 United States Code, is amended by inserting after  
16 section 2430 following new section:

17 **“§ 2430a. Major subprograms**

18 “(a) AUTHORITY TO DESIGNATE MAJOR SUBPRO-  
19 GRAMS AS SUBJECT TO ACQUISITION REPORTING RE-  
20 QUIREMENTS.—(1) If the Secretary of Defense determines  
21 that a major defense acquisition program requires the de-  
22 livery of two or more categories of end items which differ  
23 significantly from each other in form and function, the  
24 Secretary may designate each such category of end items



1 as a major subprogram for the purposes of acquisition re-  
2 porting under this chapter.

3 “(2) The Secretary shall notify the congressional de-  
4 fense committees in writing of any proposed designation  
5 pursuant to paragraph (1) not less than 30 days before  
6 the date such designation takes effect.

7 “(b) REPORTING REQUIREMENTS.—If the Secretary  
8 designates a major subprogram of a major defense acquisi-  
9 tion program in accordance with subsection (a), Selected  
10 Acquisition Reports, unit cost reports, and program base-  
11 lines under this chapter shall reflect cost, schedule, and  
12 performance information—

13 “(1) for the major defense acquisition program  
14 as a whole; and

15 “(2) for each major subprogram of the major  
16 defense acquisition program so designated.

17 “(c) UNIT COSTS.—Notwithstanding paragraphs (1)  
18 and (2) of section 2432(a) of this title, in the case of a  
19 major defense acquisition program for which the Secretary  
20 has designated one or more major subprograms under this  
21 section for the purposes of this chapter—

22 “(1) the term ‘program acquisition unit cost’  
23 means the total cost for the development and pro-  
24 curement of, and specific military construction for,  
25 the major defense acquisition program that is rea-

1 sonably allocable to each such major subprogram, di-  
2 vided by the relevant number of fully-configured end  
3 items to be produced under such major subprogram;  
4 and

5 “(2) the term ‘procurement unit cost’ means  
6 the total of all funds programmed to be available for  
7 obligation for procurement for each such major sub-  
8 program, divided by the number of fully-configured  
9 end items to be procured under such major subpro-  
10 gram.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-  
12 tions at the beginning of chapter 144 of such title  
13 is amended by inserting after the item relating to  
14 section 2430 the following new item:

“2430a. Major subprograms.”.

15 (b) CONFORMING AMENDMENTS.—Chapter 144 of  
16 such title is further amended as follows:

17 (1) In section 2432—

18 (A) in subsection (c)—

19 (i) in paragraph (1)(B)—

20 (I) by inserting “or designated  
21 major subprogram” after “for each  
22 major defense acquisition program”;  
23 and

24 (II) by inserting “or subpro-  
25 gram” after “the program”;

1 (ii) in paragraph (3)(A), by inserting  
2 “or designated major subprogram” after  
3 “for each major defense acquisition pro-  
4 gram”; and

5 (B) in subsection (e)—

6 (i) in paragraph (3), by inserting be-  
7 fore the period the following: “for the pro-  
8 gram (or for each designated major sub-  
9 program under the program)”; and

10 (ii) in paragraph (5), by inserting be-  
11 fore the period the following: “(or for each  
12 designated major subprogram under the  
13 program)”.

14 (2) In section 2433—

15 (A) in subsection (a)—

16 (i) by striking “The terms” and in-  
17 serting “Except as provided in section  
18 2430a(c) of this title, the terms”;

19 (ii) in paragraph (4)—

20 (I) in subparagraphs (A) and  
21 (B), by inserting “or designated major  
22 defense subprogram” after “major de-  
23 fense acquisition program”; and

1 (II) by inserting “or subpro-  
2 gram” after “the program” each place  
3 it appears; and

4 (iii) in paragraph (5)—

5 (I) in subparagraphs (A) and  
6 (B), by inserting “or designated major  
7 defense subprogram” after “major de-  
8 fense acquisition program”; and

9 (II) by inserting “or subpro-  
10 gram” after “the program” each place  
11 it appears;

12 (B) in subsection (b)—

13 (i) in the matter preceding paragraph  
14 (1), by inserting “(and for each designated  
15 major subprogram under the program”  
16 after “unit costs of the program”;

17 (ii) in paragraph (1), by inserting be-  
18 fore the period the following: “for the pro-  
19 gram (or for each designated major sub-  
20 program under the program)”;

21 (iii) in paragraph (2), by inserting be-  
22 fore the period the following: “for the pro-  
23 gram (or for each designated major sub-  
24 program under the program)”;

1 (iv) in paragraph (5), by inserting “or  
2 subprogram” after “the program” each  
3 place it appears (other than the last place  
4 it appears);

5 (C) in subsection (c)—

6 (i) by striking “the program acquisi-  
7 tion unit cost for the program or the pro-  
8 curement unit cost for the program” and  
9 inserting “the program acquisition unit  
10 cost for the program (or for a designated  
11 major subprogram under the program) or  
12 the procurement unit cost for the program  
13 (or for such a subprogram)”; and

14 (ii) by striking “for the program”  
15 after “significant cost growth threshold”;

16 (D) in subsection (d)—

17 (i) in paragraph (1)—

18 (I) by inserting “or any des-  
19 ignated major subprogram under the  
20 program” after “for the program” the  
21 first place it appears; and

22 (II) by inserting “or subpro-  
23 gram” after “the program” the sec-  
24 ond place it appears;

25 (ii) in paragraph (2)—

1 (I) by inserting “or any des-  
2 igned major subprogram under the  
3 program” after “the program” the  
4 first place it appears; and

5 (II) by inserting “or subpro-  
6 gram” after “the program” the sec-  
7 ond place it appears; and

8 (iii) in paragraph (3), by striking  
9 “such program” and inserting “the pro-  
10 gram or subprogram concerned”;

11 (E) in subsection (e)—

12 (i) in paragraph (1)—

13 (I) in subparagraph (A)—

14 (aa) by inserting “or des-  
15 igned major subprogram” after  
16 “major defense acquisition pro-  
17 gram”; and

18 (bb) by inserting “or sub-  
19 program” after “the program”;  
20 and

21 (II) in subparagraph (B)—

22 (aa) by inserting “or des-  
23 igned major subprogram” after  
24 “major defense acquisition pro-  
25 gram”; and

1 (bb) by inserting “or sub-  
2 program” after “that program”;

3 (ii) in paragraph (2)—

4 (I) in the matter preceding sub-  
5 paragraph (A)—

6 (aa) by inserting “or des-  
7 igned major subprogram” after  
8 “major defense acquisition pro-  
9 gram”; and

10 (bb) by inserting “or sub-  
11 program” after “the program”;

12 (II) in subparagraph (A), by in-  
13 sserting “or subprogram” after “pro-  
14 gram” each place it appears;

15 (III) in subparagraph (B), by in-  
16 sserting “or subprogram” after “such  
17 acquisition program” each place it ap-  
18 pears; and

19 (IV) in subparagraph (C), by in-  
20 sserting “or subprogram” after “such  
21 program”; and

22 (iii) in paragraph (3)—

23 (I) in the matter preceding sub-  
24 paragraph (A)—

- 1 (aa) by inserting “or subpro-  
2 gram concerned” after “the pro-  
3 gram”; and
- 4 (bb) by inserting “or des-  
5 ignated major subprogram” after  
6 “major defense acquisition pro-  
7 gram”; and
- 8 (II) in subparagraphs (A) and  
9 (B), by inserting “or subprogram”  
10 after “that program” each place it ap-  
11 pears; and
- 12 (F) in subsection (g)—
- 13 (i) in paragraph (1)—
- 14 (I) in subparagraph (D), by in-  
15 sserting “(and for each designated  
16 major subprogram under the pro-  
17 gram)” after “the program”;
- 18 (II) in subparagraph (E), by in-  
19 sserting “for the program (and for  
20 each designated major subprogram  
21 under the program)” after “program  
22 acquisition cost”;
- 23 (III) in subparagraph (F), by in-  
24 sserting before the period the following:  
25 “for the program (or for any des-



1           ignated major subprogram under the  
2           program)”;

3           (IV) in subparagraph (J), by in-  
4           serting “for the program (or for each  
5           designated major subprogram under  
6           the program)” after “program acqui-  
7           sition unit cost”;

8           (V) in subparagraph (K), by in-  
9           serting “for the program (or for each  
10          designated major subprogram under  
11          the program)” after “procurement  
12          unit cost”; and

13          (VI) in subparagraph (O), by in-  
14          serting before the period the following:  
15          “for the program (or for any des-  
16          ignated major subprogram under the  
17          program)”; and

18          (ii) in paragraph (2)—

19           (I) by inserting “or designated  
20           major subprogram” after “major de-  
21           fense acquisition program”;

22           (II) by inserting “or subpro-  
23           gram” after “the entire program”;  
24           and

1 (III) by inserting “or subpro-  
2 gram” after “a program”.

3 **SEC. 802. INCLUSION OF CERTAIN MAJOR INFORMATION**  
4 **TECHNOLOGY INVESTMENTS IN ACQUISITION**  
5 **OVERSIGHT AUTHORITIES FOR MAJOR AUTO-**  
6 **MATED INFORMATION SYSTEM PROGRAMS.**

7 (a) DEFINITIONS.—

8 (1) IN GENERAL.—Section 2445a of title 10,  
9 United States Code, is amended—

10 (A) in subsection (a), by striking “IN GEN-  
11 ERAL” and inserting “MAJOR AUTOMATED IN-  
12 FORMATION SYSTEM PROGRAM”; and

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

15 “(d) OTHER MAJOR INFORMATION TECHNOLOGY IN-  
16 VESTMENT PROGRAM.—In this chapter, the term ‘other  
17 major information technology investment program’ means  
18 the following:

19 “(1) An investment that is designated by the  
20 Secretary of Defense, or a designee of the Secretary,  
21 as a ‘pre-Major Automated Information System’ or  
22 ‘pre-MAIS’ program.

23 “(2) Any other investment in automated infor-  
24 mation system products or services that is expected  
25 to exceed the thresholds established in subsection

1 (a), as adjusted under subsection (b), but is not con-  
 2 sidered to be a major automated information system  
 3 program because a formal acquisition decision has  
 4 not yet been made with respect to such invest-  
 5 ment.”.

6 (2) **HEADING AMENDMENT.**—The heading of  
 7 such section is amended to read as follows:

8 **“§ 2445a. Definitions”.**

9 (3) **CLERICAL AMENDMENT.**—The table of sec-  
 10 tions at the beginning of chapter 144A of such title  
 11 is amended by striking the item relating to section  
 12 2445a and inserting the following new item:

“2445a. Definitions.”.

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

15 (1) in subsection (a), by inserting “and each  
 16 other major information technology investment pro-  
 17 gram” after “each major automated information  
 18 system program”;

19 (2) in subsection (b), by inserting “**REGARDING**  
 20 **MAJOR AUTOMATED INFORMATION SYSTEM PRO-**  
 21 **GRAMS”** after “**ELEMENTS”**; and

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

24 “(d) **ELEMENTS REGARDING OTHER MAJOR INFOR-**  
 25 **MATION TECHNOLOGY INVESTMENT PROGRAMS.**—With

1 respect to each other major information technology invest-  
2 ment program, the information required by subsection (a)  
3 may be provided in the format that is most appropriate  
4 to the current status of the program.”.

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

7 (1) in subsection (a)—

8 (A) by inserting “or other major informa-  
9 tion technology investment” after “major auto-  
10 mated information system” the first place it ap-  
11 pears; and

12 (B) by inserting “or major information  
13 technology” after “major automated informa-  
14 tion system” the second place it appears;

15 (2) in subsection (b)—

16 (A) by inserting “or other major informa-  
17 tion technology investment” after “major auto-  
18 mated information system” in the matter pre-  
19 ceding paragraph (1); and

20 (B) by inserting “or information tech-  
21 nology” after “automated information system”  
22 each place it appears in paragraphs (1) and (2);  
23 (3) in subsection (d)—

24 (A) in paragraph (1), by inserting “or  
25 other major information technology investment”

1 after “major automated information system”;

2 and

3 (B) in paragraph (2)—

4 (i) by redesignating subparagraphs

5 (B), (C), and (D) as subparagraphs (C),

6 (D), and (E), respectively; and

7 (ii) by striking subparagraph (A) and

8 inserting the following new subparagraphs:

9 “(A) no Milestone B decision has been  
10 made after more than two years of investment  
11 in the program;

12 “(B) the system failed to achieve initial  
13 operational capability within three years after  
14 milestone B approval;”;

15 (iii) in subparagraph (C), as redesignated  
16 by clause (i) of this subparagraph,  
17 by inserting before the semicolon the following:  
18 “or section 2445b(d) of this title,  
19 as applicable”;

20 (iv) in subparagraph (D), as so redesignated,  
21 by inserting before the semicolon  
22 the following: “or section 2445b(d) of this  
23 title, as applicable”; and

24 (v) in subparagraph (E), as so redesignated—  
25

1 (I) by inserting “or major infor-  
2 mation technology” after “major auto-  
3 mated information system”; and

4 (II) by inserting before the pe-  
5 riod the following: “or section  
6 2445b(d) of this title, as applicable”;

7 (4) in subsection (e), by inserting “or other  
8 major information technology investment” after  
9 “major automated information system”; and

10 (5) in subsection (f)—

11 (A) by inserting “or other major informa-  
12 tion technology investment” after “major auto-  
13 mated information system” in the matter pre-  
14 ceding paragraph (1);

15 (B) in paragraph (1), by inserting “or in-  
16 formation technology” after “automated infor-  
17 mation system”;

18 (C) in paragraph (2), by inserting “or  
19 technology” after “the system”; and

20 (D) in paragraph (3), by inserting “or  
21 technology, as applicable,” after “the program  
22 and system”.

1 **SEC. 803. CONFIGURATION STEERING BOARDS FOR COST**  
2 **CONTROL UNDER MAJOR DEFENSE ACQUI-**  
3 **SION PROGRAMS.**

4 (a) CONFIGURATION STEERING BOARDS.—Each Sec-  
5 retary of a military department shall establish one or more  
6 boards (to be known as a “Configuration Steering  
7 Board”) for the major defense acquisition programs of  
8 such department.

9 (b) COMPOSITION.—

10 (1) CHAIR.—Each Configuration Steering  
11 Board under this section shall be chaired by the  
12 service acquisition executive of the military depart-  
13 ment concerned.

14 (2) PARTICULAR MEMBERS.—Each Configura-  
15 tion Steering Board under this section shall include  
16 a representative of the following:

17 (A) The Office of the Under Secretary of  
18 Defense for Acquisition, Technology, and Logis-  
19 tics.

20 (B) The Chief of Staff of the Armed Force  
21 concerned.

22 (C) The Joint Staff.

23 (D) The Comptroller of the military de-  
24 partment concerned.

25 (E) The military deputy to the service ac-  
26 quisition executive concerned.

1           (F) The program executive officer for the  
2           major defense acquisition program concerned.

3           (c) RESPONSIBILITIES.—

4           (1) IN GENERAL.—The Configuration Steering  
5           Board for a major defense acquisition program  
6           under this section shall be responsible for the fol-  
7           lowing:

8                   (A) Preventing unnecessary changes to  
9                   program requirements and system configuration  
10                  that could have an adverse impact on program  
11                  cost or schedule.

12                  (B) Mitigating the adverse cost and sched-  
13                  ule impact of any changes to program require-  
14                  ments that may be required.

15                  (C) Ensuring that the program delivers as  
16                  much planned capability as possible, consistent  
17                  with the program baseline.

18           (2) DISCHARGE OF RESPONSIBILITIES.—In dis-  
19           charging its responsibilities under this section with  
20           respect to a major defense acquisition program, a  
21           Configuration Steering Board shall—

22                   (A) review and approve or disapprove any  
23                   proposed changes to program requirements or  
24                   system configuration that have the potential to  
25                   adversely impact program cost or schedule; and



1           (B) review and recommend proposals to re-  
2           duce program requirements that have the po-  
3           tential to improve program cost or schedule in  
4           a manner consistent with program objectives.

5           (3) PRESENTATION RECOMMENDATIONS ON RE-  
6           DUCTION IN REQUIREMENTS.—Any recommendation  
7           for a proposed reduction in requirements that is  
8           made by a Configuration Steering Board under  
9           paragraph (2)(B) shall be presented to appropriate  
10          organizations of the Joint Staff and the military de-  
11          partments responsible for such requirements for re-  
12          view and approval in accordance with applicable pro-  
13          cedures.

14          (4) ANNUAL CONSIDERATION OF EACH MAJOR  
15          DEFENSE ACQUISITION PROGRAM.—The Secretary of  
16          the military department concerned shall ensure that  
17          a Configuration Steering Board under this section  
18          meets to consider each major defense acquisition  
19          program of such military department at least once  
20          each year.

21          (d) APPLICABILITY.—

22                (1) IN GENERAL.—The requirements of this  
23                section shall apply with respect to any major defense  
24                acquisition program that is commenced before, on,  
25                or after the date of the enactment of this Act.

1           (2) CURRENT PROGRAMS.—In the case of any  
2 major defense acquisition program that is ongoing  
3 as of the date of the enactment of this Act, a Con-  
4 figuration Steering Board under this section shall be  
5 established for such program not later than 60 days  
6 after the date of the enactment of this Act.

7           (e) GUIDANCE ON AUTHORITIES OF PROGRAM MAN-  
8 AGERS AFTER MILESTONE B.—

9           (1) MODIFICATION OF GUIDANCE ON AUTHORI-  
10 TIES.—Paragraph (2) of section 853(d) of the John  
11 Warner National Defense Authorization Act for Fis-  
12 cal Year 2007 (Public Law 109–364; 120 Stat.  
13 2343) is amended to read as follows:

14           “(2) authorities available to the program man-  
15 ager, including—

16           “(A) the authority to object to the addition  
17 of new program requirements that would be in-  
18 consistent with the parameters established at  
19 Milestone B (or Key Decision Point B in the  
20 case of a space program) and reflected in the  
21 performance agreement, unless such require-  
22 ments are approved by the appropriate Configu-  
23 ration Steering Board; and

24           “(B) the authority to recommend to the  
25 appropriate Configuration Steering Board re-

1           duced program requirements that have the po-  
2           tential to improve program cost or schedule in  
3           a manner consistent with program objectives;  
4           and”.

5           (2) APPLICABILITY.—The Secretary of Defense  
6           shall modify the guidance described in section  
7           853(d) of the John Warner National Defense Au-  
8           thorization Act for Fiscal Year 2007 in order to take  
9           into account the amendment made by paragraph (1)  
10          not later than 60 days after the date of the enact-  
11          ment of this Act.

12          (f) MAJOR DEFENSE ACQUISITION PROGRAM DE-  
13          FINED.—In this section, the term “major defense acqui-  
14          sition program” has the meaning given that term in section  
15          2430(a) of title 10, United States Code.

## 16       **Subtitle B—Acquisition Policy and** 17       **Management**

### 18       **SEC. 811. INTERNAL CONTROLS FOR PROCUREMENTS ON** 19                       **BEHALF OF THE DEPARTMENT OF DEFENSE** 20                       **BY CERTAIN NON-DEFENSE AGENCIES.**

21          (a) INSPECTOR GENERAL REVIEWS AND DETER-  
22          MINATIONS.—

23               (1) IN GENERAL.—For each covered non-de-  
24               fense agency, the Inspector General of the Depart-  
25               ment of Defense and the Inspector General of such

1 non-defense agency shall, not later than March 15,  
2 2009, jointly—

3 (A) review—

4 (i) the procurement policies, proce-  
5 dures, and internal controls of such non-  
6 defense agency that are applicable to the  
7 procurement of property and services on  
8 behalf of the Department by such non-de-  
9 fense agency; and

10 (ii) the administration of those poli-  
11 cies, procedures, and internal controls; and

12 (B) determine in writing whether—

13 (i) such non-defense agency is compli-  
14 ant with defense procurement require-  
15 ments;

16 (ii) such non-defense agency is not  
17 compliant with defense procurement re-  
18 quirements, but has a program or initiative  
19 to significantly improve compliance with  
20 defense procurement requirements;

21 (iii) neither of the conclusions stated  
22 in clauses (i) and (ii) is correct in the case  
23 of such non-defense agency; or

24 (iv) such non-defense agency is not  
25 compliant with defense procurement re-

1            requirements to such an extent that the in-  
2            terests of the Department of Defense are  
3            at risk in procurements conducted by such  
4            non-defense agency.

5            (2) ACTIONS FOLLOWING CERTAIN DETERMINA-  
6            TIONS.—If the Inspectors General determine under  
7            paragraph (1) that the conclusion stated in clause  
8            (ii), (iii), or (iv) of subparagraph (B) of that para-  
9            graph is correct in the case of a covered non-defense  
10          agency, such Inspectors General shall, not later than  
11          June 15, 2010, jointly—

12            (A) conduct a second review, as described  
13            in subparagraph (A) of that paragraph, regard-  
14            ing such non-defense agency’s procurement of  
15            property or services on behalf of the Depart-  
16            ment of Defense in fiscal year 2009; and

17            (B) determine in writing whether such  
18            non-defense agency is or is not compliant with  
19            defense procurement requirements.

20          (b) COMPLIANCE WITH DEFENSE PROCUREMENT  
21          REQUIREMENTS.—For the purposes of this section, a cov-  
22          ered non-defense agency is compliant with defense pro-  
23          curement requirements if such non-defense agency’s pro-  
24          curement policies, procedures, and internal controls appli-  
25          cable to the procurement of products and services on be-

1 half of the Department of Defense, and the manner in  
2 which they are administered, are adequate to ensure such  
3 non-defense agency's compliance with the requirements of  
4 laws and regulations that apply to procurements of prop-  
5 erty and services made directly by the Department of De-  
6 fense.

7 (c) MEMORANDA OF UNDERSTANDING BETWEEN IN-  
8 SPECTORS GENERAL.—

9 (1) IN GENERAL.—Not later than 60 days after  
10 the date of the enactment of this Act, the Inspector  
11 General of the Department of Defense and the In-  
12 spector General of each covered non-defense agency  
13 shall enter into a memorandum of understanding  
14 with each other to carry out the reviews and make  
15 the determinations required by this section.

16 (2) SCOPE OF MEMORANDA.—The Inspector  
17 General of the Department of Defense and the In-  
18 spector General of a covered non-defense agency  
19 may by mutual agreement conduct separate reviews  
20 of the procurement of property and services on be-  
21 half of the Department of Defense that are con-  
22 ducted by separate business units, or under separate  
23 governmentwide acquisition contracts, of such non-  
24 defense agency. In any case where such separate re-  
25 views are conducted, the Inspectors General shall

1 make separate determinations under paragraph (1)  
2 or (2) of subsection (a), as applicable, with respect  
3 to each such separate review.

4 (d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF  
5 DEPARTMENT OF DEFENSE.—

6 (1) LIMITATION DURING REVIEW PERIOD.—

7 After March 15, 2009, and before June 16, 2010,  
8 no official of the Department of Defense may, except  
9 as provided in subsection (e) or (f), order, purchase,  
10 or otherwise procure property or services in an  
11 amount in excess of \$100,000 through a covered  
12 non-defense agency for which a determination de-  
13 scribed in clause (iii) or (iv) of paragraph (1)(B) of  
14 subsection (a) has been made under subsection (a).

15 (2) LIMITATION AFTER REVIEW PERIOD.—After  
16 June 15, 2010, no official of the Department of De-  
17 fense may, except as provided in subsection (e) or  
18 (f), order, purchase, or otherwise procure property  
19 or services in an amount in excess of \$100,000  
20 through a covered non-defense agency that, having  
21 been subject to review under this section, has not  
22 been determined under this section as being compli-  
23 ant with defense procurement requirements.

24 (3) LIMITATION FOLLOWING FAILURE TO  
25 REACH MOU.—Commencing on the date that is 60

1 days after the date of the enactment of this Act, if  
2 a memorandum of understanding between the In-  
3 spector General of the Department of Defense and  
4 the Inspector General of a covered non-defense agen-  
5 cy cannot be attained causing the review required by  
6 this section to not be performed, no official of the  
7 Department of Defense, except as provided in sub-  
8 section (e) or (f), may order, purchase or otherwise  
9 procure property or services in an amount in excess  
10 of \$100,000 through such non-defense agency.

11 (e) EXCEPTION FROM APPLICABILITY OF LIMITA-  
12 TIONS.—

13 (1) EXCEPTION.—No limitation applies under  
14 subsection (d) with respect to the procurement of  
15 property and services on behalf of the Department  
16 of Defense by a covered non-defense agency during  
17 any period that there is in effect a determination of  
18 the Under Secretary of Defense for Acquisition,  
19 Technology, and Logistics, made in writing, that it  
20 is necessary in the interest of the Department of De-  
21 fense to continue to procure property and services  
22 through such non-defense agency.

23 (2) APPLICABILITY OF DETERMINATION.—A  
24 written determination with respect to a covered non-  
25 defense agency under paragraph (1) is in effect for



1 the period, not in excess of one year, that the Under  
2 Secretary shall specify in the written determination.  
3 The Under Secretary may extend from time to time,  
4 for up to one year at a time, the period for which  
5 the written determination remains in effect.

6 (f) TERMINATION OF APPLICABILITY OF LIMITA-  
7 TIONS.—Subsection (d) shall cease to apply to a covered  
8 non-defense agency on the date on which the Inspector  
9 General of the Department of Defense and the Inspector  
10 General of such non-defense agency jointly—

11 (1) determine that such non-defense agency is  
12 compliant with defense procurement requirements;  
13 and

14 (2) notify the Secretary of Defense of that de-  
15 termination.

16 (g) IDENTIFICATION OF PROCUREMENTS MADE  
17 DURING A PARTICULAR FISCAL YEAR.—For the purposes  
18 of subsection (a), a procurement shall be treated as being  
19 made during a particular fiscal year to the extent that  
20 funds are obligated by the Department of Defense for that  
21 procurement in that fiscal year.

22 (h) RESOLUTION OF DISAGREEMENTS.—If the In-  
23 spector General of the Department of Defense and the In-  
24 spector General of a covered non-defense agency are un-  
25 able to agree on a joint determination under subsection

1 (a) or (f), a determination by the Inspector General of  
2 the Department of Defense under such subsection shall  
3 be conclusive for the purposes of this section.

4 (i) DEFINITIONS.—In this section:

5 (1) The term “covered non-defense agency”  
6 means each of the following:

7 (A) The Department of Commerce.

8 (B) The Department of Energy.

9 (2) The term “governmentwide acquisition con-  
10 tract”, with respect to a covered non-defense agency,  
11 means a task or delivery order contract that—

12 (A) is entered into by the non-defense  
13 agency; and

14 (B) may be used as the contract under  
15 which property or services are procured for one  
16 or more other departments or agencies of the  
17 Federal Government.

18 (j) MODIFICATION OF CERTAIN ADDITIONAL AU-  
19 THORITIES ON INTERNAL CONTROLS FOR PROCURE-  
20 MENTS ON BEHALF OF DoD.—Section 801 of the Na-  
21 tional Defense Authorization Act for Fiscal Year 2008  
22 (Public Law 110–181; 122 Stat. 202; 10 U.S.C. 2304  
23 note) is amended—

24 (1) in subsection (a)(2)—

1 (A) in subparagraph (B), by striking “each  
2 of the Department of the Treasury, the Depart-  
3 ment of the Interior, and the National Aero-  
4 nautics and Space Administration” and insert-  
5 ing “the Department of the Interior”; and

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

8 “(D) In the case of each of the Depart-  
9 ment of Commerce and the Department of En-  
10 ergy, by not later than March 15, 2015.”; and  
11 (2) in subsection (f)(2)—

12 (A) by striking subparagraphs (B) and  
13 (D);

14 (B) by redesignating subparagraphs (C),  
15 (E), and (F) as subparagraphs (B), (C), and  
16 (D), respectively; and

17 (C) by adding at the end the following new  
18 subparagraphs:

19 “(E) The Department of Commerce.

20 “(F) The Department of Energy.”.

21 **SEC. 812. CONTINGENCY CONTRACTING CORPS.**

22 (a) IN GENERAL.—Chapter 137 of title 10, United  
23 States Code, is amended by adding at the end the fol-  
24 lowing new section:

1 **“§ 2334. Contingency Contracting Corps**

2       “(a) ESTABLISHMENT.—The Secretary of Defense  
3 shall establish within the Department of Defense a Con-  
4 tingency Contracting Corps (in this section, referred to as  
5 the ‘Corps’) to ensure the Department has the capability,  
6 when needed, to support contingency contracting actions  
7 in a deployed environment. The members of the Corps  
8 shall be available for deployment in connection with con-  
9 tingency operations both within and outside the conti-  
10 nental United States, including reconstruction efforts re-  
11 lating thereto.

12       “(b) MEMBERSHIP.—Membership in the Corps shall  
13 be voluntary and open to all employees of the Department  
14 of Defense, including uniformed members of the Armed  
15 Forces, who are members of the defense acquisition work-  
16 force, as designated under section 1721 of this title.

17       “(c) EDUCATION AND TRAINING.—The Secretary of  
18 Defense may establish additional educational and training  
19 requirements for members of the Corps.

20       “(d) CLOTHING AND EQUIPMENT.—The Secretary of  
21 Defense may identify any necessary clothing and equip-  
22 ment requirements for members of the Corps.

23       “(e) SALARY.—The salaries for members of the  
24 Corps shall be paid by the Department of Defense out of  
25 existing appropriations.

1       “(f) AUTHORITY TO DEPLOY THE CORPS.—The Sec-  
2 retary of Defense, or the Secretary’s designee, shall have  
3 the authority to determine when members of the Corps  
4 shall be deployed.

5       “(g) ANNUAL REPORT.—(1) The Secretary of De-  
6 fense shall provide to the Committee on Armed Services  
7 and the Committee on Homeland Security and Govern-  
8 mental Affairs of the Senate and the Committee on Armed  
9 Services and the Committee on Oversight and Government  
10 Reform of the House of Representatives an annual report  
11 on the status of the Contingency Contracting Corps.

12       “(2) At a minimum, each report under paragraph (1)  
13 shall include the number of members of the Contingency  
14 Contracting Corps, the fully burdened cost of operating  
15 the program, the number of deployments of members of  
16 the program, and the performance of members of the pro-  
17 gram in deployment.”.

18       (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of chapter 137 of such title is amended  
20 by adding at the end the following new item:

“2334. Contingency Contracting Corps.”.

