

## Union Calendar No. 84

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2647

**[Report No. 111-166]**

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

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### IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2009

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

JUNE 18, 2009

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on June 2, 2009]

# **A BILL**

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

8 *(a) DIVISIONS.—This Act is organized into three divi-*  
 9 *sions as follows:*

10 *(1) Division A—Department of Defense Author-*  
 11 *izations.*

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

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

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

*Sec. 1. Short title.*

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

*Sec. 3. Congressional defense committees.*

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*Sec. 102. Navy and Marine Corps.*

*Sec. 103. Air Force.*

*Sec. 104. Defense-wide activities.*

*Sec. 105. National Guard and Reserve equipment.*

*Sec. 106. Rapid Acquisition Fund.*

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

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

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*Sec. 132. Preservation and storage of unique tooling for F-22 fighter aircraft.*  
*Sec. 133. Report on 4.5 generation fighter procurement.*  
*Sec. 134. Reports on strategic airlift aircraft.*  
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- Sec. 201. Authorization of appropriations.*

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

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- Sec. 232. Annual Comptroller General report on the F-35 Lightning II aircraft acquisition program.*
- Sec. 233. Report on integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities.*
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*Sec. 1507. Defense-wide activities procurement.*  
*Sec. 1508. Mine Resistant Ambush Protected Vehicle Fund.*  
*Sec. 1509. Research, development, test, and evaluation.*  
*Sec. 1510. Operation and maintenance.*  
*Sec. 1511. Working capital funds.*  
*Sec. 1512. Military personnel.*  
*Sec. 1513. Afghanistan Security Forces Fund.*  
*Sec. 1514. Iraq Freedom Fund.*  
*Sec. 1515. Other Department of Defense programs.*  
*Sec. 1516. Limitations on Iraq Security Forces Fund.*  
*Sec. 1517. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.*  
*Sec. 1518. Special transfer authority.*  
*Sec. 1519. Treatment as additional authorizations.*

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

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

**TITLE XXI—ARMY**

- Sec. 2101. Authorized Army construction and land acquisition projects.*  
*Sec. 2102. Family housing.*  
*Sec. 2103. Improvements to military family housing units.*  
*Sec. 2104. Authorization of appropriations, Army.*  
*Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.*  
*Sec. 2106. Extension of authorizations of certain fiscal year 2006 projects.*



**TITLE XXII—NAVY**

- Sec. 2201. Authorized Navy construction and land acquisition projects.*  
*Sec. 2202. Family housing.*  
*Sec. 2203. Improvements to military family housing units.*  
*Sec. 2204. Authorization of appropriations, Navy.*  
*Sec. 2205. Modification and extension of authority to carry out certain fiscal year 2006 project.*

**TITLE XXIII—AIR FORCE**

- Sec. 2301. Authorized Air Force construction and land acquisition projects.*  
*Sec. 2302. Family housing.*  
*Sec. 2303. Improvements to military family housing units.*  
*Sec. 2304. Authorization of appropriations, Air Force.*  
*Sec. 2305. Extension of authorizations of certain fiscal year 2007 projects.*  
*Sec. 2306. Extension of authorizations of certain fiscal year 2006 projects.*

**TITLE XXIV—DEFENSE AGENCIES***Subtitle A—Defense Agency Authorizations*

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.*  
*Sec. 2402. Authorization of appropriations, Defense Agencies.*  
*Sec. 2403. Modification of authority to carry out certain fiscal year 2008 project.*  
*Sec. 2404. Modification of authority to carry out certain fiscal year 2009 project.*  
*Sec. 2405. Extension of authorizations of certain fiscal year 2007 project.*

*Subtitle B—Chemical Demilitarization Authorizations*

- Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.*

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION  
SECURITY INVESTMENT PROGRAM**

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

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.*  
*Sec. 2602. Authorized Army Reserve construction and land acquisition projects.*  
*Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.*  
*Sec. 2604. Authorized Air National Guard construction and land acquisition projects.*  
*Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.*  
*Sec. 2606. Authorization of appropriations, National Guard and Reserve.*  
*Sec. 2607. Extension of authorizations of certain fiscal year 2007 projects.*  
*Sec. 2608. Extension of authorizations of certain fiscal year 2006 project.*

**TITLE XXVII—BASE CLOSURE AND REALIGNMENT  
ACTIVITIES**

*Subtitle A—Authorizations*

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

*Subtitle B—Amendments to Base Closure and Related Laws*

- Sec. 2711. Use of economic development conveyances to implement base closure and realignment property recommendations.*

*Subtitle C—Other Matters*

- Sec. 2721. Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness.*
- Sec. 2722. Modification of closure instructions regarding Paul Doble Army Reserve Center, Portsmouth, New Hampshire.*

**TITLE XXVIII—MILITARY CONSTRUCTION GENERAL  
PROVISIONS**

*Subtitle A—Military Construction Program and Military Family Housing  
Changes*

- Sec. 2801. Modification of unspecified minor construction authorities.*
- Sec. 2802. Congressional notification of facility repair projects carried out using operation and maintenance funds.*
- Sec. 2803. Authorized scope of work variations for military construction projects and military family housing projects.*
- Sec. 2804. Imposition of requirement that acquisition of reserve component facilities be authorized by law.*
- Sec. 2805. Report on Department of Defense contributions to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities.*
- Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.*
- Sec. 2807. Expansion of First Sergeants Barracks Initiative.*
- Sec. 2808. Reports on privatization initiatives for military unaccompanied housing.*

*Subtitle B—Real Property and Facilities Administration*

- Sec. 2811. Imposition of requirement that leases of real property to the United States with annual rental costs of more than \$750,000 be authorized by law.*
- Sec. 2812. Consolidation of notice-and-wait requirements applicable to leases of real property owned by the United States.*
- Sec. 2813. Clarification of authority of military departments to acquire low-cost interests in land and interests in land when need is urgent.*

- Sec. 2814. Modification of utility systems conveyance authority.*
- Sec. 2815. Decontamination and use of former bombardment area on island of Culebra.*
- Sec. 2816. Disposal of excess property of Armed Forces Retirement Home.*
- Sec. 2817. Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California.*
- Sec. 2818. Limitation on establishment of Navy outlying landing fields.*
- Sec. 2819. Prohibition on outlying landing field at Sandbanks or Hale's Lake, North Carolina, for Oceana Naval Air Station.*
- Sec. 2820. Selection of military installations to serve as locations of brigade combat teams.*

*Subtitle C—Provisions Related to Guam Realignment*

- Sec. 2831. Role of Under Secretary of Defense for Policy in management and coordination of Department of Defense activities relating to Guam realignment.*
- Sec. 2832. Clarifications regarding use of special purpose entities to assist with Guam realignment.*
- Sec. 2833. Workforce issues related to military construction and certain other transactions on Guam.*
- Sec. 2834. Composition of workforce for construction projects funded through the Support for United States Relocation to Guam Account.*
- Sec. 2835. Interagency Coordination Group of Inspector Generals for Guam Realignment.*
- Sec. 2836. Compliance with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Futenma, Okinawa.*
- Sec. 2837. Report and sense of Congress on Marine Corps training requirements in Asia-Pacific region.*

*Subtitle D—Energy Security*

- Sec. 2841. Adoption of unified energy monitoring and management system specification for military construction and military family housing activities.*
- Sec. 2842. Department of Defense use of electric and hybrid motor vehicles.*
- Sec. 2843. Department of Defense goal regarding use of renewable energy sources to meet facility energy needs.*
- Sec. 2844. Comptroller General report on Department of Defense renewable energy initiatives.*
- Sec. 2845. Study on development of nuclear power plants on military installations.*

*Subtitle E—Land Conveyances*

- Sec. 2851. Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California.*
- Sec. 2852. Land conveyances, Naval Air Station, Barbers Point, Hawaii.*
- Sec. 2853. Modification of land conveyance, former Griffiss Air Force Base, New York.*
- Sec. 2854. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.*
- Sec. 2855. Land conveyance, Naval Air Station Oceana, Virginia.*
- Sec. 2856. Land conveyance, Haines Tank Farm, Haines, Alaska.*
- Sec. 2857. Completion of land exchange and consolidation, Fort Lewis, Washington.*

*Subtitle F—Other Matters*

- Sec. 2871. Revised authority to establish national monument to honor United States Armed Forces working dog teams.*
- Sec. 2872. Naming of child development center at Fort Leonard Wood, Missouri, in honor of Mr. S. Lee Kling.*
- Sec. 2873. Conditions on establishment of Cooperative Security Location in Palanquero, Colombia.*
- Sec. 2874. Military activities at United States Marine Corps Mountain Warfare Training Center.*

**TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS  
MILITARY CONSTRUCTION AUTHORIZATIONS**

- Sec. 2901. Authorized Army construction and land acquisition projects.*
- Sec. 2902. Authorized Air Force construction and land acquisition projects.*
- Sec. 2903. Construction authorization for facilities for Office of Defense Representative-Pakistan.*

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

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

*Subtitle A—National Security Programs Authorizations*

- Sec. 3101. National Nuclear Security Administration.*
- Sec. 3102. Defense environmental cleanup.*
- Sec. 3103. Other defense activities.*
- Sec. 3104. Defense nuclear waste disposal.*
- Sec. 3105. Energy security and assurance.*

*Subtitle B—Program Authorizations, Restrictions, and Limitations*

- Sec. 3111. Stockpile stewardship program.*
- Sec. 3112. Stockpile management program.*
- Sec. 3113. Plan for execution of stockpile stewardship and stockpile management programs.*
- Sec. 3114. Dual validation of annual weapons assessment and certification.*
- Sec. 3115. Annual long-term plan for the modernization and refurbishment of the nuclear security complex.*

*Subtitle C—Reports*

- Sec. 3121. Comptroller General review of management and operations contract costs for national security laboratories.*
- Sec. 3122. Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities.*

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

- Sec. 3201. Authorization.*

**TITLE XXXIV—NAVAL PETROLEUM RESERVES**

- Sec. 3401. Authorization of appropriations.*

**TITLE XXXV—MARITIME ADMINISTRATION**

*Sec. 3501. Authorization of appropriations for fiscal year 2010.*

*Sec. 3502. Liquidation of unused leave balance at the United States Merchant Marine Academy.*

*Sec. 3503. Adjunct professors.*

*Sec. 3504. Maritime loan guarantee program.*

*Sec. 3505. Defense measures against unauthorized seizures of Maritime Security Fleet vessels.*

*Sec. 3506. Technical corrections to State maritime academies student incentive program.*

*Sec. 3507. Limitation on disposal of interest in certain vessels.*

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

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

5       ***DIVISION A—DEPARTMENT OF***  
 6       ***DEFENSE AUTHORIZATIONS***  
 7       ***TITLE I—PROCUREMENT***

*Subtitle A—Authorization of Appropriations*

*Sec. 101. Army.*

*Sec. 102. Navy and Marine Corps.*

*Sec. 103. Air Force.*

*Sec. 104. Defense-wide activities.*

*Sec. 105. National Guard and Reserve equipment.*

*Sec. 106. Rapid Acquisition Fund.*

*Subtitle B—Army Programs*

*Sec. 111. Restriction on obligation of funds for army tactical radio systems.*

*Sec. 112. Procurement of future combat systems spin out early-infantry brigade combat team equipment.*

*Subtitle C—Navy Programs*

*Sec. 121. Littoral combat ship program.*

*Sec. 122. Ford-class aircraft carrier report and limitation on use of funds.*

*Sec. 123. Advance procurement funding.*

*Sec. 124. Multiyear procurement authority for F/A-18E, F/A-18F, and EA-18G aircraft.*

*Sec. 125. Multiyear procurement authority for DDG-51 Burke-class destroyers.*

*Subtitle D—Air Force Programs*

*Sec. 131. Repeal of certification requirement for F-22A fighter aircraft.*

*Sec. 132. Preservation and storage of unique tooling for F-22 fighter aircraft.*

*Sec. 133. Report on 4.5 generation fighter procurement.*

*Sec. 134. Reports on strategic airlift aircraft.*

*Sec. 135. Strategic airlift force structure.*

*Sec. 136. Repeal of requirement to maintain certain retired C-130E aircraft.*

*Subtitle E—Joint and Multiservice Matters*

*Sec. 141. Body armor procurement.*

*Sec. 142. Unmanned cargo-carrying-capable aerial vehicles.*

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

3   ***SEC. 101. ARMY.***

4           *Funds are hereby authorized to be appropriated for fis-*  
 5 *cal year 2010 for procurement for the Army as follows:*

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

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

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

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

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

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

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

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

17                   (2) *For weapons, including missiles and tor-*  
 18 *pedoes, \$3,453,455,000.*

19                   (3) *For shipbuilding and conversion,*  
 20 *\$13,786,867,000.*

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

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

4       (c) *NAVY AND MARINE CORPS AMMUNITION.*—Funds  
5 are hereby authorized to be appropriated for fiscal year  
6 2010 for procurement of ammunition for the Navy and the  
7 Marine Corps in the amount of \$840,675,000.

8 **SEC. 103. AIR FORCE.**

9       Funds are hereby authorized to be appropriated for fis-  
10 cal year 2010 for procurement for the Air Force as follows:

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

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

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

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

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

16       Funds are hereby authorized to be appropriated for fis-  
17 cal year 2010 for Defense-wide procurement in the amount  
18 of \$4,150,562,000.

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

20       Funds are hereby authorized to be appropriated for fis-  
21 cal year 2010 for the procurement of aircraft, missiles,  
22 wheeled and tracked combat vehicles, tactical wheeled vehi-  
23 cles, ammunition, other weapons, and other procurement  
24 for the reserve components of the Armed Forces in the  
25 amount of \$600,000,000.

1 **SEC. 106. RAPID ACQUISITION FUND.**

2 *Funds are hereby authorized to be appropriated for fis-*  
3 *cal year 2010 for the Rapid Acquisition Fund in the*  
4 *amount of \$55,000,000.*

5 **Subtitle B—Army Programs**

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

8 *(a) LIMITATION ON OBLIGATION OF FUNDS.—Except*  
9 *as provided in subsection (b), none of the funds authorized*  
10 *to be appropriated by this Act or otherwise made available*  
11 *for fiscal year 2010 for procurement, Army, may be obli-*  
12 *gated or expended for tactical radio systems.*

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

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

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

22 *(A) an operational need (as described in*  
23 *Army Regulation 71–9 or a successor regula-*  
24 *tion); or*



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

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

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

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

9                   **SPIN OUT EARLY-INFANTRY BRIGADE COM-**  
10                   **BAT TEAM EQUIPMENT.**

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

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

24           (c) *EXCEPTION FOR MEETING OPERATIONAL NEED*  
25           *STATEMENT REQUIREMENTS.*—The limitation on low-rate

1 *initial production in subsection (a) and the limitation on*  
2 *obligation of funds in subsection (b) do not apply if the*  
3 *procurement of covered Future Combat Systems equipment*  
4 *is specifically intended to address an operational need*  
5 *statement requirement.*

6 *(d) COVERED FUTURE COMBAT SYSTEMS EQUIPMENT*  
7 *DEFINED.—For the purposes of this section, the term “cov-*  
8 *ered Future Combat Systems equipment” means the fol-*  
9 *lowing:*

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

12 *(2) Future Combat Systems unattended ground*  
13 *sensors.*

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

16 *(4) Future Combat Systems small unmanned*  
17 *ground vehicles.*

18 *(5) Future Combat Systems integrated control*  
19 *system computers.*

20 *(6) Any vehicular kits needed to integrate and*  
21 *operate a system listed in paragraph (1), (2), (3), (4),*  
22 *or (5).*

1           **Subtitle C—Navy Programs**

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

3           (a) *LIMITATION OF COSTS.*—*Except as provided in*  
4 *subsection (b) or (c), of the amounts authorized to be appro-*  
5 *priated in this Act or otherwise made available for fiscal*  
6 *year 2010 or any fiscal year thereafter for the procurement*  
7 *of Littoral Combat Ship vessels, not more than*  
8 *\$460,000,000 may be obligated or expended for each vessel*  
9 *procured (not including amounts obligated or expended for*  
10 *elements designated by the Secretary of the Navy as a mis-*  
11 *sion package).*

12           (b) *SPECIFIC REQUIREMENT FOR FISCAL YEAR*  
13 *2010.*—*Of the amounts authorized to be appropriated in*  
14 *this Act or otherwise made available for fiscal year 2010*  
15 *or any fiscal year thereafter for shipbuilding conversion,*  
16 *Navy, the Secretary of the Navy may obligate not more than*  
17 *\$80,000,000 to produce a technical data package for each*  
18 *type of Littoral Combat Ship vessel, if the Secretary—*

19                   (1) *is unable to—*

20                           (A) *submit to the congressional defense com-*  
21 *mittees a certification under subsection (g) dur-*  
22 *ing fiscal year 2010; and*

23                           (B) *enter into a contract for the construc-*  
24 *tion of a Littoral Combat Ship vessel in fiscal*  
25 *year 2010 because of the limitation of costs in*

1           *section 124 of the National Defense Authoriza-*  
2           *tion Act for Fiscal Year 2006 (Public Law 109–*  
3           *163; 119 Stat. 3157), as amended; or*

4           *(2) is unable to enter into a contract for the con-*  
5           *struction of a Littoral Combat Ship vessel in fiscal*  
6           *year 2010 because of the limitation of costs in sub-*  
7           *section (a) after submitting to the congressional de-*  
8           *fense committees a certification under subsection (g).*

9           *(c) ADJUSTMENT OF LIMITATION AMOUNT.—With re-*  
10          *spect to the procurement of a Littoral Combat Ship vessel*  
11          *referred to in subsection (a), the Secretary may adjust the*  
12          *amount set forth in such subsection by the following:*

13                 *(1) The amounts of increases or decreases in*  
14                 *costs attributable to economic inflation after Sep-*  
15                 *tember 30, 2009.*

16                 *(2) The amounts of increases or decreases in*  
17                 *costs attributable to compliance with changes in Fed-*  
18                 *eral, State, or local laws enacted after September 30,*  
19                 *2009.*

20                 *(3) The amounts of outfitting costs and post-de-*  
21                 *livery costs incurred for the vessel.*

22                 *(4) The amounts of increases or decreases in*  
23                 *costs attributable to the insertion of new technology*  
24                 *into the vessel, as compared to the technology used in*  
25                 *the first and second Littoral Combat Ship vessels pro-*

1        *cured by the Secretary, if the Secretary determines,*  
2        *and certifies to the congressional defense committees,*  
3        *that insertion of the new technology—*

4                *(A) would lower the life-cycle cost of the ves-*  
5                *sel; or*

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

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

16                *(1) Written notice of any change in the amount*  
17                *set forth in subsection (a) that is made under sub-*  
18                *section (c).*

19                *(2) Information, current as of the date of the re-*  
20                *port, regarding—*

21                *(A) the content of any element of the vessels*  
22                *that is designated as a mission package;*

23                *(B) the estimated cost of any such element;*  
24                *and*

1                   (C) the total number of such elements an-  
2                   ticipated.

3                   (3) Actual and estimated costs associated with—

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

6                   (B) the material and equipment for propul-  
7                   sion, weapons, and communications systems of  
8                   each vessel.

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

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

16                  (e) DEFINITIONS.—In this section:

17                  (1) The term “mission package” means the inter-  
18                  changeable combat systems that deploy with a Lit-  
19                  toral Combat Ship vessel.

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

23                  (f) CONFORMING REPEAL.—Section 124 of the Na-  
24                  tional Defense Authorization Act for Fiscal Year 2006 (Pub-  
25                  lic Law 109–163) is repealed.

1       (g) *EFFECTIVE DATE.*—

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

7               (A) *The Secretary has accepted delivery of*  
8       *the USS Freedom (LCS 1) and the USS Inde-*  
9       *pendence (LCS 2) following successful completion*  
10       *of acceptance trials.*

11              (B) *The repeal of section 124 of the Na-*  
12       *tional Defense Authorization Act for Fiscal Year*  
13       *2006 (Public Law 109–163; 119 Stat. 3157)*  
14       *made by subsection (f) is necessary for the Sec-*  
15       *retary to—*

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

18              (ii) *maintain sufficient government*  
19       *oversight of the Littoral Combat Ship vessel*  
20       *program.*

21              (C) *The Secretary has conducted a thorough*  
22       *analysis of the requirements for the performance,*  
23       *system, and design of both Littoral Combat Ship*  
24       *variants and determined that further changes to*  
25       *such requirements will not reduce—*

- 1                   (i) the cost of either such variant; and  
2                   (ii) the warfighting utility of such ves-  
3                   sel.

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

- 7                   (i) with respect to a contract for the  
8                   Littoral Combat Ship vessel awarded in fis-  
9                   cal year 2009—

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

12                   (II) the Secretary determines that  
13                   the affordability and efficiency of the  
14                   construction of such a vessel are im-  
15                   proving at a satisfactory rate; and

16                   (ii) based on the data available from  
17                   the developmental and operational assess-  
18                   ment testing of such contractor's vessel and  
19                   associated mission packages, the Secretary,  
20                   in consultation with the Chief of Naval Op-  
21                   erations, has determined that it is in the  
22                   best interest of the Navy to procure such ad-  
23                   ditional Littoral Combat Ship vessels prior  
24                   to the completion of operational test and  
25                   evaluation.



1           (E) *With respect to funds that are available*  
2           *for shipbuilding and conversion, Navy, for fiscal*  
3           *year 2010 for the procurement of Littoral Com-*  
4           *bat Ship vessels—*

5                   (i) *such funds are sufficient to award*  
6                   *contracts for three additional Littoral Com-*  
7                   *bat Ship vessels; or*

8                   (ii) *if such funds are insufficient to*  
9                   *award contracts for three additional Lit-*  
10                  *toral Combat Ship vessels, the Secretary has*  
11                  *the ability to promote competition for the*  
12                  *Littoral Combat Ship vessels that are pro-*  
13                  *cured in order to ensure the best value to*  
14                  *the Government.*

15           (2) *REPEAL.—The repeal of section 124 of the*  
16           *National Defense Authorization Act for Fiscal Year*  
17           *2006 (Public Law 109–163; 119 Stat. 3157) made by*  
18           *subsection (f) shall take effect on the date that is 15*  
19           *days after the date on which the certification under*  
20           *paragraph (1) is received by the congressional defense*  
21           *committees.*

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

24           (a) *REPORT REQUIRED.—Not later than February 1,*  
25           *2010, the Secretary of the Navy shall submit to the congres-*

1 sional defense committees a report on the effects of using  
2 a five-year interval for the construction of Ford-class air-  
3 craft carriers. The report shall include, at a minimum, an  
4 assessment of the effects of such interval on the following:

5 (1) With respect to the supplier base—

6 (A) the viability of the base, including sup-  
7 pliers exiting the market or other potential re-  
8 ductions in competition; and

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

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

13 (3) Loss of expertise associated with ship con-  
14 struction.

15 (4) The costs of—

16 (A) any additional technical support or  
17 production planning associated with the start of  
18 construction;

19 (B) material and labor;

20 (C) overhead; and

21 (D) other ship construction programs, in-  
22 cluding the costs of existing and future contracts.

23 (b) *LIMITATION ON USE OF FUNDS.*—With respect to  
24 the aircraft carrier designated CVN-79, none of the  
25 amounts authorized to be appropriated for fiscal year 2010

1 *for research, development, test, and evaluation or advance*  
2 *procurement for such aircraft carrier may be obligated or*  
3 *expended for activities that would limit the ability of the*  
4 *Secretary of the Navy to award a construction contract*  
5 *for—*

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

9 **SEC. 123. ADVANCE PROCUREMENT FUNDING.**

10       (a) *ADVANCE PROCUREMENT.*—*With respect to a*  
11 *naval vessel for which amounts are authorized to be appro-*  
12 *priated or otherwise made available for fiscal year 2010 or*  
13 *any fiscal year thereafter for advance procurement in ship-*  
14 *building and conversion, Navy, the Secretary of the Navy*  
15 *may enter into a contract, in advance of a contract for con-*  
16 *struction of any vessel, for any of the following:*

- 17           (1) *Components, parts, or materiel.*  
18           (2) *Production planning and other related sup-*  
19 *port services that reduce the overall procurement lead*  
20 *time of such vessel.*

21       (b) *AIRCRAFT CARRIER DESIGNATED CVN–79.*—*With*  
22 *respect to components of the aircraft carrier designated*  
23 *CVN–79 for which amounts are authorized to be appro-*  
24 *priated or otherwise made available for fiscal year 2010 or*  
25 *any fiscal year thereafter for advance procurement in ship-*

1 *building and conversion, Navy, the Secretary of the Navy*  
2 *may enter into a contract for the advance construction of*  
3 *such components if the Secretary determines that cost sav-*  
4 *ings, construction efficiencies, or workforce stability may be*  
5 *achieved for such aircraft carrier through the use of such*  
6 *contracts.*

7       (c) *CONDITION OF OUT-YEAR CONTRACT PAYMENTS.—*  
8 *A contract entered into under subsection (b) shall provide*  
9 *that any obligation of the United States to make a payment*  
10 *under such contract for any fiscal year after fiscal year*  
11 *2010 is subject to the availability of appropriations for that*  
12 *purpose for such fiscal year.*

13 **SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A-**  
14 **18E, F/A-18F, AND EA-18G AIRCRAFT.**

15       (a) *AUTHORITY FOR MULTIYEAR PROCUREMENT.—*  
16 *Notwithstanding paragraphs (1) and (7) of section 2306b(i)*  
17 *of title 10, United States Code, the Secretary of the Navy*  
18 *may enter into a multiyear contract, beginning with the*  
19 *fiscal year 2010 program year, for the procurement of F/*  
20 *A-18E, F/A-18F, or EA-18G aircraft and Government-*  
21 *furnished equipment associated with such aircraft.*

22       (b) *REPORT OF FINDINGS.—Not less than 30 days be-*  
23 *fore the date on which a contract is awarded under sub-*  
24 *section (a), the Secretary of the Navy shall submit to the*  
25 *congressional defense committees a report containing the*

1 *findings required under subsection (a) of section 2306b of*  
2 *title 10, United States Code.*

3 **SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
4 **DDG-51 BURKE-CLASS DESTROYERS.**

5 (a) *AUTHORITY FOR MULTIYEAR PROCUREMENT.—*  
6 *Notwithstanding paragraphs (1) and (7) of section 2306b(i)*  
7 *of title 10, United States Code, the Secretary of the Navy*  
8 *may enter into a multiyear contract, beginning with the*  
9 *fiscal year 2010 program year, for the procurement of*  
10 *DDG-51 Burke-class destroyers and Government-furnished*  
11 *equipment associated with such destroyers.*

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

18 ***Subtitle D—Air Force Programs***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (5) *A discussion comparing the costs and benefits*  
25 *of obtaining those aircraft through annual procure-*  
26 *ment contracts with the costs and benefits of obtain-*

1        *ing those aircraft through a multiyear procurement*  
2        *contract.*

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

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

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

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

22            (1) *have advanced capabilities, including—*

23                    (A) *AESA radar;*

24                    (B) *high capacity data-link; and*

25                    (C) *enhanced avionics; and*



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

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

4           *At least 120 days before the date on which a C-5 air-*  
5           *craft is retired, the Secretary of the Air Force, in coordina-*  
6           *tion with the Director of the Air National Guard, shall sub-*  
7           *mit to the congressional defense committees a report on the*  
8           *proposed force structure and basing of strategic airlift air-*  
9           *craft (as defined in section 8062(g)(2) of title 10, United*  
10          *States Code). Each report shall include the following:*

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

14                   (A) *the type;*

15                   (B) *the variant; and*

16                   (C) *the military installation where such*  
17          *aircraft is based.*

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

21                   (A) *the type;*

22                   (B) *the variant; and*

23                   (C) *the military installation where such*  
24          *aircraft is based.*

1           (3) *A list of each unit affected by a proposed re-*  
2           *irement listed under paragraph (2) and how such*  
3           *unit is affected.*

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

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

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

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

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

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

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

20 **SEC. 136. REPEAL OF REQUIREMENT TO MAINTAIN CERTAIN**  
21                         **RETIRED C-130E AIRCRAFT.**

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

25                 (1) *by striking subsection (c);*



1 *retary of Defense for Acquisition, Technology, and Logistics*  
 2 *certify to the congressional defense committees that the*  
 3 *Joint Requirements Oversight Council has approved a joint*  
 4 *and common requirement for an unmanned cargo-carrying-*  
 5 *capable aerial vehicle type.*

6 **TITLE II—RESEARCH, DEVELOP-**  
 7 **MENT, TEST, AND EVALUA-**  
 8 **TION**

*Subtitle A—Authorization of Appropriations*

*Sec. 201. Authorization of appropriations.*

*Subtitle B—Program Requirements, Restrictions, and Limitations*

*Sec. 211. Limitation on obligation of funds for the Navy Next Generation Enterprise Network.*

*Sec. 212. Limitation on expenditure of funds for Joint Multi-Mission Submersible program.*

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

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

*Sec. 215. Restriction on obligation of funds pending submission of Selected Acquisition Report.*

*Sec. 216. Restriction on obligation of funds for Future Combat Systems program pending receipt of report.*

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

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

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

*Subtitle C—Missile Defense Programs*

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

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

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

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

*Sec. 225. Ascent phase missile defense strategy.*

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

*Subtitle D—Reports*

- Sec. 231. Comptroller General assessment of coordination of energy storage device requirements and investments.*
- Sec. 232. Annual Comptroller General report on the F-35 Lightning II aircraft acquisition program.*
- Sec. 233. Report on integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities.*
- Sec. 234. Report on future research and development of man-portable and vehicle-mounted guided missile systems.*

*Subtitle E—Other Matters*

- Sec. 241. Access of the Director of the Test Resource Management Center to Department of Defense information.*
- Sec. 242. Inclusion in annual budget request and future-years defense program of sufficient amounts for continued development and procurement of competitive propulsion system for F-35 Lightning II.*
- Sec. 243. Establishment of program to enhance participation of historically black colleges and universities and minority-serving institutions in defense research programs.*
- Sec. 244. Extension of authority to award prizes for advanced technology achievements.*
- Sec. 245. Executive Agent for Advanced Energetics.*
- Sec. 246. Study on thorium-liquid fueled reactors for naval forces.*
- Sec. 247. Visiting NIH Senior Neuroscience Fellowship Program.*

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

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

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

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

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

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

10                  (4) *For Defense-wide activities, \$21,016,672,000,*  
 11                  *of which \$190,770,000 is authorized for the Director*  
 12                  *of Operational Test and Evaluation.*

1 ***Subtitle B—Program Requirements,***  
2 ***Restrictions, and Limitations***

3 ***SEC. 211. LIMITATION ON OBLIGATION OF FUNDS FOR THE***  
4 ***NAVY NEXT GENERATION ENTERPRISE NET-***  
5 ***WORK.***

6 (a) *LIMITATION.*—Of the amounts authorized to be ap-  
7 propriated described in subsection (b), not more than 50  
8 percent of the amounts remaining unobligated as of the date  
9 of the enactment of this Act may be obligated until the Sec-  
10 retary of the Navy submits to the congressional defense com-  
11 mittees a detailed architectural specification for the Next  
12 Generation Enterprise Network.

13 (b) *COVERED AUTHORIZATIONS OR APPROPRIA-*  
14 *TIONS.*—The amounts authorized to be appropriated de-  
15 scribed in this subsection are amounts authorized to be ap-  
16 propriated for fiscal year 2010 for—

17 (1) *operation and maintenance for the Con-*  
18 *tinuity of Service Contract for the Navy-Marine*  
19 *Corps Intranet; and*

20 (2) *research, development, test, and evaluation*  
21 *for the Next Generation Enterprise Network.*

1 **SEC. 212. LIMITATION ON EXPENDITURE OF FUNDS FOR**  
2 **JOINT MULTI-MISSION SUBMERSIBLE PRO-**  
3 **GRAM.**

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

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

15 *(2) submits to the congressional defense commit-*  
16 *tees and the intelligence committees the assessment re-*  
17 *ferred to in paragraph (1); and*

18 *(3) certifies to the congressional defense commit-*  
19 *tees and the intelligence committees that the agree-*  
20 *ment developed pursuant to the assessment referred to*  
21 *in paragraph (1) represents the most effective and af-*  
22 *fordable means of delivery for meeting a validated*  
23 *program requirement.*

1 **SEC. 213. SEPARATE PROGRAM ELEMENTS REQUIRED FOR**  
2 **RESEARCH AND DEVELOPMENT OF INDI-**  
3 **VIDUAL BODY ARMOR AND ASSOCIATED COM-**  
4 **PONENTS.**

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

14 **SEC. 214. SEPARATE PROCUREMENT AND RESEARCH, DE-**  
15 **VELOPMENT, TEST AND EVALUATION LINE**  
16 **ITEMS AND PROGRAM ELEMENTS FOR THE F-**  
17 **35B AND F-35C JOINT STRIKE FIGHTER AIR-**  
18 **CRAFT.**

19 *In the budget materials submitted to the President by*  
20 *the Secretary of Defense in connection with the submission*  
21 *to Congress, pursuant to section 1105 of title 31, United*  
22 *States Code, of the budget for fiscal year 2011, and each*  
23 *subsequent fiscal year, the Secretary shall ensure that with-*  
24 *in the Navy research, development, test, and evaluation ac-*  
25 *count and the Navy aircraft procurement account, a sepa-*  
26 *rate, dedicated line item and program element is assigned*



1 to each of the F-35B aircraft and the F-35C aircraft, to  
2 the extent such accounts include funding for each such air-  
3 craft.

4 **SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS PEND-**  
5 **ING SUBMISSION OF SELECTED ACQUISITION**  
6 **REPORT.**

7 (a) *RESTRICTION ON OBLIGATION OF FUNDS.*—Of the  
8 amounts authorized to be appropriated for fiscal year 2010  
9 for Research and Development, Army, for the defense acqui-  
10 sition programs specified in subsection (b), not more than  
11 50 percent may be obligated prior to the date on which the  
12 Secretary of Defense submits to the congressional defense  
13 committees the comprehensive annual Selected Acquisition  
14 Report for each such program for fiscal year 2009, as re-  
15 quired by section 2432 of title 10, United States Code.

16 (b) *PROGRAMS SPECIFIED.*—The defense acquisition  
17 programs specified in this subsection are the following:

18 (1) *Future Combat Systems program.*

19 (2) *Warfighter information network tactical pro-*  
20 *gram.*

21 (3) *Stryker vehicle program.*

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

23 (5) *Bradley Base Sustain program.*

24 (6) *Abrams Tank Improvement program.*

25 (7) *Javelin program.*

1 **SEC. 216. RESTRICTION ON OBLIGATION OF FUNDS FOR FU-**  
2 **TURE COMBAT SYSTEMS PROGRAM PENDING**  
3 **RECEIPT OF REPORT.**

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

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

15 *(a) LIMITATION.—Of the amounts authorized to be ap-*  
16 *propriated described in subsection (b), not more than 25*  
17 *percent of the amounts remaining unobligated as of the date*  
18 *of the enactment of this Act may be obligated until the Sec-*  
19 *retary of Defense submits to the congressional defense com-*  
20 *mittees a plan for reorganizing and consolidating the man-*  
21 *agement of the Net-Enabled Command and Control system*  
22 *and the Global Command and Control System family of*  
23 *systems.*

24 *(b) COVERED AUTHORIZATIONS OR APPROPRIA-*  
25 *TIONS.—The amounts authorized to be appropriated de-*  
26 *scribed in this subsection are amounts authorized to be ap-*

1 *propriated for fiscal year 2010 for the Net-Enabled Com-*  
2 *mand and Control system in the following program ele-*  
3 *ments:*

4 (1) *33158k.*

5 (2) *33158a.*

6 (3) *33158n.*

7 (4) *33158m.*

8 (5) *33158f.*

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

10 **LIGHTNING II PROGRAM.**

11 *Of the amounts authorized to be appropriated or other-*  
12 *wise made available for fiscal year 2010 for research, devel-*  
13 *opment, test, and evaluation for the F-35 Lightning II pro-*  
14 *gram, not more than 75 percent may be obligated until the*  
15 *date that is 15 days after the later of the following dates:*

16 (1) *The date on which the Under Secretary of*  
17 *Defense for Acquisition, Technology, and Logistics*  
18 *submits to the congressional defense committees cer-*  
19 *tification in writing that all funds made available for*  
20 *fiscal year 2010 for the continued development and*  
21 *procurement of a competitive propulsion system for*  
22 *the F-35 Lightning II have been obligated.*

23 (2) *The date on which the Secretary of Defense*  
24 *submits to the congressional defense committees the re-*  
25 *port required by section 123 of the Duncan Hunter*

1       *National Defense Authorization Act for Fiscal Year*  
2       *2009 (Public Law 110-417; 122 Stat. 4376).*

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

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

10       (a) *PROGRAM REQUIRED.*—*In accordance with the*  
11       *Weapons Systems Acquisition Reform Act of 2009 (Public*  
12       *Law 111-43), the Secretary of Defense shall carry out pro-*  
13       *grams to develop, test, and, when demonstrated operation-*  
14       *ally effective, suitable, survivable, and affordable, field new*  
15       *or upgraded Army ground combat vehicle and self-propelled*  
16       *artillery capabilities.*

17       (b) *REPORT REQUIRED.*—*Not later than February 1,*  
18       *2010, the Secretary of Defense shall deliver a report to the*  
19       *congressional defense committees that—*

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

23             (2) *includes the status, schedule, cost estimates,*  
24       *and requirements for the programs specified in para-*  
25       *graph (1);*

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

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

8           (5) quantifies and describes the loss of knowledge  
9           to the industrial base should a future self-propelled  
10          artillery cannon not be developed immediately fol-  
11          lowing the cancellation of the Non-Line-of-Sight Can-  
12          non, a Manned Ground Vehicle of Future Combat  
13          Systems; and

14          (6) with respect to the Army's future self-pro-  
15          pelled howitzer artillery fleet, explains the Army's  
16          plan to develop and field—

17                 (A) automated ammunition handling;

18                 (B) laser ignition;

19                 (C) improved ballistic accuracy;

20                 (D) automated crew compartments;

21                 (E) hybrid-electric power; and

22                 (F) band track.

23          (c) *RESTRICTION ON USE OF FUNDS.*—Of the amounts  
24          authorized to be appropriated under this Act for research,  
25          test, development, and evaluation for the Army for the pro-

1 *gram elements specified in subsection (d), not more than*  
2 *50 percent may be obligated or expended until 15 days after*  
3 *the Secretary of Defense submits the report required under*  
4 *subsection (b).*

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

8 *(1) Combat Vehicle Improvement Program, pro-*  
9 *gram element 0203735A.*

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

12 *(3) Artillery Systems, program element*  
13 *0604854A.*

14 ***Subtitle C—Missile Defense***  
15 ***Programs***

16 ***SEC. 221. INTEGRATED AIR AND MISSILE DEFENSE SYSTEM***  
17 ***PROJECT.***

18 *Of the amounts authorized to be appropriated for re-*  
19 *search and development of the Army Integrated Air and*  
20 *Missile Defense project (program element 63327A), not*  
21 *more than 25 percent may be obligated until the Secretary*  
22 *of Defense has certified to the congressional defense commit-*  
23 *tees that the Secretary has—*

24 *(1) carried out a review of the project;*

1           (2) *determined that the project is an affordable,*  
2           *executable project;*

3           (3) *determined that the project meets a current*  
4           *required capability; and*

5           (4) *determined that no other project could be exe-*  
6           *cutted, at a lower cost, that would be capable of ful-*  
7           *filling the required capability to the same or approxi-*  
8           *mate level of effectiveness as the Army Integrated Air*  
9           *and Missile Defense project.*

10 **SEC. 222. GROUND-BASED MIDCOURSE DEFENSE**  
11           **SUSTAINMENT AND MODERNIZATION PRO-**  
12           **GRAM.**

13           (a) *PROGRAM REQUIRED.*—*The Secretary of Defense*  
14           *shall carry out a sustainment and modernization program*  
15           *to ensure the long-term reliability, availability, maintain-*  
16           *ability, and supportability of the ground-based midcourse*  
17           *defense system to protect the United States against limited*  
18           *ballistic missile attacks whether accidental, unauthorized,*  
19           *or deliberate.*

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

22                   (1) *Sustainment and operations.*

23                   (2) *Aging and surveillance.*

24                   (3) *System and component level assessments, en-*  
25           *gineering analysis, and modeling and simulation.*

1           (4) *Ground and flight testing.*

2           (5) *Readiness exercises.*

3           (6) *Modernization and enhancement.*

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

6           (c) *CONSULTATION.*—*In implementing the program re-*  
7           *quired by subsection (a), the Secretary of Defense shall con-*  
8           *sult with the commanders of the appropriate combatant*  
9           *commands to ensure the sustainment and modernization re-*  
10           *quirements of such commands are reflected in such pro-*  
11           *gram.*

12           (d) *BUDGET SUBMISSION REQUIREMENT.*—*For each*  
13           *budget submitted by the President to Congress under section*  
14           *1105 of title 31, the Secretary of Defense shall concurrently*  
15           *submit to the congressional defense committees a report that*  
16           *clearly identifies the amounts requested for each of the pro-*  
17           *gram elements referred to in subsection (b).*

18           (e) *REPORT.*—*Not later than 120 days after the date*  
19           *of the enactment of this Act, the Secretary of Defense shall*  
20           *submit to the congressional defense committees a report out-*  
21           *lining the long-term sustainment and modernization plan*  
22           *of the Department of Defense for the ground-based mid-*  
23           *course defense system.*



1 **SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR AC-**  
2 **QUISITION OR DEPLOYMENT OF MISSILE DE-**  
3 **FENSES IN EUROPE.**

4 *No funds authorized to be appropriated by this Act*  
5 *or otherwise made available for the Department of Defense*  
6 *for fiscal year 2010 or any fiscal year thereafter may be*  
7 *obligated or expended for the acquisition (other than initial*  
8 *long-lead procurement) or deployment of operational mis-*  
9 *siles of a long-range missile defense system in Europe until*  
10 *the Secretary of Defense, after receiving the views of the Di-*  
11 *rector of Operational Test and Evaluation, submits to the*  
12 *congressional defense committees a report certifying that the*  
13 *proposed interceptor to be deployed as part of such missile*  
14 *defense system has demonstrated, through successful, oper-*  
15 *ationally realistic flight testing, a high probability of work-*  
16 *ing in an operationally effective manner and the ability*  
17 *to accomplish the mission.*

18 **SEC. 224. SENSE OF CONGRESS REAFFIRMING CONTINUED**  
19 **SUPPORT FOR PROTECTING THE UNITED**  
20 **STATES AGAINST LIMITED BALLISTIC MIS-**  
21 **SILE ATTACKS WHETHER ACCIDENTAL, UNAU-**  
22 **THORIZED, OR DELIBERATE.**

23 *(a) FINDINGS.—Congress makes the following findings:*  
24 *(1) Congress passed and the President signed the*  
25 *National Missile Defense Act of 1999 (Public Law*  
26 *106-38), which stated: “It is the policy of the United*

1       *States to deploy as soon as is technologically possible*  
2       *an effective National Missile Defense system capable*  
3       *of defending the territory of the United States against*  
4       *limited ballistic missile attack (whether accidental,*  
5       *unauthorized, or deliberate).*

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

11               *(3) Congress has fully funded the President's*  
12       *budget request for the GMD sites in Alaska and Cali-*  
13       *formia in fiscal years 2008 and 2009, as well as con-*  
14       *tinued development of the Standard Missile-3 Block*  
15       *IIA missile with Japan, which will provide the Aegis*  
16       *Ballistic Missile Defense system the capability to en-*  
17       *gage long-range ballistic missiles like the North Ko-*  
18       *rean Taepo Dong-2.*

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

22               *(5) Senior military officials have testified that*  
23       *the original threat assessments of the long-range mis-*  
24       *sile threat made by the Missile Defense Agency in*  
25       *2002 were "off by a factor of 10 or 20".*

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

4           (7) *The Secretary of Defense, the Chairman of*  
5           *the Joint Chiefs, the Commander of the United States*  
6           *Strategic Command's Joint Functional Component*  
7           *Command for Integrated Missile Defense, and the Di-*  
8           *rector of the Missile Defense Agency have either testi-*  
9           *fied or stated that 30 operationally deployed GMD*  
10          *interceptors would be adequate to defend against any*  
11          *rogue missile threat to the United States in the near-*  
12          *to mid-term.*

13          (8) *The Director of the Missile Defense Agency*  
14          *testified that, for the first time since the establishment*  
15          *of the Missile Defense Agency in 2002, key elements*  
16          *of the Department of Defense, such as the combatant*  
17          *commanders and the military services, played a*  
18          *major role in shaping the missile defense budget for*  
19          *fiscal year 2010.*

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

24          (10) *In testimony before Congress this year, the*  
25          *Director of the Missile Defense Agency indicated that*

1        *a number of GMD interceptors were removed from*  
2        *their silos for unscheduled maintenance and refurb-*  
3        *ishment because of unanticipated problems with the*  
4        *interceptors were discovered.*

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

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

9                *(2) should continue to fund robust research, de-*  
10        *velopment, test, and evaluation of the current GMD*  
11        *system deployed in Alaska in California to ensure*  
12        *that the system will work in an operationally effec-*  
13        *tive, suitable, maintainable, and survivable manner*  
14        *to defend the territory of the United States against*  
15        *limited ballistic missile attack (whether accidental,*  
16        *unauthorized, or deliberate);*

17                *(3) should continue the development of the*  
18        *Standard Missile-3 Block IIA missile with Japan,*  
19        *which will provide the Aegis Ballistic Missile Defense*  
20        *system a capability to counter long-range ballistic*  
21        *missiles like the North Korean Taepo Dong-2; and*

22                *(4) should set future missile defense force struc-*  
23        *ture and inventory requirements based on a clear*  
24        *linkage to the threat and the military requirements*  
25        *process that takes into account the views of key De-*

1        *partment of Defense stakeholders such as the combat-*  
2        *ant commanders and the military services.*

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

4        *(a) DEPARTMENT OF DEFENSE STRATEGY FOR AS-*  
5        *CENT PHASE MISSILE DEFENSE.—Not later than 180 days*  
6        *after the date of the enactment of this Act, the Secretary*  
7        *of Defense shall submit to the congressional defense commit-*  
8        *tees a strategy for ascent phase missile defense.*

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

11                *(1) A description of the programs and activities*  
12                *contained, as of the date of the submission of the*  
13                *strategy, in the program of record of the Missile De-*  
14                *fense Agency that provide or are planned to provide*  
15                *a capability to intercept ballistic missiles in their as-*  
16                *cent phase.*

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

20                        *(A) the key technologies and associated tech-*  
21                        *nology readiness levels, plans for maturing such*  
22                        *technologies, and any technology demonstrations*  
23                        *for such capabilities;*

24                        *(B) concepts of operation for how ascent*  
25                        *phase capabilities would be employed, including*

1           *the dependence of such capabilities on, and inte-*  
2           *gration with, other functions, capabilities, and*  
3           *information, including those provided by other*  
4           *elements of the ballistic missile defense system;*

5           *(C) the criteria to be used to assess the tech-*  
6           *anical progress, suitability, and effectiveness of*  
7           *such capabilities;*

8           *(D) a comprehensive plan for development*  
9           *and investment in such capabilities, including*  
10          *an identification of specific program and tech-*  
11          *nology investments to be made in such capabili-*  
12          *ties;*

13          *(E) a description of how, and to what ex-*  
14          *tent, ascent phase missile defense can leverage*  
15          *the capabilities and investments made in boost*  
16          *phase, midcourse, and any other layer or ele-*  
17          *ments of the ballistic missile defense system;*

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

21          *(G) any other information the Secretary de-*  
22          *termines is necessary.*

23          *(c) FORM.—The strategy shall be submitted in unclas-*  
24          *sified form, but may include a classified annex.*

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

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

5 (1) *Missile defense promotes the collective secu-*  
6 *rity of the United States and NATO and improves*  
7 *linkages among member nations of NATO by defend-*  
8 *ing all members of NATO against the full range of*  
9 *missile threats.*

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

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

25 (4) *It is in the interest of the United States to*  
26 *work cooperatively with NATO to counter these*

1 *threats consistent with the direction provided in the*  
2 *statement by the Heads of State and Government par-*  
3 *ticipating in the meeting of the North Atlantic Coun-*  
4 *cil in Strasbourg/Kehl on April 4, 2009, that: “we*  
5 *judge that missile threats should be addressed in a*  
6 *prioritized manner that includes consideration of the*  
7 *level of imminence of the threat and the level of ac-*  
8 *ceptable risk.”*

9 *(5) The Director of Operational Test and Eval-*  
10 *uation for the Department of Defense has raised con-*  
11 *cerns about the operational effectiveness, suitability,*  
12 *and survivability of the current GMD system, and the*  
13 *Director of the Missile Defense Agency testified before*  
14 *the House Armed Services Committee on May 21,*  
15 *2009, that health and status indicators forced the*  
16 *agency to remove several long-range interceptors for*  
17 *unscheduled maintenance and refurbishment.*

18 *(6) The Fiscal Year 2008 Annual Report to Con-*  
19 *gress by the Director of Operational Test and Evalua-*  
20 *tion (DOT&E) stated: “The inherent BDMS defensive*  
21 *capability against theater threats increased during*  
22 *the last fiscal year and DOT&E expects this trend to*  
23 *continue” largely due to the continued progress of the*  
24 *AEGIS and Terminal High Altitude Area Defense*  
25 *(THAAD) systems in operational testing.*



1           (7) *The proposed European locations of the long-*  
2           *range missile defense system allow for the defense of*  
3           *both Europe and the United States against long-range*  
4           *threats launched from the Middle East, but a limited*  
5           *deployment of GMD interceptors on the east coast of*  
6           *the United States would provide comparable defense*  
7           *of our homeland and the most pressing threat to Eu-*  
8           *rope is from medium-range ballistic missiles.*

9           (b) *RESERVATION OF FUNDS.—Of the funds made*  
10          *available for fiscal years 2009 and 2010 for the Missile De-*  
11          *fense Agency for the purpose of developing missile defenses*  
12          *in Europe, \$353,100,000 shall be available only for a mis-*  
13          *sile defense system for Europe and the United States as de-*  
14          *scribed in paragraph (1) or (2) of subsection (c).*

15          (c) *USE OF FUNDS.—Funds reserved under subsection*  
16          *(b) may be obligated and expended by the Secretary of De-*  
17          *fense—*

18                 (1) *on the research, development, test, and eval-*  
19                 *uation of—*

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

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

1           (2) *on the research, development, test, and eval-*  
2 *uation, procurement, site activation, construction,*  
3 *preparation of, equipment for, or deployment of an*  
4 *alternative integrated missile defense system that*  
5 *would protect Europe and the United States from the*  
6 *threats posed by all types of ballistic missiles, if the*  
7 *Secretary submits to the congressional defense com-*  
8 *mittees a report certifying that the alternative missile*  
9 *defense system is expected to be—*

10           (A) *consistent with the direction of the*  
11 *North Atlantic Council to address ballistic mis-*  
12 *sile threats to Europe and the United States in*  
13 *a prioritized manner that includes consideration*  
14 *of the level of imminence of the threat and the*  
15 *level of acceptable risk;*

16           (B) *at least as cost-effective, technically reli-*  
17 *able, and operationally available in protecting*  
18 *Europe and the United States from missile*  
19 *threats as the ground-based midcourse defense*  
20 *system described in paragraph (1);*

21           (C) *deployable in a sufficient amount of*  
22 *time to counter current and emerging ballistic*  
23 *missile threats (as determined by the intelligence*  
24 *community) launched from the Middle East that*

1           *could threaten Europe and the United States;*  
2           *and*

3                   *(D) interoperable with other components of*  
4           *missile defense and compliments NATO's missile*  
5           *defense strategy.*

6                   ***Subtitle D—Reports***

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

10           *(a) ASSESSMENT REQUIRED.—The Comptroller Gen-*  
11           *eral shall conduct an assessment of the degree to which re-*  
12           *quirements, technology goals, and research and procurement*  
13           *investments in energy storage technologies are coordinated*  
14           *within and among the military departments, appropriate*  
15           *Defense Agencies, and other elements of the Department of*  
16           *Defense. In carrying out such assessment, the Comptroller*  
17           *General shall—*

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

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

1           (3) *assess the process by which a determination*  
2           *is made by an acquisition official of the Department*  
3           *of Defense to pursue a commercially available or cus-*  
4           *tom-made energy storage device;*

5           (4) *assess the coordination of Department of De-*  
6           *fense-wide activities in energy storage device research,*  
7           *development, and use;*

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

14          (6) *assess whether there are commercial advances*  
15          *in portable power technology, including hybrid sys-*  
16          *tems, fuel cells, and electrochemical capacitors, that*  
17          *could be better leveraged by the Department.*

18          (b) *REPORT.*—*Not later than March 1, 2010, the*  
19          *Comptroller General shall submit to the Committees on*  
20          *Armed Services of the Senate and House of Representatives*  
21          *a report on the findings and recommendations of the Comp-*  
22          *troller General with respect to the assessment conducted*  
23          *under subsection (a).*

24          (c) *COORDINATION.*—*In carrying out subsection (a),*  
25          *the Comptroller General shall coordinate with the Secretary*

1 of Energy and the heads of other appropriate Federal agen-  
2 cies.

3 **SEC. 232. ANNUAL COMPTROLLER GENERAL REPORT ON**  
4 **THE F-35 LIGHTNING II AIRCRAFT ACQUI-**  
5 **SITION PROGRAM.**

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

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

15 (1) *The extent to which the acquisition program*  
16 *is meeting development and procurement cost, sched-*  
17 *ule, and performance goals.*

18 (2) *The progress and results of developmental*  
19 *and operational testing and plans for correcting defi-*  
20 *ciencies in aircraft performance, operational effective-*  
21 *ness, and suitability.*

22 (3) *Aircraft procurement plans, production re-*  
23 *sults, and efforts to improve manufacturing efficiency*  
24 *and supplier performance.*

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

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

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

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

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

25 *(2) an analysis of battlefield uses other than*  
26 *anti-armor;*

1           (3) *an analysis of changes required to the cur-*  
2 *rent Javelin and TOW systems to maximize effective-*  
3 *ness and lethality in situations other than anti-*  
4 *armor;*

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

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

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

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

23           (8) *an analysis of the ability of the industrial*  
24 *base to support development and production of cur-*  
25 *rent and future Javelin and TOW systems.*

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

## 8                   ***Subtitle E—Other Matters***

### 9   ***SEC. 241. ACCESS OF THE DIRECTOR OF THE TEST RE-*** 10                   ***SOURCE MANAGEMENT CENTER TO DEPART-*** 11                   ***MENT OF DEFENSE INFORMATION.***

12       Section 196 of title 10, United States Code, is amend-  
13 ed—

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

16               (2) by inserting after subsection (c) the following  
17 new subsection (d):

18       “(h) *ACCESS TO INFORMATION.*—The Director shall  
19 have access to all records and data of the Department of  
20 Defense (including the records and data of each military  
21 department) that the Director considers necessary to review  
22 in order to carry out the duties of the Director under this  
23 section.”.



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

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

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

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

21 “(b) *FUTURE-YEARS DEFENSE PROGRAM.*—In each future-years defense program submitted to Congress under section 221 of this title, the Secretary of Defense shall ensure that the estimated expenditures and proposed appropriations for the F-35 Lightning II, for each fiscal year of the period covered by that program, include sufficient amounts

1 *for the full funding of the continued development and pro-*  
2 *curement of a competitive propulsion system for the F-35*  
3 *Lightning II.*

4       “(c) *REQUIREMENT TO OBLIGATE AND EXPEND*  
5 *FUNDS.—Of the amounts authorized to be appropriated for*  
6 *fiscal year 2010 or any year thereafter, for research, devel-*  
7 *opment, test, and evaluation and procurement for the F-*  
8 *35 Lightning II Program, the Secretary of Defense shall*  
9 *ensure the obligation and expenditure in each such fiscal*  
10 *year of sufficient annual amounts for the continued develop-*  
11 *ment and procurement of two options for the propulsion*  
12 *system for the F-35 Lightning II in order to ensure the de-*  
13 *velopment and competitive production for the propulsion*  
14 *system for the F-35 Lightning II.”.*

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

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

18       (c) *CONFORMING REPEAL.—The National Defense Au-*  
19 *thorization Act for Fiscal Year 2008 (Public Law 110-181)*  
20 *is amended by striking section 213.*

1 **SEC. 243. ESTABLISHMENT OF PROGRAM TO ENHANCE PAR-**  
2 **TICIPATION OF HISTORICALLY BLACK COL-**  
3 **LEGES AND UNIVERSITIES AND MINORITY-**  
4 **SERVING INSTITUTIONS IN DEFENSE RE-**  
5 **SEARCH PROGRAMS.**

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

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

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

21 “(b) *PROGRAM OBJECTIVE.*—The objective of the pro-  
22 *gram established under subsection (a)* is to enhance science,  
23 *technology, mathematics, and engineering research and edu-*  
24 *cation at covered educational institutions.* Such objective  
25 *shall be accomplished through initiatives designed to—*

1           “(1) enhance research and educational capabili-  
2           ties of the institutions in areas of science, technology,  
3           engineering, or mathematics that are important to  
4           national defense, as determined by the Secretary;

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

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

15          “(4) increase the number of graduates engaged in  
16          scientific, technological, mathematic, and engineering  
17          disciplines important to the national security func-  
18          tions of the Department of Defense, as determined by  
19          the Secretary;

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

23          “(6) encourage research and educational collabo-  
24          rations between such institutions and other institu-  
25          tions of higher education; or

1           “(7) encourage research and educational collabo-  
2           rations between such institutions and business enter-  
3           prises that historically perform defense-related re-  
4           search, development, testing and evaluation.

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

9           “(1) The competitive awarding of grants, cooper-  
10          ative agreements or contracts to establish Centers of  
11          Excellence for Research and Education in scientific  
12          disciplines important to national defense, as deter-  
13          mined by the Secretary.

14          “(2) The competitive awarding of undergraduate  
15          scholarships or graduate fellowships in support of re-  
16          search in scientific disciplines important to national  
17          defense, as determined by the Secretary.

18          “(3) The competitive awarding of grants, cooper-  
19          ative agreements, or contracts for research in areas of  
20          science, technology, engineering, and mathematics  
21          that are important to national defense, as determined  
22          by the Secretary.

23          “(4) The competitive awarding of grants, cooper-  
24          ative agreements, or contracts for the acquisition of  
25          equipment or instrumentation necessary for the con-

1        *duct of research, development, testing, evaluation or*  
2        *educational enhancements in scientific disciplines im-*  
3        *portant to national defense, as determined by the Sec-*  
4        *retary.*

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

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

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

19                *“(8) Encouraging the establishment of a pro-*  
20        *gram or programs creating partnerships between such*  
21        *institutions and corporations that have routinely been*  
22        *awarded research, development, testing, or evaluation*  
23        *contracts by the Secretary of Defense for the purpose*  
24        *of involving faculty and students in scientific research*

1 *critical to the national security functions of the De-*  
2 *partment of Defense.*

3 “(9) *Encouraging the establishment of a pro-*  
4 *gram or programs creating partnerships between such*  
5 *institutions and other institutions of higher education*  
6 *that have experience in conducting research, develop-*  
7 *ment, testing, or evaluation programs with the De-*  
8 *partment of Defense for the purpose of involving fac-*  
9 *ulty and students in scientific research critical to the*  
10 *national security functions of the Department of De-*  
11 *fense.*

12 “(10) *Other such non-monetary assistance in*  
13 *support of defense research as the Secretary finds ap-*  
14 *propriate to enhance science, mathematics, or engi-*  
15 *neering programs at such institutions, which may be*  
16 *provided directly through the Department of Defense*  
17 *or through contracts or other agreements entered into*  
18 *by the Secretary with private-sector entities that have*  
19 *experience and expertise in the development and de-*  
20 *livery of technical assistance services to such institu-*  
21 *tions.*

22 “(d) *DEFINITION OF COVERED EDUCATIONAL INSTITU-*  
23 *TION.—In this section the term ‘covered educational institu-*  
24 *tion’ means an institution of higher education eligible for*

1 *assistance under title III or V of the Higher Education Act*  
 2 *of 1965 (20 U.S.C. 1051 et seq.).”.*

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

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

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

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

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

13 (a) *EXECUTIVE AGENT.*—*Not later than 90 days after*  
 14 *the date of the enactment of this Act, the Secretary of De-*  
 15 *fense shall designate a senior official of the Department of*  
 16 *Defense to act as the executive agent for advanced*  
 17 *energetics.*

18 (b) *ROLES, RESPONSIBILITIES, AND AUTHORITIES.*—

19 (1) *ESTABLISHMENT.*—*Not later than one year*  
 20 *after the date of the enactment of this Act, and in ac-*  
 21 *cordance with Directive 5101.1, the Secretary of De-*  
 22 *fense shall prescribe the roles, responsibilities, and au-*  
 23 *thorities of the executive agent designated under sub-*  
 24 *section (a).*



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

4                   (A) *Assessment of the current state of, and*  
5                   *advances in, research, development, and manu-*  
6                   *facturing technology of energetic materials in*  
7                   *both foreign countries and the United States.*

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

11                  (C) *Development of recommended funding*  
12                  *strategies to retain sufficient explosive domestic*  
13                  *production capacity, continue the development of*  
14                  *innovative munitions, and recruit the next gen-*  
15                  *eration of scientists and engineers of advanced*  
16                  *energetics.*

17                  (D) *Recommending changes to strengthen*  
18                  *the energetic capabilities of the Department of*  
19                  *Defense.*

20                  (E) *Such other roles and responsibilities as*  
21                  *the Secretary of Defense considers appropriate.*

22           (c) *SUPPORT WITHIN DEPARTMENT OF DEFENSE.—*  
23           *In accordance with Directive 5101.1, the Secretary of De-*  
24           *fense shall ensure that the military departments, Defense*  
25           *Agencies, and other components of the Department of De-*

1 *fense provide the executive agent designated under sub-*  
2 *section (a) with the appropriate support and resources*  
3 *needed to perform the roles, responsibilities, and authorities*  
4 *of the executive agent.*

5 (d) *DEFINITIONS.—In this section:*

6 (1) *The term “Directive 5101.1” means Depart-*  
7 *ment of Defense Directive 5101.1, dated September 3,*  
8 *2002, or any successor directive relating to the re-*  
9 *responsibilities of an executive agent of the Department*  
10 *of Defense.*

11 (2) *The term “executive agent” had the meaning*  
12 *given the term “DoD Executive Agent” in Directive*  
13 *5101.1.*

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

16 (a) *STUDY REQUIRED.—The Secretary of Defense and*  
17 *the Chairman of the Joint Chiefs of Staff shall jointly carry*  
18 *out a study on the use of thorium-liquid fueled nuclear reac-*  
19 *tors for naval power needs pursuant to section 1012, of the*  
20 *National Defense Authorization Act for Fiscal Year 2008*  
21 *(Public Law 110-181; 122 Stat. 303).*

22 (b) *CONTENTS OF STUDY.—In carrying out the study*  
23 *required under subsection (a), the Secretary of Defense and*  
24 *the Chairman of the Joint Chiefs of Staff shall, with respect*

1 *to naval power requirements for the Navy strike and am-*  
2 *phibious force—*

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

7           (2) *identify the benefits to naval operations*  
8 *which thorium-liquid fueled nuclear reactors or ura-*  
9 *anium reactors would provide to major surface combat-*  
10 *ants compared to conventionally fueled ships, includ-*  
11 *ing such benefits with respect to—*

12                   (A) *fuel cycle, from mining to waste dis-*  
13 *posal;*

14                   (B) *security of fuel supply;*

15                   (C) *power needs for advanced weapons and*  
16 *sensors;*

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

20                   (E) *no requirement to refuel and reduced lo-*  
21 *gistics;*

22                   (F) *ship upgrades and retrofitting;*

23                   (G) *reduced manning;*

24                   (H) *global range at flank speed, greater for-*  
25 *ward presence, and extended combat operations;*

1           (I) power for advanced sensors and weap-  
2           ons, including electromagnetic guns and lasers;

3           (J) survivability due to increased perform-  
4           ance and reduced signatures;

5           (K) high power density propulsion;

6           (L) operational tempo;

7           (M) operational effectiveness; and

8           (N) estimated cost-effectiveness; and

9           (3) conduct a ROM cost-effectiveness comparison  
10          of nuclear reactors in use by the Navy as of the date  
11          of the enactment of this Act, thorium-liquid fueled re-  
12          actors, and conventional fueled major surface combat-  
13          ants, which shall include a comparison of—

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

16               (B) nuclear proliferation issues;

17               (C) reactor safety;

18               (D) nuclear fuel safety, waste handling, and  
19               storage;

20               (E) power requirements and distribution for  
21               sensors, weapons, and propulsion; and

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

24          (c) REPORT.—Not later than February 1, 2011, the  
25          Secretary of Defense and the Chairman of the Joint Chiefs

1 of Staff shall jointly submit to the congressional defense  
2 committees a report on the results of the study required  
3 under subsection (a).

4 **SEC. 247. VISITING NIH SENIOR NEUROSCIENCE FELLOW-**  
5 **SHIP PROGRAM.**

6 (a) *AUTHORITY TO ESTABLISH.*—The Secretary of De-  
7 fense may establish a program to be known as the Visiting  
8 NIH Senior Neuroscience Fellowship Program at—

9 (1) *the Defense Advanced Research Projects*  
10 *Agency; and*

11 (2) *the Defense Center of Excellence for Psycho-*  
12 *logical Health and Traumatic Brain Injury.*

13 (b) *ACTIVITIES OF THE PROGRAM.*—In establishing the  
14 Visiting NIH Senior Neuroscience Fellowship Program  
15 under subsection (a), the Secretary shall require the pro-  
16 gram to—

17 (1) *provide a partnership between the National*  
18 *Institutes of Health and the Defense Advanced Re-*  
19 *search Projects Agency to enable identification and*  
20 *funding of the broadest range of innovative, highest*  
21 *quality clinical and experimental neuroscience studies*  
22 *for the benefit of members of the Armed Forces;*

23 (2) *provide a partnership between the National*  
24 *Institutes of Health and the Defense Center of Excel-*  
25 *lence for Psychological Health and Traumatic Brain*

1 *Injury that will enable identification and funding of*  
2 *clinical and experimental neuroscience studies for the*  
3 *benefit of members of the Armed Forces;*

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

8 *(4) provide a military and civilian collaborative*  
9 *environment for neuroscience-based medical problem-*  
10 *solving in critical areas affecting both military and*  
11 *civilian life, particularly post-traumatic stress dis-*  
12 *order.*

13 *(c) PERIOD OF FELLOWSHIP.—The period of any fel-*  
14 *lowship under the Program shall not last more than 2 years*  
15 *and shall not continue unless agreed upon by the parties*  
16 *concerned.*

17 **TITLE III—OPERATION AND**  
18 **MAINTENANCE**

*Subtitle A—Authorization of Appropriations*

*Sec. 301. Operation and maintenance funding.*

*Subtitle B—Environmental Provisions*

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

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

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

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

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

*Subtitle C—Workplace and Depot Issues*

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

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

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

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

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

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

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

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

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

*Subtitle D—Energy Security*

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

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

*Sec. 333. Consideration of renewable fuels.*

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

*Subtitle E—Reports*

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

*Subtitle F—Other Matters*

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

*Sec. 352. Requirements for standard ground combat uniform.*

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

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

*Sec. 355. Condition-based maintenance demonstration programs.*

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

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

4           *Funds are hereby authorized to be appropriated for fis-*  
5 *cal year 2010 for the use of the Armed Forces and other*  
6 *activities and agencies of the Department of Defense for ex-*  
7 *penses, not otherwise provided for, for operation and main-*  
8 *tenance, in amounts as follows:*

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

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

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

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

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

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

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

16                   (8) *For the Marine Corps Reserve, \$228,925,000.*

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

18                   (10) *For the Army National Guard,*  
19 *\$6,268,884,000.*

20                   (11) *For the Air National Guard,*  
21 *\$5,919,461,000.*

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

24                   (13) *For the Acquisition Development Workforce*  
25 *Fund, \$100,000,000.*



1           (14) *For Environmental Restoration, Army,*  
2           \$415,864,000.

3           (15) *For Environmental Restoration, Navy,*  
4           \$285,869,000.

5           (16) *For Environmental Restoration, Air Force,*  
6           \$494,276,000.

7           (17) *For Environmental Restoration, Defense-*  
8           *wide, \$11,100,000.*

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

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

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

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

17                            ***Subtitle B—Environmental***  
18                            ***Provisions***

19   ***SEC. 311. CLARIFICATION OF REQUIREMENT FOR USE OF***  
20                            ***AVAILABLE FUNDS FOR DEPARTMENT OF DE-***  
21                            ***FENSE PARTICIPATION IN CONSERVATION***  
22                            ***BANKING PROGRAMS.***

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

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

3           (2) *by redesignating subsection (d) as subsection*  
4 *(e); and*

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

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

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

12           “(A) *Operation and maintenance.*

13           “(B) *Military construction.*

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

15           “(D) *The Support for United States Relocation*  
16 *to Guam Account established under section 2824 of*  
17 *the Duncan Hunter National Defense Authorization*  
18 *Act for Fiscal Year 2009 (Public Law 110-417; 122*  
19 *Stat. 4730; 10 U.S.C. 2687 note).”.*

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

21          (a) *REAUTHORIZATION.—Section 108 of the Sikes Act*  
22 *(16 U.S.C. 670f) is amended by striking “fiscal years 2004*  
23 *through 2008” each place it appears and inserting “fiscal*  
24 *years 2010 through 2015”.*

1       (b) *CLARIFICATION OF AUTHORIZATIONS.*—*Such sec-*  
2 *tion is further amended—*

3           (1) *in subsection (b), by striking “There are au-*  
4 *thorized” and inserting “Of the amounts authorized*  
5 *to be appropriated to the Department of Defense,*  
6 *there are authorized”;* and

7           (2) *in subsection (c), by striking “There are au-*  
8 *thorized” and inserting “Of the amounts authorized*  
9 *to be appropriated to the Department of the Interior,*  
10 *there are authorized”.*

11 **SEC. 313. AUTHORITY OF SECRETARY OF A MILITARY DE-**  
12 **PARTMENT TO ENTER INTO INTERAGENCY**  
13 **AGREEMENTS FOR LAND MANAGEMENT ON**  
14 **DEPARTMENT OF DEFENSE INSTALLATIONS.**

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

17           (1) *in subsection (a)—*

18           (A) *by inserting after “and individuals” the*  
19 *following: “, and into interagency agreements*  
20 *with the heads of other Federal departments and*  
21 *agencies,”;* and

22           (B) *in paragraph (2), by inserting “or*  
23 *interagency agreement” after “cooperative agree-*  
24 *ment”;*

1           (2) *in subsection (b), by inserting “or inter-*  
2 *agency agreement” after “cooperative agreement”;*  
3 *and*

4           (3) *in subsection (c), by inserting “and inter-*  
5 *agency agreements” after “cooperative agreements”*  
6 *the first place it appears.*

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

11 **SEC. 314. REAUTHORIZATION OF PILOT PROGRAM FOR**  
12 **INVASIVE SPECIES MANAGEMENT FOR MILI-**  
13 **TARY INSTALLATIONS IN GUAM.**

14       *Section 101(g)(1) of the Sikes Act (16 U.S.C.*  
15 *670a(g)(1)) is amended by striking “fiscal years 2004*  
16 *through 2008” and inserting “fiscal years 2010 through*  
17 *2015”.*

18 **SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**  
19 **TION AGENCY FOR CERTAIN COSTS IN CON-**  
20 **NECTION WITH THE FORMER NANSEMOND**  
21 **ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.**

22       (a) *AUTHORITY TO REIMBURSE.—*

23           (1) *TRANSFER AMOUNT.—Using funds described*  
24 *in subsection (b) and notwithstanding section 2215 of*  
25 *title 10, United States Code, the Secretary of Defense*

1        *may transfer not more than \$68,623 during fiscal*  
2        *year 2010 to the Former Nansemond Ordnance Depot*  
3        *Site Special Account, within the Hazardous Sub-*  
4        *stance Superfund.*

5            (2) *PURPOSE OF REIMBURSEMENT.*—*The pay-*  
6        *ment under paragraph (1) is final payment to reim-*  
7        *burse the Environmental Protection Agency for all*  
8        *costs incurred in overseeing a time critical removal*  
9        *action performed by the Department of Defense under*  
10       *the Defense Environmental Restoration Program for*  
11       *ordnance and explosive safety hazards at the Former*  
12       *Nansemond Ordnance Depot Site, Suffolk, Virginia.*

13           (3) *INTERAGENCY AGREEMENT.*—*The reimburse-*  
14       *ment described in paragraph (2) is provided for in an*  
15       *interagency agreement entered into by the Depart-*  
16       *ment of the Army and the Environmental Protection*  
17       *Agency for the Former Nansemond Ordnance Depot*  
18       *Site in December 1999.*

19           (b) *SOURCE OF FUNDS.*—*Any payment under sub-*  
20       *section (a) shall be made using funds authorized to be ap-*  
21       *propriated by section 301(17) of this Act for operation and*  
22       *maintenance for Environmental Restoration, Formerly*  
23       *Used Defense Sites.*

24           (c) *USE OF FUNDS.*—*The Environmental Protection*  
25       *Agency shall use the amount transferred under subsection*

1 (a) to pay costs incurred by the agency at the Former  
2 Nansemond Ordnance Depot Site.

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

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

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

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

14 (2) *by striking “10 or more”; and*

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

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

21 **SEC. 322. TIME LIMITATION ON DURATION OF PUBLIC-PRI-**  
22 **VATE COMPETITIONS.**

23 (a) *TIME LIMITATION.*—*Section 2461(a) of title 10,*  
24 *United States Code, is amended by adding at the end the*  
25 *following new paragraph:*

1       “(5)(A) *The duration of a public-private competition*  
2 *conducted pursuant to Office of Management and Budget*  
3 *Circular A-76 or any other provision of law for any func-*  
4 *tion of the Department of Defense performed by Department*  
5 *of Defense civilian employees may not exceed a period of*  
6 *540 days, commencing on the date on which the prelimi-*  
7 *nary planning for the public-private competition begins*  
8 *through the date on which a performance decision is ren-*  
9 *dered with respect to the function.*

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

18       “(C) *In this paragraph, the term ‘preliminary plan-*  
19 *ning’ with respect to a public-private competition means*  
20 *any action taken to carry out any of the following activi-*  
21 *ties:*

22               “(i) *Determining the scope of the competition.*

23               “(ii) *Conducting research to determine the ap-*  
24 *propriate grouping of functions for the competition.*





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

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

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

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

1 of Federal Programs” and dated October 29, 1992, and, for  
2 each such alternative, shall include an assessment of the fol-  
3 lowing:

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

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

8 (3) *The effect on long-term sustainment of depot-*  
9 *level capabilities for future support of core workload*  
10 *throughout the life cycle of the AV8B Harrier weap-*  
11 *ons system.*

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

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

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

23 (2) *An explanation of the core logistics capabili-*  
24 *ties and associated workload requirements for the AV-*  
25 *8B weapons system, including an explanation of how*



1 *tion 2461 of title 10, United States Code, or Office of Man-*  
2 *agement and Budget Circular A-76 that had not resulted*  
3 *in conversion to performance to a contractor as of March*  
4 *26, 2009, until such time as the Secretary may review such*  
5 *competitions.*

6 *(b) REVIEW AND APPROVAL PROCESS.—*

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

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

17 *(B) Certify that the estimated savings are*  
18 *still achievable.*

19 *(C) Document the rationale for rejecting an*  
20 *individual command's request to cancel, defer, or*  
21 *reduce the scope of a decision to conduct the*  
22 *study.*

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

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

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

11          (c) *CONGRESSIONAL NOTIFICATION.*—The Secretary of  
12         Defense may not recommence a study halted pursuant to  
13         subsection (a) until the Secretary submits to Congress a re-  
14         port describing the actions taken by the Secretary under  
15         paragraphs (1) and (2) of subsection (b).

16         **SEC. 327. TEMPORARY SUSPENSION OF PUBLIC-PRIVATE**  
17                         **COMPETITIONS FOR CONVERSION OF DE-**  
18                         **PARTMENT OF DEFENSE FUNCTIONS TO PER-**  
19                         **FORMANCE BY A CONTRACTOR.**

20           During the period beginning on the date of the enact-  
21         ment of this Act and ending on September 30, 2012, no  
22         study or competition regarding the conversion to perform-  
23         ance by a contractor of any Department of Defense function  
24         may be begun or announced pursuant to 2461 of title 10,

1 *United States Code, or otherwise pursuant to Office of Man-*  
2 *agement and Budget Circular A-76.*

3 **SEC. 328. REQUIREMENT FOR DEBRIEFINGS RELATED TO**  
4 **CONVERSION OF FUNCTIONS FROM PER-**  
5 **FORMANCE BY FEDERAL EMPLOYEES TO PER-**  
6 **FORMANCE BY A CONTRACTOR.**

7 *The Administrator for Federal Procurement Policy*  
8 *shall revise the Federal Acquisition Regulation to allow for*  
9 *pre-award and post-award debriefings of Federal employee*  
10 *representatives in the case of a conversion of any function*  
11 *from performance by Federal employees to performance by*  
12 *a contractor. Such debriefings will conform to the require-*  
13 *ments of section 2305(b)(6)(A) of title 10, United States*  
14 *Code, section 303B(f) of the Federal Property and Adminis-*  
15 *trative Services Act of 1949 (41 U.S.C. 253b(f)), and sub-*  
16 *parts 15.505 and 15.506 (as in effect on the date of the*  
17 *enactment of this Act ) of the Federal Acquisition Regula-*  
18 *tion.*

19 **SEC. 329. AMENDMENTS TO BID PROTEST PROCEDURES BY**  
20 **FEDERAL EMPLOYEES AND AGENCY OFFI-**  
21 **CIALS IN CONVERSIONS OF FUNCTIONS FROM**  
22 **PERFORMANCE BY FEDERAL EMPLOYEES TO**  
23 **PERFORMANCE BY A CONTRACTOR.**

24 *(a) PROTEST JURISDICTION OF THE COMPTROLLER*  
25 *GENERAL.—Section 3551(1) of title 31, United States Code,*

1 *is amended by adding at the end the following new subpara-*  
2 *graph:*

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

6           (b) *ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COM-*  
7 *PETITIONS.*—*Clause (i) of paragraph (2)(B) of section 3551*  
8 *of title 31, United States Code, is amended to read as fol-*  
9 *lows:*

10                   “(i) any official who is responsible for  
11                   submitting the agency tender in such com-  
12                   petition; and”.

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

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

16                           (A) *by inserting “(A) EXPEDITED AC-*  
17 *TION.—” before “For any protest”; and*

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

20                   “(b) *INJURY TO FEDERAL EMPLOYEES.*—*In the case*  
21 *of a protest filed by an interested party described in sub-*  
22 *paragraph (B) of section 3551(2) of this title, a showing*  
23 *that a Federal employee has been displaced from performing*  
24 *a function or part thereof, and that function is being per-*  
25 *formed by the private sector, is sufficient evidence that a*

1 *conversion has occurred resulting in concrete injury and*  
 2 *prejudice to the Federal employee as a consequence of agen-*  
 3 *cy action.”.*

4 (2) *CONFORMING AND CLERICAL AMENDMENTS.—*

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

7 **“§ 3557. Protests of public-private competitions”.**

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

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

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

13 (1) *by redesignating subparagraphs (F) and (G)*  
 14 *as subparagraphs (G) and (H), respectively;*

15 (2) *by inserting after subparagraph (E) the fol-*  
 16 *lowing new subparagraph (F):*

17 *“(F) cancel the solicitation issued pursuant*  
 18 *to the public-private competition conducted*  
 19 *under Office of Management and Budget Cir-*  
 20 *cular A-76 or any successor circular;”;* and

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

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



1           (1) to any protest or civil action that relates to  
2 a public-private competition conducted after the date  
3 of the enactment of this Act under Office of Manage-  
4 ment and Budget Circular A-76, or any successor cir-  
5 cular; or

6           (2) to a decision made after the date of the en-  
7 actment of this Act to convert a function performed  
8 by Federal employees to private sector performance  
9 without a competition under Office of Management  
10 and Budget Circular A-76.

## 11           ***Subtitle D—Energy Security***

### 12 **SEC. 331. AUTHORIZATION OF APPROPRIATIONS FOR DI-** 13 **RECTOR OF OPERATIONAL ENERGY.**

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

1 **SEC. 332. REPORT ON IMPLEMENTATION OF COMPTROLLER**  
2 **GENERAL RECOMMENDATIONS ON FUEL DE-**  
3 **MAND MANAGEMENT AT FORWARD-DE-**  
4 **PLOYED LOCATIONS.**

5 *Not later than February 1, 2010, the Director of Oper-*  
6 *ational Energy Plans and Programs of the Department of*  
7 *Defense (or, in the event that no individual has been con-*  
8 *firmed as the Director, the Secretary of Defense) shall sub-*  
9 *mit to the Committees on Armed Services of the Senate and*  
10 *House of Representatives a report on any specific actions*  
11 *that have been taken to implement the following three rec-*  
12 *ommendations made by the Comptroller General:*

13 *(1) The recommendation that each of the combat-*  
14 *ant commanders establish requirements for managing*  
15 *fuel demand at forward-deployed locations within*  
16 *their respective areas of responsibility.*

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

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

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

2       (a) *IN GENERAL.*—*The Secretary of Defense shall con-*  
3 *sider renewable fuels, including domestically produced*  
4 *algae-based, biodiesel, and biomass-derived fuels, for testing,*  
5 *certification, and use in aviation, maritime, and ground*  
6 *transportation fleets.*

7       (b) *REPORT.*—*Not later than February 1, 2010, the*  
8 *Secretary of Defense shall submit to the Committees on*  
9 *Armed Services of the Senate and House of Representatives*  
10 *a report on the Secretary’s consideration of renewable fuels*  
11 *that includes each of the following:*

12               (1) *An assessment of the use of renewable fuels,*  
13 *including domestically produced algae-based, bio-*  
14 *diesel, and biomass-derived fuels, as alternative fuels*  
15 *in aviation, maritime, and ground transportation*  
16 *fleets (including tactical vehicles and applications).*  
17 *Such assessment shall include technical, logistical,*  
18 *and policy considerations.*

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

1 **SEC. 334. DEPARTMENT OF DEFENSE GOAL REGARDING**  
2 **PROCUREMENT OF RENEWABLE AVIATION**  
3 **FUELS.**

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

7 **“§2922g. Goal regarding procurement of renewable**  
8 **aviation fuels**

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

10 *“(1) for fiscal year 2025, and each subsequent*  
11 *fiscal year, to procure from renewable aviation fuel*  
12 *sources not less than 25 percent of the total quantity*  
13 *of aviation fuel consumed by the Department of De-*  
14 *fense in the contiguous United States; and*

15 *“(2) to procure fuels from renewable aviation*  
16 *fuel sources whenever the use of such renewable avia-*  
17 *tion fuels is consistent with the operational energy*  
18 *strategy required by section 139b(d) of this title.”.*

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

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

**Subtitle E—Reports****SEC. 341. ANNUAL REPORT ON PROCUREMENT OF MILITARY WORKING DOGS.**

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

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

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

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

1           “(1) *The number of military working dogs pro-*  
2 *cured from domestic breeders by each military depart-*  
3 *ment or Defense Agency.*”

4           “(2) *The number of military working dogs pro-*  
5 *cured from non-domestic breeders by each military de-*  
6 *partment or Defense Agency.*”

7           “(3) *The total cost of procuring military work-*  
8 *ing dogs from domestic breeders and the total cost of*  
9 *procuring such dogs from non-domestic breeders.*”

10           “(4) *The total cost of procuring military work-*  
11 *ing dogs for each military department or Defense*  
12 *Agency.*”.

### 13           ***Subtitle F—Other Matters***

#### 14   ***SEC. 351. AUTHORITY FOR AIRLIFT TRANSPORTATION AT*** 15           ***DEPARTMENT OF DEFENSE RATES FOR NON-*** 16           ***DEPARTMENT OF DEFENSE FEDERAL CAR-*** 17           ***GOES.***

18           *(a) IN GENERAL.—Section 2642(a) of title 10, United*  
19 *States Code, is amended by adding at the end the following*  
20 *new paragraph:*

21           “(3) *During the five-year period beginning on*  
22 *the date of the enactment of the National Defense Au-*  
23 *thorization Act for Fiscal Year 2010, for military air-*  
24 *lift services provided to any element of the Federal*  
25 *Government outside the Department of Defense in cir-*

1 *cumstances other than those specified in paragraphs*  
2 *(1) and (2), but only if the Secretary of Defense deter-*  
3 *mines that the provision of such services will promote*  
4 *the improved use of airlift capacity without any neg-*  
5 *ative effect on national security objectives or the na-*  
6 *tional security interests contained within the United*  
7 *States commercial air industry.”.*

8 *(b) ANNUAL REPORT.—Not later than March 1 of each*  
9 *year for which the paragraph (3) of section 2642(a) of title*  
10 *10, United States Code, as added by subsection (a), is in*  
11 *effect, the Secretary of Defense shall submit to the Commit-*  
12 *tees on Armed Services of the Senate and House of Rep-*  
13 *resentatives an annual report describing, in detail, the Sec-*  
14 *retary’s use of the authority under that paragraph, includ-*  
15 *ing—*

16 *(1) how the authority was used;*

17 *(2) the frequency of use of the authority;*

18 *(3) the Secretary’s rationale for the use of the*  
19 *authority; and*

20 *(4) for which agencies the authority was used.*

21 **SEC. 352. REQUIREMENTS FOR STANDARD GROUND COM-**  
22 **BAT UNIFORM.**

23 *The Secretary of Defense, in consultation with the Di-*  
24 *rector of the Defense Logistics Agency, shall standardize the*  
25 *design of future ground combat uniforms. The future ground*

1 *combat uniforms designed pursuant to this section shall be*  
2 *designed to—*

3           (1) *increase the interoperability of ground com-*  
4 *bat forces;*

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

7           (3) *maximize conformance with personal protec-*  
8 *tive gear and body armor;*

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

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

13           (6) *minimize production costs; and*

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

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

18           (a) *RESTRICTION.—Of the amounts authorized to be*  
19 *appropriated by this Act for fiscal year 2010, not more than*  
20 *90 percent may be obligated or expended to support per-*  
21 *sonnel and operations for Department of Defense*  
22 *counterthreat finance efforts, except for activities carried*  
23 *out by Department of Defense personnel and by personnel*  
24 *employed pursuant to a contract entered into by the Sec-*  
25 *retary of Defense, until the Secretary of Defense, in con-*



1 *sultation with the Secretary of State, the Secretary of the*  
2 *Treasury, and the Attorney General, submits to the congres-*  
3 *sional defense committees a report on—*

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

6 *(2) the nature and extent of future cost require-*  
7 *ments associated with the mission;*

8 *(3) the nature and extent of Department of De-*  
9 *fense resources required to support the mission;*

10 *(4) the nature and extent of support, including*  
11 *personnel and funding support, from other depart-*  
12 *ments and agencies required to execute the mission,*  
13 *including Department of Defense force planning and*  
14 *funding initiatives; and*

15 *(5) the nature and extent of both existing and fu-*  
16 *ture contractor support necessary to meet the mission*  
17 *requirements of the mission.*

18 *(b) COUNTERTHREAT FINANCE EFFORTS DEFINED.—*  
19 *In this section, the term “counterthreat finance efforts” has*  
20 *the meaning given that term pursuant to the Department*  
21 *of Defense memorandum dated December 2, 2008, and enti-*  
22 *tled “Directive-Type Memorandum 08-034 – DOD Counter-*  
23 *threat Finance Policy” or any successor memorandum or*  
24 *related guidelines or regulations.*

1 **SEC. 354. LIMITATION ON OBLIGATION OF FUNDS PENDING**  
2 **SUBMISSION OF CLASSIFIED JUSTIFICATION**  
3 **MATERIAL.**

4 *Of the amounts authorized to be appropriated in this*  
5 *title for fiscal year 2010 for the Office of the Secretary of*  
6 *Defense for budget activity four, line 270, not more than*  
7 *90 percent may be obligated until 15 days after the infor-*  
8 *mation cited in the classified annex accompanying this Act*  
9 *relating to the provision of classified justification material*  
10 *to Congress is provided to the congressional defense commit-*  
11 *tees.*

12 **SEC. 355. CONDITION-BASED MAINTENANCE DEMONSTRATION PROGRAMS.**

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

20 (b) *GUIDED MISSILE DESTROYER PROGRAM.*—*The*  
21 *Secretary of the Navy may conduct a 12-month demonstra-*  
22 *tion program on at least four systems or components of the*  
23 *guided missile destroyer class of surface combatant ships.*

24 (c) *ISSUES TO BE ADDRESSED.*—*The demonstration*  
25 *programs described in subsections (a) and (b) shall ad-*  
26 *dress—*

1           (1) *the top 10 maintenance issues;*

2           (2) *non-evidence of failures; and*

3           (3) *projected return on investment analysis for a*  
4           *10-year period.*

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

8           (1) *interface with the extensible markup lan-*  
9           *guage industry standard to provide diagnostic and*  
10           *prognostic reasoning for systems, subsystems or com-*  
11           *ponents;*

12           (2) *facilitate common software systems,*  
13           *diagnostics tools, reference models, diagnostics rea-*  
14           *soners, electronic libraries, and user interfaces for*  
15           *multiple ship and vehicle types; and*

16           (3) *support the Department of Defense's Class V*  
17           *interactive electronic technical manual operations.*

18           (e) *REPORT.*—*The Secretary of the Army and the Sec-*  
19           *retary of the Navy shall submit a report to the congressional*  
20           *defense committees, not later than October 1, 2010, that as-*  
21           *sesses whether the respective military department could re-*  
22           *duce maintenance costs and improve operational readiness*  
23           *by implementing condition-based maintenance for the cur-*  
24           *rent and future tactical wheeled vehicle fleets and Navy sur-*  
25           *face combatants.*

1 **TITLE IV—MILITARY PERSONNEL**  
 2 **AUTHORIZATIONS**

*Subtitle A—Active Forces*

*Sec. 401. End strengths for active forces.*

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

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

*Subtitle B—Reserve Forces*

*Sec. 411. End strengths for Selected Reserve.*

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

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

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

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

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

*Subtitle C—Authorization of Appropriations*

*Sec. 421. Military personnel.*

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

3 ***Subtitle A—Active Forces***

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

5 *The Armed Forces are authorized strengths for active*  
 6 *duty personnel as of September 30, 2010, as follows:*

7 (1) *The Army, 547,400.*

8 (2) *The Navy, 328,800.*

9 (3) *The Marine Corps, 202,100.*

10 (4) *The Air Force, 331,700.*

11 **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END**  
 12 **STRENGTH MINIMUM LEVELS.**

13 *Section 691(b) of title 10, United States Code, is*  
 14 *amended by striking paragraphs (1) through (4) and insert-*  
 15 *ing the following new paragraphs:*

1           “(1) *For the Army, 547,400.*

2           “(2) *For the Navy, 328,800.*

3           “(3) *For the Marine Corps, 202,100.*

4           “(4) *For the Air Force, 331,700.*”.

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

8           (a) *AUTHORITY TO INCREASE ARMY ACTIVE DUTY*  
9 *END STRENGTHS.—*

10           (1) *AUTHORITY.—For each of fiscal years 2011*  
11 *and 2012, the Secretary of Defense may, as the Sec-*  
12 *retary determines necessary for the purposes specified*  
13 *in paragraph (2), establish the active-duty end*  
14 *strength for the Army at a number greater than the*  
15 *number otherwise authorized by law up to the number*  
16 *equal to the fiscal-year 2010 baseline plus 30,000.*

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

20                   (A) *to support operational missions; and*

21                   (B) *to achieve reorganizational objectives,*  
22 *including increased unit manning, force sta-*  
23 *bilization and shaping, and supporting wounded*  
24 *warriors.*

1           (3) *FISCAL-YEAR 2010 BASELINE.*—*In this sub-*  
2           *section, the term “fiscal-year 2010 baseline”, with re-*  
3           *spect to the Army, means the active-duty end strength*  
4           *authorized for those services in section 401(1).*

5           (4) *ACTIVE-DUTY END STRENGTH.*—*In this sub-*  
6           *section, the term “active-duty end strength” means*  
7           *the strength for active-duty personnel of one the*  
8           *Armed Forces as of the last day of a fiscal year.*

9           (b) *RELATIONSHIP TO PRESIDENTIAL WAIVER AU-*  
10          *THORITY.*—*Nothing in this section shall be construed to*  
11          *limit the President’s authority under section 123a of title*  
12          *10, United States Code, to waive any statutory end strength*  
13          *in a time of war or national emergency.*

14          (c) *RELATIONSHIP TO OTHER VARIANCE AUTHOR-*  
15          *ITY.*—*The authority under subsection (a) is in addition to*  
16          *the authority to vary authorized end strengths that is pro-*  
17          *vided in subsections (e) and (f) of section 115 of title 10,*  
18          *United States Code.*

19          (d) *BUDGET TREATMENT.*—*If the Secretary of Defense*  
20          *determines under subsection (a) that an increase in the*  
21          *Army active duty end strength for a fiscal year is necessary,*  
22          *then the budget for the Department of Defense for that fiscal*  
23          *year as submitted to the President shall include the*  
24          *amounts necessary for funding that active duty end strength*

1 *in excess of the fiscal year 2010 active duty end strength*  
2 *authorized for the Army under section 401(1).*

3 ***Subtitle B—Reserve Forces***

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

5 *(a) IN GENERAL.—The Armed Forces are authorized*  
6 *strengths for Selected Reserve personnel of the reserve com-*  
7 *ponents as of September 30, 2010, as follows:*

8 *(1) The Army National Guard of the United*  
9 *States, 358,200.*

10 *(2) The Army Reserve, 205,000.*

11 *(3) The Navy Reserve, 65,500.*

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

13 *(5) The Air National Guard of the United*  
14 *States, 106,700.*

15 *(6) The Air Force Reserve, 69,500.*

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

17 *(b) END STRENGTH REDUCTIONS.—The end strengths*  
18 *prescribed by subsection (a) for the Selected Reserve of any*  
19 *reserve component shall be proportionately reduced by—*

20 *(1) the total authorized strength of units orga-*  
21 *nized to serve as units of the Selected Reserve of such*  
22 *component which are on active duty (other than for*  
23 *training) at the end of the fiscal year; and*

24 *(2) the total number of individual members not*  
25 *in units organized to serve as units of the Selected*

1       *Reserve of such component who are on active duty*  
2       *(other than for training or for unsatisfactory partici-*  
3       *ipation in training) without their consent at the end*  
4       *of the fiscal year.*

5       *(c) END STRENGTH INCREASES.—Whenever units or*  
6       *individual members of the Selected Reserve of any reserve*  
7       *component are released from active duty during any fiscal*  
8       *year, the end strength prescribed for such fiscal year for*  
9       *the Selected Reserve of such reserve component shall be in-*  
10       *creased proportionately by the total authorized strengths of*  
11       *such units and by the total number of such individual mem-*  
12       *bers.*

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

15       *Within the end strengths prescribed in section 411(a),*  
16       *the reserve components of the Armed Forces are authorized,*  
17       *as of September 30, 2010, the following number of Reserves*  
18       *to be serving on full-time active duty or full-time duty, in*  
19       *the case of members of the National Guard, for the purpose*  
20       *of organizing, administering, recruiting, instructing, or*  
21       *training the reserve components:*

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

24                    (2) *The Army Reserve, 16,261.*

25                    (3) *The Navy Reserve, 10,818.*



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

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

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

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

7           *The minimum number of military technicians (dual*  
8 *status) as of the last day of fiscal year 2010 for the reserve*  
9 *components of the Army and the Air Force (notwith-*  
10 *standing section 129 of title 10, United States Code) shall*  
11 *be the following:*

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

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

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

16           (4) *For the Air National Guard of the United*  
17 *States, 22,313.*

18 **SEC. 414. FISCAL YEAR 2010 LIMITATION ON NUMBER OF**  
19 **NON-DUAL STATUS TECHNICIANS.**

20           (a) *LIMITATIONS.—*

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



1           (3) *The Navy Reserve, 6,200.*

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

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

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

6 **SEC. 416. SUBMISSION OF OPTIONS FOR CREATION OF**  
7           **TRAINEES, TRANSIENTS, HOLDEES, AND STU-**  
8           **DENTS ACCOUNT FOR ARMY NATIONAL**  
9           **GUARD.**

10          (a) *REPORT REQUIRED.*—*Not later than February 1,*  
11 *2010, the Secretary of the Army shall submit to the congres-*  
12 *sional defense committees a report evaluating options, and*  
13 *including a recommendation, for the creation of a Trainees,*  
14 *Transients, Holdees, and Students Account within the*  
15 *Army National Guard.*

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

18           (1) *the timelines, cost, force structure changes,*  
19 *and end strength changes associated with each option;*

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

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

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

4           (c) *SENSE OF CONGRESS REGARDING ARMY NATIONAL*  
5           *GUARD END STRENGTH.—*

6           (1) *FINDINGS.—Congress finds the following:*

7                   (A) *The President’s budget for fiscal year*  
8                   *2010 included a 2.82 percent increase in end*  
9                   *strength for the Army, but only a 1.59 percent*  
10                   *end strength increase for the Army National*  
11                   *Guard.*

12                   (B) *The disproportionate growth in the end*  
13                   *strengths of the reserve components is incon-*  
14                   *sistent with the emphasis placed by the Depart-*  
15                   *ment of Defense on responding to asymmetric*  
16                   *threats at home and abroad.*

17           (2) *SENSE OF CONGRESS.—In light of such find-*  
18           *ings, Congress is concerned about unit readiness and*  
19           *the effect of pre-deployment cross-leveling on the Army*  
20           *National Guard and it is the sense of Congress that*  
21           *an increase in Army National Guard end strength*  
22           *should be considered in the deliberations of the next*  
23           *quadrennial defense review conducted under section*  
24           *118 of title 10, United States Code.*

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

3   **SEC. 421. MILITARY PERSONNEL.**

4           *There is hereby authorized to be appropriated to the*  
 5 *Department of Defense for military personnel for fiscal year*  
 6 *2010 a total of \$135,723,781,000. The authorization in the*  
 7 *preceding sentence supersedes any other authorization of*  
 8 *appropriations (definite or indefinite) for such purpose for*  
 9 *fiscal year 2010.*

10 **SEC. 422. REPEAL OF DELAYED ONE-TIME SHIFT OF MILI-**  
 11                           **TARY RETIREMENT PAYMENTS.**

12           *(a) REPEAL.—Section 1002 of the Duncan Hunter Na-*  
 13 *tional Defense Authorization Act for Fiscal Year 2009 (Pub-*  
 14 *lic Law 110–417; 122 Stat. 4581) is repealed.*

15           *(b) EFFECT ON EARLIER TRANSFER.—The repeal of*  
 16 *section 1002 of the Duncan Hunter National Defense Au-*  
 17 *thorization Act for Fiscal Year 2009 by subsection (a) shall*  
 18 *not affect the validity of the transfer of funds made pursu-*  
 19 *ant to subsection (e) of such section before the date of the*  
 20 *enactment of this Act.*

21           **TITLE V—MILITARY PERSONNEL**  
 22                           **POLICY**

*Subtitle A—Military Personnel Policy Generally*

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

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

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

*Subtitle B—Joint Qualified Officers and Requirements*

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

*Subtitle C—General Service Authorities*

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

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

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

*Subtitle D—Education and Training*

*Sec. 531. Appointment of persons enrolled in Advanced Course of the Army Reserve Officers' Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.*

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

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

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

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

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

*Subtitle E—Defense Dependents' Education*

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

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

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

*Subtitle F—Missing or Deceased Persons*

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

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

*Subtitle G—Decorations and Awards*

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

*Sec. 572. Authorization and request for award of Medal of Honor to Anthony T. Koho'ohanohano for acts of valor during the Korean War.*

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

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

*Subtitle H—Military Families*

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

*Sec. 582. Report on progress made in implementing recommendations to reduce domestic violence in military families.*

*Sec. 583. Modification of Servicemembers Civil Relief Act regarding termination or suspension of service contracts and effect of violation of interest rate limitation.*

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

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

*Subtitle I—Other Matters*

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

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

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

1           ***Subtitle A—Military Personnel***

2                           ***Policy Generally***

3   ***SEC. 501. EXTENSION OF TEMPORARY INCREASE IN MAX-***  
 4                           ***IMUM NUMBER OF DAYS' LEAVE MEMBERS***  
 5                           ***MAY ACCUMULATE AND CARRYOVER.***

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

1 **SEC. 502. RANK REQUIREMENT FOR OFFICER SERVING AS**  
 2 **CHIEF OF THE NAVY DENTAL CORPS TO COR-**  
 3 **RESPOND TO ARMY AND AIR FORCE REQUIRE-**  
 4 **MENTS.**

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

7 *(1) by striking “not below the grade of rear ad-*  
 8 *miral (lower half) shall be detailed” and inserting*  
 9 *“shall be appointed”; and*

10 *(2) by adding at the end the following new sen-*  
 11 *tence: “An appointee who holds a lower regular grade*  
 12 *shall be appointed as Chief of the Dental Corps in the*  
 13 *regular grade of rear admiral.”.*

14 **SEC. 503. COMPUTATION OF RETIREMENT ELIGIBILITY FOR**  
 15 **ENLISTED MEMBERS OF THE NAVY WHO COM-**  
 16 **plete the SEAMAN TO ADMIRAL (STA-21) OF-**  
 17 **FICER CANDIDATE PROGRAM.**

18 *Section 6328 of title 10, United States Code, is amend-*  
 19 *ed by adding the following new subsection:*

20 *“(c) TIME SPENT IN SEAMAN TO ADMIRAL PRO-*  
 21 *GRAM.—The months of active service after January 1, 2011,*  
 22 *in pursuit of a baccalaureate-level degree under the Seaman*  
 23 *to Admiral (STA-21) program of the Navy for officer can-*  
 24 *didates selected for the program after January 11, 2010,*  
 25 *shall be excluded in computing the years of service of an*  
 26 *officer who was appointed to the grade of ensign in the*



1 *Navy upon completion of the program to determine the eli-*  
 2 *gibility of the officer for voluntary retirement. Such active*  
 3 *service shall be counted in computing the years of active*  
 4 *service of the officer for all other purposes.”.*

5 ***Subtitle B—Joint Qualified Officers***  
 6 ***and Requirements***

7 ***SEC. 511. REVISIONS TO ANNUAL REPORTING REQUIRE-***  
 8 ***MENT ON JOINT OFFICER MANAGEMENT.***

9 *Section 667 of title 10, United States Code, is amend-*  
 10 *ed—*

11 *(1) in paragraph (1)—*

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

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

16 *“(C) A comparison of the number of officers who*  
 17 *were designated as a joint qualified officer who had*  
 18 *served in a Joint Duty Assignment List billet and*  
 19 *completed Joint Professional Military Education*  
 20 *Phase II, with the number designated as a joint*  
 21 *qualified officer based on their aggregated joint expe-*  
 22 *riences and completion of Joint Professional Military*  
 23 *Education Phase II.”.*

24 *(2) by striking paragraphs (3), (4), (6), and*  
 25 *(12);*

1           (3) by redesignating paragraph (5) as para-  
2 graph (3);

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

5           (5) by inserting after paragraph (8), as so redesi-  
6 gnated, the following new paragraph:

7           “(9) With regard to the principal courses of in-  
8 struction for Joint Professional Military Education  
9 Level II, the number of officers graduating from each  
10 of the following:

11                   “(A) The Joint Forces Staff College.

12                   “(B) The National Defense University.

13                   “(C) Senior Service Schools.”; and

14           (6) by redesignating paragraph (13) as para-  
15 graph (10).

## 16                   **Subtitle C—General Service** 17                   **Authorities**

### 18   **SEC. 521. MEDICAL EXAMINATION REQUIRED BEFORE SEPA-** 19                   **RATION OF MEMBERS DIAGNOSED WITH OR** 20                   **ASSERTING POST-TRAUMATIC STRESS DIS-** 21                   **ORDER OR TRAUMATIC BRAIN INJURY.**

22           (a) *MEDICAL EXAMINATION REQUIRED.*—

23                   (1) *IN GENERAL.*—Chapter 59 of title 10, United  
24 States Code, is amended by inserting after section  
25 1176 the following new section:

1 **“§1177. Members diagnosed with or asserting post-**  
2 **traumatic stress disorder or traumatic**  
3 **brain injury: medical examination re-**  
4 **quired before separation**

5 “(a) *MEDICAL EXAMINATION REQUIRED.—(1) If a*  
6 *member of the armed forces who has been deployed overseas*  
7 *in support of a contingency operation is diagnosed by a*  
8 *physician, clinical psychologist, or psychiatrist as experi-*  
9 *encing post-traumatic stress disorder or traumatic brain*  
10 *injury or otherwise asserts the influence of such a condition,*  
11 *the Secretary concerned may not authorize the involun-*  
12 *tarily separation of the member or separation of the mem-*  
13 *ber under conditions other than honorable until after the*  
14 *member receives a medical examination to evaluate a diag-*  
15 *nosis of post-traumatic stress disorder or traumatic brain*  
16 *injury.*

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

23 “(b) *PURPOSE OF MEDICAL EXAMINATION.—The med-*  
24 *ical examination required by subsection (a) shall endeavor*  
25 *to assess the degree to which the behavior of the member,*  
26 *on which the initial recommendation for an involuntarily*

1 *separation or separation under conditions other than hon-*  
2 *orable is based, has been affected by post-traumatic stress*  
3 *disorder or traumatic brain injury.*

4       “(c) *SECRETARIAL DISCRETION.*—*The Secretary con-*  
5 *cerned shall review the medical examination performed*  
6 *under subsection (a) with respect to a member, and the find-*  
7 *ings and conclusions of any physical evaluation board con-*  
8 *ducted with respect the member, to determine the appro-*  
9 *priate course of action with regard to the separation of the*  
10 *member.”.*

11           (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
12 *tions at the beginning of such chapter is amended by*  
13 *inserting after the item relating to section 1176 the*  
14 *following new item:*

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

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

18           “(d)(1) *In the case of a former member of the armed*  
19 *forces who, while a member, was deployed in support of a*  
20 *contingency operation and who, at any time after such de-*  
21 *ployment, was diagnosed by a physician, clinical psycholo-*  
22 *gist, or psychiatrist as experiencing post-traumatic stress*  
23 *disorder or traumatic brain injury, a board established*  
24 *under this section to review the former member’s discharge*

1 *or dismissal shall include a member who is a physician,*  
2 *clinical psychologist, or psychiatrist.*

3       “(2) *In the case of a former member described in para-*  
4 *graph (1) or a former member whose case involves personal*  
5 *health care issues as supporting rationale or as justification*  
6 *for priority consideration, the Secretary concerned shall*  
7 *render a final decision within six months of the receipt of*  
8 *an application to review a discharge or dismissal. The Sec-*  
9 *retary may delay a final decision beyond six months if the*  
10 *Secretary determines that, due to administrative reasons or*  
11 *to serve the best interest of the former member, a final deci-*  
12 *sion cannot be rendered within such six-month period.*

13       “(3) *When authorized by a former member described*  
14 *in paragraph (1) or (2), a Member of Congress shall be ad-*  
15 *vised of the decision of the board conducting the review of*  
16 *the former member’s discharge or dismissal and the ration-*  
17 *ale used to support the decision.”.*

18 **SEC. 522. EVALUATION OF TEST OF UTILITY OF TEST PREP-**  
19 **ARATION GUIDES AND EDUCATION PRO-**  
20 **GRAMS IN IMPROVING QUALIFICATIONS OF**  
21 **RECRUITS FOR THE ARMED FORCES.**

22       *Section 546(d) of the John Warner National Defense*  
23 *Authorization Act for Fiscal Year 2007 (Public Law 109–*  
24 *364; 120 Stat. 2215) is amended—*

1           (1) *in the second sentence, by striking “in train-*  
2           *ing and unit settings” and inserting “during train-*  
3           *ing and unit assignments”;* and

4           (2) *by adding at the end the following new sen-*  
5           *tence: “Data to make the comparison between the two*  
6           *groups shall be derived from existing sources, which*  
7           *may include performance ratings, separations, pro-*  
8           *motions, awards and decorations, and reenlistment*  
9           *statistics.”.*

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

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

16           (1) *by inserting “(a) ELECTION TO FORWARD*  
17           *CERTIFICATE TO VA OFFICES.—” before “The Sec-*  
18           *retary of Defense”;* and

19           (2) *by adding at the end the following new sub-*  
20           *section:*

21           “(b) **INCLUSION OF EMAIL ADDRESS.**—*The Secretary*  
22 *of Defense shall further modify the DD Form 214 in order*  
23 *to permit a member of the Armed Forces to include an*  
24 *email address on the form.”.*

1                   **Subtitle D—Education and**  
2                   **Training**

3 **SEC. 531. APPOINTMENT OF PERSONS ENROLLED IN AD-**  
4                   **VANCED COURSE OF THE ARMY RESERVE OF-**  
5                   **FICERS' TRAINING CORPS AT MILITARY JUN-**  
6                   **IOR COLLEGES AS CADETS IN ARMY RESERVE**  
7                   **OR ARMY NATIONAL GUARD OF THE UNITED**  
8                   **STATES.**

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

11                   *(1) by striking “17 cadets” and inserting “22 ca-*  
12 *dets”;*

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

15                   *(3) by striking “17 such members” and inserting*  
16 *“22 such members”.*

17 **SEC. 532. INCREASE IN NUMBER OF PRIVATE SECTOR CIVIL-**  
18                   **AINS AUTHORIZED FOR ADMISSION TO NA-**  
19                   **TIONAL DEFENSE UNIVERSITY.**

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

1 **SEC. 533. APPOINTMENTS TO MILITARY SERVICE ACAD-**  
2 **EMIES FROM NOMINATIONS MADE BY DELE-**  
3 **GATE FROM THE COMMONWEALTH OF THE**  
4 **NORTHERN MARIANA ISLANDS.**

5 (a) *UNITED STATES MILITARY ACADEMY.*—Section  
6 4342(a)(10) of title 10, United States Code, is amended by  
7 striking “One cadet” and inserting “Two cadets”.

8 (b) *UNITED STATES NAVAL ACADEMY.*—Section  
9 6954(a)(10) of such title is amended by striking “One” and  
10 inserting “Two”.

11 (c) *UNITED STATES AIR FORCE ACADEMY.*—Section  
12 9342(a)(10) of such title is amended by striking “One  
13 cadet” and inserting “Two cadets”.

14 (d) *EFFECTIVE DATE.*—The amendments made by this  
15 section shall apply with respect to appointments to the  
16 United States Military Academy, the United States Naval  
17 Academy, and the United States Air Force Academy begin-  
18 ning with the first class of candidates nominated for ap-  
19 pointment to these military service academies after the date  
20 of the enactment of this Act.



1 **SEC. 534. PILOT PROGRAM TO ESTABLISH AND EVALUATE**  
2 **LANGUAGE TRAINING CENTERS FOR MEM-**  
3 **BERS OF THE ARMED FORCES AND CIVILIAN**  
4 **EMPLOYEES OF THE DEPARTMENT OF DE-**  
5 **FENSE.**

6 (a) *PILOT PROGRAM REQUIRED.*—*The Secretary of*  
7 *Defense shall carry out a pilot program to establish at least*  
8 *three Language Training Centers at accredited universities,*  
9 *senior military colleges, or other similar institutions of*  
10 *higher education to create the foundational critical and*  
11 *strategic language and regional area expertise, as defined*  
12 *by the Secretary of Defense, for members of the Armed*  
13 *Forces, including reserve component members and Reserve*  
14 *Officers' Training Corps candidates, and civilian employees*  
15 *of the Department of Defense.*

16 (b) *DURATION.*—

17 (1) *TERMINATION DATE.*—*The Language Train-*  
18 *ing Centers under the pilot program shall be estab-*  
19 *lished not later than October 1, 2010, and the author-*  
20 *ity to support the Language Training Centers under*  
21 *the pilot program shall terminate on September 30,*  
22 *2015.*

23 (2) *EFFECT ON PARTICIPANTS.*—*Students par-*  
24 *ticipating in the pilot program before the termination*  
25 *date specified in paragraph (1) may be allowed to*

1       *complete their studies under the program after that*  
2       *date.*

3       *(c) PILOT PROGRAM REQUIREMENTS.—At a min-*  
4       *imum, the Language Training Centers shall—*

5               *(1) develop a program to graduate members of*  
6       *the Armed Forces and civilian employees of the De-*  
7       *partment who are skilled in critical and strategic*  
8       *languages from beginning through advanced skill lev-*  
9       *els;*

10              *(2) develop language proficiency training pro-*  
11       *grams in designated critical and strategic languages*  
12       *tailored to meet operational readiness requirements;*

13              *(3) develop alternative training delivery systems*  
14       *and modalities to meet language and regional area*  
15       *requirements, prior to deployment, during deploy-*  
16       *ment, and post-deployment;*

17              *(4) develop critical and strategic language pro-*  
18       *grams that can be incorporated into Reserve Officers’*  
19       *Training Corps units to develop language skills*  
20       *among future military officers;*

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

24              *(6) develop a program to encourage native and*  
25       *heritage speakers of critical and strategic languages*

1       *for recruitment into the Department of Defense or*  
2       *support the Civilian Linguist Reserve Corps.*

3       *(d) PROGRAM EXPANSION.—The Language Training*  
4       *Centers may partner with elementary and secondary edu-*  
5       *cational institutions to help develop critical and strategic*  
6       *language skills in students who may pursue a military ca-*  
7       *reer.*

8       *(e) PROGRAM COORDINATION.—The Secretary of De-*  
9       *fense shall ensure that the Language Training Centers build*  
10       *upon and take advantage of the experience and leadership*  
11       *of the National Security Education Program and the De-*  
12       *fense Language Institute.*

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

17               *(1) The success of the Language Training Center*  
18               *in providing critical and strategic language capabili-*  
19               *ties to members and Department of Defense employ-*  
20               *ees.*

21               *(2) The ability of the Language Training Center*  
22               *to create foundational critical and strategic language*  
23               *and regional area expertise in support of the Defense*  
24               *Language Transformation Roadmap;*

1           (g) *REPORT TO CONGRESS.*—*Not later than December*  
2 *31, 2015, the Secretary of Defense shall submit to the con-*  
3 *gressional defense committees a report on the pilot program.*

4 *The report shall include the following:*

5           (1) *A description of each Language Training*  
6 *Center.*

7           (2) *An assessment of the effectiveness and the cost*  
8 *of the pilot program taken to create the foundational*  
9 *critical and strategic language and regional area ex-*  
10 *pertise in support of the Defense Language Trans-*  
11 *formation Roadmap.*

12           (3) *The success of each Language Training Cen-*  
13 *ter to provide critical and strategic language capa-*  
14 *bilities to members and Department of Defense em-*  
15 *ployees.*

16           (4) *Recommendations as to whether the pilot*  
17 *programs should be continued, and any modifications*  
18 *that may be necessary to continue the program.*

1 **SEC. 535. USE OF ARMED FORCES HEALTH PROFESSIONS**  
2 **SCHOLARSHIP AND FINANCIAL ASSISTANCE**  
3 **PROGRAM TO INCREASE NUMBER OF HEALTH**  
4 **PROFESSIONALS WITH SKILLS TO ASSIST IN**  
5 **PROVIDING MENTAL HEALTH CARE.**

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

9 (1) *by inserting “(1)” after “(a)”;*

10 (2) *by striking “in the various health profes-*  
11 *sions” and inserting “(A) in the various health pro-*  
12 *fessions or (B) as a health professional with specific*  
13 *skills to assist in providing mental health care to*  
14 *members of the armed forces”;* and

15 (3) *by adding at the end the following new para-*  
16 *graph:*

17 “(2) *Under the program of a military department, the*  
18 *Secretary of that military department shall allocate a por-*  
19 *tion of the total number of scholarships to members of the*  
20 *program described in paragraph (1)(B) for the purpose of*  
21 *assisting such members to pursue a degree at the masters*  
22 *and doctoral level in any of the following disciplines:*

23 “(A) *Social work.*

24 “(B) *Clinical psychology.*

25 “(C) *Psychiatry.*

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

3           (b) *AUTHORIZED NUMBER OF MEMBERS OF THE PRO-*  
4 *GRAM.—Section 2124 of such title is amended—*

5           (1) *by striking “The number” and inserting “(a)*  
6           *AUTHORIZED NUMBER OF MEMBERS OF THE PRO-*  
7           *GRAM.—The number”;*

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

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

12          “(b) *MENTAL HEALTH PROFESSIONALS.—Of the num-*  
13          *ber of persons designated as members of the program at any*  
14          *time, 300 may be members of the program described in sec-*  
15          *tion 2121(a)(1)(B) of this title.*”.

16          (c) *FUNDING SOURCE.—Of the amounts authorized to*  
17          *be appropriated to the Department of Defense for military*  
18          *personnel accounts for fiscal year 2010, not more than*  
19          *\$20,000,000 shall be available to cover the additional costs*  
20          *incurred to implement the amendments made by this sec-*  
21          *tion.*

1 **SEC. 536. ESTABLISHMENT OF JUNIOR RESERVE OFFICER'S**  
2 **TRAINING CORPS UNITS FOR STUDENTS IN**  
3 **GRADES ABOVE SIXTH GRADE.**

4 *Section 2031 of title 10, United States Code, is amend-*  
5 *ed by adding at the end the following new subsection:*

6 *“(g)(1) In addition to units of the Junior Reserve Offi-*  
7 *cers’ Training Corps established at public and private sec-*  
8 *ondary educational institutions under subsection (a), the*  
9 *Secretary of each military department may carry out a*  
10 *pilot program to establish and support units at public and*  
11 *private educational institutions that are not secondary edu-*  
12 *cational institutions to permit the enrollment of students*  
13 *in the Corps who, notwithstanding the limitation in sub-*  
14 *section (b)(1), are in a grade above the sixth grade.*

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

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

20 *“(B) that the Secretary of the military depart-*  
21 *ment concerned may authorize a course of military*  
22 *instruction of not less than two academic years’ dura-*  
23 *tion, notwithstanding subsection (b)(3).*

24 *“(3) The Secretary of the military department con-*  
25 *cerned shall conduct a review of the pilot program. The re-*  
26 *view shall include an evaluation of what impacts, if any,*

1 *the pilot program may have on the operation of the Junior*  
 2 *Reserve Officers' Training Corps in secondary educational*  
 3 *institutions.”.*

4       ***Subtitle E—Defense Dependents’***  
 5                               ***Education***

6 ***SEC. 551. CONTINUATION OF AUTHORITY TO ASSIST LOCAL***  
 7                               ***EDUCATIONAL AGENCIES THAT BENEFIT DE-***  
 8                               ***PENDENTS OF MEMBERS OF THE ARMED***  
 9                               ***FORCES AND DEPARTMENT OF DEFENSE CI-***  
 10                              ***VILIAN EMPLOYEES.***

11       (a) *ASSISTANCE TO SCHOOLS WITH SIGNIFICANT*  
 12 *NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the*  
 13 *amount authorized to be appropriated for fiscal year 2010*  
 14 *pursuant to section 301(5) for operation and maintenance*  
 15 *for Defense-wide activities, \$50,000,000 shall be available*  
 16 *only for the purpose of providing assistance to local edu-*  
 17 *cational agencies under subsection (a) of section 572 of the*  
 18 *National Defense Authorization Act for Fiscal Year 2006*  
 19 *(Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).*

20       (b) *ASSISTANCE TO SCHOOLS WITH ENROLLMENT*  
 21 *CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE*  
 22 *CHANGES, OR FORCE RELOCATIONS.—Of the amount au-*  
 23 *thorized to be appropriated for fiscal year 2010 pursuant*  
 24 *to section 301(5) for operation and maintenance for De-*  
 25 *fense-wide activities, \$15,000,000 shall be available only for*



1 *the purpose of providing assistance to local educational*  
2 *agencies under subsection (b) of such section 572.*

3 (c) *LOCAL EDUCATIONAL AGENCY DEFINED.*—*In this*  
4 *section, the term “local educational agency” has the mean-*  
5 *ing given that term in section 8013(9) of the Elementary*  
6 *and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).*

7 **SEC. 552. DETERMINATION OF NUMBER OF WEIGHTED STU-**  
8 **DENT UNITS FOR LOCAL EDUCATIONAL**  
9 **AGENCIES FOR RECEIPT OF BASIC SUPPORT**  
10 **PAYMENTS UNDER IMPACT AID.**

11 *Section 8003(a)(2)(C)(i) of the Elementary and Sec-*  
12 *ondary Education Act of 1965 (20 U.S.C. 7703(a)(2)(C)(i))*  
13 *is amended by striking “6,500” and inserting “5,000”.*

14 **SEC. 553. PERMANENT AUTHORITY FOR ENROLLMENT IN**  
15 **DEFENSE DEPENDENTS’ EDUCATION SYSTEM**  
16 **OF DEPENDENTS OF FOREIGN MILITARY**  
17 **MEMBERS ASSIGNED TO SUPREME HEAD-**  
18 **QUARTERS ALLIED POWERS, EUROPE.**

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

23 (b) *COMBATANT COMMANDER ADVICE AND ASSIST-*  
24 *ANCE.*—*Subsection (c)(1) of such section is amended by*  
25 *adding at the end the following new sentence: “The Sec-*

1 *retary shall prescribe such methodology with the advice and*  
2 *assistance of the commander of the geographic combatant*  
3 *command with jurisdiction over Mons, Belgium.”.*

4 ***Subtitle F—Missing or Deceased***  
5 ***Persons***

6 ***SEC. 561. ADDITIONAL REQUIREMENTS FOR ACCOUNTING***  
7 ***FOR MEMBERS OF THE ARMED FORCES AND***  
8 ***DEPARTMENT OF DEFENSE CIVILIAN EM-***  
9 ***PLOYEES LISTED AS MISSING IN CONFLICTS***  
10 ***OCCURRING BEFORE ENACTMENT OF NEW***  
11 ***SYSTEM FOR ACCOUNTING FOR MISSING PER-***  
12 ***SONS.***

13 *(a) IMPOSITION OF ADDITIONAL REQUIREMENTS.—*  
14 *Section 1509 of title 10, United States Code, is amended*  
15 *to read as follows:*

16 ***“§ 1509. Program to resolve preenactment missing per-***  
17 ***son cases***

18 *“(a) PROGRAM REQUIRED; COVERED CONFLICTS.—*  
19 *The Secretary of Defense shall implement a comprehensive,*  
20 *coordinated, integrated, and fully resourced program to ac-*  
21 *count for persons described in subparagraph (A) or (B) of*  
22 *section 1513(1) of this title who are unaccounted for from*  
23 *the following conflicts:*

24 *“(1) World War II during the period beginning*  
25 *on December 7, 1941, and ending on December 31,*

1 1946, including members of the Armed Forces who  
2 were lost during flight operations in the Pacific the-  
3 ater of operations covered by section 576 of the Na-  
4 tional Defense Authorization Act for Fiscal Year 2000  
5 (Public Law 106–65; 113 Stat. 624; 10 U.S.C. 1501  
6 note).

7 “(2) *The Cold War during the period beginning*  
8 *on September 2, 1945, and ending on August 21,*  
9 *1991.*

10 “(3) *The Korean War during the period begin-*  
11 *ning on June 27, 1950, and ending on January 31,*  
12 *1955.*

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

16 “(5) *The Persian Gulf War during the period be-*  
17 *ginning on August 2, 1990, and ending on February*  
18 *28, 1991.*

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

22 “(b) *IMPLEMENTATION PROCESS.—(1) The Secretary*  
23 *of Defense shall implement the program within the Depart-*  
24 *ment of Defense POW/MIA accounting community.*

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

3           “(A) The Defense Prisoner of War/Missing Per-  
4 sonnel Office (DPMO).

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

7           “(C) The Armed Forces DNA Identification Lab-  
8 oratory (AFDIL).

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

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

13           “(F) Any other element of the Department of De-  
14 fense the mission of which (as designated by the Sec-  
15 retary of Defense) involves the accounting for and re-  
16 covery of members of the armed forces who are miss-  
17 ing in action or prisoners of war or who are unac-  
18 counted for, such as the Stony Beach Program.

19       “(c) TREATMENT AS MISSING PERSONS.—Each unac-  
20 counted for person covered by subsection (a) shall be consid-  
21 ered to be a missing person for purposes of the applicability  
22 of other provisions of this chapter to the person.

23       “(d) ESTABLISHMENT OF PERSONNEL FILES.—(1)  
24 The Secretary of Defense shall ensure that a personnel file

1 *is established and maintained for each person covered by*  
2 *subsection (a) if the Secretary—*

3           “(A) *possesses any information relevant to the*  
4           *status of the person; or*

5           “(B) *receives any new information regarding the*  
6           *missing person as provided in subsection (d).*

7           “(2) *The Secretary of Defense shall ensure that each*  
8 *file established under this subsection contains all relevant*  
9 *information pertaining to a person covered by subsection*  
10 *(a) and is readily accessible to all elements of the depart-*  
11 *ment, the combatant commands, and the armed forces in-*  
12 *volved in the effort to account for the person.*

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

18           “(e) *REVIEW OF STATUS REQUIREMENTS.—(1) If new*  
19 *information (as described in paragraph (3)) is found or re-*  
20 *ceived that may be related to one or more unaccounted for*  
21 *persons covered by subsection (a), whether or not such infor-*  
22 *mation specifically relates (or may specifically relate) to*  
23 *any particular such unaccounted for person, that informa-*  
24 *tion shall be provided to the Secretary of Defense.*

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

3               “(A) the information is treated under paragraph  
4 (2) of subsection (c) of section 1505 of this title, relat-  
5 ing to addition of the information to the personnel  
6 file of a person and notification requirements, in the  
7 same manner as information received under para-  
8 graph (1) under such subsection; and

9               “(B) the information is treated under paragraph  
10 (3) of subsection (c) and subsection (d) of such sec-  
11 tion, relating to a board review under such section,  
12 in the same manner as information received under  
13 paragraph (1) of such subsection (c).