21 **SEC. 813. EXPEDITED REVIEW AND VALIDATION OF UR-**  
22 **GENT REQUIREMENTS DOCUMENTS.**

23       (a) GUIDANCE FOR EXPEDITED PRESENTATION TO  
24 APPROPRIATE AUTHORITIES FOR REVIEW AND VALIDA-  
25 TION.—Not later than 120 days after the date of the en-

1 actment of this Act, the Secretary of Defense shall issue  
2 guidance to the Secretaries of the military departments  
3 and the Chiefs of Staff of the Armed Forces to ensure  
4 that each urgent requirements document submitted by an  
5 operational field commander is presented to the appro-  
6 priate authority for review and validation not later than  
7 60 days after date on which such document is so sub-  
8 mitted.

9 (b) DEFINITIONS.—In this section:

10 (1) The term “urgent requirements document”  
11 means the following:

12 (A) A Joint Urgent Operational Needs  
13 (JUON) document.

14 (B) An Army operational need statement  
15 (ONS).

16 (C) A Navy rapid deployment capability  
17 (RDC) document or Navy urgent operational  
18 need (UON) statement.

19 (D) An Air Force combat capability docu-  
20 ment (CCD).

21 (E) A Marine Corps urgent universal need  
22 statement (UUNS).

23 (F) A combat-mission need statement  
24 (CMNS) of the United States Special Oper-  
25 ations Command.

1           (2) The term “appropriate authority” means  
2 the following:

3           (A) In the case of a Joint Urgent Oper-  
4 ational Needs document, a Functional Capabili-  
5 ties Board or Joint Capabilities Board.

6           (B) In the case of an Army operational  
7 need statement, the Deputy Chief of Staff of  
8 the Army for Operations and Plans.

9           (C) In the case of a Navy rapid deploy-  
10 ment capability document or Navy urgent oper-  
11 ational need statement, the Assistant Secretary  
12 of the Navy for Research, Development, and  
13 Acquisition.

14           (D) In the case of an Air Force combat ca-  
15 pability document, the commander of the lead  
16 major command of the Air Force.

17           (E) In the case of a Marine Corps urgent  
18 universal need statement, the Marine Require-  
19 ments Oversight Council.

20           (F) In the case of a combat-mission need  
21 statement of the United States Special Oper-  
22 ations Command, the Requirements Directorate  
23 of the United States Special Operations Com-  
24 mand.

1 **SEC. 814. INCORPORATION OF ENERGY EFFICIENCY RE-**  
2 **QUIREMENTS INTO KEY PERFORMANCE PA-**  
3 **RAMETERS FOR FUEL CONSUMING SYSTEMS.**

4 (a) IMPLEMENTATION PLAN.—Not later than one  
5 year after the date of the enactment of this Act, the Under  
6 Secretary of Defense for Acquisition, Technology, and Lo-  
7 gistics shall develop an implementation plan for the incor-  
8 poration of energy efficiency requirements into key per-  
9 formance parameters for the modification of existing fuel  
10 consuming systems of the Department of Defense and the  
11 development of new fuel consuming systems. The imple-  
12 mentation plan shall include—

13 (1) policies, regulations, and directives to en-  
14 sure that appropriate officials incorporate such en-  
15 ergy efficiency requirements into such performance  
16 parameters; and

17 (2) a plan for implementing such requirements.

18 (b) REPORT.—The Under Secretary of Defense for  
19 Acquisition, Technology, and Logistics shall submit a re-  
20 port on the plan required under subsection (a), including  
21 an assessment of progress made in implementing require-  
22 ments to incorporate energy efficiency requirements into  
23 key performance parameters for fuel consuming systems  
24 of the Department of Defense, as part of the budget jus-  
25 tification materials submitted to Congress in support of  
26 the Department of Defense budget for fiscal year 2010



1 and each fiscal year thereafter for five years (as submitted  
2 with the budget of the President under section 1105(a)  
3 of title 31, United States Code).

4 **Subtitle C—Amendments Relating**  
5 **to General Contracting Authori-**  
6 **ties, Procedures, and Limita-**  
7 **tions**

8 **SEC. 821. MULTIYEAR PROCUREMENT AUTHORITY FOR THE**  
9 **DEPARTMENT OF DEFENSE FOR THE PUR-**  
10 **CHASE OF ALTERNATIVE AND SYNTHETIC**  
11 **FUELS.**

12 (a) MULTIYEAR PROCUREMENT AUTHORIZED.—

13 (1) IN GENERAL.—Chapter 141 of title 10,  
14 United States Code, is amended by adding at the  
15 end the following new section:

16 **“§ 2410r. Multiyear procurement authority: purchase**  
17 **of alternative and synthetic fuels**

18 “(a) MULTIYEAR CONTRACTS AUTHORIZED.—Sub-  
19 ject to subsections (b) and (c), the head of an agency may  
20 enter into contracts for a period not to exceed 10 years  
21 for the purchase of alternative fuels or synthetic fuels.

22 “(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN  
23 EXCESS OF FIVE YEARS.—The head of an agency may  
24 exercise the authority in subsection (a) to enter a contract  
25 for a period in excess of five years only if the head of

1 the agency determines in writing, on the basis of a busi-  
2 ness case analysis prepared by the agency, that—

3 “(1) the proposed purchase of fuels under such  
4 contract is cost effective for the agency;

5 “(2) it would not be possible to purchase fuels  
6 from the source in an economical manner without  
7 the use of a contract for a period in excess of five  
8 years; and

9 “(3) the contract will comply with the require-  
10 ments of subsection (c) and section 526 of the En-  
11 ergy Independence and Security Act of 2007 (Public  
12 Law 110–140; 42 U.S.C. 17142).

13 “(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS  
14 EMISSIONS.—The head of an agency may not purchase  
15 alternative fuels or synthetic fuels under the authority in  
16 subsection (a) unless the contract specifies that lifecycle  
17 greenhouse gas emissions associated with the production  
18 and combustion of the fuels to be provided under the con-  
19 tract are not greater than such emissions from conven-  
20 tional petroleum-based fuels that are used in the same ap-  
21 plication.

22 “(d) DEFINITIONS.—In this section:

23 “(1) The term ‘head of an agency’ has the  
24 meaning given that term in section 2302(1) of this  
25 title.

1           “(2) The term ‘alternative fuel’ has the mean-  
2           ing given that term in section 301(2) of the Energy  
3           Policy Act of 1992 (42 U.S.C. 13211(2)).

4           “(3) The term ‘synthetic fuel’ means any liquid,  
5           gas, or combination thereof that—

6                   “(A) can be used as a substitute for petro-  
7                   leum or natural gas (or any derivative thereof,  
8                   including chemical feedstocks); and

9                   “(B) is produced by chemical or physical  
10                  transformation of domestic sources of energy.”.

11           (2) CLERICAL AMENDMENT.—The table of sec-  
12           tions at the beginning of chapter 141 of such title  
13           is amended by adding at the end the following new  
14           item:

“2410r. Multiyear procurement authority: purchase of alternative and synthetic  
          fuels.”.

15           (b) REGULATIONS.—

16                   (1) IN GENERAL.—Not later than 120 days  
17                   after the date of the enactment of this Act, the Sec-  
18                   retary of Defense shall prescribe regulations pro-  
19                   viding that the head of an agency may initiate a  
20                   multiyear contract as authorized by section 2410r of  
21                   title 10, United States Code (as added by subsection  
22                   (a)), only if the head of the agency has determined  
23                   in writing that—

1 (A) there is a reasonable expectation that  
2 throughout the contemplated contract period  
3 the head of the agency will request funding for  
4 the contract at the level required to avoid con-  
5 tract cancellation;

6 (B) there is a stable design for all related  
7 technologies to the purchase of alternative and  
8 synthetic fuels as so authorized;

9 (C) the technical risks associated with such  
10 technologies are not excessive;

11 (D) the multiyear contract will contain ap-  
12 propriate pricing mechanisms to minimize risk  
13 to the government from significant changes in  
14 market prices for energy;

15 (E) there is in place a regulatory regime  
16 adequate to ensure compliance with the require-  
17 ments of section 526 of the Energy Independ-  
18 ence and Security Act of 2007 (Public Law  
19 110–140; 121 Stat. 1663; 42 U.S.C. 17142)  
20 and other applicable environmental laws; and

21 (F) the contractor has received all regu-  
22 latory approvals necessary for the production of  
23 the alternative and synthetic fuels to be sup-  
24 plied under the contract.

1           (2) MINIMUM ANTICIPATED SAVINGS.—The reg-  
2           ulations required by paragraph (1) shall provide  
3           that, in any case in which the estimated total ex-  
4           penditure under a multiyear contract (or several  
5           multiyear contracts with the same prime contractor)  
6           under section 2410r of title 10, United States Code  
7           (as so added), are anticipated to be more than (or,  
8           in the case of several contracts, the aggregate of  
9           which is anticipated to be more than) \$540,000,000  
10          (in fiscal year 1990 constant dollars), the head of an  
11          agency may initiate such contract under such section  
12          only upon a finding that use of such contract will re-  
13          sult in savings exceeding 10 percent of the total an-  
14          ticipated costs of procuring an equivalent amount of  
15          fuel for the same application through other means.  
16          If such estimated savings will exceed 5 percent of  
17          the total anticipated costs of procuring an equivalent  
18          amount of fuel for the same application through  
19          other means, but not exceed 10 percent of such  
20          costs, the head of the agency may initiate such con-  
21          tract under such section only upon a finding in writ-  
22          ing that an exceptionally strong case has been made  
23          with regard to findings required in paragraph (1).

24          (3) LIMITATION ON USE OF AUTHORITY.—No  
25          contract may be entered into under the authority in

1 section 2410r of title 10, United States Code (as so  
2 added), until the regulations required by paragraph  
3 (1) are prescribed.

4 (c) RELATIONSHIP TO OTHER MULTIYEAR CON-  
5 TRACTING AUTHORITY.—Nothing in this section or the  
6 amendments made by this section shall be construed to  
7 preclude the Department of Defense from using other ap-  
8 plicable multiyear contracting authority of the Depart-  
9 ment of Defense to purchase energy, including renewable  
10 energy.

11 **SEC. 822. MODIFICATION AND EXTENSION OF PILOT PRO-**  
12 **GRAM FOR TRANSITION TO FOLLOW-ON CON-**  
13 **TRACTS UNDER AUTHORITY TO CARRY OUT**  
14 **CERTAIN PROTOTYPE PROJECTS.**

15 (a) EXPANSION OF SCOPE OF PILOT PROGRAM.—  
16 Paragraph (1) of section 845(e) of the National Defense  
17 Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371  
18 note) is amended by striking “under prototype projects  
19 carried out under this section” and inserting “developed  
20 under prototype projects carried out under this section or  
21 research projects carried out pursuant to section 2371 of  
22 title 10, United States Code”.

23 (b) FOUR-YEAR EXTENSION OF AUTHORITY.—Para-  
24 graph (4) of such section is amended by striking “Sep-  
25 tember 30, 2008” and inserting “September 30, 2012”.

1 **SEC. 823. EXCLUSION OF CERTAIN FACTORS IN CONSIDER-**  
2 **ATION OF COST ADVANTAGES OF OFFERS**  
3 **FOR CERTAIN DEPARTMENT OF DEFENSE**  
4 **CONTRACTS.**

5 Not later than 90 days after the date of the enact-  
6 ment of this Act, the Department of Defense Supplement  
7 to the Federal Acquisition Regulation shall be revised to  
8 ensure that, in any competition for a contract with a value  
9 in excess of \$10,000,000, an offeror does not receive an  
10 advantage for a proposal that would reduce costs for the  
11 Department of Defense as a consequence of any corporate  
12 structure a principal purpose of which is to enable the of-  
13 feror to avoid the payment of taxes to the Federal Govern-  
14 ment or any State government, including taxes imposed  
15 under subtitle C of the Internal Revenue Code of 1986  
16 and any similar taxes imposed by a State government, for  
17 or on behalf of employees of the offeror or any subsidiary  
18 or affiliate of the offeror.

19 **Subtitle D—Department of Defense**  
20 **Contractor Matters**

21 **SEC. 831. DATABASE FOR DEPARTMENT OF DEFENSE CON-**  
22 **TRACTING OFFICERS AND SUSPENSION AND**  
23 **DEBARMENT OFFICIALS.**

24 (a) **IN GENERAL.**—Subject to the authority, direc-  
25 tion, and control of the Secretary of Defense, the Under  
26 Secretary of Defense for Acquisition, Technology, and Lo-

1 gistics shall establish and maintain a database of informa-  
2 tion regarding integrity and performance of certain per-  
3 sons awarded Department of Defense contracts for use by  
4 Department of Defense officials having authority over con-  
5 tracts.

6 (b) PERSONS COVERED.—The database shall cover  
7 any person awarded a Department of Defense contract in  
8 excess of \$500,000 if any information described in sub-  
9 section (c) exists with respect to such person.

10 (c) INFORMATION INCLUDED.—With respect to a  
11 person awarded a Department of Defense contract, the  
12 database shall include information (in the form of a brief  
13 description) for at least the most recent 5-year period re-  
14 garding the following:

15 (1) Each civil or criminal proceeding, or any  
16 administrative proceeding, in connection with the  
17 award or performance of a contract with the Federal  
18 Government or, to the maximum extent practicable,  
19 a State government with respect to the person dur-  
20 ing the period to the extent that such proceeding re-  
21 sults in the following dispositions:

22 (A) In a criminal proceeding, a conviction.

23 (B) In a civil proceeding, a finding of li-  
24 ability that results in the payment of a mone-



1            tary fine, penalty, reimbursement, restitution,  
2            or damages of \$5,000 or more.

3            (C) In an administrative proceeding, a  
4            finding of liability that results in—

5                    (i) the payment of a monetary fine or  
6                    penalty of \$5,000 or more; or

7                    (ii) the payment of a reimbursement,  
8                    restitution, or damages in excess of  
9                    \$100,000.

10            (D) In a civil or administrative proceeding,  
11            a disposition of the matter by consent or com-  
12            promise if the proceeding could have led to any  
13            of the outcomes specified in subparagraph (A),  
14            (B), or (C).

15            (2) Each Federal contract and grant awarded  
16            to the person that was terminated in such period  
17            due to default.

18            (3) Each Federal suspension and debarment of  
19            the person in that period.

20            (4) Each Federal administrative agreement en-  
21            tered into by the person and the Federal Govern-  
22            ment in that period to resolve a suspension or debar-  
23            ment proceeding and, to the maximum extent prac-  
24            ticable, each agreement involving a suspension or de-

1       barment proceeding entered into by the person and  
2       a State government in that period.

3           (5) Each final finding by a Federal official in  
4       that period that the person has been determined not  
5       to be a responsible source under either subparagraph  
6       (C) or (D) of section 4(7) of the Office of Federal  
7       Procurement Policy Act (41 U.S.C. 403(7)).

8       (d) REQUIREMENTS RELATING TO INFORMATION IN  
9       DATABASE.—

10           (1) DIRECT INPUT AND UPDATE.—The Under  
11       Secretary shall design and maintain the database in  
12       a manner that allows the appropriate officials of the  
13       Department of Defense to directly input and update  
14       in the information in the database relating to ac-  
15       tions such officials have taken with regard to con-  
16       tractors.

17           (2) TIMELINESS AND ACCURACY.—The Under  
18       Secretary shall develop policies to require—

19           (A) the timely and accurate input of infor-  
20       mation into the database;

21           (B) notification of any covered person  
22       when information relevant to the person is en-  
23       tered into the database; and

1           (C) an opportunity for any covered person  
2           to submit comments pertaining to information  
3           about such person in the database.

4           (e) USE OF DATABASE.—

5           (1) AVAILABILITY TO GOVERNMENT OFFI-  
6           CIALS.—The Under Secretary shall ensure that the  
7           database is available to all acquisition professionals  
8           of the Department of Defense and to Congress. This  
9           subsection does not limit the availability of the data-  
10          base to other Department of Defense officials or to  
11          government officials outside the Department of De-  
12          fense that the Under Secretary determines warrant  
13          access.

14          (2) REVIEW AND ASSESSMENT OF DATA.—

15           (A) IN GENERAL.—Before awarding a con-  
16          tract in excess of \$500,000, the Department of  
17          Defense official responsible for awarding the  
18          contract shall review the database and shall  
19          consider information in the database with re-  
20          gard to any offer, along with other past per-  
21          formance information available with respect to  
22          that offeror, in making any responsibility deter-  
23          mination or past performance evaluation for  
24          such offeror.

1           (B) DOCUMENTATION IN CONTRACT  
2           FILE.—The contract file for each contract of  
3           the Department of Defense in excess of  
4           \$500,000 shall document the manner in which  
5           the material in the database was considered in  
6           any responsibility determination or past per-  
7           formance evaluation.

8           (f) DISCLOSURE IN APPLICATIONS.—Not later than  
9           180 days after the date of the enactment of this Act, the  
10          Defense Supplement to the Federal Acquisition Regula-  
11          tion shall be amended to require that persons with Depart-  
12          ment of Defense contracts valued in total greater than  
13          \$10,000,000 must semiannually submit to the Under Sec-  
14          retary a report that includes the information subject to  
15          inclusion in the database as listed in paragraphs (1)  
16          through (5) of subsection (c).

17   **SEC. 832. ETHICS SAFEGUARDS FOR EMPLOYEES UNDER**  
18                   **CERTAIN CONTRACTS FOR THE PERFORM-**  
19                   **ANCE OF ACQUISITION FUNCTIONS CLOSELY**  
20                   **ASSOCIATED WITH INHERENTLY GOVERN-**  
21                   **MENTAL FUNCTIONS.**

22          (a) CONTRACT CLAUSE REQUIRED.—Each contract  
23          (or task or delivery order) in excess of \$500,000 that calls  
24          for the performance of acquisition functions closely associ-  
25          ated with inherently governmental functions for or on be-

1 half of the Department of Defense shall include a contract  
2 clause addressing financial conflicts of interests of con-  
3 tractor employees who will be responsible for the perform-  
4 ance of such functions.

5 (b) CONTENTS OF CONTRACT CLAUSE.—The con-  
6 tract clause required by subsection (a) shall, at a min-  
7 imum—

8 (1) require the contractor to prohibit any em-  
9 ployee of the contractor from performing any func-  
10 tions described in subsection (a) under such a con-  
11 tract (or task or delivery order) relating to a pro-  
12 gram, company, contract, or other matter in which  
13 the employee (or a member of the employee’s imme-  
14 diate family) has a financial interest without the ex-  
15 press written approval of the contracting officer;

16 (2) require the contractor to obtain, review, up-  
17 date, and maintain as part of its personnel records  
18 a financial disclosure statement from each employee  
19 assigned to perform functions described in para-  
20 graph (1) under such a contract (or task or delivery  
21 order) that is sufficient to enable the contractor to  
22 ensure compliance with the requirements of para-  
23 graph (1);

24 (3) require the contractor to prohibit any em-  
25 ployee of the contractor who is responsible for per-

1 forming functions described in paragraph (1) under  
2 such a contract (or task or delivery order) relating  
3 to a program, company, contract, or other matter  
4 from accepting a gift from the affected company or  
5 from an individual or entity that has a financial in-  
6 terest in the program, contract, or other matter;

7 (4) require the contractor to prohibit contractor  
8 personnel who have access to non-public government  
9 information obtained while performing work on such  
10 a contract (or task or delivery order) from using  
11 such information for personal gain;

12 (5) require the contractor to take appropriate  
13 disciplinary action in the case of employees who fail  
14 to comply with prohibitions established pursuant to  
15 this section;

16 (6) require the contractor to promptly report  
17 any failure to comply with the prohibitions estab-  
18 lished pursuant to this section to the contracting of-  
19 ficer for the applicable contract or contracts;

20 (7) include appropriate definitions of the terms  
21 “financial interest” and “gift” that are similar to  
22 the definitions in statutes and regulations applicable  
23 to Federal employees;

1           (8) establish appropriate contractual penalties  
2           for failures to comply with the requirements of para-  
3           graphs (1) through (6); and

4           (9) provide such additional safeguards, defini-  
5           tions, and exceptions as may be necessary to safe-  
6           guard the public interest.

7           (c) FUNCTIONS CLOSELY ASSOCIATED WITH INHER-  
8           ENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this  
9           section, the term “functions closely associated with inher-  
10          ently governmental functions” has the meaning given that  
11          term in section 2383(b)(3) of title 10, United States Code.

12          (d) EFFECTIVE DATE.—This section shall take effect  
13          30 days after the date of the enactment of this Act, and  
14          shall apply to—

15               (1) contracts entered on or after that effective  
16               date; and

17               (2) task or delivery orders awarded on or after  
18               that effective date, regardless of whether the con-  
19               tracts pursuant to which such task or delivery orders  
20               are awarded are entered before, on, or after the date  
21               of the enactment of this Act.

1 **SEC. 833. INFORMATION FOR DEPARTMENT OF DEFENSE**  
2 **CONTRACTOR EMPLOYEES ON THEIR WHIS-**  
3 **TLEBLOWER RIGHTS.**

4 (a) **IN GENERAL.**—The Secretary of Defense shall  
5 prescribe in regulations a policy for informing employees  
6 of a contractor of the Department of Defense of their  
7 whistleblower rights and protections under section 2409  
8 of title 10, United States Code, as implemented by subpart  
9 3.9 of part I of title 48, Code of Federal Regulations.

10 (b) **ELEMENTS.**—The regulations required by sub-  
11 section (a) shall include requirements as follows:

12 (1) Employees of Department of Defense con-  
13 tractors shall be notified in writing of the provisions  
14 of section 2409 of title 10, United States Code.

15 (2) Notice to employees of Department of De-  
16 fense contractors under paragraph (1) shall state  
17 that the restrictions imposed by any employee agree-  
18 ment or nondisclosure agreement shall not super-  
19 sede, conflict with, or otherwise alter the employee  
20 rights created by section 2409 of title 10, United  
21 States Code, or the regulations implementing such  
22 section.

23 (c) **CONTRACTOR DEFINED.**—In this section, the  
24 term “contractor” has the meaning given that term in sec-  
25 tion 2409(e)(4) of title 10, United States Code.



1       **Subtitle E—Matters Relating to**  
2                   **Iraq and Afghanistan**

3   **SEC. 841. PERFORMANCE BY PRIVATE SECURITY CONTRAC-**  
4                   **TORS OF INHERENTLY GOVERNMENTAL**  
5                   **FUNCTIONS IN AN AREA OF COMBAT OPER-**  
6                   **ATIONS.**

7       (a) **MODIFICATION OF REGULATIONS.**—Not later  
8 than 60 days after the date of the enactment of this Act,  
9 the regulations issued by the Secretary of Defense pursu-  
10 ant to section 862(a) of the National Defense Authoriza-  
11 tion Act for Fiscal Year 2008 (Public Law 110–181; 122  
12 Stat. 254; 10 U.S.C. 2302 note) shall be modified to en-  
13 sure that private security contractors are not authorized  
14 to perform inherently governmental functions in an area  
15 of combat operations.

16       (b) **ELEMENTS.**—The modification of regulations  
17 pursuant to subsection (a) shall provide, at a minimum,  
18 each of the following:

19               (1) That security operations for the protection  
20 of resources (including people, information, equip-  
21 ment, and supplies) in uncontrolled or unpredictable  
22 high threat environments are inherently govern-  
23 mental functions if such security operations—

24                       (A) will be performed in highly hazardous  
25 public areas where the risks are uncertain and

1           could reasonably be expected to require deadly  
2           force that is more likely to be initiated by per-  
3           sonnel performing such security operations than  
4           by others; or

5                   (B) could reasonably be expected to require  
6           immediate discretionary decisions on the appro-  
7           priate course of action or the acceptable level of  
8           risk (such as judgments on the appropriate level  
9           of force, acceptable level of collateral damage,  
10          and whether the target is friend or foe), the  
11          outcome of which could significantly affect the  
12          life, liberty, or property of private persons or  
13          the international relations of the United States.

14          (2) That the agency awarding the contract has  
15          appropriate mechanisms in place to ensure that pri-  
16          vate security contractors operate in a manner con-  
17          sistent with the regulations issued by the Secretary  
18          of Defense pursuant to such section 862(a), as  
19          modified pursuant to this section.

20          (c) PERIODIC REVIEW OF PERFORMANCE OF FUNC-  
21          TIONS.—

22                   (1) IN GENERAL.—The Secretary of Defense  
23          shall, in coordination with the heads of other appro-  
24          priate agencies, periodically review the performance  
25          of private security functions in areas of combat op-

1 erations to ensure that such functions are authorized  
2 and performed in a manner consistent with the re-  
3 quirements of this section.

4 (2) REPORTS.—Not later than June 1 of each  
5 of 2009, 2010, and 2011, the Secretary shall submit  
6 to the congressional defense committees a report on  
7 the results of the most recent review conducted  
8 under paragraph (1).

9 **SEC. 842. ADDITIONAL CONTRACTOR REQUIREMENTS AND**  
10 **RESPONSIBILITIES RELATING TO ALLEGED**  
11 **CRIMES BY OR AGAINST CONTRACTOR PER-**  
12 **SONNEL IN IRAQ AND AFGHANISTAN.**

13 (a) IN GENERAL.—Section 861(b) of the National  
14 Defense Authorization Act for Fiscal Year 2008 (Public  
15 Law 110–181; 122 Stat. 253; 10 U.S.C. 2302 note) is  
16 amended by adding the following new paragraphs:

17 “(7) Mechanisms for ensuring that contractors  
18 are required to report offenses described in para-  
19 graph (6) that are alleged to have been committed  
20 by or against contractor personnel to appropriate in-  
21 vestigative authorities.

22 “(8) Responsibility for providing victim and  
23 witness protection and assistance to contractor em-  
24 ployees and other persons supporting the mission of  
25 the United States Government in Iraq or Afghani-

1 stan in connection with alleged offenses described in  
2 paragraph (6).”.

3 (b) IMPLEMENTATION.—The memorandum of under-  
4 standing required by section 861(a) of the National De-  
5 fense Authorization Act for Fiscal Year 2008 shall be  
6 modified to address the requirements under the amend-  
7 ment made by subsection (a) not later than 90 days after  
8 the date of the enactment of this Act.

9 **SEC. 843. CLARIFICATION AND MODIFICATION OF AU-**  
10 **THORITIES RELATING TO THE COMMISSION**  
11 **ON WARTIME CONTRACTING IN IRAQ AND AF-**  
12 **GHANISTAN.**

13 (a) NATURE OF COMMISSION.—Subsection (a) of sec-  
14 tion 841 of the National Defense Authorization Act for  
15 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230)  
16 is amended by inserting “in the legislative branch” after  
17 “There is hereby established”.

18 (b) PAY AND ANNUITIES OF MEMBERS AND STAFF  
19 ON FEDERAL REEMPLOYMENT.—Subsection (e) of such is  
20 amended by adding at the end the following new para-  
21 graph:

22 “(8) PAY AND ANNUITIES OF MEMBERS AND  
23 STAFF ON FEDERAL REEMPLOYMENT.—If warranted  
24 by circumstances described in subparagraph (A) or  
25 (B) of section 8344(i)(1) of title 5, United States

1 Code, or by circumstances described in subpara-  
2 graph (A) or (B) of section 8468(f)(1) of such title,  
3 as applicable, a co-chairman of the Commission may  
4 exercise, with respect to the members and staff of  
5 the Commission, the same waiver authority as would  
6 be available to the Director of the Office of Per-  
7 sonnel Management under such section.”.

8 (c) EFFECTIVE DATE.—

9 (1) NATURE OF COMMISSION.—The amendment  
10 made by subsection (a) shall take effect as of Janu-  
11 ary 28, 2008, as if included in the enactment of the  
12 National Defense Authorization Act for Fiscal Year  
13 2008.

14 (2) PAY AND ANNUITIES.—The amendment  
15 made by subsection (b) shall apply to members and  
16 staff of the Commission on Wartime Contracting in  
17 Iraq and Afghanistan appointed or employed, as the  
18 case may be, on or after that date.

19 **SEC. 844. COMPREHENSIVE AUDIT OF SPARE PARTS PUR-**  
20 **CHASES AND DEPOT OVERHAUL AND MAIN-**  
21 **TENANCE OF EQUIPMENT FOR OPERATIONS**  
22 **IN IRAQ AND AFGHANISTAN.**

23 (a) AUDITS REQUIRED.—The Army Audit Agency,  
24 the Navy Audit Service, and the Air Force Audit Agency  
25 shall each conduct thorough audits to identify potential

1 waste, fraud, and abuse in the performance of the fol-  
2 lowing:

3 (1) Department of Defense contracts, sub-  
4 contracts, and task and delivery orders for—

5 (A) depot overhaul and maintenance of  
6 equipment for the military in Iraq and Afghani-  
7 stan; and

8 (B) spare parts for military equipment  
9 used in Iraq and Afghanistan; and

10 (2) Department of Defense in-house overhaul  
11 and maintenance of military equipment used in Iraq  
12 and Afghanistan.

13 (b) COMPREHENSIVE AUDIT PLAN.—

14 (1) PLANS.—The Army Audit Agency, the  
15 Navy Audit Service, and the Air Force Audit Agency  
16 shall, in coordination with the Inspector General of  
17 the Department of Defense, develop a comprehensive  
18 plan for a series of audits to discharge the require-  
19 ments of subsection (a).

20 (2) INCORPORATION INTO REQUIRED AUDIT  
21 PLAN.—The plan developed under paragraph (1)  
22 shall be submitted to the Inspector General of the  
23 Department of Defense for incorporation into the  
24 audit plan required by section 842(b)(1) of the Na-  
25 tional Defense Authorization Act for Fiscal Year

1       2008 (Public Law 110–181; 122 Stat. 234; 10  
2       U.S.C. 2302 note).

3       (c) INDEPENDENT CONDUCT OF AUDIT FUNC-  
4 TIONS.—All audit functions performed under this section,  
5 including audit planning and coordination, shall be per-  
6 formed in an independent manner.

7       (d) AVAILABILITY OF RESULTS.—All audit reports  
8 resulting from audits under this section shall be made  
9 available to the Commission on Wartime Contracting in  
10 Iraq and Afghanistan established pursuant to section 841  
11 of the National Defense Authorization Act for Fiscal Year  
12 2008 (122 Stat. 230).

## 13                   **Subtitle F—Other Matters**

### 14 **SEC. 851. EXPEDITED HIRING AUTHORITY FOR THE DE-** 15 **FENSE ACQUISITION WORKFORCE.**

16       (a) IN GENERAL.—For purposes of sections 3304,  
17 5333, and 5753 of title 5, United States Code, the Sec-  
18 retary of Defense may—

19               (1) designate any category of acquisition posi-  
20 tions within the Department of Defense as shortage  
21 category positions; and

22               (2) utilize the authorities in such sections to re-  
23 cruit and appoint highly qualified persons directly to  
24 positions so designated.