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

16               “(A) is found or received after November 18,  
17 1997, by a United States intelligence agency, by a  
18 Department of Defense agency, or by a person speci-  
19 fied in section 1504(g) of this title; or

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

24       “(f) *COORDINATION REQUIREMENTS.*—(1) In estab-  
25 lishing and carrying out the program, the Secretary of De-

1 *fense shall coordinate with the Secretaries of the military*  
2 *departments, the Chairman of the Joint Chiefs of Staff, and*  
3 *the combatant commanders.*

4       “(2) *In carrying out the program, the Secretary of De-*  
5 *fense shall establish close coordination with the Department*  
6 *of State, the Central Intelligence Agency, and the National*  
7 *Security Council to enhance the ability of the Department*  
8 *of Defense POW/MIA accounting community to account for*  
9 *persons covered by subsection (a).”.*

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

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

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

20       **(d) IMPLEMENTATION.**—

21           **(1) PRIORITY.**—*A priority of the program re-*  
22 *quired by section 1509 of title 10, United States Code,*  
23 *as amended by subsection (a), to resolve missing per-*  
24 *son cases arising before the enactment of chapter 76*  
25 *of such title by section 569 of the National Defense*

1 *Authorization Act for Fiscal Year 1996 (Public Law*  
2 *104–106; 110 Stat. 336) shall be the return of missing*  
3 *persons to United States control alive.*

4 (2) *ACCOUNTING FOR GOAL.—In implementing*  
5 *the program, the Secretary of Defense, in coordina-*  
6 *tion with the officials specified in subsection (f)(1) of*  
7 *section 1509 of title 10, United States Code, shall take*  
8 *such measures as the Secretary considers appropriate*  
9 *to increase significantly the capability and capacity*  
10 *of the Department of Defense, the Armed Forces, and*  
11 *combatant commanders to account for missing per-*  
12 *sons, as defined by section 1513(3)(B) of such title.*  
13 *Such measures shall include fully funding, manning,*  
14 *and resourcing the Department of Defense-wide effort*  
15 *to ensure that, at a minimum—*

16 (A) *200 missing persons are accounted for*  
17 *under the program annually beginning with fis-*  
18 *cal year 2015; and*

19 (B) *350 missing persons are accounted for*  
20 *under the program annually beginning with fis-*  
21 *cal year 2020.*



1 **SEC. 562. CLARIFICATION OF GUIDELINES REGARDING RE-**  
2 **TURN OF REMAINS AND MEDIA ACCESS AT**  
3 **CEREMONIES FOR THE DIGNIFIED TRANSFER**  
4 **OF REMAINS AT DOVER AIR FORCE BASE.**

5 (a) *PROMPT RETURN.*—*The remains of a deceased*  
6 *member of the Armed Forces shall be recovered from the the-*  
7 *ater of combat operations and returned to the United States*  
8 *via the Dover Port Mortuary without delay unless very spe-*  
9 *cific extenuating circumstances presented by the person des-*  
10 *ignated pursuant to section 1482(c) of title 10, United*  
11 *States Code, to direct disposition of the remains of the dece-*  
12 *dent (in this section referred to as the “primary next of*  
13 *kin”) dictate otherwise and can reasonably be accommo-*  
14 *dated by the Department.*

15 (b) *MEDIA ACCESS.*—

16 (1) *DECISION OF PRIMARY NEXT OF KIN.*—*The*  
17 *primary next of kin of a deceased member of the*  
18 *Armed Forces shall make the family decision regard-*  
19 *ing media access at ceremonies for the dignified*  
20 *transfer of the remains of the decedent at Dover Air*  
21 *Force Base. The option to allow media access shall be*  
22 *briefed to the primary next of kin at the time of ini-*  
23 *tial notification or as soon as practicable thereafter.*  
24 *Media access to dignified transfers shall only be per-*  
25 *mitted with the approval of the primary next of kin.*  
26 *Media contact, filming or recording of family mem-*

1        *bers shall be permitted only if specifically requested*  
2        *by the primary next of kin.*

3            (2) *RELATION TO CURRENT DOD CASUALTY IN-*  
4        *FORMATION POLICY.—Media access approved by the*  
5        *primary next of kin shall waive the Department of*  
6        *Defense policy on 24-hour delay in release of casualty*  
7        *information to the media and general public for that*  
8        *specific case.*

9            (3) *MEMBER PREFERENCE.—The Secretary of*  
10        *Defense shall develop a long-term plan to obtain the*  
11        *preference of members of the Armed Forces regarding*  
12        *media access at ceremonies for the dignified transfer*  
13        *of the remains of the member if they ever become a*  
14        *casualty.*

15            (c) *TRAVEL AND TRANSPORTATION ALLOWANCE.—The*  
16        *Secretary of a military department shall provide the pri-*  
17        *mary next of kin and two additional family members of*  
18        *a deceased member of the Armed Forces with travel to, and*  
19        *from, Dover Air Force Base via Invitational Travel Author-*  
20        *izations to attend the dignified transfer ceremony. The Sec-*  
21        *retary may include additional family members on a case-*  
22        *by-case basis. At the discretion of the Secretary, and at the*  
23        *request of the primary next of kin, the service casualty as-*  
24        *sistance officer or family liaison officer may escort and ac-*

1 *company the primary next of kin to the dignified transfer*  
2 *ceremony.*

3 (d) *EFFECTIVE DATE.*—*This section shall take effect*  
4 *one year after the date of the enactment of this Act.*

5 ***Subtitle G—Decorations and***  
6 ***Awards***

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

10 (a) *IN GENERAL.*—*The Secretary of the military de-*  
11 *partment concerned shall, upon the application of an indi-*  
12 *vidual who is an eligible veteran, award that individual*  
13 *the Vietnam Service Medal, notwithstanding any otherwise*  
14 *applicable requirements for the award of that medal. Any*  
15 *such award shall be made in lieu of any Armed Forces Ex-*  
16 *peditionary Medal awarded the individual for the individ-*  
17 *ual’s participation in the Mayaguez rescue operation.*

18 (b) *ELIGIBLE VETERAN.*—*For purposes of this section,*  
19 *the term “eligible veteran” means a member or former mem-*  
20 *ber of the Armed Forces who was awarded the Armed Forces*  
21 *Expeditionary Medal for participation in military oper-*  
22 *ations known as the Mayaguez rescue operation of May 12–*  
23 *15, 1975.*

1 **SEC. 572. AUTHORIZATION AND REQUEST FOR AWARD OF**  
2 **MEDAL OF HONOR TO ANTHONY T.**  
3 **KOHO'OHANO HANO FOR ACTS OF VALOR**  
4 **DURING THE KOREAN WAR.**

5 (a) *AUTHORIZATION.*—Notwithstanding the time limi-  
6 tations specified in section 3744 of title 10, United States  
7 Code, or any other time limitation with respect to the  
8 awarding of certain medals to persons who served in the  
9 Armed Forces, the President is authorized and requested to  
10 award the Medal of Honor under section 3741 of such title  
11 to former Private First Class Anthony T. Koho'ohanohano  
12 for the acts of valor during the Korean War described in  
13 subsection (b).

14 (b) *ACTS OF VALOR DESCRIBED.*—The acts of valor  
15 referred to in subsection (a) are the actions of then Private  
16 First Class Anthony T. Koho'ohanohano of Company H of  
17 the 17th Infantry Regiment of the 7th Infantry Division  
18 on September 1, 1951, during the Korean War for which  
19 he was originally awarded the distinguished-service cross.

20 **SEC. 573. AUTHORIZATION AND REQUEST FOR AWARD OF**  
21 **DISTINGUISHED-SERVICE CROSS TO JACK T.**  
22 **STEWART FOR ACTS OF VALOR DURING THE**  
23 **VIETNAM WAR.**

24 (a) *AUTHORIZATION.*—Notwithstanding the time limi-  
25 tations specified in section 3744 of title 10, United States  
26 Code, or any other time limitation with respect to the

1 *awarding of certain medals to persons who served in the*  
2 *Armed Forces, the Secretary of the Army is authorized and*  
3 *requested to award the distinguished-service cross under sec-*  
4 *tion 3742 of such title to former Captain Jack T. Stewart*  
5 *of the United States Army for the acts of valor during the*  
6 *Vietnam War described in subsection (b).*

7       **(b) ACTS OF VALOR DESCRIBED.**—*The acts of valor*  
8 *referred to in subsection (a) are the actions of Captain Jack*  
9 *T. Stewart as commander of a two-platoon Special Forces*  
10 *Mike Force element in combat with two battalions of the*  
11 *North Vietnamese Army on March 24, 1967, during the*  
12 *Vietnam War.*

13 **SEC. 574. AUTHORIZATION AND REQUEST FOR AWARD OF**  
14                   **DISTINGUISHED-SERVICE CROSS TO WILLIAM**  
15                   **T. MILES, JR., FOR ACTS OF VALOR DURING**  
16                   **THE KOREAN WAR.**

17       **(a) AUTHORIZATION.**—*Notwithstanding the time limi-*  
18 *tations specified in section 3744 of title 10, United States*  
19 *Code, or any other time limitation with respect to the*  
20 *awarding of certain medals to persons who served in the*  
21 *Armed Forces, the Secretary of the Army is authorized and*  
22 *requested to award the distinguished-service cross under sec-*  
23 *tion 3742 of such title to former to former Sergeant First*  
24 *William T. Miles, Jr., of the United States Army for the*

1 acts of valor during the Korean War described in subsection  
2 (b).

3 (b) *ACTS OF VALOR DESCRIBED.*—The acts of valor  
4 referred to in subsection (a) are the actions of Sergeant  
5 First Class William T. Miles, Jr., as a member of United  
6 States Special Forces from June 18, 1951, to July 6, 1951,  
7 during the Korean War, when he fought a delaying action  
8 against enemy forces in order to allow other members of  
9 his squad to escape an ambush.

## 10 ***Subtitle H—Military Families***

### 11 ***SEC. 581. PILOT PROGRAM TO SECURE INTERNSHIPS FOR*** 12 ***MILITARY SPOUSES WITH FEDERAL AGEN-*** 13 ***CIES.***

14 (a) *COST-REIMBURSEMENT AGREEMENTS WITH FED-*  
15 *ERAL AGENCIES.*—The Secretary of Defense may enter into  
16 an agreement with the head of an executive department or  
17 agency that has an established internship program to reim-  
18 burse the department or agency for authorized costs associ-  
19 ated with the first year of employment of an eligible mili-  
20 tary spouse who is selected to participate in the internship  
21 program of the department or agency.

22 (b) *ELIGIBLE MILITARY SPOUSES.*—

23 (1) *ELIGIBILITY.*—Except as provided in para-  
24 graph (2), any person who is married to a member  
25 of the Armed Forces on active duty is eligible for se-

1        *lection to participate in an internship program under*  
2        *a reimbursement agreement entered into under sub-*  
3        *section (a).*

4            (2) *EXCLUSIONS.—Reimbursement may not be*  
5        *provided with respect to the following persons:*

6            (A) *A person who is legally separated from*  
7        *a member of the Armed Forces under court order*  
8        *or statute of any State, the District of Columbia,*  
9        *or possession of the United States when the per-*  
10       *son begins the internship.*

11          (B) *A person who is also a member of the*  
12       *Armed Forces on active duty.*

13          (C) *A person who is a retired member of the*  
14       *Armed Forces.*

15        (c) *FUNDING SOURCE.—Amounts authorized to be ap-*  
16       *propriated for operation and maintenance, for Defense-wide*  
17       *activities, shall be available to carry out this section.*

18        (d) *DEFINITIONS.—In this section:*

19            (1) *The term “authorized costs” includes the*  
20       *costs of the salary, benefits and allowances, and train-*  
21       *ing for an eligible military spouse during the first*  
22       *year of the participation of the military spouse in an*  
23       *internship program pursuant to an agreement under*  
24       *subsection (a).*

1           (2) *The term “internship” means a professional,*  
2           *analytical, or administrative position in the Federal*  
3           *Government that operates under a developmental pro-*  
4           *gram leading to career advancement.*

5           (e) *TERMINATION OF AGREEMENT AUTHORITY.—No*  
6           *agreement may be entered into under subsection (a) after*  
7           *September 30, 2011. Authorized costs incurred after that*  
8           *date may be reimbursed under an agreement entered into*  
9           *before that date in the case of eligible military spouses who*  
10          *begin their internship by that date.*

11          (f) *REPORTING REQUIREMENT.—Not later than Janu-*  
12          *ary 1, 2012, the Secretary of Defense shall submit to the*  
13          *congressional defense committees a report that provides in-*  
14          *formation on how many eligible military spouses received*  
15          *internships pursuant to agreements entered into under sub-*  
16          *section (a) and the types of internship positions they occu-*  
17          *pled. The report shall specify the number of interns who*  
18          *subsequently obtained permanent employment with the de-*  
19          *partment or agency administering the internship program*  
20          *or with another department or agency. The Secretary shall*  
21          *include a recommendation regarding whether, given the in-*  
22          *vestment of Department of Defense funds, the authority to*  
23          *enter into agreements should be extended, modified, or ter-*  
24          *minated.*



1 **SEC. 582. REPORT ON PROGRESS MADE IN IMPLEMENTING**  
2 **RECOMMENDATIONS TO REDUCE DOMESTIC**  
3 **VIOLENCE IN MILITARY FAMILIES.**

4 (a) *ASSESSMENT.*—The Comptroller General shall re-  
5 view and assess the progress made by the Department of  
6 Defense in implementing the recommendations contained in  
7 the report by the Comptroller General entitled “Military  
8 Personnel: Progress Made in Implementing Recommenda-  
9 tions to reduce Domestic Violence, but Further Management  
10 Action Needed” (GAO-06-540).

11 (b) *REPORT.*—Not later than 180 days after the date  
12 of the enactment of this Act, the Comptroller General shall  
13 submit to the congressional defense committees a report con-  
14 taining the results of the review and assessment under sub-  
15 section (a).

16 **SEC. 583. MODIFICATION OF SERVICEMEMBERS CIVIL RE-**  
17 **LIEF ACT REGARDING TERMINATION OR SUS-**  
18 **PENSION OF SERVICE CONTRACTS AND EF-**  
19 **FECT OF VIOLATION OF INTEREST RATE LIMI-**  
20 **TATION.**

21 (a) *TERMINATION OR SUSPENSION OF SERVICE CON-*  
22 *TRACTS.*—Section 305A of the Servicemembers Civil Relief  
23 Act (50 U.S.C. App. 535a) is amended to read as follows:

1 **“SEC. 305A. TERMINATION OR SUSPENSION OF SERVICE**  
2 **CONTRACTS.**

3 “(a) *TERMINATION OR SUSPENSION BY SERVICEMEM-*  
4 *BER.*—*A servicemember who is party to or enters into a*  
5 *contract described in subsection (c) may terminate or sus-*  
6 *pend, at the servicemember’s option, the contract at any*  
7 *time after the date of the servicemember’s military orders,*  
8 *as described in subsection (c).*

9 “(b) *SPECIAL RULES.*—

10 “(1) *A suspension under subsection (a) of a con-*  
11 *tract by a servicemember shall continue for the length*  
12 *of the servicemember’s deployment pursuant to the*  
13 *servicemember’s military orders.*

14 “(2) *A service provider under a contract sus-*  
15 *pended or terminated under subsection (a) by a*  
16 *servicemember may not impose a suspension fee or*  
17 *early termination fee in connection with the suspen-*  
18 *sion or termination of the contract, other than a*  
19 *nominal fee for the suspension; except that the service*  
20 *provider may impose a reasonable fee for any equip-*  
21 *ment remaining on the premises of the servicemember*  
22 *during the period of the suspension. The servicemem-*  
23 *ber may defer, without penalty, payment of such a*  
24 *nominal fee or reasonable fee for the length of the*  
25 *servicemember’s deployment pursuant to the*  
26 *servicemember’s military orders.*

1           “(3) *In any case in which the contract being sus-*  
2           *pending under subsection (a) is for cellular telephone*  
3           *service or telephone exchange service, the*  
4           *servicemember, after the date on which the suspension*  
5           *of the contract ends, may keep, to the extent prac-*  
6           *ticable and in accordance with all applicable laws*  
7           *and regulations, the same telephone number the*  
8           *servicemember had before the servicemember sus-*  
9           *pending the contract.*

10          “(c) *COVERED CONTRACTS.—This section applies to a*  
11          *contract for cellular telephone service, telephone exchange*  
12          *service, multichannel video programming service, Internet*  
13          *access service, water, electricity, oil, gas, or other utility*  
14          *if the servicemember enters into the contract and thereafter*  
15          *receives military orders—*

16                 “(1) *to deploy with a military unit, or as an in-*  
17                 *dividual, in support of a contingency operation for a*  
18                 *period of not less than 90 days; or*

19                 “(2) *for a change of permanent station to a loca-*  
20                 *tion that does not support the contract.*

21          “(d) *MANNER OF TERMINATION OR SUSPENSION.—*

22                 “(1) *IN GENERAL.—Termination or suspension*  
23                 *of a contract under subsection (a) is made by delivery*  
24                 *by the servicemember of written notice of such termi-*  
25                 *nation or suspension and a copy of the*

1        *servicemember’s military orders to the other party to*  
2        *the contract (or to that party’s grantee or agent).*

3            “(2) *NATURE OF NOTICE.—Delivery of notice*  
4        *under paragraph (1) may be accomplished—*

5                    “(A) *by hand delivery;*

6                    “(B) *by private business carrier;*

7                    “(C) *by facsimile; or*

8                    “(D) *by placing the written notice and a*  
9        *copy of the servicemember’s military orders in*  
10        *an envelope with sufficient postage and with re-*  
11        *turn receipt requested, and addressed as des-*  
12        *ignated by the party to be notified (or that par-*  
13        *ty’s grantee or agent), and depositing the enve-*  
14        *lope in the United States mails.*

15            “(e) *DATE OF CONTRACT TERMINATION OR SUSPEN-*  
16        *SION.—Termination or suspension of a service contract*  
17        *under subsection (a) is effective as of the date on which the*  
18        *notice under subsection (d) is delivered.*

19            “(f) *OTHER OBLIGATIONS AND LIABILITIES.—The*  
20        *service provider under the contract may not impose an*  
21        *early termination or suspension charge, but any tax or any*  
22        *other obligation or liability of the servicemember that, in*  
23        *accordance with the terms of the contract, is due and un-*  
24        *paid or unperformed at the time of termination or suspen-*

1 *sion of the contract shall be paid or performed by the serv-*  
2 *icemember.*

3       “(g) *FEEES PAID IN ADVANCE.*—*A fee or amount paid*  
4 *in advance for a period after the effective date of the termi-*  
5 *nation of the contract shall be refunded to the*  
6 *servicemember by the other party (or that party’s grantee*  
7 *or agent) within 60 days of the effective date of the termi-*  
8 *nation of the contract.*

9       “(h) *RELIEF TO OTHER PARTY.*—*Upon application by*  
10 *the other party to the contract to a court before the termi-*  
11 *nation date provided in the written notice, relief granted*  
12 *by this section to a servicemember may be modified as jus-*  
13 *tice and equity require.*

14       “(i) *CRIMINAL PENALTY.*—*Whoever knowingly violates*  
15 *this section shall be fined not more than \$5,000 in the case*  
16 *of an individual or \$10,000 in the case of an organization.*

17       “(j) *PRIVATE RIGHT OF ACTION.*—

18               “(1) *IN GENERAL.*—*A servicemember harmed by*  
19 *a violation of this section may in a civil action—*

20                       “(A) *obtain any appropriate equitable relief*  
21 *with respect to the violation; and*

22                       “(B) *recover an amount equal to three times*  
23 *the damages sustained as a result of the viola-*  
24 *tion.*

1           “(2) *COSTS AND ATTORNEY FEES.*—*The court*  
2           *shall award to a servicemember who prevails in an*  
3           *action under paragraph (1) the costs of the action, in-*  
4           *cluding a reasonable attorney fee.*

5           “(3) *PRESERVATION OF OTHER REMEDIES.*—  
6           *Nothing in this section shall be construed to preclude*  
7           *or limit any remedy otherwise available under law to*  
8           *the servicemember with respect to conduct prohibited*  
9           *under this section.*

10          “(k) *DEFINITIONS.*—*In this section:*

11           “(1) *MULTICHANNEL VIDEO PROGRAMMING SERV-*  
12           *ICE.*—*The term ‘multichannel video programming*  
13           *service’ means video programming service provided by*  
14           *a multichannel video programming distributor, as*  
15           *such term is defined in section 602(13) of the Com-*  
16           *munications Act of 1934 (47 U.S.C. 522(13)).*

17           “(2) *INTERNET ACCESS SERVICE.*—*The term*  
18           *‘Internet access service’ has the meaning given that*  
19           *term under section 231(e)(4) of the Communications*  
20           *Act of 1934 (47 U.S.C. 231(e)(4)).*

21           “(3) *CELLULAR TELEPHONE SERVICE.*—*The*  
22           *term ‘cellular telephone service’ means commercial*  
23           *mobile service, as that term is defined in section*  
24           *332(d) of the Communications Act of 1934 (47 U.S.C.*  
25           *332(d)).*

1           “(4) *TELEPHONE EXCHANGE SERVICE.*—The  
2           term ‘telephone exchange service’ has the meaning  
3           given that term under section 3 of the Communica-  
4           tions Act of 1934 (47 U.S.C. 153).”.

5           (b) *CLERICAL AMENDMENT.*—The table of contents in  
6           section 1(b) of such Act is amended by striking the item  
7           relating to section 305A and inserting the following new  
8           item:

          “Sec. 305A. *Termination or suspension of service contracts.*”.

9           (c) *VIOLATION OF INTEREST RATE LIMITATION.*—Sec-  
10          tion 207 of such Act is amended—

11           (1) by amending subsection (e) to read as fol-  
12          lows:

13          “(e) *CRIMINAL PENALTY.*—

14           “(1) *IN GENERAL.*—Whoever knowingly violates  
15          this section shall be fined not more than \$5,000 in the  
16          case of an individual or \$10,000 in the case of an or-  
17          ganization.

18           “(2) *DETERMINATION OF NUMBER OF VIOLA-*  
19          *TIONS.*—The court shall count as a separate violation  
20          each obligation or liability of a servicemember with  
21          respect to which—

22           “(A) the servicemember properly provided to  
23          the creditor written notice and a copy of the  
24          military orders calling the servicemember to

1           *military service and any orders further extend-*  
2           *ing military service under subsection (b); and*

3           *“(B) the creditor fails to act in accordance*  
4           *with subsection (a).”;*

5           *(2) by redesignating subsection (f) as subsection*  
6           *(g);*

7           *(3) by inserting after subsection (e) the following*  
8           *new subsection (f):*

9           *“(f) RIGHTS OF SERVICEMEMBERS.—*

10           *“(1) PRIVATE RIGHT OF ACTION .—A*  
11           *servicemember harmed by a violation of this section*  
12           *may in a civil action—*

13           *“(A) obtain any appropriate equitable relief*  
14           *with respect to the violation; and*

15           *“(B) recover an amount equal to three times*  
16           *the damages sustained as a result of the viola-*  
17           *tion.*

18           *“(2) COSTS AND ATTORNEY FEES.—The court*  
19           *shall award to a servicemember who prevails in an*  
20           *action under paragraph (1) the costs of the action, in-*  
21           *cluding a reasonable attorney fee.*

22           *“(3) PRESERVATION OF OTHER REMEDIES.—*  
23           *Nothing in this section shall be construed to preclude*  
24           *or limit any remedy otherwise available under law to*



1 *the servicemember with respect to conduct prohibited*  
2 *under this section.”; and*

3 *(4) in subsection (g), as redesignated by para-*  
4 *graph (2) of this subsection, by inserting “and (f)”*  
5 *after “subsection (e)”.*

6 *(d) EFFECTIVE DATE.—The amendment made by sub-*  
7 *section (a) shall apply with respect to a contract entered*  
8 *into on or after the date of the enactment of this Act.*

9 **SEC. 584. PROTECTION OF CHILD CUSTODY ARRANGE-**  
10 **MENTS FOR PARENTS WHO ARE MEMBERS OF**  
11 **THE ARMED FORCES DEPLOYED IN SUPPORT**  
12 **OF A CONTINGENCY OPERATION.**

13 *(a) CHILD CUSTODY PROTECTION.—Title II of the*  
14 *Servicemembers Civil Relief Act (50 U.S.C. App. 521 et*  
15 *seq.) is amended by adding at the end the following new*  
16 *section:*

17 **“SEC. 208. CHILD CUSTODY PROTECTION.**

18 *“(a) RESTRICTION ON CHANGE OF CUSTODY.—If a*  
19 *motion for change of custody of a child of a servicemember*  
20 *is filed while the servicemember is deployed in support of*  
21 *a contingency operation, no court may enter an order modi-*  
22 *fying or amending any previous judgment or order, or issue*  
23 *a new order, that changes the custody arrangement for that*  
24 *child that existed as of the date of the deployment of the*  
25 *servicemember, except that a court may enter a temporary*

1 *custody order if the court finds that it is in the best interest*  
2 *of the child.*

3       “(b) *COMPLETION OF DEPLOYMENT.*—*In any pre-*  
4 *ceding covered under subsection (a), a court shall require*  
5 *that, upon the return of the servicemember from deployment*  
6 *in support of a contingency operation, the custody order*  
7 *that was in effect immediately preceding the date of the de-*  
8 *ployment of the servicemember is reinstated, unless the*  
9 *court finds that such a reinstatement is not in the best in-*  
10 *terest of the child, except that any such finding shall be*  
11 *subject to subsection (c).*

12       “(c) *EXCLUSION OF MILITARY SERVICE FROM DETER-*  
13 *MINATION OF CHILD’S BEST INTEREST.*—*If a motion for*  
14 *the change of custody of the child of a servicemember is filed,*  
15 *no court may consider the absence of the servicemember by*  
16 *reason of deployment, or possibility of deployment, in deter-*  
17 *mining the best interest of the child.*

18       “(d) *NO FEDERAL RIGHT OF ACTION.*—*Nothing in*  
19 *this section shall create a Federal right of action.*

20       “(e) *PREEMPTION.*—*In any case where State or Fed-*  
21 *eral law applicable to a child custody proceeding under*  
22 *State or Federal law provides a higher standard of protec-*  
23 *tion to the rights of the parent who is a servicemember than*  
24 *the rights provided under this section, the State or Federal*  
25 *court shall apply the State or Federal standard.*

1       “(f) *CONTINGENCY OPERATION DEFINED.*—*In this sec-*  
 2 *tion, the term ‘contingency operation’ has the meaning*  
 3 *given that term in section 101(a)(13) of title 10, United*  
 4 *States Code, except that the term may include such other*  
 5 *deployments as the Secretary may prescribe.”.*

6       (b) *CLERICAL AMENDMENT.*—*The table of contents in*  
 7 *section 1(b) of such Act is amended by adding at the end*  
 8 *of the items relating to title II the following new item:*

“208. *Child custody protection.*”.

9       **SEC. 585. DEFINITIONS IN FAMILY AND MEDICAL LEAVE**  
 10                                   **ACT OF 1993 RELATED TO ACTIVE DUTY,**  
 11                                   **SERVICEMEMBERS, AND RELATED MATTERS.**

12       (a) *DEFINITION OF COVERED ACTIVE DUTY.*—

13               (1) *DEFINITION.*—*Paragraph (14) of section 101*  
 14 *of the Family and Medical Leave Act of 1993 (29*  
 15 *U.S.C. 2611) is amended—*

16                       (A) *by striking all that precedes “under a*  
 17 *call” and inserting the following:*

18                       “(14) *COVERED ACTIVE DUTY.*—*The term ‘cov-*  
 19 *ered active duty’ means—*

20                               “(A) *in the case of a member of a regular*  
 21 *component of the Armed Forces, duty during the*  
 22 *deployment of the member with the Armed*  
 23 *Forces to a foreign country; and*

24                               “(B) *in the case of a member of a reserve*  
 25 *component of the Armed Forces, duty during the*

1           *deployment of the member with the Armed*  
2           *Forces to a foreign country”; and*

3                     *(B) by striking “101(a)(13)(B)” and insert-*  
4                     *ing “101(a)(13)”.*

5           (2) *LEAVE.—Section 102 of the Family and*  
6           *Medical Leave Act of 1993 (29 U.S.C. 2612) is*  
7           *amended—*

8                     *(A) in subsection (a)(1)(E), by striking “ac-*  
9                     *tive duty” each place it appears and inserting*  
10                    *“covered active duty”; and*

11                    *(B) in subsection (e)(3)—*

12                             *(i) in the paragraph heading, by strik-*  
13                             *ing “ACTIVE DUTY” and inserting “COV-*  
14                             *ERED ACTIVE DUTY”; and*

15                             *(ii) by striking “active duty” each*  
16                             *place it appears and inserting “covered ac-*  
17                             *tive duty”.*

18           (3) *CONFORMING AMENDMENT.—Section 103(f)*  
19           *of the Family and Medical Leave Act of 1993 (29*  
20           *U.S.C. 2613(f)) is amended, in the subsection head-*  
21           *ing, by striking “ACTIVE DUTY” both places it ap-*  
22           *pears and inserting “COVERED ACTIVE DUTY”.*

23           (b) *DEFINITION OF COVERED SERVICEMEMBER.—Sec-*  
24           *tion 101 of the Family and Medical Leave Act of 1993 is*

1 *further amended by striking paragraph (16) and inserting*  
2 *the following new paragraph:*

3           “(16) *COVERED SERVICEMEMBER.*—*The term*  
4           *‘covered servicemember’ means—*

5                   “(A) *a member of the Armed Forces (includ-*  
6                   *ing a member of the National Guard or Re-*  
7                   *serves) who is undergoing medical treatment, re-*  
8                   *cuperation, or therapy, is otherwise in out-*  
9                   *patient status, or is otherwise on the temporary*  
10                   *disability retired list, for a serious injury or ill-*  
11                   *ness; or*

12                   “(B) *a veteran who is undergoing medical*  
13                   *treatment, recuperation, or therapy, for a serious*  
14                   *injury or illness and who was a member of the*  
15                   *Armed Forces (including a member of the Na-*  
16                   *tional Guard or Reserves) at any time during*  
17                   *the period of 5 years preceding the date on which*  
18                   *the veteran undergoes that medical treatment, re-*  
19                   *cuperation, or therapy.”.*

20           (c) *DEFINITIONS OF SERIOUS INJURY OR ILLNESS;*  
21 *VETERAN.*—*Section 101 of the Family and Medical Leave*  
22 *Act of 1993 is further amended by striking paragraph (19)*  
23 *and inserting the following new paragraphs:*

24                   “(19) *SERIOUS INJURY OR ILLNESS.*—*The term*  
25                   *‘serious injury or illness’—*

1           “(A) *in the case of a member of the Armed*  
2 *Forces (including a member of the National*  
3 *Guard or Reserves), means an injury or illness*  
4 *incurred by the member in line of duty on cov-*  
5 *ered active duty in the Armed Forces that may*  
6 *render the member medically unfit to perform*  
7 *the duties of the member’s office, grade, rank, or*  
8 *rating; and*

9           “(B) *in the case of a veteran who was a*  
10 *member of the Armed Forces (including a mem-*  
11 *ber of the National Guard or Reserves) at any*  
12 *time during a period described in paragraph*  
13 *(16)(B), means an injury or illness incurred by*  
14 *the member in line of duty on covered active*  
15 *duty in the Armed Forces, that manifested itself*  
16 *after the member became a veteran, and that*  
17 *may have rendered the member medically unfit*  
18 *to perform the duties of the member’s office,*  
19 *grade, rank, or rating on the date the injury or*  
20 *illness was incurred if the injury or illness had*  
21 *manifested itself on that date.*

22           “(20) *VETERAN.—The term ‘veteran’ has the*  
23 *meaning given the term in section 101 of title 38,*  
24 *United States Code.”.*

1       (d) *TECHNICAL AMENDMENT.*—Section 102(e)(2)(A) of  
 2 *the Family and Medical Leave Act of 1993 (29 U.S.C.*  
 3 *2612(e)(2)(A)) is amended by striking “or parent” and in-*  
 4 *serting “parent, or next of kin (for leave taken under sub-*  
 5 *section (a)(3))”.*

6       (e) *EFFECTIVE DATE AND REGULATIONS.*—The  
 7 *amendments made by this section shall take effect on the*  
 8 *date of the enactment of this Act. Not later than 120 days*  
 9 *after such date, the Secretary of Labor shall issue direct*  
 10 *final conforming regulations solely to implement such*  
 11 *amendments.*

## 12                   ***Subtitle I—Other Matters***

13 ***SEC. 591. NAVY GRANTS TO NAVAL SEA CADET CORPS.***

14       (a) *GRANTS AUTHORIZED.*—Chapter 647 of title 10,  
 15 *United States Code, is amended by inserting after section*  
 16 *7541a the following new section:*

17 ***“§7541b. Authority to make grants to Naval Sea***  
 18 ***Cadet Corps***

19       *“Subject to the availability of funds for this purpose,*  
 20 *the Secretary of the Navy may make grants to support the*  
 21 *purposes of the Naval Sea Cadet Corps, a federally char-*  
 22 *tered corporation under chapter 1541 of title 36.”.*

23       (b) *CLERICAL AMENDMENT.*—The table of sections at  
 24 *the beginning of such chapter is amended by inserting after*  
 25 *the item relating to section 7541a the following new item:*

*“7541b. Authority to make grants to Naval Sea Cadet Corps.”.*

1 **SEC. 592. IMPROVED RESPONSE AND INVESTIGATION OF**  
2 **ALLEGATIONS OF SEXUAL ASSAULT INVOLV-**  
3 **ING MEMBERS OF THE ARMED FORCES.**

4 (a) *COMPTROLLER GENERAL REPORT.*—

5 (1) *REPORT REQUIRED.*—Not later than one  
6 year after the date of the enactment of this Act, the  
7 Comptroller General shall submit to the congressional  
8 defense committees a report containing a review of the  
9 capacity of each service of the Armed Forces to inves-  
10 tigate and adjudicate allegations of sexual assault to  
11 determine whether there are any barriers that nega-  
12 tively affect the ability of that service to facilitate the  
13 investigation and adjudication of such allegations to  
14 the full extent of the Uniform Code of Military Jus-  
15 tice.

16 (2) *ELEMENTS OF REPORT.*—The report required  
17 by paragraph (1) shall include a review of the fol-  
18 lowing:

19 (A) *The command processes of each of the*  
20 *Armed Forces for handling allegations of sexual*  
21 *assault (including command guidance, standing*  
22 *orders, and related matters), the staff judge advo-*  
23 *cate structure of each Armed Force for cases of*  
24 *sexual assault, and the personnel and budget re-*  
25 *sources allocated to handle allegations of sexual*  
26 *assault.*



1           (B) *The extent to which command decisions*  
2           *regarding the disposition of cases properly direct*  
3           *cases to the most-appropriate venue for adjudica-*  
4           *tion.*

5           (C) *The effectiveness of personnel training*  
6           *methods regarding investigation and adjudica-*  
7           *tion of sexual assault cases.*

8           (D) *The capacity to investigate and adju-*  
9           *cate sexual assault cases in combat zones.*

10          (E) *The recommendations of the Defense*  
11          *Task Force on Sexual Assault in the Military re-*  
12          *garding investigation and adjudication of sexual*  
13          *assault.*

14          (b) *PREVENTION.—Not later than 180 days after the*  
15          *dates of the enactment of this Act, the Secretary of Defense*  
16          *shall develop and submit to the congressional defense com-*  
17          *mittees a sexual assault prevention program, which shall*  
18          *include, at minimum, the following components:*

19               (1) *Action plans for reducing the number of sex-*  
20               *ual assaults, with timelines for implementation of the*  
21               *plans, development tools, and a comprehensive evalua-*  
22               *tion process.*

23               (2) *A mechanism to measure the effectiveness of*  
24               *the program, to include outcome measurement and*  
25               *metrics.*

1           (3) *Training programs for commanders and senior enlisted leaders, including pre-command courses.*

2  
3           (4) *The budget necessary to permit full implementation of the program.*

4  
5           (c) *SEXUAL ASSAULT FORENSIC EXAMS.—*

6           (1) *AVAILABILITY OF SEXUAL ASSAULT FORENSIC EXAMS IN COMBAT ZONES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the availability of sexual assault forensic examinations in combat zones. The report shall include, at a minimum, the following:*

7  
8  
9  
10  
11  
12  
13  
14           (A) *The current availability of sexual assault forensic examinations in combat zones.*

15  
16           (B) *The barriers to providing sexual assault forensic examinations at all echelons of care in combat zones.*

17  
18  
19           (C) *Any legislative actions required to improve the availability of sexual assault forensic examinations in combat zones.*

20  
21  
22           (2) *TRICARE COVERAGE FOR FORENSIC EXAMINATION FOLLOWING SEXUAL ASSAULT OR DOMESTIC VIOLENCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall*

1     *submit to the congressional defense committees a re-*  
2     *port describing the progress made in implementing*  
3     *section 1079(a)(17) of title 10, United States Code, as*  
4     *added by section 701 of the John Warner National*  
5     *Defense Authorization Act for Fiscal Year 2007 (Pub-*  
6     *lic Law 109-324; 120 Stat. 2279).*

7     *(d) MILITARY PROTECTIVE ORDERS.—*

8             *(1) COLLECTION OF STATISTICAL INFORMA-*  
9             *TION.—Not later than 30 days after the date of enact-*  
10            *ment of this Act, the Secretary of Defense shall re-*  
11            *quire that sexual assault statistics collected by the De-*  
12            *partment of Defense include information on whether*  
13            *a military protective order was issued that involved*  
14            *either the victim or alleged perpetrator of a sexual as-*  
15            *sault. The Secretary shall include such information in*  
16            *the annual report submitted to Congress on sexual as-*  
17            *saults involving members of the Armed Forces.*

18            *(2) INFORMATION TO MEMBERS.—The Secretary*  
19            *of Defense shall ensure that, when a military protec-*  
20            *tive order is issued to protect a member of the Armed*  
21            *Forces, the member is informed of the right of the*  
22            *member to request a base transfer from the command.*

1 **SEC. 593. MODIFICATION OF MATCHING FUND REQUIRE-**  
 2 **MENTS UNDER NATIONAL GUARD YOUTH**  
 3 **CHALLENGE PROGRAM.**

4 (a) *AUTHORITY TO INCREASE DOD SHARE OF PRO-*  
 5 *GRAM.*—Section 509(d)(1) of title 32, United States Code,  
 6 is amended by striking “60 percent of the costs” and insert-  
 7 ing “75 percent of the costs”.

8 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
 9 section (a) shall take effect on October 1, 2009, and shall  
 10 apply with respect to fiscal years beginning on or after that  
 11 date.

12 **TITLE VI—COMPENSATION AND**  
 13 **OTHER PERSONNEL BENEFITS**

*Subtitle A—Pay and Allowances*

*Sec. 601. Fiscal year 2010 increase in military basic pay.*

*Sec. 602. Special monthly compensation allowance for members with combat-re-*  
*lated catastrophic injuries or illnesses pending their retirement*  
*or separation for physical disability.*

*Sec. 603. Stabilization of pay and allowances for senior enlisted members and*  
*warrant officers appointed as officers and officers reappointed in*  
*a lower grade.*

*Sec. 604. Report on housing standards used to determine basic allowance for*  
*housing.*

*Subtitle B—Bonuses and Special and Incentive Pays*

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

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

*Sec. 613. One-year extension of special pay and bonus authorities for nuclear offi-*  
*cers.*

*Sec. 614. One-year extension of authorities relating to title 37 consolidated special*  
*pay, incentive pay, and bonus authorities.*

*Sec. 615. One-year extension of authorities relating to payment of other title 37*  
*bonuses and special pay.*

*Sec. 616. One-year extension of authorities relating to payment of referral bo-*  
*nuses.*

- Sec. 617. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.*
- Sec. 618. Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay.*

*Subtitle C—Travel and Transportation Allowances*

- Sec. 631. Transportation of additional motor vehicle of members on change of permanent station to or from nonforeign areas outside the continental United States.*
- Sec. 632. Travel and transportation allowances for designated individuals of wounded, ill, or injured members for duration of inpatient treatment.*
- Sec. 633. Authorized travel and transportation allowances for non-medical attendants for very seriously and seriously wounded, ill, or injured members.*
- Sec. 634. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.*

*Subtitle D—Retired Pay and Survivor Benefits*

- Sec. 641. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.*
- Sec. 642. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.*

*Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations*

- Sec. 651. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.*
- Sec. 652. Limitation on Department of Defense entities offering personal information services to members and their dependents.*
- Sec. 653. Report on impact of purchasing from local distributors all alcoholic beverages for resale on military installations on Guam.*

*Subtitle F—Other Matters*

- Sec. 661. Limitations on collection of overpayments of pay and allowances erroneously paid to members.*
- Sec. 662. Army authority to provide additional recruitment incentives.*
- Sec. 663. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.*
- Sec. 664. Sense of Congress regarding support for compensation, retirement, and other military personnel programs.*

1       ***Subtitle A—Pay and Allowances***

2       ***SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC***  
 3                               ***PAY.***

4           (a) *WAIVER OF SECTION 1009 ADJUSTMENT.*—*The ad-*  
 5 *justment to become effective during fiscal year 2010 re-*  
 6 *quired by section 1009 of title 37, United States Code, in*  
 7 *the rates of monthly basic pay authorized members of the*  
 8 *uniformed services shall not be made.*

9           (b) *INCREASE IN BASIC PAY.*—*Effective on January*  
 10 *1, 2010, the rates of monthly basic pay for members of the*  
 11 *uniformed services are increased by 3.4 percent.*

12       ***SEC. 602. SPECIAL MONTHLY COMPENSATION ALLOWANCE***  
 13                               ***FOR MEMBERS WITH COMBAT-RELATED CATA-***  
 14                               ***STROPHIC INJURIES OR ILLNESSES PENDING***  
 15                               ***THEIR RETIREMENT OR SEPARATION FOR***  
 16                               ***PHYSICAL DISABILITY.***

17           (a) *IN GENERAL.*—*Chapter 7 of title 37, United States*  
 18 *Code, is amended by adding at the end the following new*  
 19 *section:*

20       ***“§439. Special monthly compensation: members with***  
 21                               ***combat-related catastrophic injuries or***  
 22                               ***illnesses pending their retirement or sepa-***  
 23                               ***ration for physical disability***

24           ***“(a) COMPENSATION AUTHORIZED.***—***(1) The Sec-***  
 25 ***retary concerned may pay to any member of the uniformed***

1 *services described in paragraph (2) a special monthly com-*  
2 *ensation in an amount determined under subsection (b).*

3       “(2) *Subject to paragraph (3), a member eligible for*  
4 *the compensation authorized by paragraph (1) is a mem-*  
5 *ber—*

6               “(A) *who has a combat-related catastrophic in-*  
7 *jury or illness; and*

8               “(B) *who has been certified by a licensed physi-*  
9 *cian as being in need of assistance from another per-*  
10 *son to perform the personal functions required in ev-*  
11 *eryday living; and*

12       “(3) *The Secretary of Defense (or the Secretary of*  
13 *Homeland Security, with respect to the Coast Guard) may*  
14 *establish additional eligibility criteria in the regulations re-*  
15 *quired by subsection (e).*

16       “(b) *AUTHORIZED AMOUNT OF COMPENSATION.—(1)*  
17 *The amount of the special monthly compensation authorized*  
18 *by subsection (a) shall be determined under criteria pre-*  
19 *scribed in the regulations required by subsection (e), except*  
20 *that the amount may not exceed the amount of the aid and*  
21 *attendance allowance authorized by section 1114(r) of title*  
22 *38 for veterans in need of regular aid and attendance.*

23       “(2) *In determining the amount of the special monthly*  
24 *compensation to be provided to a member, the Secretary*  
25 *concerned shall consider the extent to which—*

1           “(A) *home health care and related services are*  
2           *being provided to the member by the Government; and*

3           “(B) *aid and attendance services are being pro-*  
4           *vided by family and friends of the member who may*  
5           *be compensated with funds provided through the spe-*  
6           *cial monthly compensation authorized by this section.*

7           “(c) *TERMINATION.—The eligibility of a member to re-*  
8           *ceive special monthly compensation under subsection (a)*  
9           *terminates on the earlier of the following:*

10           “(1) *The first month following the end of the 90-*  
11           *day period beginning on the date of the separation or*  
12           *retirement of the member.*

13           “(2) *The first month beginning after the death of*  
14           *the member.*

15           “(3) *The first month beginning after the date on*  
16           *which the member is determined to be no longer af-*  
17           *fllicted with a catastrophic injury or illness.*

18           “(d) *DEFINITIONS.—In this section:*

19           “(1) *The term ‘catastrophic injury or illness’*  
20           *means a permanent, severely disabling injury, dis-*  
21           *order, or illness that the Secretary concerned deter-*  
22           *mines compromises the ability of the afflicted person*  
23           *to carry out the activities of daily living to such a*  
24           *degree that the person requires—*





1 **“§ 907. Members appointed or reappointed as officers:**  
2 **no reduction in pay and allowances**

3 “(a) *STABILIZATION OF PAY AND ALLOWANCES.*—A  
4 *member of the armed forces who accepts an appointment*  
5 *or reappointment as an officer without a break in service*  
6 *shall, for service as an officer, be paid the greater of—*

7 “(1) *the pay and allowances to which the officer*  
8 *is entitled as an officer; or*

9 “(2) *the pay and allowances to which the officer*  
10 *would be entitled if the officer were in the last grade*  
11 *the officer held before the appointment or reappoint-*  
12 *ment as an officer.*

13 “(b) *COVERED PAYS.*—(1) *Subject to paragraphs (2)*  
14 *and (3), for the purposes of this section, the pay of a grade*  
15 *formerly held by an officer described in subsection (a) in-*  
16 *clude special and incentive pays under chapter 5 of this*  
17 *title.*

18 “(2) *In determining the amount of the pay of a grade*  
19 *formerly held by an officer, special and incentive pays may*  
20 *be considered only so long as the officer continues to perform*  
21 *the duty that creates the entitlement to, or eligibility for,*  
22 *that pay and would otherwise be eligible to receive that pay*  
23 *in the former grade.*

24 “(3) *Special and incentive pays that are dependent on*  
25 *a member being in an enlisted status may not be considered*

1 *in determining the amount of the pay of a grade formerly*  
2 *held by an officer.*

3       “(c) *COVERED ALLOWANCES.—(1) Subject to para-*  
4 *graph (2), for the purposes of this section, the allowances*  
5 *of a grade formerly held by an officer described in sub-*  
6 *section (a) include allowances under chapter 7 of this title.*

7       “(2) *The clothing allowance under section 418 of this*  
8 *title may not be considered in determining the amount of*  
9 *the allowances of a grade formerly held by an officer de-*  
10 *scribed in subsection (a) if the officer is entitled to a uni-*  
11 *form allowance under section 415 of this title.*

12       “(d) *RATES OF PAY AND ALLOWANCES.—For the pur-*  
13 *poses of this section, the rates of pay and allowances of a*  
14 *grade that an officer formerly held are those rates that the*  
15 *officer would be entitled to had the officer remained in that*  
16 *grade and continued to receive the increases in pay and*  
17 *allowances authorized for that grade, as otherwise provided*  
18 *in this title or other provisions of law.”.*

19       “(b) *CLERICAL AMENDMENT.—The table of sections at*  
20 *the beginning of chapter 17 of such title is amended by*  
21 *striking the item relating to section 907 and inserting the*  
22 *following new item:*

“907. *Members appointed or reappointed as officers: no reduction in pay and al-*  
*lowances.”.*

1 **SEC. 604. REPORT ON HOUSING STANDARDS USED TO DE-**  
2 **TERMINE BASIC ALLOWANCE FOR HOUSING.**

3 (a) *REPORT REQUIRED.*—Not later than July 1, 2010,  
4 the Secretary of Defense shall submit to the congressional  
5 defense committees a report containing—

6 (1) a review of the housing standards used to de-  
7 termine the monthly rates of basic allowance for hous-  
8 ing under section 403 of title 37, United States Code;  
9 and

10 (2) such recommended changes to the standards,  
11 including an estimate of the cost of each recommended  
12 change, as the Secretary considers appropriate.

13 (b) *ELEMENTS OF REVIEW.*—The Secretary shall con-  
14 sider whether the housing standards are suitable in terms  
15 of—

16 (1) recognizing the societal needs and expecta-  
17 tions of families in the United States;

18 (2) providing for an appropriate quality of life  
19 for members of the Armed Forces in all grades; and

20 (3) recognizing the appropriate rewards and  
21 prestige associated with promotion to higher military  
22 grades throughout the rank structure.

1     ***Subtitle B—Bonuses and Special***  
2                     ***and Incentive Pays***

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

6             *The following sections of title 37, United States Code,*  
7     *are amended by striking “December 31, 2009” and insert-*  
8     *ing “December 31, 2010”:*

9                     (1) *Section 308b(g), relating to Selected Reserve*  
10                    *reenlistment bonus.*

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

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

16                    (4) *Section 308g(f)(2), relating to Ready Reserve*  
17                    *enlistment bonus for persons without prior service.*

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

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

24                    (7) *Section 910(g), relating to income replace-*  
25                    *ment payments for reserve component members expe-*



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

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

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

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

11 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**  
12                           **BONUS AUTHORITIES FOR NUCLEAR OFFI-**  
13                           **CERS.**

14           *The following sections of title 37, United States Code,*  
15           *are amended by striking “December 31, 2009” and insert-*  
16           *ing “December 31, 2010”:*

17           (1) *Section 312(f), relating to special pay for*  
18           *nuclear-qualified officers extending period of active*  
19           *service.*

20           (2) *Section 312b(c), relating to nuclear career*  
21           *accession bonus.*

22           (3) *Section 312c(d), relating to nuclear career*  
23           *annual incentive bonus.*

1 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**  
2 **ING TO TITLE 37 CONSOLIDATED SPECIAL**  
3 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**  
4 **TIES.**

5 *The following sections of title 37, United States Code,*  
6 *are amended by striking “December 31, 2009” and insert-*  
7 *ing “December 31, 2010”:*

8 (1) *Section 331(h), relating to general bonus au-*  
9 *thority for enlisted members.*

10 (2) *Section 332(g), relating to general bonus au-*  
11 *thority for officers.*

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

14 (4) *Section 334(i), relating to special aviation*  
15 *incentive pay and bonus authorities for officers.*

16 (5) *Section 335(k), relating to special bonus and*  
17 *incentive pay authorities for officers in health profes-*  
18 *sions.*

19 (6) *Section 351(i), relating to hazardous duty*  
20 *pay.*

21 (7) *Section 352(g), relating to assignment pay or*  
22 *special duty pay.*

23 (8) *Section 353(j), relating to skill incentive pay*  
24 *or proficiency bonus.*



1           (9) *Section 355(i), relating to retention incen-*  
2           *tives for members qualified in critical military skills*  
3           *or assigned to high priority units.*

4 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**  
5                   **ING TO PAYMENT OF OTHER TITLE 37 BO-**  
6                   **NUSES AND SPECIAL PAY.**

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

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

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

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

16           (4) *Section 309(e), relating to enlistment bonus.*

17           (5) *Section 324(g), relating to accession bonus*  
18           *for new officers in critical skills.*

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

22           (7) *Section 327(h), relating to incentive bonus*  
23           *for transfer between armed forces.*

24           (8) *Section 330(f), relating to accession bonus for*  
25           *officer candidates.*

1 **SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**  
2 **ING TO PAYMENT OF REFERRAL BONUSES.**

3 *The following sections of title 10, United States Code,*  
4 *are amended by striking “December 31, 2009” and insert-*  
5 *ing “December 31, 2010”:*

6 (1) *Section 1030(i), relating to health professions*  
7 *referral bonus.*

8 (2) *Section 3252(h), relating to Army referral*  
9 *bonus.*

10 **SEC. 617. TECHNICAL CORRECTIONS AND CONFORMING**  
11 **AMENDMENTS TO RECONCILE CONFLICTING**  
12 **AMENDMENTS REGARDING CONTINUED PAY-**  
13 **MENT OF BONUSES AND SIMILAR BENEFITS**  
14 **FOR CERTAIN MEMBERS.**

15 (a) *TECHNICAL CORRECTIONS TO RECONCILE CON-*  
16 *FLICTING AMENDMENTS.—Section 303a(e) of title 37,*  
17 *United States Code, is amended—*

18 (1) *in paragraph (1)(A), by striking “paragraph*  
19 *(2)” and inserting “paragraphs (2) and (3)”;*

20 (2) *by redesignating paragraphs (3) and (4) as*  
21 *paragraphs (4) and (5), respectively;*

22 (3) *in paragraph (5), as so redesignated, by*  
23 *striking “paragraph (3)(B)” and inserting “para-*  
24 *graph (4)(B)”;*

25 (4) *by redesignating paragraph (2), as added by*  
26 *section 651(b) of the Duncan Hunter National De-*

1 *fense Authorization Act for Fiscal Year 2009 (Public*  
2 *Law 110–417; 122 Stat. 4495), as paragraph (3); and*  
3 *(5) by redesignating the second subparagraph*  
4 *(B) of paragraph (1), originally added as paragraph*  
5 *(2) by section 2(a)(3) of the Hubbard Act (Public*  
6 *Law 110–317; 122 Stat. 3526) and erroneously des-*  
7 *ignated as subparagraph (B) by section 651(a)(3) of*  
8 *the Duncan Hunter National Defense Authorization*  
9 *Act for Fiscal Year 2009 (Public Law 110–417; 122*  
10 *Stat. 4495), as paragraph (2).*

11 *(b) INCLUSION OF HUBBARD ACT AMENDMENT IN*  
12 *CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—*  
13 *Section 373(b) of such title is amended—*

14 *(1) in paragraph (2), by striking the paragraph*  
15 *heading and inserting “SPECIAL RULE FOR DE-*  
16 *CEASED AND DISABLED MEMBERS.—”; and*

17 *(2) by adding at the end the following new para-*  
18 *graph:*

19 *“(3) SPECIAL RULE FOR MEMBERS WHO RE-*  
20 *CEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a*  
21 *member of the uniformed services receives a sole survi-*  
22 *vorship discharge, the Secretary concerned—*

23 *“(i) shall not require repayment by the*  
24 *member of the unearned portion of any bonus,*

1           *incentive pay, or similar benefit previously paid*  
2           *to the member; and*

3           “(i) *may grant an exception to the require-*  
4           *ment to terminate the payment of any unpaid*  
5           *amounts of a bonus, incentive pay, or similar*  
6           *benefit if the Secretary concerned determines that*  
7           *termination of the payment of the unpaid*  
8           *amounts would be contrary to a personnel policy*  
9           *or management objective, would be against eq-*  
10           *uity and good conscience, or would be contrary*  
11           *to the best interests of the United States.*

12           “(B) *In this paragraph, the term ‘sole survivor-*  
13           *ship discharge’ means the separation of a member*  
14           *from the Armed Forces, at the request of the member,*  
15           *pursuant to the Department of Defense policy permit-*  
16           *ting the early separation of a member who is the only*  
17           *surviving child in a family in which—*

18           “(i) *the father or mother or one or more sib-*  
19           *lings—*

20           “(I) *served in the Armed Forces; and*

21           “(II) *was killed, died as a result of*  
22           *wounds, accident, or disease, is in a cap-*  
23           *tured or missing in action status, or is per-*  
24           *manently 100 percent disabled or hospital-*  
25           *ized on a continuing basis (and is not em-*

1           *ployed gainfully because of the disability or*  
 2           *hospitalization); and*

3           *“(i) the death, status, or disability did not*  
 4           *result from the intentional misconduct or willful*  
 5           *neglect of the parent or sibling and was not in-*  
 6           *curring during a period of unauthorized ab-*  
 7           *sence.”.*

8 **SEC. 618. PRORATION OF CERTAIN SPECIAL AND INCEN-**  
 9           **TIVE PAYS TO REFLECT TIME DURING WHICH**  
 10           **A MEMBER SATISFIES ELIGIBILITY REQUIRE-**  
 11           **MENTS FOR THE SPECIAL OR INCENTIVE PAY.**

12           *(a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE*  
 13 *FIRE OR IMMINENT DANGER.—Section 310 of title 37,*  
 14 *United States Code, is amended—*

15           *(1) in subsection (a)—*

16           *(A) by striking “AND SPECIAL PAY*  
 17 *AMOUNT” in the subsection heading; and*

18           *(B) by striking “at the rate of \$225 for any*  
 19 *month” in the matter preceding paragraph (1)*  
 20 *and inserting “under subsection (b) for any*  
 21 *month or portion of a month”;*

22           *(2) in subsection (c), by striking paragraph (3);*

23           *(3) by redesignating subsections (b), (c), and (d)*  
 24 *as subsections (c), (d), and (e), respectively; and*

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

3           “(b) *SPECIAL PAY AMOUNT; PRORATION.*—(1) *The*  
4           *special pay authorized by subsection (a) may not exceed*  
5           *\$225 a month.*

6           “(2) *Except as provided in subsection (c), if a member*  
7           *does not satisfy the eligibility requirements specified in*  
8           *paragraphs (1) and (2) of subsection (a) for an entire*  
9           *month for receipt of special pay under subsection (a), the*  
10          *Secretary concerned may prorate the payment amount to*  
11          *reflect the duration of the member’s actual qualifying serv-*  
12          *ice during the month.”.*

13          (b) *HAZARDOUS DUTY PAY.*—*Section 351 of such title*  
14          *is amended—*

15                 (1) *by striking subsections (c) and (d) and redesi-*  
16                 *gnating subsections (e) through (i) as subsections (d)*  
17                 *through (h), respectively; and*

18                 (2) *by inserting after subsection (b) the following*  
19                 *new subsection:*

20                 “(c) *METHOD OF PAYMENT; PRORATION.*—

21                         “(1) *MONTHLY PAYMENT.*—*Subject to paragraph*  
22                         (2), *hazardous duty pay shall be paid on a monthly*  
23                         *basis.*

24                         “(2) *PRORATION.*—*If a member does not satisfy*  
25                         *the eligibility requirements specified in paragraph*

1       (1), (2), or (3) of subsection (a) for an entire month  
2       for receipt of hazardous duty pay, the Secretary con-  
3       cerned may prorate the payment amount to reflect the  
4       duration of the member’s actual qualifying service  
5       during the month.”.

6       (c) *ASSIGNMENT OR SPECIAL DUTY PAY.*—Section  
7       352(b)(1) of such title is amended by adding at the end  
8       the following new sentence: “If paid monthly, the Secretary  
9       concerned may prorate the monthly amount of the assign-  
10      ment or special duty pay for a member who does not satisfy  
11      the eligibility requirement for an entire month to reflect the  
12      duration of the member’s actual qualifying service during  
13      the month.”.

14      (d) *SKILL INCENTIVE PAY.*—Section 353 of such title  
15      is amended—

16              (1) by striking subsection (f) and redesignating  
17              subsections (g) through (j) as subsections (f) through  
18              (i), respectively; and

19              (2) in subsection (c), by striking paragraph (1)  
20              and inserting the following new paragraph:

21                      “(1) *SKILL INCENTIVE PAY.*—(A) Skill incentive  
22                      pay under subsection (a) may not exceed \$1,000 a  
23                      month.

24                      “(B) If a member does not satisfy the eligibility  
25                      requirements specified in paragraphs (1) and (2) of

1        *subsection (a) for an entire month for receipt of skill*  
 2        *incentive pay, the Secretary concerned may prorate*  
 3        *the payment amount to reflect the duration of the*  
 4        *member's actual qualifying service during the month.*  
 5        *A member of a reserve component entitled to com-*  
 6        *penetration under section 206 of this title who is au-*  
 7        *thorized skill incentive pay under subsection (a) may*  
 8        *be paid an amount of such pay that is proportionate*  
 9        *to the compensation received by the member under*  
 10       *section 206 of this title for inactive-duty training.”.*

11       *(e) APPLICATION OF AMENDMENTS.—The amendments*  
 12       *made by this section shall apply with respect to months be-*  
 13       *ginning 90 or more days after the date of the enactment*  
 14       *of this Act.*

## 15                    **Subtitle C—Travel and** 16                    **Transportation Allowances**

17       **SEC. 631. TRANSPORTATION OF ADDITIONAL MOTOR VEHI-**  
 18                    **CLE OF MEMBERS ON CHANGE OF PERMA-**  
 19                    **NENT STATION TO OR FROM NONFOREIGN**  
 20                    **AREAS OUTSIDE THE CONTINENTAL UNITED**  
 21                    **STATES.**

22       *(a) AUTHORITY TO TRANSPORT ADDITIONAL MOTOR*  
 23       *VEHICLE.—Subsection (a) of section 2634 of title 10,*  
 24       *United States Code, is amended—*



1           (1) *by striking the sentence following paragraph*  
2           (4);

3           (2) *by redesignating paragraphs (1), (2), (3),*  
4           *and (4) as subparagraphs (A), (B), (C), and (D), re-*  
5           *spectively;*

6           (3) *by inserting “(1)” after “(a)”;* and

7           (4) *by adding at the end the following new para-*  
8           *graph:*

9           “(2) *One additional motor vehicle of a member (or a*  
10          *dependent of the member) may be transported as provided*  
11          *in paragraph (1) if—*

12                 “(A) *the member is ordered to make a change of*  
13                 *permanent station to or from a nonforeign area out-*  
14                 *side the continental United States and the member*  
15                 *has at least one dependent of driving age who will use*  
16                 *the motor vehicle; or*

17                 “(B) *the Secretary concerned determines that a*  
18                 *replacement for the motor vehicle transported under*  
19                 *paragraph (1) is necessary for reasons beyond the*  
20                 *control of the member and is in the interest of the*  
21                 *United States and the Secretary approves the trans-*  
22                 *portation in advance.”.*

23          (b) *TECHNICAL AND CONFORMING AMENDMENTS.—*  
24          *Such subsection is further amended—*



1           (1) in paragraph (1)—

2                   (A) by striking “family members of a mem-  
3           ber described in paragraph (2)” and inserting  
4           “individuals who, with respect to a member de-  
5           scribed in paragraph (2), are designated individ-  
6           uals for that member”;

7                   (B) by striking “that the presence of the  
8           family member” and inserting “that the presence  
9           of the designated individual”; and

10                   (C) by striking “of family members” and  
11           inserting “of designated individuals”; and

12           (2) by adding at the end the following new para-  
13           graph:

14           “(4) In the case of a designated individual who is also  
15           a member of the uniformed services, that member may be  
16           provided travel and transportation under this section in the  
17           same manner as a designated individual who is not a mem-  
18           ber.”.

19           (b) *DEFINITION OF DESIGNATED INDIVIDUAL.*—Sub-  
20           section (b) of such section is amended by striking para-  
21           graphs (1) and (2) and inserting the following new para-  
22           graphs:

23           “(1) In this section, the term ‘designated individual’,  
24           with respect to a member, means—

1           “(A) an individual designated by the member for  
2           the purposes of this section; or

3           “(B) in the case of a member who has not made  
4           a designation under subparagraph (A) and, as deter-  
5           mined by the attending physician or surgeon, is not  
6           able to make such a designation, an individual who,  
7           as designated by the attending physician or surgeon  
8           and the commander or head of the military medical  
9           facility exercising control over the member, is someone  
10          with a personal relationship to the member whose  
11          presence would aid and support the health and wel-  
12          fare of the member during the duration of the mem-  
13          ber’s inpatient treatment.

14          “(2) The designation of an individual as a designated  
15          individual for purposes of this section may be changed at  
16          any time.”.

17          (c) *COVERAGE OF MEMBERS HOSPITALIZED OUTSIDE*  
18          *THE UNITED STATES WHO WERE WOUNDED OR INJURED*  
19          *IN A COMBAT OPERATION OR COMBAT ZONE.—*

20                 (1) *COVERAGE FOR HOSPITALIZATION OUTSIDE*  
21          *THE UNITED STATES.—Subparagraph (B) of section*  
22          *(a)(2) of such section is amended—*

23                         (A) in clause (i), by striking “in or outside  
24                         the United States”; and

1           (B) in clause (ii), by striking “in the  
2           United States”.

3           (2) *CLARIFICATION OF MEMBERS COVERED.*—

4           *Such subparagraph is further amended—*

5           (A) in clause (i), by inserting “seriously  
6           wounded,” after “(i) is”; and

7           (B) in clause (ii)—

8           (i) by striking “an injury” and insert-  
9           ing “a wound or an injury”; and

10          (ii) by striking “that injury” and in-  
11          serting “that wound or injury”.

12          (d) *FREQUENCY OF AUTHORIZED TRAVEL.*—Para-  
13          graph (3) of subsection (a) of such section is amended to  
14          read as follows:

15          “(3)(A) Not more than a total of three round trips may  
16          be provided under paragraph (1) in any 60-day period at  
17          Government expense to the individuals who are the des-  
18          ignated individuals of a member during that period.

19          “(B) If the Secretary concerned has waived the limita-  
20          tion in paragraph (1) on the number of designated individ-  
21          uals for a member, then for any 60-day period during  
22          which the waiver is in effect, the limitation in subpara-  
23          graph (A) shall be adjusted accordingly.

24          “(C) During any period during which there is in effect  
25          a non-medical attendant designation for a member, not

1 *more than a total of two round trips may be provided under*  
2 *paragraph (1) in any 60-day period at Government expense*  
3 *until a non-medical attendant is no longer designated or*  
4 *that designation transfers to another individual, in which*  
5 *case during the transfer period three round trips may be*  
6 *provided.”.*

7 *(e) STYLISTIC AND CONFORMING AMENDMENTS.—Such*  
8 *section is further amended—*

9 *(1) in subsection (a), by inserting “TRAVEL AND*  
10 *TRANSPORTATION AUTHORIZED.—” after “(a)” ;*

11 *(2) in subsection (b), by inserting “DEFINI-*  
12 *TIONS.—” after “(b)”;*

13 *(3) in subsection (c)—*

14 *(A) by inserting “ROUND TRIP TRANSPOR-*  
15 *TATION AND PER DIEM ALLOWANCE.—” after*  
16 *“(c)” ; and*

17 *(B) in paragraph (1), by striking “family*  
18 *member” and inserting “designated individual”;*  
19 *and*

20 *(4) in subsection (d), by inserting “METHOD OF*  
21 *TRANSPORTATION AUTHORIZED.—” after “(d)”.*

22 *(f) CLERICAL AMENDMENTS.—*

23 *(1) SECTION HEADING.—The heading of such sec-*  
24 *tion is amended to read as follows:*

1 **“§411h. Travel and transportation allowances: trans-**  
2 **portation of designated individuals inci-**  
3 **dent to hospitalization of members for**  
4 **treatment of wounds, illness, or injury”.**

5 (2) *TABLE OF SECTIONS.*—*The table of sections*  
6 *at the beginning of chapter 7 of such title is amended*  
7 *by striking the item relating to section 411h and in-*  
8 *serting the following new item:*

*“411h. Travel and transportation allowances: transportation of designated indi-*  
*viduals incident to hospitalization of members for treatment of*  
*wounds, illness, or injury.”.*

9 (g) *CONFORMING AMENDMENT TO WOUNDED WARRIOR*  
10 *ACT.*—*Paragraph (4) of section 1602 of the Wounded War-*  
11 *rior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071*  
12 *note) is amended to read as follows:*

13 “(4) *ELIGIBLE FAMILY MEMBER.*—(A) *The term*  
14 *‘eligible family member’ means a family member who*  
15 *is on invitational travel orders or serving as a non-*  
16 *medical attendee while caring for a recovering service*  
17 *member for more than 45 days during a one-year pe-*  
18 *riod.*

19 “(B) *For purposes of subparagraph (A), the term*  
20 *‘family member’, with respect to a recovering service*  
21 *member, means the following:*

22 “(i) *The member’s spouse.*

1           “(ii) Children of the member (including  
2           stepchildren, adopted children, and illegitimate  
3           children).

4           “(iii) Parents of the member or persons in  
5           *loco parentis* to the member, including fathers  
6           and mothers through adoption and persons who  
7           stood in *loco parentis* to the member for a period  
8           not less than one year immediately before the  
9           member entered the uniformed service, except  
10          that only one father and one mother or their  
11          counterparts in *loco parentis* may be recognized  
12          in any one case.

13          “(iv) Siblings of the member. Such term in-  
14          cludes a person related to the member as de-  
15          scribed in clauses (i), (ii), (iii), or (iv) who is  
16          also a member of the uniformed services.”.

17          (h) *APPLICABILITY OF AMENDMENTS.*—No reimburse-  
18          ment may be provided under section 411h of title 37, United  
19          States Code, by reason of the amendments made by this sec-  
20          tion for travel and transportation costs incurred before the  
21          date of the enactment of this Act.



1 **SEC. 633. AUTHORIZED TRAVEL AND TRANSPORTATION AL-**  
2 **LOWANCES FOR NON-MEDICAL ATTENDANTS**  
3 **FOR VERY SERIOUSLY AND SERIOUSLY**  
4 **WOUNDED, ILL, OR INJURED MEMBERS.**

5 (a) *PAYMENT OF TRAVEL COSTS AUTHORIZED.*—

6 (1) *IN GENERAL.*—Chapter 7 of title 37, United  
7 States Code, is amended by inserting after section  
8 411j the following new section:

9 **“§411k. Travel and transportation allowances: non-**  
10 **medical attendants for members who are**  
11 **determined to be very seriously or seri-**  
12 **ously wounded, ill, or injured**

13 *“(a) ALLOWANCE FOR NON-MEDICAL ATTENDANT.*—  
14 (1) *Under uniform regulations prescribed by the Secretaries*  
15 *concerned, travel and transportation described in subsection*  
16 *(d) may be provided for a qualified non-medical attendant*  
17 *for a covered member of the uniformed services described*  
18 *in subsection (c) if the attending physician or surgeon and*  
19 *the commander or head of the military medical facility ex-*  
20 *ercising control over the member determine that the presence*  
21 *of such an attendant may contribute to the member’s health*  
22 *and welfare.*

23 *“(b) QUALIFIED NON-MEDICAL ATTENDANT.*—*For*  
24 *purposes of this section, a qualified non-medical attendant,*  
25 *with respect to a covered member, is an individual who—*

1           “(1) is designated by the member to be a non-  
2           medical attendant for the member for purposes of this  
3           section; and

4           “(2) is determined by the attending physician or  
5           surgeon and the commander or head of the military  
6           medical facility to be appropriate to serve as a non-  
7           medical attendant for the member and whose presence  
8           may contribute to the health and welfare of the mem-  
9           ber.

10          “(c) COVERED MEMBERS.—A member of the uni-  
11         formed services covered by this section is a member who—

12           “(1) as a result of a wound, illness, or injury,  
13           has been determined by the attending physician or  
14           surgeon to be in the category known as ‘very seriously  
15           wounded, ill, or injured’ or ‘seriously wounded, ill, or  
16           injured’; and

17           “(2) is hospitalized for treatment of the wound,  
18           illness, or injury or requires continuing outpatient  
19           treatment for the wound, illness, or injury.

20          “(d) AUTHORIZED TRAVEL AND TRANSPORTATION.—

21         (1) The transportation authorized by subsection (a) for a  
22         qualified non-medical attendant for a member is round-trip  
23         transportation between the home of the attendant and the  
24         location at which the member is receiving treatment and  
25         may include transportation, while accompanying the mem-

1 ber, to any other location to which the member is subse-  
2 quently transferred for further treatment. A designated non-  
3 medical attendant under this section may not also be a des-  
4 igned individual for travel and transportation allowances  
5 section 411h(a) of this title.

6 “(2) The transportation authorized by subsection (a)  
7 includes any travel necessary to obtain treatment for the  
8 member at the location to which the member is permanently  
9 assigned.

10 “(3) In addition to the transportation authorized by  
11 subsection (a), the Secretary concerned may provide a per  
12 diem allowance or reimbursement for the actual and nec-  
13 essary expenses of the travel, or a combination thereof, but  
14 not to exceed the rates established under section 404(d) of  
15 this title.

16 “(4) The transportation authorized by subsection (a)  
17 may be provided by any of the following means:

18 “(A) Transportation in-kind.

19 “(B) A monetary allowance in place of transpor-  
20 tation in-kind at a rate to be prescribed by the Secre-  
21 taries concerned.

22 “(C) Reimbursement for the commercial cost of  
23 transportation.

24 “(5) An allowance payable under this subsection may  
25 be paid in advance.

1       “(6) Reimbursement payable under this subsection  
2 may not exceed the cost of Government-procured commercial  
3 round-trip air travel.”.

4           (2) *CLERICAL AMENDMENT.*—The table of sec-  
5 tions at the beginning of such chapter is amended by  
6 inserting after the item related to section 411j the fol-  
7 lowing new item:

“411k. Travel and transportation allowances: non-medical attendants for members  
determined to be very seriously or seriously wounded, ill, or in-  
jured.”.

8           (b) *APPLICABILITY.*—No reimbursement may be pro-  
9 vided under section 411k of title 37, United States Code,  
10 as added by subsection (a), for travel and transportation  
11 costs incurred before the date of the enactment of this Act.

12 **SEC. 634. INCREASED WEIGHT ALLOWANCE FOR TRANSPOR-**  
13 **TATION OF BAGGAGE AND HOUSEHOLD EF-**  
14 **FECTS FOR CERTAIN ENLISTED MEMBERS.**

15           (a) *ALLOWANCE.*—The table in section 406(b)(1)(C) of  
16 title 37, United States Code, is amended by striking the  
17 items relating to pay grades E-5 through E-9 and insert-  
18 ing the following new items:

<i>Pay Grade</i>	<i>Without Dependents</i>	<i>With Dependents</i>
<i>“E-9</i>	<i>13,500</i>	<i>15,500</i>
<i>E-8</i>	<i>12,500</i>	<i>14,500</i>
<i>E-7</i>	<i>11,500</i>	<i>13,500</i>
<i>E-6</i>	<i>8,500</i>	<i>11,500</i>
<i>E-5</i>	<i>7,500</i>	<i>9,500”.</i>

19           (b) *EFFECTIVE DATE.*—The amendment made by sub-  
20 section (a) shall take effect on October 1, 2009.

1       (c) *FUNDING SOURCE.*—Of the amounts authorized to  
2 be appropriated to the Department of Defense for military  
3 personnel accounts for fiscal year 2010, not more than  
4 \$31,000,000 shall be available to cover the additional costs  
5 incurred to implement the amendment made by subsection  
6 (a).

7                   ***Subtitle D—Retired Pay and***  
8                   ***Survivor Benefits***

9   **SEC. 641. RECOMPUTATION OF RETIRED PAY AND ADJUST-**  
10                   **MENT OF RETIRED GRADE OF RESERVE RE-**  
11                   **TIREES TO REFLECT SERVICE AFTER RETIRE-**  
12                   **MENT.**

13       (a) *RECOMPUTATION OF RETIRED PAY.*—Section  
14 12739 of title 10, United States Code, is amended by adding  
15 at the end the following new subsection:

16       “(e)(1) If a member of the Retired Reserve is recalled  
17 to an active status in the Selected Reserve of the Ready Re-  
18 serve under section 10145(d) of this title and completes not  
19 less than two years of service in such active status, the mem-  
20 ber is entitled to the recomputation under this section of  
21 the retired pay of the member.

22       “(2) The Secretary concerned may reduce the two-year  
23 service requirement specified in paragraph (1) in the case  
24 of a member who—

1           “(A) is recalled to serve in a position of adjutant  
2           *general* required under section 314 of title 32 or in  
3           a position of assistant adjutant general subordinate  
4           to such a position of adjutant general;

5           “(B) completes at least six months of service in  
6           such position; and

7           “(C) fails to complete the minimum two years of  
8           service solely because the appointment of the member  
9           to such position is terminated or vacated as described  
10          in section 324(b) of title 32.”.

11          (b) *ADJUSTMENT OF RETIRED GRADE.*—Section  
12          12771 of such title is amended—

13                 (1) by striking “Unless” and inserting “(a)  
14                 *GRADE ON TRANSFER.*—Unless”; and

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

17                 “(b) *EFFECT OF SUBSEQUENT RECALL TO ACTIVE*  
18                 *STATUS.*—(1) If a member of the Retired Reserve who is  
19                 a commissioned officer is recalled to an active status in the  
20                 Selected Reserve of the Ready Reserve under section  
21                 10145(d) of this title and completes not less than two years  
22                 of service in such active status, the member is entitled to  
23                 an adjustment in the retired grade of the member in the  
24                 manner provided in section 1370(d) of this title.

1       “(2) *The Secretary concerned may reduce the two-year*  
 2 *service requirement specified in paragraph (1) in the case*  
 3 *of a member who—*

4               “(A) *is recalled to serve in a position of adjutant*  
 5 *general required under section 314 of title 32 or in*  
 6 *a position of assistant adjutant general subordinate*  
 7 *to such a position of adjutant general;*

8               “(B) *completes at least six months of service in*  
 9 *such position; and*

10              “(C) *fails to complete the minimum two years of*  
 11 *service solely because the appointment of the member*  
 12 *to such position is terminated or vacated as described*  
 13 *in section 324(b) of title 32.”.*

14       (c) *RETROACTIVE APPLICABILITY.—The amendments*  
 15 *made by this section shall take effect as of January 1, 2008.*

16 **SEC. 642. ELECTION TO RECEIVE RETIRED PAY FOR NON-**  
 17 **REGULAR SERVICE UPON RETIREMENT FOR**  
 18 **SERVICE IN AN ACTIVE RESERVE STATUS**  
 19 **PERFORMED AFTER ATTAINING ELIGIBILITY**  
 20 **FOR REGULAR RETIREMENT.**

21       (a) *ELECTION AUTHORITY; REQUIREMENTS.—Sub-*  
 22 *section (a) of section 12741 of title 10, United States Code,*  
 23 *is amended to read as follows:*

24              “(a) *AUTHORITY TO ELECT TO RECEIVE RESERVE RE-*  
 25 *TIRED PAY.—(1) Notwithstanding the requirement in para-*

1 *graph (4) of section 12731(a) of this title that a person may*  
2 *not receive retired pay under this chapter when the person*  
3 *is entitled, under any other provision of law, to retired pay*  
4 *or retainer pay, a person may elect to receive retired pay*  
5 *under this chapter, instead of receiving retired or retainer*  
6 *pay under chapter 65, 367, 571, or 867 of this title, if the*  
7 *person—*

8           “(A) *satisfies the requirements specified in para-*  
9           *graphs (1) and (2) of such section for entitlement to*  
10           *retired pay under this chapter;*

11           “(B) *served in an active status in the Selected*  
12           *Reserve of the Ready Reserve after becoming eligible*  
13           *for retirement under chapter 65, 367, 571, or 867 of*  
14           *this title (without regard to whether the person actu-*  
15           *ally retired or received retired or retainer pay under*  
16           *one of those chapters); and*

17           “(C) *completed not less than two years of satis-*  
18           *factory service (as determined by the Secretary con-*  
19           *cerned) in such active status (excluding any period of*  
20           *active service).*

21           “(2) *The Secretary concerned may reduce the min-*  
22           *imum two-year service requirement specified in paragraph*  
23           *(1)(C) in the case of a person who—*

24           “(A) *completed at least six months of service in*  
25           *a position of adjutant general required under section*



1       314 of title 32 or in a position of assistant adjutant  
2       general subordinate to such a position of adjutant  
3       general; and

4               “(B) failed to complete the minimum years of  
5       service solely because the appointment of the person to  
6       such position was terminated or vacated as described  
7       in section 324(b) of title 32.”.

8       (b) *ACTIONS TO EFFECTUATE ELECTION.*—Subsection  
9       (b) of such section is amended by striking paragraph (1)  
10      and inserting the following new paragraph:

11              “(1) terminate the eligibility of the person to re-  
12      tire under chapter 65, 367, 571, or 867 of this title,  
13      if the person is not already retired under one of those  
14      chapters, and terminate entitlement of the person to  
15      retired or retainer pay under one of those chapters,  
16      if the person was already receiving retired or retainer  
17      pay under one of those chapters; and”.

18      (c) *CONFORMING AMENDMENT TO REFLECT NEW*  
19      *VARIABLE AGE REQUIREMENT FOR RETIREMENT.*—Sub-  
20      section (d) of such section is amended—

21              (1) in paragraph (1), by striking “attains 60  
22      years of age” and inserting “attains the eligibility  
23      age applicable to the person under section 12731(f) of  
24      this title”; and

1           (2) *in paragraph (2)(A), by striking “attains 60*  
 2           *years of age” and inserting “attains the eligibility*  
 3           *age applicable to the person under such section”.*

4           (d) *CLERICAL AMENDMENTS.—*

5           (1) *SECTION HEADING.—The heading for section*  
 6           *12741 of such title is amended to read as follows:*

7           “**§12741. Retirement for service in an active status**  
 8                           **performed in the Selected Reserve of the**  
 9                           **Ready Reserve after eligibility for regular**  
 10                           **retirement”.**

11           (2) *TABLE OF SECTIONS.—The table of sections*  
 12           *at the beginning of chapter 1223 of such title is*  
 13           *amended by striking the item relating to section*  
 14           *12741 and inserting the following new item:*

          “12741. *Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.”.*

15           (e) *RETROACTIVE APPLICABILITY.—The amendments*  
 16           *made by this section shall take effect as of January 1, 2008.*

17           **Subtitle E—Commissary and Non-**  
 18           **appropriated Fund Instrumen-**  
 19           **tality Benefits and Operations**

20           **SEC. 651. ADDITIONAL EXCEPTION TO LIMITATION ON USE**  
 21                           **OF APPROPRIATED FUNDS FOR DEPARTMENT**  
 22                           **OF DEFENSE GOLF COURSES.**

23           *Section 2491a of title 10, United States Code, is*  
 24           *amended—*

1           (1) by redesignating paragraph (2) of subsection  
2           (b) as subsection (c) and, in such subsection (as so re-  
3           designated)—

4                   (A) by inserting “REGULATIONS.—” before  
5                   “The Secretary”; and

6                   (B) by striking “this subsection” and in-  
7                   serting “subsection (b)”; and

8           (2) by inserting after paragraph (1) of sub-  
9           section (b) the following new paragraph:

10          “(2) Subsection (a) does not apply to the purchase, op-  
11          eration, or maintenance of equipment intended to ensure  
12          compliance with the Americans With Disabilities Act of  
13          1990 (42 U.S.C. 12101 et seq.).”.

14   **SEC. 652. LIMITATION ON DEPARTMENT OF DEFENSE ENTI-**  
15                   **TIES OFFERING PERSONAL INFORMATION**  
16                   **SERVICES TO MEMBERS AND THEIR DEPEND-**  
17                   **ENTS.**

18          (a) *IMPOSITION OF LIMITATION.*—Subchapter III of  
19          chapter 147 of title 10, United States Code, is amended by  
20          inserting after section 2492 the following new section:

21   **“§2492a. Limitation on Department of Defense enti-**  
22                   **ties competing with private sector in offer-**  
23                   **ing personal information services**

24          “(a) *LIMITATION.*—Notwithstanding section 2492 of  
25          this title, the Secretary of Defense may not authorize a De-

1 *partment of Defense entity to offer or provide personal in-*  
2 *formation services using Department resources, personnel,*  
3 *or equipment, or compete for contracts to provide such per-*  
4 *sonal information services, if users will be charged a fee*  
5 *for the personal information services to recover the cost in-*  
6 *curred to provide the services or to earn a profit.*

7       “(b) *EXCEPTIONS.—Subsection (a) shall not apply if*  
8 *the Secretary of Defense determines that—*

9               “(1) *a private sector vendor is not available to*  
10 *provide the personal information services at specific*  
11 *locations; or*

12               “(2) *the interests of the user population would be*  
13 *best served by allowing the Government to provide*  
14 *such services.*

15       “(c) *PERSONAL INFORMATION SERVICES DEFINED.—*  
16 *In this section, the term ‘personal information services’*  
17 *means the provision of Internet, telephone, or television*  
18 *services to consumers.”.*

19       “(b) *CLERICAL AMENDMENT.—The table of sections at*  
20 *the beginning of such subchapter is amended by inserting*  
21 *after section 2492 the following new item:*

*“2492a. Limitation on Department of Defense entities competing with private sec-*  
*tor in offering personal information services.”.*

22       “(c) *EFFECT ON EXISTING CONTRACTS.—Section 2492a*  
23 *of title 10, United States Code, as added by subsection (a),*  
24 *does not affect the validity or terms of any contract for the*

1 *provision of personal information services entered into be-*  
2 *fore the date of the enactment of this Act.*

3 **SEC. 653. REPORT ON IMPACT OF PURCHASING FROM**  
4 **LOCAL DISTRIBUTORS ALL ALCOHOLIC BEV-**  
5 **ERAGES FOR RESALE ON MILITARY INSTAL-**  
6 **LATIONS ON GUAM.**

7 *(a) REPORT REQUIRED.—Not later than 90 days after*  
8 *the date of the enactment of this Act, the Comptroller Gen-*  
9 *eral shall submit to the Committees on Armed Services of*  
10 *the Senate and the House of Representatives a report evalu-*  
11 *ating the impact of reimposing the requirement, effective*  
12 *for fiscal year 2008 pursuant to section 8073 of the Depart-*  
13 *ment of Defense Appropriations Act, 2008 (division A of*  
14 *Public Law 110–116; 121 Stat. 1331) but not extended for*  
15 *fiscal year 2009, that all alcoholic beverages intended for*  
16 *resale on military installations on Guam be purchased from*  
17 *local sources.*

18 *(b) EVALUATION REQUIREMENTS.—As part of the re-*  
19 *port, the Comptroller General shall specifically evaluate the*  
20 *following:*

21 *(1) The rationale for and validity of the concerns*  
22 *of nonappropriated funds activities over the one-year*  
23 *imposition of the local-purchase requirement and the*  
24 *impact the requirement had on alcohol resale prices.*

1           (2) *The justification for the increase in the price*  
2 *of alcoholic beverages for resale on military installa-*  
3 *tions on Guam.*

4           (3) *The actions of the nonappropriated fund ac-*  
5 *tivities in complying with the local purchase require-*  
6 *ments for resale of alcoholic beverages and their pur-*  
7 *chase of such affected products before and after the ef-*  
8 *fective date of provision of law referred to in sub-*  
9 *section (a).*

10          (4) *The potential cost savings in transportation*  
11 *costs, including use of second destination transpor-*  
12 *tation funds, accruing from the purchase of alcoholic*  
13 *beverages from local distributors on Guam.*

14          (5) *The ability of local distributors on Guam to*  
15 *meet demands for stocks of certain alcoholic beverages*  
16 *in the event that the local purchase requirement be-*  
17 *came permanent for Guam.*

18          (6) *The consistency in application of the alcohol*  
19 *resale requirement for nonappropriated fund activi-*  
20 *ties on military installations with regards to Depart-*  
21 *ment of Defense Instruction 1330.09 (or any successor*  
22 *to that instruction) and the methods used to deter-*  
23 *mine the resale price of alcoholic beverages.*

1                   **Subtitle F—Other Matters**

2   **SEC. 661. LIMITATIONS ON COLLECTION OF OVERPAY-**  
3                   **MENTS OF PAY AND ALLOWANCES ERRO-**  
4                   **NEOUSLY PAID TO MEMBERS.**

5           (a) *MAXIMUM MONTHLY PERCENTAGE OF MEMBER’S*  
6 *PAY AUTHORIZED FOR DEDUCTION.*—Paragraph (3) of  
7 subsection (c) of section 1007 of title 37, United States  
8 Code, is amended by striking “20 percent” and inserting  
9 “10 percent”.

10          (b) *CONSULTATION REGARDING DEDUCTION OR RE-*  
11 *PAYMENT TERMS.*—Such paragraph is further amended—

12                   (1) by inserting “(A)” after “(3)”; and

13                   (2) by adding at the end the following new sub-  
14 paragraph:

15           “(B) In all cases described in subparagraph (A), the  
16 Secretary concerned shall consult with the member regard-  
17 ing the repayment rate to be imposed under such subpara-  
18 graph to recover the indebtedness, taking into account the  
19 financial ability of the member to pay and avoiding the  
20 imposition of an undue hardship on the member and the  
21 member’s dependents.”.

22          (c) *DELAY IN INSTITUTING COLLECTIONS FROM*  
23 *WOUNDED OR INJURED MEMBERS.*—Paragraph (4) of such  
24 subsection is amended to read as follows:

1           “(4)(A) *If a member of the uniformed services, while*  
2 *in the line of duty, is injured or wounded by hostile fire,*  
3 *explosion of a hostile mine, or any other hostile action, or*  
4 *otherwise incurs a wound, injury, or illness in a combat*  
5 *operation or combat zone designated by the President or*  
6 *the Secretary of Defense, any overpayment of pay or allow-*  
7 *ances made to the member while the member recovers from*  
8 *the wound, injury, or illness may not be deducted from the*  
9 *member’s pay until—*

10           “(i) *the member is notified of the overpayment;*

11           *and*

12           “(ii) *the later of the following occurs:*

13                   “(I) *The end of the 180-day period begin-*  
14 *ning on the date of the completion of the tour of*  
15 *duty of the member in the combat operation or*  
16 *combat zone.*

17                   “(II) *The end of the 90-day period begin-*  
18 *ning on the date of the reassignment of the mem-*  
19 *ber from a military treatment facility or other*  
20 *medical unit outside of the theater of operations.*

21           “(B) *Subparagraph (A) shall not apply if the member,*  
22 *after receiving notification of the overpayment, requests or*  
23 *consents to initiation at an earlier date of the collection*  
24 *of the overpayment of the pay or allowances.”.*



1           (d) *FIVE-YEAR DEADLINE ON SEEKING REPAY-*  
2 *MENT.—Such subsection is further amended by adding at*  
3 *the end the following new paragraph:*

4           “(5) *The Secretary concerned may not deduct from the*  
5 *pay of a member of the uniformed services or otherwise re-*  
6 *cover, seek to recover, or assist in the recovery from a mem-*  
7 *ber or former member any overpayment of pay or allow-*  
8 *ances made to the member through no fault of the member*  
9 *unless the Secretary notifies the member of the indebtedness*  
10 *before the end of the five-year period beginning on the date*  
11 *on which the overpayment was made. If the notice is not*  
12 *provided before the end of such period, the Secretary con-*  
13 *cerned shall cancel the indebtedness of the member to the*  
14 *United States.”.*

15           (e) *EXPANDED DISCRETION REGARDING REMISSION*  
16 *OR CANCELLATION OF INDEBTEDNESS.—*

17           (1) *ARMY.—Section 4837(a) of title 10, United*  
18 *States Code, is amended by striking “, but only if the*  
19 *Secretary considers such action to be in the best inter-*  
20 *est of the United States.” and inserting “if the Sec-*  
21 *retary determines that the person—*

22           “(1) *relies on social security benefits or dis-*  
23 *ability compensation under this title or title 38 (or*  
24 *a combination thereof) for more than half of the per-*  
25 *son’s annual income; or*

1           “(2) would suffer an undue hardship in repay-  
2           ing the indebtedness.”.

3           (2) *NAVAL SERVICE*.—Section 6161(a) of such  
4           title is amended by striking “, but only if the Sec-  
5           retary considers such action to be in the best interest  
6           of the United States.” and inserting “if the Secretary  
7           determines that the person—

8           “(1) relies on social security benefits or dis-  
9           ability compensation under this title or title 38 (or  
10          a combination thereof) for more than half of the per-  
11          son’s annual income; or

12          “(2) would suffer an undue hardship in repay-  
13          ing the indebtedness.”.

14          (3) *AIR FORCE*.—Section 9837(a) of such title is  
15          amended by striking “, but only if the Secretary con-  
16          siders such action to be in the best interest of the  
17          United States.” and inserting “if the Secretary deter-  
18          mines that the person—

19          “(1) relies on social security benefits or dis-  
20          ability compensation under this title or title 38 (or  
21          a combination thereof) for more than half of the per-  
22          son’s annual income; or

23          “(2) would suffer an undue hardship in repay-  
24          ing the indebtedness.”.

1           (f) *EFFECTIVE DATE.*—*The amendments made by this*  
2 *section shall apply only with respect to an overpayment of*  
3 *pay or allowances made to a member of the uniformed serv-*  
4 *ices after the date of the enactment of this Act.*

5 **SEC. 662. ARMY AUTHORITY TO PROVIDE ADDITIONAL RE-**  
6 **CRUITMENT INCENTIVES.**

7           (a) *EXTENSION OF AUTHORITY.*—*Subsection (i) of sec-*  
8 *tion 681 of the National Defense Authorization Act for Fis-*  
9 *cal Year 2006 (Public Law 109–163; 119 Stat. 3321) is*  
10 *amended by striking “December 31, 2009” and inserting*  
11 *“December 31, 2012”.*

12           (b) *LIMITATION ON USE OF AUTHORITY.*—*Subsection*  
13 *(e) of such section is amended by inserting “at the same*  
14 *time” after “provided”.*

15 **SEC. 663. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZA-**  
16 **TION RESPITE ABSENCE PROGRAM FOR CER-**  
17 **TAIN PERIODS BEFORE IMPLEMENTATION OF**  
18 **PROGRAM.**

19           (a) *IN GENERAL.*—*Under regulations prescribed by the*  
20 *Secretary of Defense, the Secretary concerned may provide*  
21 *any member or former member of the Armed Forces with*  
22 *the benefits specified in subsection (b) if the member or*  
23 *former member would, on any day during the period begin-*  
24 *ning on January 19, 2007, and ending on the date of the*  
25 *implementation of the Post-Deployment/Mobilization Res-*

1 *pite Absence (PDMRA) program by the Secretary con-*  
2 *cerned, have qualified for a day of administrative absence*  
3 *under the Post-Deployment/Mobilization Respite Absence*  
4 *program had the program been in effect during such period.*

5 (b) *BENEFITS.*—*The benefits authorized under this sec-*  
6 *tion are the following:*

7 (1) *In the case of an individual who is a former*  
8 *member of the Armed Forces at the time of the provi-*  
9 *sion of benefits under this section, payment of an*  
10 *amount not to exceed \$200 for each day the indi-*  
11 *vidual would have qualified for a day of administra-*  
12 *tive absence as described in subsection (a) during the*  
13 *period specified in that subsection.*

14 (2) *In the case of an individual who is a member*  
15 *of the Armed Forces at the time of the provision of*  
16 *benefits under this section, either one day of adminis-*  
17 *trative absence or payment of an amount not to ex-*  
18 *ceed \$200, as selected by the Secretary concerned, for*  
19 *each day the individual would have qualified for a*  
20 *day of administrative absence as described in sub-*  
21 *section (a) during the period specified in that sub-*  
22 *section.*

23 (c) *EXCLUSION OF CERTAIN FORMER MEMBERS.*—*A*  
24 *former member of the Armed Forces is not eligible under*  
25 *this section for the benefits specified in subsection (b)(1) if*

1 *the former member was discharged or released from the*  
2 *Armed Forces under other than honorable conditions.*

3 (d) *MAXIMUM NUMBER OF DAYS OF BENEFITS.*—Not  
4 *more than 40 days of benefits may be provided to a member*  
5 *or former member of the Armed Forces under this section.*

6 (e) *FORM OF PAYMENT.*—*The paid benefits authorized*  
7 *under this section may be paid in a lump sum or install-*  
8 *ments, at the election of the Secretary concerned.*

9 (f) *CONSTRUCTION WITH OTHER PAY AND LEAVE.*—  
10 *The benefits provided a member or former member of the*  
11 *Armed Forces under this section are in addition to any*  
12 *other pay, absence, or leave provided by law.*

13 (g) *DEFINITIONS.*—*In this section:*

14 (1) *The term “Post-Deployment/Mobilization*  
15 *Respite Absence program” means the program of a*  
16 *military department to provide days of administra-*  
17 *tive absence not chargeable against available leave to*  
18 *certain deployed or mobilized members of the Armed*  
19 *Forces in order to assist such members in reinte-*  
20 *grating into civilian life after deployment or mobili-*  
21 *zation.*

22 (2) *The term “Secretary concerned” has the*  
23 *meaning given that term in section 101(5) of title 37,*  
24 *United States Code.*

25 (h) *TERMINATION.*—

1           (1) *IN GENERAL.*—*The authority to provide ben-*  
2           *efits under this section shall expire on the date that*  
3           *is one year after the date of the enactment of this Act.*

4           (2) *CONSTRUCTION.*—*Expiration under this sub-*  
5           *section of the authority to provide benefits under this*  
6           *section shall not affect the utilization of any day of*  
7           *administrative absence provided a member of the*  
8           *Armed Forces under subsection (b)(2), or the payment*  
9           *of any payment authorized a member or former mem-*  
10          *ber of the Armed Forces under subsection (b), before*  
11          *the expiration of the authority in this section.*

12 **SEC. 664. SENSE OF CONGRESS REGARDING SUPPORT FOR**  
13                   **COMPENSATION, RETIREMENT, AND OTHER**  
14                   **MILITARY PERSONNEL PROGRAMS.**

15          *It is the sense of Congress that members of the Armed*  
16          *Forces and their families and military retirees deserve on-*  
17          *going recognition and support for their service and sac-*  
18          *rifices on behalf of the United States, and Congress will*  
19          *continue to be vigilant in identifying appropriate direct*  
20          *spending offsets that can be used to address shortcoming*  
21          *within those military personnel programs that incur man-*  
22          *datory spending obligations.*

1                   **TITLE VII—HEALTH CARE**  
 2                   **PROVISIONS**

*Subtitle A—Improvements to Health Benefits*

*Sec. 701. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.*

*Sec. 702. Chiropractic health care for members on active duty.*

*Sec. 703. Expansion of survivor eligibility under TRICARE dental program.*

*Sec. 704. TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.*

*Sec. 705. Cooperative health care agreements between military installations and non-military health care systems.*

*Sec. 706. Health care for members of the reserve components.*

*Sec. 707. National casualty care research center.*

*Subtitle B—Reports*

*Sec. 711. Report on post-traumatic stress disorder efforts.*

*Sec. 712. Report on the feasibility of TRICARE Prime in certain commonwealths and territories of the United States.*

*Sec. 713. Report on the health care needs of military family members.*

*Sec. 714. Report on stipends for members of reserve components for health care for certain dependents.*

*Sec. 715. Report on the required number of military mental health providers.*

3                   **Subtitle A—Improvements to Health**  
 4                   **Benefits**

5                   **SEC. 701. PROHIBITION ON CONVERSION OF MILITARY**  
 6                                   **MEDICAL AND DENTAL POSITIONS TO CIVIL-**  
 7                                   **IAN MEDICAL AND DENTAL POSITIONS.**

8                   (a) *PROHIBITION.*—*The Secretary of a military de-*  
 9                   *partment may not convert any military medical or dental*  
 10                   *position to a civilian medical or dental position on or after*  
 11                   *October 1, 2007.*

12                   (b) *RESTORATION OF CERTAIN POSITIONS TO MILI-*  
 13                   *TARY POSITIONS.*—*In the case of any military medical or*  
 14                   *dental position that is converted to a civilian medical or*  
 15                   *dental position during the period beginning on October 1,*

1 2004, and ending on September 30, 2008, if the position  
2 is not filled by a civilian by September 30, 2008, the Sec-  
3 retary of the military department concerned shall restore  
4 the position to a military medical or dental position that  
5 may be filled only by a member of the Armed Forces who  
6 is a health professional.

7 (c) *DEFINITIONS.*—*In this section:*

8 (1) *The term “military medical or dental posi-*  
9 *tion” means a position for the performance of health*  
10 *care functions (or coded to work within a military*  
11 *treatment facility) within the Armed Forces held by*  
12 *a member of the Armed Forces.*

13 (2) *The term “civilian medical or dental posi-*  
14 *tion” means a position for the performance of health*  
15 *care functions within the Department of Defense held*  
16 *by an employee of the Department or of a contractor*  
17 *of the Department.*

18 (3) *The term “conversion”, with respect to a*  
19 *military medical or dental position, means a change*  
20 *of the position to a civilian medical or dental posi-*  
21 *tion, effective as of the date of the manning authoriza-*  
22 *tion document of the military department making the*  
23 *change (through a change in designation from mili-*  
24 *tary to civilian in the document, the elimination of*  
25 *the listing of the position as a military position in*





1           *musculoskeletal conditions and the subluxation*  
2           *complex, and such other services determined ap-*  
3           *propriate by the Secretary and as authorized*  
4           *under State law; and*

5                   *(B) does not include the use of drugs or sur-*  
6           *gery.*

7           *(2) The term “doctor of chiropractic” means only*  
8           *a doctor of chiropractic who is licensed as a doctor*  
9           *of chiropractic, chiropractic physician, or chiro-*  
10          *practor by a State, the District of Columbia, or a ter-*  
11          *ritory or possession of the United States.*

12   **SEC. 703. EXPANSION OF SURVIVOR ELIGIBILITY UNDER**  
13                   **TRICARE DENTAL PROGRAM.**

14          *Paragraph (3) of section 1076a(k) of title 10, United*  
15          *States Code, is amended to read as follows:*

16           *“(3) Such term does not include a dependent by reason*  
17          *of paragraph (2) after the end of the three-year period be-*  
18          *ginning on the date of the member’s death, except that, in*  
19          *the case of a dependent of the deceased who is described by*  
20          *subparagraph (D) or (I) of section 1072(2) of this title, the*  
21          *period of continued eligibility shall be the longer of the fol-*  
22          *lowing periods beginning on such date:*

23                   *“(A) Three years.*

24                   *“(B) The period ending on the date on which*  
25          *such dependent attains 21 years of age.*

1           “(C) *In the case of such dependent who, at 21*  
2           *years of age, is enrolled in a full-time course of study*  
3           *in a secondary school or in a full-time course of study*  
4           *in an institution of higher education approved by the*  
5           *administering Secretary and was, at the time of the*  
6           *member’s death, in fact dependent on the member for*  
7           *over one-half of such dependent’s support, the period*  
8           *ending on the earlier of the following dates:*

9                   “(i) *The date on which such dependent*  
10                   *ceases to pursue such a course of study, as deter-*  
11                   *mined by the administering Secretary.*

12                   “(ii) *The date on which such dependent at-*  
13                   *tains 23 years of age.”.*

14 **SEC. 704. TRICARE STANDARD COVERAGE FOR CERTAIN**  
15                   **MEMBERS OF THE RETIRED RESERVE WHO**  
16                   **ARE QUALIFIED FOR A NON-REGULAR RE-**  
17                   **TIREMENT BUT ARE NOT YET AGE 60.**

18           (a) *IN GENERAL.*—Chapter 55 of title 10, United  
19 *States Code, is amended by inserting after section 1076d*  
20 *the following new section:*

1 **“§ 1076e. TRICARE program: TRICARE standard cov-**  
2 **erage for certain members of the Retired**  
3 **Reserve who are qualified for a non-reg-**  
4 **ular retirement but are not yet age 60**

5 “(a) *ELIGIBILITY.—(1) Except as provided in para-*  
6 *graph (2), a member of the Retired Reserve of a reserve com-*  
7 *ponent of the armed forces who is qualified for a non-reg-*  
8 *ular retirement at age 60 under chapter 1223 of this title,*  
9 *but is not age 60, is eligible for health benefits under*  
10 *TRICARE Standard as provided in this section.*

11 “(2) *Paragraph (1) does not apply to a member who*  
12 *is enrolled, or is eligible to enroll, in a health benefits plan*  
13 *under chapter 89 of title 5.*

14 “(b) *TERMINATION OF ELIGIBILITY UPON OBTAINING*  
15 *OTHER TRICARE STANDARD COVERAGE.—Eligibility for*  
16 *TRICARE Standard coverage of a member under this sec-*  
17 *tion shall terminate upon the member becoming eligible for*  
18 *TRICARE Standard coverage at age 60 under section 1086*  
19 *of this title.*

20 “(c) *FAMILY MEMBERS.—While a member of a reserve*  
21 *component is covered by TRICARE Standard under this*  
22 *section, the members of the immediate family of such mem-*  
23 *ber are eligible for TRICARE Standard coverage as depend-*  
24 *ents of the member. If a member of a reserve component*  
25 *dies while in a period of coverage under this section, the*  
26 *eligibility of the members of the immediate family of such*

1 member for *TRICARE Standard* coverage under this sec-  
2 tion shall continue for the same period of time that would  
3 be provided under section 1086 of this title if the member  
4 had been eligible at the time of death for *TRICARE Stand-*  
5 *ard* coverage under such section (instead of under this sec-  
6 tion).

7 “(d) *PREMIUMS.*—(1) A member of a reserve compo-  
8 nent covered by *TRICARE Standard* under this section  
9 shall pay a premium for that coverage.

10 “(2) The Secretary of Defense shall prescribe for the  
11 purposes of this section one premium for *TRICARE Stand-*  
12 *ard* coverage of members without dependents and one pre-  
13 mium for *TRICARE Standard* coverage of members with  
14 dependents referred to in subsection (f)(1). The premium  
15 prescribed for a coverage shall apply uniformly to all cov-  
16 ered members of the reserve components covered under this  
17 section.

18 “(3) The monthly amount of the premium in effect for  
19 a month for *TRICARE Standard* coverage under this sec-  
20 tion shall be the amount equal to the cost of coverage that  
21 the Secretary determines on an appropriate actuarial basis.

22 “(4) The Secretary shall prescribe the requirements  
23 and procedures applicable to the payment of premiums  
24 under this subsection.

1       “(5) Amounts collected as premiums under this sub-  
2 section shall be credited to the appropriation available for  
3 the Defense Health Program Account under section 1100  
4 of this title, shall be merged with sums in such Account  
5 that are available for the fiscal year in which collected, and  
6 shall be available under subsection (b) of such section for  
7 such fiscal year.

8       “(e) REGULATIONS.—The Secretary of Defense, in con-  
9 sultation with the other administering Secretaries, shall  
10 prescribe regulations for the administration of this section.

11       “(f) DEFINITIONS.—In this section:

12               “(1) The term ‘immediate family’, with respect  
13 to a member of a reserve component, means all of the  
14 member’s dependents described in subparagraphs (A),  
15 (D), and (I) of section 1072(2) of this title.

16               “(2) The term ‘TRICARE Standard’ means—

17                       “(A) medical care to which a dependent de-  
18 scribed in section 1076(a)(2) of this title is enti-  
19 tled; and

20                       “(B) health benefits contracted for under the  
21 authority of section 1079(a) of this title and sub-  
22 ject to the same rates and conditions as apply to  
23 persons covered under that section.”.

1           (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
2 *the beginning of such chapter is amended by inserting after*  
3 *the item relating to section 1076d the following new item:*

*“1076e. TRICARE program: TRICARE standard coverage for certain members of  
the Retired Reserve who are qualified for a non-regular retire-  
ment but are not yet age 60.”.*

4           (c) *EFFECTIVE DATE.*—*Section 1076e of title 10,*  
5 *United States Code, as inserted by subsection (a), shall*  
6 *apply to coverage for months beginning on or after October*  
7 *1, 2009, or such earlier date as the Secretary of Defense*  
8 *may specify.*

9   **SEC. 705. COOPERATIVE HEALTH CARE AGREEMENTS BE-**  
10                           **TWEEN MILITARY INSTALLATIONS AND NON-**  
11                           **MILITARY HEALTH CARE SYSTEMS.**

12           (a) *AUTHORITY.*—*The Secretary of Defense may estab-*  
13 *lish cooperative health care agreements between military in-*  
14 *stallations and local or regional health care systems.*

15           (b) *REQUIREMENTS.*—*In establishing such agreements,*  
16 *the Secretary shall—*

17                   (1) *consult with—*

18                           (A) *the Secretaries of the military depart-*  
19                           *ments;*

20                           (B) *representatives from the military instal-*  
21 *lation selected for the agreement, including the*  
22 *TRICARE managed care support contractor*  
23 *with responsibility for such installation; and*

1                   (C) *Federal, State, and local government of-*  
2                   *ficials;*

3                   (2) *identify and analyze health care services*  
4                   *available in the area in which the military installa-*  
5                   *tion is located, including such services available at a*  
6                   *military medical treatment facility or in the private*  
7                   *sector (or a combination thereof);*

8                   (3) *determine the cost avoidance or savings re-*  
9                   *sulting from innovative partnerships between the De-*  
10                  *partment of Defense and the private sector; and*

11                  (4) *determine the opportunities for and barriers*  
12                  *to coordinating and leveraging the use of existing*  
13                  *health care resources, including such resources of Fed-*  
14                  *eral, State, local, and private entities.*

15                  (c) *ANNUAL REPORTS.*—*Not later than December 31*  
16 *of each year an agreement entered into under this section*  
17 *is in effect, the Secretary shall submit to the congressional*  
18 *defense committees a report on each such agreement. Each*  
19 *report shall include, at a minimum, the following:*

20                  (1) *A description of the agreement.*

21                  (2) *Any cost avoidance, savings, or increases as*  
22                  *a result of the agreement.*

23                  (3) *A recommendation for continuing or ending*  
24                  *the agreement.*





1       “(2) *In this subsection:*

2               “(A) *The term ‘delayed-effective-date active-duty*  
3 *order’ means an order to active duty for a period of*  
4 *more than 30 days in support of a contingency oper-*  
5 *ation under a provision of law referred to in section*  
6 *101(a)(13)(B) of this title that provides for active-*  
7 *duty service to begin under such order on a date after*  
8 *the date of the issuance of the order*

9               “(B) *The term ‘official notification’ means a*  
10 *memorandum from the Secretary concerned that noti-*  
11 *fies a unit or a member of a reserve component of the*  
12 *armed forces that such unit or member shall receive*  
13 *a delayed-effective-date active-duty order.’”.*

14       (b) *EFFECTIVE DATE.*—*The amendment made by this*  
15 *section shall apply with respect to a delayed-effective-date*  
16 *active-duty order or official notification issued on or after*  
17 *the date of the enactment of this Act.*

18 **SEC. 707. NATIONAL CASUALTY CARE RESEARCH CENTER.**

19       (a) *DESIGNATION.*—*Not later than October 1, 2010, the*  
20 *Secretary of Defense shall designate a center to be known*  
21 *as the “National Casualty Care Research Center” (in this*  
22 *section referred to as the “Center”), which shall consist of*  
23 *the program known as combat casualty care of the Army*  
24 *Medical Research and Materiel Command.*

1       (b) *DIRECTOR.*—*The Secretary shall appoint a direc-*  
2 *tor of the Center.*

3       (c) *ACTIVITIES OF THE CENTER.*—*In addition to other*  
4 *functions performed by the combat casualty care program,*  
5 *the Center shall—*

6           (1) *provide a public-private partnership for*  
7 *funding clinical trials and clinical research in com-*  
8 *bat injury;*

9           (2) *integrate basic and clinical research from*  
10 *both military and civilian populations to accelerate*  
11 *improvements to trauma care;*

12           (3) *ensure that data from both military and ci-*  
13 *vilian entities, including the Joint Theater Trauma*  
14 *Registry and the National Trauma Data Bank, are*  
15 *optimally used to establish research strategies and*  
16 *measure improvements in outcomes;*

17           (4) *fund the full range of injury research and*  
18 *evaluation, including—*

19                   (A) *basic, translational, and clinical re-*  
20 *search;*

21                   (B) *point of injury and pre-hospital care;*

22                   (C) *early resuscitative management;*

23                   (D) *initial and definitive surgical care; and*

24                   (E) *rehabilitation and reintegration into*  
25 *society; and*



1           (B) the number of members of the Armed  
2           Forces and veterans diagnosed by the Depart-  
3           ment of Defense or the Department of Veterans  
4           Affairs as having post-traumatic stress disorder  
5           and the number of such veterans who have been  
6           successfully treated; and

7           (C) any collaborative efforts between the De-  
8           partment of Defense and the Department of Vet-  
9           erans Affairs to prevent, screen, diagnose, treat,  
10          or rehabilitate post-traumatic stress disorder.

11          (2) The status of studies and clinical trials in-  
12          volving innovative treatments of post-traumatic stress  
13          disorder that are conducted by the Department of De-  
14          fense, the Department of Veterans Affairs, or the pri-  
15          vate sector, including—

16               (A) efforts to identify physiological markers  
17               of post-traumatic stress disorder;

18               (B) with respect to efforts to determine cau-  
19               sation of post-traumatic stress disorder, brain  
20               imaging studies and the correlation between  
21               brain region atrophy and post-traumatic stress  
22               disorder diagnoses and the results (including any  
23               interim results) of such efforts;

24               (C) the effectiveness of administering phar-  
25               maceutical agents before, during, or after a trau-

1           *matic event in the prevention and treatment of*  
2           *post-traumatic stress disorder; and*

3                   *(D) identification of areas in which the De-*  
4           *partment of Defense and the Department of Vet-*  
5           *erans Affairs may be duplicating studies, pro-*  
6           *grams, or research with respect to post-traumatic*  
7           *stress disorder.*

8           *(3) A description of each treatment program for*  
9           *post-traumatic stress disorder, including a compari-*  
10          *son of the methods of treatment by each program, at*  
11          *the following locations:*

12                   *(A) Fort Hood, Texas.*

13                   *(B) Fort Bliss, Texas.*

14                   *(C) Fort Campbell, Tennessee.*

15                   *(D) Other locations the Secretary of Defense*  
16          *considers appropriate.*

17           *(4) The respective annual expenditure by the De-*  
18          *partment of Defense and the Department of Veterans*  
19          *Affairs for the treatment and rehabilitation of post-*  
20          *traumatic stress disorder.*

21                   *(5) A description of gender-specific and racial*  
22          *and ethnic group-specific mental health treatment*  
23          *and services available for members of the Armed*  
24          *Forces, including—*

1           (A) the availability of such treatment and  
2           services;

3           (B) the access to such treatment and serv-  
4           ices;

5           (C) the need for such treatment and serv-  
6           ices; and

7           (D) the efficacy and adequacy of such treat-  
8           ment and services.

9           (6) A description of areas for expanded future  
10          research with respect to post-traumatic stress dis-  
11          order.

12          (7) Any other matters the Secretaries consider  
13          relevant.

14          (b) *UPDATED REPORT REQUIRED.*—Not later than  
15          December 31, 2012, the Secretary of Defense and the Sec-  
16          retary of Veterans Affairs, in consultation with the Sec-  
17          retary of Health and Human Services, shall jointly submit  
18          to the appropriate committees an update of the report re-  
19          quired by subsection (a).

20          (c) *APPROPRIATE COMMITTEES DEFINED.*—In this  
21          section, the term “appropriate committees” means—

22               (1) the Committee on Armed Services, the Com-  
23               mittee on Appropriations, the Committee on Veterans’  
24               Affairs, and the Committee on Energy and Commerce  
25               of the House of Representatives; and

1           (2) *the Committee on Armed Services, the Com-*  
2           *mittee on Appropriations, the Committee on Veterans'*  
3           *Affairs, and the Committee on Health, Education,*  
4           *Labor, and Pensions of the Senate.*

5 **SEC. 712. REPORT ON THE FEASIBILITY OF TRICARE PRIME**  
6                           **IN CERTAIN COMMONWEALTHS AND TERRI-**  
7                           **TORIES OF THE UNITED STATES.**

8           (a) *STUDY REQUIRED.*—*The Secretary of Defense shall*  
9           *conduct a study examining the feasibility and cost-effective-*  
10           *ness of offering TRICARE Prime in each of the following*  
11           *locations:*

12                   (1) *American Samoa.*

13                   (2) *Guam.*

14                   (3) *The Commonwealth of the Northern Mariana*  
15           *Islands.*

16                   (4) *The Commonwealth of Puerto Rico.*

17                   (5) *The Virgin Islands.*

18           (b) *REPORT.*—*Not later than 180 days after the date*  
19           *of the enactment of this Act, the Secretary shall submit to*  
20           *the congressional defense committees a report on the study.*

21           (c) *TRICARE PRIME DEFINED.*—*In this section, the*  
22           *term “TRICARE Prime” has the meaning given that term*  
23           *in section 1097a(f)(1) of title 10, United States Code.*



1 **SEC. 713. REPORT ON THE HEALTH CARE NEEDS OF MILI-**  
2 **TARY FAMILY MEMBERS.**

3 (a) *REPORT REQUIRED.*—Not later than one year  
4 after the date of the enactment of this Act, the Secretary  
5 of Defense shall submit to the congressional defense commit-  
6 tees a report on the health care needs of dependents (as de-  
7 fined in section 1072(2) of title 10, United States Code).  
8 The report shall include, at a minimum, the following:

9 (1) *With respect to both the direct care system*  
10 *and the purchased care system, an analysis of the*  
11 *type of health care facility in which dependents seek*  
12 *care.*

13 (2) *The 10 most common medical conditions for*  
14 *which dependents seek care.*

15 (3) *The availability of and access to health care*  
16 *providers to treat the conditions identified under*  
17 *paragraph (2), both in the direct care system and the*  
18 *purchased care system.*

19 (4) *Any shortfalls in the ability of dependents to*  
20 *obtain required health care services.*

21 (5) *Recommendations on how to improve access*  
22 *to care for dependents.*

23 (b) *PILOT PROGRAM.*—

24 (1) *ELEMENTS.*—The Secretary of the Army  
25 shall carry out a pilot program on the mental health  
26 care needs of military children and adolescents. In

1 carrying out the pilot program, the Secretary shall es-  
2 tablish a center to—

3 (A) develop teams to train primary care  
4 managers in mental health evaluations and  
5 treatment of common psychiatric disorders af-  
6 fecting children and adolescents;

7 (B) develop strategies to reduce barriers to  
8 accessing behavioral health services and encour-  
9 age better use of the programs and services by  
10 children and adolescents; and

11 (C) expand the evaluation of mental health  
12 care using common indicators, including—

13 (i) psychiatric hospitalization rates;

14 (ii) non-psychiatric hospitalization  
15 rates; and

16 (iii) mental health relative value units.

17 (2) *REPORTS.*—

18 (A) *INTERIM REPORT.*—Not later than 90  
19 days after establishing the pilot program, the  
20 Secretary of the Army shall submit to the con-  
21 gressional defense committees a report describing  
22 the—

23 (i) structure and mission of the pro-  
24 gram; and

1                   (ii) the resources allocated to the pro-  
2                   gram.

3                   (B) *FINAL REPORT.*—Not later than Sep-  
4                   tember 30, 2012, the Secretary of the Army shall  
5                   submit to the congressional defense committees a  
6                   report that addresses the elements described  
7                   under paragraph (1).

8 **SEC. 714. REPORT ON STIPENDS FOR MEMBERS OF RE-**  
9                   **SERVE COMPONENTS FOR HEALTH CARE FOR**  
10                  **CERTAIN DEPENDENTS.**

11                  Not later than 90 days after the date of the enactment  
12                  of this Act, the Secretary of Defense shall submit to the con-  
13                  gressional defense committees a report on stipends paid  
14                  under section 704 of the National Defense Authorization Act  
15                  for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188;  
16                  10 U.S.C. 1076 note). The report shall include—

17                         (1) the number of stipends paid;

18                         (2) the amount of the average stipend; and

19                         (3) the number of members who received such sti-  
20                  pends.

21 **SEC. 715. REPORT ON THE REQUIRED NUMBER OF MILI-**  
22                  **TARY MENTAL HEALTH PROVIDERS.**

23                  Not later than one year after the date of the enactment  
24                  of this Act, the Secretary of Defense shall submit to the con-  
25                  gressional defense committees a report on the appropriate

1 *number of military mental health providers required to*  
2 *meet the mental health care needs of members of the Armed*  
3 *Forces, retired members, and dependents. The report shall*  
4 *include, at a minimum, the following:*

5           (1) *An evaluation of the recommendation titled*  
6           *“Ensure an Adequate Supply of Uniformed Pro-*  
7           *viders” made by the Department of Defense Task*  
8           *Force on Mental Health established by section 723 of*  
9           *the National Defense Authorization Act for Fiscal*  
10          *Year 2006 (Public Law 109–163; 119 Stat. 3348).*

11          (2) *The criteria and models used to determine*  
12          *the appropriate number of military mental health*  
13          *providers.*

14          (3) *A plan for how the Secretary of Defense will*  
15          *achieve the appropriate number of military mental*  
16          *health providers, including timelines, budgets, and*  
17          *any additional legislative authority the Secretary de-*  
18          *termines is required for such plan.*

19 **TITLE VIII—ACQUISITION POL-**  
20 **ICY, ACQUISITION MANAGE-**  
21 **MENT, AND RELATED MAT-**  
22 **TERS**

*Subtitle A—Acquisition Policy and Management*

*Sec. 801. Temporary authority to acquire products and services produced in countries along a major route of supply to Afghanistan; Report.*

*Sec. 802. Assessment of improvements in service contracting.*

*Sec. 803. Display of annual budget requirements for procurement of contract services and related clarifying technical amendments.*

*Sec. 804. Demonstration authority for alternative acquisition process for defense information technology programs.*

*Sec. 805. Limitation on performance of product support integrator functions.*

*Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations*

*Sec. 811. Revision of Defense Supplement relating to payment of costs prior to definitization.*

*Sec. 812. Revisions to definitions relating to contracts in Iraq and Afghanistan.*

*Sec. 813. Amendment to notification requirements for awards of single source task or delivery orders.*

*Sec. 814. Clarification of uniform suspension and debarment requirement.*

*Sec. 815. Extension of authority for use of simplified acquisition procedures for certain commercial items.*

*Sec. 816. Revision to definitions of major defense acquisition program and major automated information system.*

*Sec. 817. Small Arms Production Industrial Base.*

*Sec. 818. Publication of justification for bundling of contracts of the Department of Defense.*

*Sec. 819. Contract authority for advanced component development or prototype units.*

*Subtitle C—Other Matters*

*Sec. 821. Enhanced expedited hiring authority for defense acquisition workforce positions.*

*Sec. 822. Acquisition Workforce Development Fund amendments.*

*Sec. 823. Reports to Congress on full deployment decisions for major automated information system programs.*

*Sec. 824. Requirement for Secretary of Defense to deny award and incentive fees to companies found to jeopardize health or safety of Government personnel.*

*Sec. 825. Authorization for actions to correct the industrial resource shortfall for high-purity beryllium metal in amounts not in excess of \$85,000,000.*

*Sec. 826. Review of post employment restrictions applicable to the Department of Defense.*

*Sec. 827. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.*

*Sec. 828. Findings and report on the usage of rare earth materials in the defense supply chain.*

*Sec. 829. Furniture standards.*

1    ***Subtitle A—Acquisition Policy and***  
2                                    ***Management***

3    ***SEC. 801. TEMPORARY AUTHORITY TO ACQUIRE PRODUCTS***  
4                                    ***AND SERVICES PRODUCED IN COUNTRIES***  
5                                    ***ALONG A MAJOR ROUTE OF SUPPLY TO AF-***  
6                                    ***GHANISTAN; REPORT.***

7            (a) *IN GENERAL.*—*In the case of a product or service*  
8    *to be acquired in support of military or stability operations*  
9    *in Afghanistan for which the Secretary of Defense makes*  
10 *a determination described in subsection (b), the Secretary*  
11 *may conduct a procurement in which—*

12                    (1) *competition is limited to products or services*  
13    *that are from one or more countries along a major*  
14    *route of supply to Afghanistan; or*

15                    (2) *a preference is provided for products or serv-*  
16    *ices that are from one or more countries along a*  
17    *major route of supply to Afghanistan.*

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

20                    (1) *the product or service concerned is to be used*  
21    *only by personnel that ship goods, or provide support*  
22    *for shipping goods, for military forces, police, or other*  
23    *security personnel of Afghanistan, or for military or*  
24    *civilian personnel of the United States, United States*

1 *allies, or Coalition partners operating in military or*  
2 *stability operations in Afghanistan;*

3 *(2) it is in the national security interest of the*  
4 *United States to limit competition or provide a pref-*  
5 *erence as described in subsection (a) because such lim-*  
6 *itation or preference is necessary—*

7 *(A) to reduce overall United States trans-*  
8 *portation costs and risks in shipping goods in*  
9 *support of military or stability operations in Af-*  
10 *ghanistan;*

11 *(B) to encourage countries along a major*  
12 *route of supply to Afghanistan to cooperate in*  
13 *expanding supply routes through their territory*  
14 *in support of military or stability operations in*  
15 *Afghanistan; or*

16 *(C) to help develop more robust and endur-*  
17 *ing routes of supply to Afghanistan; and*

18 *(3) limiting competition or providing a pref-*  
19 *erence as described in subsection (a) will not ad-*  
20 *versely affect—*

21 *(A) military or stability operations in Af-*  
22 *ghanistan; or*

23 *(B) the United States industrial base.*

1           (c) *PRODUCTS, SERVICES, AND SOURCES FROM A*  
2 *COUNTRY ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANI-*  
3 *STAN.—For the purposes of this section:*

4           (1) *A product is from a country along a major*  
5 *route of supply to Afghanistan if it is mined, pro-*  
6 *duced, or manufactured in a covered country.*

7           (2) *A service is from a country along a major*  
8 *route of supply to Afghanistan if it is performed in*  
9 *a covered country by citizens or permanent resident*  
10 *aliens of a covered country.*

11           (3) *A source is from a country along a major*  
12 *route of supply to Afghanistan if it—*

13                   (A) *is located in a covered country; and*

14                   (B) *offers products or services that are from*  
15 *a covered country.*

16           (d) *COVERED COUNTRY DEFINED.—In this section, the*  
17 *term “covered country” means Georgia, Kyrgyzstan, Paki-*  
18 *stan, Armenia, Azerbaijan, Kazakhstan, Tajikistan,*  
19 *Uzbekistan, or Turkmenistan.*

20           (e) *CONSTRUCTION WITH OTHER AUTHORITY.—The*  
21 *authority provided in subsection (a) is in addition to the*  
22 *authority set forth in section 886 of the National Defense*  
23 *Authorization Act for Fiscal Year 2008 (Public Law 110–*  
24 *181; 122 Stat. 266; 10 U.S.C. 2302 note).*



1           (f) *TERMINATION OF AUTHORITY.*—*The Secretary of*  
2 *Defense may not exercise the authority provided in sub-*  
3 *section (a) on and after the date occurring 18 months after*  
4 *the date of the enactment of this Act.*

5           (g) *REPORT ON AUTHORITY.*—*Not later than April 1,*  
6 *2010, the Secretary of Defense shall submit to the congres-*  
7 *sional defense committees a report on the use of the author-*  
8 *ity provided in subsection (a). The report shall address, at*  
9 *a minimum, following:*

10               (1) *The number of determinations made by the*  
11 *Secretary pursuant to subsection (b).*

12               (2) *A description of the products and services ac-*  
13 *quired using the authority.*

14               (3) *The extent to which the use of the authority*  
15 *has met the objectives of subparagraph (A), (B), or*  
16 *(C) of subsection (b)(2).*

17               (4) *A list of the countries providing products or*  
18 *services as a result of a determination made pursuant*  
19 *to subsection (b).*

20               (5) *Any recommended modifications to the au-*  
21 *thority.*

22 **SEC. 802. ASSESSMENT OF IMPROVEMENTS IN SERVICE**  
23 **CONTRACTING.**

24           (a) *ASSESSMENT REQUIRED.*—*The Under Secretary of*  
25 *Defense for Acquisition, Technology, and Logistics shall*

1 *provide for an independent assessment of improvements in*  
2 *the procurement and oversight of services by the Depart-*  
3 *ment of Defense. The assessment shall be conducted by a*  
4 *federally funded research and development center selected*  
5 *by the Under Secretary.*

6 (b) *MATTERS COVERED.*—*The assessment required by*  
7 *subsection (a) shall include the following:*

8 (1) *An assessment of the quality and complete-*  
9 *ness of guidance relating to the procurement of serv-*  
10 *ices, including implementation of statutory and regu-*  
11 *latory authorities and requirements.*

12 (2) *A determination of the extent to which best*  
13 *practices are being developed for setting requirements*  
14 *and developing statements of work.*

15 (3) *A determination of whether effective stand-*  
16 *ards to measure performance have been developed.*

17 (4) *An assessment of the effectiveness of peer re-*  
18 *views within the Department of Defense of contracts*  
19 *for services and whether such reviews are being con-*  
20 *ducted at the appropriate dollar threshold.*

21 (5) *An assessment of the management structure*  
22 *for the procurement of services, including how the*  
23 *military departments and Defense Agencies have im-*  
24 *plemented section 2330 of title 10, United States*  
25 *Code.*

1           (6) *A determination of whether the performance*  
2           *savings goals required by section 802 of the National*  
3           *Defense Authorization Act for Fiscal Year 2002 (10*  
4           *U.S.C. 2330 note) are being achieved.*

5           (7) *An assessment of the effectiveness of the Ac-*  
6           *quisition Center of Excellence for Services established*  
7           *pursuant to section 1431(b) of the Services Acquisi-*  
8           *tion Reform Act of 2003 (title XIV of Public Law*  
9           *108–136; 117 Stat. 1671; 41 U.S.C. 405 note) and the*  
10          *feasibility of creating similar centers of excellence in*  
11          *the military departments.*

12          (8) *An assessment of the quality and sufficiency*  
13          *of the acquisition workforce for the procurement and*  
14          *oversight of services.*

15          (9) *Such other related matters as the Under Sec-*  
16          *retary considers appropriate.*

17          (c) *REPORT.—Not later than March 10, 2010, the*  
18          *Under Secretary shall submit to the congressional defense*  
19          *committees a report on the results of the assessment, includ-*  
20          *ing such comments and recommendations as the Under Sec-*  
21          *retary considers appropriate.*

1 **SEC. 803. DISPLAY OF ANNUAL BUDGET REQUIREMENTS**  
2 **FOR PROCUREMENT OF CONTRACT SERVICES**  
3 **AND RELATED CLARIFYING TECHNICAL**  
4 **AMENDMENTS.**

5 (a) *CODIFICATION OF REQUIREMENT FOR SPECIFICA-*  
6 *TION OF AMOUNTS REQUESTED FOR PROCUREMENT OF*  
7 *CONTRACT SERVICES.—*

8 (1) *IN GENERAL.—Chapter 9 of title 10, United*  
9 *States Code, is amended by adding at the end the fol-*  
10 *lowing new section:*

11 **“§235. Procurement of contract services: specification**  
12 **of amounts requested in budget**

13 *“(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICA-*  
14 *TION DOCUMENTS.—The Secretary of Defense shall submit*  
15 *to the President, as a part of the defense budget materials*  
16 *for a fiscal year, information described in subsection (b)*  
17 *with respect to the procurement of contract services.*

18 *“(b) INFORMATION PROVIDED.—For each budget ac-*  
19 *count, the materials submitted shall clearly and separately*  
20 *identify—*

21 *“(1) the amount requested for the procurement of*  
22 *contract services for each Department of Defense com-*  
23 *ponent, installation, or activity;*

24 *“(2) the amount requested for each type of serv-*  
25 *ice to be provided; and*

1           “(3) *the number of full-time contractor employees*  
2           *(or the equivalent of full-time in the case of part-time*  
3           *contractor employees) projected and justified for each*  
4           *Department of Defense component, installation, or ac-*  
5           *tivity based on the inventory of contracts for services*  
6           *required by subsection (c) of section 2330a of this title*  
7           *and the review required by subsection (e) of such sec-*  
8           *tion.*

9           “(c) *DEFINITIONS.—In this section:*

10           “(1) *The term ‘contract services’—*

11                   “(A) *means services from contractors; but*

12                   “(B) *excludes services relating to research*  
13                   *and development and services relating to mili-*  
14                   *tary construction.*

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

19           “(3) *The term ‘budget’, with respect to a fiscal*  
20           *year, means the budget for that fiscal year that is*  
21           *submitted to Congress by the President under section*  
22           *1105(a) of title 31.”.*

23           “(2) *CLERICAL AMENDMENT.—The table of sec-*  
24           *tions at the beginning of such chapter is amended by*  
25           *adding at the end the following new item:*

“235. Procurement of contract services: specification of amounts requested in budget”.