1 (b) TERMINATION OF AUTHORITY.—The Secretary  
2 may not appoint a person to a position of employment  
3 under this section after September 30, 2012.

4 **SEC. 852. SPECIFICATION OF SECRETARY OF DEFENSE AS**  
5 **“SECRETARY CONCERNED” FOR PURPOSES**  
6 **OF LICENSING OF INTELLECTUAL PROPERTY**  
7 **FOR THE DEFENSE AGENCIES AND DEFENSE**  
8 **FIELD ACTIVITIES.**

9 Subsection (e) of section 2260 of title 10, United  
10 States Code, is amended to read as follows:

11 “(e) DEFINITIONS.—In this section:

12 “(1) The terms ‘trademark’, ‘service mark’,  
13 ‘certification mark’, and ‘collective mark’ have the  
14 meanings given such terms in section 45 of the Act  
15 of July 5, 1946 (commonly referred to as the Trade-  
16 mark Act of 1946; 15 U.S.C. 1127).

17 “(2) The term ‘Secretary concerned’ includes  
18 the Secretary of Defense, with respect to matters  
19 concerning the Defense Agencies and the defense  
20 field activities.”.



1 **SEC. 853. REPEAL OF REQUIREMENTS RELATING TO THE**  
2 **MILITARY SYSTEM ESSENTIAL ITEM BREAK-**  
3 **OUT LIST.**

4 Section 813 of the National Defense Authorization  
5 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
6 1543) is repealed.

7 **TITLE IX—DEPARTMENT OF DE-**  
8 **FENSE ORGANIZATION AND**  
9 **MANAGEMENT**

10 **Subtitle A—Department of Defense**  
11 **Management**

12 **SEC. 901. MODIFICATION OF STATUS OF ASSISTANT TO THE**  
13 **SECRETARY OF DEFENSE FOR NUCLEAR AND**  
14 **CHEMICAL AND BIOLOGICAL DEFENSE PRO-**  
15 **GRAMS.**

16 Section 142 of title 10, United States Code, is  
17 amended by adding at the end the following:

18 “(c) The Assistant to the Secretary shall be consid-  
19 ered an Assistant Secretary of Defense for purposes of  
20 section 138(d) of this title.”.

21 **SEC. 902. PARTICIPATION OF DEPUTY CHIEF MANAGEMENT**  
22 **OFFICER OF THE DEPARTMENT OF DEFENSE**  
23 **ON DEFENSE BUSINESS SYSTEM MANAGE-**  
24 **MENT COMMITTEE.**

25 (a) PARTICIPATION.—Subsection (a) of section 186  
26 of title 10, United States Code, is amended—

1           (1) by redesignating paragraphs (2) through  
2           (7) as paragraphs (3) through (8), respectively; and

3           (2) by inserting after paragraph (1) the fol-  
4           lowing new paragraph (2):

5           “(2) The Deputy Chief Management Officer of  
6           the Department of Defense.”.

7           (b) SERVICE AS VICE CHAIRMAN.—The second sen-  
8           tence of subsection (b) of such section is amended to read  
9           as follows: “The Deputy Chief Management Officer of the  
10          Department of Defense shall serve as vice chairman of the  
11          Committee, and shall act as chairman in the absence of  
12          the Deputy Secretary of Defense.”.

13       **SEC. 903. REPEAL OF OBSOLETE LIMITATIONS ON MANAGE-**  
14                               **MENT HEADQUARTERS PERSONNEL.**

15          (a) REPEAL.—The following provisions of title 10,  
16          United States Code, are repealed:

17               (1) Section 143.

18               (2) Section 194.

19               (3) Subsection (f) of section 3014.

20               (4) Subsection (f) of section 5014.

21               (5) Subsection (f) of section 8014.

22          (b) CLERICAL AMENDMENTS.—

23               (1) The table of sections at the beginning of  
24               chapter 4 of such title is amended by striking the  
25               item relating to section 143.

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

4 **SEC. 904. GENERAL COUNSEL TO THE INSPECTOR GEN-**  
5 **ERAL OF THE DEPARTMENT OF DEFENSE.**

6           Section 8 of the Inspector General Act of 1978 (50  
7 U.S.C. App. 8) is amended by adding at the end the fol-  
8           lowing new subsection:

9           “(h)(1) There is a General Counsel to the Inspector  
10          General of the Department of Defense, who shall be ap-  
11          pointed by the Inspector General of the Department of  
12          Defense.

13          “(2)(A) Notwithstanding section 140(b) of title 10,  
14          United States Code, the General Counsel is the chief legal  
15          officer of the Office of the Inspector General.

16          “(B) The Inspector General is the exclusive legal cli-  
17          ent of the General Counsel.

18          “(C) The General Counsel shall perform such func-  
19          tions as the Inspector General may prescribe.

20          “(D) The General Counsel shall serve at the discre-  
21          tion of the Inspector General.

22          “(3) There is an Office of the General Counsel to the  
23          Inspector General of the Department of Defense. The In-  
24          spector General may appoint to the Office to serve as staff

1 of the General Counsel such legal counsel as the Inspector  
2 General considers appropriate.”.

3 **SEC. 905. ASSIGNMENT OF FORCES TO THE UNITED STATES**  
4 **NORTHERN COMMAND WITH PRIMARY MIS-**  
5 **SION OF MANAGEMENT OF THE CON-**  
6 **SEQUENCES OF AN INCIDENT IN THE UNITED**  
7 **STATES HOMELAND INVOLVING A CHEMICAL,**  
8 **BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR**  
9 **DEVICE, OR HIGH-YIELD EXPLOSIVES.**

10 (a) FINDINGS.—Congress makes the following find-  
11 ings:

12 (1) As noted in the June 2005 Department of  
13 Defense Strategy for Homeland Defense and Civil  
14 Support, protecting the United States homeland  
15 from attack is the highest priority of the Depart-  
16 ment of Defense.

17 (2) As further noted in the June 2005 Depart-  
18 ment of Defense Strategy for Homeland Defense  
19 and Civil Support, “[i]n the next ten years, terrorist  
20 groups, poised to attack the United States and ac-  
21 tively seeking to inflict mass casualties or disrupt  
22 U.S. military operations, represent the most imme-  
23 diate challenge to the nation’s security”.

24 (3) The Department of Defense established the  
25 United States Northern Command in October 2002

1 to provide command and control of the homeland de-  
2 fense efforts of the Department of Defense and to  
3 coordinate defense support of civil authorities, in-  
4 cluding defense support for Federal consequence  
5 management of chemical, biological, radiological, nu-  
6 clear, or high-yield explosive incidents.

7 (4) The Commission on the National Guard and  
8 Reserves and the Government Accountability Office  
9 have criticized the capacity of the Department of  
10 Defense to respond to an incident in the United  
11 States homeland involving a chemical, biological, ra-  
12 diological, or nuclear device, or high-yield explosives  
13 due to a lack of capabilities to handle simultaneous  
14 weapons of mass destruction events and a lack of co-  
15 ordination and planning with the Department of  
16 Homeland Security and State and local govern-  
17 ments.

18 (5) According to testimony to Congress by the  
19 Commander of United States Northern Command,  
20 the Secretary of Defense has directed that a full-  
21 time, dedicated force be trained and equipped by the  
22 end of fiscal year 2008 to provide defense support  
23 to civil authorities in the case of a chemical, biologi-  
24 cal, radiological, nuclear, or high-yield explosive inci-  
25 dent within the United States. This force is to be as-

1 signed to the Commander of the United States  
2 Northern Command, and is to be followed by two  
3 additional such forces, comprised of units of the reg-  
4 ular components of the Armed Forces and units and  
5 personnel of the National Guard, and Reserve, to be  
6 established over the course of fiscal years 2009 and  
7 2010.

8 (6) The Department of Defense and United  
9 States Northern Command have begun the process  
10 of identifying, training, equipping, and assigning  
11 forces for the mission of managing the consequences  
12 of chemical, biological, radiological, nuclear, or high-  
13 yield explosive incidents in the United States.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-  
15 gress that—

16 (1) the Department of Defense should, as part  
17 of a Government-wide effort, make every effort to  
18 help protect the citizens of this Nation from the  
19 threat of an attack on the United States homeland  
20 involving a chemical, biological, radiological, or nu-  
21 clear device, or high-yield explosives by terrorists or  
22 other aggressors;

23 (2) efforts to establish forces for the mission of  
24 managing the consequences of chemical, biological,  
25 radiological, nuclear, or high-yield explosive incidents

1 in the United States should receive the highest level  
2 of attention within the Department of Defense; and

3 (3) the additional forces necessary for that mis-  
4 sion should be identified, trained, equipped, and as-  
5 signed to United States Northern Command as soon  
6 as possible.

7 (c) REPORTS REQUIRED.—

8 (1) IN GENERAL.—Not later than 180 days  
9 after the date of the enactment of this Act, and one  
10 year and two years thereafter, the Secretary of De-  
11 fense shall submit to the congressional defense com-  
12 mittees a report on the progress made as of the date  
13 of such report in assigning to the United States  
14 Northern Command forces having the primary mis-  
15 sion of managing the consequences of an incident in  
16 the United States homeland involving a chemical, bi-  
17 ological, radiological, or nuclear device, or high-yield  
18 explosives.

19 (2) ELEMENTS.—Each report submitted under  
20 paragraph (1) shall include the following:

21 (A) A description of the force structure,  
22 size, composition, and location of the units and  
23 personnel of the regular components of the  
24 Armed Forces, and the units and personnel of  
25 the reserve components of the Armed Forces,

1 assigned to the United States Northern Com-  
2 mand that have the primary mission of man-  
3 aging the consequences of an incident in the  
4 United States homeland involving a chemical,  
5 biological, radiological, or nuclear device, or  
6 high-yield explosives.

7 (B) A description of the progress made in  
8 developing procedures to mobilize and demobi-  
9 lize units and personnel of the reserve compo-  
10 nents of the Armed Forces that are assigned to  
11 the United States Northern Command as de-  
12 scribed in subparagraph (A).

13 (C) A description of the progress being  
14 made in the training and certification of units  
15 and personnel that are assigned to United  
16 States Northern Command as described in sub-  
17 paragraph (A).

18 (D) An assessment of the need to establish  
19 a national training center for training units and  
20 personnel of the Armed Forces in the manage-  
21 ment of the consequences of an incident in the  
22 United States homeland as described in sub-  
23 paragraph (A).

24 (E) A description of the progress made in  
25 addressing the shortfalls in the management of



1 the consequences of an incident in the United  
2 States homeland as described in subparagraph  
3 (A) that are identified in—

4 (i) the reports of the Comptroller  
5 General of the United States numbered  
6 GAO-08-251 and GAO-08-252; and

7 (ii) the report of the Commission on  
8 the National Guard and Reserve.

9 **SEC. 906. BUSINESS TRANSFORMATION INITIATIVES FOR**  
10 **THE MILITARY DEPARTMENTS.**

11 (a) **IN GENERAL.**—The Secretary of each military de-  
12 partment shall, acting through the Chief Management Of-  
13 ficer of such military department, carry out an initiative  
14 for the business transformation of such military depart-  
15 ment.

16 (b) **OBJECTIVES.**—The objectives of the business  
17 transformation initiative of a military department under  
18 this section shall include, at a minimum, the following:

19 (1) The development of a comprehensive busi-  
20 ness transformation plan, with measurable perform-  
21 ance goals and objectives, to achieve an integrated  
22 management system for the business operations of  
23 the military department.

24 (2) The development of a well-defined enter-  
25 prise-wide business systems architecture and transi-

1 tion plan encompassing end-to-end business proc-  
2 esses and capable of providing accurately and timely  
3 information in support of business decisions of the  
4 military department.

5 (3) The implementation of the business trans-  
6 formation plan developed pursuant to paragraph (1)  
7 and the business systems architecture and transition  
8 plan developed pursuant to paragraph (2).

9 (c) BUSINESS TRANSFORMATION OFFICES.—

10 (1) ESTABLISHMENT.—Not later than 120 days  
11 after the date of the enactment of this Act, the Sec-  
12 retary of each military department shall establish  
13 within such military department an office (to be  
14 known as the “Office of Business Transformation”  
15 of such military department) to assist the Chief  
16 Management Officer of such military department in  
17 carrying out the initiative required by this section  
18 for such military department.

19 (2) HEAD.—The Office of Business Trans-  
20 formation of a military department under this sub-  
21 section shall be headed by a Director of Business  
22 Transformation, who shall be appointed by the Chief  
23 Management Officer of the military department, in  
24 consultation with the Director of the Business  
25 Transformation Agency of the Department of De-

1       fense, from among individuals with significant expe-  
2       rience managing large-scale organizations or busi-  
3       ness transformation efforts.

4               (3) SUPERVISION.—The Director of Business  
5       Transformation of a military department under  
6       paragraph (2) shall report directly to the Chief Man-  
7       agement Officer of the military department, subject  
8       to policy guidance from the Director of the Business  
9       Transformation Agency of the Department of De-  
10      fense.

11              (4) AUTHORITY.—In carrying out the initiative  
12      required by this section for a military department,  
13      the Director of Business Transformation of the mili-  
14      tary department under paragraph (2) shall have the  
15      authority to require elements of the military depart-  
16      ment to carry out actions that are within the pur-  
17      pose and scope of the initiative.

18              (d) RESPONSIBILITIES OF BUSINESS TRANS-  
19      FORMATION OFFICES.—The Office of Business Trans-  
20      formation of a military department established pursuant  
21      to subsection (b) shall be responsible for the following:

22              (1) Transforming the budget, finance, and ac-  
23      counting operations of the military department in a  
24      manner that is consistent with the business trans-

1 formation plan developed pursuant to subsection  
2 (b)(1).

3 (2) Eliminating or replacing financial manage-  
4 ment systems of the military department that are in-  
5 consistent with the business systems architecture  
6 and transition plan developed pursuant to subsection  
7 (b)(2).

8 (3) Ensuring that the business transformation  
9 plan and the business systems architecture and tran-  
10 sition plan are implemented in a manner that is ag-  
11 gressive, realistic, and accurately measured.

12 (e) REQUIRED ELEMENTS.—In carrying out the ini-  
13 tiative required by this section for a military department,  
14 the Chief Management Officer and the Director of Busi-  
15 ness Transformation of the military department shall en-  
16 sure that each element of the initiative is consistent  
17 with—

18 (1) the requirements of the Business Enterprise  
19 Architecture and Transition Plan developed by the  
20 Secretary of Defense pursuant to section 2222 of  
21 title 10, United States Code;

22 (2) the Standard Financial Information Struc-  
23 ture of the Department of Defense;

1           (3) the Federal Financial Management Im-  
2           provement Act of 1996 (and the amendments made  
3           by that Act); and

4           (4) other applicable requirements of law and  
5           regulation.

6           (f) REPORTS ON IMPLEMENTATION.—

7           (1) INITIAL REPORTS.—Not later than six  
8           months after the date of the enactment of this Act,  
9           the Chief Management Officer of each military de-  
10          partment shall submit to the congressional defense  
11          committees a report on the actions taken, and on the  
12          actions planned to be taken, by such military depart-  
13          ment to implement the requirements of this section.

14          (2) UPDATES.—Not later than March 1 of each  
15          of 2010, 2011, and 2012, the Chief Management Of-  
16          ficer of each military department shall submit to the  
17          congressional defense committees a current update  
18          of the report submitted by such Chief Management  
19          Officer under paragraph (1).

## 20           **Subtitle B—Space Matters**

### 21   **SEC. 911. SPACE POSTURE REVIEW.**

22          (a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—

23   In order to clarify the national security space policy and  
24   strategy of the United States for the near term, the Sec-  
25   retary of Defense and the Director of National Intelligence

1 shall jointly conduct a comprehensive review of the space  
2 posture of the United States over the posture review pe-  
3 riod.

4 (b) ELEMENTS OF REVIEW.—The review conducted  
5 under subsection (a) shall include, for the posture review  
6 period, the following:

7 (1) The definition, policy, requirements, and ob-  
8 jectives for each of the following:

9 (A) Space situational awareness.

10 (B) Space control.

11 (C) Space superiority, including defensive  
12 and offensive counterspace and protection.

13 (D) Force enhancement and force applica-  
14 tion.

15 (E) Space-based intelligence and surveil-  
16 lance and reconnaissance from space.

17 (F) Integration of space and ground con-  
18 trol and user equipment.

19 (G) Any other matter the Secretary con-  
20 siders relevant to understanding the space pos-  
21 ture of the United States.

22 (2) A description of current and planned space  
23 acquisition programs that are in acquisition cat-  
24 egories 1 and 2, including how each such program  
25 will address the policy, requirements, and objectives

1 described under each of subparagraphs (A) through  
2 (G) of paragraph (1).

3 (3) A description of future space systems and  
4 technology development (other than such systems  
5 and technology in development as of the date of the  
6 enactment of this Act) necessary to address the pol-  
7 icy, requirements, and objectives described under  
8 each of subparagraphs (A) through (G) of paragraph  
9 (1).

10 (4) An assessment of the relationship among  
11 the following:

12 (A) United States military space policy.

13 (B) National security space policy.

14 (C) National security space objectives.

15 (D) Arms control policy.

16 (E) Export control policy.

17 (5) An assessment of the effect of the military  
18 and national security space policy of the United  
19 States on the proliferation of weapons capable of  
20 targeting objects in space or objects on Earth from  
21 space.

22 (c) REPORT.—

23 (1) IN GENERAL.—Not later than December 1,  
24 2009, the Secretary of Defense and the Director of  
25 National Intelligence shall jointly submit to the con-

1 gressional committees specified in paragraph (3) a  
 2 report on the review conducted under subsection (a).

3 (2) FORM OF REPORT.—The report under this  
 4 subsection shall be submitted in unclassified form,  
 5 but may include a classified annex.

6 (3) COMMITTEES.—The congressional commit-  
 7 tees specified in this paragraph are—

8 (A) the Committee on Armed Services and  
 9 the Select Committee on Intelligence of the  
 10 Senate; and

11 (B) the Committee on Armed Services and  
 12 the Permanent Select Committee on Intelligence  
 13 of the House of Representatives.

14 (d) POSTURE REVIEW PERIOD DEFINED.—In this  
 15 section, the term “posture review period” means the 10-  
 16 year period beginning on February 1, 2009.

17 **Subtitle C—Defense Intelligence**  
 18 **Matters**

19 **SEC. 921. REQUIREMENT FOR OFFICERS OF THE ARMED**  
 20 **FORCES ON ACTIVE DUTY IN CERTAIN INTEL-**  
 21 **LIGENCE POSITIONS.**

22 (a) IN GENERAL.—Effective as of October 1, 2008,  
 23 the individual serving in each position specified in sub-  
 24 section (b) shall be a commissioned officer of the Armed  
 25 Forces on active duty.



1 (b) SPECIFIED POSITIONS.—The positions specified  
2 in this subsection are the positions as follows:

3 (1) Principal deputy to the senior military offi-  
4 cer serving as the Deputy Chief of the Army Staff  
5 for Intelligence.

6 (2) Principal deputy to the senior military offi-  
7 cer serving as the Director of Intelligence for the  
8 Chief of Naval Operations.

9 (3) Principal deputy to the senior military offi-  
10 cer serving as the Assistant to the Air Force Chief  
11 of Staff for Intelligence.

12 **SEC. 922. TRANSFER OF MANAGEMENT OF INTELLIGENCE**  
13 **SYSTEMS SUPPORT OFFICE.**

14 (a) TRANSFER OF MANAGEMENT GENERALLY.—

15 (1) TRANSFER.—Except as provided in sub-  
16 section (b), management of the Intelligence Systems  
17 Support Office, and all programs and activities of  
18 that office as of April 1, 2008, including the Foreign  
19 Materials Acquisitions program, shall be transferred  
20 to the Defense Intelligence Agency.

21 (2) MANAGEMENT.—The programs and activi-  
22 ties of the Intelligence Systems Support Office  
23 transferred under paragraph (1) shall, after transfer  
24 under that paragraph, be managed by the Director  
25 of the Defense Intelligence Agency.

1 (b) TRANSFER OF MANAGEMENT OF CENTER FOR  
2 INTERNATIONAL ISSUES RESEARCH.—

3 (1) TRANSFER.—Management of the Center for  
4 International Issues Research shall be transferred to  
5 the Office of the Assistant Secretary of Defense for  
6 Special Operations and Low Intensity Conflict.

7 (2) MANAGEMENT.—The Center for Inter-  
8 national Issues Research shall, after transfer under  
9 paragraph (1), be managed by the Assistant Sec-  
10 retary of Defense for Special Operations and Low  
11 Intensity Conflict.

12 (c) DEADLINE FOR TRANSFERS OF MANAGEMENT.—  
13 The transfers of management required by subsections (a)  
14 and (b) shall occur not later than 30 days after the date  
15 of the enactment of this Act.

16 (d) LIMITATION ON CERTAIN AUTHORITY OF USD  
17 FOR INTELLIGENCE.—Effective as of December 1, 2008,  
18 the Under Secretary of Defense for Intelligence may not  
19 establish or maintain the capabilities as follows:

20 (1) A capability to execute programs of tech-  
21 nology or systems development and acquisition.

22 (2) A capability to provide operational support  
23 to combatant commands.

24 **SEC. 923. PROGRAM ON ADVANCED SENSOR APPLICATIONS.**

25 (a) PROGRAM REQUIRED.—

1           (1) IN GENERAL.—The Under Secretary of De-  
2           fense for Acquisition, Technology, and Logistics  
3           shall provide for the carrying out of a program on  
4           advanced sensor applications in order to provide for  
5           the evaluation by the Department of Defense on sci-  
6           entific and engineering grounds of foreign tech-  
7           nology utilized for the detection and tracking of sub-  
8           marines.

9           (2) DESIGNATION.—The program under this  
10          section shall be known as the “Advanced Sensor Ap-  
11          plications Program”.

12          (b) RESPONSIBILITY FOR EXECUTION OF PRO-  
13          GRAM.—The program under this section shall be carried  
14          out by the Commander of the Naval Air Systems Com-  
15          mand in consultation with the Program Executive Officer  
16          for Aviation of the Department of the Navy and the Direc-  
17          tor of Special Programs for the Chief of Naval Operations.

18          (c) PROGRAM REQUIREMENTS AND LIMITATIONS.—

19                (1) ACCESS TO CERTAIN INFORMATION.—In  
20                carrying out the program under this section, the  
21                Commander of the Naval Air Systems Command  
22                shall—

23                    (A) have complete access to all United  
24                    States intelligence relating to the detection and  
25                    tracking of submarines; and

1 (B) be kept currently apprised of informa-  
2 tion and assessments of the Office of Naval In-  
3 telligence, the Defense Intelligence Agency, and  
4 the Central Intelligence Agency, and of infor-  
5 mation and assessments of the intelligence serv-  
6 ices of allies of the United States that are avail-  
7 able to the United States, on matters relating  
8 to the detection and tracking of submarines.

9 (2) INDEPENDENCE OF PROGRAM.—The pro-  
10 gram under this section shall be carried out inde-  
11 pendently of the Office of Naval Intelligence, the De-  
12 fense Intelligence Agency, the Central Intelligence  
13 Agency, and any other element of the intelligence  
14 community.

## 15 **TITLE X—GENERAL PROVISIONS**

### 16 **Subtitle A—Financial Matters**

#### 17 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

18 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

19 (1) AUTHORITY.—Upon determination by the  
20 Secretary of Defense that such action is necessary in  
21 the national interest, the Secretary may transfer  
22 amounts of authorizations made available to the De-  
23 partment of Defense in this division for fiscal year  
24 2009 between any such authorizations for that fiscal  
25 year (or any subdivisions thereof). Amounts of au-

1       thorizations so transferred shall be merged with and  
2       be available for the same purposes as the authoriza-  
3       tion to which transferred.

4               (2) LIMITATION.—Except as provided in para-  
5       graph (3), the total amount of authorizations that  
6       the Secretary may transfer under the authority of  
7       this section may not exceed \$5,000,000,000.

8               (3) EXCEPTION FOR TRANSFERS BETWEEN  
9       MILITARY PERSONNEL AUTHORIZATIONS.—A trans-  
10      fer of funds between military personnel authoriza-  
11      tions under title IV shall not be counted toward the  
12      dollar limitation in paragraph (2).

13      (b) LIMITATIONS.—The authority provided by this  
14      section to transfer authorizations—

15              (1) may only be used to provide authority for  
16      items that have a higher priority than the items  
17      from which authority is transferred; and

18              (2) may not be used to provide authority for an  
19      item that has been denied authorization by Con-  
20      gress.

21      (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
22      transfer made from one account to another under the au-  
23      thority of this section shall be deemed to increase the  
24      amount authorized for the account to which the amount

1 is transferred by an amount equal to the amount trans-  
2 ferred.

3 (d) NOTICE TO CONGRESS.—The Secretary shall  
4 promptly notify Congress of each transfer made under  
5 subsection (a).

6 **SEC. 1002. INCORPORATION INTO ACT OF TABLES IN THE**  
7 **REPORT OF THE COMMITTEE ON ARMED**  
8 **SERVICES OF THE SENATE.**

9 (a) INCORPORATION.—Each funding table in the re-  
10 port of the Committee on Armed Services of the Senate  
11 to accompany the bill S. \_\_\_\_\_ of the 110th Congress  
12 is hereby incorporated into this Act and is hereby made  
13 a requirement in law. Items in each such funding table  
14 shall be binding on agency heads in the same manner and  
15 to the same extent as if such funding table was included  
16 in the text of this Act, unless transfers of funding for such  
17 items are approved in accordance with established proce-  
18 dures.

19 (b) MERIT-BASED DECISIONS.—Decisions by agency  
20 heads to commit, obligate, or expend funds on the basis  
21 of any funding table incorporated into this Act pursuant  
22 to subsection (a) shall be based on authorized, trans-  
23 parent, statutory criteria, and merit-based decisionmaking  
24 in accordance with the requirements of sections 2304(k)

1 and 2374 of title 10, United States Code, and other appli-  
2 cable provisions of law.

3 (c) ORAL AND WRITTEN COMMUNICATIONS.—No  
4 oral or written communication concerning any item in a  
5 funding table incorporated into this Act under subsection  
6 (a) shall supersede the requirements of subsection (b).

7 **SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COM-**  
8 **MON-FUNDED BUDGETS IN FISCAL YEAR 2009.**

9 (a) FISCAL YEAR 2009 LIMITATION.—The total  
10 amount contributed by the Secretary of Defense in fiscal  
11 year 2009 for the common-funded budgets of NATO may  
12 be any amount up to, but not in excess of, the amount  
13 specified in subsection (b) (rather than the maximum  
14 amount that would otherwise be applicable to those con-  
15 tributions under the fiscal year 1998 baseline limitation).

16 (b) TOTAL AMOUNT.—The amount of the limitation  
17 applicable under subsection (a) is the sum of the following:

18 (1) The amounts of unexpended balances, as of  
19 the end of fiscal year 2008, of funds appropriated  
20 for fiscal years before fiscal year 2009 for payments  
21 for those budgets.

22 (2) The amount specified in subsection (c)(1).

23 (3) The amount specified in subsection (c)(2).

24 (4) The total amount of the contributions au-  
25 thorized to be made under section 2501.

1 (c) AUTHORIZED AMOUNTS.—Amounts authorized to  
2 be appropriated by titles II and III of this Act are avail-  
3 able for contributions for the common-funded budgets of  
4 NATO as follows:

5 (1) Of the amount provided in section 201(1),  
6 \$1,049,000 for the Civil Budget.

7 (2) Of the amount provided in section 301(1),  
8 \$408,788,000 for the Military Budget.

9 (d) DEFINITIONS.—For purposes of this section:

10 (1) COMMON-FUNDED BUDGETS OF NATO.—  
11 The term “common-funded budgets of NATO”  
12 means the Military Budget, the Security Investment  
13 Program, and the Civil Budget of the North Atlantic  
14 Treaty Organization (and any successor or addi-  
15 tional account or program of NATO).

16 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—  
17 The term “fiscal year 1998 baseline limitation”  
18 means the maximum annual amount of Department  
19 of Defense contributions for common-funded budgets  
20 of NATO that is set forth as the annual limitation  
21 in section 3(2)(C)(ii) of the resolution of the Senate  
22 giving the advice and consent of the Senate to the  
23 ratification of the Protocols to the North Atlantic  
24 Treaty of 1949 on the Accession of Poland, Hun-  
25 gary, and the Czech Republic (as defined in section



1 4(7) of that resolution), approved by the Senate on  
2 April 30, 1998.

3 **Subtitle B—Naval Vessels and**  
4 **Shipyards**

5 **SEC. 1011. GOVERNMENT RIGHTS IN DESIGNS OF DEPART-**  
6 **MENT OF DEFENSE VESSELS, BOATS, CRAFT,**  
7 **AND COMPONENTS DEVELOPED USING PUB-**  
8 **LIC FUNDS.**

9 (a) IN GENERAL.—Chapter 633 of title 10, United  
10 States Code, is amended by adding at the end the fol-  
11 lowing new section:

12 **“§ 7317. Government rights in designs of Department**  
13 **of Defense vessels, boats, craft, and com-**  
14 **ponents developed using public funds**

15 “(a) IN GENERAL.—Government rights in the design  
16 of a vessel, boat, or craft, and its components, including  
17 the hull, decks, superstructure, and all shipboard equip-  
18 ment and systems, developed in whole or in part using  
19 public funds shall be determined solely as follows:

20 “(1) In the case of a vessel, boat, craft, or com-  
21 ponent procured through a contract, in accordance  
22 with the provisions of section 2320 of this title.

23 “(2) In the case of a vessel, boat, craft, or com-  
24 ponent procured through an instrument not gov-  
25 erned by section 2320 of this title, by the terms of

1 the instrument (other than a contract) under which  
2 the design for such vessel, boat, craft, or component,  
3 as applicable, was developed for the Government.

4 “(b) CONSTRUCTION OF SUPERSEDING AUTHORI-  
5 TIES.—This section may be modified or superseded by a  
6 provision of statute only if such provision expressly refers  
7 to this section in modifying or superseding this section.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of chapter 633 of such title is amended  
10 by adding at the end the following new item:

“7317. Government rights in designs of Department of Defense vessels, boats,  
craft, and components developed using public funds.”.

11 **SEC. 1012. REIMBURSEMENT OF EXPENSES FOR CERTAIN**  
12 **NAVY MESS OPERATIONS.**

13 (a) IN GENERAL.—Amounts appropriated for oper-  
14 ation and maintenance for the Navy may be used to pay  
15 the charge established under section 1011 of title 37,  
16 United States Code, for meals sold by messes for United  
17 States Navy and Naval Auxiliary vessels to the following:

18 (1) Members of nongovernmental organizations  
19 and officers or employees of host and foreign nations  
20 when participating in or providing support to United  
21 States civil-military operations.

22 (2) Foreign national patients treated on Naval  
23 vessels during the conduct of United States civil-  
24 military operations, and their escorts.

1 (b) EXPIRATION OF AUTHORITY.—The authority to  
2 pay for meals under subsection (a) shall expire on Sep-  
3 tember 30, 2010.

## 4 **Subtitle C—Counter-Drug** 5 **Activities**

6 **SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK**  
7 **FORCES TO PROVIDE SUPPORT TO LAW EN-**  
8 **FORCEMENT AGENCIES CONDUCTING**  
9 **COUNTER-TERRORISM ACTIVITIES.**

10 Section 1022(b) of the National Defense Authoriza-  
11 tion Act for Fiscal Year 2004 (10 U.S.C. 371 note) is  
12 amended by striking “through 2008” and inserting  
13 “through 2009”.

14 **SEC. 1022. TWO-YEAR EXTENSION OF AUTHORITY FOR USE**  
15 **OF FUNDS FOR UNIFIED COUNTERDRUG AND**  
16 **COUNTERTERRORISM CAMPAIGN IN COLOM-**  
17 **BIA.**

18 Section 1021 of the Ronald W. Reagan National De-  
19 fense Authorization Act for Fiscal Year 2005 (Public Law  
20 108–375; 118 Stat. 2042), as amended by section 1023  
21 of the John Warner National Defense Authorization Act  
22 for Fiscal Year 2007 (Public Law 109–364; 120 Stat.  
23 2382), is further amended—

24 (1) in subsection (a)(1), by striking “through  
25 2008” and inserting “through 2010”; and

1           (2) in subsection (c), by striking “through  
2           2008” and inserting “through 2010”.

3           **Subtitle D—Miscellaneous**  
4           **Authorities and Limitations**

5   **SEC. 1031. PROCUREMENT BY STATE AND LOCAL GOVERN-**  
6           **MENTS OF EQUIPMENT FOR HOMELAND SE-**  
7           **CURITY AND EMERGENCY RESPONSE ACTIVI-**  
8           **TIES THROUGH THE DEPARTMENT OF DE-**  
9           **FENSE.**

10          (a) EXPANSION OF PROCUREMENT AUTHORITY TO  
11          INCLUDE EQUIPMENT FOR HOMELAND SECURITY AND  
12          EMERGENCY RESPONSE ACTIVITIES.—

13           (1) PROCEDURES.—Subsection (a)(1) of section  
14          381 of title 10, United States Code, is amended—

15           (A) in subsection (a)(1)—

16           (i) in the matter preceding subpara-  
17          graph (A)—

18           (I) by striking “law enforce-  
19          ment”; and

20           (II) by inserting “, homeland se-  
21          curity, and emergency response” after  
22          “counter-drug”;

23           (ii) in subparagraph (A)—

24           (I) in the matter preceding clause  
25          (i), by inserting “, homeland security,

1 or emergency response” after  
2 “counter-drug”; and

3 (II) in clause (i), by striking “law  
4 enforcement”;

5 (iii) in subparagraph (C), by striking  
6 “law enforcement” each place it appears;  
7 and

8 (iv) in subparagraph (D), by striking  
9 “law enforcement”.

10 (2) GSA CATALOG.—Subsection (c) of such sec-  
11 tion is amended—

12 (A) by striking “law enforcement”; and

13 (B) by inserting “, homeland security, and  
14 emergency response” after “counter-drug”.

15 (3) DEFINITIONS.—Subsection (d) of such sec-  
16 tion is amended—

17 (A) in paragraph (2), by inserting “or  
18 emergency response” after “law enforcement”  
19 both places it appears; and

20 (B) in paragraph (3)—

21 (i) by striking “law enforcement”;

22 (ii) by inserting “, homeland security,  
23 and emergency response” after “counter-  
24 drug”; and

1 (iii) by inserting “and, in the case of  
2 equipment for homeland security activities,  
3 may not include any equipment that is not  
4 found on the Authorized Equipment List  
5 published by the Department of Homeland  
6 Security” after “purposes”.

7 (b) CLERICAL AMENDMENTS.—

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

10 **“§ 381. Procurement of equipment by State and local**  
11 **governments through the Department of**  
12 **Defense: equipment for counter-drug,**  
13 **homeland security, and emergency re-**  
14 **sponse activities”.**

15 (2) TABLE OF SECTIONS.—The table of sections  
16 at the beginning of chapter 18 of such title is  
17 amended by striking the item relating to section 381  
18 and inserting the following new item:

“381. Procurement of equipment by State and local governments through the  
Department of Defense: equipment for counter-drug, homeland  
security, and emergency response activities.”.

19 **SEC. 1032. ENHANCEMENT OF THE CAPACITY OF THE**  
20 **UNITED STATES GOVERNMENT TO CONDUCT**  
21 **COMPLEX OPERATIONS.**

22 (a) IN GENERAL.—Chapter 20 of title 10, United  
23 States Code, is amended by adding the following new sec-  
24 tion:

1 **“§ 409. Center for Complex Operations**

2 “(a) CENTER AUTHORIZED.—The Secretary of De-  
3 fense may establish within the Department of Defense a  
4 center to be known as the ‘Center for Complex Operations’  
5 (in this section referred to as the ‘Center’).

6 “(b) PURPOSES.—The purposes of the Center estab-  
7 lished under subsection (a) shall be the following:

8 “(1) To provide for effective coordination in the  
9 preparation of Department of Defense personnel and  
10 other United States Government personnel for com-  
11 plex operations.

12 “(2) To foster unity of effort among the depart-  
13 ments and agencies of the United States Govern-  
14 ment, foreign governments and militaries, inter-  
15 national organizations, and nongovernmental organi-  
16 zations in their participation in complex operations.

17 “(3) To conduct research, collect, analyze, and  
18 distribute lessons learned, and compile best practices  
19 in matters relating to complex operations.

20 “(4) To identify gaps in the education and  
21 training of Department of Defense personnel, and  
22 other United States Government personnel, relating  
23 to complex operations, and to facilitate efforts to fill  
24 such gaps.

25 “(c) SUPPORT FROM OTHER UNITED STATES GOV-  
26 ERNMENT AGENCIES.—The head of any non-Department

1 of Defense department or agency of the United States  
2 Government may—

3           “(1) provide to the Secretary of Defense serv-  
4           ices, including personnel support, to support the op-  
5           erations of the Center; and

6           “(2) transfer funds to the Secretary of Defense  
7           to support the operations of the Center.

8           “(d) ACCEPTANCE OF GIFTS AND DONATIONS.—(1)  
9           Subject to paragraph (3), the Secretary of Defense may  
10          accept from any source specified in paragraph (2) any gift  
11          or donation for purposes of defraying the costs or enhanc-  
12          ing the operations of the Center.

13          “(2) The sources specified in this paragraph are the  
14          following:

15               “(A) The government of a State or a political  
16               subdivision of a State.

17               “(B) The government of a foreign country.

18               “(C) A foundation or other charitable organiza-  
19               tion, including a foundation or charitable organiza-  
20               tion that is organized or operates under the laws of  
21               a foreign country.

22               “(D) Any source in the private sector of the  
23               United States or a foreign country.



1       “(3) The Secretary may not accept a gift or donation  
2 under this subsection if acceptance of the gift or donation  
3 would compromise or appear to compromise—

4           “(A) the ability of the Department of Defense,  
5 any employee of the Department, or any member of  
6 the armed forces to carry out the responsibility or  
7 duty of the Department in a fair and objective man-  
8 ner; or

9           “(B) the integrity of any program of the De-  
10 partment or of any person involved in such a pro-  
11 gram.

12       “(4) The Secretary shall prescribe written guidance  
13 setting forth the criteria to be used in determining the  
14 applicability of paragraph (3) to any proposed gift or do-  
15 nation under this subsection.

16       “(e) CREDITING OF FUNDS TRANSFERRED OR AC-  
17 CEPTED.—Funds transferred to or accepted by the Sec-  
18 retary of Defense under this section shall be credited to  
19 appropriations available to the Department of Defense for  
20 the Center, and shall be available for the same purposes,  
21 and subject to the same conditions and limitations, as the  
22 appropriations with which merged. Any funds so trans-  
23 ferred or accepted shall remain available until expended.

24       “(f) DEFINITIONS.—In this section:

1           “(1) The term ‘complex operation’ means an  
2 operation as follows:

3                   “(A) A stability operation.

4                   “(B) A security operation.

5                   “(C) A transition and reconstruction oper-  
6 ation.

7                   “(D) A counterinsurgency operation.

8                   “(E) An operation consisting of irregular  
9 warfare.

10           “(2) The term ‘gift or donation’ means any gift  
11 or donation of funds, materials (including research  
12 materials), real or personal property, or services (in-  
13 cluding lecture services and faculty services).”.

14           (b) CLERICAL AMENDMENT.—The table of sections  
15 at the beginning of chapter 20 of such title is amended  
16 by adding at the end the following new item:

“409. Center for Complex Operations.”.

17 **SEC. 1033. CREDITING OF ADMIRALTY CLAIM RECEIPTS**  
18 **FOR DAMAGE TO PROPERTY FUNDED FROM A**  
19 **DEPARTMENT OF DEFENSE WORKING CAP-**  
20 **ITAL FUND.**

21           Section 7623(b) of title 10, United States Code, is  
22 amended—

23                   (1) by inserting “(1)” after “(b)”;

24                   (2) in paragraph (1), as so designated, by strik-  
25 ing the last sentence; and

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

3           “(2)(A) Except as provided in subparagraph (B),  
4 amounts received under this section shall be covered into  
5 the Treasury as miscellaneous receipts.

6           “(B) Amounts received under this section for damage  
7 or loss to property operated and maintained with funds  
8 from a Department of Defense working capital fund or  
9 account shall be credited to that fund or account.”.

10 **SEC. 1034. MINIMUM ANNUAL PURCHASE REQUIREMENTS**  
11                   **FOR AIRLIFT SERVICES FROM CARRIERS**  
12                   **PARTICIPATING IN THE CIVIL RESERVE AIR**  
13                   **FLEET.**

14           (a) IN GENERAL.—Chapter 931 of title 10, United  
15 States Code, is amended by adding at the end the fol-  
16 lowing new section:

17 **“§ 9515. Airlift services: minimum annual purchase**  
18                   **amount for carriers participating in Civil**  
19                   **Reserve Air Fleet**

20           “(a) IN GENERAL.—The Secretary of Defense may  
21 award to an air carrier or an air carrier contractor team  
22 arrangement participating in the Civil Reserve Air Fleet  
23 on a fiscal year basis a one-year contract for airlift serv-  
24 ices with a minimum purchase amount under such con-  
25 tract determined in accordance with this section.

1       “(b) ELIGIBLE CARRIERS.—In order to be eligible for  
2 payments under the minimum purchase amount provided  
3 by this section, an air carrier (or any air carrier partici-  
4 pating in an air carrier contractor team arrangement)—

5           “(1) if under contract with the Department of  
6 Defense in the prior fiscal year, shall have an aver-  
7 age on-time pick up rate, based on factors within  
8 such air carrier’s control, of at least 90 percent;

9           “(2) shall offer such amount of commitment to  
10 the Civil Reserve Air Fleet in excess of the minimum  
11 required for participation in the Civil Reserve Air  
12 Fleet as the Secretary of Defense shall specify for  
13 purposes of this section; and

14           “(3) may not have refused a Department of De-  
15 fense request to act as a host for other Civil Reserve  
16 Air Fleet carriers at intermediate staging bases dur-  
17 ing the prior fiscal year.

18       “(c) AGGREGATE MINIMUM PURCHASE AMOUNT.—

19 (1) The aggregate amount of the minimum purchase  
20 amount for all contracts awarded under subsection (a) for  
21 a fiscal year shall be based on forecast needs, but may  
22 not exceed the amount equal to 80 percent of the average  
23 annual expenditure of the Department of Defense for com-  
24 mercial airlift services during the five-fiscal year period

1 ending in the fiscal year before the fiscal year for which  
2 such contracts are awarded.

3       “(2) In calculating the average annual expenditure  
4 of the Department of Defense for airlift services for pur-  
5 poses of paragraph (1), the Secretary of Defense shall  
6 omit from the calculation any fiscal year exhibiting unusu-  
7 ally high demand for commercial airlift services if the Sec-  
8 retary determines that the omission of such fiscal year  
9 from the calculation will result in a more accurate forecast  
10 of anticipated commercial airlift services for purposes of  
11 that paragraph.

12       “(d) ALLOCATION OF MINIMUM PURCHASE AMONG  
13 CONTRACTS.—(1) The aggregate amount of the minimum  
14 purchase amount for all contracts awarded under sub-  
15 section (a) for a fiscal year, as determined under sub-  
16 section (c), shall be allocated among all air carriers and  
17 air carrier contractor team arrangements awarded con-  
18 tracts under subsection (a) for such fiscal year in propor-  
19 tion to the commitments of such carriers to the Civil Re-  
20 serve Air Fleet for such fiscal year.

21       “(2) In determining the minimum purchase amount  
22 payable under paragraph (1) under a contract under sub-  
23 section (a) for airlift services provided by an air carrier  
24 or air carrier contractor team arrangement during the fis-  
25 cal year covered by such contract, the Secretary of De-

1 fense may adjust the amount allocated to such carrier or  
2 arrangement under paragraph (2) to take into account pe-  
3 riods during such fiscal year when airlift services of such  
4 carrier or a carrier in such arrangement are unavailable  
5 for usage by the Department of Defense, including during  
6 periods of refused business or suspended operations or  
7 when such carrier is placed in nonuse status pursuant to  
8 section 2640 of this title for safety reasons.

9       “(e) DISTRIBUTION OF AMOUNTS.—If any amount  
10 available under this section for the minimum purchase of  
11 airlift services from a carrier or air carrier contractor  
12 team arrangement for a fiscal year under a contract under  
13 subsection (a) is not utilized to purchase airlift services  
14 from the carrier or arrangement in such fiscal year, such  
15 amount shall be provided to the carrier or arrangement  
16 before the first day of the following fiscal year.

17       “(f) COMMITMENT OF FUNDS.—(1) The Secretary of  
18 each military department shall transfer to the transpor-  
19 tation working capital fund a percentage of the total  
20 amount anticipated to be required in such fiscal year for  
21 the payment of minimum purchase amounts under all con-  
22 tracts awarded under subsection (a) for such fiscal year  
23 equivalent to the percentage of the anticipated use of air-  
24 lift services by such military department during such fiscal

1 year from all carriers under contracts awarded under sub-  
2 section (a) for such fiscal year.

3 “(2) Any amounts required to be transferred under  
4 paragraph (1) shall be transferred by the last day of the  
5 fiscal year concerned to meet the requirements of sub-  
6 section (e) unless minimum purchase amounts have al-  
7 ready been distributed by the Secretary of Defense under  
8 subsection (e) as of that date.

9 “(g) AVAILABILITY OF AIRLIFT SERVICES.—(1)  
10 From the total amount of airlift services available for a  
11 fiscal year under all contracts awarded under subsection  
12 (a) for such fiscal year, a military department shall be  
13 entitled to obtain a percentage of such airlift services  
14 equal to the percentage of the contribution of the military  
15 department to the transportation working capital fund for  
16 such fiscal year under subsection (f).

17 “(2) A military department may transfer any entitle-  
18 ment to airlift services under paragraph (1) to any other  
19 military department or to any other agency, element, or  
20 component of the Department of Defense.

21 “(h) SUNSET.—The authorities in this section shall  
22 expire on December 31, 2015.”.

23 (b) CLERICAL AMENDMENT.—The table of sections  
24 at the beginning of chapter 941 of such title is amended  
25 by adding at the end the following new item:

“9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.”.

1 **SEC. 1035. TERMINATION DATE OF BASE CONTRACT FOR**  
2 **THE NAVY-MARINE CORPS INTRANET.**

3 Section 814 of the Floyd D. Spence National Defense  
4 Authorization Act for Fiscal Year 2001 (as enacted into  
5 law by Public Law 106–398; 114 Stat. 1654A–215), as  
6 amended by section 362 of the National Defense Author-  
7 ization Act for Fiscal Year 2002 (Public Law 107–107;  
8 115 Stat. 1065) and Public Law 107–254 (116 Stat.  
9 1733), is further amended—

10 (1) by redesignating subsection (j) as sub-  
11 section (k); and

12 (2) by inserting after subsection (i) the fol-  
13 lowing new subsection (j):

14 “(j) TERMINATION DATE OF BASE CONTRACT FOR  
15 NAVY-MARINE CORPS INTRANET.—Notwithstanding sub-  
16 section (i), the base contract of the Navy-Marine Corps  
17 Intranet contract may terminate on October 31, 2010.”.

18 **SEC. 1036. PROHIBITION ON INTERROGATION OF DETAIN-**  
19 **EES BY CONTRACTOR PERSONNEL.**

20 (a) REGULATIONS REQUIRED.—Effective as of the  
21 date that is one year after the date of the enactment of  
22 this Act, the Department of Defense manpower mix cri-  
23 teria and the Department of Defense Supplement to the



1 Federal Acquisition Regulation shall be revised to provide  
2 that—

3           (1) the interrogation of enemy prisoners of war,  
4           civilian internees, retained persons, other detainees,  
5           terrorists, and criminals when captured, transferred,  
6           confined, or detained during or in the aftermath of  
7           hostilities is an inherently governmental function  
8           and cannot be transferred to private sector contrac-  
9           tors who are beyond the reach of controls otherwise  
10          applicable to government personnel; and

11          (2) properly trained and cleared contractors  
12          may be used as linguists, interpreters, report writ-  
13          ers, and information technology technicians if their  
14          work is properly reviewed by appropriate government  
15          officials.

16          (b) PENALTIES.—The obligation or expenditure of  
17          Department of Defense funds for a contract that is not  
18          in compliance with the regulations issued pursuant to this  
19          section is a violation of section 1341(a)(1)(A) of title 31,  
20          United States Code.

1 **SEC. 1037. NOTIFICATION OF COMMITTEES ON ARMED**  
2 **SERVICES WITH RESPECT TO CERTAIN NON-**  
3 **PROLIFERATION AND PROLIFERATION AC-**  
4 **TIVITIES.**

5 (a) NOTIFICATION WITH RESPECT TO NON-  
6 PROLIFERATION ACTIVITIES.—The Secretary of Defense,  
7 the Secretary of Energy, the Secretary of Commerce, the  
8 Secretary of State, and the Nuclear Regulatory Commis-  
9 sion shall keep the Committee on Armed Services of the  
10 Senate and the Committee on Armed Services of the  
11 House of Representatives informed with respect to—

12 (1) any activities undertaken by any such Sec-  
13 retary or the Commission to carry out the purposes  
14 and policies of the Secretaries and the Commission  
15 with respect to nonproliferation programs; and

16 (2) any other activities undertaken by any such  
17 Secretary or the Commission to prevent the pro-  
18 liferation of nuclear, chemical, or biological weapons  
19 or the means of delivery of such weapons.

20 (b) NOTIFICATION WITH RESPECT TO PROLIFERA-  
21 TION ACTIVITIES IN FOREIGN NATIONS.—

22 (1) IN GENERAL.—The Director of National In-  
23 telligence shall keep the Committee on Armed Serv-  
24 ices of the Senate and the Committee on Armed  
25 Services of the House of Representatives fully and  
26 currently informed with respect to any activities of

1 foreign nations that are significant with respect to  
2 the proliferation of nuclear, chemical, or biological  
3 weapons or the means of delivery of such weapons.

4 (2) FULLY AND CURRENTLY INFORMED DE-  
5 FINED.—For purposes of paragraph (1), the term  
6 “fully and currently informed” means the trans-  
7 mittal of credible information with respect to an ac-  
8 tivity described in such paragraph not later than 60  
9 days after becoming aware of the activity.

10 **SEC. 1038. SENSE OF CONGRESS ON NUCLEAR WEAPONS**  
11 **MANAGEMENT.**

12 (a) FINDINGS.—Congress makes the following find-  
13 ings:

14 (1) The unauthorized transfer of nuclear weap-  
15 ons from Minot Air Force Base, North Dakota, to  
16 Barksdale Air Force Base, Louisiana, in August  
17 2007 was an extraordinary breach of the command  
18 and control and security of nuclear weapons.

19 (2) The reviews conducted following that unau-  
20 thorized transfer found that the ability of the De-  
21 partment of Defense to provide oversight of nuclear  
22 weapons matters had degenerated and that senior  
23 level attention to nuclear weapons management is  
24 minimal at best.

1           (3) The lack of attention to nuclear weapons  
2           and related equipment by the Department of De-  
3           fense was demonstrated again when it was discov-  
4           ered in March 2008 that classified equipment from  
5           Minuteman III intercontinental ballistic missiles was  
6           inadvertently shipped to Taiwan in 2006.

7           (4) The Department of Defense has insufficient  
8           capability and staffing in the Office of the Under  
9           Secretary of Defense for Policy to provide the nec-  
10          essary oversight of the nuclear weapons functions of  
11          the Department.

12          (5) The key senior position responsible for nu-  
13          clear weapons matters in the Department of De-  
14          fense, the Assistant to the Secretary of Defense for  
15          Nuclear and Chemical and Biological Defense Pro-  
16          grams, a position filled by appointment by and with  
17          the advice and consent of the Senate, has been va-  
18          cant for more than 18 months.

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

21               (1) the United States should maintain clear and  
22               unambiguous command and control of its nuclear  
23               weapons;

24               (2) the safety and security of nuclear weapons  
25               and related equipment should be a high priority as

1 long as the United States maintains a stockpile of  
2 nuclear weapons;

3 (3) the President should take immediate steps  
4 to nominate a qualified individual for the position of  
5 Assistant to the Secretary of Defense for Nuclear  
6 and Chemical and Biological Defense Programs; and

7 (4) the Secretary of Defense should establish  
8 and fill a senior position, at the level of Assistant  
9 Secretary or Deputy Under Secretary, within the Of-  
10 fice of the Under Secretary of Defense for Policy to  
11 be responsible solely for the strategic and nuclear  
12 weapons policy of the Department of Defense.

13 **SEC. 1039. SENSE OF CONGRESS ON JOINT DEPARTMENT**  
14 **OF DEFENSE-FEDERAL AVIATION ADMINIS-**  
15 **TRATION EXECUTIVE COMMITTEE ON CON-**  
16 **Flict AND DISPUTE RESOLUTION.**

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

19 (1) Unmanned aerial systems (UAS) of the De-  
20 partment of Defense, like the Predator and the  
21 Global Hawk, have become a critical component of  
22 military operations. Unmanned aerial systems are  
23 indispensable in the conflict against terrorism and  
24 the campaigns in Afghanistan and Iraq.

1           (2) Unmanned aerial systems of the Depart-  
2           ment of Defense must operate in the National Air-  
3           space System (NAS) for training, operational sup-  
4           port to the combatant commands, and support to  
5           domestic authorities in emergencies and national dis-  
6           asters.

7           (3) The Department of Defense has been lax in  
8           developing certifications of airworthiness for un-  
9           manned aerial systems, qualifications for operators  
10          of unmanned aerial systems, databases on safety  
11          matters relating to unmanned aerial systems, and  
12          standards, technology, and procedures that are nec-  
13          essary for routine access of unmanned aerial systems  
14          to the National Airspace System.

15          (4) As recognized in a Memorandum of Agree-  
16          ment for Operation of Unmanned Aircraft Systems  
17          in the National Airspace System signed by the Dep-  
18          uty Secretary of Defense and the Administrator of  
19          the Federal Aviation Administration in September  
20          2007, it is vital for the Department of Defense and  
21          the Federal Aviation Administration to collaborate  
22          closely to achieve progress in gaining access for un-  
23          manned aerial systems to the National Airspace Sys-  
24          tem to support military requirements.

1           (5) The Department of Defense and the Fed-  
2           eral Aviation Administration have jointly and sepa-  
3           rately taken significant actions to improve the access  
4           of unmanned aerial systems of the Department of  
5           Defense to the National Airspace System, but over-  
6           all, the pace of progress in access of such systems  
7           to the National Airspace System has been insuffi-  
8           cient and poses a threat to national security.

9           (6) Techniques and procedures can be rapidly  
10          acquired or developed to temporarily permit safe op-  
11          erations of unmanned aerial systems in the National  
12          Airspace System until permanent safe operations of  
13          such systems in the National Airspace System can  
14          be achieved.

15          (7) Identifying, developing, approving, imple-  
16          menting, and monitoring the adequacy of these tech-  
17          niques and procedures may require the establish-  
18          ment of a joint Department of Defense-Federal  
19          Aviation Administration executive committee report-  
20          ing to the highest levels of the Department of De-  
21          fense and the Federal Aviation Administration on  
22          matters relating to the access of unmanned aerial  
23          systems of the Department of Defense to the Na-  
24          tional Airspace System.

1           (8) Joint management attention at the highest  
2           levels of the Department of Defense and the Federal  
3           Aviation Administration may also be required on  
4           other important issues, such as type ratings for aer-  
5           ial refueling aircraft.

6           (b) SENSE OF CONGRESS.—It is the sense of Con-  
7           gress that the Secretary of Defense should seek an agree-  
8           ment with the Administrator of the Federal Aviation Ad-  
9           ministration to jointly establish within the Department of  
10          Defense and the Federal Aviation Administration a joint  
11          Department of Defense–Federal Aviation Administration  
12          executive committee on conflict and dispute resolution  
13          which would—

14                (1) act as a focal point for the resolution of dis-  
15                putes on matters of policy and procedures between  
16                the Department of Defense and the Federal Aviation  
17                Administration with respect to—

18                    (A) airspace, aircraft certifications, and  
19                    aircrew training; and

20                    (B) other issues brought before the joint  
21                    executive committee by the Department of De-  
22                    fense or the Department of Transportation;

23                (2) identify solutions to the range of technical,  
24                procedural, and policy concerns arising in the dis-  
25                putes described in paragraph (1); and



1           (3) identify solutions to the range of technical,  
2           procedural, and policy concerns arising in the inte-  
3           gration of Department of Defense unmanned aerial  
4           systems into the National Airspace System in order  
5           to achieve the increasing, and ultimately routine, ac-  
6           cess of such systems into the National Airspace Sys-  
7           tem.

8 **SEC. 1040. SENSE OF CONGRESS ON SALE OF NEW OUTSIZE**  
9                   **CARGO, STRATEGIC LIFT AIRCRAFT FOR CI-**  
10                   **VILIAN USE.**

11           (a) FINDINGS.—Congress makes the following find-  
12           ings:

13           (1) The 2004 Quadrennial Defense Review (as  
14           submitted to Congress in 2005) and the 2005 Mobil-  
15           ity Capability Study determined that the United  
16           States Transportation Command requires a force of  
17           292 organic strategic lift aircraft, augmented by  
18           procurement of airlift service from commercial air  
19           carriers participating in the Civil Reserve Air Fleet,  
20           to meet the demands of the National Military Strat-  
21           egy. Congress has authorized and appropriated  
22           funds for 301 strategic airlift aircraft.

23           (2) The Commander of the United States  
24           Transportation Command has testified to Congress  
25           that it is essential to safeguard the capabilities and

1 capacity of the Civil Reserve Air Fleet to meet war-  
2 time surge demands in connection with major com-  
3 bat operations, and that procurement by the Air  
4 Force of excess organic strategic lift aircraft would  
5 be harmful to the health of the Civil Reserve Air  
6 Fleet.

7 (3) The C-17 Globemaster aircraft is the work-  
8 horse of the Air Mobility Command in the Global  
9 War on Terror. Production of the C-17 Globemaster  
10 aircraft is scheduled to cease in 2009, upon comple-  
11 tion of the aircraft remaining to be procured by the  
12 Air Force.

13 (4) The Federal Aviation Administration has  
14 informed the Committee on Armed Services of the  
15 Senate that no fewer than six commercial operators  
16 have expressed interest in procuring a commercial  
17 variant of the C-17 Globemaster aircraft. Commer-  
18 cial sale of the C-17 Globemaster aircraft would re-  
19 quire that the Department of Defense or Congress  
20 determine that it is in the national interest for the  
21 Federal Aviation Administration to proceed with the  
22 issuance of a type certificate for surplus aircraft of  
23 the Armed Forces in accordance with section 21.27  
24 of title 14, Code of Federal Regulations.

1           (5) C-17 Globemaster aircraft sold for commer-  
2           cial use could be made available to the Civil Reserve  
3           Air Fleet, thus strengthening the capabilities and ca-  
4           pacity of the Civil Reserve Air Fleet.

5           (6) The sale of a commercial variant of the C-  
6           17 Globemaster to Civil Reserve Air Fleet partners  
7           would strengthen the United States industrial base.

8           (b) SENSE OF CONGRESS.—It is the sense of Con-  
9           gress that the Secretary of Defense should—

10           (1) review the benefits and feasibility of pur-  
11           suing a commercial-military cargo initiative for the  
12           C-17 Globemaster aircraft and determine whether  
13           such an initiative is in the national interest; and

14           (2) if the Secretary determines that such an ini-  
15           tiative is in the national interest, take appropriate  
16           actions to coordinate with the Federal Aviation Ad-  
17           ministration to achieve the type certification for such  
18           aircraft required by section 21.27 of title 14, Code  
19           of Federal Regulations.

## Subtitle E—Reports

1                   **SEC. 1051. REPEAL OF REQUIREMENT TO SUBMIT CERTAIN**  
2                   **ANNUAL REPORTS TO CONGRESS REGARD-**  
3                   **ING ALLIED CONTRIBUTIONS TO THE COM-**  
4                   **MON DEFENSE.**

5                   (a) REPEAL OF CERTAIN REPORTS ON ALLIED CON-  
6                   TRIBUTIONS TO THE COMMON DEFENSE.—Section 1003  
7                   of the Department of Defense Authorization Act, 1985  
8                   (Public Law 95–525; 98 Stat. 2576) is amended by strik-  
9                   ing subsections (c) and (d).

10                  (b) REPEAL OF REPORT ON COST-SHARING.—Sec-  
11                  tion 1313 of the National Defense Authorization Act for  
12                  Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2894)  
13                  is amended—  
14                  is amended—

15                         (1) by striking subsection (c); and

16                         (2) by redesignating subsection (d) as sub-  
17                         sections (c).

18                  **SEC. 1052. REPORT ON DETENTION OPERATIONS IN IRAQ.**

19                  (a) REPORT REQUIRED.—Not later than 90 days  
20                  after the date of the enactment of this Act, the Secretary  
21                  of Defense shall submit to the congressional defense com-  
22                  mittees a report on detention operations at theater intern-  
23                  ment facilities in Iraq during the period beginning on Jan-  
24                  uary 1, 2007, and ending on the date of the report.