1           (3) *REPEAL OF SUPERSEDED PROVISION.*—Section  
2           tion 806 of the National Defense Authorization Act  
3           for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.  
4           221 note) is repealed.

5           (b) *CLARIFICATION OF CONTRACT SERVICES REVIEW*  
6           *AND PLANNING REQUIREMENTS.*—Section 2330a(e) of title  
7           10, United States Code, is amended in paragraph (4) by  
8           inserting after “plan” the following: “and a contracts serv-  
9           ices requirements approval process”.

10   **SEC. 804. DEMONSTRATION AUTHORITY FOR ALTERNATIVE**  
11                           **ACQUISITION PROCESS FOR DEFENSE INFOR-**  
12                           **MATION TECHNOLOGY PROGRAMS.**

13           (a) *AUTHORITY.*—The Secretary of Defense may des-  
14           ignate up to 10 information technology programs annually  
15           to be included in a demonstration of an alternative acquisi-  
16           tion process for rapidly acquiring information technology  
17           capabilities. In designating the programs, the Secretary  
18           may select any information technology program in any of  
19           the military departments or Defense Agencies that has re-  
20           ceived milestone A approval, but has not yet received mile-  
21           stone B approval.

22           (b) *PROCEDURES.*—The Secretary of Defense shall es-  
23           tablish procedures for the exercise of the authority under  
24           subsection (a), including a process for measuring the effec-

1 *tiveness of the alternative acquisition process to be dem-*  
2 *onstrated. The Secretary of Defense shall notify the congres-*  
3 *sional defense committees of those procedures before any ex-*  
4 *ercise of that authority.*

5 *(c) REQUIREMENT TO PAY FULL COST IN YEAR OF*  
6 *DELIVERY.—No contract to acquire an information tech-*  
7 *nology system may be entered into using the authority*  
8 *under subsection (a) unless the funds for the full cost of such*  
9 *system are obligated or expended in the fiscal year of deliv-*  
10 *ery of the system.*

11 *(d) ANNUAL REPORT.—By March 1 of each year, be-*  
12 *ginning March 1, 2010, and ending March 1, 2016, the Sec-*  
13 *retary of Defense shall submit to the congressional defense*  
14 *committees a report on the activities carried out under the*  
15 *authority under subsection (a) during the preceding year.*  
16 *Each report shall include, at a minimum, the following:*

17 *(1) A description of each information technology*  
18 *program in the demonstration, including goals, fund-*  
19 *ing, and military department or Defense Agency*  
20 *sponsors.*

21 *(2) A description of the methods for measuring*  
22 *the effectiveness of the alternative acquisition process*  
23 *for each information technology program in the dem-*  
24 *onstration.*

1           (3) *Identification of any significant systemic or*  
2           *process issues impeding the effectiveness of the alter-*  
3           *native acquisition process.*

4           (e) *PERIOD OF AUTHORITY.—The authority under*  
5           *subsection (a) shall be in effect during each of fiscal years*  
6           *2010 through 2015.*

7   **SEC. 805. LIMITATION ON PERFORMANCE OF PRODUCT**  
8                           **SUPPORT INTEGRATOR FUNCTIONS.**

9           (a) *LIMITATION.—*

10           (1) *IN GENERAL.—Chapter 141 of title 10,*  
11           *United States Code, is amended by adding at the end*  
12           *the following new section:*

13   **“§2410r. Contractor sustainment support arrange-**  
14                           **ments: limitation on product support inte-**  
15                           **grator functions**

16           “(a) *LIMITATION.—A product support integrator func-*  
17           *tion for a covered major system may be performed only by*  
18           *a member of the armed forces or an employee of the Depart-*  
19           *ment of Defense.*

20           “(b) *DEFINITIONS.—In this section:*

21           “(1) *The term ‘product support integrator func-*  
22           *tion’ means the function of integrating all sources of*  
23           *support for a major system, both public and private,*  
24           *and includes the integration of sustainment support*



1        *arrangements at the level of the program office re-*  
2        *sponsible for sustainment of such system.*

3            *“(2) The term ‘covered major system’ means a*  
4        *major system for which a sustainment support ar-*  
5        *rangement is employed.*

6            *“(3) The term ‘sustainment support arrange-*  
7        *ment’ means a contract, task order, or other contrac-*  
8        *tual arrangement for the integration of sustainment*  
9        *or logistics support such as materiel management,*  
10       *configuration management, data management, sup-*  
11       *ply, distribution, repair, overhaul, product improve-*  
12       *ment, calibration, maintenance, readiness, reliability,*  
13       *availability, mean down time, customer wait time,*  
14       *foot print reduction, reduced ownership costs and*  
15       *other tasks normally performed as part of the logistics*  
16       *support required for a major system. The term in-*  
17       *cludes any of the following arrangements:*

18            *“(A) Contractor performance-based logistics.*

19            *“(B) Contractor sustainment support.*

20            *“(C) Contractor logistics support.*

21            *“(D) Contractor life cycle product support.*

22            *“(E) Contractor weapons system product*  
23        *support.*

24            *“(3) The term ‘major system’ means that com-*  
25        *bination of elements that will function together to*

1       *produce the capabilities required to fulfill a mission*  
 2       *need as defined in section 2302(d) this title.”.*

3               (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
 4       *tions at the beginning of such chapter is amended by*  
 5       *adding after the item relating to section 2410q the fol-*  
 6       *lowing new item:*

      “2410r. *Contractor sustainment support arrangements: limitation on product sup-*  
       *port integrator functions.”.*

7               (b) *EFFECTIVE DATE.*—*Section 2410r of title 10,*  
 8       *United States Code, as added by subsection (a), shall apply*  
 9       *to contracts entered into after September 30, 2010.*

10       ***Subtitle B—Amendments to General***  
 11       ***Contracting Authorities, Proce-***  
 12       ***dures, and Limitations***

13       ***SEC. 811. REVISION OF DEFENSE SUPPLEMENT RELATING***  
 14               ***TO PAYMENT OF COSTS PRIOR TO***  
 15               ***DEFINITIZATION.***

16               (a) *REQUIREMENT.*—*Not later than 180 days after the*  
 17       *date of the enactment of this Act, the Secretary of Defense*  
 18       *shall revise the Defense Supplement to the Federal Acquisi-*  
 19       *tion Regulation to require that, if a clause relating to pay-*  
 20       *ment of costs prior to definitization of costs is included in*  
 21       *a contract of the Department of Defense, the clause shall*  
 22       *apply—*

23               (1) *to the contract regardless of the type of con-*  
 24       *tract; and*

1           (2) to each contractual action pursuant to the  
2           contract.

3           (b) *CONTRACTUAL ACTION*.—In this section, the term  
4           “contractual action” includes a task order or delivery order.

5           **SEC. 812. REVISIONS TO DEFINITIONS RELATING TO CON-**  
6           **TRACTS IN IRAQ AND AFGHANISTAN.**

7           (a) *REVISIONS TO DEFINITION OF CONTRACT IN IRAQ*  
8           *OR AFGHANISTAN*.—Section 864(a)(2) of the National De-  
9           fense Authorization Act for Fiscal Year 2008 (Public Law  
10          110–181; 122 Stat. 258; 10 U.S.C. 2302 note) is amended—

11           (1) by striking “or a task order or delivery order  
12           at any tier issued under such a contract” and insert-  
13           ing “a task order or delivery order at any tier issued  
14           under such a contract, a grant, or a cooperative  
15           agreement”;

16           (2) by striking in the parenthetical “or task  
17           order or delivery order” and inserting “task order, de-  
18           livery order, grant, or cooperative agreement”;

19           (3) by striking “or task or delivery order” after  
20           the parenthetical and inserting “task order, delivery  
21           order, grant, or cooperative agreement”; and

22           (4) by striking “14 days” and inserting “30  
23           days”.

1       (b) *REVISION TO DEFINITION OF COVERED CON-*  
2 *TRACT.*—*Section 864(a)(3) of such Act (Public Law 110-*  
3 *181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended—*

4           (1) *by striking “or” at the end of subparagraph*  
5 *(B);*

6           (2) *by striking the period and inserting a semi-*  
7 *colon at the end of subparagraph (C); and*

8           (3) *by adding at the end the following new sub-*  
9 *paragraphs:*

10                   *“(D) a grant for the performance of services*  
11 *in an area of combat operations, as designated*  
12 *by the Secretary of Defense under subsection (c)*  
13 *of section 862; or*

14                   *“(E) a cooperative agreement for the per-*  
15 *formance of services in such an area of combat*  
16 *operations.”.*

17       (c) *REVISION TO DEFINITION OF CONTRACTOR.*—  
18 *Paragraph (4) of section 864(a) of such Act (Public Law*  
19 *110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended*  
20 *to read as follows:*

21           (4) *CONTRACTOR.*—*The term ‘contractor’, with*  
22 *respect to a covered contract, means—*

23                   *“(A) in the case of a covered contract that*  
24 *is a contract, subcontract, task order, or delivery*

1           *order, the contractor or subcontractor carrying*  
2           *out the covered contract;*

3                   “(B) *in the case of a covered contract that*  
4           *is a grant, the grantee; and*

5                   “(C) *in the case of a covered contract that*  
6           *is a cooperative agreement, the recipient.”.*

7           (d) *REVISION IN VALUE OF CONTRACTS COVERED BY*  
8           *CERTAIN REPORT.*—Section 1248(c)(1)(B) of such Act  
9           (Public Law 110–181; 122 Stat. 400) is amended by strik-  
10          ing “\$25,000” and inserting “\$100,000”.

11   **SEC. 813. AMENDMENT TO NOTIFICATION REQUIREMENTS**  
12                   **FOR AWARDS OF SINGLE SOURCE TASK OR**  
13                   **DELIVERY ORDERS.**

14          (a) *CONGRESSIONAL DEFENSE COMMITTEES.*—Sub-  
15          paragraph (B) of section 2304a(d)(3) of title 10, United  
16          States Code, is amended to read as follows:

17                   “(B) *The head of the agency shall notify the congres-*  
18          *sional defense committees within 30 days after any deter-*  
19          *mination under clause (i), (ii), (iii), or (iv) of subpara-*  
20          *graph (A).”.*

21          (b) *CONGRESSIONAL INTELLIGENCE COMMITTEES.*—  
22          Any notification provided under subparagraph (B) of sec-  
23          tion 2304a(d)(3) of title 10, United States Code, as amend-  
24          ed by subsection (a), shall also be provided to the Permanent  
25          Select Committee on Intelligence of the House of Represent-

1 *atives and the Select Committee on Intelligence of the Sen-*  
2 *ate if the source of funds for the task or delivery order con-*  
3 *tract concerned is the National Intelligence Program or the*  
4 *Military Intelligence Program.*

5 **SEC. 814. CLARIFICATION OF UNIFORM SUSPENSION AND**  
6 **DEBARMENT REQUIREMENT.**

7 *Section 2455(a) of the Federal Acquisition Stream-*  
8 *lining Act of 1994 (31 U.S.C. 6101 note) is amended by*  
9 *inserting “at any level, including subcontracts at any tier,”*  
10 *in the second sentence after “any procurement or non-*  
11 *procurement activity”.*

12 **SEC. 815. EXTENSION OF AUTHORITY FOR USE OF SIM-**  
13 **PLIFIED ACQUISITION PROCEDURES FOR**  
14 **CERTAIN COMMERCIAL ITEMS.**

15 *Section 4202 of the Clinger–Cohen Act of 1996 (Divi-*  
16 *sion D of Public Law 104–106; 110 Stat. 652; 10 U.S.C.*  
17 *2304 note) as amended by section 822 of the National De-*  
18 *fense Authorization Act for Fiscal Year 2008 (Public Law*  
19 *110–181; 122 Stat. 226) is amended in subsection (e) by*  
20 *striking “2010” and inserting “2012”.*

1 **SEC. 816. REVISION TO DEFINITIONS OF MAJOR DEFENSE**  
2 **ACQUISITION PROGRAM AND MAJOR AUTO-**  
3 **MATED INFORMATION SYSTEM.**

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

7 “(d) *In the case of a Department of Defense acquisition*  
8 *program that, by reason of paragraph (2) of section*  
9 *2445a(a) of this title, is a major automated information*  
10 *system program under chapter 144A of this title and that,*  
11 *by reason of paragraph (2) of subsection (a), is a major*  
12 *defense acquisition program under this chapter, the Sec-*  
13 *retary of Defense may designate that program to be treated*  
14 *only as a major automated information system program*  
15 *or to be treated only as a major defense acquisition pro-*  
16 *gram.”.*

17 (b) *MAJOR AUTOMATED INFORMATION SYSTEM.*—Sec-  
18 *tion 2445a(a) of such title is amended by inserting “that*  
19 *is not a highly sensitive classified program (as determined*  
20 *by the Secretary of Defense)” after “(either as a product*  
21 *or service)”.*

22 **SEC. 817. SMALL ARMS PRODUCTION INDUSTRIAL BASE.**

23 *Section 2473 of title 10, United States Code, is amend-*  
24 *ed—*

25 (1) *by amending subsection (c) to read as fol-*  
26 *lows:*

1           “(c) *SMALL ARMS PRODUCTION INDUSTRIAL BASE.*—  
2 *In this section, the term ‘small arms production industrial*  
3 *base’ means the persons and organizations that are engaged*  
4 *in the production or maintenance of small arms within the*  
5 *United States.’; and*

6           (2) *in subsection (d), by adding at the end the*  
7 *following new paragraph:*

8           “(6) *Pistols.*”.

9 **SEC. 818. PUBLICATION OF JUSTIFICATION FOR BUNDLING**  
10 **OF CONTRACTS OF THE DEPARTMENT OF DE-**  
11 **FENSE.**

12           (a) *REQUIREMENT TO PUBLISH JUSTIFICATION FOR*  
13 *BUNDLING.*—*A contracting officer of the Department of De-*  
14 *fense carrying out a covered acquisition shall publish the*  
15 *justification required by paragraph (f) of subpart 7.107 of*  
16 *the Federal Acquisition Regulation on the website known*  
17 *as FedBizOpps.gov (or any successor site) 30 days prior*  
18 *to the release of a solicitation for such acquisition.*

19           (b) *COVERED ACQUISITION DEFINED.*—*In this section,*  
20 *the term “covered acquisition” means an acquisition that*  
21 *is—*

22           (1) *funded entirely using funds of the Depart-*  
23 *ment of Defense; and*



1           (2) covered by subpart 7.107 of the Federal Ac-  
2           quisition Regulation (relating to acquisitions involv-  
3           ing bundling).

4           (c) CONSTRUCTION.—(1) Nothing in this section shall  
5           be construed to alter the responsibility of a contracting offi-  
6           cer to provide the justification referred to in subsection (a)  
7           with respect to a covered acquisition, or otherwise provide  
8           notification, to any party concerning such acquisition  
9           under any other requirement of law or regulation.

10          (2) Nothing in this section shall be construed to require  
11          the public availability of information that is exempt from  
12          public disclosure under section 552(b) of title 5, United  
13          States Code, or is otherwise restricted from public disclosure  
14          by law or executive order.

15          (3) Nothing in this section shall be construed to require  
16          a contracting officer to delay the issuance of a solicitation  
17          in order to meet the requirements of subsection (a) if the  
18          expedited issuance of such solicitation is otherwise author-  
19          ized under any other requirement of law or regulation.

20       **SEC. 819. CONTRACT AUTHORITY FOR ADVANCED COMPO-**  
21                               **NENT DEVELOPMENT OR PROTOTYPE UNITS.**

22          (a) AUTHORITY.—A contract initially awarded from  
23          the competitive selection of a proposal resulting from a gen-  
24          eral solicitation referred to in section 2302(2)(B) of title

1 10, *United States Code*, may contain a contract option  
2 for—

3 (1) *the provision of advanced component develop-*  
4 *ment and prototype of technology developed in the*  
5 *initial underlying contract; or*

6 (2) *the delivery of initial or additional prototype*  
7 *items if the item or a prototype thereof is created as*  
8 *the result of work performed under the initial com-*  
9 *peted research contract.*

10 (b) *DELIVERY.*—*A contract option as described in sub-*  
11 *section (a)(2) shall require the delivery of the minimal*  
12 *amount of initial or additional prototype items to allow*  
13 *for the timely competitive solicitation and award of a fol-*  
14 *low-on development or production contract for those items.*  
15 *Such contract option may have a value only up to three*  
16 *times the value of the base contract ceiling and any subse-*  
17 *quent development or procurement must be subject to the*  
18 *terms of section 2304 of title 10, United States Code.*

19 (c) *TERM.*—*A contract option as described in sub-*  
20 *section (a)(1) shall be for a term of not more than 12*  
21 *months.*

22 (d) *USE OF AUTHORITY.*—*Each military department*  
23 *may use the authority provided in subsection (a) to exercise*  
24 *a contract option described in that subsection up to four*  
25 *times a year, and the Secretary of Defense may approve*

1 *up to an additional four total options a year for projects*  
2 *supported by agencies of the Department of Defense, until*  
3 *September 30, 2014.*

4 *(e) REPORT.—The Secretary of Defense shall submit*  
5 *to the congressional defense committees a report on the use*  
6 *of the authority provided by subsection (a) not later than*  
7 *March 1, 2014. The report shall, at a minimum, describe—*

8 *(1) the number of times the contract options were*  
9 *exercised under such authority and the scope of each*  
10 *such option;*

11 *(2) the circumstances that rendered the military*  
12 *department or defense agency unable to solicit and*  
13 *award a follow-on development or production contract*  
14 *in a timely fashion, but for the use of such authority;*

15 *(3) the extent to which such authority increased*  
16 *competition and improved technology transition; and*

17 *(4) any recommendations regarding the modi-*  
18 *fication or extension of such authority.*

### 19 ***Subtitle C—Other Matters***

#### 20 ***SEC. 821. ENHANCED EXPEDITED HIRING AUTHORITY FOR*** 21 ***DEFENSE ACQUISITION WORKFORCE POSI-*** 22 ***TIONS.***

23 *(a) IN GENERAL.—Section 1705(h)(1) of title 10,*  
24 *United States Code, is amended—*

1           (1) *in subparagraph (A), by striking “acqui-*  
2 *sition positions within the Department of Defense as*  
3 *shortage category positions” and inserting “acqui-*  
4 *sition workforce positions as positions for which there*  
5 *exists a shortage of candidates or there is a critical*  
6 *hiring need”; and*

7           (2) *in subparagraph (B), by striking “highly”.*

8           (b) *TECHNICAL AMENDMENT.—Such section is further*  
9 *amended by striking “United States Code,” in the matter*  
10 *preceding subparagraph (A).*

11 **SEC. 822. ACQUISITION WORKFORCE DEVELOPMENT FUND**

12           **AMENDMENTS.**

13           (a) *REVISIONS TO CREDITS TO FUND.—*

14           (1) *REMITTANCE BY FISCAL YEAR INSTEAD OF*  
15 *QUARTER.—Subparagraph (B) of section 1705(d)(2)*  
16 *of title 10, United States Code, is amended—*

17           (A) *in the first sentence, by striking “the*  
18 *third fiscal year quarter” and all that follows*  
19 *through “thereafter” and inserting “each fiscal*  
20 *year”; and*

21           (B) *by striking “quarter” before “for serv-*  
22 *ices”.*

23           (2) *AUTHORITY TO SUSPEND REMITTANCE RE-*  
24 *QUIREMENT.—Section 1705(d)(2) of such title is fur-*

1        *ther amended by adding at the end the following new*  
2        *subparagraph:*

3            *“(E) The Secretary of Defense may suspend the*  
4        *requirement to remit amounts under subparagraph*  
5        *(B), or reduce the amount required to be remitted*  
6        *under that subparagraph, for fiscal year 2010 or any*  
7        *subsequent fiscal year for which amounts appro-*  
8        *priated to the Fund are in excess of the amount speci-*  
9        *fied for that fiscal year in subparagraph (D).”.*

10        *(b) REVISION TO EMPLOYEES COVERED BY PROHIBI-*  
11        *TION OF PAYMENT OF BASE SALARY.—Paragraph (5) of*  
12        *section 1705(e) of such title is amended by striking “who*  
13        *was an employee of the Department as of the date of the*  
14        *enactment of the National Defense Authorization Act for*  
15        *Fiscal Year 2008” and inserting “who, as of January 28,*  
16        *2008, was an employee of the Department serving in a posi-*  
17        *tion in the acquisition workforce”.*

18        *(c) TECHNICAL AMENDMENTS.—Section 1705 of such*  
19        *title is further amended—*

20            *(1) in subsection (a), by inserting “Develop-*  
21        *ment” after “Workforce”; and*

22            *(2) in subsection (f), by striking “beginning with*  
23        *fiscal year 2008” in the matter preceding paragraph*

24        *(1).*

1 **SEC. 823. REPORTS TO CONGRESS ON FULL DEPLOYMENT**  
2 **DECISIONS FOR MAJOR AUTOMATED INFOR-**  
3 **MATION SYSTEM PROGRAMS.**

4 (a) **IMPLEMENTATION SCHEDULE.**—Section  
5 2445b(b)(2) of title 10, United States Code, is amended by  
6 striking “, initial operational capability, and full oper-  
7 ational capability” and inserting “and full deployment de-  
8 cision”.

9 (b) **CRITICAL CHANGES IN PROGRAM.**—Section  
10 2445c(d)(2)(A) of such title is amended by striking “initial  
11 operational capability” and inserting “a full deployment  
12 decision”.

13 **SEC. 824. REQUIREMENT FOR SECRETARY OF DEFENSE TO**  
14 **DENY AWARD AND INCENTIVE FEES TO COM-**  
15 **PANIES FOUND TO JEOPARDIZE HEALTH OR**  
16 **SAFETY OF GOVERNMENT PERSONNEL.**

17 (a) **REQUIREMENT TO DENY AWARD AND INCENTIVE**  
18 **FEES.**—

19 (1) **PRIME CONTRACTORS.**—The Secretary of De-  
20 fense shall prohibit the payment of award and incen-  
21 tive fees to any defense contractor—

22 (A) that has been determined, through a  
23 criminal, civil, or administrative proceeding  
24 that results in a disposition listed in subsection  
25 (c), in the performance of a covered contract to  
26 have caused serious bodily injury or death to

1           *any civilian or military personnel of the Govern-*  
2           *ment through gross negligence or with reckless*  
3           *disregard for the safety of such personnel; or*

4           *(B) that awarded a subcontract under a*  
5           *covered contract to a subcontractor that has been*  
6           *determined, through a criminal, civil, or admin-*  
7           *istrative proceeding that results in a disposition*  
8           *listed in subsection (c), in the performance of the*  
9           *subcontract to have caused serious injury or*  
10          *death to any civilian or military personnel of*  
11          *the Government, through gross negligence or with*  
12          *reckless disregard for the safety of such per-*  
13          *sonnel, but only to the extent that the defense*  
14          *contractor has been determined (through such a*  
15          *proceeding that results in such a disposition)*  
16          *that the defense contractor is also liable for such*  
17          *actions of the subcontractor.*

18          (2) *SUBCONTRACTORS.—The Secretary of De-*  
19          *fense shall prohibit the payment of award and incen-*  
20          *tive fees to any subcontractor under a covered con-*  
21          *tract that has been determined, through a criminal,*  
22          *civil, or administrative proceeding that results in a*  
23          *disposition listed in subsection (c), in the performance*  
24          *of a covered contract to have caused serious bodily in-*  
25          *jury or death to any civilian or military personnel of*

1        *the Government through gross negligence or with reck-*  
2        *less disregard for the safety of such personnel.*

3        *(b) DETERMINATION OF DEBARMENT.—Not later than*  
4        *90 days after a determination pursuant to subsection (a)(1)*  
5        *has been made, the Secretary shall determine whether the*  
6        *defense contractor should be debarred from contracting with*  
7        *the Department of Defense.*

8        *(c) LIST OF DISPOSITIONS IN CRIMINAL, CIVIL, OR AD-*  
9        *MINISTRATIVE PROCEEDINGS.—For purposes of subsection*  
10       *(a), the dispositions listed in this subsection are as follows:*

11                *(1) In a criminal proceeding, a conviction.*

12                *(2) In a civil proceeding, a finding of fault and*  
13        *liability that results in the payment of a monetary*  
14        *fine, penalty, reimbursement, restitution, or damages*  
15        *of \$5,000 or more.*

16                *(3) In an administrative proceeding, a finding*  
17        *of fault and liability that results in—*

18                        *(A) the payment of a monetary fine or pen-*  
19        *alty of \$5,000 or more; or*

20                        *(B) the payment of a reimbursement, res-*  
21        *titution, or damages in excess of \$100,000.*

22                *(4) To the maximum extent practicable and con-*  
23        *sistent with applicable laws and regulations, in a*  
24        *criminal, civil, or administrative proceeding, a dis-*  
25        *position of the matter by consent or compromise with*



1        *an acknowledgment of fault by the person if the pro-*  
2        *ceeding could have led to any of the outcomes speci-*  
3        *fied in paragraph (1), (2), or (3).*

4        *(d) WAIVER.—The prohibition required by subsection*  
5        *(a) may be waived by the Secretary of Defense on a case-*  
6        *by-case basis if the Secretary finds that the prohibition*  
7        *would jeopardize national security. The Secretary shall no-*  
8        *tify the congressional defense committees of any exercise of*  
9        *the waiver authority under this subsection.*

10       *(e) DEFINITIONS.—In this section:*

11            *(1) The term “defense contractor” means a com-*  
12            *pany awarded a covered contract.*

13            *(2) The term “covered contract” means a con-*  
14            *tract awarded by the Department of Defense for the*  
15            *procurement of goods or services.*

16            *(3) The term “serious bodily injury” means a*  
17            *grievous physical harm that results in a permanent*  
18            *disability.*

19        *(f) REGULATIONS.—Not later than 180 days after the*  
20        *date of the enactment of this Act, the Secretary of Defense*  
21        *shall prescribe regulations to implement the prohibition re-*  
22        *quired by subsection (a) and shall establish in such regula-*  
23        *tions—*

1           (1) *that the prohibition applies only to award*  
2 *and incentive fees under the covered contract con-*  
3 *cerned;*

4           (2) *the extent of the award and incentive fees*  
5 *covered by the prohibition, but shall include, at a*  
6 *minimum, all award and incentive fees associated*  
7 *with the performance of the covered contract in the*  
8 *year in which the serious bodily injury or death re-*  
9 *sulting in a disposition listed in subsection (c) oc-*  
10 *curred; and*

11           (3) *mechanisms for recovery by or repayment to*  
12 *the Government of award and incentive fees paid to*  
13 *a contractor or subcontractor under a covered con-*  
14 *tract prior to the determination.*

15           (g) *EFFECTIVE DATE.—The prohibition required by*  
16 *subsection (a) shall apply to covered contracts awarded on*  
17 *or after the date occurring 180 days after the date of the*  
18 *enactment of this Act.*

19 **SEC. 825. AUTHORIZATION FOR ACTIONS TO CORRECT THE**  
20 **INDUSTRIAL RESOURCE SHORTFALL FOR**  
21 **HIGH-PURITY BERYLLIUM METAL IN**  
22 **AMOUNTS NOT IN EXCESS OF \$85,000,000.**

23           *With respect to actions by the President under section*  
24 *303 of the Defense Production Act of 1950 (50 U.S.C. App.*  
25 *2093) to correct the industrial resource shortfall for high-*

1 *purity beryllium metal, the limitation in subsection*  
2 *(a)(6)(C) of such section shall be applied by substituting*  
3 *“\$85,000,000” for “\$50,000,000”.*

4 **SEC. 826. REVIEW OF POST EMPLOYMENT RESTRICTIONS**  
5 **APPLICABLE TO THE DEPARTMENT OF DE-**  
6 **FENSE.**

7 *(a) REVIEW REQUIRED.—The Panel on Contracting*  
8 *Integrity, established pursuant to section 813 of the John*  
9 *Warner National Defense Authorization Act for Fiscal Year*  
10 *2007 (Public Law 109–364), shall review policies relating*  
11 *to post-employment restrictions on former Department of*  
12 *Defense personnel to determine whether such policies ade-*  
13 *quately protect the public interest, without unreasonably*  
14 *limiting future employment options for former Department*  
15 *of Defense personnel.*

16 *(b) MATTERS CONSIDERED.—In performing the review*  
17 *required by subsection (a), the Panel shall consider the ex-*  
18 *tent to which current post-employment restrictions—*

19 *(1) appropriately protect the public interest by*  
20 *preventing personal conflicts of interests and pre-*  
21 *venting former Department of Defense officials from*  
22 *exercising undue or inappropriate influence on the*  
23 *Department of Defense;*

24 *(2) appropriately require disclosure of personnel*  
25 *accepting employment with contractors of the Depart-*

1 *ment of Defense involving matters related to their of-*  
2 *ficial duties;*

3 *(3) use appropriate thresholds, in terms of salary*  
4 *or duties, for the establishment of such restrictions;*

5 *(4) are sufficiently straightforward and have*  
6 *been explained to personnel of the Department of De-*  
7 *fense so that such personnel are able to avoid poten-*  
8 *tial violations of post-employment restriction and*  
9 *conflicts of interest in interactions with former per-*  
10 *sonnel of the Department;*

11 *(5) adequately address personnel performing du-*  
12 *ties in acquisition-related activities that are not cov-*  
13 *ered by current restrictions relating to private sector*  
14 *employment following employment with the Depart-*  
15 *ment of Defense and procurement integrity, such as*  
16 *personnel involved in—*

17 *(A) the establishment of requirements;*

18 *(B) testing and evaluation; and*

19 *(C) the development of doctrine;*

20 *(6) ensure that the Department of Defense has*  
21 *access to world-class talent, especially with respect to*  
22 *highly qualified technical, engineering, and acquisi-*  
23 *tion expertise; and*

24 *(7) ensure that service in the Department of De-*  
25 *fense remains an attractive career option.*

1       (c) *COMPLETION OF THE REVIEW.*—*The Panel shall*  
2 *complete the review required by subsection (a) not later*  
3 *than one year after the date of the enactment of this Act.*

4       (d) *REPORT TO COMMITTEES ON ARMED SERVICES.*—  
5 *Not later than 30 days after the completion of the review,*  
6 *the Panel shall submit to the Committees on Armed Services*  
7 *of the Senate and the House of Representatives a report con-*  
8 *taining the findings of the review and the recommendations*  
9 *of the Panel to the Secretary of Defense, including rec-*  
10 *ommended legislative or regulatory changes, resulting from*  
11 *the review.*

12       (e) *NATIONAL ACADEMY OF PUBLIC ADMINISTRATION*  
13 *ASSESSMENT.*—

14             (1) *Not later than 30 days after the completion*  
15 *of the review, the Secretary of Defense shall enter into*  
16 *an arrangement with the National Academy of Public*  
17 *Administration to assess the findings and rec-*  
18 *ommendations of the review.*

19             (2) *Not later than 210 days after the completion*  
20 *of the review, the National Academy of Public Admin-*  
21 *istration shall provide its assessment of the review to*  
22 *the Secretary, along with such additional rec-*  
23 *ommendations as the National Academy may have.*

24             (3) *Not later than 30 days after receiving the as-*  
25 *essment, the Secretary shall provide the assessment,*

1       along with such comments as the Secretary considers  
2       appropriate, to the Committees on Armed Services of  
3       the Senate and the House of Representatives.

4   **SEC. 827. REQUIREMENT TO BUY MILITARY DECORATIONS,**  
5               **RIBBONS, BADGES, MEDALS, INSIGNIA, AND**  
6               **OTHER UNIFORM ACCOUTERMENTS PRO-**  
7               **DUCED IN THE UNITED STATES.**

8       (a) *REQUIREMENT.*—Subchapter III of chapter 147 of  
9       title 10, United States Code, is amended by adding at the  
10      end the following new section:

11    **“§ 2495c. Requirement to buy military decorations and**  
12               **other uniform accouterments from Amer-**  
13               **ican sources; exceptions**

14       “(a) *BUY-AMERICAN REQUIREMENT.*—A military ex-  
15      change store or other nonappropriated fund instrumentality  
16      of the Department of Defense may not purchase for resale  
17      any military decorations, ribbons, badges, medals, insignia,  
18      and other uniform accouterments that are not produced in  
19      the United States. Competitive procedures shall be used in  
20      selecting the United States producer of the decorations.

21       “(b) *HERALDIC QUALITY CONTROL.*—No certificate of  
22      authority (contained in part 507 of title 32, Code of Federal  
23      Regulations) for the manufacture and sale of any item ref-  
24      erence in subsection (a) by the Institute of Heraldry, the  
25      Navy Clothing and Textile Research Facility, or the Marine

1 *Corps Combat Equipment and Support Systems for quality*  
2 *control and specifications purposes shall be permitted unless*  
3 *these items are from domestic material manufactured in the*  
4 *United States.*

5 “(c) *EXCEPTION.—Subsections (a) and (b) do not*  
6 *apply to the extent that the Secretary of Defense determines*  
7 *that a satisfactory quality and sufficient quantity of an*  
8 *item covered by subsection (a) and produced in the United*  
9 *States cannot be procured at a reasonable cost.*

10 “(d) *UNITED STATES DEFINED.—In this section, the*  
11 *term ‘United States’ includes the Commonwealth of Puerto*  
12 *Rico, Guam, the United States Virgin Islands, the Com-*  
13 *monwealth of the Northern Mariana Islands, American*  
14 *Samoa, and any other territory or possession of the United*  
15 *States.”.*

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

*“2495c. Requirement to buy military decorations and other uniform  
accouterments from American sources; exceptions.”.*

19 (c) *CONFORMING AMENDMENT.—Section 2533a(b)(1)*  
20 *of such title is amended—*

21 (1) *in subparagraph (D), by striking “or” at the*  
22 *end;*

23 (2) *in subparagraph (E), by striking the period*  
24 *at the end and inserting “; or”; and*

1           (3) *by adding at the end the following new sub-*  
2           *paragraph:*

3                   “(F) *military decorations, ribbons, badges,*  
4                   *medals, insignia, and other uniform*  
5                   *accouterments.”.*

6   **SEC. 828. FINDINGS AND REPORT ON THE USAGE OF RARE**  
7                   **EARTH MATERIALS IN THE DEFENSE SUPPLY**  
8                   **CHAIN.**

9           (a) *FINDINGS.—Regarding the availability of rare*  
10          *earth materials and components containing rare earth ma-*  
11          *terials in the defense supply chain Congress finds—*

12                   (1) *it is necessary, to the maximum extent prac-*  
13                   *ticable, to ensure the uninterrupted supply of stra-*  
14                   *tegic materials critical to national security, including*  
15                   *rare earth materials and other items covered under*  
16                   *section 2533b of title 10, United States Code, to sup-*  
17                   *port the defense supply-chain, particularly when*  
18                   *many of those materials are supplied by primary*  
19                   *producers in unreliable foreign nations;*

20                   (2) *many less common metals, including rare*  
21                   *earths and thorium, are critical to modern tech-*  
22                   *nologies, including numerous defense critical tech-*  
23                   *nologies and these technologies cannot be built without*  
24                   *the use of these metals and materials produced from*  
25                   *them and therefore could qualify as strategic mate-*



1        *rials, critical to national security, in which case the*  
2        *Strategic Materials Protection Board should rec-*  
3        *ommend a strategy to the President to ensure the do-*  
4        *mestic availability of these materials; and*

5            *(3) there is a need to identify the strategic value*  
6        *placed on rare earth materials by foreign nations (in-*  
7        *cluding China), and the Department of Defense's sup-*  
8        *ply-chain vulnerability related to rare earths and end*  
9        *items containing rare earths.*

10        *(b) REPORT REQUIRED.—Not later than April 1,*  
11        *2010, the Comptroller General shall submit to the Commit-*  
12        *tees on Armed Services of the Senate and House of Rep-*  
13        *resentatives a report on the usage of rare earth materials*  
14        *in the supply chain of the Department of Defense.*

15        *(c) OBJECTIVES OF REPORT.—The objectives of the re-*  
16        *port required by subsection (b) shall be to determine the*  
17        *availability of rare earth materials, including ores, semi-*  
18        *finished rare earth products, components containing rare-*  
19        *earth materials, and other uses of rare earths by the Depart-*  
20        *ment of Defense in its weapon systems. The following items*  
21        *shall be considered:*

22            *(1) An analysis of past procurements and at-*  
23        *tempted procurements by foreign governments or*  
24        *government- controlled entities, including mines and*

1        *mineral rights, of rare-earth resources outside such*  
2        *nation's territorial boundaries.*

3            (2) *An analysis of the worldwide availability of*  
4        *rare earths, such as samarium, neodymium, thorium*  
5        *and lanthanum, including current and potential do-*  
6        *mestic sources for use in defense systems, including a*  
7        *projected analysis of projected availability of these*  
8        *materials in the export market.*

9            (3) *A determination as to which defense systems*  
10       *are currently dependent on rare earths supplied by*  
11       *nondomestic sources, particularly neodymium iron*  
12       *boron magnets.*

13        (d) *RARE EARTH DEFINED.*—*In this section, the term*  
14       *“rare earth” means the chemical elements, all metals, begin-*  
15       *ning with lanthanum, atomic number 57, and including*  
16       *all of the natural chemical elements in the periodic table*  
17       *following lanthanum up to and including lutetium, element*  
18       *number 71. The term also includes the elements yttrium*  
19       *and scandium.*

20        **SEC. 829. FURNITURE STANDARDS.**

21        *All Department of Defense purchases of furniture in*  
22       *the United States and its territories made from Department*  
23       *of Defense funds, including under design-build contracts,*  
24       *must meet the same quality standards as specified by the*

1 *General Services Administration schedule program and the*  
 2 *Department of Defense.*

3 **TITLE IX—DEPARTMENT OF DE-**  
 4 **FENSE ORGANIZATION AND**  
 5 **MANAGEMENT**

*Subtitle A—Department of Defense Management*

- Sec. 901. Role of commander of special operations command regarding personnel management policy and plans affecting special operations forces.*
- Sec. 902. Special operations activities.*
- Sec. 903. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.*
- Sec. 904. Authority to allow private sector civilians to receive instruction at Defense Cyber Investigations Training Academy of the Defense Cyber Crime Center.*
- Sec. 905. Organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.*
- Sec. 906. Requirement for Director of Operational Energy Plans and Programs to report directly to Secretary of Defense.*
- Sec. 907. Increased flexibility for Combatant Commander Initiative Fund.*
- Sec. 908. Repeal of requirement for a Deputy Under Secretary of Defense for Technology Security Policy within the Office of the Under Secretary of Defense for Policy.*
- Sec. 909. Recommendations to Congress by members of Joint Chiefs of Staff.*

*Subtitle B—Space Activities*

- Sec. 911. Submission and review of space science and technology strategy.*
- Sec. 912. Converting the space surveillance network pilot program to a permanent program.*

*Subtitle C—Intelligence-Related Matters*

- Sec. 921. Plan to address foreign ballistic missile intelligence analysis.*

*Subtitle D—Other Matters*

- Sec. 931. Joint Program Office for Cyber Operations Capabilities.*
- Sec. 932. Defense Integrated Military Human Resources System Transition Council.*
- Sec. 933. Department of Defense School of Nursing revisions.*
- Sec. 934. Report on special operations command organization, manning, and management.*
- Sec. 935. Study on the recruitment, retention, and career progression of uniformed and civilian military cyber operations personnel.*

1     ***Subtitle A—Department of Defense***  
2                     ***Management***

3     ***SEC. 901. ROLE OF COMMANDER OF SPECIAL OPERATIONS***  
4                     ***COMMAND REGARDING PERSONNEL MANAGE-***  
5                     ***MENT POLICY AND PLANS AFFECTING SPE-***  
6                     ***CIAL OPERATIONS FORCES.***

7             *Section 167(e) of title 10, United States Code, is*  
8     *amended—*

9                     *(1) in paragraph (2), by striking subparagraph*  
10             *(J); and*

11                     *(2) inserting at the end the following new para-*  
12             *graph:*

13             *“(5)(A) The Secretaries of the military departments*  
14     *shall coordinate with the commander of the special oper-*  
15     *ations command regarding personnel management policy*  
16     *and plans as such policy and plans relate to the following:*

17                     *“(i) Accessions, assignments, and command se-*  
18             *lection for special operations forces.*

19                     *“(ii) Compensation, promotions, retention, pro-*  
20     *fessional development, and training of members of*  
21     *special operations forces.*

22                     *“(iii) Readiness as it relates to manning guid-*  
23     *ance and priority of fill for units of the special oper-*  
24     *ations forces.*

1       “(B) *The coordination required by subparagraph (A)*  
2 *shall be conducted in such a manner so as not to interfere*  
3 *with the authorities of the Secretary concerned regarding*  
4 *personnel management policy and plans.”.*

5 **SEC. 902. SPECIAL OPERATIONS ACTIVITIES.**

6       *Section 167(j) of title 10, United States Code, is*  
7 *amended by striking paragraphs (1) through (10) and in-*  
8 *serting the following new paragraphs:*

9           “(1) *Special reconnaissance.*

10          “(2) *Unconventional warfare.*

11          “(3) *Foreign internal defense.*

12          “(4) *Civil affairs operations.*

13          “(5) *Counterterrorism.*

14          “(6) *Psychological operations.*

15          “(7) *Information operations.*

16          “(8) *Counter proliferation of weapons of mass*  
17 *destruction.*

18          “(9) *Security force assistance.*

19          “(10) *Counterinsurgency operations.*

20          “(11) *Such other activities as may be specified*  
21 *by the President or the Secretary of Defense.”.*

1 **SEC. 903. REDESIGNATION OF THE DEPARTMENT OF THE**  
2 **NAVY AS THE DEPARTMENT OF THE NAVY**  
3 **AND MARINE CORPS.**

4 (a) *REDESIGNATION OF THE DEPARTMENT OF THE*  
5 *NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE*  
6 *CORPS.—*

7 (1) *REDESIGNATION OF MILITARY DEPART-*  
8 *MENT.—The military department designated as the*  
9 *Department of the Navy is redesignated as the De-*  
10 *partment of the Navy and Marine Corps.*

11 (2) *REDESIGNATION OF SECRETARY AND OTHER*  
12 *STATUTORY OFFICES.—*

13 (A) *SECRETARY.—The position of the Sec-*  
14 *retary of the Navy is redesignated as the Sec-*  
15 *retary of the Navy and Marine Corps.*

16 (B) *OTHER STATUTORY OFFICES.—The po-*  
17 *sitions of the Under Secretary of the Navy, the*  
18 *four Assistant Secretaries of the Navy, and the*  
19 *General Counsel of the Department of the Navy*  
20 *are redesignated as the Under Secretary of the*  
21 *Navy and Marine Corps, the Assistant Secre-*  
22 *taries of the Navy and Marine Corps, and the*  
23 *General Counsel of the Department of the Navy*  
24 *and Marine Corps, respectively.*

25 (b) *CONFORMING AMENDMENTS TO TITLE 10, UNITED*  
26 *STATES CODE.—*

1           (1) *DEFINITION OF “MILITARY DEPARTMENT”*.—  
2           *Paragraph (8) of section 101(a) of title 10, United*  
3           *States Code, is amended to read as follows:*

4           “(8) *The term ‘military department’ means the*  
5           *Department of the Army, the Department of the Navy*  
6           *and Marine Corps, and the Department of the Air*  
7           *Force.”.*

8           (2) *ORGANIZATION OF DEPARTMENT*.—*The text*  
9           *of section 5011 of such title is amended to read as fol-*  
10          *lows: “The Department of the Navy and Marine*  
11          *Corps is separately organized under the Secretary of*  
12          *the Navy and Marine Corps.”.*

13          (3) *POSITION OF SECRETARY*.—*Section*  
14          *5013(a)(1) of such title is amended by striking “There*  
15          *is a Secretary of the Navy” and inserting “There is*  
16          *a Secretary of the Navy and Marine Corps”.*

17          (4) *CHAPTER HEADINGS*.—

18                 (A) *The heading of chapter 503 of such title*  
19                 *is amended to read as follows:*

20                 **“CHAPTER 503—DEPARTMENT OF THE**  
21                 **NAVY AND MARINE CORPS”.**

22                 (B) *The heading of chapter 507 of such title*  
23                 *is amended to read as follows:*

1 **“CHAPTER 507—COMPOSITION OF THE DE-**  
2 **PARTMENT OF THE NAVY AND MARINE**  
3 **CORPS”.**

4 (5) *OTHER AMENDMENTS.—*

5 (A) *Title 10, United States Code, is amend-*  
6 *ed by striking “Department of the Navy” and*  
7 *“Secretary of the Navy” each place they appear*  
8 *other than as specified in paragraphs (1), (2),*  
9 *(3), and (4) (including in section headings, sub-*  
10 *section captions, tables of chapters, and tables of*  
11 *sections) and inserting “Department of the Navy*  
12 *and Marine Corps” and “Secretary of the Navy*  
13 *and Marine Corps”, respectively, in each case*  
14 *with the matter inserted to be in the same type-*  
15 *face and typestyle as the matter stricken.*

16 (B)(i) *Sections 5013(f), 5014(b)(2), 5016(a),*  
17 *5017(2), 5032(a), and 5042(a) of such title are*  
18 *amended by striking “Assistant Secretaries of the*  
19 *Navy” and inserting “Assistant Secretaries of*  
20 *the Navy and Marine Corps”.*

21 (ii) *The heading of section 5016 of such*  
22 *title, and the item relating to such section in the*  
23 *table of sections at the beginning of chapter 503*  
24 *of such title, are each amended by inserting “and*  
25 *Marine Corps” after “of the Navy”, with the*



1           *matter inserted in each case to be in the same*  
2           *typeface and typestyle as the matter amended.*

3           (c) *OTHER PROVISIONS OF LAW AND OTHER REF-*  
4 *ERENCES.—*

5           (1) *TITLE 37, UNITED STATES CODE.—Title 37,*  
6           *United States Code, is amended by striking “Depart-*  
7           *ment of the Navy” and “Secretary of the Navy” each*  
8           *place they appear and inserting “Department of the*  
9           *Navy and Marine Corps” and “Secretary of the Navy*  
10           *and Marine Corps”, respectively.*

11           (2) *OTHER REFERENCES.—Any reference in any*  
12           *law other than in title 10 or title 37, United States*  
13           *Code, or in any regulation, document, record, or other*  
14           *paper of the United States, to the Department of the*  
15           *Navy shall be considered to be a reference to the De-*  
16           *partment of the Navy and Marine Corps. Any such*  
17           *reference to an office specified in subsection (b)(2)*  
18           *shall be considered to be a reference to that officer as*  
19           *redesignated by that section.*

20           (d) *EFFECTIVE DATE.—This section and the amend-*  
21           *ments made by this section shall take effect on the first day*  
22           *of the first month beginning more than 60 days after the*  
23           *date of the enactment of this Act.*



1 *defense-related systems, products, or services, or whose work*  
2 *product is relevant to national security policy or strategy.*  
3 *A private sector employee remains eligible for such instruc-*  
4 *tion only so long as that person remains employed by an*  
5 *eligible private sector firm.*

6 “(c) *PROGRAM REQUIREMENTS.*—*The Secretary of De-*  
7 *fense shall ensure that—*

8 “(1) *the curriculum in which private sector em-*  
9 *ployees may be enrolled under this section is not read-*  
10 *ily available through other schools; and*

11 “(2) *the course offerings at the Defense Cyber In-*  
12 *vestigations Training Academy continue to be deter-*  
13 *mined solely by the needs of the Department of De-*  
14 *fense.*

15 “(d) *TUITION.*—*The Secretary of Defense shall charge*  
16 *private sector employees enrolled under this section tuition*  
17 *at a rate that is at least equal to the rate charged for em-*  
18 *ployees of the United States. In determining tuition rates,*  
19 *the Secretary shall include overhead costs of the Defense*  
20 *Cyber Investigations Training Academy.*

21 “(e) *STANDARDS OF CONDUCT.*—*While receiving in-*  
22 *struction at the Defense Cyber Investigations Training*  
23 *Academy, students enrolled under this section, to the extent*  
24 *practicable, are subject to the same regulations governing*  
25 *academic performance, attendance, norms of behavior, and*

1 enrollment as apply to Government civilian employees re-  
 2 ceiving instruction at the Academy.

3 “(f) *USE OF FUNDS.*—Amounts received by the Defense  
 4 Cyber Investigations Training Academy for instruction of  
 5 students enrolled under this section shall be retained by the  
 6 Academy to defray the costs of such instruction. The source,  
 7 and the disposition, of such funds shall be specifically iden-  
 8 tified in records of the Academy.”.

9 (b) *CLERICAL AMENDMENT.*—The table of sections at  
 10 the beginning of such chapter is amended by inserting after  
 11 the item relating to section 2167 the following new item:

“2167a. *Defense Cyber Investigations Training Academy: admission of private  
 sector civilians to receive instruction.*”.

12 **SEC. 905. ORGANIZATIONAL STRUCTURE OF THE OFFICE OF**  
 13 **THE ASSISTANT SECRETARY OF DEFENSE**  
 14 **FOR HEALTH AFFAIRS AND THE TRICARE**  
 15 **MANAGEMENT ACTIVITY.**

16 (a) *REPORT REQUIRED.*—Not later than 180 days  
 17 after the date of the enactment of this Act, the Secretary  
 18 of Defense shall submit to the congressional defense commit-  
 19 tees a report on the organizational structure of the Office  
 20 of the Assistant Secretary of Defense for Health Affairs and  
 21 the TRICARE Management Activity.

22 (b) *ELEMENTS.*—The report required under subsection  
 23 (a) shall include the following:

1           (1) *ORGANIZATIONAL CHARTS.*—Organizational  
2           charts for both the Office of the Assistant Secretary of  
3           Defense for Health Affairs and the TRICARE Man-  
4           agement Activity showing, at a minimum, the senior  
5           positions in such office and such activity.

6           (2) *SENIOR POSITION DESCRIPTIONS.*—A de-  
7           scription of the policy-making functions and oversight  
8           responsibilities of each senior position in the Office of  
9           the Assistant Secretary of Defense for Health Affairs  
10          and the policy and program execution responsibilities  
11          of each senior position of the TRICARE Management  
12          Activity.

13          (3) *POSITIONS FILLED BY SAME INDIVIDUAL.*—A  
14          description of which positions in both organizations  
15          are filled by the same individual.

16          (4) *ASSESSMENT.*—An assessment of whether the  
17          senior personnel of the Office of the Assistant Sec-  
18          retary of Defense for Health Affairs and the  
19          TRICARE Management Activity, as currently orga-  
20          nized, are able to appropriately perform the discrete  
21          functions of policy formulation, policy and program  
22          execution, and program oversight.

23          (c) *DEFINITIONS.*—In this section:

24                 (1) *SENIOR POSITION.*—The term “senior posi-  
25                 tion” means a position fill by a member of the senior

1 *executive service or a position on the Executive Sched-*  
2 *ule established pursuant to title 5, United States*  
3 *Code.*

4 (2) *SENIOR PERSONNEL.*—*The term “senior per-*  
5 *sonnel” means personnel who are members of the sen-*  
6 *ior executive service or who fill a position listed on*  
7 *the Executive Schedule established pursuant to title 5,*  
8 *United States Code.*

9 **SEC. 906. REQUIREMENT FOR DIRECTOR OF OPERATIONAL**  
10 **ENERGY PLANS AND PROGRAMS TO REPORT**  
11 **DIRECTLY TO SECRETARY OF DEFENSE.**

12 *Paragraph (2) of section 139b(c) of title 10, United*  
13 *States Code, is amended to read as follows:*

14 “(2) *The Director shall report directly to the Sec-*  
15 *retary of Defense.”.*

16 **SEC. 907. INCREASED FLEXIBILITY FOR COMBATANT COM-**  
17 **MANDER INITIATIVE FUND.**

18 (a) *INCREASE IN FUNDING LIMITATIONS.*—*Subpara-*  
19 *graph (A) of section 166a(e)(1) of title 10, United States*  
20 *Code, is amended—*

21 (1) *by striking “\$10,000,000” and inserting*  
22 *“\$20,000,000”; and*

23 (2) *by striking “\$15,000” and inserting “the in-*  
24 *vestment unit cost threshold in effect under section*  
25 *2245a of this title”.*

1       (b) *COORDINATION WITH SECRETARY OF STATE.*—  
2 *Paragraph (6) of section 166a(b) of such title is amended*  
3 *by inserting after “assistance,” the following: “in coordina-*  
4 *tion with the Secretary of State,”.*

5 **SEC. 908. REPEAL OF REQUIREMENT FOR A DEPUTY UNDER**  
6 **SECRETARY OF DEFENSE FOR TECHNOLOGY**  
7 **SECURITY POLICY WITHIN THE OFFICE OF**  
8 **THE UNDER SECRETARY OF DEFENSE FOR**  
9 **POLICY.**

10       (a) *REPEAL OF REQUIREMENT FOR POSITION.*—

11               (1) *REPEAL.*—*Section 134b of title 10, United*  
12 *States Code, is repealed.*

13               (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
14 *tions at the beginning of chapter 4 of such title is*  
15 *amended by striking the item relating to section 134b.*

16       (b) *PRIOR NOTIFICATION OF CHANGE IN REPORTING*  
17 *RELATIONSHIP FOR THE DEFENSE TECHNOLOGY SECURITY*  
18 *ADMINISTRATION.*—*The Secretary of Defense shall ensure*  
19 *that no covered action is taken until the expiration of 30*  
20 *legislative days after providing notification of such action*  
21 *to the Committees on Armed Services of the Senate and the*  
22 *House of Representatives.*

23       (c) *COVERED ACTION DEFINED.*—*In this section, the*  
24 *term “covered action” means—*

1           (1) *the transfer of the Defense Technology Secu-*  
2           *urity Administration to an Under Secretary or other*  
3           *office of the Department of Defense other than the*  
4           *Under Secretary of Defense for Policy;*

5           (2) *the consolidation of the Defense Technology*  
6           *Security Administration with another office, agency,*  
7           *or field activity of the Department of Defense; or*

8           (3) *the addition of management layers between*  
9           *the Director of the Defense Technology Security Ad-*  
10          *ministration and the Under Secretary of Defense for*  
11          *Policy.*

12 **SEC. 909. RECOMMENDATIONS TO CONGRESS BY MEMBERS**  
13 **OF JOINT CHIEFS OF STAFF.**

14          *Section 151(f) of title 10, United States Code, is*  
15 *amended—*

16           (1) *by inserting “(1)” before “After first”; and*

17           (2) *by adding at the end the following new para-*  
18 *graph:*

19          “(2) *The members of the Joint Chiefs of Staff, individ-*  
20 *ually or collectively, in their capacity as military advisers,*  
21 *shall provide advice to Congress on a particular matter*  
22 *when Congress requests such advice.”.*



1           **Subtitle B—Space Activities**

2   **SEC. 911. SUBMISSION AND REVIEW OF SPACE SCIENCE**  
3           **AND TECHNOLOGY STRATEGY.**

4           (a) *STRATEGY.*—

5                 (1) *REQUIREMENTS.*—Paragraph (2) of section  
6           2272(a) of title 10, United States Code, is amended  
7           by adding at the end the following new subparagraph:

8                 “(D) *The process for transitioning space science*  
9           *and technology programs to new or existing space ac-*  
10           *quisition programs.”.*

11                (2) *SUBMISSION TO CONGRESS.*—Paragraph (5)  
12           of such section is amended to read as follows:

13                “(5) *The Secretary of Defense shall annually submit*  
14           *the strategy developed under paragraph (1) to the congres-*  
15           *sional defense committees on the date on which the Presi-*  
16           *dent submits to Congress the budget for the next fiscal year*  
17           *under section 1105 of title 31, United States Code.”.*

18           (b) *GOVERNMENT ACCOUNTABILITY OFFICE REVIEW*  
19           *OF STRATEGY.*—

20                (1) *REVIEW.*—*The Comptroller General shall re-*  
21           *view and assess the first space science and technology*  
22           *strategy submitted under paragraph (5) of section*  
23           *2272(a) of title 10, United States Code, as amended*  
24           *by subsection (a)(2) of this section, and the effective-*

1        *ness of the coordination process required under sec-*  
2        *tion 2272(b) of such title.*

3            (2) *REPORT.*—*Not later than 90 days after the*  
4        *date on which the Secretary of Defense submits the*  
5        *first space science and technology strategy required to*  
6        *be submitted under paragraph (5) of section 2272(a)*  
7        *of title 10, United States Code, as amended by sub-*  
8        *section (a)(2) of this section, the Comptroller General*  
9        *shall submit to the congressional defense committees a*  
10       *report containing the findings and assessment under*  
11       *paragraph (1).*

12 **SEC. 912. CONVERTING THE SPACE SURVEILLANCE NET-**  
13            **WORK PILOT PROGRAM TO A PERMANENT**  
14            **PROGRAM.**

15        *Section 2274 of title 10, United States Code, is amend-*  
16        *ed—*

17            (1) *in the heading, by striking “PILOT”;*

18            (2) *in subsection (a)—*

19                    (A) *in the heading, by striking “PILOT”;*

20            *and*

21                    (B) *by striking “a pilot program to deter-*  
22                    *mine the feasibility and desirability of pro-*  
23                    *viding” and inserting “a program to provide”;*

1           (3) *in subsection (b) in the matter preceding*  
2           *paragraph (1), by striking “such a pilot program”*  
3           *and inserting “the program”;*

4           (4) *in subsection (c) in the matter preceding*  
5           *paragraph (1), by striking “pilot”;*

6           (5) *in subsection (d) in the matter preceding*  
7           *paragraph (1), by striking “pilot”;*

8           (6) *in subsection (h), by striking “pilot”; and*

9           (7) *by striking subsection (i).*

10           ***Subtitle C—Intelligence-Related***  
11           ***Matters***

12           ***SEC. 921. PLAN TO ADDRESS FOREIGN BALLISTIC MISSILE***  
13           ***INTELLIGENCE ANALYSIS.***

14           (a) *ASSESSMENT AND PLAN.—The Secretary of De-*  
15           *fense, in consultation with the Director of National Intel-*  
16           *ligence, shall—*

17                   (1) *conduct an assessment of foreign ballistic*  
18                   *missile intelligence gaps and shortfalls; and*

19                   (2) *develop a plan to ensure that the appropriate*  
20                   *intelligence centers have sufficient analytical capabili-*  
21                   *ties to address such gaps and shortfalls.*

22           (b) *REPORT.—Not later than February 28, 2010, the*  
23           *Secretary of Defense shall submit to the congressional de-*  
24           *fense committees, the Permanent Select Committee on Intel-*

1 *ligence of the House of Representatives, and the Select Com-*  
2 *mittee on Intelligence of the Senate a report containing—*

3 *(1) the results of the assessment conducted under*  
4 *subsection (a)(1);*

5 *(2) the plan developed under subsection (a)(2);*  
6 *and*

7 *(3) a description of the resources required to im-*  
8 *plement such plan.*

9 *(c) FORM.—The report under subsection (b) shall be*  
10 *submitted in unclassified form, but may contain a classified*  
11 *annex.*

## 12 ***Subtitle D—Other Matters***

### 13 ***SEC. 931. JOINT PROGRAM OFFICE FOR CYBER OPER-*** 14 ***ATIONS CAPABILITIES.***

15 *(a) ESTABLISHMENT.—Not later than 180 days after*  
16 *the date of the enactment of this Act, the Secretary of De-*  
17 *fense shall establish a Joint Program Office for Cyber Oper-*  
18 *ations Capabilities to assist the Under Secretary of Defense*  
19 *for Acquisition, Technology, and Logistics in improving the*  
20 *development of specific leap-ahead capabilities, including*  
21 *manpower development, tactics, and technologies, for the*  
22 *military departments, the Defense Agencies, and the com-*  
23 *batant commands.*

24 *(b) DIRECTOR.—The Joint Program Office for Cyber*  
25 *Operations Capabilities (in this section referred to as the*

1 “JPO–COC”) shall be headed by a Director, who shall be  
2 appointed by the Secretary of Defense, in consultation with  
3 the Under Secretary of Defense for Acquisition, Technology,  
4 and Logistics, the Assistant Secretary of Defense for Net-  
5 works and Information Integration, the Under Secretary of  
6 Defense for Intelligence, and the commander of United  
7 States Strategic Command. The Director shall be selected  
8 from among individuals with significant technical and  
9 management expertise in information technology system de-  
10 velopment, and shall serve for three years.