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

3 (1) A detailed description of the policies and  
4 procedures governing detention operations at theater  
5 internment facilities in Iraq during the period cov-  
6 ered by the report, and a description of any changes  
7 to such policies and procedures during that period  
8 intended to incorporate counterinsurgency doctrine  
9 within such detention operations.

10 (2) A detailed description of the policies and  
11 programs instituted to prepare detainees for re-  
12 integration following their release from detention in  
13 theater internment facilities in Iraq, including pro-  
14 grams of family visits and outreach, religious coun-  
15 seling, literacy, basic education, and vocational  
16 skills.

17 (3) A detailed description of the procedures for  
18 reviewing the detention status of individuals under  
19 detention in theater detention facilities in Iraq dur-  
20 ing the period covered by the report, including the  
21 procedures of the Multinational Forces Review Com-  
22 mittee, and an assessment of the effect, if any, on  
23 United States detention policy and procedures with  
24 respect to Iraq of the General Amnesty Law ap-  
25 proved by the Council of Representatives on Feb-

1       ruary 13, 2008, and signed by the Presidency Coun-  
2       cil on February 26, 2008.

3               (4) Information for each month of the period  
4       covered by the report as follows:

5                   (A) The detainee population at each the-  
6       ater internment facility in Iraq as of the end of  
7       such month.

8                   (B) The number of detainees released from  
9       detention in theater internment facilities in Iraq  
10      during such month both in aggregate and in  
11      number released from each such theater intern-  
12      ment facility.

13                  (C) The number of detainees in theater in-  
14      ternment facilities in Iraq turned over to the  
15      control of the Government of Iraq for criminal  
16      prosecution during such month.

17               (5) Information on the length of detainments in  
18      the theater internment facilities in Iraq as of each  
19      of January 1, 2007, and January 1, 2008, with a  
20      stratification of the number of individuals who had  
21      been so detained at each such date by six-month in-  
22      crements.

23               (6) A description and assessment of the effects  
24      of changes in detention operations and reintegration  
25      programs at theater internment facilities in Iraq

1 during the period of the report, including changes in  
2 levels of violence within internment facilities and in  
3 rates of recapture of detainees released from deten-  
4 tion in internment facilities.

5 (7) A statement of the costs of establishing and  
6 operating reintegration centers in Iraq and of the  
7 share of such costs to be paid by the Government of  
8 Iraq, and a description of plans for the transition of  
9 such centers to the control of the Government of  
10 Iraq.

11 (8) A description of—

12 (A) the lessons learned regarding detention  
13 operations in a counterinsurgency operation, an  
14 assessment of how such lessons could be applied  
15 to detention operations elsewhere (including in  
16 Afghanistan and at Guantanamo Bay, Cuba);  
17 and

18 (B) any efforts to integrate such lessons  
19 into Department of Defense directives, joint  
20 doctrine, mission rehearsal exercises for deploy-  
21 ing forces, and training for units involved in de-  
22 tention and interrogation operations.

23 (c) FORM.—The report required under subsection (a)  
24 shall be submitted in unclassified form, but may include  
25 a classified annex.

1 **SEC. 1053. STRATEGIC PLAN TO ENHANCE THE ROLE OF**  
2 **THE NATIONAL GUARD AND RESERVES IN**  
3 **THE NATIONAL DEFENSE.**

4 (a) STRATEGIC PLAN REQUIRED.—

5 (1) IN GENERAL.—The Secretary of Defense  
6 shall develop a strategic plan to enhance the role of  
7 the National Guard and Reserves in the national de-  
8 fense, including—

9 (A) the transition of the reserve compo-  
10 nents of the Armed Forces from a strategic  
11 force to an operational force;

12 (B) the achievement of a fully-integrated  
13 total force (including further development of  
14 the continuum of service); and

15 (C) the enhancement of the role of the re-  
16 serve components of the Armed Forces in  
17 homeland defense.

18 (2) CONSULTATION.—The Secretary shall de-  
19 velop the strategic plan required by this subsection  
20 in consultation with the Chairman of the Joint  
21 Chiefs of Staff and the Chief of the National Guard  
22 Bureau.

23 (b) CONSIDERATION OF EXISTING FINDINGS, REC-  
24 OMMENDATIONS, AND PRACTICES.—In developing the  
25 strategic plan required by subsection (a), the Secretary  
26 shall consider the following:



1           (1) The findings and recommendations of the  
2 final report of the Commission on the National  
3 Guard and Reserves.

4           (2) The findings and recommendations of the  
5 Center for Strategic and International Studies on  
6 the future of the National Guard and Reserves.

7           (3) The policies expressed in the provisions of  
8 the bill S. 2760 of the 110th Congress, to amend  
9 title 10, United States Code, to enhance the national  
10 defense through empowerment of the National  
11 Guard, enhancement of the functions of the National  
12 Guard Bureau, and improvement of Federal-State  
13 military coordination in domestic emergency re-  
14 sponse, and for other purposes.

15           (4) Current policies and practices of the De-  
16 partment of Defense for the utilization of members  
17 and units of the reserve components of the Armed  
18 Forces.

19           (c) ELEMENTS.—The strategic plan required by sub-  
20 section (a) shall include the following:

21           (1) A description of the legislative, organiza-  
22 tional, and administrative actions required to make  
23 the reserve components of the Armed Forces a sus-  
24 tainable operational force.

1           (2) A description of the legislative, organiza-  
2           tional, and administrative actions required to en-  
3           hance the Department of Defense role in homeland  
4           defense and support of civil authorities, with par-  
5           ticular emphasis on the role of the reserve compo-  
6           nents of the Armed Forces in such role.

7           (3) A description of the legislative, organiza-  
8           tional, and administrative actions required to create  
9           a continuum of service in the reserve components of  
10          the Armed Forces, including a personnel manage-  
11          ment system for an integrated total force that will  
12          facilitate the seamless transition of members of Na-  
13          tional Guard and Reserves on and off active duty to  
14          meet mission requirements and permit different lev-  
15          els of participation by such members in the Armed  
16          Forces over the course of a military career.

17          (4) A description of the legislative and adminis-  
18          trative actions required to develop a ready, capable,  
19          and available operational reserve for the Armed  
20          Forces.

21          (5) A description of the legislative and adminis-  
22          trative actions required to reform organizations and  
23          institutions to support an operational reserve for the  
24          Armed Forces.

1           (6) A description of the legislative and adminis-  
2           trative actions required to enhance support to mem-  
3           bers of the Armed Forces, including members of the  
4           reserve components of the Armed Forces, their fami-  
5           lies, and their employers.

6           (d) DEADLINE FOR SUBMITTAL.—The Secretary  
7           shall submit to the Committees on Armed Services of the  
8           Senate and the House of Representatives a report setting  
9           forth the plan required by subsection (a) not later than  
10          July 1, 2009.

11      **SEC. 1054. REVIEW OF NONNUCLEAR PROMPT GLOBAL**  
12                              **STRIKE CONCEPT DEMONSTRATIONS.**

13          (a) IN GENERAL.—The Secretary of Defense shall,  
14          in consultation with the Secretary of State, conduct a re-  
15          view of each nonnuclear prompt global strike concept dem-  
16          onstration with respect to which the President requests  
17          funding in the budget of the President for fiscal year 2010  
18          (as submitted to Congress pursuant to section 1105 of  
19          title 31, United States Code).

20          (b) ELEMENTS.—The review required by subsection  
21          (a) shall include, for each concept demonstration described  
22          in that subsection, the following:

23                (1) The full cost of such concept demonstration.

1           (2) An assessment of any policy, legal, or trea-  
2       ty-related issues that could arise during the course  
3       of, or as a result of, such concept demonstration.

4           (3) The extent to which the concept dem-  
5       onstrated could be misconstrued as a nuclear weap-  
6       on or delivery system.

7           (4) An assessment of the potential basing and  
8       deployment options for the concept demonstrated.

9           (5) A description of the types of targets against  
10      which the concept demonstrated might be used.

11      (c) REPORT.—Not later than 30 days after the date  
12      on which the President submits to Congress the budget  
13      for fiscal year 2010 (as so submitted), the Secretary of  
14      Defense shall submit to the congressional defense commit-  
15      tees a report setting forth the results of the review re-  
16      quired by subsection (a).

17      **SEC. 1055. REVIEW OF BANDWIDTH CAPACITY REQUIRE-**  
18                   **MENTS OF THE DEPARTMENT OF DEFENSE**  
19                   **AND THE INTELLIGENCE COMMUNITY.**

20      (a) IN GENERAL.—The Secretary of Defense and the  
21      Director of National Intelligence shall conduct a joint re-  
22      view of the bandwidth capacity requirements of the De-  
23      partment of Defense and the intelligence community in the  
24      near term, mid term, and long term.

1 (b) ELEMENTS.—The review required by subsection  
2 (a) shall include an assessment of the following:

3 (1) The current bandwidth capacities of the De-  
4 partment of Defense and the intelligence community  
5 to transport data, including Government and com-  
6 mercial ground networks and satellite systems.

7 (2) The bandwidth capacities anticipated to be  
8 available to the Department of Defense and the in-  
9 telligence community to transport data in the near  
10 term, mid term, and long term.

11 (3) The bandwidth and data requirements of  
12 current major operational systems of the Depart-  
13 ment of Defense and the intelligence community, in-  
14 cluding an assessment of—

15 (A) whether such requirements are being  
16 appropriately met by the bandwidth capacities  
17 described in paragraph (1); and

18 (B) the degree to which any such require-  
19 ments are not being met by such bandwidth ca-  
20 pacities.

21 (4) The anticipated bandwidth and data re-  
22 quirements of major operational systems of the De-  
23 partment of Defense and the intelligence community  
24 planned for each of the near term, mid term, and  
25 long term, including an assessment of—

1 (A) whether such anticipated requirements  
2 will be appropriately met by the bandwidth ca-  
3 pacities described in paragraph (2); and

4 (B) the degree to which any such require-  
5 ments are not anticipated to be met by such  
6 bandwidth capacities.

7 (5) Any mitigation concepts that could be used  
8 to satisfy any unmet bandwidth and data require-  
9 ments.

10 (6) The costs of meeting the bandwidth and  
11 data requirements described in paragraphs (3) and  
12 (4).

13 (7) Any actions necessary to integrate or con-  
14 solidate the information networks of the Department  
15 of Defense and the intelligence community.

16 (c) REPORT.—Not later than one year after the date  
17 of the enactment of this Act, the Secretary of Defense and  
18 the Director of National Intelligence shall jointly submit  
19 to the congressional defense committees, the Select Com-  
20 mittee on Intelligence of the Senate, and the Permanent  
21 Select Committee on Intelligence of the House of Rep-  
22 resentatives a report setting forth the results of the review  
23 required by subsection (a).

24 (d) FORMAL REVIEW PROCESS FOR BANDWIDTH RE-  
25 QUIREMENTS.—The Secretary of Defense and the Direc-

1 tor of National Intelligence shall, as part of the Milestone  
2 B or Key Decision Point B approval process for any major  
3 defense acquisition program or major system acquisition  
4 program, establish a formal review process to ensure  
5 that—

6 (1) the bandwidth requirements needed to sup-  
7 port such program are or will be met; and

8 (2) a determination will be made with respect  
9 to how to meet the bandwidth requirements for such  
10 program.

11 (e) DEFINITIONS.—In this section:

12 (1) INTELLIGENCE COMMUNITY.—The term  
13 “intelligence community” means the elements of the  
14 intelligence community specified in or designated  
15 under section 3(4) of the National Security Act of  
16 1947 (50 U.S.C. 401a(4)).

17 (2) LONG TERM.—The term “long term” means  
18 the five-year period beginning on the date that is 10  
19 years after the date of the enactment of this Act.

20 (3) MID TERM.—The term “mid term” means  
21 the five-year period beginning on the date that is  
22 five years after the date of the enactment of this  
23 Act.

1           (4) NEAR TERM.—The term “near term”  
 2 means the five-year period beginning on the date of  
 3 the enactment of this Act.

## 4           **Subtitle F—Wounded Warrior** 5                                   **Matters**

### 6   **SEC. 1061. MODIFICATION OF UTILIZATION OF VETERANS’** 7                                   **PRESUMPTION OF SOUND CONDITION IN ES-** 8                                   **TABLISHING ELIGIBILITY OF MEMBERS OF** 9                                   **THE ARMED FORCES FOR RETIREMENT FOR** 10                                   **DISABILITY.**

11           (a) RETIREMENT OF REGULARS AND MEMBERS ON  
 12 ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section  
 13 1201(b)(3)(B)(i) of title 10, United States Code, is  
 14 amended—

15           (1) by striking “the member has six months or  
 16 more of active military service and”; and

17           (2) by striking “(unless compelling evidence”  
 18 and all that follows through “active duty)” and in-  
 19 serting “(unless clear and unmistakable evidence  
 20 demonstrates that the disability existed before the  
 21 member’s entrance on active duty and was not ag-  
 22 gravated by active military service)”.

23           (b) SEPARATION OF REGULARS AND MEMBERS ON  
 24 ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section  
 25 1203(b)(4)(B) of such title is amended—



1 (1) by striking “the member has six months or  
2 more of active military service, and”; and

3 (2) by striking “(unless compelling evidence”  
4 and all that follows through “active duty)” and in-  
5 serting “(unless clear and unmistakable evidence  
6 demonstrates that the disability existed before the  
7 member’s entrance on active duty and was not ag-  
8 gravated by active military service)”.

9 **SEC. 1062. INCLUSION OF SERVICE MEMBERS IN INPATIENT**  
10 **STATUS IN WOUNDED WARRIOR POLICIES**  
11 **AND PROTECTIONS.**

12 Section 1602(7) of the Wounded Warrior Act (title  
13 XVI of Public Law 110–181; 122 Stat. 432; 10 U.S.C.  
14 1071 note) is amended by inserting “inpatient or” before  
15 “outpatient status”.

16 **SEC. 1063. CLARIFICATION OF CERTAIN INFORMATION**  
17 **SHARING BETWEEN THE DEPARTMENT OF**  
18 **DEFENSE AND DEPARTMENT OF VETERANS**  
19 **AFFAIRS FOR WOUNDED WARRIOR PUR-**  
20 **POSES.**

21 (a) **IN GENERAL.**—Section 1614(b)(11) of the  
22 Wounded Warrior Act (title XVI of Public Law 110–181;  
23 122 Stat. 444; 10 U.S.C. 1071 note) is amended by insert-  
24 ing before the period at the end the following: “or that

1 such transfer is otherwise authorized by the regulations  
2 implementing such Act”.

3 (b) EFFECTIVE DATE.—The amendment made by  
4 subsection (a) shall take effect on January 28, 2008, as  
5 if included in the provisions of the Wounded Warrior Act,  
6 to which such amendment relates.

7 **SEC. 1064. ADDITIONAL RESPONSIBILITIES FOR THE**  
8 **WOUNDED WARRIOR RESOURCE CENTER.**

9 Section 1616(a) of the Wounded Warrior Act (title  
10 XVI of Public Law 110–181; 122 Stat. 447; 10 U.S.C.  
11 1071 note) is amended in the first sentence by inserting  
12 “receiving legal assistance referral information (where ap-  
13 propriate), receiving other appropriate referral informa-  
14 tion,” after “receiving benefits information,”.

15 **SEC. 1065. RESPONSIBILITY FOR THE CENTER OF EXCEL-**  
16 **LENCE IN THE PREVENTION, DIAGNOSIS,**  
17 **MITIGATION, TREATMENT AND REHABILITA-**  
18 **TION OF TRAUMATIC BRAIN INJURY TO CON-**  
19 **DUCT PILOT PROGRAMS ON TREATMENT AP-**  
20 **PROACHES FOR TRAUMATIC BRAIN INJURY.**

21 Section 1621(c) of the Wounded Warrior Act (title  
22 XVI of Public Law 110–181; 122 Stat. 453; 10 U.S.C.  
23 1071 note) is amended—

1           (1) by redesignating paragraphs (2) through  
2           (13) as paragraphs (3) through (14), respectively;  
3           and

4           (2) by inserting after paragraph (1) the fol-  
5           lowing new paragraph (2):

6           “(2) To conduct pilot programs to promote or  
7           assess the efficacy of approaches to the treatment of  
8           all forms of traumatic brain injury, including mild  
9           traumatic brain injury.”.

10 **SEC. 1066. CENTER OF EXCELLENCE IN THE MITIGATION,**  
11                           **TREATMENT, AND REHABILITATION OF**  
12                           **TRAUMATIC EXTREMITY INJURIES AND AM-**  
13                           **PUTATIONS.**

14           (a) **IN GENERAL.**—The Secretary of Veterans Affairs  
15 and the Secretary of Defense shall jointly establish a cen-  
16 ter of excellence in the mitigation, treatment, and rehabili-  
17 tation of traumatic extremity injuries and amputations.

18           (b) **PARTNERSHIPS.**—The Secretary of Veterans Af-  
19 fairs and the Secretary of Defense shall jointly ensure that  
20 the center collaborates with the Department of Veterans  
21 Affairs, the Department of Defense, institutions of higher  
22 education, and other appropriate public and private enti-  
23 ties (including international entities) to carry out the re-  
24 sponsibilities specified in subsection (c).

1       (c) RESPONSIBILITIES.—The center shall have the  
2 responsibilities as follows:

3           (1) To implement a comprehensive plan and  
4 strategy for the Department of Veterans Affairs and  
5 the Department of Defense for the mitigation, treat-  
6 ment, and rehabilitation of traumatic extremity inju-  
7 ries and amputations.

8           (2) To carry out such other activities to im-  
9 prove and enhance the efforts of the Department of  
10 Veterans Affairs and the Department of Defense for  
11 the mitigation, treatment, and rehabilitation of trau-  
12 matic extremity injuries and amputations as the  
13 Secretary of Veterans Affairs and the Secretary of  
14 Defense consider appropriate.

15       (d) REPORTS.—

16           (1) IN GENERAL.—Not later than one year  
17 after the date of the enactment of this Act, and an-  
18 nually thereafter, the Secretary of Veterans Affairs  
19 and the Secretary of Defense shall jointly submit to  
20 Congress a report on the activities of the center.

21           (2) ELEMENTS.—Each report under this sub-  
22 section shall include the following:

23               (A) In the case of the first report under  
24 this subsection, a description of the implemen-  
25 tation of the requirements of this Act.

1 (B) A description and assessment of the  
2 activities of the center during the one-year pe-  
3 riod ending on the date of such report, includ-  
4 ing an assessment of the role of such activities  
5 in improving and enhancing the efforts of the  
6 Department of Veterans Affairs and the De-  
7 partment of Defense for the mitigation, treat-  
8 ment, and rehabilitation of traumatic extremity  
9 injuries and amputations.

10 **SEC. 1067. THREE-YEAR EXTENSION OF SENIOR OVERSIGHT**

11 **COMMITTEE WITH RESPECT TO WOUNDED**

12 **WARRIOR MATTERS.**

13 (a) IN GENERAL.—The Secretary of Defense and the  
14 Secretary of Veterans Affairs shall jointly take such ac-  
15 tions as are appropriate, including the allocation of appro-  
16 priate personnel, funding, and other resources, to continue  
17 the operations of the Senior Oversight Committee until  
18 September 30, 2011.

19 (b) REPORT ON FURTHER EXTENSION OF COM-  
20 MITTEE.—Not later than December 31, 2010, the Sec-  
21 retary of Defense and the Secretary of Veterans Affairs  
22 shall jointly submit to Congress a report setting forth the  
23 joint recommendation of the Secretaries as to the advis-  
24 ability of continuing the operations of the Senior Over-  
25 sight Committee after September 30, 2011. If the Secre-

1 taries recommend that continuing the operations of the  
2 Senior Oversight Committee after September 30, 2011, is  
3 advisable, the report may include such recommendations  
4 for the modification of the responsibilities, composition, or  
5 support of the Senior Oversight Committee as the Secre-  
6 taries jointly consider appropriate.

7 (c) SENIOR OVERSIGHT COMMITTEE DEFINED.—In  
8 this section, the term “Senior Oversight Committee”  
9 means the Senior Oversight Committee jointly established  
10 by the Secretary of Defense and the Secretary of Veterans  
11 Affairs in May 2007. The Senior Oversight Committee  
12 was established to address concerns related to the treat-  
13 ment of wounded, ill, and injured members of the Armed  
14 Forces and veterans and serve as the single point of con-  
15 tact for oversight, strategy, and integration of proposed  
16 strategies for the efforts of the Department of Defense  
17 and the Department of Veterans Affairs to improve sup-  
18 port throughout the recovery, rehabilitation, and re-  
19 integration of wounded, ill, or injured members of the  
20 Armed Forces.

1           **Subtitle G—Other Matters**

2   **SEC. 1081. MILITARY SALUTE FOR THE FLAG DURING THE**  
3           **NATIONAL ANTHEM BY MEMBERS OF THE**  
4           **ARMED FORCES NOT IN UNIFORM AND BY**  
5           **VETERANS.**

6           Section 301(b)(1) of title 36, United States Code, is  
7 amended by striking subparagraphs (A) through (C) and  
8 inserting the following new subparagraphs:

9           “(A) individuals in uniform should give the  
10           military salute at the first note of the anthem  
11           and maintain that position until the last note;

12           “(B) members of the Armed Forces and  
13           veterans who are present but not in uniform  
14           may render the military salute in the manner  
15           provided for individuals in uniform; and

16           “(C) all other persons present should face  
17           the flag and stand at attention with their right  
18           hand over the heart, and men not in uniform,  
19           if applicable, should remove their headdress  
20           with their right hand and hold it at the left  
21           shoulder, the hand being over the heart; and”.

1 **SEC. 1082. MODIFICATION OF DEADLINES FOR STANDARDS**  
2 **REQUIRED FOR ENTRY TO MILITARY INSTAL-**  
3 **LATIONS IN THE UNITED STATES.**

4 Section 1069(c) of the National Defense Authoriza-  
5 tion Act of Fiscal Year 2008 (Public Law 110–181; 122  
6 Stat. 327) is amended—

7 (1) in paragraph (1)—

8 (A) by striking “July 1, 2008” and insert-  
9 ing “February 1, 2009”; and

10 (B) by striking “January 1, 2009” and in-  
11 serting “October 1, 2012”; and

12 (2) in paragraph (2), by striking “imple-  
13 mented” and inserting “developed”.

14 **SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS**  
15 **WHEN CONGRESS AUTHORIZES THE USE OF**  
16 **MILITARY FORCE.**

17 Section 3287 of title 18, United States Code, is  
18 amended—

19 (1) by inserting “or Congress has enacted a  
20 specific authorization for the use of the Armed  
21 Forces, as described in section 5(b) of the War Pow-  
22 ers Resolution (50 U.S.C. 1544(b)),” after “is at  
23 war”;

24 (2) by inserting “or directly connected with or  
25 related to the authorized use of the Armed Forces”  
26 after “prosecution of the war”;



1           (3) by striking “three years” and inserting “5  
2 years”;

3           (4) by striking “proclaimed by the President”  
4 and inserting “proclaimed by a Presidential procla-  
5 mation, with notice to Congress,”; and

6           (5) by adding at the end the following: “For  
7 purposes of applying such definitions in this section,  
8 the term ‘war’ includes a specific authorization for  
9 the use of the Armed Forces, as described in section  
10 5(b) of the War Powers Resolution (50 U.S.C.  
11 1544(b)).”.

## 12 **TITLE XI—CIVILIAN PERSONNEL** 13 **MATTERS**

### 14 **SEC. 1101. DEPARTMENT OF DEFENSE STRATEGIC HUMAN** 15 **CAPITAL PLANS.**

16           (a) CODIFICATION OF ANNUAL REQUIREMENT FOR  
17 PLAN.—

18           (1) IN GENERAL.—Chapter 2 of title 10, United  
19 States Code, is amended by adding after section  
20 115a the following new section:

21 **“§ 115b. Department of Defense strategic human cap-  
22 ital plans**

23           “(a) ANNUAL PLAN REQUIRED.—The Secretary of  
24 Defense shall submit to Congress on an annual basis a  
25 strategic human capital plan to shape and improve the ci-

1 vilian employee workforce of the Department of Defense.  
2 The plan shall be submitted not later than March 1 each  
3 year.

4 “(b) CONTENTS.—Each strategic human capital plan  
5 under subsection (a) shall include the following:

6 “(1) An assessment of—

7 “(A) the critical skills and competencies  
8 that will be needed in the future civilian em-  
9 ployee workforce of the Department of Defense  
10 to support national security requirements and  
11 effectively manage the Department over the  
12 next decade;

13 “(B) the skills and competencies of the ex-  
14 isting civilian employee workforce of the De-  
15 partment and projected trends in that work-  
16 force based on expected losses due to retirement  
17 and other attrition; and

18 “(C) gaps in the existing or projected civil-  
19 ian employee workforce of the Department that  
20 should be addressed to ensure that the Depart-  
21 ment has continued access to the critical skills  
22 and competencies described in subparagraph  
23 (A).

24 “(2) A plan of action for developing and re-  
25 shaping the civilian employee workforce of the De-

1       partment to address the gaps in critical skills and  
2       competencies identified under paragraph (1)(C), in-  
3       cluding—

4               “(A) specific recruiting and retention  
5               goals, including the program objectives of the  
6               Department to be achieved through such goals  
7               and the funding needed to achieve such goals;  
8               and

9               “(B) specific strategies for developing,  
10              training, deploying, compensating, and moti-  
11              vating the civilian employee workforce of the  
12              Department, including the program objectives  
13              of the Department to be achieved through such  
14              strategies and the funding needed to implement  
15              such strategies.

16             “(3) An assessment, using results-oriented per-  
17             formance measures, of the progress of the Depart-  
18             ment in implementing the strategic human capital  
19             plan under this section during the previous year.

20             “(c) SENIOR MANAGEMENT, FUNCTIONAL, AND  
21             TECHNICAL WORKFORCE.—(1) Each strategic human  
22             capital plan under subsection (a) shall specifically address  
23             the shaping and improvement of the senior management,  
24             functional, and technical workforce (including scientists  
25             and engineers) of the Department of Defense.

1       “(2) For purposes of paragraph (1), each plan shall  
2 include, at a minimum, the following:

3           “(A) An assessment of—

4               “(i) the needs of the Department for senior  
5 management, functional, and technical per-  
6 sonnel (including scientists and engineers) in  
7 light of recent trends and projected changes in  
8 the mission and organization of the Department  
9 and in light of staff support needed to accom-  
10 plish that mission;

11               “(ii) the capability of the existing civilian  
12 employee workforce of the Department to meet  
13 requirements relating to the mission of the De-  
14 partment, including the impact on that capa-  
15 bility of projected trends in the senior manage-  
16 ment, functional, and technical personnel work-  
17 force of the Department based on expected  
18 losses due to retirement and other attrition; and

19               “(iii) gaps in the existing or projected civil-  
20 ian employee workforce of the Department that  
21 should be addressed to ensure that the Depart-  
22 ment has continued access to the senior man-  
23 agement, functional, and technical personnel  
24 (including scientists and engineers) it needs.

1           “(B) A plan of action for developing and re-  
2           shaping the senior management, functional, and  
3           technical workforce of the Department to address  
4           the gaps identified under subparagraph (A)(iii), in-  
5           cluding—

6                   “(i) any legislative or administrative action  
7                   that may be needed to adjust the requirements  
8                   applicable to any category of civilian personnel  
9                   identified in paragraph (3) or to establish a new  
10                  category of senior management or technical per-  
11                  sonnel;

12                  “(ii) any changes in the number of per-  
13                  sonnel authorized in any category of personnel  
14                  identified in subsection (b) that may be needed  
15                  to address such gaps and effectively meet the  
16                  needs of the Department;

17                  “(iii) any changes in the rates or methods  
18                  of pay for any category of personnel identified  
19                  in paragraph (3) that may be needed to address  
20                  inequities and ensure that the Department has  
21                  full access to appropriately qualified personnel  
22                  to address such gaps and meet the needs of the  
23                  Department;

1           “(iv) specific recruiting and retention  
2 goals, including the program objectives of the  
3 Department to be achieved through such goals;

4           “(v) specific strategies for developing,  
5 training, deploying, compensating, motivating,  
6 and designing career paths and career opportu-  
7 nities for the senior management, functional,  
8 and technical workforce of the Department, in-  
9 cluding the program objectives of the Depart-  
10 ment to be achieved through such strategies;  
11 and

12           “(vi) specific steps that the Department  
13 has taken or plans to take to ensure that the  
14 senior management, functional, and technical  
15 workforce of the Department is managed in  
16 compliance with the requirements of section  
17 129 of this title.

18           “(3) For purposes of this subsection, the senior man-  
19 agement, functional, and technical workforce of the De-  
20 partment of Defense includes the following categories of  
21 Department of Defense civilian personnel:

22           “(A) Appointees in the Senior Executive Service  
23 under section 3131 of title 5.

24           “(B) Persons serving in positions described in  
25 section 5376(a) of title 5.

1           “(C) Highly qualified experts appointed pursu-  
2           ant to section 9903 of title 5.

3           “(D) Scientists and engineers appointed pursu-  
4           ant to section 342(b) of the National Defense Au-  
5           thorization Act for Fiscal Year 1995 (Public Law  
6           103–337; 108 Stat. 2721), as amended by section  
7           1114 of the Floyd D. Spence National Defense Au-  
8           thorization Act for Fiscal Year 2001 (as enacted  
9           into law by Public Law 106–398 (114 Stat. 1654A–  
10          315)).

11          “(E) Scientists and engineers appointed pursu-  
12          ant to section 1101 of the Strom Thurmond Na-  
13          tional Defense Authorization Act for Fiscal Year  
14          1999 (5 U.S.C. 3104 note).

15          “(F) Persons serving in the Defense Intel-  
16          ligence Senior Executive Service under section 1606  
17          of this title.

18          “(G) Persons serving in Intelligence Senior  
19          Level positions under section 1607 of this title.

20          “(d) DEFENSE ACQUISITION WORKFORCE.—(1)  
21          Each strategic human capital plan under subsection (a)  
22          shall specifically address the shaping and improvement of  
23          the defense acquisition workforce, including both military  
24          and civilian personnel.

1       “(2) For purposes of paragraph (1), each plan shall  
2 include, at a minimum, the following:

3           “(A) An assessment of—

4               “(i) the skills and competencies needed in  
5 the military and civilian workforce of the De-  
6 partment of Defense to effectively manage the  
7 acquisition programs and activities of the De-  
8 partment over the next decade;

9               “(ii) the skills and competencies of the ex-  
10 isting military and civilian acquisition workforce  
11 of the Department and projected trends in that  
12 workforce based on expected losses due to re-  
13 tirement and other attrition; and

14               “(iii) gaps in the existing or projected mili-  
15 tary and civilian acquisition workforce that  
16 should be addressed to ensure that the Depart-  
17 ment has access to the skills and competencies  
18 identified pursuant to clauses (i) and (ii).