11 (c) SUPERVISION.—The Director shall report directly  
12 to the Under Secretary of Defense for Acquisition, Tech-  
13 nology, and Logistics. The Assistant Secretary of Defense  
14 for Networks and Information Integration may provide pol-  
15 icy guidance to the Director on issues within the Director’s  
16 areas of responsibilities.

17 (d) RESPONSIBILITIES.—The JPO-COC shall be re-  
18 sponsible for the following:

19 (1) Coordinating cyber operations capabilities,  
20 both offensive and defensive, between the military de-  
21 partments, Defense Agencies, and combatant com-  
22 mands in order to identify and prioritize joint capa-  
23 bility gaps.

24 (2) Developing advanced, leap-ahead capabilities  
25 to address joint capability gaps.



1       (b) *COMPOSITION.*—*The Council shall include the fol-*  
2 *lowing members:*

3           (1) *The Chief Management Officer of the Depart-*  
4 *ment of Defense.*

5           (2) *The Director of the Business Transformation*  
6 *Agency.*

7           (3) *One representative from each of the Army,*  
8 *Navy, Air Force, and Marine Corps who is a lieuten-*  
9 *ant general or vice admiral.*

10          (4) *One civilian employee of the National Guard*  
11 *Bureau who occupies a position of responsibility and*  
12 *receives compensation comparable to a lieutenant gen-*  
13 *eral or vice admiral.*

14          (5) *Such other individuals as may be designated*  
15 *by the Secretary of Defense.*

16       (c) *MEETINGS.*—*The Council shall meet not less than*  
17 *once a quarter, or more often as specified by the Secretary*  
18 *of Defense.*

19       (d) *DUTIES.*—*The Council shall have the following re-*  
20 *sponsibilities:*

21           (1) *Resolution of significant policy, pro-*  
22 *grammatic, or budgetary issues impeding transition*  
23 *of DIMHRS to the military departments.*

24           (2) *Coordination of implementation of DIMHRS*  
25 *within each military department to ensure interoper-*

1 *ability between and among the Department of Defense*  
2 *as a whole and each military department.*

3 *(3) Such other responsibilities as the Secretary of*  
4 *Defense determines are appropriate.*

5 *(e) ANNUAL REPORT.—*

6 *(1) IN GENERAL.—By March 1 of each year, be-*  
7 *ginning March 1, 2010, and ending March 1, 2014,*  
8 *the Council shall submit to the congressional defense*  
9 *committees an annual report on the progress of*  
10 *DIMHRS transition.*

11 *(2) The report shall include descriptions of the*  
12 *following:*

13 *(A) The status of implementation of*  
14 *DIMHRS among the military departments.*

15 *(B) A description of the testing and evalua-*  
16 *tion activities of DIMHRS as implemented*  
17 *throughout the Department of Defense, as well as*  
18 *any such activities developed by the military de-*  
19 *partments to extend DIMHRS to the depart-*  
20 *ments.*

21 *(C) Plans for the decommissioning of*  
22 *human resources systems within the Department*  
23 *of Defense and military department that are*  
24 *being replaced by DIMHRS, including—*

25 *(i) systems to be phased out; and*



1                   (ii) plans for the remaining legacy sys-  
2                   tems to be phased out.

3                   (D) Funding and resources from the mili-  
4                   tary departments devoted to the development of  
5                   department-specific plans to augment and extend  
6                   the DIMHRS within each department.

7 **SEC. 933. DEPARTMENT OF DEFENSE SCHOOL OF NURSING**

8                   **REVISIONS.**

9                   (a) SCHOOL OF NURSING.—

10                   (1) IN GENERAL.—Chapter 108 of title 10,  
11                   United States Code, is amended by adding at the end  
12                   the following new section:

13 **“§ 2169. School of Nursing**

14                   “(a) ESTABLISHMENT.—The Secretary of Defense shall  
15                   establish within the Department of Defense a School of  
16                   Nursing, not later than July 1, 2011. It shall be so orga-  
17                   nized as to graduate not less than 25 students with a bach-  
18                   elor of science in nursing in the first class not later than  
19                   June 30, 2013, not less than 50 in the second class, and  
20                   not less than 100 annually thereafter.

21                   “(b) MINIMUM REQUIREMENT.—The School of Nursing  
22                   shall include, at a minimum, a program that awards a  
23                   bachelor of science in nursing.

24                   “(c) PHASED DEVELOPMENT.—The development of the  
25                   School of Nursing may be by such phases as the Secretary

1 *may prescribe, subject to the requirements of subsection*  
2 *(a).”.*

3           (2) *CLERICAL AMENDMENT.—The table of sec-*  
4 *tions at the beginning of such chapter is amended by*  
5 *adding at the end the following new item:*

*“2169. School of Nursing.”.*

6           (b) *CONFORMING AMENDMENTS.—Section 2117 of title*  
7 *10, United States Code, and the item relating to such sec-*  
8 *tion in the table of chapters at the beginning of chapter*  
9 *104 of such title, are repealed.*

10 **SEC. 934. REPORT ON SPECIAL OPERATIONS COMMAND OR-**  
11 **GANIZATION, MANNING, AND MANAGEMENT.**

12           (a) *REPORT REQUIRED.—The commander of the spe-*  
13 *cial operations command shall prepare a report, in accord-*  
14 *ance with this section, on the organization, manning, and*  
15 *management of the command.*

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

18               (1) *A comparison of current and projected fiscal*  
19 *year 2010 military and civilian end strength levels at*  
20 *special operations command headquarters with fiscal*  
21 *year 2000 levels, both actual and authorized.*

22               (2) *A comparison of fiscal year 2000 through*  
23 *2010 special operations command headquarters end*  
24 *strength growth with the growth of each special oper-*

1        *ations forces component command headquarters over*  
2        *the same time period, both actual and authorized.*

3            (3) *A summary and assessment that identifies*  
4        *the resourcing, in terms of manning, training, equip-*  
5        *ping, and funding, that special operations command*  
6        *provides to each of the theater special operations com-*  
7        *mands under the geographical combatant commands*  
8        *and a summary of personnel specialties assigned to*  
9        *each such command.*

10           (4) *Options and recommendations for reducing*  
11        *staffing levels at special operations command head-*  
12        *quarters by 5 and 10 percent, respectively, and an as-*  
13        *essment of the opportunity costs and management*  
14        *risks associated with each option.*

15           (5) *Recommendations for increasing manning*  
16        *levels, if appropriate, at each component command,*  
17        *and especially at Army special operations command.*

18           (6) *A plan to sustain the cultural engagement*  
19        *group of special operations command central.*

20           (7) *An assessment of the resourcing requirements*  
21        *to establish capability similar to the cultural engage-*  
22        *ment group capability at the other theater special op-*  
23        *erations command locations.*

24           (8) *A review and assessment for improving the*  
25        *relationship between special operations command and*

1       *each of the theater special operations commands*  
2       *under the geographical combatant commands and the*  
3       *establishment of a more direct administrative and*  
4       *collaborative link between them.*

5               *(9) A review and assessment of existing Depart-*  
6       *ment of Defense executive agent support to special op-*  
7       *erations command and its subordinate components, as*  
8       *well as commentary about proposals to use the same*  
9       *executive agent throughout the special operations com-*  
10       *munity.*

11               *(10) An updated assessment on the specific pro-*  
12       *posal to provide executive agent support from the De-*  
13       *fense Logistics Agency for special operations com-*  
14       *mand.*

15               *(11) A recommendation and plan for including*  
16       *international development and conflict prevention*  
17       *representatives as participants in the Center for Spe-*  
18       *cial Operations Interagency Task Force process.*

19       *(c) REPORT.—The report required by subsection (a)*  
20       *shall be submitted not later than March 15, 2010, to the*  
21       *congressional defense committees.*

1 **SEC. 935. STUDY ON THE RECRUITMENT, RETENTION, AND**  
2 **CAREER PROGRESSION OF UNIFORMED AND**  
3 **CIVILIAN MILITARY CYBER OPERATIONS PER-**  
4 **SONNEL.**

5 (a) *REPORT.*—Not later than one year after the date  
6 of the enactment of this Act, the Secretary of Defense shall  
7 submit to the congressional defense committees a report as-  
8 sessing the challenges to retention and professional develop-  
9 ment of cyber operations personnel within the Department  
10 of Defense.

11 (b) *MATTERS TO BE ADDRESSED.*—The assessment by  
12 the Secretary of Defense shall address the following matters:

13 (1) *The sufficiency of the numbers and types of*  
14 *personnel available for cyber operations, including an*  
15 *assessment of the balance between military and civil-*  
16 *ian positions.*

17 (2) *The definition and coherence of career fields*  
18 *for both members of the Armed Forces and civilian*  
19 *employees of the Department of Defense.*

20 (3) *The types of recruitment and retention incen-*  
21 *tives available to members of the Armed Forces and*  
22 *civilian employees of the Department of Defense.*

23 (4) *Identification of legal, policy, or administra-*  
24 *tive impediments to attracting and retaining cyber*  
25 *operations personnel.*

1           (5) *The standards used by the Department of De-*  
2 *fense to measure effectiveness at recruiting, retaining,*  
3 *and ensuring an adequate career progression for cyber*  
4 *operations personnel.*

5           (6) *The effectiveness of educational and outreach*  
6 *activities used to attract, retain, and reward cyber*  
7 *operations personnel, including how to expand out-*  
8 *reach to academic institutions and improve coordina-*  
9 *tion with other civilian agencies and industrial part-*  
10 *ners.*

11           (7) *The management of educational and outreach*  
12 *activities used to attract, retain, and reward cyber*  
13 *operations personnel, such as the National Centers of*  
14 *Academic Excellence in Information Assurance Edu-*  
15 *cation.*

16           (c) *CYBER OPERATIONS PERSONNEL DEFINED.—In*  
17 *this section, the term “cyber operations personnel” refers*  
18 *to members of the Armed Forces and civilian employees of*  
19 *the Department of Defense involved with the operations and*  
20 *maintenance of a computer network connected to the global*  
21 *information grid, as well as offensive, defensive, and exploi-*  
22 *tation functions of such a network.*

## 23 **TITLE X—GENERAL PROVISIONS**

### *Subtitle A—Financial Matters*

*Sec. 1001. General transfer authority.*

*Sec. 1002. Incorporation of funding decisions into law.*

*Subtitle B—Counter-Drug and Counter-Terrorism Activities*

- Sec. 1011. One-year extension of Department of Defense counter-drug authorities and requirements.*
- Sec. 1012. Joint task forces support to law enforcement agencies conducting counter-terrorism activities.*
- Sec. 1013. Border coordination centers in Afghanistan and Pakistan.*
- Sec. 1014. Comptroller General report on effectiveness of accountability measures for assistance from counter-narcotics central transfer account.*

*Subtitle C—Miscellaneous Authorities and Limitations*

- Sec. 1021. Operational procedures for experimental military prototypes.*
- Sec. 1022. Temporary reduction in minimum number of operational aircraft carriers.*
- Sec. 1023. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.*
- Sec. 1024. Charter for the National Reconnaissance Office.*

*Subtitle D—Studies and Reports*

- Sec. 1031. Report on statutory compliance of the report on the 2009 quadrennial defense review.*
- Sec. 1032. Report on the force structure findings of the 2009 quadrennial defense review.*
- Sec. 1033. Sense of Congress and amendment relating to quadrennial defense review.*
- Sec. 1034. Strategic review of basing plans for United States European Command.*
- Sec. 1035. National Defense Panel.*
- Sec. 1036. Report required on notification of detainees of rights under Miranda v. Arizona.*
- Sec. 1037. Annual report on the electronic warfare strategy of the Department of Defense.*
- Sec. 1038. Studies to analyze alternative models for acquisition and funding of technologies supporting network-centric operations.*

*Subtitle E—Other Matters*

- Sec. 1041. Prohibition relating to propaganda.*
- Sec. 1042. Extension of certain authority for making rewards for combating terrorism.*
- Sec. 1043. Technical and clerical amendments.*
- Sec. 1044. Repeal of pilot program on commercial fee-for-service air refueling support for the Air Force.*
- Sec. 1045. Extension of sunset for congressional commission on the strategic posture of the United States.*
- Sec. 1046. Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense.*
- Sec. 1047. Combat air forces restructuring.*
- Sec. 1048. Sense of Congress honoring the Honorable Ellen O. Tauscher.*
- Sec. 1049. Sense of Congress concerning the disposition of Submarine NR-1.*
- Sec. 1050. Compliance with requirement for plan on the disposition of detainees at Naval Station, Guantanamo Bay, Cuba.*
- Sec. 1051. Sense of Congress regarding carrier air wing force structure.*

*Sec. 1052. Sense of Congress on Department of Defense financial improvement and audit readiness; plan.*

*Sec. 1053. Justice for victims of torture and terrorism.*

*Sec. 1054. Repeal of certain laws pertaining to the Joint Committee for the Review of Counterproliferation Programs of the United States.*

## 1       **Subtitle A—Financial Matters**

### 2   **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

#### 3       (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—

4               (1) *AUTHORITY.*—Upon determination by the  
5       Secretary of Defense that such action is necessary in  
6       the national interest, the Secretary may transfer  
7       amounts of authorizations made available to the De-  
8       partment of Defense in this division for fiscal year  
9       2010 between any such authorizations for that fiscal  
10      year (or any subdivisions thereof). Amounts of au-  
11      thorizations so transferred shall be merged with and  
12      be available for the same purposes as the authoriza-  
13      tion to which transferred.

14              (2) *LIMITATIONS.*—Except as provided in para-  
15      graphs (3) and (4), the total amount of authorizations  
16      that the Secretary may transfer under the authority  
17      of this section may not exceed \$5,000,000,000.

18              (3) *EXCEPTION FOR TRANSFERS BETWEEN MILI-*  
19      *TARY PERSONNEL AUTHORIZATIONS.*—A transfer of  
20      funds between military personnel authorizations  
21      under title IV shall not be counted toward the dollar  
22      limitation in paragraph (2).



1           (4) *EXCEPTION FOR TRANSFERS FOR HEALTH IN-*  
2           *FORMATION MANAGEMENT AND INFORMATION TECH-*  
3           *NOLOGY SYSTEMS.*—*A transfer of funds from the Of-*  
4           *fice of the Secretary of Defense for the support of the*  
5           *Department of Defense Health Information Manage-*  
6           *ment and Information Technology systems shall not*  
7           *be counted toward the dollar limitation in paragraph*  
8           *(2).*

9           (b) *LIMITATIONS.*—*The authority provided by this sec-*  
10          *tion to transfer authorizations—*

11           (1) *may only be used to provide authority for*  
12          *items that have a higher priority than the items from*  
13          *which authority is transferred; and*

14           (2) *may not be used to provide authority for an*  
15          *item that has been denied authorization by Congress.*

16          (c) *EFFECT ON AUTHORIZATION AMOUNTS.*—*A trans-*  
17          *fer made from one account to another under the authority*  
18          *of this section shall be deemed to increase the amount au-*  
19          *thorized for the account to which the amount is transferred*  
20          *by an amount equal to the amount transferred.*

21          (d) *NOTICE TO CONGRESS.*—*The Secretary shall*  
22          *promptly notify Congress of each transfer made under sub-*  
23          *section (a).*

1 **SEC. 1002. INCORPORATION OF FUNDING DECISIONS INTO**  
2 **LAW.**

3 (a) *AMOUNTS SPECIFIED IN COMMITTEE REPORT ARE*  
4 *AUTHORIZED BY LAW.*—Wherever a funding table in the  
5 report of the Committee on Armed Services of the House  
6 of Representatives to accompany the bill H.R. 2647 of the  
7 111th Congress specifies a dollar amount for a project, pro-  
8 gram, or activity, the obligation and expenditure of the  
9 specified dollar amount for the indicated project, program,  
10 or activity is hereby authorized by law to be carried out  
11 to the same extent as if included in the text of this Act,  
12 subject to the availability of appropriations.

13 (b) *MERIT-BASED DECISIONS.*—Decisions by agency  
14 heads to commit, obligate, or expend funds with or to a  
15 specific entity on the basis of dollar amount authorized pur-  
16 suant to subsection (a) shall be based on authorized, trans-  
17 parent, statutory criteria, or merit-based selection proce-  
18 dures in accordance with the requirements of sections  
19 2304(k) and 2374 of title 10, United States Code, and other  
20 applicable provisions of law.

21 (c) *RELATIONSHIP TO TRANSFER AND REPROGRAM-*  
22 *MING AUTHORITY.*—This section does not prevent an  
23 amount covered by this section from being transferred or  
24 reprogrammed under a transfer or reprogramming author-  
25 ity provided by another provision of this Act or by other  
26 law. The transfer or reprogramming of an amount incor-

1 porated into the Act by this section shall not count against  
2 a ceiling on such transfers or reprogrammings under section  
3 1001 of this Act or any other provision of law, unless such  
4 transfer or reprogramming would move funds between ap-  
5 propriation accounts.

6 (d) *APPLICABILITY TO CLASSIFIED ANNEX.*—This sec-  
7 tion applies to any classified annex to the report referred  
8 to in subsection (a).

9 (e) *ORAL AND WRITTEN COMMUNICATION.*—No oral or  
10 written communication concerning any amount specified in  
11 the report referred to in subsection (a) shall supersede the  
12 requirements of this section.

## 13 ***Subtitle B—Counter-Drug and*** 14 ***Counter-Terrorism Activities***

### 15 ***SEC. 1011. ONE-YEAR EXTENSION OF DEPARTMENT OF DE-*** 16 ***FENSE COUNTER-DRUG AUTHORITIES AND*** 17 ***REQUIREMENTS.***

18 (a) *REPORTING REQUIREMENT ON EXPENDITURES TO*  
19 *SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.*—Section  
20 1022(a) of the Floyd D. Spence National Defense Authoriza-  
21 tion Act for Fiscal Year 2001 (as enacted into law by Public  
22 Law 106–398; 114 Stat. 1654A–255), as most recently  
23 amended by section 1021 of the Duncan Hunter National  
24 Defense Authorization Act for Fiscal Year 2009 (Public  
25 Law 110–417; 122 Stat. 4586), is further amended by strik-

1 *ing “April 15, 2006” and all that follows through “Feb-*  
2 *ruary 15, 2009” and inserting “February 15, 2010”.*

3           (b)           *UNIFIED           COUNTER-DRUG           AND*  
4 *COUNTERTERRORISM CAMPAIGN IN COLOMBIA.—Section*  
5 *1021 of the Ronald W. Reagan National Defense Authoriza-*  
6 *tion Act for Fiscal Year 2005 (Public Law 108–375; 118*  
7 *Stat. 2042), as most recently amended by section 1023 of*  
8 *the Duncan Hunter National Defense Authorization Act for*  
9 *Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586),*  
10 *is further amended—*

11                   (1) *in subsection (a), by striking “2009” and in-*  
12 *serting “2010”; and*

13                   (2) *in subsection (c), by striking “2009” and in-*  
14 *serting “2010”.*

15           (c) *SUPPORT FOR COUNTER-DRUG ACTIVITIES OF*  
16 *CERTAIN FOREIGN GOVERNMENTS.—Section 1033(a)(2) of*  
17 *the National Defense Authorization Act for Fiscal Year*  
18 *1998 (Public Law 105–85; 111 Stat. 1881), as most recently*  
19 *amended by section 1024(a) of the Duncan Hunter National*  
20 *Defense Authorization Act for Fiscal Year 2009 (Public*  
21 *Law 110–417; 122 Stat. 4587), is further amended by strik-*  
22 *ing “2009” and inserting “2010”.*

1 **SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW EN-**  
2 **FORCEMENT AGENCIES CONDUCTING**  
3 **COUNTER-TERRORISM ACTIVITIES.**

4 *Section 1022(b) of the National Defense Authorization*  
5 *Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C.*  
6 *371 note), as most recently amended by section 1022 of the*  
7 *Duncan Hunter National Defense Authorization Act for*  
8 *Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586),*  
9 *is further amended by striking “2009” and inserting*  
10 *“2010”.*

11 **SEC. 1013. BORDER COORDINATION CENTERS IN AFGHANI-**  
12 **STAN AND PAKISTAN.**

13 *(a) PROHIBITION ON USE OF COUNTER-NARCOTIC AS-*  
14 *SISTANCE FOR BORDER COORDINATION CENTERS.—*

15 *(1) PROHIBITION.—Amounts available for drug*  
16 *interdiction and counter-drug activities of the De-*  
17 *partment of Defense may not be expended for the con-*  
18 *struction, expansion, repair, or operation and main-*  
19 *tenance of any existing or proposed border coordina-*  
20 *tion center.*

21 *(2) RULE OF CONSTRUCTION.—Paragraph (1)*  
22 *does not prohibit or limit the use of other funds avail-*  
23 *able to the Department of Defense to construct, ex-*  
24 *pend, repair, or operate and maintain border coordi-*  
25 *nation centers.*

1           (b) *LIMITATION ON ESTABLISHMENT OF ADDITIONAL*  
2 *CENTERS.*—*The Secretary of Defense may not authorize the*  
3 *establishment, or any construction in connection with the*  
4 *establishment, of a third border coordination center in the*  
5 *area of operations of Regional Command—East in the Is-*  
6 *lamic Republic of Afghanistan until a border coordination*  
7 *center has been constructed, or is under construction, in ei-*  
8 *ther—*

9                   (1) *the area of operations of Regional Com-*  
10 *mand—South in the Islamic Republic of Afghanistan;*  
11 *or*

12                   (2) *Baluchistan in the Islamic Republic of Paki-*  
13 *stan.*

14           (c) *BORDER COORDINATION CENTER DEFINED.*—*In*  
15 *this section, the term “border coordination center” means*  
16 *multilateral military coordination and intelligence center*  
17 *that is located, or intended to be located, near the border*  
18 *between the Islamic Republic of Afghanistan and the Is-*  
19 *lamic Republic of Pakistan.*

20 **SEC. 1014. COMPTROLLER GENERAL REPORT ON EFFEC-**  
21 **TIVENESS OF ACCOUNTABILITY MEASURES**  
22 **FOR ASSISTANCE FROM COUNTER-NAR-**  
23 **COTICS CENTRAL TRANSFER ACCOUNT.**

24           (a) *REPORT REQUIRED.*—*Not later than 180 days*  
25 *after the date of the enactment of this Act, the Comptroller*

1 *General shall submit to the congressional defense committees*  
2 *a report on the performance evaluation system used by the*  
3 *Secretary of Defense to assess the effectiveness of assistance*  
4 *provided for foreign nations to achieve the counter-narcotics*  
5 *objectives of the Department of Defense. The report shall be*  
6 *unclassified, but may contain a classified annex.*

7 *(b) ELEMENTS.—The report required by subsection (a)*  
8 *shall contain the following:*

9 *(1) A description of the performance evaluation*  
10 *system of the Department of Defense used to deter-*  
11 *mine the efficiency and effectiveness of counter-nar-*  
12 *cotics assistance provided by the Department of De-*  
13 *fense to foreign nations.*

14 *(2) An assessment of the ability of the perform-*  
15 *ance evaluation system to accurately measure the effi-*  
16 *ciency and effectiveness of such counter-narcotics as-*  
17 *sistance.*

18 *(3) Detailed recommendations on how to improve*  
19 *the capacity of the performance evaluation system for*  
20 *the counter-narcotics central transfer account.*

1                   **Subtitle C—Miscellaneous**  
2                   **Authorities and Limitations**

3   **SEC. 1021. OPERATIONAL PROCEDURES FOR EXPERI-**  
4                   **MENTAL MILITARY PROTOTYPES.**

5           (a) *IN GENERAL.*—For the purposes of conducting test  
6 and evaluation of experimental military prototypes, includ-  
7 ing major systems, as defined in section 2302 of title 10,  
8 United States Code, that have been substantially modified  
9 for testing with the goal of developing new technology for  
10 increasing the capability, capacity, efficiency, or reliability  
11 of such systems, and for stimulating innovation in research  
12 and development to improve equipment or system capa-  
13 bility, the senior military officer of each military service,  
14 in consultation with the senior acquisition executive of each  
15 military department, shall develop and prescribe guidance  
16 to enable an expedited process for the documentation and  
17 approval of deviations from standardized operating instruc-  
18 tions and procedures for systems and equipment that have  
19 been substantially modified for the purpose of research, de-  
20 velopment, or testing. The guidance shall—

21                   (1) provide for appropriate consideration of the  
22 safety of personnel conducting such tests and evalua-  
23 tions;

24                   (2) ensure that, prior to the approval of any  
25 such deviation, sufficient engineering and risk man-



1        *agement analysis has been completed by a competent*  
2        *technical authority to provide a reasonable basis for*  
3        *determining that the proposed deviation will not re-*  
4        *sult in an unreasonable risk of liability to the United*  
5        *States;*

6            *(3) provide full and fair opportunity for all con-*  
7        *tractors, including non-traditional defense contrac-*  
8        *tors, who have developed or proposed promising tech-*  
9        *nologies, to test and evaluate experimental military*  
10       *prototypes in a manner that—*

11            *(A) allows both the contractor and the mili-*  
12        *tary service to assess the full potential of the*  
13        *technology prior to the establishment of a formal*  
14        *acquisition program; and*

15            *(B) does not unduly restrict the operating*  
16        *envelope, environment, or conditions approved*  
17        *for use during test and evaluation on the basis*  
18        *of existing operating instructions and procedures*  
19        *developed for sustained operations of proven*  
20        *military hardware, but does ensure that devi-*  
21        *ations from existing operating instructions and*  
22        *procedures have been subjected to appropriate*  
23        *technical review consistent with any modifica-*  
24        *tions made to the system or equipment; and*

1           (4) ensure that documentation and approval of  
2 such deviations—

3                   (A) can be accomplished in a transparent,  
4 cost-effective, and expeditious manner, generally  
5 within the period of performance of the contract  
6 for the development of the experimental military  
7 prototype;

8                   (B) address the use of a major system as an  
9 experimental military prototype by a contractor,  
10 and the conduct of test and evaluation of such  
11 system by the contractor; and

12                   (C) identify the scope of test and evaluation  
13 to be conducted under such deviation, the respon-  
14 sibilities of the parties conducting the test and  
15 evaluation, including the assumption of liability,  
16 and the responsibility for disposal of the experi-  
17 mental military prototype or, as appropriate,  
18 the return of a major system to its original con-  
19 dition.

20           (b) *REPORT.*—Not later than 12 months after the date  
21 of the enactment of this Act, the Secretary of each military  
22 department shall submit to the congressional defense com-  
23 mittees a report documenting the guidance developed in ac-  
24 cordance with subsection (a) and describing how such guid-

1 *ance fulfills the objectives under paragraphs (1) through (4)*  
2 *of such subsection.*

3 *(c) ONE TIME AUTHORITY TO CONVEY.—*

4 *(1) IN GENERAL.—In advance of the development*  
5 *of a process required by subsection (a), the Secretary*  
6 *of the Navy is authorized to convey, without consider-*  
7 *ation, to Piasecki Aircraft Corporation of Essington,*  
8 *Pennsylvania (in this section referred to as “trans-*  
9 *feree”), all right, title, and interest of the United*  
10 *States, except as otherwise provided in this sub-*  
11 *section, in and to Navy aircraft N40VT (Bureau*  
12 *Number 163283), also known as the X-49A aircraft,*  
13 *and associated components and test equipment, pre-*  
14 *viously specified as Government furnished equipment*  
15 *in contract N00019-00-C-0284. The conveyance shall*  
16 *be made by means of a deed of gift*

17 *(2) CONDITIONS.—The conveyance under para-*  
18 *graph (1) may only be made under the following con-*  
19 *ditions:*

20 *(A) The aircraft shall be conveyed in its*  
21 *current, “as is” condition.*

22 *(B) The Secretary is not required to repair*  
23 *or alter the condition of the aircraft before con-*  
24 *veying ownership of the aircraft.*

1           (C) *The conveyance shall be made at no cost*  
2 *to the United States. Any costs associated with*  
3 *the conveyance shall be borne by the transferee.*

4           (D) *The Secretary may require such addi-*  
5 *tional terms and conditions in connection with*  
6 *a conveyance under this section as the Secretary*  
7 *considers appropriate to protect the interests of*  
8 *the United States, except that such terms and*  
9 *conditions shall include, at a minimum—*

10           (i) *a provision stipulating that the*  
11 *conveyance of the X-49A aircraft is for the*  
12 *sole purpose of further development, test,*  
13 *and evaluation of vectored thrust ducted*  
14 *propeller (VTDP) technology and that all*  
15 *items referenced in paragraph (1) will*  
16 *transfer back to the United States Navy, at*  
17 *no cost to the United States, in the event*  
18 *that the X-49A aircraft is utilized for any*  
19 *other purpose; and*

20           (ii) *a provision providing the Govern-*  
21 *ment the right to procure the vectored thrust*  
22 *ducted propeller (VTDP) technology dem-*  
23 *onstrated under this program at a dis-*  
24 *counted cost based on the value of the X-49A*  
25 *aircraft and associated equipment at the*

1           *time of transfer, with such valuation and*  
2           *terms determined by the Secretary.*

3           *(E) Upon such conveyance, the United*  
4           *States shall not be liable for any death, injury,*  
5           *loss, or damage that results from the use of that*  
6           *aircraft by any person other than the United*  
7           *States.*

8   **SEC. 1022. TEMPORARY REDUCTION IN MINIMUM NUMBER**  
9           **OF OPERATIONAL AIRCRAFT CARRIERS.**

10        *(a) TEMPORARY WAIVER.—Notwithstanding section*  
11        *5062(b) of title 10, United States Code, during the period*  
12        *beginning on the date of the inactivation of the U.S.S. En-*  
13        *terprise (CVN-65) scheduled, as of the date of the enactment*  
14        *of this Act, for fiscal year 2013 and ending on the date*  
15        *of the commissioning into active service of the U.S.S. Ger-*  
16        *ald R. Ford (CVN-78), the number of operational aircraft*  
17        *carriers in the naval combat forces of the Navy may be 10.*

18        *(b) EVALUATION AND REPORT.—*

19            *(1) EVALUATION.—During the fiscal year 2012,*  
20            *the Chairman of the Joint Chiefs of Staff, in coordi-*  
21            *nation with the commanders of the combatant com-*  
22            *mands, shall evaluate the required postures and capa-*  
23            *bilities of each of the combatant commands to assess*  
24            *the level of increased risk that could result due to a*  
25            *temporary reduction in the total number of oper-*

1        *ational aircraft carriers following the inactivation of*  
2        *the U.S.S. Enterprise (CVN-65).*

3            (2) *REPORT TO CONGRESS.—Together with the*  
4        *budget materials submitted to Congress by the Sec-*  
5        *retary of Defense in support of the President’s budget*  
6        *for fiscal year 2013, the Secretary of Defense shall*  
7        *submit to the congressional defense committees a re-*  
8        *port containing the findings of the evaluation con-*  
9        *ducted pursuant to paragraph (1), and the basis for*  
10       *each such finding.*

11 **SEC. 1023. LIMITATION ON USE OF FUNDS FOR THE TRANS-**  
12                            **FER OR RELEASE OF INDIVIDUALS DETAINED**  
13                            **AT UNITED STATES NAVAL STATION, GUANTA-**  
14                            **NAMO BAY, CUBA.**

15            (a) *IN GENERAL.—The Secretary of Defense may not*  
16        *use any of the amounts authorized to be appropriated in*  
17        *this Act or otherwise available to the Department of Defense*  
18        *for fiscal year 2010 or any subsequent fiscal year to release*  
19        *or transfer any individual described in subsection (d) to*  
20        *the United States, its territories, or possessions, until 120*  
21        *days after the President has submitted to the congressional*  
22        *defense committees the plan described in subsection (b).*

23            (b) *PLAN REQUIRED.—The President shall submit to*  
24        *the congressional defense committees a plan on the disposi-*

1 *tion of each individual described in subsection (d). Such*  
2 *plan shall include—*

3           (1) *an assessment of the risk that the individual*  
4 *described in subsection (d) poses to the national secu-*  
5 *rity of the United States, its territories, or posses-*  
6 *sions;*

7           (2) *a proposal for the disposition of each such*  
8 *individual;*

9           (3) *a plan to mitigate any risks described in*  
10 *paragraph (1) should the proposed disposition re-*  
11 *quired by paragraph (2) include the release or trans-*  
12 *fer to the United States, its territories, or possessions*  
13 *of any such individual; and*

14           (4) *a summary of the consultation required in*  
15 *subsection (c).*

16       (c) *CONSULTATION REQUIRED.—The President shall*  
17 *consult with the chief executive of the State, the District*  
18 *of Columbia, or the territory or possession of the United*  
19 *States to which the disposition in subsection (b) includes*  
20 *a release or transfer to that State, District of Columbia,*  
21 *or territory or possession.*

22       (d) *DETAINEES DESCRIBED.—An individual described*  
23 *in this subsection is any individual who is located at*  
24 *United States Naval Station, Guantanamo Bay, Cuba, as*  
25 *of the date of the enactment of this Act, who—*

1           (1) *is not a citizen of the United States; and*

2           (2) *is—*

3                 (A) *in the custody or under the effective*  
4                 *control of the Department of Defense, or*

5                 (B) *otherwise under detention at the United*  
6                 *States Naval Station, Guantanamo Bay, Cuba.*

7   **SEC. 1024. CHARTER FOR THE NATIONAL RECONNAISSANCE**

8                         **OFFICE.**

9           *Not later than 90 days after the date of the enactment*  
10 *of this Act, the Director of National Intelligence and the*  
11 *Secretary of Defense shall jointly submit to the congress-*  
12 *sional intelligence and defense committees a revised charter*  
13 *for the National Reconnaissance Office (hereinafter in this*  
14 *section referred to as the “NRO”). The charter shall include*  
15 *the following:*

16                 (1) *The organizational and governance structure*  
17                 *of the NRO.*

18                 (2) *The provision of NRO participation in the*  
19                 *development and generation of requirements and ac-*  
20                 *quisition.*

21                 (3) *The scope of the capabilities of the NRO.*

22                 (4) *The roles and responsibilities of the NRO*  
23                 *and the relationship of the NRO to other organiza-*  
24                 *tions and agencies in the intelligence and defense*  
25                 *communities.*



1     **Subtitle D—Studies and Reports**

2     **SEC. 1031. REPORT ON STATUTORY COMPLIANCE OF THE**  
3                   **REPORT ON THE 2009 QUADRENNIAL DE-**  
4                   **FENSE REVIEW.**

5           (a) *COMPTROLLER GENERAL REPORT.*—Not later than  
6 90 days after the Secretary of Defense releases the report  
7 on the 2009 quadrennial defense review, the Comptroller  
8 General shall submit to the congressional defense committees  
9 and to the Secretary of Defense a report on the degree to  
10 which the report on the 2009 quadrennial defense review  
11 complies with the requirements of subsection (d) of section  
12 118 of title 10, United States Code.

13          (b) *SECRETARY OF DEFENSE REPORT.*—If the Comp-  
14 troller General determines that the report on the 2009 quad-  
15 rennial defense review deviates significantly from the re-  
16 quirements of subsection (d) of section 118 of such title, the  
17 Secretary of Defense shall submit to the congressional de-  
18 fense committees a report addressing the areas of deviation  
19 not later than 30 days after the submission of the report  
20 by the Comptroller General required by paragraph (1).

21     **SEC. 1032. REPORT ON THE FORCE STRUCTURE FINDINGS**  
22                   **OF THE 2009 QUADRENNIAL DEFENSE RE-**  
23                   **VIEW.**

24          (a) *REPORT REQUIREMENT.*—Concurrent with the de-  
25 livery of the report on the 2009 quadrennial defense review

1 *required by section 118 of title 10, United States Code, the*  
2 *Secretary of Defense shall submit to the congressional de-*  
3 *fense committees a report with a classified annex con-*  
4 *taining—*

5           (1) *the analyses used to determine and support*  
6 *the findings on force structure required by such sec-*  
7 *tion; and*

8           (2) *a description of any changes from the pre-*  
9 *vious quadrennial defense review to the minimum*  
10 *military requirements for major military capabilities.*

11       (b) *MAJOR MILITARY CAPABILITIES DEFINED.—In*  
12 *this section, the term “major military capabilities” includes*  
13 *any capability the Secretary determines to be a major mili-*  
14 *tary capability, any capability discussed in the report of*  
15 *the 2006 quadrennial defense review, and any capability*  
16 *described in paragraph (9) or (10) of section 118(d) of title*  
17 *10, United States Code.*

18 **SEC. 1033. SENSE OF CONGRESS AND AMENDMENT RELAT-**  
19 **ING TO QUADRENNIAL DEFENSE REVIEW.**

20       (a) *SENSE OF CONGRESS.—It is the sense of Congress*  
21 *that the quadrennial defense review is a strategy process*  
22 *that necessarily produces budget plans; however, budget*  
23 *pressures should not determine or limit its outcomes.*

24       (b) *RELATIONSHIP OF QDR TO BUDGET.—Section*  
25 *118(a) of title 10, United States Code, is amended—*

1           (1) by inserting “(1)” before “The Secretary of  
2     *Defense*”; and

3           (2) by adding at the end the following new para-  
4     *graph*:

5           “(2) *The existence of the quadrennial defense review*  
6     *does not exempt the President or the Department of Defense*  
7     *from fulfilling its annual legal obligations to submit to Con-*  
8     *gress a budget and all legally required supporting docu-*  
9     *mentation.*”.

10 **SEC. 1034. STRATEGIC REVIEW OF BASING PLANS FOR**  
11 **UNITED STATES EUROPEAN COMMAND.**

12           (a) *REPORT REQUIREMENT.*—Concurrent with the de-  
13 *livery of the report on the 2009 quadrennial defense review*  
14 *required by section 118 of title 10, United States Code, the*  
15 *Secretary of Defense shall submit to the appropriate con-*  
16 *gressional committees a report on the plan for basing of*  
17 *forces in the European theater, containing a description*  
18 *of—*

19           (1) *how the plan supports the United States na-*  
20 *tional security strategy;*

21           (2) *how the plan satisfies the commitments un-*  
22 *dertaken by the United States pursuant to Article 5*  
23 *of the North Atlantic Treaty, signed at Washington,*  
24 *District of Columbia, on April 4, 1949, and entered*

1       *into force on August 24, 1949 (63 Stat. 2241; TIAS*  
2       *1964);*

3             (3) *how the plan addresses the current security*  
4       *environment in Europe, including United States par-*  
5       *ticipation in theater cooperation activities;*

6             (4) *how the plan contributes to peace and sta-*  
7       *bility in Europe; and*

8             (5) *the impact that a permanent change in the*  
9       *basing of a unit currently assigned to United States*  
10       *European Command would have on the matters de-*  
11       *scribed in paragraphs (1) through (4).*

12       (b) *NOTIFICATION REQUIREMENT.—The Secretary of*  
13       *Defense shall notify Congress at least 30 days before the*  
14       *permanent relocation of a unit stationed outside the conti-*  
15       *ental United States as of the date of the enactment of this*  
16       *Act.*

17       (c) *DEFINITIONS.—In this section:*

18             (1) *UNIT.—The term “unit” has the meaning de-*  
19       *termined by the Secretary of Defense for purposes of*  
20       *this section.*

21             (2) *APPROPRIATE CONGRESSIONAL COMMIT-*  
22       *TEES.—The term “appropriate congressional commit-*  
23       *tees” means—*

24                 (A) *the congressional defense committees;*

1                   (B) *the Committee on Foreign Relations of*  
2                   *the Senate and the Committee on Foreign Affairs*  
3                   *of the House of Representatives; and*

4                   (C) *the Select Committee on Intelligence of*  
5                   *the Senate and the Permanent Select Committee*  
6                   *on Intelligence of the House of Representatives.*

7 **SEC. 1035. NATIONAL DEFENSE PANEL.**

8           (a) *ESTABLISHMENT.*—*There is established a bipar-*  
9           *tisan, independent panel to be known as the National De-*  
10           *fense Panel (in this section referred to as the “Panel”). The*  
11           *Panel shall have the duties set forth in this section.*

12           (b) *MEMBERSHIP.*—*The Panel shall be composed of*  
13           *twelve members who are recognized experts in matters relat-*  
14           *ing to the national security of the United States. The mem-*  
15           *bers shall be appointed as follows:*

16                   (1) *Three by the chairman of the Committee on*  
17                   *Armed Services of the House of Representatives.*

18                   (2) *Three by the chairman of the Committee on*  
19                   *Armed Services of the Senate.*

20                   (3) *Two by the ranking member of the Com-*  
21                   *mittee on Armed Services of the House of Representa-*  
22                   *tives.*

23                   (4) *Two by the ranking member of the Com-*  
24                   *mittee on Armed Services of the Senate.*

25                   (5) *Two by the Secretary of Defense.*

1           (c) *CO-CHAIRS OF THE PANEL.*—*The chairman of the*  
2 *Committee on Armed Services of the House of Representa-*  
3 *tives and the chairman of the Committee of Armed Services*  
4 *of the Senate shall each designate one of their appointees*  
5 *under subsection (b) to serve as co-chair of the panel.*

6           (d) *PERIOD OF APPOINTMENT; VACANCIES.*—*Members*  
7 *shall be appointed for the life of the Panel. Any vacancy*  
8 *in the Panel shall be filled in the same manner as the origi-*  
9 *nal appointment.*

10          (e) *DUTIES.*—*The Panel shall—*

11               (1) *review the national defense strategy, the na-*  
12 *tional military strategy, the Secretary of Defense’s*  
13 *terms of reference, and any other materials providing*  
14 *the basis for, or substantial inputs to, the work of the*  
15 *Department of Defense on the 2009 quadrennial de-*  
16 *fense review under section 118 of title 10, United*  
17 *States Code (in this subsection referred to as the*  
18 *“2009 QDR”), as well as the 2009 QDR itself;*

19               (2) *conduct an assessment of the assumptions,*  
20 *strategy, findings, costs, and risks of the report of the*  
21 *2009 QDR, with particular attention paid to the*  
22 *risks described in that report;*

23               (3) *submit to the congressional defense commit-*  
24 *tees and the Secretary an independent assessment of*  
25 *a variety of possible force structures of the Armed*

1 *Forces, including the force structure identified in the*  
2 *report of the 2009 QDR, suitable to meet the require-*  
3 *ments identified in the review required in paragraph*  
4 *(1);*

5 *(4) to the extent practicable, estimate the fund-*  
6 *ing required by fiscal year, in constant fiscal year*  
7 *2010 dollars, to organize, equip, and support the*  
8 *forces contemplated under the force structures assessed*  
9 *in the assessment under paragraph (3); and*

10 *(5) provide to Congress and the Secretary of De-*  
11 *fense, through the reports under subsection (g), any*  
12 *recommendations it considers appropriate for their*  
13 *consideration.*

14 *(f) FIRST MEETING.—*

15 *(1) The Panel shall hold its first meeting no*  
16 *later than 30 days after the date as of which all ap-*  
17 *pointments to the Panel under paragraphs (1), (2),*  
18 *(3), and (4) of subsection (b) have been made.*

19 *(2) If the Secretary of Defense has not made the*  
20 *Secretary's appointments to the Panel under sub-*  
21 *section (b)(5) by the date of the first meeting pursu-*  
22 *ant to paragraph (1), the Panel shall convene with*  
23 *the remaining members.*

24 *(g) REPORTS.—*

1           (1) *Not later than April 15, 2010, the Panel*  
2           *shall submit an interim report on its findings to the*  
3           *congressional defense committees and to the Secretary*  
4           *of Defense.*

5           (2) *Not later than January 15, 2011, the Panel*  
6           *shall submit its final report, together with any rec-*  
7           *ommendations, to the congressional defense commit-*  
8           *tees and to the Secretary of Defense.*

9           (3) *Not later than February 15, 2011, the Sec-*  
10          *retary of Defense, after consultation with the Chair-*  
11          *man of the Joint Chiefs of Staff, shall submit to the*  
12          *committees referred to in paragraph (2) the Sec-*  
13          *retary's comments on the Panel's final report under*  
14          *that paragraph.*

15          (h) *INFORMATION FROM FEDERAL AGENCIES.—The*  
16          *Panel may secure directly from the Department of Defense*  
17          *and any of its components such information as the Panel*  
18          *considers necessary to carry out its duties under this sec-*  
19          *tion. The head of the department or agency concerned shall*  
20          *ensure that information requested by the Panel under this*  
21          *subsection is promptly provided.*

22          (i) *FFRDC SUPPORT.—Upon the request of the co-*  
23          *chairs of the Panel, the Secretary of Defense shall make*  
24          *available to the Panel the services of any federally funded*



1 *research and development center that is covered by a spon-*  
2 *soring agreement of the Department of Defense.*

3 (j) *PERSONNEL MATTERS.*—*The Panel shall have the*  
4 *authorities provided in section 3161 of title 5, United States*  
5 *Code, and shall be subject to the conditions set forth in such*  
6 *section.*

7 (k) *PAYMENT OF PANEL EXPENSES.*—*Funds for ac-*  
8 *tivities of the Panel shall be provided from amounts avail-*  
9 *able to the Department of Defense.*

10 (l) *TERMINATION.*—*The Panel shall terminate 45 days*  
11 *after the date on which the Panel submits its final report*  
12 *under subsection (g)(2).*

13 **SEC. 1036. REPORT REQUIRED ON NOTIFICATION OF DE-**  
14 **TAINEEES OF RIGHTS UNDER MIRANDA V. ARI-**  
15 **ZONA.**

16 *Not later than 30 days after the date of the enactment*  
17 *of this Act, the Secretary of Defense shall submit to the con-*  
18 *gressional defense committees a report on how the reading*  
19 *of rights under *Miranda v. Arizona* (384 U.S. 436 (1966))*  
20 *to individuals detained by the United States in Afghanistan*  
21 *may affect—*

22 (1) *the rules of engagement of the Armed Forces*  
23 *deployed in support of Operation Enduring Freedom;*

1           (2) *post-capture interrogations and intelligence-*  
2 *gathering activities conducted as part of Operation*  
3 *Enduring Freedom;*

4           (3) *the overall counterinsurgency strategy and*  
5 *objectives of the United States for Operation Endur-*  
6 *ing Freedom;*

7           (4) *United States military operations and objec-*  
8 *tives in Afghanistan; and*

9           (5) *potential risks to members of the Armed*  
10 *Forces operating in Afghanistan.*

11 **SEC. 1037. ANNUAL REPORT ON THE ELECTRONIC WARFARE**

12                           **STRATEGY OF THE DEPARTMENT OF DE-**  
13                           **FENSE.**

14           (a) *ANNUAL REPORT REQUIRED.*—*At the same time*  
15 *as the President submits to Congress the budget under sec-*  
16 *tion 1105(a) of title 31, United States Code, for fiscal year*  
17 *2011, and for each subsequent fiscal year, the Secretary of*  
18 *Defense, in coordination with the Chairman of the Joint*  
19 *Chiefs of Staff and the Secretary of each of the military*  
20 *departments, shall submit to the congressional defense com-*  
21 *mittees an annual report on the electronic warfare strategy*  
22 *of the Department of Defense.*

23           (b) *CONTENTS OF REPORT.*—*Each report required*  
24 *under subsection (a) shall include each of the following:*

25                   (1) *A description and overview of—*

1           (A) *the Department of Defense’s electronic*  
2           *warfare strategy;*

3           (B) *how such strategy supports the National*  
4           *Defense Strategy; and*

5           (C) *the organizational structure assigned to*  
6           *oversee the development of the Department’s elec-*  
7           *tronic warfare strategy, requirements, capabili-*  
8           *ties, programs, and projects.*

9           (2) *A list of all the electronic warfare acquisition*  
10          *programs and research and development projects of*  
11          *the Department of Defense and a description of how*  
12          *each program or project supports the Department’s*  
13          *electronic warfare strategy.*

14          (3) *For each unclassified program or project on*  
15          *the list required by paragraph (2)—*

16               (A) *the senior acquisition executive and or-*  
17               *ganization responsible for oversight of the pro-*  
18               *gram or project;*

19               (B) *whether or not validated requirements*  
20               *exist for each program or project and, if such re-*  
21               *quirements exist, the date on which the require-*  
22               *ments were validated and by which organiza-*  
23               *tional authority;*

24               (C) *the total amount of funding appro-*  
25               *priated, obligated, and forecasted by fiscal year*

1           *for the program or project, to include the pro-*  
2           *gram element or procurement line number from*  
3           *which the program or project receives funding;*

4                     *(D) the development or procurement sched-*  
5                     *ule for the program or project;*

6                     *(E) an assessment of the cost, schedule, and*  
7                     *performance of the program or project as it re-*  
8                     *lates to the program or project's current program*  
9                     *baseline and the original program baseline if*  
10                    *such baselines are not the same;*

11                    *(F) the technology readiness level of each*  
12                    *critical technology that is part of the program or*  
13                    *project;*

14                    *(G) whether or not the program or project*  
15                    *is redundant or overlaps with the efforts of an-*  
16                    *other military department; and*

17                    *(H) what capability gap the program or*  
18                    *project is being developed or procured to fulfill.*

19                    *(4) A classified annex that contains the items de-*  
20                    *scribed in subparagraphs (A) through (H) for each*  
21                    *classified program or project on the list required by*  
22                    *paragraph (2).*

1 **SEC. 1038. STUDIES TO ANALYZE ALTERNATIVE MODELS**  
2 **FOR ACQUISITION AND FUNDING OF TECH-**  
3 **NOLOGIES SUPPORTING NETWORK-CENTRIC**  
4 **OPERATIONS.**

5 (a) *STUDIES REQUIRED.*—

6 (1) *INDEPENDENT STUDY.*—Not later than 90  
7 days after the date of the enactment of this Act, the  
8 Secretary of Defense shall enter into a contract with  
9 an independent federally funded research and develop-  
10 ment center to carry out a comprehensive study of  
11 policies, procedures, organization, and regulatory con-  
12 straints affecting the acquisition of technologies sup-  
13 porting network-centric operations. The contract shall  
14 be funded from amounts appropriated pursuant to an  
15 authorization of appropriations in this Act or other-  
16 wise made available for fiscal year 2010 for operation  
17 and maintenance for Defense-wide activities.

18 (2) *JOINT CHIEFS OF STAFF STUDY.*—The Chair-  
19 man of the Joint Chiefs of Staff shall carry out a  
20 comprehensive study of the same subjects covered by  
21 paragraph (1). The study shall be independent of the  
22 study required by paragraph (1) and shall be carried  
23 out in conjunction with the military departments and  
24 in coordination with the Secretary of Defense.

25 (b) *MATTERS TO BE ADDRESSED.*—Each study re-  
26 quired by subsection (a) shall address the following matters:

1           (1) *Development of a system for understanding*  
2 *the various foundational components that contribute*  
3 *to network-centric operations, such as data transport,*  
4 *processing, storage, data collection, and dissemination*  
5 *of information.*

6           (2) *Determining how acquisition and funding*  
7 *programs that are in place as of the date of the enact-*  
8 *ment of this Act relate to the system developed under*  
9 *paragraph (1).*

10          (3) *Development of acquisition and funding*  
11 *models using the system developed under paragraph*  
12 *(1), including—*

13           (A) *a model under which a joint entity*  
14 *independent of any military department (such*  
15 *as the Joint Staff) is established with responsi-*  
16 *bility and control of all funding for the acquisi-*  
17 *tion of technologies for network-centric oper-*  
18 *ations, and with authority to oversee the incor-*  
19 *poration of such technologies into the acquisition*  
20 *programs of the military departments;*

21           (B) *a model under which an executive agent*  
22 *is established to manage and oversee the acquisi-*  
23 *tion of technologies for network-centric oper-*  
24 *ations, but would not have exclusive control of*  
25 *the funding for such programs;*

1           (C) a model under which the acquisition  
2           and funding programs that are in place as of the  
3           date of the enactment of this Act are maintained;  
4           and

5           (D) any other model that the entity car-  
6           rying out the study considers relevant.

7           (4) An analysis of each of the models developed  
8           under paragraph (3) with respect to potential benefits  
9           in—

10           (A) collecting, processing, and dissemi-  
11           nating information;

12           (B) network commonality;

13           (C) common communications;

14           (D) interoperability;

15           (E) mission impact and success; and

16           (F) cost effectiveness.

17           (5) An evaluation of each of the models developed  
18           under paragraph (3) with respect to feasibility, in-  
19           cluding identification of legal, policy, or regulatory  
20           barriers that may impede the implementation of such  
21           model.

22           (c) *REPORT REQUIRED.*—Not later than September  
23           30, 2010, the Secretary of Defense shall submit to the con-  
24           gressional defense committees a report on the results of the  
25           studies required by subsection (a). The report shall include

1 *the findings and recommendations of the studies and any*  
2 *observations and comments that the Secretary considers ap-*  
3 *propriate.*

4       (d) *NETWORK-CENTRIC OPERATIONS DEFINED.*—*In*  
5 *this section, the term “network-centric operations” refers to*  
6 *the ability to exploit all human and technical elements of*  
7 *the Joint Force and mission partners through the full inte-*  
8 *gration of collected information, awareness, knowledge, ex-*  
9 *perience, and decision-making, enabled by secure access and*  
10 *distribution, all to achieve agility and effectiveness in a dis-*  
11 *persed, decentralized, dynamic, or uncertain operational*  
12 *environment.*

### 13                   ***Subtitle E—Other Matters***

#### 14 ***SEC. 1041. PROHIBITION RELATING TO PROPAGANDA.***

15       (a) *IN GENERAL.*—

16               (1) *PROHIBITION.*—*Chapter 134 of title 10,*  
17 *United States Code, is amended by inserting after sec-*  
18 *tion 2241 the following new section:*

19 ***“§2241a. Prohibition on use of funds for publicity or***  
20 ***propaganda purposes within the United***  
21 ***States***

22       *“Funds available to the Department of Defense may*  
23 *not be obligated or expended for publicity or propaganda*  
24 *purposes within the United States not otherwise specifically*  
25 *authorized by law.”.*





1 **“§ 1567a. Mandatory notification of issuance of mili-**  
2 **tary protective order to civilian law en-**  
3 **forcement”.**

4 (3) Section 2306c(h) is amended by striking  
5 “section 2801(c)(2)” and inserting “section  
6 2801(c)(4)”.

7 (4) Section 2667(g)(1) is amended by striking  
8 “Secretary concerned concerned” and inserting “Sec-  
9 retary concerned”.

10 (b) TITLE 37, UNITED STATES CODE.—Section  
11 308(a)(2)(A)(ii) of title 37, United States Code, is amended  
12 by striking the comma before the period at the end.

13 (c) DUNCAN HUNTER NATIONAL DEFENSE AUTHOR-  
14 IZATION ACT FOR FISCAL YEAR 2009.—Effective as of Octo-  
15 ber 14, 2008, and as if included therein as enacted, the  
16 Duncan Hunter National Defense Authorization Act for  
17 Fiscal Year 2009 (Public Law 110–417) is amended as fol-  
18 lows:

19 (1) Section 314(a) (122 Stat. 4410; 10 U.S.C.  
20 2710 note) is amended by striking “Secretary” and  
21 inserting “Secretary of Defense”.

22 (2) Section 523(1) (122 Stat. 4446) is amended  
23 by striking “serving or” and inserting “serving in  
24 or”.

1           (3) Section 616 (122 Stat. 4486) is amended by  
2           striking “of title” in subsections (b) and (c) and in-  
3           serting “of such title”.

4           (4) Section 732(2) (122 Stat. 4511) is amended  
5           by striking “year.” and inserting “year”.

6           (5) Section 811(c)(6)(A)(iv)(I) (122 Stat. 4524)  
7           is amended by striking “after of ‘the program’” and  
8           inserting “after ‘of the program’”.

9           (6) Section 813(d)(3) (122 Stat. 4527) is amend-  
10          ed by striking “each of subsections (c)(2)(A) and  
11          (d)(2)” and inserting “subsection (c)(2)(A)”.

12          (7) Section 825(b) (122 Stat. 4534) is amended  
13          in the new item being added by inserting a period  
14          after “thereof”.

15          (8) Section 834(a)(2) (122 Stat. 4537) is amend-  
16          ed by inserting “subchapter II of” before “chapter  
17          87”.

18          (9) Section 845(a) (122 Stat. 4541) is amend-  
19          ed—

20                 (A) in paragraph (1), by striking “Sub-  
21                 chapter I” and inserting “Subchapter II”; and

22                 (B) in paragraph (2), by striking “sub-  
23                 chapter I” and inserting “subchapter II”.

24          (10) Section 855 (122 Stat. 4545) is repealed.

1           (11) Section 921(1) (122 Stat. 4573) is amended  
2           by striking “subsections (f) and (g) as subsections (g)  
3           and (h)” and inserting “subsections (f), (g), and (h)  
4           as subsections (g), (h), and (i)”.

5           (12) Section 931(b)(5) (122 Stat. 4575) is  
6           amended—

7                   (A) by striking “Section 201(e)(2)” and in-  
8                   serting “Section 201(f)(2)(E)”; and

9                   (B) by striking “(6 U.S.C. 121(e)(2))” and  
10                  inserting “(6 U.S.C. 121(f)(2)(E))”.

11          (13) Section 932 (122 Stat. 4576) is repealed.

12          (14) Section 1033(b) (122 Stat. 4593) is amend-  
13          ed by striking “chapter 941” and inserting “chapter  
14          931”.

15          (15) Section 1059 (122 Stat. 4611) is amended  
16          by striking “Act of” and inserting “Act for”.

17          (16) Section 1061(b)(3) (122 Stat. 4613) is  
18          amended by striking “103” and inserting “188”.

19          (17) Section 1109 (122 Stat. 4618) is amended  
20          in subsection (e)(1) of the matter proposed to be  
21          added by striking “the date of the enactment of this  
22          Act” and inserting “October 14, 2008,”.

23          (18) Section 2104(b) (122 Stat. 4664) is amend-  
24          ed in the matter preceding paragraph (1) by striking  
25          “section 2401” and inserting “section 2101”.

1           (19) Section 3508(b) (122 Stat. 4769) is amend-  
2       ed to read as follows:

3           “(b) *CONFORMING AMENDMENT.*—*The chapter 541 of*  
4 *title 46, United States Code, as inserted and amended by*  
5 *the amendments made by subparagraphs (A) through (D)*  
6 *of section 3523(a)(6) of the National Defense Authorization*  
7 *Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.*  
8 *599), is repealed.”.*

9           (20) Section 3511(d) (122 Stat. 4770) is amend-  
10       ed by inserting before the period the following: “, and  
11       by striking ‘CALENDAR’ and inserting ‘FISCAL’ in the  
12       heading for paragraph (2)”.

13 **SEC. 1044. REPEAL OF PILOT PROGRAM ON COMMERCIAL**  
14                           **FEE-FOR-SERVICE AIR REFUELING SUPPORT**  
15                           **FOR THE AIR FORCE.**

16       *The National Defense Authorization Act for Fiscal*  
17 *Year 2008 (Public Law 110-181) is amended by striking*  
18 *section 1081.*

19 **SEC. 1045. EXTENSION OF SUNSET FOR CONGRESSIONAL**  
20                           **COMMISSION ON THE STRATEGIC POSTURE**  
21                           **OF THE UNITED STATES.**

22       *Section 1062 of the National Defense Authorization*  
23 *Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.*  
24 *319) is amended—*

1           (1) *by redesignating subsections (f) and (g) as*  
2           *subsections (g) and (h), respectively;*

3           (2) *in subsection (h), as redesignated by para-*  
4           *graph (1) of this subsection, by striking “June 1,*  
5           *2009” and inserting “September 30, 2010”; and*

6           (3) *by inserting after subsection (e) the following*  
7           *new subsection (f):*

8           “(f) *FOLLOW-ON REPORT.—Not later than May 1,*  
9           *2010, the commission shall submit to the President, the Sec-*  
10           *retary of Defense, the Secretary of Energy, the Secretary*  
11           *of State, the Committee on Armed Services of the Senate,*  
12           *the Committee on Foreign Relations of the Senate, the Com-*  
13           *mittee on Armed Services of the House of Representatives,*  
14           *and the Committee on Foreign Affairs of the House of Rep-*  
15           *resentatives a follow-on report to the report submitted under*  
16           *subsection (e). With respect to the matters described under*  
17           *subsection (c), the follow-on report shall include, at a min-*  
18           *imum, the following:*

19           “(1) *A review of—*

20                   “(A) *the nuclear posture review required by*  
21                   *section 1070 of this Act; and*

22                   “(B) *the Quadrennial Defense Review re-*  
23                   *quired to be submitted under section 118 of title*  
24                   *10, United States Code.*

1           “(2) *A review of legislative actions taken by the*  
2           *111th Congress.*”.

3   **SEC. 1046. AUTHORIZATION OF APPROPRIATIONS FOR PAY-**  
4                   **MENTS TO PORTUGUESE NATIONALS EM-**  
5                   **PLOYED BY THE DEPARTMENT OF DEFENSE.**

6           (a) *AUTHORIZATION FOR PAYMENTS.*—Subject to sub-  
7           section (b), the Secretary of Defense may authorize pay-  
8           ments to Portuguese nationals employed by the Department  
9           of Defense in Portugal, for the difference between—

10           (1) *the salary increases resulting from section*  
11           *8002 of the Department of Defense Appropriations*  
12           *Act, 2006 (Public Law 109–148; 119 Stat. 2697; 10*  
13           *U.S.C. 1584 note) and section 8002 of the Depart-*  
14           *ment of Defense Appropriations Act, 2007 (Public*  
15           *Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584 note);*  
16           *and*

17           (2) *salary increases supported by the Depart-*  
18           *ment of Defense Azores Foreign National wage sur-*  
19           *veys for survey years 2006 and 2007.*

20           (b) *LIMITATION.*—The authority provided in sub-  
21           section (a) may be exercised only if—

22           (1) *the wage survey methodology described in the*  
23           *United States—Portugal Agreement on Cooperation*  
24           *and Defense, with supplemental technical and labor*  
25           *agreements and exchange of notes, signed at Lisbon*

1       on June 1, 1995, and entered into force on November  
2       21, 1995, is eliminated; and

3               (2) the agreements and exchange of notes referred  
4       to in paragraph (1) and any implementing regula-  
5       tions thereto are revised to provide that the obliga-  
6       tions of the United States regarding annual pay in-  
7       creases are subject to United States appropriation  
8       law governing the funding available for such in-  
9       creases.

10       (c) *AUTHORIZATION FOR APPROPRIATION.*—Of the  
11       amounts authorized to be appropriated under title III, not  
12       less than \$240,000 is authorized to be appropriated for fis-  
13       cal year 2010 for the purpose of the payments authorized  
14       by subsection (a).

15       **SEC. 1047. COMBAT AIR FORCES RESTRUCTURING.**

16       (a) *LIMITATIONS RELATING TO LEGACY AIRCRAFT.*—  
17       Until the expiration of the 90-day period beginning on the  
18       date the Secretary of the Air Force submits a report in ac-  
19       cordance with subsection (b), the following provisions  
20       apply:

21               (1) *PROHIBITION ON RETIREMENT OF AIR-*  
22       *CRAFT.*—The Secretary of the Air Force may not re-  
23       tire any fighter aircraft pursuant to the Combat Air  
24       Forces restructuring plan announced by the Secretary  
25       on May 18, 2009.



1           (2) *PROHIBITION ON PERSONNEL REASSIGN-*  
2           *MENTS.—The Secretary of the Air Force may not re-*  
3           *assign any Air Force personnel (whether on active*  
4           *duty or a member of a reserve component, including*  
5           *the National Guard) associated with such restruc-*  
6           *turing plan.*

7           (3) *REQUIREMENTS TO CONTINUE FUNDING.—*

8           (A) *Of the funds authorized to be appro-*  
9           *propriated in title III of this Act for operations and*  
10           *maintenance for the Air Force, at least*  
11           *\$344,600,000 shall be expended for continued op-*  
12           *eration and maintenance of the 249 fighter air-*  
13           *craft scheduled for retirement in fiscal year 2010*  
14           *pursuant to such restructuring plan.*

15           (B) *Of the funds authorized to be appro-*  
16           *propriated in title I of this Act for procurement for*  
17           *the Air Force, at least \$10,500,000 shall be*  
18           *available for obligation to provide for any modi-*  
19           *fications necessary to sustain the 249 fighter air-*  
20           *craft.*

21           (b) *REPORT.—The report under subsection (a) shall be*  
22           *submitted to the Committees on Armed Services of the*  
23           *House of Representatives and the Senate and shall include*  
24           *the following information:*

1           (1) *A detailed plan of how the force structure*  
2 *and capability gaps resulting from the retirement ac-*  
3 *tions will be addressed.*

4           (2) *An explanation of the assessment conducted*  
5 *of the current threat environment and current capa-*  
6 *bilities.*

7           (3) *A description of the follow-on mission assign-*  
8 *ments for each affected base.*

9           (4) *An explanation of the criteria used for select-*  
10 *ing the affected bases and the particular fighters cho-*  
11 *sen for retirement.*

12           (5) *A description of the environmental analyses*  
13 *being conducted.*

14           (6) *An identification of the reassignment and*  
15 *manpower authorizations necessary for the Air Force*  
16 *personnel (both active duty and reserve component)*  
17 *affected by the retirements if such retirements are ac-*  
18 *complished.*

19           (7) *A description of the funding needed in fiscal*  
20 *years 2010 through 2015 to cover operation and*  
21 *maintenance costs, personnel, and aircraft procure-*  
22 *ment, if the restructuring plan is not carried out.*

23           (8) *An estimate of the cost avoidance should the*  
24 *restructuring plan more forward and a description of*  
25 *how such funds would be invested during the future-*

1        *years defense plan to ensure the remaining fighter*  
2        *force achieves the desired service life and is suffi-*  
3        *ciently modernized to outpace the threat.*

4        *(c) EXCEPTION FOR CERTAIN AIRCRAFT.—The prohi-*  
5        *bition in subsection (a)(1) shall not apply to the five fighter*  
6        *aircraft scheduled for retirement in fiscal year 2010, as an-*  
7        *nounced when the budget for fiscal year 2009 was submitted*  
8        *to Congress.*

9        **SEC. 1048. SENSE OF CONGRESS HONORING THE HONOR-**  
10        **ABLE ELLEN O. TAUSCHER.**

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

12                *(1) In 1996, Representative Ellen O. Tauscher*  
13        *was elected to represent California’s 10th Congres-*  
14        *sional district, which is located in the East Bay Area*  
15        *of northern California and consists of parts of Solano,*  
16        *Contra Costa, Alameda, and Sacramento counties.*

17                *(2) Representative Tauscher also represents two*  
18        *of the Nation’s defense laboratories, Lawrence Liver-*  
19        *more and the California campus of Sandia, as well*  
20        *as Travis Air Force Base, home of the 60th Air Mo-*  
21        *bility Wing and the Camp Parks Army Reserve facil-*  
22        *ity.*

23                *(3) Prior to her service in Congress, Representa-*  
24        *tive Tauscher worked in the private sector for 20*  
25        *years, 14 of which were on Wall Street.*

1           (4) *At age 25, Representative Tauscher became*  
2 *one of the first women, and the youngest at the time,*  
3 *to hold a seat on the New York Stock Exchange, and*  
4 *she later served as an officer of the American Stock*  
5 *Exchange.*

6           (5) *Representative Tauscher moved to California*  
7 *in 1989 and shortly afterwards founded the first na-*  
8 *tional research service to help parents verify the back-*  
9 *ground of childcare workers while she sought quality*  
10 *childcare for her own daughter.*

11           (6) *Subsequently, Representative Tauscher pub-*  
12 *lished a book to help working parents make informed*  
13 *decisions about their own childcare needs.*

14           (7) *Representative Tauscher is known by her col-*  
15 *leagues in Congress as a leader on national security*  
16 *and nonproliferation issues.*

17           (8) *During her tenure, she has introduced legis-*  
18 *lation to increase and expand the Nation's non-*  
19 *proliferation programs, strengthen the Stockpile Stew-*  
20 *ardship Program, and provide the Nation's troops*  
21 *with the support and equipment they deserve.*

22           (9) *In the 110th Congress, Representative*  
23 *Tauscher was appointed Chairman of the Strategic*  
24 *Forces Subcommittee of the Armed Services Com-*  
25 *mittee of the House of Representatives, becoming only*



1           (1) *The Deep Submergence Vessel NR-1 (herein-*  
2 *after in this section referred to as “NR-1”) was built*  
3 *by the Electric Boat Company in Groton, Con-*  
4 *necticut, entered service in 1969, and was the only*  
5 *nuclear-powered research submersible in the United*  
6 *States Navy.*

7           (2) *NR-1 was assigned to Naval Submarine Base*  
8 *New London, located in Groton, Connecticut through-*  
9 *out her entire service life.*

10          (3) *NR-1 was inactivated in December 2008.*

11          (4) *Due to the unique capabilities of NR-1, it*  
12 *conducted numerous missions of significant military*  
13 *and scientific value most notably in the fields of geo-*  
14 *logical survey and oceanographic research.*

15          (5) *In 1986, NR-1 played a key role in the*  
16 *search for and recovery of the Space Shuttle Chal-*  
17 *lenger.*

18          (6) *The mission of the Submarine Force Library*  
19 *and Museum in Groton, Connecticut, is to collect,*  
20 *preserve, and interpret the history of the United*  
21 *States Naval Submarine Force in order to honor vet-*  
22 *erans and to educate naval personnel and the public*  
23 *in the heritage and traditions of the Submarine*  
24 *Force.*

1           (7) *NR-1 is a unique and irreplaceable part of*  
2           *the history of the Navy and the Submarine Force and*  
3           *an educational and historical asset that should be*  
4           *shared with the Nation and the world.*

5           (b) *SENSE OF CONGRESS.—It is the Sense of Congress*  
6           *that—*

7           (1) *NR-1 is a unique and irreplaceable part of*  
8           *the Nation’s history and as much of the vessel as pos-*  
9           *sible should be preserved for the historical and edu-*  
10          *cational benefit of all Americans at the Submarine*  
11          *Force Museum and Library in Groton, Connecticut;*  
12          *and*

13          (2) *the Secretary of the Navy should ensure that*  
14          *as much of the vessel as possible, including unique*  
15          *components of on-board equipment and clearly rec-*  
16          *ognizable sections of the hull and superstructure, to*  
17          *the full extent practicable, are made available for*  
18          *transfer to the Submarine Force Museum and Li-*  
19          *brary.*

20   **SEC. 1050. COMPLIANCE WITH REQUIREMENT FOR PLAN ON**  
21                           **THE DISPOSITION OF DETAINEES AT NAVAL**  
22                           **STATION, GUANTANAMO BAY, CUBA.**

23           *The Secretary of Defense shall comply with the require-*  
24          *ments of section 1023(b) of this Act, regarding the transfer*

1 *or release of the individuals detained at Naval Station,*  
2 *Guantanamo Bay, Cuba.*

3 **SEC. 1051. SENSE OF CONGRESS REGARDING CARRIER AIR**  
4 **WING FORCE STRUCTURE.**

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

6 *(1) The requirement of section 5062(b) of title*  
7 *10, United States Code, for the Navy to maintain not*  
8 *less than 11 operational aircraft carriers, means that*  
9 *the naval combat forces of the Navy also include not*  
10 *less than 10 carrier air wings.*

11 *(2) The Department of the Navy currently re-*  
12 *quires a carrier air wing to include not less than 44*  
13 *strike fighter aircraft.*

14 *(3) In spite of the potential warfighting benefits*  
15 *that may result in the deployment of fifth-generation*  
16 *strike fighter aircraft, for the foreseeable future the*  
17 *majority of the strike fighter aircraft assigned to a*  
18 *carrier air wing will not be fifth-generation assets.*

19 *(b) SENSE OF CONGRESS.—It is the sense of Congress*  
20 *that—*

21 *(1) in addition to the forces described in section*  
22 *5062(b) of title 10, United States Code, the naval*  
23 *combat forces of the Navy should include not less than*  
24 *10 carrier air wings (even if the number of aircraft*  
25 *carriers is temporarily reduced) that are comprised*



1 of, in addition to any other aircraft, not less than 44  
2 strike fighter aircraft; and

3 (2) the Secretary of the Navy should take all ap-  
4 propriate actions necessary to make resources avail-  
5 able in order to include such number of strike fighter  
6 aircraft in each carrier air wing.

7 **SEC. 1052. SENSE OF CONGRESS ON DEPARTMENT OF DE-**  
8 **ENSE FINANCIAL IMPROVEMENT AND AUDIT**  
9 **READINESS; PLAN.**

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

11 (1) *The Department of Defense is the largest*  
12 *agency in the Federal Government, owning 86 percent*  
13 *of the Government's assets, estimated at \$4.6 trillion.*

14 (2) *It is essential that the Department maintain*  
15 *strong financial management and business systems*  
16 *that allow for comprehensive auditing, in order to im-*  
17 *prove financial management government-wide and to*  
18 *achieve an opinion on the Federal Government's con-*  
19 *solidated financial statements.*

20 (3) *Several major pieces of legislation, such as*  
21 *the Chief Financial Officers Act of 1990 (Public Law*  
22 *101–576) and the Federal Financial Management Im-*  
23 *provement Act of 1996 (Public Law 104–208; 31*  
24 *U.S.C. 3512 note) have required published financial*  
25 *statement audits, reporting by auditors regarding*

1        *whether the Department’s financial management sys-*  
2        *tems comply substantially with Federal accounting*  
3        *standards, and other measures intended to ensure fi-*  
4        *nancial management systems of the Department pro-*  
5        *vide accurate, reliable, and timely financial manage-*  
6        *ment information.*

7            (4) *Nevertheless, according to the January 2009*  
8        *update to the Government Accountability Office High*  
9        *Risk Series, to date, only “. . . the U.S. Army Corps*  
10       *of Engineers, Civil Works has achieved a clean audit*  
11       *opinion on its financial statements. None of the mili-*  
12       *tary services have received favorable financial state-*  
13       *ment audit opinions, and the Department has annu-*  
14       *ally acknowledged that long-standing pervasive weak-*  
15       *nesses in its business systems, processes, and controls*  
16       *have prevented auditors from determining the reli-*  
17       *ability of reported financial statement information.”*

18            (5) *In response to a congressional mandate, the*  
19       *Department issued its first biennial Financial Im-*  
20       *provement and Audit Readiness Plan in December*  
21       *2005, to delineate its strategy for addressing financial*  
22       *management challenges and achieving clean audit*  
23       *opinions. This 2005 report projected that 69 percent*  
24       *of assets and 80 percent of liabilities would be “clean”*  
25       *by 2009, yet in the latest report in March 2009 the*

1        *Department projects it will achieve an unqualified*  
2        *audit on only 45 percent of its assets and liabilities*  
3        *by 2009. The Department of Defense is falling behind*  
4        *its original plan to achieve full compliance with the*  
5        *law by 2017.*

6            *(6) Following the passage of the Sarbanes-Oxley*  
7        *Act of 2002 (Public Law 107–204), publicly traded*  
8        *corporations in the United States would face severe*  
9        *penalties for similar deficiencies in financial manage-*  
10       *ment and accountability.*

11        *(b) SENSE OF CONGRESS.—It is the sense of Congress*  
12       *that it is no longer excusable to allow poor business systems,*  
13       *a deficiency of resource allocation, or a lack of commitment*  
14       *from senior Department of Defense leadership to foster*  
15       *waste or non-accountability to the United States taxpayer.*  
16       *It is the further sense of Congress that the Secretary of De-*  
17       *fense has not made compliance with financial management*  
18       *and audit readiness standards a top priority and should*  
19       *require, through the Chief Management Officer of the De-*  
20       *partment of Defense, that each component of the Depart-*  
21       *ment develop and implement a specific plan to become com-*  
22       *pliant with the law well in advance of 2017.*

23        *(c) PLAN.—In the next update of the Financial Im-*  
24       *provement and Audit Readiness Plan, following the date*  
25       *of the enactment of this Act, the Secretary of Defense shall*

1 *outline a plan to achieve a full, unqualified audit of the*  
2 *Department of Defense by September 30, 2013. In the plan,*  
3 *the Secretary shall also identify a mechanism to conduct*  
4 *audits of the military intelligence programs and agencies*  
5 *and to submit audited financial statements for such agen-*  
6 *cies to Congress in a classified manner.*

7 **SEC. 1053. JUSTICE FOR VICTIMS OF TORTURE AND TER-**  
8 **RORISM.**

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

10 *(1) At the request of President George W. Bush,*  
11 *Congress permitted the President to waive applicable*  
12 *provisions of the National Defense Authorization Act*  
13 *for Fiscal Year 2008 with respect to judicially cog-*  
14 *nizable claims of American victims of torture and*  
15 *hostage taking by the Government of Iraq.*

16 *(2) In return, however, Congress requested the*  
17 *executive branch to resolve these claims through nego-*  
18 *tiations with Iraq.*

19 *(3) After considerable delay, officials of the De-*  
20 *partment of State have informed Members of Congress*  
21 *that these negotiations are underway.*

22 *(4) Congress appreciates the start of the negotia-*  
23 *tions and will monitor the progress in the prompt*  
24 *and equitable resolution of these claims.*



1 *National Defense Authorization Act for Fiscal Year 1994*  
 2 *(Public Law 103–160; 22 U.S.C. 2751 note) is repealed.*

3 *(b) BIENNIAL REPORT ON COUNTERPROLIFERATION*  
 4 *ACTIVITIES AND PROGRAMS.—Section 1503 of the National*  
 5 *Defense Authorization Act for Fiscal Year 1995 (Public*  
 6 *Law 103–337; 22 U.S.C. 2751 note) is repealed.*

7 **TITLE XI—CIVILIAN PERSONNEL**  
 8 **MATTERS**

*Sec. 1101. Authority to employ individuals completing the National Security Education Program.*

*Sec. 1102. Authority for employment by Department of Defense of individuals who have successfully completed the requirements of the science, mathematics, and research for transformation (SMART) defense scholarship program.*

*Sec. 1103. Authority for the employment of individuals who have successfully completed the Department of Defense information assurance scholarship program.*

*Sec. 1104. Additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.*

*Sec. 1105. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.*

*Sec. 1106. Extension of certain benefits to Federal civilian employees on official duty in Pakistan.*

*Sec. 1107. Authority to expand scope of provisions relating to unreduced compensation for certain reemployed annuitants.*

*Sec. 1108. Requirement for Department of Defense strategic workforce plans.*

*Sec. 1109. Adjustments to limitations on personnel and requirement for annual manpower reporting.*

*Sec. 1110. Modification to Department of Defense laboratory personnel authority.*

*Sec. 1111. Pilot program for the temporary exchange of information technology personnel.*

*Sec. 1112. Provisions relating to the National Security Personnel System.*

*Sec. 1113. Provisions relating to the Defense Civilian Intelligence Personnel System.*

*Sec. 1114. Sense of Congress on pay parity for Federal employees service at Joint Base McGuire/Dix/Lakehurst.*

1 **SEC. 1101. AUTHORITY TO EMPLOY INDIVIDUALS COM-**  
2 **PLETING THE NATIONAL SECURITY EDU-**  
3 **CATION PROGRAM.**

4 (a) *AUTHORITY FOR EMPLOYMENT.*—Section 802 of  
5 the David L. Boren National Security Education Act of  
6 1991 (50 U.S.C. 1902) is amended by adding at the end  
7 the following new subsection:

8 “(k) *EMPLOYMENT OF PROGRAM PARTICIPANTS.*—The  
9 Secretary of Defense, the head of an element of the intel-  
10 ligence community, the Secretary of Homeland Security,  
11 the Secretary of State, or the head of a Federal agency or  
12 office identified by the Secretary of Defense under sub-  
13 section (g) as having national security responsibilities—

14 “(1) may, without regard to any provision of  
15 title 5 governing appointment of employees to posi-  
16 tions in the Department of Defense, an element of the  
17 intelligence community, the Department of Homeland  
18 Security, the Department of State, or such Federal  
19 agency or office, appoint to a position that is identi-  
20 fied under subsection (b)(2)(A)(i) as having national  
21 security responsibilities, or to a position in such Fed-  
22 eral agency or office, in the excepted service an indi-  
23 vidual who has successfully completed an academic  
24 program for which a scholarship or fellowship under  
25 this section was awarded and who, under the terms  
26 of the agreement for such scholarship or fellowship, at

1 *the time of such appointment owes a service commit-*  
2 *ment to such Department, such element, or such Fed-*  
3 *eral agency or office; and*

4 “(2) may, upon satisfactory completion of two  
5 years of substantially continuous service by an in-  
6 cumbent who was appointed to an excepted service  
7 position under the authority of paragraph (1), con-  
8 vert the appointment of such individual, without  
9 competition, to a career or career conditional ap-  
10 pointment.”.

11 (b) *TECHNICAL AMENDMENT.*—Section 808 of such Act  
12 (50 U.S.C. 1908) is amended by adding at the end the fol-  
13 lowing new paragraph:

14 “(6) The term ‘intelligence community’ has the  
15 meaning given the term in section 3(4) of the Na-  
16 tional Security Act of 1947 (50 U.S.C. 401a(4)).”.

17 **SEC. 1102. AUTHORITY FOR EMPLOYMENT BY DEPARTMENT**  
18 **OF DEFENSE OF INDIVIDUALS WHO HAVE**  
19 **SUCCESSFULLY COMPLETED THE REQUIRE-**  
20 **MENTS OF THE SCIENCE, MATHEMATICS, AND**  
21 **RESEARCH FOR TRANSFORMATION (SMART)**  
22 **DEFENSE SCHOLARSHIP PROGRAM.**

23 (a) *AUTHORITY FOR EMPLOYMENT.*—Subsection (d) of  
24 section 2192a of title 10, United States Code, is amended  
25 to read as follows:



1       “(d) *EMPLOYMENT OF PROGRAM PARTICIPANTS.*—The  
2 *Secretary of Defense*—

3           “(1) *may, without regard to any provision of*  
4 *title 5 governing appointment of employees to posi-*  
5 *tions in the Department of Defense, appoint to a posi-*  
6 *tion in the Department of Defense in the excepted*  
7 *service an individual who has successfully completed*  
8 *an academic program for which a scholarship or fel-*  
9 *lowship under this section was awarded and who,*  
10 *under the terms of the agreement for such scholarship*  
11 *or fellowship, at the time of such appointment owes*  
12 *a service commitment to the Department; and*

13           “(2) *may, upon satisfactory completion of two*  
14 *years of substantially continuous service by an in-*  
15 *cumbent who was appointed to an excepted service*  
16 *position under the authority of paragraph (1), con-*  
17 *vert the appointment of such individual, without*  
18 *competition, to a career or career conditional ap-*  
19 *pointment.”.*

20       “(b) *CONFORMING AMENDMENT.*—Subsection (c)(2) of  
21 *such section is amended by striking “Except as provided*  
22 *in subsection (d), the” in the second sentence and inserting*  
23 *“The”.*

24       “(c) *TECHNICAL AMENDMENTS.*—Subsection (f) of such  
25 *section is amended—*

1           (1) *by striking the first sentence; and*

2           (2) *by striking “the authorities provided in such*  
3 *chapter” and inserting “the other authorities provided*  
4 *in this chapter”.*

5           (d) *REPEAL OF OBSOLETE PROVISION.—Such section*  
6 *is further amended by striking subsection (g).*

7 **SEC. 1103. AUTHORITY FOR THE EMPLOYMENT OF INDIVID-**  
8 **UALS WHO HAVE SUCCESSFULLY COMPLETED**  
9 **THE DEPARTMENT OF DEFENSE INFORMA-**  
10 **TION ASSURANCE SCHOLARSHIP PROGRAM.**

11           *Section 2200a of title 10, United States Code, is*  
12 *amended by adding at the end the following new subsection:*

13           “(g) *EMPLOYMENT OF PROGRAM PARTICIPANTS.—The*  
14 *Secretary of Defense—*

15           “(1) *may, without regard to any provision of*  
16 *title 5 governing appointments in the competitive*  
17 *service, appoint to an information technology position*  
18 *in the Department of Defense in the excepted service*  
19 *an individual who has successfully completed an aca-*  
20 *ademic program for which a scholarship under this*  
21 *section was awarded and who, under the terms of the*  
22 *agreement for such scholarship, at the time of such*  
23 *appointment owes a service commitment to the De-*  
24 *partment; and*

1           “(2) may, upon satisfactory completion of two  
2           years of substantially continuous service by an in-  
3           cumbent who was appointed to an excepted service  
4           position under the authority of paragraph (1), con-  
5           vert the appointment of such individual, without  
6           competition, to a career or career conditional ap-  
7           pointment.”.

8   **SEC. 1104. ADDITIONAL PERSONNEL AUTHORITIES FOR**  
9                           **THE SPECIAL INSPECTOR GENERAL FOR AF-**  
10                          **GHANISTAN RECONSTRUCTION.**

11           Section 1229(h) of the National Defense Authorization  
12   Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.  
13   381) is amended by striking paragraph (1) and inserting  
14   the following:

15           “(1) PERSONNEL.—

16                   “(A) IN GENERAL.—The Inspector General  
17                   may select, appoint, and employ such officers  
18                   and employees as may be necessary for carrying  
19                   out the duties of the Inspector General, subject to  
20                   the provisions of title 5, United States Code, gov-  
21                   erning appointments in the competitive service,  
22                   and the provisions of chapter 51 and subchapter  
23                   III of chapter 53 of such title, relating to classi-  
24                   fication and General Schedule pay rates.

25                   “(B) ADDITIONAL AUTHORITIES.—

1           “(i) *IN GENERAL.*—Subject to clause  
2           (ii), the Inspector General may exercise the  
3           authorities of subsections (b) through (i) of  
4           section 3161 of title 5, United States Code  
5           (without regard to subsection (a) of that sec-  
6           tion).

7           “(ii) *PERIODS OF APPOINTMENTS.*—In  
8           exercising the employment authorities under  
9           subsection (b) of section 3161 of title 5,  
10          United States Code, as provided under  
11          clause (i) of this subparagraph—

12                 “(I) paragraph (2) of that sub-  
13                 section (relating to periods of appoint-  
14                 ments) shall not apply; and

15                 “(II) no period of appointment  
16                 may exceed the date on which the Of-  
17                 fice of the Special Inspector General  
18                 for Afghanistan Reconstruction termi-  
19                 nates under subsection (o).”.

1 **SEC. 1105. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**  
2 **ANNUAL LIMITATION ON PREMIUM PAY AND**  
3 **AGGREGATE LIMITATION ON PAY FOR FED-**  
4 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**  
5 **SEAS.**

6 *Subsection (a) of section 1101 of the Duncan Hunter*  
7 *National Defense Authorization Act for Fiscal Year 2009*  
8 *(Public Law 110–417; 122 Stat. 4615), is amended by strik-*  
9 *ing “calendar year 2009” and inserting “calendar years*  
10 *2009 and 2010”.*

11 **SEC. 1106. EXTENSION OF CERTAIN BENEFITS TO FEDERAL**  
12 **CIVILIAN EMPLOYEES ON OFFICIAL DUTY IN**  
13 **PAKISTAN.**

14 *Section 1603(a)(2) of the Emergency Supplemental*  
15 *Appropriations Act for Defense, the Global War on Terror,*  
16 *and Hurricane Recovery, 2006 (Public Law 109-234; 120*  
17 *Stat. 443), as amended by section 1102 of the Duncan*  
18 *Hunter National Defense Authorization Act for Fiscal Year*  
19 *2009 (Public Law 110-417;122 Stat. 4616), is amended by*  
20 *inserting “Pakistan or” after “is on official duty in”.*

21 **SEC. 1107. AUTHORITY TO EXPAND SCOPE OF PROVISIONS**  
22 **RELATING TO UNREDUCED COMPENSATION**  
23 **FOR CERTAIN REEMPLOYED ANNUITANTS.**

24 *(a) IN GENERAL.—Section 9902(h) of title 5, United*  
25 *States Code, is amended—*

1           (1) *by redesignating paragraph (3) as para-*  
2 *graph (4); and*

3           (2) *by inserting after paragraph (2) the fol-*  
4 *lowing:*

5           “(3) *Benefits similar to those provided by para-*  
6 *graphs (1) and (2) may be extended, in accordance*  
7 *with regulations prescribed by the President, so as to*  
8 *be made available with respect to reemployed annu-*  
9 *itants within the Department of Defense who are sub-*  
10 *ject to such other retirement systems for Government*  
11 *employees as may be provided for under such regula-*  
12 *tions.*”.

13          (b) *CONFORMING AMENDMENT.—Paragraph (4) of sec-*  
14 *tion 9902(h) of such title 5 (as so designated by subsection*  
15 *(a)(1)) is amended by striking the period and inserting “,*  
16 *excluding paragraph (3).*”.

17 **SEC. 1108. REQUIREMENT FOR DEPARTMENT OF DEFENSE**  
18 **STRATEGIC WORKFORCE PLANS.**

19          (a) *CODIFICATION OF REQUIREMENT FOR STRATEGIC*  
20 *WORKFORCE PLAN.—*

21           (1) *IN GENERAL.—Chapter 2 of title 10, United*  
22 *States Code, is amended by adding after section 115a*  
23 *the following new section:*

1 **“§ 115b. Annual strategic workforce plan**

2       “(a) *ANNUAL PLAN REQUIRED.*—(1) *The Secretary of*  
3 *Defense shall submit to the congressional defense committees*  
4 *on an annual basis a strategic workforce plan to shape and*  
5 *improve the civilian employee workforce of the Department*  
6 *of Defense.*

7       “(2) *The Under Secretary of Defense for Personnel and*  
8 *Readiness shall have overall responsibility for developing*  
9 *and implementing the strategic workforce plan, in consulta-*  
10 *tion with the Under Secretary of Defense for Acquisition,*  
11 *Technology, and Logistics.*

12       “(b) *CONTENTS.*—*Each strategic workforce plan under*  
13 *subsection (a) shall include, at a minimum, the following:*

14               “(1) *An assessment of—*

15                       “(A) *the critical skills and competencies*  
16 *that will be needed in the future within the civil-*  
17 *ian employee workforce by the Department of*  
18 *Defense to support national security require-*  
19 *ments and effectively manage the Department*  
20 *during the seven-year period following the year*  
21 *in which the plan is submitted;*

22                       “(B) *the appropriate mix of military, civil-*  
23 *ian, and contractor personnel capabilities;*

24                       “(C) *the critical skills and competencies of*  
25 *the existing civilian employee workforce of the*  
26 *Department and projected trends in that work-*

1           *force based on expected losses due to retirement*  
2           *and other attrition; and*

3           “(D) *gaps in the existing or projected civil-*  
4           *ian employee workforce of the Department that*  
5           *should be addressed to ensure that the Depart-*  
6           *ment has continued access to the critical skills*  
7           *and competencies described in subparagraphs*  
8           *(A) and (C).*

9           “(2) *A plan of action for developing and reshap-*  
10          *ing the civilian employee workforce of the Department*  
11          *to address the gaps in critical skills and competencies*  
12          *identified under paragraph (1)(D), including—*

13               “(A) *specific recruiting and retention goals,*  
14               *especially in areas identified as critical skills*  
15               *and competencies under paragraph (1), includ-*  
16               *ing the program objectives of the Department to*  
17               *be achieved through such goals and the funding*  
18               *needed to achieve such goals;*

19               “(B) *specific strategies for developing,*  
20               *training, deploying, compensating, and moti-*  
21               *vating the civilian employee workforce of the De-*  
22               *partment, including the program objectives of the*  
23               *Department to be achieved through such strate-*  
24               *gies and the funding needed to implement such*  
25               *strategies;*



1           “(C) any incentives necessary to attract or  
2 retain any civilian personnel possessing the  
3 skills and competencies identified in paragraph  
4 (1);

5           “(D) any changes in the number of per-  
6 sonnel authorized in any category of personnel  
7 listed in subsection (f)(1) or in the acquisition  
8 workforce that may be needed to address such  
9 gaps and effectively meet the needs of the Depart-  
10 ment;

11           “(E) any changes in the rates or methods of  
12 pay for any category of personnel listed in sub-  
13 section (f)(1) or in the acquisition workforce that  
14 may be needed to address inequities and ensure  
15 that the Department has full access to appro-  
16 priately qualified personnel to address such gaps  
17 and meet the needs of the Department; and

18           “(F) any legislative changes that may be  
19 necessary to achieve the goals referred to in sub-  
20 paragraph (A).

21           “(3) An assessment, using results-oriented per-  
22 formance measures, of the progress of the Department  
23 in implementing the strategic workforce plan under  
24 this section during the previous year.

1           “(4) Any additional matters the Secretary of De-  
2           fense considers necessary to address.

3           “(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECH-  
4           NICAL WORKFORCE.—Each strategic workforce plan under  
5           subsection (a) shall specifically address the shaping and im-  
6           provement of the senior management, functional, and tech-  
7           nical workforce (including scientists and engineers) of the  
8           Department of Defense, including the requirements set forth  
9           in subparagraphs (A) through (F) of subsection (b)(2).

10          “(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each  
11          strategic workforce plan under subsection (a) shall specifi-  
12          cally address the shaping and improvement of the defense  
13          acquisition workforce, including both military and civilian  
14          personnel.

15          “(2) For purposes of paragraph (1), each plan shall  
16          specifically address—

17                 “(A) the requirements set forth in subparagraphs  
18                 (A) through (F) of subsection (b)(2);

19                 “(B) a plan for funding needed improvements in  
20                 the military and civilian workforce of the Depart-  
21                 ment, including—

22                         “(i) the funding programmed for defense ac-  
23                         quisition workforce improvements, including a  
24                         specific identification of funding provided in the  
25                         Department of Defense Acquisition Workforce

1           *Fund established under section 1705 of this title,*  
2           *along with a description of how such funding is*  
3           *being implemented and whether it is being fully*  
4           *used; and*

5                     *“(i) a description of any continuing short-*  
6           *falls in funding available for the acquisition*  
7           *workforce.*

8           *“(e) SUBMITTALS BY SECRETARIES OF THE MILITARY*  
9           *DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—*  
10          *The Secretary of Defense shall require the Secretary of each*  
11          *military department and the head of each Defense Agency*  
12          *to submit a report to the Secretary addressing each of the*  
13          *matters described in this section. The Secretary of Defense*  
14          *shall establish a deadline for the submittal of reports under*  
15          *this subsection that enables the Secretary to consider the*  
16          *material submitted in a timely manner and incorporate*  
17          *such material, as appropriate, into the strategic workforce*  
18          *plan required by this section.*

19                     *“(f) DEFINITIONS.—In this section:*

20                             *“(1) The term ‘senior management, functional,*  
21                             *and technical workforce of the Department of Defense’*  
22                             *includes the following categories of Department of De-*  
23                             *fense civilian personnel:*

24                                     *“(A) Appointees in the Senior Executive*  
25                                     *Service under section 3131 of title 5.*

1           “(B) Persons serving in positions described  
2           in section 5376(a) of title 5.

3           “(C) Highly qualified experts appointed  
4           pursuant to section 9903 of title 5.

5           “(D) Scientists and engineers appointed  
6           pursuant to section 342(b) of the National De-  
7           fense Authorization Act for Fiscal Year 1995  
8           (Public Law 103–337; 108 Stat. 2721), as  
9           amended by section 1114 of the Floyd D. Spence  
10          National Defense Authorization Act for Fiscal  
11          Year 2001 (as enacted into law by Public Law  
12          106-398 (114 Stat. 1654A-315)).

13          “(E) Scientists and engineers appointed  
14          pursuant to section 1101 of the Strom Thurmond  
15          National Defense Authorization Act for Fiscal  
16          Year 1999 (5 U.S.C. 3104 note).

17          “(F) Persons serving in the Defense Intel-  
18          ligence Senior Executive Service under section  
19          1606 of this title.

20          “(G) Persons serving in Intelligence Senior  
21          Level positions under section 1607 of this title.

22          “(2) The term ‘acquisition workforce’ includes  
23          individuals designated under section 1721 as filling  
24          acquisition positions.”.

1           (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
2           *tions at the beginning of chapter 2 of such title is*  
3           *amended by inserting after the item relating to sec-*  
4           *tion 115a the following new item:*

*“115b. Annual strategic workforce plan.”.*

5           (b) *COMPTROLLER GENERAL REVIEW.*—*Not later than*  
6           *180 days after the date on which the Secretary of Defense*  
7           *submits to the congressional defense committees an annual*  
8           *strategic workforce plan under section 115b of title 10,*  
9           *United States Code (as added by subsection (a)), in each*  
10          *of 2009, 2010, 2011, and 2012, the Comptroller General of*  
11          *the United States shall submit to the congressional defense*  
12          *committees a report on the plan so submitted.*

13          (c) *CONFORMING REPEALS.*—*The following provisions*  
14          *are repealed:*

15               (1) *Section 1122 of the National Defense Author-*  
16               *ization Act for Fiscal Year 2006 (Public Law 109-*  
17               *163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).*

18               (2) *Section 1102 of the John Warner National*  
19               *Defense Authorization Act for Fiscal Year 2007 (Pub-*  
20               *lic Law 109-364; 120 Stat. 2407).*

21               (3) *Section 851 of the National Defense Author-*  
22               *ization Act for Fiscal Year 2008 (Public Law 110-*  
23               *181; 122 Stat. 247; 10 U.S.C. note prec. 1580).*

1 **SEC. 1109. ADJUSTMENTS TO LIMITATIONS ON PERSONNEL**  
2 **AND REQUIREMENT FOR ANNUAL MANPOWER**  
3 **REPORTING.**

4 (a) *AMENDMENTS.*—Section 1111 of the Duncan  
5 Hunter National Defense Authorization Act for Fiscal Year  
6 2009 (Public Law 110–417; 122 Stat. 4619) is amended—

7 (1) in paragraph (1) of subsection (b), by strik-  
8 ing “requirements of—” and all that follows through  
9 the end of subparagraph (C) and inserting “the re-  
10 quirements of section 115b of this title; or”;

11 (2) in paragraph (2) of subsection (b), by strik-  
12 ing “purposes described in paragraphs (1) through  
13 (4) of subsection (c).” and inserting the following:

14 “any of the following purposes:

15 “(A) Performance of inherently govern-  
16 mental functions.

17 “(B) Performance of work pursuant to sec-  
18 tion 2463 of title 10, United States Code.

19 “(C) Ability to maintain sufficient organic  
20 expertise and technical capability.

21 “(D) Performance of work that, while the  
22 position may not exercise an inherently govern-  
23 mental function, nevertheless should be performed  
24 only by officers or employees of the Federal Gov-  
25 ernment or members of the Armed Forces because  
26 of the critical nature of the work.”; and

1           (3) *by striking subsections (c) and (d).*

2           (b) *CONSOLIDATED ANNUAL REPORT.—*

3           (1) *INCLUSION IN ANNUAL DEFENSE MANPOWER*  
4           *REQUIREMENTS REPORT.—Section 115a of title 10,*  
5           *United States Code, is amended by inserting after*  
6           *subsection (e) the following new subsection:*

7           “(f) *The Secretary shall also include in each such re-*  
8           *port the following information with respect to personnel as-*  
9           *signed to or supporting major Department of Defense head-*  
10          *quarters activities:*

11           “(1) *The military end strength and civilian full-*  
12          *time equivalents assigned to major Department of De-*  
13          *fense headquarters activities for the preceding fiscal*  
14          *year and estimates of such numbers for the current*  
15          *fiscal year and the budget fiscal year.*

16           “(2) *A summary of the replacement during the*  
17          *preceding fiscal year of contract workyears providing*  
18          *support to major Department of Defense headquarters*  
19          *activities with military end strength or civilian full-*  
20          *time equivalents, including an estimate of the number*  
21          *of contract workyears associated with the replacement*  
22          *of contracts performing inherently governmental or*  
23          *exempt functions.*

24           “(3) *The plan for the continued review of con-*  
25          *tract personnel supporting major Department of De-*

1 *fense headquarters activities for possible conversion to*  
 2 *military or civilian performance in accordance with*  
 3 *section 2463 of this title.*

4 “(4) *The amount of any adjustment in the limi-*  
 5 *tation on personnel made by the Secretary of Defense*  
 6 *or the Secretary of a military department, and, for*  
 7 *each adjustment made pursuant to section 1111(b)(2)*  
 8 *of the Duncan Hunter National Defense Authoriza-*  
 9 *tion Act for Fiscal Year 2009 (10 U.S.C. 143 note),*  
 10 *the purpose of the adjustment.”*

11 (2) *TECHNICAL AMENDMENTS TO REFLECT NAME*  
 12 *OF REPORT.—*

13 (A) *Subsection (a) of section 115a of such*  
 14 *title is amended by inserting “defense” before*  
 15 *“manpower requirements report.”*

16 (B)(i) *The heading of such section is*  
 17 *amended to read as follows:*

18 **“§ 115. Annual defense manpower requirements re-**  
 19 **port”.**

20 (ii) *The item relating to such section*  
 21 *in the table of sections at the beginning of*  
 22 *chapter 2 of such title is amended to read*  
 23 *as follows:*

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

24 (3) *CONFORMING REPEAL.—Subsections (b) and*  
 25 *(c) of section 901 of the National Defense Authoriza-*



1        *tion Act for Fiscal Year 2008 (Public Law 110–181;*  
2        *122 Stat. 272; 10 U.S.C. 221 note) are repealed.*

3    **SEC. 1110. MODIFICATION TO DEPARTMENT OF DEFENSE**  
4                                    **LABORATORY PERSONNEL AUTHORITY.**

5        *(a) ADDITIONAL SCIENCE AND TECHNOLOGY REINVEN-*  
6    *TION LABORATORIES.—*

7                    *(1) DESIGNATION.—Each of the following is*  
8        *hereby designated as a Department of Defense science*  
9        *and technology reinvention laboratory (as described*  
10       *in section 342(b) of the National Defense Authoriza-*  
11       *tion Act for Fiscal Year 1995 (Public Law 103-337;*  
12       *108 Stat. 2721):*

13                    *(A) The Tank and Automotive Research De-*  
14        *velopment and Engineering Center.*

15                    *(B) The Armament Research Development*  
16        *and Engineering Center.*

17                    *(C) The Naval Air Warfare Center, Weap-*  
18        *ons Division.*

19                    *(D) The Naval Air Warfare Center, Aircraft*  
20        *Division.*

21                    *(E) The Space and Naval Warfare Systems*  
22        *Center, Pacific.*

23                    *(F) The Space and Naval Warfare Systems*  
24        *Center, Atlantic.*

1           (2) *CONVERSION PROCEDURES.*—*The Secretary*  
2 *of Defense shall implement procedures to convert the*  
3 *civilian personnel of each facility identified in para-*  
4 *graph (1) from their current personnel system to the*  
5 *personnel system under an appropriate demonstration*  
6 *project (as referred to in such section 342(b)). Any*  
7 *conversion under this paragraph—*

8                   (A) *shall not adversely affect any employee*  
9 *with respect to pay or any other term or condi-*  
10 *tion of employment;*

11                   (B) *shall be consistent with the terms of any*  
12 *collective bargaining agreement which might*  
13 *apply; and*

14                   (C) *shall be completed within 18 months*  
15 *after the date of the enactment of this Act.*

16       (b) *EXCLUSION FROM NATIONAL SECURITY PER-*  
17 *SONNEL SYSTEM.*—

18           (1) *IN GENERAL.*—*Section 9902(c)(2) of title 5,*  
19 *United States Code, is amended—*

20                   (A) *in subparagraph (I), by striking “and”*  
21 *after the semicolon;*

22                   (B) *in subparagraph (J), by striking the*  
23 *period and inserting “; and”; and*

24                   (C) *by adding after subparagraph (J) the*  
25 *following:*

1           “(K) the Tank and Automotive Research  
2           Development and Engineering Center;

3           “(L) the Armament Research Development  
4           and Engineering Center;

5           “(M) the Naval Air Warfare Center, Weap-  
6           ons Division;

7           “(N) the Naval Air Warfare Center, Air-  
8           craft Division;

9           “(O) the Space and Naval Warfare Systems  
10          Center, Pacific; and

11          “(P) the Space and Naval Warfare Systems  
12          Center, Atlantic.”.

13          (2) *EXTENSION OF PERIOD OF EXCLUSION.*—*Sec-*  
14          *tion 9902(c)(1) of title 5, United States Code, is*  
15          *amended by striking “2011” each place it appears*  
16          *and inserting “2014”.*

17 **SEC. 1111. PILOT PROGRAM FOR THE TEMPORARY EX-**  
18                   **CHANGE OF INFORMATION TECHNOLOGY**  
19                   **PERSONNEL.**

20          (a) *ASSIGNMENT AUTHORITY.*—*The Secretary of De-*  
21          *fense may, with the agreement of the private sector organi-*  
22          *zation concerned, arrange for the temporary assignment of*  
23          *an employee to such private sector organization, or from*  
24          *such private sector organization to a Department of Defense*

1 *organization under this section. An employee shall be eligi-*  
2 *ble for such an assignment only if—*

3 *(1) the employee—*

4 *(A) works in the field of information tech-*  
5 *nology management;*

6 *(B) is considered to be an exceptional em-*  
7 *ployee;*

8 *(C) is expected to assume increased infor-*  
9 *mation technology management responsibilities*  
10 *in the future; and*

11 *(D) is compensated at not less than the GS-*  
12 *11 level (or the equivalent); and*

13 *(2) the proposed assignment meets applicable re-*  
14 *quirements of section 209(b) of the E-Government Act*  
15 *of 2002 (44 U.S.C. 3501 note).*

16 *(b) AGREEMENTS.—The Secretary of Defense shall pro-*  
17 *vide for a written agreement between the Department of De-*  
18 *fense and the employee concerned regarding the terms and*  
19 *conditions of the employee's assignment under this section.*  
20 *The agreement—*

21 *(1) shall require that Department of Defense em-*  
22 *ployees, upon completion of the assignment, will serve*  
23 *in the civil service for a period equal to the length of*  
24 *the assignment; and*

1           (2) shall provide that if the Department of De-  
2       fense or private sector employee fails to carry out the  
3       agreement, such employee shall be liable to the United  
4       States for payment of all expenses of the assignment,  
5       unless that failure was for good and sufficient reason  
6       (as determined by the Secretary of Defense).

7       An amount for which an employee is liable under para-  
8       graph (2) shall be treated as a debt due the United States.

9       (c) *TERMINATION.*—An assignment under this section  
10      may, at any time and for any reason, be terminated by  
11      the Department of Defense or the private sector organiza-  
12      tion concerned.

13      (d) *DURATION.*—An assignment under this section  
14      shall be for a period of not less than 3 months and not  
15      more than 1 year, and may be extended in 3-month incre-  
16      ments for a total of not more than 1 additional year; how-  
17      ever, no assignment under this section may commence after  
18      September 30, 2013.

19      (e) *CONSIDERATIONS.*—In carrying out this section,  
20      the Secretary of Defense—

21           (1) shall ensure that, of the assignments made  
22           under this section each year, at least 20 percent are  
23           from small business concerns (as defined by section  
24           3703(e)(2)(A) of title 5, United States Code); and

1           (2) shall take into consideration the question of  
2           how assignments under this section might best be used  
3           to help meet the needs of the Department of Defense  
4           with respect to the training of employees in informa-  
5           tion technology management.

6           (f) *NUMERICAL LIMITATION.*—In no event may more  
7           than 10 employees be participating in assignments under  
8           this section as of any given time.

9           (g) *REPORTING REQUIREMENT.*—For each of fiscal  
10          years 2010 through 2015, the Secretary of Defense shall sub-  
11          mit to the congressional defense committees, not later than  
12          1 month after the end of the fiscal year involved, a report  
13          on any activities carried out under this section during such  
14          fiscal year, including information concerning—

15                 (1) the respective organizations (as referred to in  
16                 subsection (a)) to and from which any employee was  
17                 assigned under this section;

18                 (2) the positions those employees held while they  
19                 were so assigned; and

20                 (3) a description of the tasks they performed  
21                 while they were so assigned.

22          (h) *REPEAL OF SUPERSEDED SECTION.*—Section 1109  
23          of the National Defense Authorization Act for Fiscal Year  
24          2008 (Public Law 110-181; 122 Stat. 358) is repealed, ex-  
25          cept that—

1           (1) *nothing in this subsection shall, in the case*  
2 *of any assignment commencing under such section*  
3 *1109 on or before the date of the enactment of this*  
4 *Act, affect—*

5           (A) *the duration of such assignment or the*  
6 *authority to extend such assignment in accord-*  
7 *ance with subsection (d) of such section 1109, as*  
8 *last in effect; or*

9           (B) *the terms or conditions of the agreement*  
10 *governing such assignment, including with re-*  
11 *spect to any service obligation under subsection*  
12 *(b) thereof; and*

13           (2) *any employee whose assignment is allowed to*  
14 *continue by virtue of paragraph (1) shall be taken*  
15 *into account for purposes of—*

16           (A) *the numerical limitation under sub-*  
17 *section (f); and*

18           (B) *the reporting requirement under sub-*  
19 *section (g).*

20 **SEC. 1112. PROVISIONS RELATING TO THE NATIONAL SECU-**  
21 **RITY PERSONNEL SYSTEM.**

22 (a) *DEFINITIONS.—For purposes of this section—*

23           (1) *the term “National Security Personnel Sys-*  
24 *tem” or “NSPS” refers to a human resources manage-*

1 *ment system established under authority of chapter 99*  
2 *of title 5, United States Code; and*

3 *(2) the term “statutory pay sytem” means a pay*  
4 *system under—*

5 *(A) subchapter III of chapter 53 of title 5,*  
6 *United States Code (relating to General Schedule*  
7 *pay rates);*

8 *(B) subchapter IV of chapter 53 of title 5,*  
9 *United States Code (relating to prevailing rate*  
10 *systems); or*

11 *(C) such other provisions of law as would*  
12 *apply if chapter 99 of title 5, United States*  
13 *Code, had never been enacted.*

14 *(b) REQUIREMENT THAT ALL APPOINTMENTS MADE*  
15 *AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE*  
16 *STATUTORY PAY SYSTEM AND NOT NSPS.—Notwith-*  
17 *standing any other provision of law—*

18 *(1) the National Security Personnel System—*

19 *(A) shall not apply to any individual who*  
20 *is not subject to such System as of June 16,*  
21 *2009; and*

22 *(B) shall not apply to any position which*  
23 *is not subject to such System as of June 16,*  
24 *2009; and*



1           (2) *any individual who, after June 16, 2009, is*  
2           *appointed to any position within the Department of*  
3           *Defense shall accordingly be subject to the statutory*  
4           *pay system and all other aspects of the personnel sys-*  
5           *tem which would otherwise apply (with respect to the*  
6           *individual or position involved) if the National Secu-*  
7           *rity Personnel System had never been established.*

8           (c) *TERMINATION OF NSPS AND CONVERSION OF ANY*  
9           *EMPLOYEES AND POSITIONS REMAINING SUBJECT TO*  
10          *NSPS.—*

11           (1) *IN GENERAL.—The Secretary of Defense shall*  
12          *take all actions which may be necessary to provide,*  
13          *within 12 months after the date of enactment of this*  
14          *Act, for the termination of the National Security Per-*  
15          *sonnel System and for the conversion of any employ-*  
16          *ees and positions which, as of such date of enactment,*  
17          *remain subject to such System, to—*

18                   (A) *the statutory pay system and all other*  
19                   *aspects of the personnel system that last applied*  
20                   *to such employee or position (as the case may be)*  
21                   *before the National Security Personnel System*  
22                   *applied; or*

23                   (B) *if subparagraph (A) does not apply, the*  
24                   *statutory pay system and all other aspects of the*  
25                   *personnel system that would have applied if the*

1           *National Security Personnel System had never*  
2           *been established.*

3           *No employee shall suffer any loss of or decrease in*  
4           *pay because of the preceding sentence.*

5           (2) *REPORT.—If the Secretary of Defense is of*  
6           *the view that the National Security Personnel System*  
7           *should not be terminated in accordance with para-*  
8           *graph (1), the Secretary shall submit to the President*  
9           *and both Houses of Congress as soon as practicable,*  
10           *but in no event later than 6 months after the date of*  
11           *the enactment of this Act, a written report setting*  
12           *forth a statement of the Secretary's views and the rea-*  
13           *sons therefor. Such report shall specifically include—*

14                   (A) *the Secretary's opinion as to whether*  
15                   *the System should be continued with or without*  
16                   *changes; and*

17                   (B) *if, in the opinion of the Secretary, the*  
18                   *System should be continued with changes—*

19                           (i) *a detailed description of the pro-*  
20                           *posed changes; and*

21                           (ii) *a description of any administra-*  
22                           *tive action or legislation which may be nec-*  
23                           *essary.*

24           (d) *RESTORATION OF FULL ANNUAL PAY ADJUST-*  
25           *MENTS UNDER NSPS PENDING ITS TERMINATION.—Sec-*

1 *tion 9902(e)(7) of title 5, United States Code, is amended*  
2 *by striking “no less than 60 percent” and all that follows*  
3 *and inserting “the full amount of such adjustment.”.*

4 **SEC. 1113. PROVISIONS RELATING TO THE DEFENSE CIVIL-**  
5 **IAN INTELLIGENCE PERSONNEL SYSTEM.**

6 *(a) DEFINITIONS.—For purposes of this section—*

7 *(1) the term “covered position” means a defense*  
8 *intelligence position in the Department of Defense es-*  
9 *tablished under chapter 83 of title 10, United States*  
10 *Code, excluding an Intelligence Senior Level position*  
11 *designated under section 1607 of such title and any*  
12 *position in the Defense Intelligence Senior Executive*  
13 *Service;*

14 *(2) the term “DCIPS pay system”, as used with*  
15 *respect to a covered position, means the provisions of*  
16 *the Defense Civilian Intelligence Personnel System*  
17 *under which the rate of salary or basic pay for such*  
18 *position is determined, excluding any provisions re-*  
19 *lating to bonuses, awards, or any other amounts not*  
20 *in the nature of salary or basic pay;*

21 *(3) the term “Defense Civilian Intelligence Per-*  
22 *sonnel System” means the personnel system estab-*  
23 *lished under chapter 83 of title 10, United States*  
24 *Code; and*

1           (4) *the term “appropriate pay system”, as used*  
2 *with respect to a covered position, means—*

3                   (A) *the system under which, as of Sep-*  
4 *tember 30, 2007, the rate of salary or basic pay*  
5 *for such position was determined; or*

6                   (B) *if subparagraph (A) does not apply, the*  
7 *system under which, as of September 30, 2007,*  
8 *the rate of salary or basic pay was determined*  
9 *for the positions within the Department of De-*  
10 *fense most similar to the position involved,*  
11 *excluding any provisions relating to bonuses, awards,*  
12 *or any other amounts which are not in the nature of*  
13 *salary or basic pay.*

14           (b) *REQUIREMENT THAT APPOINTMENTS TO COVERED*  
15 *POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO THE*  
16 *APPROPRIATE PAY SYSTEM.—Notwithstanding any other*  
17 *provision of law—*

18                   (1) *the DCIPS pay system—*

19                           (A) *shall not apply to any individual hold-*  
20 *ing a covered position who is not subject to such*  
21 *system as of June 16, 2009; and*

22                           (B) *shall not apply to any covered position*  
23 *which is not subject to such system as of June*  
24 *16, 2009; and*

1           (2) *any individual who, after June 16, 2009, is*  
2           *appointed to a covered position shall accordingly be*  
3           *subject to the appropriate pay system.*

4           (c) *TERMINATION OF DCIPS PAY SYSTEM FOR COV-*  
5           *ERED POSITIONS AND CONVERSION OF EMPLOYEES HOLD-*  
6           *ING COVERED POSITIONS TO THE APPROPRIATE PAY SYS-*  
7           *TEM.—*

8           (1) *IN GENERAL.—The Secretary of Defense shall*  
9           *take all actions which may be necessary to provide,*  
10          *within 12 months after the date of enactment of this*  
11          *Act, for the termination of the DCIPS pay system*  
12          *with respect to covered positions and for the conver-*  
13          *sion of any employees holding any covered positions*  
14          *which, as of such date of enactment, remain subject*  
15          *to the DCIPS pay system, to the appropriate pay sys-*  
16          *tem. No employee shall suffer any loss of or decrease*  
17          *in pay because of the preceding sentence.*

18          (2) *REPORT.—If the Secretary of Defense is of*  
19          *the view that the DCIPS pay system should not be*  
20          *terminated with respect to covered positions, as re-*  
21          *quired by paragraph (1), the Secretary shall submit*  
22          *to the President and both Houses of Congress as soon*  
23          *as practicable, but in no event later than 6 months*  
24          *after the date of the enactment of this Act, a written*  
25          *report setting forth a statement of the Secretary's*

1 *views and the reasons therefor. Such report shall spe-*  
2 *cifically include—*

3 *(A) the Secretary’s opinion as to whether*  
4 *the DCIPS pay system should be continued, with*  
5 *or without changes, with respect to covered posi-*  
6 *tions; and*

7 *(B) if, in the opinion of the Secretary, the*  
8 *DCIPS pay system should be continued with re-*  
9 *spect to covered positions, with changes—*

10 *(i) a detailed description of the pro-*  
11 *posed changes; and*

12 *(ii) a description of any administra-*  
13 *tive action or legislation which may be nec-*  
14 *essary.*

15 *The requirements of this paragraph shall be carried*  
16 *out by the Secretary of Defense in conjunction with*  
17 *the Director of the Office of Personnel Management.*

18 *(d) RULE OF CONSTRUCTION.—Nothing in this section*  
19 *shall be considered to affect—*

20 *(1) the provisions of the Defense Civilian Intel-*  
21 *ligence Personnel System governing aspects of com-*  
22 *penetration apart from salary or basic pay; or*

23 *(2) the application of such provisions with re-*  
24 *spect to a covered position or any individual holding*  
25 *a covered position, including after June 16, 2009.*

1 **SEC. 1114. SENSE OF CONGRESS ON PAY PARITY FOR FED-**  
 2 **ERAL EMPLOYEES SERVICE AT JOINT BASE**  
 3 **MCGUIRE/DIX/LAKEHURST.**

4 *It is the sense of Congress that for the purposes of de-*  
 5 *termining any pay for an employee serving at Joint Base*  
 6 *McGuire/Dix/Lakehurst—*

7 *(1) the pay schedules and rates to be used shall*  
 8 *be the same as if such employee were serving in the*  
 9 *pay locality, wage area, or other area of locality*  
 10 *(whichever would apply to determine pay for the em-*  
 11 *ployees involved) that includes Ocean County, New*  
 12 *Jersey; and*

13 *(2) the Office of Personnel Management should*  
 14 *develop regulations to ensure pay parity for employ-*  
 15 *ees serving at Joint Bases.*

16 **TITLE XII—MATTERS RELATING**  
 17 **TO FOREIGN NATIONS**

*Subtitle A—Assistance and Training*

- Sec. 1201. Modification and extension of authority for security and stabilization assistance.*  
*Sec. 1202. Increase of authority for support of special operations to combat terrorism.*  
*Sec. 1203. Modification of report on foreign-assistance related programs carried out by the Department of Defense.*  
*Sec. 1204. Report on authorities to build the capacity of foreign military forces and related matters.*

*Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan*

- Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.*  
*Sec. 1212. Reauthorization of Commanders' Emergency Response Program.*  
*Sec. 1213. Reimbursement of certain Coalition nations for support provided to United States military operations.*  
*Sec. 1214. Pakistan Counterinsurgency Fund.*

- Sec. 1215. Program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan.*
- Sec. 1216. Reports on campaign plans for Iraq and Afghanistan.*
- Sec. 1217. Required assessments of United States efforts in Afghanistan.*
- Sec. 1218. Report on responsible redeployment of United States Armed Forces from Iraq.*
- Sec. 1219. Report on Afghan Public Protection Program.*
- Sec. 1220. Updates of report on command and control structure for military forces operating in Afghanistan.*
- Sec. 1221. Report on payments made by United States Armed Forces to residents of Afghanistan as compensation for losses caused by United States military operations.*
- Sec. 1222. Assessment and report on United States-Pakistan military relations and cooperation.*
- Sec. 1223. Required assessments of progress toward security and stability in Pakistan.*
- Sec. 1224. Repeal of GAO war-related reporting requirement.*
- Sec. 1225. Plan to govern the disposition of specified defense items in Iraq.*
- Sec. 1226. Civilian ministry of defense advisor program.*
- Sec. 1227. Report on the status of interagency coordination in the Afghanistan and Operation Enduring Freedom theater of operations.*
- Sec. 1228. Sense of Congress supporting United States policy for Afghanistan.*
- Sec. 1229. Analysis of required force levels and types of forces needed to secure southern and eastern regions of Afghanistan.*

*Subtitle C—Other Matters*

- Sec. 1231. NATO Special Operations Coordination Center.*
- Sec. 1232. Annual report on military power of the Islamic Republic of Iran.*
- Sec. 1233. Annual report on military and security developments involving the People's Republic of China.*
- Sec. 1234. Report on impacts of drawdown authorities on the Department of Defense.*
- Sec. 1235. Risk assessment of United States space export control policy.*
- Sec. 1236. Patriot air and missile defense battery in Poland.*
- Sec. 1237. Report on potential foreign military sales of the F-22A fighter aircraft to Japan.*
- Sec. 1238. Expansion of United States-Russian Federation joint center to include exchange of data on missile defense.*

1                    ***Subtitle A—Assistance and***  
 2    ***Training***

3                    ***SEC. 1201. MODIFICATION AND EXTENSION OF AUTHORITY***  
 4    ***FOR SECURITY AND STABILIZATION ASSIST-***  
 5    ***ANCE.***

6                    *(a) MODIFICATION.—Subsection (b) of section 1207 of*  
 7 *the National Defense Authorization Act for Fiscal Year*



1 2006 (Public Law 109–163; 119 Stat. 3458), as amended  
2 by section 1207(b) of the Duncan Hunter National Defense  
3 Authorization Act for Fiscal Year 2009 (Public Law 110–  
4 417; 122 Stat. 4626), is further amended—

5 (1) by striking “(b) *LIMITATION.*—” and all that  
6 follows through “the aggregate value” and inserting  
7 “(b) *LIMITATION.*—The aggregate value”;

8 (2) by striking “\$100,000,000” and inserting  
9 “\$25,000,000”; and

10 (3) by striking paragraph (2).

11 (b) *EXTENSION OF AUTHORITY.*—Subsection (g) of  
12 such section, as most recently amended by section 1207(c)  
13 of the Duncan Hunter National Defense Authorization Act  
14 for Fiscal Year 2009 (Public Law 110–417; 122 Stat.  
15 4626), is further amended by striking “September 30, 2009”  
16 and inserting “September 30, 2010”.