19           “(B) A plan of action that establishes specific  
20 objectives for developing and reshaping the military  
21 and civilian acquisition workforce of the Department  
22 to address the gaps in skills and competencies iden-  
23 tified under subparagraph (A), including—

24               “(i) specific recruiting and retention goals;  
25               and



1           “(ii) specific strategies and incentives for  
2           developing, training, deploying, compensating,  
3           and motivating the military and civilian acquisi-  
4           tion workforce of the Department to achieve  
5           such goals.

6           “(C) A plan for funding needed improvements  
7           in the military and civilian acquisition workforce of  
8           the Department, including—

9                   “(i) an identification of the funding pro-  
10                  grammed for defense acquisition workforce im-  
11                  provements, including a specific identification of  
12                  funding provided in the Department of Defense  
13                  Acquisition Workforce Fund established under  
14                  section 1705 of this title;

15                  “(ii) an identification of the funding pro-  
16                  grammed for defense acquisition workforce  
17                  training in the future-years defense program,  
18                  including a specific identification of funding  
19                  provided by the acquisition workforce training  
20                  fund established under section 37(h)(3) of the  
21                  Office of Federal Procurement Policy Act (41  
22                  U.S.C. 433(h)(3));

23                  “(iii) a description of how the funding  
24                  identified pursuant to clauses (i) and (ii) will be  
25                  implemented during the fiscal year concerned to

1 address the areas of need identified in accord-  
2 ance with subparagraph (A);

3 “(iv) a statement of whether the funding  
4 identified under clauses (i) and (ii) is being  
5 fully used; and

6 “(v) a description of any continuing short-  
7 fall in funding available for the defense acquisi-  
8 tion workforce.

9 “(e) SUBMITTALS BY SECRETARIES OF THE MILI-  
10 TARY DEPARTMENTS AND HEADS OF THE DEFENSE  
11 AGENCIES.—The Secretary of Defense shall require the  
12 Secretary of each military department and the head of  
13 each Defense Agency to submit a report to the Secretary  
14 addressing each of the matters described in this section.  
15 The Secretary of Defense shall establish a deadline for the  
16 submittal of reports under this subsection that enables the  
17 Secretary to consider the material submitted in a timely  
18 manner and incorporate such material, as appropriate,  
19 into the strategic human capital plans required by this sec-  
20 tion.

21 “(f) GAPS IN THE WORKFORCE.—(1) The Secretary  
22 of Defense may not conduct a public-private competition  
23 under chapter 126 of this title, Office of Management and  
24 Budget Circular A-76, or any other provision of law or  
25 regulation before expanding the civilian workforce of the

1 Department of Defense to address a gap in the workforce  
2 identified under this section.

3 “(2) For purposes of this section, gaps in the work-  
4 force include—

5 “(A) shortcomings in the skills and com-  
6 petencies of employees; and

7 “(B) shortcomings in the number of employees  
8 possessing such skills and competencies.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-  
10 tions at the beginning of chapter 2 of such title is  
11 amended by inserting after the item relating to sec-  
12 tion 115a the following new item:

“115b. Department of Defense strategic human capital plans.”.

13 (b) COMPTROLLER GENERAL REVIEW.—Not later  
14 than 90 days after date on which the Secretary of Defense  
15 submits to Congress an annual strategic human capital  
16 plan under section 115b of title 10, United States Code  
17 (as added by subsection (a)), in each of 2009, 2010, 2011  
18 and 2012, the Comptroller General of the United States  
19 shall submit to the Committees on Armed Services of the  
20 Senate and House of Representatives a report on the plan  
21 so submitted.

22 (c) CONFORMING REPEALS.—The following provi-  
23 sions are repealed:

24 (1) Section 1122 of the National Defense Au-  
25 thorization Act for Fiscal Year 2006 (Public Law

1 109–163; 119 Stat. 3452; 10 U.S.C. note prec.  
2 1580).

3 (2) Section 1102 of the John Warner National  
4 Defense Authorization Act for Fiscal Year 2007  
5 (Public Law 119–364; 120 Stat. 2407).

6 (3) Section 851 of the National Defense Au-  
7 thorization Act for Fiscal Year 2008 (Public Law  
8 110–181; 122 Stat. 247; 10 U.S.C. note prec.  
9 1580).

10 **SEC. 1102. CONDITIONAL INCREASE IN AUTHORIZED NUM-**  
11 **BER OF DEFENSE INTELLIGENCE SENIOR EX-**  
12 **ECUTIVE SERVICE PERSONNEL.**

13 (a) IN GENERAL.—Section 1606(a) of title 10,  
14 United States Code, is amended—

15 (1) by inserting “(1)” before “The Secretary of  
16 Defense”; and

17 (2) by striking the second sentence and insert-  
18 ing the following:

19 “(2)(A) The number of positions in the Defense Intel-  
20 ligence Senior Executive Service in any fiscal year after  
21 fiscal year after fiscal year 2008 may not exceed the lesser  
22 of the following:

23 “(i) The number of such positions authorized  
24 on September 30, 2007, as adjusted by the percent-

1       age specified in subparagraph (B) for such fiscal  
2       year.

3               “(ii) 694.

4       “(B) The percentage specified in this subparagraph  
5       for a fiscal year is the percentage by which the authorized  
6       number of Department of Defense positions in the Senior  
7       Executive Service has been increased as of the end of the  
8       preceding fiscal year over the number of such positions  
9       authorized on September 30, 2007.

10       “(3) Priority shall be given in the allocation of any  
11       increase in the number of authorized positions in the De-  
12       fense Intelligence Senior Executive Service after fiscal  
13       year 2008 to components of the intelligence community  
14       within the Department of Defense in which the ratio of  
15       senior executives to employees other than senior executives  
16       is the lowest.”.

17       (b) EFFECTIVE DATE.—The amendments made by  
18       this section shall take effect on October 1, 2008.

19       **SEC. 1103. ENHANCEMENT OF AUTHORITIES RELATING TO**  
20               **ADDITIONAL POSITIONS UNDER THE NA-**  
21               **TIONAL SECURITY PERSONNEL SYSTEM.**

22       Section 9902(i) of title 5, United States Code, is  
23       amended—

24               (1) in paragraph (1), by inserting “(except that  
25       the limitations of chapter 33 may be waived to the

1 extent necessary to achieve the purposes of this sub-  
2 section)” after “the limitations in subsection  
3 (b)(3)”;

4 (2) in paragraph (2), by inserting before the pe-  
5 riod at the end the following: “in a manner com-  
6 parable to the manner in which such provisions are  
7 applied under chapter 33”.

8 **SEC. 1104. EXPEDITED HIRING AUTHORITY FOR HEALTH**  
9 **CARE PROFESSIONALS OF THE DEPARTMENT**  
10 **OF DEFENSE.**

11 (a) IN GENERAL.—For purposes of sections 3304,  
12 5333, and 5753 of title 5, United States Code, the Sec-  
13 retary of Defense may—

14 (1) designate any category of health care posi-  
15 tion within the Department of Defense as a shortage  
16 category position if the Secretary determines that  
17 there exists a severe shortage of candidates for such  
18 position or there is a critical hiring need for such  
19 position; and

20 (2) utilize the authorities in such sections to re-  
21 cruit and appoint highly qualified persons directly to  
22 positions so designated.

23 (b) TERMINATION OF AUTHORITY.—The Secretary  
24 may not appoint a person to a position of employment  
25 under this section after September 30, 2012.

1 **SEC. 1105. ELECTION OF INSURANCE COVERAGE BY FED-**  
2 **ERAL CIVILIAN EMPLOYEES DEPLOYED IN**  
3 **SUPPORT OF A CONTINGENCY OPERATION.**

4 (a) **AUTOMATIC COVERAGE.**—Section 8702(c) of title  
5 5, United States Code, is amended—

6 (1) by inserting “an employee who is deployed  
7 in support of a contingency operation (as that term  
8 is defined in section 101(a)(13) of title 10) or” after  
9 “subsection (b)”; and

10 (2) by inserting “notification of deployment or”  
11 after “the date of the”.

12 (b) **OPTIONAL INSURANCE.**—Section 8714a(b) of  
13 such title is amended—

14 (1) by designating the text as paragraph (2);  
15 and

16 (2) by inserting before paragraph (2), as so  
17 designated the following new paragraph (1):

18 “(1) An employee who is deployed in support of a  
19 contingency operation (as that term is defined in section  
20 101(a)(13) of title 10) or an employee of the Department  
21 of Defense who is designated as emergency essential under  
22 section 1580 of title 10 shall be insured under the policy  
23 of insurance under this section if the employee, within 60  
24 days after the date of notification of deployment or des-  
25 ignation, elects to be insured under the policy of insur-  
26 ance. An election under this paragraph shall be effective

1 when provided to the Office in writing, in the form pre-  
2 scribed by the Office, within such 60-day period.”.

3 (c) ADDITIONAL OPTIONAL LIFE INSURANCE.—Sec-  
4 tion 8714b(b) of such title is amended—

5 (1) by designating the text as paragraph (2);

6 and

7 (2) by inserting before paragraph (2), as so  
8 designated the following new paragraph (1):

9 “(2) An employee who is deployed in support of a  
10 contingency operation (as that term is defined in section  
11 101(a)(13) of title 10) or an employee of the Department  
12 of Defense who is designated as emergency essential under  
13 section 1580 of title 10 shall be insured under the policy  
14 of insurance under this section if the employee, within 60  
15 days after the date of notification of deployment or des-  
16 ignation, elects to be insured under the policy of insur-  
17 ance. An election under this paragraph shall be effective  
18 when provided to the Office in writing, in the form pre-  
19 scribed by the Office, within such 60-day period.”.

20 **SEC. 1106. PERMANENT EXTENSION OF DEPARTMENT OF**  
21 **DEFENSE VOLUNTARY REDUCTION IN FORCE**  
22 **AUTHORITY.**

23 Section 3502(f) of title 5, United States Code, is  
24 amended by striking paragraph (5).



1 **SEC. 1107. FOUR-YEAR EXTENSION OF AUTHORITY TO**  
2 **MAKE LUMP SUM SEVERANCE PAYMENTS**  
3 **WITH RESPECT TO DEPARTMENT OF DE-**  
4 **FENSE EMPLOYEES.**

5 Section 5595(i)(4) of title 5, United States Code, is  
6 amended by striking “October 1, 2010” and inserting  
7 “October 1, 2014”.

8 **SEC. 1108. AUTHORITY TO WAIVE LIMITATIONS ON PAY FOR**  
9 **FEDERAL CIVILIAN EMPLOYEES WORKING**  
10 **OVERSEAS UNDER AREAS OF UNITED STATES**  
11 **CENTRAL COMMAND.**

12 (a) WAIVER AUTHORITY.—

13 (1) IN GENERAL.—Notwithstanding sections  
14 5307 and 5547 of title 5, United States Code, the  
15 head of an Executive agency (as that term is defined  
16 in section 105 of title 5, United States Code) may,  
17 during calendar year 2009, waive limitations on the  
18 aggregate on basic pay and premium pay payable in  
19 such calendar year, and on allowances, differentials,  
20 bonuses, awards, and similar cash payments payable  
21 in such calendar year, to an employee who performs  
22 work while in an overseas location that is in the area  
23 of responsibility of the Commander of the United  
24 States Central Command in direct support of, or di-  
25 rectly related to—

1           (A) a military operation, including a con-  
2           tingency operation; or

3           (B) an operation in response to a declared  
4           emergency.

5           (2) LIMITATION.—The total annual compensa-  
6           tion payable to an employee pursuant to a waiver  
7           under this subsection may not exceed the total an-  
8           nual compensation payable to the Vice President  
9           under section 104 of title 3, United States Code.

10          (b) ROLLOVER OF EARNED PAY TO SUBSEQUENT  
11          YEAR.—Any amount that would otherwise be paid an em-  
12          ployee in calendar year 2009 under a waiver under sub-  
13          section (a)(1) except for the limitation in subsection (a)(2)  
14          shall be paid to the employee in a lump sum at the begin-  
15          ning of calendar year 2010. Any amount paid an employee  
16          under this subsection in calendar year 2010 shall be taken  
17          into account as if the limitation in subsection (a)(2) was  
18          applicable to the employee in calendar year 2010.

19          (c) ADDITIONAL PAY NOT CONSIDERED BASIC  
20          PAY.—To the extent that a waiver under subsection (a)  
21          results in payment of additional premium pay of a type  
22          that is normally creditable as basic pay for retirement or  
23          any other purpose, such additional pay shall not be consid-  
24          ered to be basic pay for any purpose, nor shall such addi-  
25          tional pay be used in computing a lump-sum payment for

1 accumulated and accrued annual leave under section 5551  
2 of title 5, United States Code.

3 (d) REGULATIONS.—The Director of the Office of  
4 Personnel Management may prescribe regulations to en-  
5 sure appropriate consistency among heads of Executive  
6 agencies in the exercise of the authority granted by this  
7 section.

8 **SEC. 1109. TECHNICAL AMENDMENT RELATING TO DEFINI-**  
9 **TION OF PROFESSIONAL ACCOUNTING POSI-**  
10 **TION FOR PURPOSES OF CERTIFICATION AND**  
11 **CREDENTIALING STANDARDS.**

12 Section 1599d(e) of title 10, United States Code, is  
13 amended by striking “GS–510, GS–511, and GS–505”  
14 and inserting “0505, 0510, 0511, or equivalent”.

1 **TITLE XII—MATTERS RELATING**  
2 **TO FOREIGN NATIONS**  
3 **Subtitle A—Assistance and**  
4 **Training**

5 **SEC. 1201. INCREASE IN AMOUNT AVAILABLE FOR COSTS**  
6 **OF EDUCATION AND TRAINING OF FOREIGN**  
7 **MILITARY FORCES UNDER REGIONAL DE-**  
8 **FENSE COMBATING TERRORISM FELLOW-**  
9 **SHIP PROGRAM.**

10 (a) INCREASE IN AMOUNT.—Section 2249c(b) of title  
11 10, United States Code, is amended by striking  
12 “\$25,000,000” and inserting “\$35,000,000”.

13 (b) EFFECTIVE DATE.—The amendment made by  
14 subsection (a) shall take effect on October 1, 2008, and  
15 shall apply with respect to fiscal years beginning on or  
16 after that date.

17 **SEC. 1202. AUTHORITY FOR DISTRIBUTION TO CERTAIN**  
18 **FOREIGN PERSONNEL OF EDUCATION AND**  
19 **TRAINING MATERIALS AND INFORMATION**  
20 **TECHNOLOGY TO ENHANCE MILITARY INTER-**  
21 **OPERABILITY WITH THE ARMED FORCES.**

22 (a) AUTHORITY FOR DISTRIBUTION.—

23 (1) IN GENERAL.—Subchapter I of chapter 134  
24 of title 10, United States Code, is amended by add-  
25 ing at the end the following new section:

1 **“§ 2249d. Distribution to certain foreign personnel of**  
2 **education and training materials and in-**  
3 **formation technology to enhance military**  
4 **interoperability with the armed forces**

5 “(a) DISTRIBUTION AUTHORIZED.—To enhance  
6 interoperability between the armed forces and military  
7 forces of friendly foreign nations, the Secretary of De-  
8 fense, with the concurrence of the Secretary of State,  
9 may—

10 “(1) provide to personnel referred to in sub-  
11 section (b) electronically-distributed learning content  
12 for the education and training of such personnel for  
13 the development or enhancement of allied and  
14 friendly military and civilian capabilities for multi-  
15 national operations, including joint exercises and co-  
16 alition operations; and

17 “(2) provide information technology, including  
18 computer software developed for such purpose, but  
19 only to the extent necessary to support the use of  
20 such learning content for the education and training  
21 of such personnel.

22 “(b) AUTHORIZED RECIPIENTS.—The personnel to  
23 whom learning content and information technology may  
24 be provided under subsection (a) are military and civilian  
25 personnel of a friendly foreign government, with the per-  
26 mission of that government.

1       “(c) EDUCATION AND TRAINING.—Any education  
2 and training provided under subsection (a) shall include  
3 the following:

4               “(1) Internet-based education and training.

5               “(2) Advanced distributed learning and similar  
6 Internet learning tools, as well as distributed train-  
7 ing and computer-assisted exercises.

8       “(d) APPLICABILITY OF EXPORT CONTROL RE-  
9 GIMES.—The provision of learning content and informa-  
10 tion technology under this section shall be subject to the  
11 provisions of the Arms Export Control Act (22 U.S.C.  
12 2751 et seq.) and any other export control regime under  
13 law relating to the transfer of military technology to for-  
14 eign nations.

15       “(e) GUIDANCE ON UTILIZATION OF AUTHORITY.—

16               “(1) GUIDANCE REQUIRED.—The Secretary of  
17 Defense shall develop and issue guidance on the pro-  
18 cedures for the use of the authority in this section.

19               “(2) MODIFICATION.—If the Secretary modifies  
20 the guidance issued under paragraph (1), the Sec-  
21 retary shall submit to the appropriate committees of  
22 Congress a report setting forth the modified guid-  
23 ance not later than 30 days after the date of such  
24 modification.

25       “(f) ANNUAL REPORT.—

1           “(1) REPORT REQUIRED.—Not later than Octo-  
2           ber 31 following each fiscal year in which the au-  
3           thority in this section is used, the Secretary of De-  
4           fense shall submit to the appropriate committees of  
5           Congress a report on the exercise of the authority  
6           during such fiscal year.

7           “(2) ELEMENTS.—Each report under para-  
8           graph (1) shall include, for the fiscal year covered by  
9           such report, the following:

10                   “(A) A statement of the recipients of  
11                   learning content and information technology  
12                   provided under this section.

13                   “(B) A description of the type, quantity,  
14                   and value of the learning content and informa-  
15                   tion technology provided under this section.

16           “(g) APPROPRIATE COMMITTEES OF CONGRESS DE-  
17           FINED.—In this section, the term ‘appropriate committees  
18           of Congress’ means—

19                   “(1) the Committee on Armed Services of the  
20                   Senate; and

21                   “(2) the Committee on Armed Services of the  
22                   House of Representatives.”.

23           (2) CLERICAL AMENDMENT.—The table of sec-  
24           tions at the beginning of subchapter I of chapter

1       134 of such title is amended by adding at the end  
2       the following new item:

“2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.”.

3       (b) GUIDANCE ON UTILIZATION OF AUTHORITY.—

4           (1) SUBMITTAL TO CONGRESS.—Not later than  
5       30 days after issuing the guidance required by section  
6       2249d(e) of title 10, United States Code, the  
7       Secretary of Defense shall submit to the Committees  
8       on Armed Services of the Senate and the House of  
9       Representatives a report setting forth such guidance.

10          (2) UTILIZATION OF SIMILAR GUIDANCE.—In  
11       developing the guidance required by section  
12       2249d(e) of title 10, United States Code, as so  
13       added, the Secretary may utilize applicable portions  
14       of the current guidance developed by the Secretary  
15       under subsection (f) of section 1207 of the John  
16       Warner National Defense Authorization Act for Fiscal  
17       Year 2007 (Public Law 109–364; 120 Stat.  
18       2419) for purposes of the exercise of the authority  
19       in such section 1207.

20       (c) REPEAL OF SUPERSEDED AUTHORITY.—

21           (1) IN GENERAL.—Section 1207 of the John  
22       Warner National Defense Authorization Act for Fiscal  
23       Year 2007 is repealed.



1           (2) SUBMITTAL OF FINAL REPORT ON EXER-  
2           CISE OF AUTHORITY.—If the Secretary of Defense  
3           exercised the authority in section 1207 of the John  
4           Warner National Defense Authorization Act for Fis-  
5           cal Year 2007 during fiscal year 2008, the Secretary  
6           shall submit the report required by subsection (g) of  
7           such section for such fiscal year in accordance with  
8           the provisions of such subsection (g) without regard  
9           to the repeal of such section under paragraph (1).

10          (d) EFFECTIVE DATE.—This section and the amend-  
11          ments made by this section shall take effect on October  
12          1, 2008.

13       **SEC. 1203. EXTENSION AND EXPANSION OF AUTHORITY**  
14                       **FOR SUPPORT OF SPECIAL OPERATIONS TO**  
15                       **COMBAT TERRORISM.**

16          (a) IN GENERAL.—Subsection (a) of section 1208 of  
17          the Ronald W. Reagan National Defense Authorization  
18          Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat.  
19          2086) is amended—

20               (1) by inserting “, with the concurrence of the  
21               relevant Chief of Mission,” after “may”; and

22               (2) by striking “\$25,000,000” and inserting  
23               “\$35,000,000”.

24          (b) TIMING OF NOTICE ON PROVISION OF SUP-  
25          PORT.—Subsection (c) of such section is amended by

1 striking “in not less than 48 hours” and inserting “within  
2 48 hours”.

3 (c) EXTENSION.—Subsection (h) of such section, as  
4 amended by section 1202(c) of the National Defense Au-  
5 thorization Act for Fiscal Year 2008 (Public Law 110-  
6 181; 122 Stat. 364), is further amended by striking  
7 “2010” and inserting “2011”.

8 (d) TECHNICAL AMENDMENT.—The heading of such  
9 section is amended by striking “**MILITARY OPER-**  
10 **ATIONS**” and inserting “**SPECIAL OPERATIONS**”.

11 (e) EFFECTIVE DATE.—The amendments made by  
12 this section shall take effect on October 1, 2008.

13 **SEC. 1204. MODIFICATION AND EXTENSION OF AUTHORI-**  
14 **TIES RELATING TO PROGRAM TO BUILD THE**  
15 **CAPACITY OF FOREIGN MILITARY FORCES.**

16 (a) BUILDING OF CAPACITY OF ADDITIONAL FOR-  
17 EIGN FORCES.—Subsection (a) of section 1206 of the Na-  
18 tional Defense Authorization Act for Fiscal Year 2006  
19 (Public Law 109-163; 119 Stat. 3456), as amended by  
20 section 1206 of the John Warner National Defense Au-  
21 thorization Act for Fiscal Year 2007 (Public Law 109-  
22 364; 120 Stat. 2418), is further amended by striking “a  
23 program” and all that follows and inserting “a program  
24 or programs as follows:

1           “(1) To build the capacity of a foreign coun-  
2           try’s national military forces in order for that coun-  
3           try to—

4                   “(A) conduct counterterrorism operations;  
5           or

6                   “(B) participate in or support military and  
7           stability operations in which the United States  
8           Armed Forces are participating.

9           “(2) To build the capacity of a foreign coun-  
10          try’s coast guard, border protection, and other secu-  
11          rity forces engaged primarily in counterterrorism  
12          missions in order for that country to conduct  
13          counterterrorism operations.”.

14          (b) DISCHARGE THROUGH GRANTS.—Subsection  
15          (b)(1) of such section, as so amended, is further amended  
16          by inserting “may be carried out by grant and” before  
17          “may include the provision”.

18          (c) FUNDING.—Subsection (c) of such section, as so  
19          amended, is further amended—

20                   (1) in paragraph (1), by striking  
21                   “\$300,000,000” and inserting “\$400,000,000”; and

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

24                   “(4) AVAILABILITY OF FUNDS FOR ACTIVITIES  
25                   ACROSS FISCAL YEARS.—Amounts available under

1       this subsection for the authority in subsection (a)  
2       for a fiscal year may be used for programs under  
3       that authority that begin in such fiscal year but end  
4       in the next fiscal year.”.

5       (d) **THREE-YEAR EXTENSION OF AUTHORITY.**—Sub-  
6       section (g) of such section, as so amended, is further  
7       amended—

8             (1) by striking “September 30, 2008” and in-  
9       serting “September 30, 2011”; and

10            (2) by striking “fiscal year 2006, 2007, or  
11       2008” and inserting “fiscal years 2006 through  
12       2011”.

13 **SEC. 1205. EXTENSION OF AUTHORITY AND INCREASED**  
14                   **FUNDING FOR SECURITY AND STABILIZATION**  
15                   **ASSISTANCE.**

16       (a) **INCREASE IN MAXIMUM AMOUNT OF ASSIST-**  
17 **ANCE.**—Subsection (b) of section 1207 of the National  
18 Defense Authorization Act for Fiscal Year 2006 (Public  
19 Law 109–163; 119 Stat. 3458) is amended by striking  
20 “\$100,000,000” and inserting “\$200,000,000”.

21       (b) **THREE-YEAR EXTENSION OF AUTHORITY.**—Sub-  
22       section (g) of such section, as amended by section 1210(b)  
23       of the National Defense Authorization Act for Fiscal Year  
24       2008 (Public Law 110–181; 122 Stat. 369), is further

1 amended by striking “September 30, 2008” and inserting  
2 “September 30, 2011”.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall take effect on October 1, 2008.

5 **SEC. 1206. FOUR-YEAR EXTENSION OF TEMPORARY AU-**  
6 **THORITY TO USE ACQUISITION AND CROSS-**  
7 **SERVICING AGREEMENTS TO LEND MILITARY**  
8 **EQUIPMENT FOR PERSONNEL PROTECTION**  
9 **AND SURVIVABILITY.**

10 Section 1202(e) of the John Warner National De-  
11 fense Authorization Act for Fiscal Year 2007 (Public Law  
12 109–364; 120 Stat. 2412), as amended by section 1252(b)  
13 of the National Defense Authorization Act for Fiscal Year  
14 2008 (Public Law 110–181; 122 Stat. 402), is further  
15 amended by striking “September 30, 2009” and inserting  
16 “September 30, 2013”.

17 **SEC. 1207. AUTHORITY FOR USE OF FUNDS FOR NON-CON-**  
18 **VENTIONAL ASSISTED RECOVERY CAPABILI-**  
19 **TIES.**

20 (a) AUTHORITY FOR USE OF FUNDS.—

21 (1) IN GENERAL.—The Commander of a com-  
22 batant command may, with the concurrence of the  
23 relevant Chief of Mission, expend amounts author-  
24 ized to be appropriated for a fiscal year by section  
25 301(2) for Operation and Maintenance, Navy to es-

1        establish, develop, and maintain non-conventional as-  
2        sisted recovery capabilities in a foreign country if  
3        the Commander determines that expenditure of such  
4        funds for that purpose is necessary in connection  
5        with support of non-conventional assisted recovery  
6        efforts in that foreign country.

7            (2) LIMITATION ON AMOUNT.—The total  
8        amount of funds that may be expended under the  
9        authority in subsection (a) in each of fiscal years  
10       2009 and 2010 may not exceed \$20,000,000.

11        (b) SCOPE OF EFFORTS SUPPORTABLE.—

12            (1) IN GENERAL.—In expending funds under  
13        the authority in subsection (a), the Commander of  
14        a combatant command may provide support to sur-  
15       rogate or irregular groups or individuals in order to  
16        facilitate the recovery of military or civilian per-  
17        sonnel of the Department of Defense (including the  
18        Coast Guard), and other individuals who, while con-  
19        ducting activities in support of United States mili-  
20        tary operations, become separated or isolated from  
21        friendly forces.

22            (2) SUPPORT.—The support provided under  
23        paragraph (1) may include, but is not limited to, the  
24        provision of equipment, supplies, training, transpor-  
25        tation, and other logistical support or funding to

1 support operations and activities for the recovery of  
2 personnel and individuals as described in that para-  
3 graph.

4 (c) PROCEDURES.—

5 (1) PROCEDURES REQUIRED.—The Secretary of  
6 Defense shall establish procedures for the exercise of  
7 the authority in subsection (a).

8 (2) NOTICE.—The Secretary shall notify the  
9 congressional defense committees of the procedures  
10 established under paragraph (1) before any exercise  
11 of the authority in subsection (a).

12 (d) NOTICE TO CONGRESS ON USE OF AUTHORITY.—  
13 Upon using the authority in subsection (a) to make funds  
14 available for support of non-conventional assisted recovery  
15 activities, the Secretary of Defense shall notify the con-  
16 gressional defense committees expeditiously, and in any  
17 event within 48 hours, of the use of such authority with  
18 respect to support of such activities. Such notice need be  
19 provided only once with respect to support of particular  
20 activities. Any such notice shall be in writing.

21 (e) INTELLIGENCE ACTIVITIES.—This section does  
22 not constitute authority to conduct a covert action, as such  
23 term is defined in section 503(e) of the National Security  
24 Act of 1947 (50 U.S.C. 413b(e)).

1 (f) ANNUAL REPORT.—Not later than 30 days after  
2 the close of each fiscal year during which subsection (a)  
3 is in effect, the Secretary of Defense shall submit to the  
4 congressional defense committees a report on the support  
5 provided under that subsection during such fiscal year.  
6 Each such report shall describe the support provided, in-  
7 cluding a statement of the recipient of the support and  
8 the amount obligated to provide the support.

9 (g) EXPIRATION.—The authority in subsection (a)  
10 shall expire on September 30, 2010.

11 **Subtitle B—Department of Defense**  
12 **Participation in Bilateral, Multi-**  
13 **lateral, and Regional Coopera-**  
14 **tion Programs**

15 **SEC. 1211. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS**  
16 **FOR MILITARY-TO-MILITARY CONTACTS AND**  
17 **COMPARABLE ACTIVITIES.**

18 (a) IN GENERAL.—Section 168(e) of title 10, United  
19 States Code, is amended by adding at the end the fol-  
20 lowing new paragraph:

21 “(5) Funds available to carry out this section shall  
22 be available, to the extent provided in appropriations Acts,  
23 for programs or activities under this section that begin  
24 in a fiscal year and end in the following fiscal year.”.



1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect on October 1, 2008, and  
3 shall apply with respect to programs and activities under  
4 section 168 of title 10, United States Code (as so amend-  
5 ed), that begin on or after that date.

6 **SEC. 1212. ENHANCEMENT OF AUTHORITIES RELATING TO**  
7 **DEPARTMENT OF DEFENSE REGIONAL CEN-**  
8 **TERS FOR SECURITY STUDIES.**

9 (a) AVAILABILITY OF FUNDS FOR ACTIVITIES  
10 ACROSS FISCAL YEARS.—

11 (1) IN GENERAL.—Section 184(f) of title 10,  
12 United States Code, is amended by adding at the  
13 end the following new paragraph:

14 “(6) Funds available to carry out this section, includ-  
15 ing funds accepted under paragraph (4) and funds avail-  
16 able under paragraph (5), shall be available, to the extent  
17 provided in appropriations Acts, for programs and activi-  
18 ties under this section that begin in a fiscal year and end  
19 in the following fiscal year.”.

20 (2) EFFECTIVE DATE.—The amendment made  
21 by paragraph (1) shall take effect on October 1,  
22 2008, and shall apply with respect to programs and  
23 activities under section 184 of title 10, United  
24 States Code (as so amended), that begin on or after  
25 that date.

1 (b) TEMPORARY WAIVER OF REIMBURSEMENT OF  
2 COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PER-  
3 SONNEL.—

4 (1) AUTHORITY FOR TEMPORARY WAIVER.—In  
5 fiscal years 2009 and 2010, the Secretary of De-  
6 fense may, with the concurrence of the Secretary of  
7 State, waive reimbursement otherwise required  
8 under subsection (f) of section 184 of title 10,  
9 United States Code, of the costs of activities of Re-  
10 gional Centers under such section for personnel of  
11 nongovernmental and international organizations  
12 who participate in activities of the Regional Centers  
13 that enhance cooperation of nongovernmental orga-  
14 nizations and international organizations with  
15 United States forces if the Secretary of Defense de-  
16 termines that attendance of such personnel without  
17 reimbursement is in the national security interests of  
18 the United States.

19 (2) LIMITATION.—The amount of reimburse-  
20 ment that may be waived under paragraph (1) in  
21 any fiscal year may not exceed \$1,000,000.

22 (3) ANNUAL REPORT.—The Secretary of De-  
23 fense shall include in the annual report under sec-  
24 tion 184(h) of title 10, United States Code, in 2010  
25 and 2011 information on the attendance of per-

1       sonnel of nongovernmental and international organi-  
2       zations in activities of the Regional Centers during  
3       the preceding fiscal year for which a waiver of reim-  
4       bursement was made under paragraph (1), including  
5       information on the costs incurred by the United  
6       States for the participation of personnel of each non-  
7       governmental or international organization that so  
8       attended.

9       **SEC. 1213. PAYMENT OF PERSONNEL EXPENSES FOR MUL-**  
10       **TILATERAL COOPERATION PROGRAMS.**

11       (a) EXPANSION OF AUTHORITY FOR BILATERAL AND  
12       REGIONAL PROGRAMS TO COVER MULTILATERAL PRO-  
13       GRAMS.—Section 1051 of title 10, United States Code, is  
14       amended—

15               (1) in subsection (a), by striking “a bilateral”  
16       and inserting “a multilateral, bilateral,”; and

17               (2) in subsection (b)—

18                       (A) in paragraph (1)—

19                               (i) by striking “to and” and inserting  
20       “to, from, and”; and

21                               (ii) by striking “bilateral” and insert-  
22       ing “multilateral, bilateral,”; and

23                       (B) in paragraph (2), by striking “bilat-  
24       eral” and inserting “multilateral, bilateral,”.

1 (b) AVAILABILITY OF FUNDS FOR PROGRAMS AND  
 2 ACTIVITIES ACROSS FISCAL YEARS.—Such section is fur-  
 3 ther amended by adding at the end the following new sub-  
 4 section:

5 “(e) Funds available to carry out this section shall  
 6 be available, to the extent provided in appropriations Acts,  
 7 for programs and activities under this section that begin  
 8 in a fiscal year and end in the following fiscal year.”.

9 (c) CONFORMING AND CLERICAL AMENDMENTS.—

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

12 “§ 1051. **Multilateral, bilateral, or regional coopera-**  
 13 **tion programs: payment of personnel ex-**  
 14 **penses”.**

15 (2) CLERICAL AMENDMENT.—The table of sec-  
 16 tions at the beginning of chapter 53 of such title is  
 17 amended by striking the item relating to section  
 18 1051 and inserting the following new item:

“1051. Multilateral, bilateral, or regional cooperation programs: payment of per-  
 sonnel expenses.”.

19 **SEC. 1214. PARTICIPATION OF THE DEPARTMENT OF DE-**  
 20 **FENSE IN MULTINATIONAL MILITARY CEN-**  
 21 **TERS OF EXCELLENCE.**

22 (a) PARTICIPATION AUTHORIZED.—

1           (1) IN GENERAL.—Subchapter II of chapter  
2           138 of title 10, United States Code, is amended by  
3           adding at the end the following new section:

4   **“§ 2350m. Participation in multinational military cen-**  
5                           **ters of excellence**

6           “(a) PARTICIPATION AUTHORIZED.—The Secretary  
7           of Defense may, with the concurrence of the Secretary of  
8           State, authorize the participation of members of the  
9           armed forces and Department of Defense civilian per-  
10          sonnel in any multinational military center of excellence  
11          hosted by any nation or combination of nations referred  
12          to in subsection (b) for purposes of—

13                   “(1) enhancing the ability of military forces and  
14          civilian personnel of the nations participating in  
15          such center to engage in joint exercises or coalition  
16          or international military operations; or

17                   “(2) improving interoperability between the  
18          armed forces and the military forces of friendly for-  
19          eign nations.

20          “(b) COVERED NATIONS.—The nations referred to in  
21          this subsection are the following:

22                   “(1) The United States.

23                   “(2) Any member nation of the North Atlantic  
24          Treaty Organization (NATO).

25                   “(3) Any major non-NATO ally.

1           “(4) Any other friendly foreign nation identified  
2           by the Secretary of Defense, with the concurrence of  
3           the Secretary of State, for purposes of this section.

4           “(c) MEMORANDUM OF UNDERSTANDING.—(1) The  
5           participation of members of the armed forces or Depart-  
6           ment of Defense civilian personnel in a multinational mili-  
7           tary center of excellence under subsection (a) shall be in  
8           accordance with the terms of one or more memoranda of  
9           understanding entered into by the Secretary of Defense,  
10          with the concurrence of the Secretary of State, and the  
11          foreign nation or nations concerned.

12          “(2) If Department of Defense facilities, equipment,  
13          or funds are used to support a multinational military cen-  
14          ter of excellence under subsection (a), the memoranda of  
15          understanding under paragraph (1) with respect to that  
16          center shall provide details of any cost-sharing arrange-  
17          ment or other funding arrangement.

18          “(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1)  
19          Funds appropriated to the Department of Defense for op-  
20          eration and maintenance are available as follows:

21                 “(A) To pay the United States share of the op-  
22                 erating expenses of any multinational military center  
23                 of excellence in which the United States participates  
24                 under this section.

1           “(B) To pay the costs of the participation of  
2           members of the armed forces and Department of  
3           Defense civilian personnel in multinational military  
4           centers of excellence under this section, including the  
5           costs of expenses of such participants.

6           “(2) No funds may be used under this section to fund  
7           the pay or salaries of members of the armed forces and  
8           Department of Defense civilian personnel who participate  
9           in multinational military centers of excellence under this  
10          section.

11          “(e) USE OF DEPARTMENT OF DEFENSE FACILITIES  
12          AND EQUIPMENT.—Facilities and equipment of the De-  
13          partment of Defense may be used for purposes of the sup-  
14          port of multinational military centers of excellence under  
15          this section that are hosted by the Department.

16          “(f) ANNUAL REPORTS ON USE OF AUTHORITY.—  
17          (1) Not later than October 31, 2009, and annually there-  
18          after, the Secretary of Defense shall submit to the Com-  
19          mittee on Armed Services of the Senate and the Com-  
20          mittee on Armed Services of the House of Representatives  
21          a report on the use of the authority in this section during  
22          the preceding fiscal year.

23          “(2) Each report required by paragraph (1) shall in-  
24          clude, for the fiscal year covered by such report, the fol-  
25          lowing:

1           “(A) A detailed description of the participation  
2 of the Department of Defense, and of members of  
3 the armed forces and civilian personnel of the De-  
4 partment, in multinational military centers of excel-  
5 lence under the authority of this section.

6           “(B) For each multinational military center of  
7 excellence in which the Department of Defense, or  
8 members of the armed forces or civilian personnel of  
9 the Department, so participated—

10           “(i) a description of such multinational  
11 military center of excellence;

12           “(ii) a description of the activities partici-  
13 pated in by the Department, or by members of  
14 the armed forces or civilian personnel of the  
15 Department; and

16           “(iii) a statement of the costs of the De-  
17 partment for such participation, including—

18           “(I) a statement of the United States  
19 share of the expenses of such center and a  
20 statement of the percentage of the United  
21 States share of the expenses of such center  
22 to the total expenses of such center; and

23           “(II) a statement of the amount of  
24 such costs (including a separate statement  
25 of the amount of costs paid for under the



1 authority of this section by category of  
2 costs).

3 “(g) DEFINITIONS.—In this section:

4 “(1) The term ‘multinational military center of  
5 excellence’ means an entity sponsored by one or  
6 more nations that is accredited and approved by the  
7 Military Committee of the North Atlantic Treaty Or-  
8 ganization (NATO) as offering recognized expertise  
9 and experience to personnel participating in the ac-  
10 tivities of such entity for the benefit of NATO by  
11 providing such personnel opportunities to—

12 “(A) enhance education and training;

13 “(B) improve interoperability and capabili-  
14 ties;

15 “(C) assist in the development of doctrine;  
16 and

17 “(D) validate concepts through experimen-  
18 tation.

19 “(2) The term ‘major non-NATO ally’ means a  
20 country (other than a member nation of the North  
21 Atlantic Treaty Organization) that is designated as  
22 a major non-NATO ally pursuant to section 517 of  
23 the Foreign Assistance Act of 1961 (22 U.S.C.  
24 2321k).”.

1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions at the beginning of subchapter II of chapter  
3           138 of such title is amended by adding at the end  
4           the following new item:

“2350m. Participation in multinational military centers of excellence.”.

5           (b) REPEAL OF SUPERSEDED AUTHORITY.—Section  
6           1205 of the John Warner National Defense Authorization  
7           Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.  
8           2416) is repealed.

9           (c) EFFECTIVE DATE.—The amendments made by  
10          this section shall take effect on October 1, 2008.

## 11       **Subtitle C—Other Authorities and** 12       **Limitations**

### 13       **SEC. 1221. WAIVER OF CERTAIN SANCTIONS AGAINST** 14       **NORTH KOREA.**

15          (a) ANNUAL WAIVER AUTHORITY.—

16               (1) IN GENERAL.—Except as provided in sub-  
17               section (b), the President may waive in whole or in  
18               part, with respect to North Korea, the application of  
19               any sanction under section 102(b) of the Arms Ex-  
20               port Control Act (22 U.S.C. 2799aa–1(b)) for the  
21               purpose of—

22                       (A) assisting in the implementation and  
23                       verification of the compliance by North Korea  
24                       with its commitment, undertaken in the Joint  
25                       Statement of September 19, 2005, to abandon

1 all nuclear weapons and existing nuclear pro-  
2 grams as part of the verifiable denuclearization  
3 of the Korean Peninsula; and

4 (B) promoting the elimination of the capa-  
5 bility of North Korea to develop, deploy, trans-  
6 fer, or maintain weapons of mass destruction  
7 and their delivery systems.

8 (2) DURATION OF WAIVER.—Any waiver issued  
9 under this subsection shall expire at the end of the  
10 calendar year in which issued.

11 (b) EXCEPTIONS.—

12 (1) LIMITED EXCEPTION RELATED TO CERTAIN  
13 SANCTIONS AND PROHIBITIONS.—The authority  
14 under subsection (a) shall not apply with respect to  
15 a sanction or prohibition under subparagraph (B),  
16 (C), or (G) of section 102(b)(2) of the Arms Export  
17 Control Act unless the President determines and cer-  
18 tifies to the appropriate congressional committees  
19 that—

20 (A) all reasonable steps will be taken to  
21 ensure that the articles or services exported or  
22 otherwise provided will not be used to improve  
23 the military capabilities of the armed forces of  
24 North Korea; and

1 (B) such waiver is in the national security  
2 interests of the United States.

3 (2) LIMITED EXCEPTION RELATED TO CERTAIN  
4 ACTIVITIES.—Unless the President determines and  
5 certifies to the appropriate congressional committees  
6 that using the authority under subsection (a) is vital  
7 to the national security interests of the United  
8 States, such authority shall not apply with respect  
9 to—

10 (A) an activity described in subparagraph  
11 (A) of section 102(b)(1) of the Arms Export  
12 Control Act that occurs after September 19,  
13 2005, and before the date of the enactment of  
14 this Act;

15 (B) an activity described in subparagraph  
16 (C) of such section that occurs after September  
17 19, 2005; or

18 (C) an activity described in subparagraph  
19 (D) of such section that occurs after the date  
20 of the enactment of this Act.

21 (3) EXCEPTION RELATED TO CERTAIN ACTIVI-  
22 TIES OCCURRING AFTER DATE OF ENACTMENT.—  
23 The authority under subsection (a) shall not apply  
24 with respect to an activity described in subparagraph  
25 (A) or (B) of section 102(b)(1) of the Arms Export

1 Control Act that occurs after the date of the enact-  
2 ment of this Act.

3 (c) NOTIFICATIONS AND REPORTS.—

4 (1) CONGRESSIONAL NOTIFICATION.—The  
5 President shall notify the appropriate congressional  
6 committees in writing not later than 15 days before  
7 exercising the waiver authority under subsection (a).

8 (2) ANNUAL REPORT.—Not later than January  
9 31, 2009, and annually thereafter, the President  
10 shall submit to the appropriate congressional com-  
11 mittees a report that—

12 (A) lists all waivers issued under sub-  
13 section (a) during the preceding year;

14 (B) describes in detail the progress that is  
15 being made in the implementation of the com-  
16 mitment undertaken by North Korea, in the  
17 Joint Statement of September 19, 2005, to  
18 abandon all nuclear weapons and existing nu-  
19 clear programs as part of the verifiable  
20 denuclearization of the Korean Peninsula;

21 (C) discusses specifically any shortcomings  
22 in the implementation by North Korea of that  
23 commitment; and

24 (D) lists and describes the progress and  
25 shortcomings, in the preceding year, of all other

1 programs promoting the elimination of the ca-  
 2 pability of North Korea to develop, deploy,  
 3 transfer, or maintain weapons of mass destruc-  
 4 tion or their delivery systems.

5 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
 6 DEFINED.—In this section, the term “appropriate con-  
 7 gressional committees” means—

8 (1) the Committees on Appropriations, Armed  
 9 Services, and Foreign Relations of the Senate; and

10 (2) the Committees on Appropriations, Armed  
 11 Services, and Foreign Affairs of the House of Rep-  
 12 resentatives.

## 13 **Subtitle D—Reports**

### 14 **SEC. 1231. EXTENSION AND MODIFICATION OF UPDATES ON** 15 **REPORT ON CLAIMS RELATING TO THE** 16 **BOMBING OF THE LABELLE DISCOTHEQUE.**

17 Section 122(b)(2) of the National Defense Authoriza-  
 18 tion Act for Fiscal Year 2006 (Public Law 109–163; 119  
 19 Stat. 3465), as amended by section 1262(1)(B) of the Na-  
 20 tional Defense Authorization Act for Fiscal Year 2008  
 21 (Public Law 110–181; 122 Stat. 405), is further amend-  
 22 ed—

23 (1) by striking “Not later than one year after  
 24 enactment of this Act, and not later than two years  
 25 after enactment of this Act” and inserting “Not

1 later than the end of each calendar quarter ending  
2 after the date of the enactment of the National De-  
3 fense Authorization Act for Fiscal Year 2009”; and

4 (2) by adding at the end the following new sen-  
5 tence: “Each update under this paragraph after the  
6 date of the enactment of the National Defense Au-  
7 thorization Act for Fiscal Year 2009 shall be sub-  
8 mitted in unclassified form, but may include a classi-  
9 fied annex.”.

10 **SEC. 1232. REPORT ON UTILIZATION OF CERTAIN GLOBAL**  
11 **PARTNERSHIP AUTHORITIES.**

12 (a) IN GENERAL.—Not later than December 31,  
13 2010, the Secretary of Defense and the Secretary of State  
14 shall jointly submit to the appropriate committees of Con-  
15 gress a report on the implementation of the Building Glob-  
16 al Partnership authorities during the period beginning on  
17 the date of the enactment of this Act and ending on Sep-  
18 tember 30, 2010.

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

21 (1) A detailed summary of the programs con-  
22 ducted under the Building Global Partnership au-  
23 thorities during the period covered by the report, in-  
24 cluding, for each country receiving assistance under

1 such a program, a description of the assistance pro-  
2 vided and its cost.

3 (2) An assessment of the impact of the assist-  
4 ance provided under the Building Global Partnership  
5 authorities with respect to each country receiving as-  
6 sistance under such authorities.

7 (3) A description of—

8 (A) the processes used by the Department  
9 of Defense and the Department of State to  
10 jointly formulate, prioritize, and select projects  
11 to be funded under the Building Global Part-  
12 nership authorities; and

13 (B) the processes, if any, used by the De-  
14 partment of Defense and the Department of  
15 State to evaluate the success of each project so  
16 funded after its completion.

17 (4) A statement of the projects initiated under  
18 the Building Global Partnership authorities that  
19 were subsequently transitioned to and sustained  
20 under the authorities of the Foreign Assistance Act  
21 of 1961 or other authorities.

22 (5) An assessment of the utility of the Building  
23 Global Partnership authorities, and of any gaps in  
24 such authorities, including an assessment of the  
25 feasibility and advisability of continuing such au-



1       thorities beyond their current dates of expiration  
2       (whether in their current form or with such modi-  
3       fications as the Secretary of Defense and the Sec-  
4       retary of State jointly consider appropriate).

5       (c) DEFINITIONS.—In this section:

6               (1) APPROPRIATE COMMITTEES OF CON-  
7       GRESS.—The term “appropriate committees of Con-  
8       gress” means—

9                       (A) the Committee on Armed Services, the  
10                      Committee on Appropriations, and the Com-  
11                      mittee on Foreign Relations of the Senate; and

12                     (B) the Committee on Armed Services, the  
13                      Committee on Appropriations, and the Com-  
14                      mittee on Foreign Affairs of the House of Rep-  
15                      resentatives.

16               (2) BUILDING GLOBAL PARTNERSHIP AUTHORI-  
17       TIES.—The term “Building Global Partnership au-  
18       thorities” means the following:

19                     (A) AUTHORITY FOR BUILDING CAPACITY  
20                      OF FOREIGN MILITARY FORCES.—The authori-  
21                      ties provided in section 1206 of the National  
22                      Defense Authorization Act for Fiscal Year 2006  
23                      (Public Law 109–163; 119 Stat. 3456), as  
24                      amended by section 1206 of the John Warner  
25                      National Defense Authorization Act for Fiscal

1 Year 2007 (Public Law 109–364; 120 Stat.  
2 2418) and section 1204 of this Act.

3 (B) AUTHORITY FOR SECURITY AND STA-  
4 BILIZATION ASSISTANCE.—The authorities pro-  
5 vided in section 1207 of the National Defense  
6 Authorization Act for Fiscal Year 2006 (119  
7 Stat. 3458), as amended by section 1210 of the  
8 National Defense Authorization Act for Fiscal  
9 Year 2008 (Public Law 110–181; 122 Stat.  
10 369) and section 1205 of this Act.

11 (C) CIVIC ASSISTANCE AUTHORITIES  
12 UNDER COMBATANT COMMANDER INITIATIVE  
13 FUND.—The authority to engage in urgent and  
14 unanticipated civic assistance under the Com-  
15 batant Commander Initiative Fund under sec-  
16 tion 166a(b)(6) of title 10, United States Code,  
17 as a result of the amendments made by section  
18 902 of the John Warner National Defense Au-  
19 thorization Act for Fiscal Year 2007 (120 Stat.  
20 2351).

1 **TITLE**                   **XIII—COOPERATIVE**  
2       **THREAT REDUCTION WITH**  
3       **STATES OF THE FORMER SO-**  
4       **VIET UNION**

5 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**  
6                   **DUCTION PROGRAMS AND FUNDS.**

7       (a) SPECIFICATION OF COOPERATIVE THREAT RE-  
8       DUCTION PROGRAMS.—For purposes of section 301 and  
9       other provisions of this Act, Cooperative Threat Reduction  
10      programs are the programs specified in section 1501(b)  
11      of the National Defense Authorization Act for Fiscal Year  
12      1997 (50 U.S.C. 2362 note).

13      (b) FISCAL YEAR 2009 COOPERATIVE THREAT RE-  
14      DUCTION FUNDS DEFINED.—As used in this title, the  
15      term “fiscal year 2009 Cooperative Threat Reduction  
16      funds” means the funds appropriated pursuant to the au-  
17      thorization of appropriations in section 301 for Coopera-  
18      tive Threat Reduction programs.

19      (c) AVAILABILITY OF FUNDS.—Funds appropriated  
20      pursuant to the authorization of appropriations in section  
21      301 for Cooperative Threat Reduction programs shall be  
22      available for obligation for three fiscal years.

23 **SEC. 1302. FUNDING ALLOCATIONS.**

24      (a) FUNDING FOR SPECIFIC PURPOSES.—Of the  
25      \$434,135,000 authorized to be appropriated to the De-

1 partment of Defense for fiscal year 2009 in section  
2 301(19) for Cooperative Threat Reduction programs, the  
3 following amounts may be obligated for the purposes spec-  
4 ified:

5 (1) For strategic offensive arms elimination in  
6 Russia, \$79,985,000.

7 (2) For nuclear weapons storage security in  
8 Russia, \$33,101,000.

9 (3) For nuclear weapons transportation security  
10 in Russia, \$40,800,000.

11 (4) For weapons of mass destruction prolifera-  
12 tion prevention in the states of the former Soviet  
13 Union, \$50,286,000.

14 (5) For biological threat reduction in the states  
15 of the former Soviet Union, \$184,463,000.

16 (6) For chemical weapons destruction in Rus-  
17 sia, \$1,000,000.

18 (7) For threat reduction outside the former So-  
19 viet Union, \$10,000,000.

20 (8) For defense and military contacts,  
21 \$8,000,000.

22 (9) For activities designated as Other Assess-  
23 ments/Administrative Support, \$20,100,000.

24 (10) For strategic offensive arms elimination in  
25 Ukraine, \$6,400,000.

1       (b) REPORT ON OBLIGATION OR EXPENDITURE OF  
2 FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Co-  
3 operative Threat Reduction funds may be obligated or ex-  
4 pended for a purpose other than a purpose listed in para-  
5 graphs (1) through (10) of subsection (a) until 15 days  
6 after the date that the Secretary of Defense submits to  
7 Congress a report on the purpose for which the funds will  
8 be obligated or expended and the amount of funds to be  
9 obligated or expended. Nothing in the preceding sentence  
10 shall be construed as authorizing the obligation or expend-  
11 iture of fiscal year 2009 Cooperative Threat Reduction  
12 funds for a purpose for which the obligation or expendi-  
13 ture of such funds is specifically prohibited under this title  
14 or any other provision of law.

15       (c) LIMITED AUTHORITY TO VARY INDIVIDUAL  
16 AMOUNTS.—

17           (1) IN GENERAL.—Subject to paragraph (2), in  
18 any case in which the Secretary of Defense deter-  
19 mines that it is necessary to do so in the national  
20 interest, the Secretary may obligate amounts appro-  
21 priated for fiscal year 2009 for a purpose listed in  
22 paragraphs (1) through (10) of subsection (a) in ex-  
23 cess of the specific amount authorized for that pur-  
24 pose.

1           (2) NOTICE-AND-WAIT REQUIRED.—An obliga-  
2           tion of funds for a purpose stated in paragraphs (1)  
3           through (10) of subsection (a) in excess of the spe-  
4           cific amount authorized for such purpose may be  
5           made using the authority provided in paragraph (1)  
6           only after—

7                   (A) the Secretary submits to Congress no-  
8                   tification of the intent to do so together with a  
9                   complete discussion of the justification for  
10                  doing so; and

11                   (B) 15 days have elapsed following the  
12                  date of the notification.

13                           **TITLE XIV—OTHER**  
14                           **AUTHORIZATIONS**

15                   **Subtitle A—Military Programs**

16   **SEC. 1401. WORKING CAPITAL FUNDS.**

17           Funds are hereby authorized to be appropriated for  
18           fiscal year 2009 for the use of the Armed Forces and other  
19           activities and agencies of the Department of Defense for  
20           providing capital for working capital and revolving funds  
21           in amounts as follows:

22                   (1) For the Defense Working Capital Funds,  
23                   \$198,150,000.

24                   (2) For the Defense Working Capital Fund,  
25                   Defense Commissary, \$1,291,084,000.

1 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 2009 for the National Defense Sealift Fund  
4 in the amount of \$1,608,553,000.

5 **SEC. 1403. DEFENSE HEALTH PROGRAM.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
7 are hereby authorized to be appropriated for the Depart-  
8 ment of Defense for fiscal year 2009 for expenses, not oth-  
9 erwise provided for, for the Defense Health Program, in  
10 the amount of \$24,802,202,000, of which—

11 (1) \$24,301,359,000 is for Operation and  
12 Maintenance;

13 (2) \$196,938,000 is for Research, Development,  
14 Test, and Evaluation; and

15 (3) \$303,905,000 is for Procurement.

16 (b) SOURCE OF CERTAIN FUNDS.—Of the amount  
17 available under subsection (a), \$1,300,000,000 shall, to  
18 the extent provided in advance in an Act making appro-  
19 priations for fiscal year 2009, be available by transfer  
20 from the National Defense Stockpile Transaction Fund es-  
21 tablished under subsection (a) of section 9 of the Strategic  
22 and Critical Materials Stock Piling Act (50 U.S.C. 98h).

23 **SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**  
24 **TION, DEFENSE.**

25 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
26 are hereby authorized to be appropriated for the Depart-

1 ment of Defense for fiscal year 2009 for expenses, not oth-  
2 erwise provided for, for Chemical Agents and Munitions  
3 Destruction, Defense, in the amount of \$1,485,634,000,  
4 of which—

5 (1) \$1,152,668,000 is for Operation and Main-  
6 tenance;

7 (2) \$268,881,000 is for Research, Development,  
8 Test, and Evaluation; and

9 (3) \$64,085,000 is for Procurement.

10 (b) USE.—Amounts authorized to be appropriated  
11 under subsection (a) are authorized for—

12 (1) the destruction of lethal chemical agents  
13 and munitions in accordance with section 1412 of  
14 the Department of Defense Authorization Act, 1986  
15 (50 U.S.C. 1521); and

16 (2) the destruction of chemical warfare materiel  
17 of the United States that is not covered by section  
18 1412 of such Act.

19 **SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
20 **TIVITIES, DEFENSE-WIDE.**

21 Funds are hereby authorized to be appropriated for  
22 the Department of Defense for fiscal year 2009 for ex-  
23 penses, not otherwise provided for, for Drug Interdiction  
24 and Counter-Drug Activities, Defense-wide, in the amount  
25 of \$1,060,463,000.



1 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

2 Funds are hereby authorized to be appropriated for  
3 the Department of Defense for fiscal year 2009 for ex-  
4 penses, not otherwise provided for, for the Office of the  
5 Inspector General of the Department of Defense, in the  
6 amount of \$273,845,000, of which—

7 (1) \$270,445,000 is for Operation and Mainte-  
8 nance; and

9 (2) \$3,400,000 is for Procurement.

10 **SEC. 1407. REDUCTION IN CERTAIN AUTHORIZATIONS DUE**  
11 **TO SAVINGS FROM LOWER INFLATION.**

12 (a) REDUCTION.—The aggregate amount authorized  
13 to be appropriated by this division is the amount equal  
14 to the sum of all the amounts authorized to be appro-  
15 priated by the provisions of this division reduced by  
16 \$1,048,000,000, to be allocated as follows:

17 (1) PROCUREMENT.—The aggregate amount  
18 authorized to be appropriated by title I is hereby re-  
19 duced by \$313,000,000.

20 (2) RESEARCH, DEVELOPMENT, TEST, AND  
21 EVALUATION.—The aggregate amount authorized to  
22 be appropriated by title II is hereby reduced by  
23 \$239,000,000.

24 (3) OPERATION AND MAINTENANCE.—The ag-  
25 gregate amount authorized to be appropriated by  
26 title III is hereby reduced by \$470,000,000.

1           (4) OTHER AUTHORIZATIONS.—The aggregate  
2           amount authorized to be appropriated by title XIV  
3           is hereby reduced by \$26,000,000

4           (b) SOURCE OF SAVINGS.—Reductions required in  
5           order to comply with subsection (a) shall be derived from  
6           savings resulting from lower-than-expected inflation as a  
7           result of the difference between the inflation assumptions  
8           used in the Concurrent Resolution on the Budget for Fis-  
9           cal Year 2009 when compared with the inflation assump-  
10          tions used in the budget of the President for fiscal year  
11          2009, as submitted to Congress pursuant to section 1005  
12          of title 31, United States Code.

13          (c) ALLOCATION OF REDUCTIONS.—The Secretary of  
14          Defense shall allocate the reductions required by this sec-  
15          tion among the amounts authorized to be appropriated for  
16          accounts in titles I, II, III, and XIV to reflect the extent  
17          to which net savings from lower-than-expected inflations  
18          are allocable to amounts authorized to be appropriated to  
19          such accounts.

20                   **Subtitle B—Armed Forces**  
21                   **Retirement Home**

22          **SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR**  
23                   **ARMED FORCES RETIREMENT HOME.**

24           There is authorized to be appropriated for fiscal year  
25          2009 from the Armed Forces Retirement Home Trust

1 Fund the sum of \$63,010,000 for the operation of the  
2 Armed Forces Retirement Home.

3 **Subtitle C—Other Matters**

4 **SEC. 1431. RESPONSIBILITIES FOR CHEMICAL DEMILI-**  
5 **TARIZATION CITIZENS' ADVISORY COMMIS-**  
6 **SIONS IN COLORADO AND KENTUCKY.**

7 Section 172 of the National Defense Authorization  
8 Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amend-  
9 ed—

10 (1) by redesignating subsections (f) and (g) as  
11 subsections (g) and (h), respectively; and

12 (2) by inserting after subsection (e) the fol-  
13 lowing new subsection (f):

14 “(f) COLORADO AND KENTUCKY CHEMICAL DEMILI-  
15 TARIZATION CITIZENS' ADVISORY COMMISSIONS.—(1)  
16 Notwithstanding subsections (b), (g), and (h), and con-  
17 sistent with section 142 of the Strom Thurmond National  
18 Defense Authorization Act for Fiscal Year 1999 (50  
19 U.S.C. 1521 note) and section 8122 of the Department  
20 of Defense Appropriations Act, 2003 (Public Law 107–  
21 248; 116 Stat. 1566; 50 U.S.C. 1521 note), the Secretary  
22 of the Army shall transfer responsibilities for the Chemical  
23 Demilitarization Citizens' Advisory Commissions in Colo-  
24 rado and Kentucky to the Program Manager for Assem-  
25 bled Chemical Weapons Alternatives.

1       “(2) In carrying out the responsibilities transferred  
2 under paragraph (1), the Program Manager for Assem-  
3 bled Chemical Weapons Alternatives shall take appro-  
4 priate actions to ensure that each Commission referred to  
5 in paragraph (1) retains the capacity to receive citizen and  
6 State concerns regarding the ongoing chemical demili-  
7 tarization program in the State concerned.

8       “(3) A representative of the Office of the Assistant  
9 to the Secretary of Defense for Nuclear, Chemical, and  
10 Biological Defense Programs shall meet with each Com-  
11 mission referred to in paragraph (1) not less often than  
12 twice a year.

13       “(4) Funds authorized to be appropriated for the As-  
14 sembled Chemical Weapons Alternatives Program shall be  
15 available for travel and associated travel cost for Commis-  
16 sioners on the Commissions referred to in paragraph (1)  
17 when such travel is conducted at the invitation of the Spe-  
18 cial Assistant for Chemical and Biological Defense and  
19 Chemical Demilitarization Programs of the Department of  
20 Defense.”.

1 **SEC. 1432. MODIFICATION OF DEFINITION OF “DEPART-**  
2 **MENT OF DEFENSE SEALIFT VESSEL” FOR**  
3 **PURPOSES OF THE NATIONAL DEFENSE SEA-**  
4 **LIFT FUND.**

5 Section 2218(l)(2) of title 10, United States Code,  
6 is amended—

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

9 “(B) A maritime prepositioning ship, other  
10 than a ship derived from a Navy design for an  
11 amphibious ship or auxiliary support vessel.”;  
12 and

13 (2) by striking subparagraph (I).

14 **TITLE XV—AUTHORIZATION OF**  
15 **ADDITIONAL APPROPRIA-**  
16 **TIONS FOR OPERATIONS IN**  
17 **AFGHANISTAN**

18 **SEC. 1501. PURPOSE.**

19 The purpose of this title is to authorize appropria-  
20 tions for the Department of Defense for fiscal year 2009  
21 to provide additional funds for operations in Afghanistan.

22 **SEC. 1502. ARMY PROCUREMENT.**

23 Funds are hereby authorized to be appropriated for  
24 fiscal year 2009 for procurement accounts for the Army  
25 in amounts as follows:

26 (1) For aircraft procurement, \$250,000,000.

1           (2) For missile procurement, \$12,500,000.

2           (3) For weapons and tracked combat vehicles  
3 procurement, \$375,000,000.

4           (4) For ammunition procurement, \$87,500,000.

5           (5) For other procurement, \$1,100,000,000.

6 **SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.**

7           (a) NAVY.—Funds are hereby authorized to be appro-  
8 priated for fiscal year 2009 for procurement accounts for  
9 the Navy in amounts as follows:

10           (1) For aircraft procurement, \$25,000,000.

11           (2) For weapons procurement, \$12,500,000.

12           (3) For other procurement, \$25,000,000.

13           (b) MARINE CORPS.—Funds are hereby authorized to  
14 be appropriated for fiscal year 2009 for the procurement  
15 account for the Marine Corps in the amount of  
16 \$250,000,000.

17           (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
18 are hereby authorized to be appropriated for fiscal year  
19 2009 for the procurement account for ammunition for the  
20 Navy and the Marine Corps in the amount of  
21 \$75,000,000.

22 **SEC. 1504. AIR FORCE PROCUREMENT.**

23           Funds are hereby authorized to be appropriated for  
24 fiscal year 2009 for procurement accounts for the Air  
25 Force in amounts as follows:

- 1 (1) For aircraft procurement, \$400,000,000.
- 2 (2) For missile procurement, \$12,500,000.
- 3 (3) For ammunition procurement, \$12,500,000.
- 4 (4) For other procurement, \$150,000,000.

5 **SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**  
6 **FUND.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
8 are hereby authorized for fiscal year 2009 for the Joint  
9 Improvised Explosive Device Defeat Fund in the amount  
10 of \$750,000,000.

11 (b) USE AND TRANSFER OF FUNDS.—Subsections  
12 (b) and (c) of section 1514 of the John Warner National  
13 Defense Authorization Act for Fiscal Year 2007 (Public  
14 Law 109–364; 120 Stat. 2439), as amended by subsection  
15 (c) of this section, shall apply to the funds appropriated  
16 pursuant to the authorization of appropriations in sub-  
17 section (a).

18 (c) MODIFICATION OF FUNDS TRANSFER AUTHOR-  
19 ITY.—Subsection (c)(1) of section 1514 of the John War-  
20 ner National Defense Authorization Act for Fiscal Year  
21 2007 is amended—

- 22 (1) by striking subparagraph (A); and
- 23 (2) by redesignating subparagraphs (B)  
24 through (E) as subparagraphs (A) through (D), re-  
25 spectively.

1 (d) PRIOR NOTICE OF TRANSFER OF FUNDS.—  
2 Funds authorized to be appropriated to the Joint Impro-  
3 vised Explosive Device Defeat Fund by subsection (a) may  
4 not be obligated from the Fund or transferred in accord-  
5 ance with the provisions of subsection (c) of section 1514  
6 of the John Warner National Defense Authorization Act  
7 for Fiscal Year 2007, as amended by subsection (c) of this  
8 section, until five days after the date on which the Sec-  
9 retary of Defense notifies the congressional defense com-  
10 mittees of the proposed obligation or transfer.

11 (e) MODIFICATION OF SUBMITTAL DATE OF RE-  
12 PORTS.—Subsection (e) of such section 1514 is amended  
13 by striking “30 days” and inserting “60 days”.

14 **SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

15 Funds are hereby authorized to be appropriated for  
16 fiscal year 2009 for the procurement account for Defense-  
17 wide activities as follows:

18 (1) For Defense-wide procurement,  
19 \$62,500,000.

20 (2) For the Mine Resistant Ambush Protected  
21 Vehicle Fund, \$100,000,000.



1 **SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
2 **TION.**

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

- 6 (1) For the Army, \$15,000,000.
- 7 (2) For the Navy, \$15,000,000.
- 8 (3) For the Air Force, \$15,000,000.
- 9 (4) For Defense-wide activities, \$15,000,000.

10 **SEC. 1508. OPERATION AND MAINTENANCE.**

11 Funds are hereby authorized to be appropriated for  
12 fiscal year 2009 for the use of the Armed Forces for ex-  
13 penses, not otherwise provided for, for operation and  
14 maintenance, in amounts as follows:

- 15 (1) For the Army, \$9,000,000,000.
- 16 (2) For the Navy, \$500,000,000.
- 17 (3) For the Marine Corps, \$1,000,000,000.
- 18 (4) For the Air Force, \$500,000,000.
- 19 (5) For Defense-wide activities, \$668,750,000.
- 20 (6) For the Army Reserve, \$12,500,000.
- 21 (7) For the Navy Reserve, \$7,500,000.
- 22 (8) For the Marine Corps Reserve,  
23 \$10,000,000.
- 24 (9) For the Air Force Reserve, \$3,750,000.
- 25 (10) For the Army National Guard,  
26 \$75,000,000.

1           (11) For the Air National Guard, \$12,500,000.

2 **SEC. 1509. MILITARY PERSONNEL.**

3           There is hereby authorized to be appropriated for fis-  
4 cal year 2009 for the Department of Defense for military  
5 personnel in amounts as follows:

6           (1) For the Army, \$500,000,000.

7           (2) For the Navy, \$25,000,000.

8           (3) For the Marine Corps, \$62,500,000.

9           (4) For the Air Force, \$25,000,000.

10          (5) For the Army Reserve, \$25,000,000.

11          (6) For the Navy Reserve, \$7,500,000.

12          (7) For the Marine Corps Reserve, \$5,000,000.

13          (8) For the Army National Guard,  
14          \$100,000,000.

15 **SEC. 1510. WORKING CAPITAL FUNDS.**

16          Funds are hereby authorized to be appropriated for  
17 fiscal year 2009 for the use of the Armed Forces and other  
18 activities and agencies of the Department of Defense for  
19 providing capital for working capital and revolving funds  
20 in the amount of \$250,000,000, for the Defense Working  
21 Capital Funds.

22 **SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

23          (a) DEFENSE HEALTH PROGRAM.—Funds are here-  
24 by authorized to be appropriated for the Department of  
25 Defense for fiscal year 2009 for expenses, not otherwise

1 provided for, for the Defense Health Program in the  
2 amount of \$155,000,000 for operation and maintenance.

3 (b) DRUG INTERDICTION AND COUNTER-DRUG AC-  
4 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized  
5 to be appropriated for the Department of Defense for fis-  
6 cal year 2009 for expenses, not otherwise provided for, for  
7 Drug Interdiction and Counter-Drug Activities, Defense-  
8 wide in the amount of \$150,000,000.

9 **SEC. 1512. AFGHANISTAN SECURITY FORCES FUND.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
11 are hereby authorized to be appropriated for fiscal year  
12 2009 for the Afghanistan Security Forces Fund in the  
13 amount of \$3,000,000,000.

14 (b) USE OF FUNDS.—

15 (1) IN GENERAL.—Funds authorized to be ap-  
16 propriated by subsection (a) shall be available to the  
17 Secretary of Defense to provide assistance to the se-  
18 curity forces of Afghanistan.

19 (2) TYPES OF ASSISTANCE AUTHORIZED.—As-  
20 sistance provided under this section may include the  
21 provision of equipment, supplies, services, training,  
22 facility and infrastructure repair, renovation, con-  
23 struction, and funds.

1           (3) SECRETARY OF STATE CONCURRENCE.—As-  
2           sistance may be provided under this section only  
3           with the concurrence of the Secretary of State.

4           (c) AUTHORITY IN ADDITION TO OTHER AUTHORI-  
5           TIES.—The authority to provide assistance under this sec-  
6           tion is in addition to any other authority to provide assist-  
7           ance to foreign nations.

8           (d) TRANSFER AUTHORITY.—

9           (1) TRANSFERS AUTHORIZED.—Subject to  
10          paragraph (2), amounts authorized to be appro-  
11          priated by subsection (a) may be transferred from  
12          the Afghanistan Security Forces Fund to any of the  
13          following accounts and funds of the Department of  
14          Defense to accomplish the purposes provided in sub-  
15          section (b):

16                 (A) Military personnel accounts.

17                 (B) Operation and maintenance accounts.

18                 (C) Procurement accounts.

19                 (D) Research, development, test, and eval-  
20          uation accounts.

21                 (E) Defense working capital funds.

22                 (F) Overseas Humanitarian, Disaster, and  
23          Civic Aid.

24           (2) ADDITIONAL AUTHORITY.—The transfer au-  
25          thority provided by paragraph (1) is in addition to

1 any other transfer authority available to the Depart-  
2 ment of Defense.

3 (3) TRANSFERS BACK TO FUND.—Upon a de-  
4 termination that all or part of the funds transferred  
5 from the Afghanistan Security Forces Fund under  
6 paragraph (1) are not necessary for the purpose for  
7 which transferred, such funds may be transferred  
8 back to the Afghanistan Security Forces Fund.

9 (4) EFFECT ON AUTHORIZATION AMOUNTS.—A  
10 transfer of an amount to an account under the au-  
11 thority in paragraph (1) shall be deemed to increase  
12 the amount authorized for such account by an  
13 amount equal to the amount transferred.

14 (e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR  
15 TRANSFER.—Funds may not be obligated from the Af-  
16 ghanistan Security Forces Fund, or transferred under  
17 subsection (d)(1), until five days after the date on which  
18 the Secretary of Defense notifies the congressional defense  
19 committees in writing of the details of the proposed obliga-  
20 tion or transfer.

21 (f) CONTRIBUTIONS.—

22 (1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—  
23 Subject to paragraph (2), the Secretary of Defense  
24 may accept contributions of amounts to the Afghani-  
25 stan Security Forces Fund for the purposes provided

1 in subsection (b) from any foreign government or  
2 international organization. Any amounts so accepted  
3 shall be credited to the Afghanistan Security Forces  
4 Fund.

5 (2) LIMITATION.—The Secretary may not ac-  
6 cept a contribution under this subsection if the ac-  
7 ceptance of the contribution would compromise or  
8 appear to compromise the integrity of any program  
9 of the Department of Defense.

10 (3) USE.—Amounts accepted under this sub-  
11 section shall be available for assistance authorized  
12 by subsection (b), including transfer under sub-  
13 section (d) for that purpose.

14 (4) NOTIFICATION.—The Secretary shall notify  
15 the congressional defense committees, the Committee  
16 on Foreign Relations of the Senate, and the Com-  
17 mittee on Foreign Affairs of the House of Rep-  
18 resentatives, in writing, upon the acceptance, and  
19 upon the transfer under subsection (d), of any con-  
20 tribution under this subsection. Such notice shall  
21 specify the source and amount of any amount so ac-  
22 cepted and the use of any amount so accepted.

23 (g) QUARTERLY REPORTS.—Not later than 30 days  
24 after the end of each fiscal-year quarter, the Secretary of  
25 Defense shall submit to the congressional defense commit-

1 tees a report summarizing the details of any obligation  
2 or transfer of funds from the Afghanistan Security Forces  
3 Fund during such fiscal-year quarter.

4 (h) EXPIRATION OF AUTHORITY.—The authority in  
5 this section shall expire on September 30, 2010.

6 **SEC. 1513. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

7 The amounts authorized to be appropriated by this  
8 title are in addition to amounts otherwise authorized to  
9 be appropriated by this Act.

10 **SEC. 1514. SPECIAL TRANSFER AUTHORITY.**

11 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

12 (1) AUTHORITY.—Upon determination by the  
13 Secretary of Defense that such action is necessary in  
14 the national interest, the Secretary may transfer  
15 amounts of authorizations made available to the De-  
16 partment of Defense in this title and title XVI for  
17 fiscal year 2009 between any such authorizations for  
18 that fiscal year (or any subdivisions thereof).  
19 Amounts of authorizations so transferred shall be  
20 merged with and be available for the same purposes  
21 as the authorization to which transferred.

22 (2) LIMITATION.—The total amount of author-  
23 izations that the Secretary may transfer under the  
24 authority of this section may not exceed  
25 \$3,000,000,000, of which not more than

1       \$300,000,000 may be transferred to the Iraq Security Forces Fund.

3       (b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

6       (c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

9       **SEC. 1515. LIMITATION ON USE OF FUNDS.**

10       (a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

16       (b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

19       **SEC. 1516. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR AFGHANISTAN.**

21       (a) IN GENERAL.—In any annual or supplemental budget request for the Department of Defense that is submitted to Congress after the date of the enactment of this Act, the Secretary of Defense shall set forth separately



1 any funding requested in such budget request for oper-  
2 ations of the Department of Defense in Afghanistan.

3 (b) SPECIFICITY OF DISPLAY.—Each budget request  
4 under subsection (a) shall—

5 (1) clearly display the amounts requested in the  
6 budget request for the Department of Defense for  
7 Afghanistan at the appropriation account level and  
8 at the program, project, or activity level; and

9 (2) also include a detailed description of the as-  
10 sumptions underlying the funding requested in the  
11 budget request for the Department of Defense for  
12 Afghanistan for the period covered by the budget re-  
13 quest, including anticipated troop levels, operating  
14 tempos, and reset requirements.

15 **TITLE XVI—AUTHORIZATION OF**  
16 **ADDITIONAL APPROPRIA-**  
17 **TIONS FOR OPERATIONS IN**  
18 **IRAQ**

19 **SEC. 1601. PURPOSE.**

20 The purpose of this title is to authorize appropria-  
21 tions for the Department of Defense for fiscal year 2009  
22 to provide additional funds for operations in Iraq.

1 **SEC. 1602. ARMY PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 2009 for procurement accounts for the Army  
4 in amounts as follows:

5 (1) For aircraft procurement, \$750,000,000.

6 (2) For missile procurement, \$37,500,000.

7 (3) For weapons and tracked combat vehicles  
8 procurement, \$1,125,000,000.

9 (4) For ammunition procurement,  
10 \$262,500,000.

11 (5) For other procurement, \$3,300,000,000.

12 **SEC. 1603. NAVY AND MARINE CORPS PROCUREMENT.**

13 (a) NAVY.—Funds are hereby authorized to be appro-  
14 priated for fiscal year 2009 for procurement accounts for  
15 the Navy in amounts as follows:

16 (1) For aircraft procurement, \$75,000,000.

17 (2) For weapons procurement, \$37,500,000.

18 (3) For other procurement, \$75,000,000.

19 (b) MARINE CORPS.—Funds are hereby authorized to  
20 be appropriated for fiscal year 2009 for the procurement  
21 account for the Marine Corps in the amount of  
22 \$750,000,000.

23 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
24 are hereby authorized to be appropriated for fiscal year  
25 2009 for the procurement account for ammunition for the

1 Navy and the Marine Corps in the amount of  
2 \$225,000,000.

3 **SEC. 1604. AIR FORCE PROCUREMENT.**

4 Funds are hereby authorized to be appropriated for  
5 fiscal year 2009 for procurement accounts for the Air  
6 Force in amounts as follows:

7 (1) For aircraft procurement, \$400,000,000.

8 (2) For missile procurement, \$37,500,000.

9 (3) For ammunition procurement, \$37,500,000.

10 (4) For other procurement, \$450,000,000.

11 **SEC. 1605. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**

12 **FUND.**

13 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
14 are hereby authorized for fiscal year 2009 for the Joint  
15 Improvised Explosive Device Defeat Fund in the amount  
16 of \$2,250,000,000.

17 (b) **RULE OF CONSTRUCTION.**—The provisions of  
18 section 1505 and the amendments made by that section  
19 shall apply to the use of funds authorized to be appro-  
20 priated by this section.

21 **SEC. 1606. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

22 Funds are hereby authorized to be appropriated for  
23 fiscal year 2009 for the procurement account for Defense-  
24 wide activities as follows:

1           (1)     For     Defense-wide     procurement,  
2     \$187,500,000.

3           (2) For the Mine Resistant Ambush Protected  
4     Vehicle Fund, \$500,000,000.

5 **SEC. 1607. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
6           **TION.**

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

10           (1) For the Army, \$35,000,000.

11           (2) For the Navy, \$35,000,000.

12           (3) For the Air Force, \$35,000,000.

13           (4) For Defense-wide activities, \$35,000,000.

14 **SEC. 1608. OPERATION AND MAINTENANCE.**

15     Funds are hereby authorized to be appropriated for  
16     fiscal year 2009 for the use of the Armed Forces for ex-  
17     penses, not otherwise provided for, for operation and  
18     maintenance, in amounts as follows:

19           (1) For the Army, \$27,000,000,000.

20           (2) For the Navy, \$1,500,000,000.

21           (3) For the Marine Corps, \$3,000,000,000.

22           (4) For the Air Force, \$1,500,000,000.

23           (5)     For     Defense-wide     activities,  
24     \$1,811,250,000.

25           (6) For the Army Reserve, \$37,500,000.

1 (7) For the Navy Reserve, \$22,500,000.

2 (8) For the Marine Corps Reserve,  
3 \$30,000,000.

4 (9) For the Air Force Reserve, \$11,250,000.

5 (10) For the Army National Guard,  
6 \$225,000,000.

7 (11) For the Air National Guard, \$37,500,000.

8 **SEC. 1609. MILITARY PERSONNEL.**

9 There is hereby authorized to be appropriated for fis-  
10 cal year 2009 for the Department of Defense for military  
11 personnel in amounts as follows:

12 (1) For the Army, \$1,500,000,000.

13 (2) For the Navy, \$75,000,000.

14 (3) For the Marine Corps, \$187,500,000.

15 (4) For the Air Force, \$75,000,000.

16 (5) For the Army Reserve, \$75,000,000.

17 (6) For the Navy Reserve, \$22,500,000.

18 (7) For the Marine Corps Reserve,  
19 \$15,000,000.

20 (8) For the Army National Guard,  
21 \$300,000,000.

22 **SEC. 1610. WORKING CAPITAL FUNDS.**

23 Funds are hereby authorized to be appropriated for  
24 fiscal year 2009 for the use of the Armed Forces and other  
25 activities and agencies of the Department of Defense for

1 providing capital for working capital and revolving funds  
2 in the amount of \$750,000,000, for the Defense Working  
3 Capital Funds.

4 **SEC. 1611. DEFENSE HEALTH PROGRAM.**

5 Funds are hereby authorized to be appropriated for  
6 the Department of Defense for fiscal year 2009 for ex-  
7 penses, not otherwise provided for, for the Defense Health  
8 Program in the amount of \$460,000,000 for operation and  
9 maintenance.

10 **SEC. 1612. IRAQ FREEDOM FUND.**

11 (a) IN GENERAL.—Funds are hereby authorized to  
12 be appropriated for fiscal year 2009 for the Iraq Freedom  
13 Fund in the amount of \$150,000,000.

14 (b) TRANSFER.—

15 (1) TRANSFER AUTHORIZED.—Subject to para-  
16 graph (2), amounts authorized to be appropriated by  
17 subsection (a) may be transferred from the Iraq  
18 Freedom Fund to any accounts as follows:

19 (A) Operation and maintenance accounts  
20 of the Armed Forces.

21 (B) Military personnel accounts.

22 (C) Research, development, test, and eval-  
23 uation accounts of the Department of Defense.

24 (D) Procurement accounts of the Depart-  
25 ment of Defense.

1           (E) Accounts providing funding for classi-  
2           fied programs.

3           (F) The operating expenses account of the  
4           Coast Guard.

5           (2) NOTICE TO CONGRESS.—A transfer may not  
6           be made under the authority in paragraph (1) until  
7           five days after the date on which the Secretary of  
8           Defense notifies the congressional defense commit-  
9           tees in writing of the transfer.

10          (3) TREATMENT OF TRANSFERRED FUNDS.—  
11          Amounts transferred to an account under the au-  
12          thority in paragraph (1) shall be merged with  
13          amounts in such account and shall be made available  
14          for the same purposes, and subject to the same con-  
15          ditions and limitations, as amounts in such account.

16          (4) EFFECT ON AUTHORIZATION AMOUNTS.—A  
17          transfer of an amount to an account under the au-  
18          thority in paragraph (1) shall be deemed to increase  
19          the amount authorized for such account by an  
20          amount equal to the amount transferred.

21 **SEC. 1613. IRAQ SECURITY FORCES FUND.**

22          (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
23          are hereby authorized to be appropriated for fiscal year  
24          2009 for the Iraq Security Forces Fund in the amount  
25          of \$200,000,000.

1 (b) USE OF FUNDS.—

2 (1) IN GENERAL.—Funds appropriated pursu-  
3 ant to subsection (a) shall be available to the Sec-  
4 retary of Defense for the purpose of allowing the  
5 Commander, Multi-National Security Transition  
6 Command–Iraq, to provide assistance to the security  
7 forces of Iraq.

8 (2) TYPES OF ASSISTANCE AUTHORIZED.—As-  
9 sistance provided under this section may include the  
10 provision of equipment, supplies, services, and train-  
11 ing.

12 (3) SECRETARY OF STATE CONCURRENCE.—As-  
13 sistance may be provided under this section only  
14 with the concurrence of the Secretary of State.

15 (c) AUTHORITY IN ADDITION TO OTHER AUTHORI-  
16 TIES.—The authority to provide assistance under this sec-  
17 tion is in addition to any other authority to provide assist-  
18 ance to foreign nations.

19 (d) TRANSFER AUTHORITY.—

20 (1) TRANSFERS AUTHORIZED.—Subject to  
21 paragraph (2), amounts authorized to be appro-  
22 priated by subsection (a) may be transferred from  
23 the Iraq Security Forces Fund to any of the fol-  
24 lowing accounts and funds of the Department of De-



1 fense to accomplish the purposes provided in sub-  
2 section (b):

3 (A) Military personnel accounts.

4 (B) Operation and maintenance accounts.

5 (C) Procurement accounts.

6 (D) Research, development, test, and eval-  
7 uation accounts.

8 (E) Defense working capital funds.

9 (F) Overseas Humanitarian, Disaster, and  
10 Civic Aid account.

11 (2) ADDITIONAL AUTHORITY.—The transfer au-  
12 thority provided by paragraph (1) is in addition to  
13 any other transfer authority available to the Depart-  
14 ment of Defense.

15 (3) TRANSFERS BACK TO THE FUND.—Upon  
16 determination that all or part of the funds trans-  
17 ferred from the Iraq Security Forces Fund under  
18 paragraph (1) are not necessary for the purpose pro-  
19 vided, such funds may be transferred back to the  
20 Iraq Security Forces Fund.

21 (4) EFFECT ON AUTHORIZATION AMOUNTS.—A  
22 transfer of an amount to an account under the au-  
23 thority in paragraph (1) shall be deemed to increase  
24 the amount authorized for such account by an  
25 amount equal to the amount transferred.

1 (e) NOTICE TO CONGRESS.—Funds may not be obli-  
2 gated from the Iraq Security Forces Fund, or transferred  
3 under the authority provided in subsection (d)(1), until  
4 five days after the date on which the Secretary of Defense  
5 notifies the congressional defense committees in writing  
6 of the details of the proposed obligation or transfer.

7 (f) CONTRIBUTIONS.—

8 (1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—  
9 Subject to paragraph (2), the Secretary of Defense  
10 may accept contributions of amounts to the Iraq Se-  
11 curity Forces Fund for the purposes provided in  
12 subsection (b) from any foreign government or inter-  
13 national organization. Any amounts so accepted  
14 shall be credited to the Iraq Security Forces Fund.

15 (2) LIMITATION.—The Secretary may not ac-  
16 cept a contribution under this subsection if the ac-  
17 ceptance of the contribution would compromise or  
18 appear to compromise the integrity of any program  
19 of the Department of Defense.

20 (3) USE.—Amounts accepted under this sub-  
21 section shall be available for assistance authorized  
22 by subsection (b), including transfer under sub-  
23 section (d) for that purpose.

24 (4) NOTIFICATION.—The Secretary shall notify  
25 the congressional defense committees, the Committee

1 on Foreign Relations of the Senate, and the Com-  
2 mittee on Foreign Affairs of the House of Rep-  
3 resentatives, in writing, upon the acceptance, and  
4 upon the transfer under subsection (d), of any con-  
5 tribution under this subsection. Such notice shall  
6 specify the source and amount of any amount so ac-  
7 cepted and the use of any amount so accepted.

8 (g) QUARTERLY REPORTS.—Not later than 30 days  
9 after the end of each fiscal-year quarter, the Secretary of  
10 Defense shall submit to the congressional defense commit-  
11 tees a report summarizing the details of any obligation  
12 or transfer of funds from the Iraq Security Forces Fund  
13 during such fiscal-year quarter.

14 (h) EXPIRATION OF AUTHORITY.—The authority in  
15 this section shall expire on September 30, 2010.

16 **SEC. 1614. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

17 The amounts authorized to be appropriated by this  
18 title are in addition to amounts otherwise authorized to  
19 be appropriated by this Act.

20 **SEC. 1615. LIMITATION ON USE OF FUNDS.**

21 (a) REPORT.—Amounts authorized to be appro-  
22 priated by this title may not be obligated until 15 days  
23 after the Secretary of Defense has transmitted to the con-  
24 gressional defense committees a report setting forth the

1 proposed allocation of such amounts at the program,  
2 project, or activity level.

3 (b) EFFECT OF REPORT.—The report required by  
4 subsection (a) shall serve as a base for reprogramming for  
5 the purposes of sections 1514 and 1001.

6 **SEC. 1616. CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ**  
7 **TO LARGE-SCALE INFRASTRUCTURE**  
8 **PROJECTS, COMBINED OPERATIONS, AND**  
9 **OTHER ACTIVITIES IN IRAQ.**

10 (a) FINDING.—The Senate finds that the financial  
11 contributions of the Government of Iraq to the reconstruc-  
12 tion and stability of Iraq have been increasing.

13 (b) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

14 (1) LIMITATION ON AVAILABILITY OF UNITED  
15 STATES FUNDS FOR PROJECTS.—Amounts author-  
16 ized to be appropriated by this Act (other than  
17 amounts described in paragraph (3)) may not be ob-  
18 ligated or expended for any large-scale infrastruc-  
19 ture project in Iraq that is commenced after the  
20 date of the enactment of this Act.

21 (2) FUNDING OF RECONSTRUCTION PROJECTS  
22 BY THE GOVERNMENT OF IRAQ.—The United States  
23 Government shall work with the Government of Iraq  
24 to provide that the Government of Iraq shall obligate  
25 and expend funds of the Government of Iraq for re-

1 construction projects in Iraq that are not large-scale  
2 infrastructure projects before obligating and expend-  
3 ing United States assistance (other than amounts  
4 described in paragraph (3)) for such projects.

5 (3) EXCEPTION FOR CERP.—The limitations in  
6 paragraphs (1) and (2) do not apply to amounts au-  
7 thorized to be appropriated by this Act for the Com-  
8 manders’ Emergency Response Program (CERP).

9 (4) LARGE-SCALE INFRASTRUCTURE PROJECT  
10 DEFINED.—In this subsection, the term “large-scale  
11 infrastructure project” means any construction  
12 project for infrastructure in Iraq that is estimated  
13 by the United States Government at the time of the  
14 commencement of the project to cost at least  
15 \$2,000,000.

16 (c) COMBINED OPERATIONS.—

17 (1) IN GENERAL.—The United States Govern-  
18 ment shall initiate negotiations with the Government  
19 of Iraq on an agreement under which the Govern-  
20 ment of Iraq shall share with the United States Gov-  
21 ernment the costs of combined operations of the  
22 Government of Iraq and the Multinational Forces  
23 Iraq undertaken as part of Operation Iraqi Free-  
24 dom.

1           (2) REPORT.—Not later than 90 days after the  
2           date of the enactment of this Act, the Secretary of  
3           State shall, in conjunction with the Secretary of De-  
4           fense, submit to Congress a report describing the  
5           status of negotiations under paragraph (1).

6           (d) IRAQI SECURITY FORCES.—

7           (1) IN GENERAL.—The United States Govern-  
8           ment shall take actions to ensure that Iraq funds  
9           are used to pay the following:

10                   (A) The costs of the salaries, training,  
11                   equipping, and sustainment of Iraqi Security  
12                   Forces.

13                   (B) The costs associated with the Sons of  
14                   Iraq.

15           (2) REPORTS.—Not later than 90 days after  
16           the date of the enactment of this Act, and every 180  
17           days thereafter, the President shall submit to Con-  
18           gress a report setting forth an assessment of the  
19           progress made in meeting the requirements of para-  
20           graph (1).

Passed the Senate September 17, 2008.

Attest:

*Secretary.*



110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3002**

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**AN ACT**

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