17 (c) *EFFECTIVE DATE.*—The amendments made by this  
18 section shall take effect on October 1, 2009.

19 **SEC. 1202. INCREASE OF AUTHORITY FOR SUPPORT OF SPE-**  
20 **CIAL OPERATIONS TO COMBAT TERRORISM.**

21 Section 1208(a) of the Ronald W. Reagan National  
22 Defense Authorization Act for Fiscal Year 2005 (Public  
23 Law 108–375; 118 Stat. 2086), as amended by section  
24 1208(a) of the Duncan Hunter National Defense Authoriza-  
25 tion Act for Fiscal Year 2009 (Public Law 110–417; 122

1 *Stat. 4626), is further amended by striking “\$35,000,000”*  
2 *and inserting “\$50,000,000”.*

3 **SEC. 1203. MODIFICATION OF REPORT ON FOREIGN-ASSIST-**  
4 **ANCE RELATED PROGRAMS CARRIED OUT BY**  
5 **THE DEPARTMENT OF DEFENSE.**

6 (a) *AMENDMENT.*—*Section 1209 of the National De-*  
7 *fense Authorization Act for Fiscal Year 2008 (Public Law*  
8 *110–181; 122 Stat. 368) is amended—*

9 (1) *in subsection (a), by striking “180 days after*  
10 *the date of the enactment of this Act” and inserting*  
11 *“February 1 of each year”; and*

12 (2) *in subsection (b)(1)—*

13 (A) *in subparagraph (G), by striking “and”*  
14 *at the end; and*

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

17 “(I) *subsection (b)(6) of section 166a of title*  
18 *10, United States Code; and”.*

19 (b) *REPORT FOR FISCAL YEARS 2008 AND 2009.*—*The*  
20 *report required to be submitted not later than February 1,*  
21 *2010, under section 1209(a) of the National Defense Author-*  
22 *ization Act for Fiscal Year 2008, as amended by subsection*  
23 *(a), shall include information required under such section*  
24 *with respect to fiscal years 2008 and 2009.*

1 **SEC. 1204. REPORT ON AUTHORITIES TO BUILD THE CAPAC-**  
2 **ITY OF FOREIGN MILITARY FORCES AND RE-**  
3 **LATED MATTERS.**

4 (a) *REPORT REQUIRED.*—Not later than March 1,  
5 2010, the President shall transmit to the congressional com-  
6 mittees specified in subsection (b) a report on the following:

7 (1) *The relationship between authorities of the*  
8 *Department of Defense to conduct security coopera-*  
9 *tion programs to train and equip, or otherwise build*  
10 *the capacity of, foreign military forces and security*  
11 *assistance authorities of the Department of State and*  
12 *other foreign assistance agencies to provide assistance*  
13 *to train and equip, or otherwise build the capacity of,*  
14 *foreign military forces, including the distinction, if*  
15 *any, between the purposes of such authorities, the*  
16 *processes to generate requirements to satisfy the pur-*  
17 *poses of such authorities, and the contribution such*  
18 *authorities make to the core missions of each such de-*  
19 *partment and agency.*

20 (2) *The strengths and weaknesses of the Foreign*  
21 *Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the*  
22 *Arms Export Control Act (22 U.S.C. 2171 et seq.),*  
23 *title 10, United States Code, and any other provision*  
24 *of law relating to training and equipping, or other-*  
25 *wise building the capacity of, foreign military forces,*  
26 *including to conduct counterterrorist operations or*

1        *participate in or support military and stability oper-*  
2        *ations in which the United State Armed Forces are*  
3        *a participant.*

4            *(3) The changes, if any, that should be made to*  
5        *the provisions of law described in paragraph (2) that*  
6        *would improve the ability of the United States Gov-*  
7        *ernment to train and equip, or otherwise build the ca-*  
8        *capacity of, foreign military forces, including to con-*  
9        *duct counterterrorist operations or participate in or*  
10       *support military and stability operations in which*  
11       *the United State Armed Forces are a participant.*

12           *(4) The organizational and procedural changes,*  
13       *if any, that should be made in the Department of De-*  
14       *fense and the Department of State and other foreign*  
15       *assistance agencies to improve the ability of such de-*  
16       *partments and agencies to conduct programs to train*  
17       *and equip, or otherwise build the capacity of, foreign*  
18       *military forces, including to conduct counterterrorist*  
19       *operations or participate in or support military and*  
20       *stability operations in which the United State Armed*  
21       *Forces are a participant.*

22           *(5) The resources and funding mechanisms re-*  
23       *quired to ensure adequate funding for such programs.*

1       (b) *SPECIFIED CONGRESSIONAL COMMITTEES.*—The  
2 congressional committees specified in this subsection are the  
3 following:

4           (1) *The Committee on Armed Services, the Com-*  
5 *mittee on Foreign Affairs, and the Committee on Ap-*  
6 *propriations of the House of Representatives.*

7           (2) *The Committee on Armed Services, the Com-*  
8 *mittee on Foreign Relations, and the Committee on*  
9 *Appropriations of the Senate.*

10       ***Subtitle B—Matters Relating to***  
11 ***Iraq, Afghanistan, and Pakistan***

12 ***SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR***  
13 ***CERTAIN PURPOSES RELATING TO IRAQ.***

14       *No funds appropriated pursuant to an authorization*  
15 *of appropriations in this Act may be obligated or expended*  
16 *for a purpose as follows:*

17           (1) *To establish any military installation or base*  
18 *for the purpose of providing for the permanent sta-*  
19 *tioning of United States Armed Forces in Iraq.*

20           (2) *To exercise United States control of the oil*  
21 *resources of Iraq.*

22 ***SEC. 1212. REAUTHORIZATION OF COMMANDERS' EMER-***  
23 ***GENCY RESPONSE PROGRAM.***

24       (a) *AUTHORITY FOR FISCAL YEAR 2010.*—Subsection  
25 (a) of section 1202 of the National Defense Authorization

1 *Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.*  
2 *3455), as most recently amended by section 1214 of the*  
3 *Duncan Hunter National Defense Authorization Act for*  
4 *Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4360),*  
5 *is further amended—*

6           (1) *in the heading, by striking “FISCAL YEARS*  
7 *2008 AND 2009” and inserting “FISCAL YEAR 2010”;*  
8 *and*

9           (2) *in the matter preceding paragraph (1)—*

10                   (A) *by striking “each of fiscal years 2008*  
11 *and 2009” and inserting “fiscal year 2010”; and*

12                   (B) *by striking “\$1,700,000,000 in fiscal*  
13 *year 2008 and \$1,500,000,000 in fiscal year*  
14 *2009” and inserting “\$1,300,000,000 in fiscal*  
15 *year 2010”.*

16           (b) *QUARTERLY REPORTS.*—*Subsection (b) of such sec-*  
17 *tion is amended by striking “fiscal years 2008 and 2009”*  
18 *and inserting “fiscal year 2010”.*

19 **SEC. 1213. REIMBURSEMENT OF CERTAIN COALITION NA-**  
20 **TIONS FOR SUPPORT PROVIDED TO UNITED**  
21 **STATES MILITARY OPERATIONS.**

22           (a) *AUTHORITY.*—*From funds made available for the*  
23 *Department of Defense by section 1510 for operation and*  
24 *maintenance, Defense-wide activities, the Secretary of De-*  
25 *fense may reimburse any key cooperating nation for*

1 *logistical and military support provided by that nation to*  
2 *or in connection with United States military operations in*  
3 *Operation Iraqi Freedom or Operation Enduring Freedom.*

4       **(b) AMOUNTS OF REIMBURSEMENT.**—*Reimbursement*  
5 *authorized by subsection (a) may be made in such amounts*  
6 *as the Secretary of Defense, with the concurrence of the Sec-*  
7 *retary of State and in consultation with the Director of the*  
8 *Office of Management and Budget, may determine, based*  
9 *on documentation determined by the Secretary of Defense*  
10 *to adequately account for the support provided.*

11       **(c) LIMITATIONS.**—

12           **(1) LIMITATION ON AMOUNT.**—*The total amount*  
13 *of reimbursements made under the authority in sub-*  
14 *section (a) during fiscal year 2010 may not exceed*  
15 *\$1,600,000,000.*

16           **(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS**  
17 **TO MAKE PAYMENTS.**—*The Secretary of Defense may*  
18 *not enter into any contractual obligation to make a*  
19 *reimbursement under the authority in subsection (a).*

20       **(d) NOTICE TO CONGRESS.**—*The Secretary of Defense*  
21 *shall notify the appropriate congressional committees not*  
22 *less than 15 days before making any reimbursement under*  
23 *the authority in subsection (a). In the case of any reim-*  
24 *bursement to Pakistan under the authority in subsection*  
25 *(a), such notification shall be made in accordance with the*

1 *notification requirements under section 1232(b) of the Na-*  
2 *tional Defense Authorization Act for Fiscal Year 2008 (Pub-*  
3 *lic Law 110–181; 122 Stat. 392).*

4 (e) *QUARTERLY REPORTS.—The Secretary of Defense*  
5 *shall submit to the appropriate congressional committees on*  
6 *a quarterly basis a report on any reimbursements made*  
7 *under the authority in subsection (a) during such quarter.*

8 (f) *EXTENSION OF NOTIFICATION REQUIREMENT RE-*  
9 *LATING TO DEPARTMENT OF DEFENSE COALITION SUP-*  
10 *PORT FUNDS FOR PAKISTAN.—Section 1232(b)(6) of the*  
11 *National Defense Authorization Act for Fiscal Year 2008*  
12 *(Public Law 110–181; 122 Stat. 393), as amended by sec-*  
13 *tion 1217(d) of the Duncan Hunter National Defense Au-*  
14 *thorization Act for Fiscal Year 2009 (Public Law 110–417;*  
15 *122 Stat. 4635), is further amended by striking “September*  
16 *30, 2010” and inserting “September 30, 2011”.*

17 (g) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*  
18 *FINED.—In this section, the term “appropriate congres-*  
19 *sional committees” means—*

20 (1) *the Committee on Armed Services, the Com-*  
21 *mittee on Foreign Affairs, and the Committee on Ap-*  
22 *propriations of the House of Representatives; and*

23 (2) *the Committee on Armed Services, the Com-*  
24 *mittee on Foreign Relations, and the Committee on*  
25 *Appropriations of the Senate.*



1 **SEC. 1214. PAKISTAN COUNTERINSURGENCY FUND.**

2 (a) AMOUNTS IN FUND.—*The Pakistan*  
3 *Counterinsurgency Fund (in this section referred to as the*  
4 *“Fund”)* shall consist of the following:

5 (1) *Amounts appropriated to the Fund for fiscal*  
6 *year 2009.*

7 (2) *Amounts transferred to the Fund pursuant to*  
8 *subsection (d).*

9 (b) USE OF FUNDS.—

10 (1) *IN GENERAL.*—*Amounts in the Fund shall be*  
11 *made available to the Secretary of Defense, with the*  
12 *concurrence of the Secretary of State, to provide as-*  
13 *sistance to the security forces of Pakistan (including*  
14 *program management and the provision of equip-*  
15 *ment, supplies, services, training, facility and infra-*  
16 *structure repair, renovation, and construction) to im-*  
17 *prove the counterinsurgency capability of Pakistan’s*  
18 *security forces (including Pakistan’s military, Fron-*  
19 *tier Corps, and other security forces), and of which*  
20 *not more than \$2,000,000 may be made available to*  
21 *provide humanitarian assistance to the people of*  
22 *Pakistan only as part of civil-military training exer-*  
23 *cises for Pakistan’s security forces receiving assistance*  
24 *under the Fund.*

25 (2) *RELATION TO OTHER AUTHORITIES.*—*Except*  
26 *as otherwise provided in section 1215 of this Act (re-*

1 *lating to the program to provide for the registration*  
2 *and end-use monitoring of defense articles and defense*  
3 *services transferred to Afghanistan and Pakistan),*  
4 *amounts in the Fund are authorized to be made*  
5 *available notwithstanding any other provision of law.*  
6 *The authority to provide assistance under this sub-*  
7 *section is in addition to any other authority to pro-*  
8 *vide assistance to foreign countries.*

9 *(c) TRANSFERS FROM FUND.—*

10 *(1) IN GENERAL.—The Secretary of Defense may*  
11 *transfer such amounts as the Secretary determines to*  
12 *be appropriate from the Fund—*

13 *(A) to any account available to the Depart-*  
14 *ment of Defense, or*

15 *(B) with the concurrence of the Secretary of*  
16 *State and head of the relevant Federal depart-*  
17 *ment or agency, to any other non-intelligence re-*  
18 *lated Federal account,*

19 *for purposes consistent with this section.*

20 *(2) TREATMENT OF TRANSFERRED FUNDS.—*

21 *Amounts transferred to an account under the author-*  
22 *ity of paragraph (1) shall be merged with amounts in*  
23 *such account and shall be made available for the same*  
24 *purposes, and subject to the same conditions and lim-*  
25 *itations, as amounts in such account.*

1           (3) *TRANSFERS BACK TO FUND.*—Upon a deter-  
2           mination by the Secretary of Defense with respect to  
3           funds transferred under paragraph (1)(A), or the  
4           head of the other Federal department or agency with  
5           the concurrence of the Secretary of State with respect  
6           to funds transferred under paragraph (1)(B), that all  
7           or part of amounts transferred from the Fund under  
8           paragraph (1) are not necessary for the purpose pro-  
9           vided, such amounts may be transferred back to the  
10          Fund and shall be made available for the same pur-  
11          poses, and subject to the same conditions and limita-  
12          tions, as originally applicable under subsection (b).

13          (d) *TRANSFERS TO FUND.*—

14           (1) *IN GENERAL.*—The Fund may include  
15          amounts transferred by the Secretary of State, with  
16          the concurrence of the Secretary of Defense, under any  
17          authority of the Secretary of State to transfer funds  
18          under any provision of law.

19           (2) *TREATMENT OF TRANSFERRED FUNDS.*—  
20          Amounts transferred to the Fund under the authority  
21          of paragraph (1) shall be merged with amounts in the  
22          Fund and shall be made available for the same pur-  
23          poses, and subject to the same conditions and limita-  
24          tions, as amounts in the Fund.

25          (e) *CONGRESSIONAL NOTIFICATION.*—

1           (1) *IN GENERAL.*—Amounts in the Fund may  
2 not be obligated or transferred from the Fund under  
3 this section until 15 days after the date on which the  
4 Secretary of Defense notifies the appropriate congress-  
5 sional committees in writing of the details of the pro-  
6 posed obligation or transfer.

7           (2) *APPROPRIATE CONGRESSIONAL COMMITTEES*  
8 *DEFINED.*—In this subsection, the term “appropriate  
9 congressional committees” means—

10           (A) the Committee on Armed Services, the  
11 Committee on Foreign Affairs, and the Com-  
12 mittee on Appropriations of the House of Rep-  
13 resentatives; and

14           (B) the Committee on Armed Services, the  
15 Committee on Foreign Relations, and the Com-  
16 mittee on Appropriations of the Senate.

17 (f) *SUNSET.*—

18           (1) *IN GENERAL.*—Except as provided in para-  
19 graph (2), the authority provided under this section  
20 terminates at the close of September 30, 2010.

21           (2) *EXCEPTION.*—Any program supported from  
22 amounts in the Fund established before the close of  
23 September 30, 2010, may be completed after that date  
24 but only using amounts appropriated or transferred  
25 to the Fund on or before that date.

1 **SEC. 1215. PROGRAM TO PROVIDE FOR THE REGISTRATION**  
2 **AND END-USE MONITORING OF DEFENSE AR-**  
3 **TICLES AND DEFENSE SERVICES TRANS-**  
4 **FERRED TO AFGHANISTAN AND PAKISTAN.**

5 (a) *PROGRAM REQUIRED.*—

6 (1) *IN GENERAL.*—*The Secretary of Defense shall*  
7 *establish and carry out a program to provide for the*  
8 *registration and end-use monitoring of defense arti-*  
9 *cles and defense services transferred to Afghanistan*  
10 *and Pakistan in accordance with the requirements*  
11 *under subsection (b) and to prohibit the retransfer of*  
12 *such defense articles and defense services without the*  
13 *consent of the United States. The program required*  
14 *under this subsection shall be limited to the transfer*  
15 *of defense articles and defense services—*

16 (A) *pursuant to authorities other than the*  
17 *Arms Export Control Act or the Foreign Assist-*  
18 *ance Act of 1961; and*

19 (B) *using funds made available to the De-*  
20 *partment of Defense, including funds available*  
21 *pursuant to the Pakistan Counterinsurgency*  
22 *Fund.*

23 (2) *PROHIBITION.*—*No defense articles or defense*  
24 *services that would be subject to the program required*  
25 *under this subsection may be transferred to—*

1           (A) *the Government of Afghanistan or any*  
2           *other group, organization, citizen, or resident of*  
3           *Afghanistan, or*

4           (B) *the Government of Pakistan or any*  
5           *other group, organization, citizen, or resident of*  
6           *Pakistan,*

7           *until the Secretary of Defense certifies to the specified*  
8           *congressional committees that the program required*  
9           *under this subsection has been established.*

10          (b) *REGISTRATION AND END-USE MONITORING RE-*  
11          *QUIREMENTS.—The registration and end-use monitoring*  
12          *requirements under this subsection shall include the fol-*  
13          *lowing:*

14               (1) *A detailed record of the origin, shipping, and*  
15               *distribution of defense articles and defense services*  
16               *transferred to—*

17                     (A) *the Government of Afghanistan and*  
18                     *other groups, organizations, citizens, and resi-*  
19                     *dents of Afghanistan; and*

20                     (B) *the Government of Pakistan and other*  
21                     *groups, organizations, citizens, and residents of*  
22                     *Pakistan.*

23               (2) *A program of end-use monitoring of lethal*  
24               *defense articles and defense services transferred to the*

1 *entities and individuals described in subparagraphs*  
2 *(A) and (B) of paragraph (1),*

3 *(c) REVIEW; EXEMPTION.—*

4 *(1) REVIEW.—The Secretary of Defense shall pe-*  
5 *riodically review the defense articles and defense serv-*  
6 *ices subject to the registration and end-use monitoring*  
7 *requirements under subsection (b) to determine which*  
8 *defense articles and defense services, if any, should no*  
9 *longer be subject to such registration and monitoring*  
10 *requirements. The Secretary of Defense shall submit*  
11 *to the specified congressional committees the results of*  
12 *each review conducted under this paragraph.*

13 *(2) EXEMPTION.—The Secretary of Defense may*  
14 *exempt a defense article or defense service from the*  
15 *registration and end-use monitoring requirements*  
16 *under subsection (b) beginning on the date that is 30*  
17 *days after the date on which the Secretary provides*  
18 *notice of the proposed exemption to the specified con-*  
19 *gressional committees. Such notice shall describe any*  
20 *controls to be imposed on such defense article or de-*  
21 *fense service, as the case may be, under any other pro-*  
22 *vision of law.*

23 *(d) DEFINITIONS.—In this section:*

24 *(1) DEFENSE ARTICLE.—The term “defense arti-*  
25 *cle”—*

1 (A) includes—

2 (i) any weapon, including a small arm  
3 (as defined in paragraph (3)), weapons sys-  
4 tem, munition, aircraft, vessel, boat or other  
5 implement of war;

6 (ii) any property, installation, com-  
7 modity, material, equipment, supply, or  
8 goods used for the purposes of furnishing  
9 military assistance;

10 (iii) any machinery, facility, tool, ma-  
11 terial supply, or other item necessary for  
12 the manufacture, production, processing re-  
13 pair, servicing, storage, construction, trans-  
14 portation, operation, or use of any article  
15 listed in this paragraph; or

16 (iv) any component or part of any ar-  
17 ticle listed in this paragraph; but

18 (B) does not include merchant vessels or, as  
19 defined by the Atomic Energy Act of 1954 (42  
20 U.S.C. 2011 et seq.), source material (except ura-  
21 nium depleted in the isotope 235 which is incor-  
22 porated in defense articles solely to take advan-  
23 tage of high density or pyrophoric characteristics  
24 unrelated to radioactivity), by-product material,  
25 special nuclear material, production facilities,



1           *utilization facilities, or atomic weapons or arti-*  
2           *cles involving Restricted Data.*

3           (2) *DEFENSE SERVICE.*—*The term “defense serv-*  
4           *ice” includes any service, test, inspection, repair, pub-*  
5           *lication, or technical or other assistance or defense in-*  
6           *formation used for the purposes of furnishing mili-*  
7           *tary assistance, but does not include military edu-*  
8           *cational and training activities under chapter 5 of*  
9           *part II of the Foreign Assistance Act of 1961.*

10          (3) *SMALL ARM.*—*The term “small arm”*  
11          *means—*

12                   (A) *a handgun or pistol;*

13                   (B) *a shoulder-fired weapon, including a*  
14                   *sub-carbine, carbine, or rifle;*

15                   (C) *a light, medium, or heavy automatic*  
16                   *weapon up to and including a .50 caliber ma-*  
17                   *chine gun;*

18                   (D) *a recoilless rifle up to and including*  
19                   *106mm;*

20                   (E) *a mortar up to and including 81mm;*

21                   (F) *a rocket launcher, man-portable;*

22                   (G) *a grenade launcher, rifle and shoulder*  
23                   *fired; and*

24                   (H) *an individually-operated weapon which*  
25                   *is portable or can be fired without special*

1           *mounts or firing devices and which has potential*  
2           *use in civil disturbances and is vulnerable to*  
3           *theft.*

4           (4) *SPECIFIED CONGRESSIONAL COMMITTEES.—*  
5           *The term “specified congressional committees”*  
6           *means—*

7                     (A) *the Committee on Foreign Affairs and*  
8                     *the Committee on Armed Services of the House*  
9                     *of Representatives; and*

10                    (B) *the Committee on Foreign Relations*  
11                    *and the Committee on Armed Services of the*  
12                    *Senate.*

13           (e) *EFFECTIVE DATE.—*

14                     (1) *IN GENERAL.—Except as provided in para-*  
15                     *graph (2), this section shall take effect 180 days after*  
16                     *the date of the enactment of this Act.*

17                     (2) *EXCEPTION.—The Secretary of Defense may*  
18                     *delay the effective date of this section by an addi-*  
19                     *tional period of up to 90 days if the Secretary cer-*  
20                     *tifies in writing to the specified congressional com-*  
21                     *mittees for such additional period that it is in the*  
22                     *vital interest of the United States to do so and in-*  
23                     *cludes in the certification a description of such vital*  
24                     *interest.*

1 **SEC. 1216. REPORTS ON CAMPAIGN PLANS FOR IRAQ AND**  
2 **AFGHANISTAN.**

3 (a) *REPORTS REQUIRED.*—Not later than 180 days  
4 after the date of the enactment of this Act, the Comptroller  
5 General of the United States shall submit to the congress-  
6 sional defense committees separate reports containing as-  
7 sessments of the extent to which the campaign plan for Iraq  
8 and the campaign plan for Afghanistan each adhere to  
9 military doctrine (as defined in the Department of Defense’s  
10 Joint Publication 5-0, Joint Operation Planning), includ-  
11 ing the elements set forth in subsection (b).

12 (b) *MATTERS TO BE ASSESSED.*—The matters to be  
13 included in the assessments required under subsection (a)  
14 are as follows:

15 (1) *The extent to which each campaign plan*  
16 *identifies and prioritizes the conditions that must be*  
17 *achieved in each phase of the campaign.*

18 (2) *The extent to which each campaign plan re-*  
19 *ports the number of combat brigade teams and other*  
20 *forces required for each campaign phase.*

21 (3) *The extent to which each campaign plan esti-*  
22 *mates the time needed to reach the desired end state*  
23 *and complete the military portion of the campaign.*

24 (c) *UPDATE OF REPORT.*—The Comptroller General  
25 shall submit to the congressional defense committees an up-  
26 date of the report on the campaign plan for Iraq or the

1 *campaign plan for Afghanistan required under subsection*  
2 *(a) whenever the campaign plan for Iraq or the campaign*  
3 *plan for Afghanistan, as the case may be, is substantially*  
4 *updated or altered.*

5 *(d) EXCEPTION.—If the Comptroller General deter-*  
6 *mines that a report submitted to Congress by the Comp-*  
7 *troller General before the date of the enactment of this Act*  
8 *substantially meets the requirements of subsection (a) for*  
9 *the submission of a report on the campaign plan for Iraq*  
10 *or the campaign plan for Afghanistan, the Comptroller*  
11 *General shall so notify the congressional defense committees*  
12 *in writing, but shall provide an update of the report as*  
13 *required under subsection (c).*

14 *(e) TERMINATION.—*

15 *(1) REPORTS ON IRAQ.—The requirement to sub-*  
16 *mit updates of reports on the campaign plan for Iraq*  
17 *under subsection (c) shall terminate on December 31,*  
18 *2011.*

19 *(2) REPORTS ON AFGHANISTAN.—The require-*  
20 *ment to submit updates of reports on the campaign*  
21 *plan for Afghanistan under subsection (c) shall termi-*  
22 *nate on September 30, 2012.*

1 **SEC. 1217. REQUIRED ASSESSMENTS OF UNITED STATES EF-**  
2 **FORTS IN AFGHANISTAN.**

3 (a) *ASSESSMENTS REQUIRED.*—Not later than 180  
4 days after the date of the enactment of this Act, and every  
5 180 days thereafter, the President shall conduct an assess-  
6 ment, which shall be not more than 30 days in duration,  
7 of the progress toward defeating al Qa'ida and its affiliated  
8 networks and extremist allies and preventing the establish-  
9 ment of safe havens in Afghanistan for al Qa'ida and its  
10 affiliated networks and extremist allies.

11 (b) *AREAS TO BE ASSESSED.*—In carrying out sub-  
12 section (a), the President should assess progress in the fol-  
13 lowing areas:

14 (1) *Ending the ability of the Taliban, al Qa'ida,*  
15 *and other anti-government elements—*

16 (A) *to establish control over the population*  
17 *of Afghanistan or regions of Afghanistan;*

18 (B) *to establish safe havens in Afghanistan;*

19 *and*

20 (C) *to conduct attacks inside or outside Af-*  
21 *ghanistan.*

22 (2) *Spreading legitimate and functional govern-*  
23 *ance.*

24 (3) *Spreading the rule of law.*

25 (4) *Improving the legal economy of Afghanistan.*

1           (5) *Other areas the President determines to be*  
2           *important.*

3           (c) *REQUIREMENT TO DEVELOP GOALS AND*  
4 *TIMELINES.—For each area required to be assessed under*  
5 *subsection (b), the President, in consultation with the Gov-*  
6 *ernment of Afghanistan and the governments of other coun-*  
7 *tries the President determines to be necessary, shall establish*  
8 *goals for each area and timelines for meeting such goals.*

9           (d) *METRICS.—The President shall develop metrics*  
10 *that allows for the accurate and thorough assessment of*  
11 *progress toward each goal and along each timeline required*  
12 *under subsection (c).*

13          (e) *REPORT REQUIRED.—*

14           (1) *IN GENERAL.—Not later than 30 days after*  
15 *the completion of each assessment required under sub-*  
16 *section (a), the President shall transmit to Congress*  
17 *a report on the assessment.*

18           (2) *ELEMENTS.—The report required under*  
19 *paragraph (1) should include, at a minimum, the fol-*  
20 *lowing elements:*

21           (A) *The results of the assessment of—*

22                   (i) *the progress of the government and*  
23 *people of Afghanistan, with the assistance of*  
24 *the international community, in each area*

1           *required to be assessed under subsection (b);*  
2           *and*

3                   *(ii) the effectiveness of United States*  
4                   *efforts to assist the government and people*  
5                   *of Afghanistan to make progress in each*  
6                   *area required to be assessed under sub-*  
7                   *section (b).*

8                   *(B) A description of the goals and timelines*  
9                   *for meeting such goals required under subsection*  
10                  *(c).*

11                  *(C) A description of the metrics required to*  
12                  *be developed under subsection (d) and how such*  
13                  *metrics were used to assess progress in each area*  
14                  *required to be assessed under subsection (b).*

15                  *(3) FORM.—The report required under para-*  
16                  *graph (1) shall be transmitted in unclassified form,*  
17                  *but may contain a classified annex if necessary.*

18                  *(f) SUNSET.—The requirement to conduct assessments*  
19                  *under subsection (a) shall not apply beginning on the date*  
20                  *that is 5 years after the date of the enactment of this Act.*

21   **SEC. 1218. REPORT ON RESPONSIBLE REDEPLOYMENT OF**  
22                   **UNITED STATES ARMED FORCES FROM IRAQ.**

23                  *(a) REPORT REQUIRED.—Not later than 90 days after*  
24                  *the date of the enactment of this Act, or December 31, 2009,*  
25                  *whichever occurs later, and every 90 days thereafter, the*

1 *Secretary of Defense shall submit to the appropriate con-*  
2 *gressional committees a report concerning the responsible*  
3 *redeployment of United States Armed Forces from Iraq in*  
4 *accordance with the policy announced by the President on*  
5 *February 27, 2009, and the Agreement Between the United*  
6 *States of America and the Republic of Iraq On the With-*  
7 *drawal of United States Forces From Iraq and the Organi-*  
8 *zation of Their Activities During Their Temporary Pres-*  
9 *ence in Iraq.*

10 (b) *ELEMENTS.*—*The report required under subsection*  
11 *(a) shall include the following elements:*

12 (1) *The number of United States military per-*  
13 *sonnel in Iraq by service and component for each*  
14 *month of the preceding 90-day period and an esti-*  
15 *mate of the personnel levels in Iraq for the 90-day pe-*  
16 *riod following submission of the report.*

17 (2) *The number and type of military installa-*  
18 *tions in Iraq occupied by 100 or more United States*  
19 *military personnel and the number of such military*  
20 *installations closed, consolidated, or transferred to the*  
21 *Government of Iraq in the preceding 90-day period.*

22 (3) *An estimate of the number of military vehi-*  
23 *cles, containers of equipment, tons of ammunition, or*  
24 *other significant items belonging to the Department of*  
25 *Defense removed from Iraq during the preceding 90-*



1        *day period, an estimate of the remaining amount of*  
2        *such items belonging to the Department of Defense,*  
3        *and an assessment of the likelihood of successfully re-*  
4        *moving, demilitarizing, or otherwise transferring all*  
5        *items belonging to the Department of Defense from*  
6        *Iraq on or before December 31, 2011.*

7            *(4) An assessment of United States detainee op-*  
8        *erations and releases. Such assessment should include*  
9        *the total number of detainees held by the United*  
10       *States in Iraq, the number of detainees in each threat*  
11       *level category, the number of detainees who are not*  
12       *nationals of Iraq, the number of detainees transferred*  
13       *to Iraqi authorities, the number of detainees who were*  
14       *released from United States custody and the reasons*  
15       *for their release, and the number of detainees who*  
16       *having been released in the past were recaptured or*  
17       *had their remains identified planning or after car-*  
18       *rying out attacks on United States or Coalition*  
19       *forces.*

20           *(5) A listing of the objective and subjective fac-*  
21       *tors utilized by the commander of Multi-National*  
22       *Force–Iraq, including any changes to that list in the*  
23       *case of an update to the report, to determine risk lev-*  
24       *els associated with the drawdown of United States*  
25       *Armed Forces, and the process and timing that will*

1       *be utilized by the commander of Multi-National*  
2       *Force–Iraq and the Secretary of Defense to assess risk*  
3       *and make recommendations to the President about ei-*  
4       *ther continuing the redeployment of United States*  
5       *Armed Forces from Iraq in accordance with the sched-*  
6       *ule announced by the President or modifying the pace*  
7       *or timing of that redeployment.*

8       *(c) INCLUSION IN OTHER REPORTS.—The report re-*  
9       *quired under subsection (a) and any updates to the report*  
10       *may be included in any other required report on Iraq sub-*  
11       *mitted to Congress by the Secretary of Defense.*

12       *(d) FORM.—The report required under subsection (a),*  
13       *whether or not included in another report on Iraq submitted*  
14       *to Congress by the Secretary of Defense, may include a clas-*  
15       *sified annex.*

16       *(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In*  
17       *this section, the term “appropriate congressional commit-*  
18       *tees” means—*

19               *(1) the Committee on Armed Services, the Com-*  
20               *mittee on Foreign Relations, the Select Committee on*  
21               *Intelligence, and the Committee on Appropriations of*  
22               *the Senate; and*

23               *(2) the Committee on Armed Services, the Com-*  
24               *mittee on Foreign Affairs, the Permanent Select Com-*

1        *mittee on Intelligence, and the Committee on Appro-*  
2        *propriations of the House of Representatives.*

3        **SEC. 1219. REPORT ON AFGHAN PUBLIC PROTECTION PRO-**  
4        **GRAM.**

5        *(a) REPORT REQUIRED.—Not later than 90 days after*  
6        *the date of the enactment of this Act, the Secretary of De-*  
7        *fense shall submit to the congressional defense committees*  
8        *a report on the Afghan Public Protection Program (in this*  
9        *section referred to as the “program”).*

10       *(b) MATTERS TO BE INCLUDED.—The report required*  
11       *under subsection (a) shall include the following elements:*

12                *(1) An assessment of the program in the initial*  
13        *pilot districts in Afghanistan, including, at a min-*  
14        *imum, the following elements:*

15                        *(A) An evaluation of the changes in security*  
16        *conditions in the initial pilot districts from the*  
17        *program’s inception to the date of the report.*

18                        *(B) The extent to which the forces developed*  
19        *under the program in the initial pilot districts*  
20        *are generally representative of the ethnic groups*  
21        *in the respective districts.*

22                        *(C) If the forces developed under the pro-*  
23        *gram are appropriately representative of the geo-*  
24        *graphic area of responsibility.*

1           (D) *An assessment of the views of the local*  
2 *communities, to include both Afghan national,*  
3 *provincial, and district governmental officials*  
4 *and leaders of the local communities, of the suc-*  
5 *cesses and failures of the program.*

6           (E) *Any formal reviews of the program that*  
7 *are planned for the future and the timelines on*  
8 *which the reviews would be conducted, by whom*  
9 *the reviews would be conducted, and the criteria*  
10 *that would be used.*

11           (F) *The selection criteria that were used to*  
12 *select members of the program in the initial pilot*  
13 *districts and how the members were vetted.*

14           (G) *The costs to the Department of Defense*  
15 *to support the program in the initial pilot dis-*  
16 *tricts, to include any Commanders' Emergency*  
17 *Response Program funds spent as formal or in-*  
18 *formal incentives.*

19           (H) *The roles of the Afghanistan National*  
20 *Security Forces (ANSF) in supporting and*  
21 *training forces under the program.*

22           (I) *Any other criteria used to evaluate the*  
23 *program in the initial pilot districts by the*  
24 *Commander of United States Forces–Afghani-*  
25 *stan.*

1           (2) *An assessment of the future of the program,*  
2 *including, at a minimum, the following elements:*

3           (A) *A description of the goals and objectives*  
4 *expected to be met by the expansion of the pro-*  
5 *gram.*

6           (B) *A description of how such an expansion*  
7 *supports the functions of the Afghan National*  
8 *Police.*

9           (C) *A description of how the decision will*  
10 *be made whether to expand the program outside*  
11 *the initial pilot districts and the criteria that*  
12 *will be used to make that decision.*

13           (D) *A description of how districts or prov-*  
14 *inces outside of the initial pilot districts will be*  
15 *chosen to participate in the program, including*  
16 *an explanation of the following:*

17           (i) *What mechanisms the Government*  
18 *of Afghanistan will use to select additional*  
19 *districts or provinces, including partici-*  
20 *pants in the decision process and the cri-*  
21 *teria used.*

22           (ii) *How the views of relevant United*  
23 *States Government departments and agen-*  
24 *cies will be taken into account by the Gov-*  
25 *ernment of Afghanistan when choosing dis-*

1                    *tricts or provinces to participate in the pro-*  
2                    *gram.*

3                    *(iii) How the views of other North At-*  
4                    *lantic Treaty Organization (NATO) Inter-*  
5                    *national Security Assistance Force (ISAF)*  
6                    *Coalition partners will be taken into ac-*  
7                    *count during the decision process.*

8                    *(iv) What process will be used to evalu-*  
9                    *ate any changes to the program as executed*  
10                   *in the initial pilot districts to account for*  
11                   *different or unique circumstances in addi-*  
12                   *tional areas of expansion.*

13                   *(E) An assessment of personnel or assets of*  
14                   *the Department of Defense that would likely be*  
15                   *required to support any expansion of the pro-*  
16                   *gram, including a description of the following:*

17                   *(i) Any requirement for personnel to*  
18                   *train or mentor additional forces developed*  
19                   *under the program or to train additional*  
20                   *members of the ANSF to train forces under*  
21                   *the program.*

22                   *(ii) Any Department of Defense fund-*  
23                   *ing that would be provided to support addi-*  
24                   *tional forces under the program.*

1                   (iii) Any assistance that would reason-  
2                   ably be required to assist the Government of  
3                   Afghanistan manage any additional forces  
4                   developed under the program.

5                   (F) A description of the formal process, led  
6                   by the Government of Afghanistan, that will be  
7                   used to evaluate the program, including a de-  
8                   scription of the following:

9                   (i) A listing of the criteria that are ex-  
10                  pected to be considered in the process.

11                  (ii) The roles in the process of—

12                         (I) the Government of Afghani-  
13                         stan;

14                         (II) relevant United States Gov-  
15                         ernment departments and agencies;

16                         (III) NATO-ISAF Coalition part-  
17                         ners;

18                         (IV) nongovernmental representa-  
19                         tives of the people of Afghanistan; and

20                         (V) any other appropriate indi-  
21                         viduals and entities.

22                  (G) If members of the forces developed under  
23                  the program will be transitioned to the ANSF or  
24                  to other employment in the future, a description  
25                  of—

1                   (i) the process that will be used to  
2                   transition the forces;

3                   (ii) additional training that may be  
4                   required;

5                   (iii) how decisions will be made to  
6                   transition the forces to the ANSF or other  
7                   employment; and

8                   (iv) any other relevant information.

9                   (H) The Afghan chain of command that  
10                  will be used to implement the program and pro-  
11                  vide command and control over the units created  
12                  by the program.

13 **SEC. 1220. UPDATES OF REPORT ON COMMAND AND CON-**  
14 **TROL STRUCTURE FOR MILITARY FORCES OP-**  
15 **ERATING IN AFGHANISTAN.**

16                  Section 1216(d) of the Duncan Hunter National De-  
17                  fense Authorization Act for Fiscal Year 2009 (Public Law  
18                  110–417; 122 Stat. 4634) is amended by adding at the end  
19                  the following new sentence: “Any update of the report re-  
20                  quired under subsection (c) may be included in the report  
21                  required under section 1230 of the National Defense Author-  
22                  ization Act for Fiscal Year 2008 (Public Law 110–181; 122  
23                  Stat. 385).”.



1 **SEC. 1221. REPORT ON PAYMENTS MADE BY UNITED STATES**  
2 **ARMED FORCES TO RESIDENTS OF AFGHANI-**  
3 **STAN AS COMPENSATION FOR LOSSES**  
4 **CAUSED BY UNITED STATES MILITARY OPER-**  
5 **ATIONS.**

6 (a) *REPORT REQUIRED.*—Not later than 180 days  
7 after the date of the enactment of this Act, and every 180  
8 days thereafter, the Secretary of Defense shall submit to the  
9 congressional defense committees a report on payments  
10 made by United States Armed Forces to residents of Af-  
11 ghanistan as compensation for losses caused by United  
12 States military operations.

13 (b) *MATTERS TO BE INCLUDED.*—The report required  
14 under subsection (a) shall include—

15 (1) the total amount of funds provided for losses  
16 caused by United States military operations;

17 (2) a breakdown of the number of payments by  
18 type, to include—

19 (A) compensation for the death of a non-  
20 combatant Afghan resident;

21 (B) compensation for the injury of a non-  
22 combatant Afghan resident;

23 (C) compensation for property damage  
24 caused during combat operations or noncombat  
25 operations; and

1           (D) any other category for which compensa-  
2           tion was paid by United States Armed Forces;  
3           and

4           (3) the average amount of compensation for each  
5           type of payment described in paragraph (2).

6           (c) *SCOPE OF REPORT.*—The initial report required  
7           under subsection (a) shall include the information required  
8           under subsection (b) for the 5-year period ending on the  
9           date of submission of the initial report and each update  
10          of the report required under subsection (a) shall include the  
11          information required under subsection (b) for the period  
12          since the submission of last report.

13          (d) *TERMINATION.*—The requirement to submit reports  
14          under subsection (a) shall terminate on September 30, 2012.

15          **SEC. 1222. ASSESSMENT AND REPORT ON UNITED STATES-**  
16                                 **PAKISTAN MILITARY RELATIONS AND CO-**  
17                                 **OPERATION.**

18          (a) *ASSESSMENT REQUIRED.*—The Secretary of De-  
19          fense, in consultation with the Secretary of State, shall con-  
20          duct an assessment of possible alternatives to reimburse-  
21          ments to Pakistan for logistical, military, or other support  
22          provided by Pakistan to or in connection with United  
23          States military operations, which could encourage the Paki-  
24          stani military to undertake counterterrorism and  
25          counterinsurgency operations and achieve the goals and ob-

1 *jectives for long-term United States-Pakistan military rela-*  
2 *tions and cooperation.*

3 (b) *REPORT.*—*Not later than 180 days after the date*  
4 *of the enactment of this Act, the Secretary of Defense shall*  
5 *submit to the appropriate congressional committees a report*  
6 *on the assessment required under subsection (a).*

7 (c) *FORM.*—*The report required under subsection (b)*  
8 *shall be submitted in unclassified form, but may include*  
9 *a classified annex if necessary.*

10 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*  
11 *FINED.*—*In this section, the term “appropriate congres-*  
12 *sional committees” means—*

13 (1) *the Committee on Armed Services, the Com-*  
14 *mittee on Foreign Affairs, and the Committee on Ap-*  
15 *propriations of the House of Representatives; and*

16 (2) *the Committee on Armed Services, the Com-*  
17 *mittee on Foreign Relations, and the Committee on*  
18 *Appropriations of the Senate.*

19 **SEC. 1223. REQUIRED ASSESSMENTS OF PROGRESS TO-**  
20 **WARD SECURITY AND STABILITY IN PAKI-**  
21 **STAN.**

22 (a) *ASSESSMENTS REQUIRED.*—*Not later than 180*  
23 *days after the date of the enactment of this Act, and every*  
24 *180 days thereafter, the President shall conduct an assess-*  
25 *ment, which shall be not more than 30 days in duration,*

1 *of the progress toward long-term security and stability in*  
2 *Pakistan.*

3 (b) *AREAS TO BE ASSESSED.*—*In carrying out sub-*  
4 *section (a), the President should assess—*

5 (1) *the effectiveness of efforts—*

6 (A) *to disrupt, dismantle, and defeat al*  
7 *Qa'ida, its affiliated networks, and other extrem-*  
8 *ist forces in Pakistan;*

9 (B) *to eliminate the safe havens for such*  
10 *forces in Pakistan; and*

11 (C) *to prevent the return of such forces to*  
12 *Pakistan or Afghanistan; and*

13 (2) *the effectiveness of United States security as-*  
14 *sistance to Pakistan to achieve the strategic goal de-*  
15 *scribed in paragraph (1).*

16 (c) *REQUIREMENT TO DEVELOP GOALS AND OBJEC-*  
17 *TIVES AND TIMELINES.*—*For any area assessed under sub-*  
18 *section (b), the President, in consultation with the Govern-*  
19 *ment of Pakistan and the governments of other countries*  
20 *the President determines to be necessary, shall establish*  
21 *goals and objectives and timelines for meeting such goals*  
22 *and objectives.*

23 (d) *REQUIREMENT TO DEVELOP METRICS.*—*The*  
24 *President shall develop metrics that allow for the accurate*  
25 *and thorough assessment of progress toward each goal and*

1 *objective and along each timeline required under subsection*  
2 *(c).*

3 *(e) REPORT REQUIRED.—*

4 *(1) IN GENERAL.—Not later than 30 days after*  
5 *the completion of each assessment required under sub-*  
6 *section (a), the President shall transmit to Congress*  
7 *a report on the assessment.*

8 *(2) ELEMENTS.—The report required under*  
9 *paragraph (1) should include, at a minimum, the fol-*  
10 *lowing elements:*

11 *(A) The results of the assessment required*  
12 *under subsection (a).*

13 *(B) A description of the goals and objectives*  
14 *and timelines for meeting such goals and objec-*  
15 *tives required under subsection (c).*

16 *(C) A description of the metrics required to*  
17 *be developed under subsection (d) and how such*  
18 *metrics were used to assess progress in each area*  
19 *required to be assessed under subsection (b).*

20 *(3) FORM.—The report required under para-*  
21 *graph (1) shall be transmitted in unclassified form,*  
22 *but may contain a classified annex if necessary.*

23 *(f) SUNSET.—The requirement to conduct assessments*  
24 *under subsection (a) shall not apply beginning on the date*  
25 *that is 5 years after the date of the enactment of this Act.*

1 **SEC. 1224. REPEAL OF GAO WAR-RELATED REPORTING RE-**  
2 **QUIREMENT.**

3 *Section 1221(c) of the National Defense Authorization*  
4 *Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.*  
5 *3462) is amended by striking the following: “Based on these*  
6 *reports, the Comptroller General shall provide to Congress*  
7 *quarterly updates on the costs of Operation Iraqi Freedom*  
8 *and Operation Enduring Freedom.”.*

9 **SEC. 1225. PLAN TO GOVERN THE DISPOSITION OF SPECI-**  
10 **FIED DEFENSE ITEMS IN IRAQ.**

11 *(a) PLAN REQUIRED.—The Secretary of Defense shall*  
12 *prepare a plan to govern the disposition of specified defense*  
13 *items in Iraq.*

14 *(b) ELEMENTS OF PLAN.—The plan required under*  
15 *subsection (a) shall, at a minimum, address the following*  
16 *elements:*

17 *(1) The identification of an individual, position,*  
18 *or office that will be responsible for making rec-*  
19 *ommendations to the Secretary of Defense regarding*  
20 *the disposition of specified defense items in Iraq.*

21 *(2) A mechanism for conducting a thorough in-*  
22 *ventory of specified defense items in Iraq owned by*  
23 *the Department of Defense, including specified defense*  
24 *items in Iraq that are operated by contractors.*

1           (3) *A mechanism for soliciting input regarding*  
2           *potential requirements for specified defense items in*  
3           *Iraq. Such potential requirements may include—*

4                   (A) *use in other overseas contingency oper-*  
5                   *ations involving the Armed Forces;*

6                   (B) *use to reset the Armed Forces;*

7                   (C) *use by other United States combatant*  
8                   *commanders to enhance their capability to carry*  
9                   *out missions in their respective combatant com-*  
10                   *mands;*

11                   (D) *use to refill prepositioned stocks;*

12                   (E) *transfer to the security forces of Iraq or*  
13                   *Afghanistan; and*

14                   (F) *use by other Federal departments and*  
15                   *agencies or political subdivisions of the United*  
16                   *States.*

17           (4) *A mechanism for identifying specified defense*  
18           *items in Iraq that are not economically viable to re-*  
19           *move from Iraq or which are not needed to meet other*  
20           *requirements, and for soliciting and evaluating pro-*  
21           *posals for the disposition of those items.*

22           (5) *A mechanism for ensuring that the views and*  
23           *inputs, as may be required by law, of other Federal*  
24           *departments and agencies are taken into account.*

1           (c) *REPORT REQUIRED.*—*The Secretary of Defense*  
2 *shall submit to the congressional defense committees a re-*  
3 *port outlining the plan required under subsection (a) and*  
4 *including the elements required under subsection (b). The*  
5 *report shall further include an assessment of current au-*  
6 *thorities for the disposition of equipment and recommenda-*  
7 *tions about changes to such authorities that the Secretary*  
8 *determines to be necessary. The report required under this*  
9 *subsection shall be submitted not later than the date of sub-*  
10 *mission to Congress of the President’s budget for fiscal year*  
11 *2011 pursuant to section 1105(a) of title 31, United States*  
12 *Code.*

13           (d) *REVIEW BY THE COMPTROLLER GENERAL.*—*Not*  
14 *later than 60 days after the date of submission of the report*  
15 *required under subsection (c), the Comptroller General of*  
16 *the United States shall submit to the congressional defense*  
17 *committees a review of the plan required under subsection*  
18 *(a) and the recommendations of the Secretary of Defense*  
19 *contained in the report required under subsection (c).*

20           (e) *RULE OF CONSTRUCTION.*—*Nothing in this section*  
21 *shall be construed to authorize the transfer of specified de-*  
22 *fense items in Iraq to any entity outside the Department*  
23 *of Defense except pursuant to relevant laws currently in*  
24 *force.*





1       (d) *ADDITIONAL AUTHORITY.*—*The authority to pro-*  
2 *vide assistance under this section is in addition to any*  
3 *other authority to provide assistance to foreign nations or*  
4 *forces.*

5       (e) *TERMINATION OF AUTHORITY.*—*The authority to*  
6 *provide assistance under this section terminates at the close*  
7 *of September 30, 2010.*

8       **SEC. 1227. REPORT ON THE STATUS OF INTERAGENCY CO-**  
9                               **ORDINATION IN THE AFGHANISTAN AND OP-**  
10                              **ERATION ENDURING FREEDOM THEATER OF**  
11                              **OPERATIONS.**

12       (a) *REPORT REQUIRED.*—*Not later than 90 days after*  
13 *the date of the enactment of this Act, and every 180 days*  
14 *thereafter, the Secretary of Defense and the Secretary of*  
15 *State shall submit to the appropriate congressional commit-*  
16 *tees a report on the status of interagency coordination in*  
17 *the Afghanistan and Operation Enduring Freedom theater*  
18 *of operations.*

19       (b) *MATTERS TO BE INCLUDED.*—*The report required*  
20 *under subsection (a) shall include a description of the fol-*  
21 *lowing:*

22                   (1) *The staffing structure of United States-led*  
23 *Provincial Reconstruction Teams (PRTs) in Afghani-*  
24 *stan, including the roles of members of the Armed*

1       *Forces, the roles of non-Armed Forces personnel, and*  
2       *unfilled staffing, training, and resource needs.*

3               (2) *The use of members of the Armed Forces for*  
4       *reconstruction, development, and capacity building*  
5       *programs outside the jurisdiction of the Department*  
6       *of Defense.*

7               (3) *Coordination between United States-led and*  
8       *NATO ISAF-led programs to develop the capacity of*  
9       *national, provincial, and local government and other*  
10       *civil institutions as well as reconstruction and devel-*  
11       *opment activities in Afghanistan.*

12              (4) *Unfilled staffing and resource requirements*  
13       *for reconstruction, development, and civil institution*  
14       *capacity building programs.*

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

18              (1) *the Committee on Armed Services, the Com-*  
19       *mittee on Appropriations, and the Committee on For-*  
20       *oreign Affairs of the House of Representatives; and*

21              (2) *the Committee on Armed Services, the Com-*  
22       *mittee on Appropriations, and the Committee on For-*  
23       *oreign Relations of the Senate.*

1 **SEC. 1228. SENSE OF CONGRESS SUPPORTING UNITED**  
2 **STATES POLICY FOR AFGHANISTAN.**

3 *It is the sense of Congress that—*

4 *(1) Afghanistan is a central front in the global*  
5 *struggle against al Qaeda and its affiliated networks;*

6 *(2) the United States has a vital national secu-*  
7 *rity interest in ensuring that Afghanistan does not re-*  
8 *vert back to its pre-September 11, 2001, status and*  
9 *become a sanctuary for trans-national terrorists;*

10 *(3) the President outlined a strategy for Afghani-*  
11 *stan and Pakistan on March 27, 2009, that is rightly*  
12 *focused on disrupting, dismantling, and defeating al*  
13 *Qa'ida and its affiliated networks and their safe ha-*  
14 *vens;*

15 *(4) the implementation of the President's strat-*  
16 *egy requires a long-term, integrated civilian-military*  
17 *counterinsurgency strategy and a sustained, substan-*  
18 *tial commitment of military resources to Afghanistan;*

19 *(5) as part of such an effort, the President should*  
20 *continue to provide United States military com-*  
21 *manders with the forces requested to conduct combat*  
22 *operations and to train and mentor Afghan security*  
23 *forces; and*

24 *(6) in support of the President's strategy, Con-*  
25 *gress should ensure that United States military com-*



1                   **Subtitle C—Other Matters**

2   **SEC. 1231. NATO SPECIAL OPERATIONS COORDINATION**  
3                   **CENTER.**

4           (a) *AUTHORIZATION.*—*Of the amounts authorized to*  
5 *be appropriated for fiscal year 2010 pursuant to section*  
6 *301(1) for operation and maintenance for the Army, to be*  
7 *derived from amounts made available for support of North*  
8 *Atlantic Treaty Organization (hereinafter in this section*  
9 *referred to as “NATO”) operations, the Secretary of Defense*  
10 *is authorized to use up to \$30,000,000 for the purposes set*  
11 *forth in subsection (b).*

12           (b) *PURPOSES.*—*The Secretary shall provide funds for*  
13 *the NATO Special Operations Coordination Center (herein-*  
14 *after in this section referred to as the “NSCC”) to—*

15                   (1) *improve coordination and cooperation be-*  
16 *tween the special operations forces of NATO nations;*

17                   (2) *facilitate joint operations by the special oper-*  
18 *ations forces of NATO nations;*

19                   (3) *support special operations forces peculiar*  
20 *command, control, and communications capabilities;*

21                   (4) *promote special operations forces intelligence*  
22 *and informational requirements within the NATO*  
23 *structure; and*

24                   (5) *promote interoperability through the develop-*  
25 *ment of common equipment standards, tactics, tech-*



1           (b) *MATTERS TO BE INCLUDED.*—*The report required*  
2 *under subsection (a) shall include at least the following ele-*  
3 *ments:*

4           (1) *As assessment of Iranian grand strategy, se-*  
5 *curity strategy, and military strategy, including the*  
6 *following:*

7                   (A) *The goals of Iran’s grand strategy, secu-*  
8 *rity strategy, and military strategy.*

9                   (B) *Trends in Iran’s strategy that would be*  
10 *designed to establish Iran as the leading power*  
11 *in the Middle East and to enhance the influence*  
12 *of Iran in other regions of the world.*

13                   (C) *The security situation in the Persian*  
14 *Gulf and the Levant.*

15                   (D) *Iranian strategy regarding other coun-*  
16 *tries in the region, including Israel, Lebanon,*  
17 *Iraq, Afghanistan, Saudi Arabia, Turkey, Bah-*  
18 *rain, Kuwait, the United Arab Emirates, Arme-*  
19 *nia, and Azerbaijan.*

20           (2) *An assessment of the capabilities of Iran’s*  
21 *conventional forces, including the following:*

22                   (A) *The size, location, and capabilities of*  
23 *Iran’s conventional forces.*

24                   (B) *A detailed analysis of Iran’s forces fac-*  
25 *ing United States forces in the region and other*



1           *countries in the region, including Israel, Leb-*  
2           *anon, Iraq, Afghanistan, Saudi Arabia, Turkey,*  
3           *Bahrain, Kuwait, the United Arab Emirates,*  
4           *Armenia, and Azerbaijan.*

5           *(C) Major developments in Iranian mili-*  
6           *tary doctrine.*

7           *(D) An estimate of the funding provided for*  
8           *each branch of Iran's conventional forces.*

9           *(3) An assessment of Iran's unconventional*  
10          *forces, including the following:*

11           *(A) The size and capability of Iranian spe-*  
12           *cial operations units, including the Iranian Rev-*  
13           *olutionary Guard Corps—Quds Force.*

14           *(B) The types and amount of support pro-*  
15           *vided to groups designated by the United States*  
16           *as terrorist organizations, including Hezbollah,*  
17           *Hamas, and the Special Groups in Iraq, in par-*  
18           *ticular those forces as having been assessed as to*  
19           *be willing to carry out terrorist operations on be-*  
20           *half of Iran or in response to a military attack*  
21           *by another country on Iran.*

22           *(C) A detailed analysis of Iran's unconven-*  
23           *tional forces facing United States forces in the*  
24           *region and other countries in the region, includ-*  
25           *ing Israel, Lebanon, Iraq, Afghanistan, Saudi*

1           *Arabia, Turkey, Bahrain, Kuwait, the United*  
2           *Arab Emirates, Armenia, and Azerbaijan.*

3           *(D) An estimate of the amount of funds*  
4           *spent by Iran to develop and support special op-*  
5           *erations forces and terrorist groups.*

6           *(4) An assessment of Iranian capabilities related*  
7           *to nuclear and missile forces, including the following:*

8           *(A) A summary of nuclear capabilities and*  
9           *developments in the preceding year, including*  
10          *the location of major facilities believed to be in-*  
11          *olved in a nuclear weapons program.*

12          *(B) A summary of the capabilities of Iran's*  
13          *strategic missile forces, including the size of the*  
14          *Iranian strategic missile arsenal and the loca-*  
15          *tions of missile launch sites.*

16          *(C) A detailed analysis of Iran's strategic*  
17          *missile forces facing United States forces in the*  
18          *region and other countries in the region, includ-*  
19          *ing Israel, Lebanon, Iraq, Afghanistan, Saudi*  
20          *Arabia, Turkey, Bahrain, Kuwait, the United*  
21          *Arab Emirates, Armenia, and Azerbaijan.*

22          *(D) An estimate of the amount of funding*  
23          *expended by Iran on programs to develop a ca-*  
24          *pability to build nuclear weapons or to enhance*  
25          *Iran's strategic missile capability.*

1 (c) *DEFINITIONS.—In this section:*

2 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
3 *TEES.—The term “appropriate congressional commit-*  
4 *tees” means—*

5 (A) *the Committee on Armed Services, the*  
6 *Committee on Foreign Relations, the Select Com-*  
7 *mittee on Intelligence, and the Committee on Ap-*  
8 *propriations of the Senate; and*

9 (B) *the Committee on Armed Services, the*  
10 *Committee on Foreign Affairs, the Permanent*  
11 *Select Committee on Intelligence, and the Com-*  
12 *mittee on Appropriations of the House of Rep-*  
13 *resentatives.*

14 (2) *IRAN’S CONVENTIONAL FORCES.—The term*  
15 *“Iran’s conventional forces”—*

16 (A) *means military forces of the Islamic Re-*  
17 *public of Iran designed to conduct operations on*  
18 *sea, air, or land, other than Iran’s unconven-*  
19 *tional forces and Iran’s strategic missile forces;*  
20 *and*

21 (B) *includes Iran’s Army, Iran’s Air Force,*  
22 *Iran’s Navy, and elements of the Iranian Revo-*  
23 *lutionary Guard Corps, other than the Iranian*  
24 *Revolutionary Guard Corps—Quds Force.*

1           (3) *IRAN’S UNCONVENTIONAL FORCES.*—*The term*  
2           *“Iran’s unconventional forces”*—

3                   (A) *means forces of the Islamic Republic of*  
4                   *Iran that carry out missions typically associated*  
5                   *with special operations forces; and*

6                   (B) *includes—*

7                           (i) *the Iranian Revolutionary Guard*  
8                           *Corps—Quds Force; and*

9                           (ii) *any organization that—*

10                                   (I) *has been designated a terrorist*  
11                                   *organization by the United States;*

12                                   (II) *receives assistance from Iran;*  
13                                   *and*

14                                   (III)(aa) *is assessed as being will-*  
15                                   *ing in some or all cases of carrying out*  
16                                   *attacks on behalf of Iran; or*

17                                   (bb) *is assessed as likely to carry*  
18                                   *out attacks in response to a military*  
19                                   *attack by another country on Iran.*

20           (4) *IRAN’S STRATEGIC MISSILE FORCES.*—*The*  
21           *term “Iran’s strategic missile forces” means those ele-*  
22           *ments of the military forces of the Islamic Republic*  
23           *of Iran that employ missiles capable of flights in ex-*  
24           *cess of 500 kilometers.*

1 **SEC. 1233. ANNUAL REPORT ON MILITARY AND SECURITY**  
2 **DEVELOPMENTS INVOLVING THE PEOPLE'S**  
3 **REPUBLIC OF CHINA.**

4 (a) *ANNUAL REPORT.*—Subsection (a) of section 1202  
5 of the National Defense Authorization Act for Fiscal Year  
6 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113  
7 note) is amended—

8 (1) in the first sentence, by striking “on the cur-  
9 rent and future military strategy of the People’s Re-  
10 public of China” and inserting “on military and se-  
11 curity developments involving the People’s Republic of  
12 China”;

13 (2) in the second sentence—

14 (A) by striking “on the People’s Liberation  
15 Army” and inserting “of the People’s Liberation  
16 Army”; and

17 (B) by striking “Chinese grand strategy, se-  
18 curity strategy,” and inserting “Chinese security  
19 strategy”; and

20 (3) by adding at the end the following new sen-  
21 tence: “The report shall also address United States-  
22 China engagement and cooperation on security mat-  
23 ters during the period covered by the report, including  
24 through United States-China military-to-military  
25 contacts, and the United States strategy for such en-  
26 gagement and cooperation in the future.”.

1       (b) *MATTERS TO BE INCLUDED*.—Subsection (b) of  
2 such section, as amended by section 1263 of the National  
3 Defense Authorization Act for Fiscal Year 2008 (Public  
4 Law 110–181; 122 Stat. 407), is further amended—

5           (1) in paragraph (1)—

6               (A) by striking “goals of” inserting “goals  
7 and factors shaping”; and

8               (B) by striking “Chinese grand strategy, se-  
9 curity strategy,” and inserting “Chinese security  
10 strategy”;

11          (2) by amending paragraph (2) to read as fol-  
12 lows:

13           “(2) Trends in Chinese security and military be-  
14 havior that would be designed to achieve, or that are  
15 inconsistent with, the goals described in paragraph  
16 (1).”;

17          (3) in paragraph (6)—

18               (A) by inserting “and training” after  
19 “military doctrine”; and

20               (B) by striking “, focusing on (but not lim-  
21 ited to) efforts to exploit a transformation in  
22 military affairs or to conduct preemptive  
23 strikes”; and

24          (4) by adding at the end the following new para-  
25 graphs:

1           “(10) *In consultation with the Secretary of En-*  
2           *ergy and the Secretary of State, developments regard-*  
3           *ing United States-China engagement and cooperation*  
4           *on security matters.*

5           “(11) *The current state of United States mili-*  
6           *tary-to-military contacts with the People’s Liberation*  
7           *Army, which shall include the following:*

8                   “(A) *A comprehensive and coordinated*  
9                   *strategy for such military-to-military contacts*  
10                  *and updates to the strategy.*

11                  “(B) *A summary of all such military-to-*  
12                  *military contacts during the period covered by*  
13                  *the report, including a summary of topics dis-*  
14                  *cussed and questions asked by the Chinese par-*  
15                  *ticipants in those contacts.*

16                  “(C) *A description of such military-to-mili-*  
17                  *tary contacts scheduled for the 12-month period*  
18                  *following the period covered by the report and*  
19                  *the plan for future contacts.*

20                  “(D) *The Secretary’s assessment of the bene-*  
21                  *fits the Chinese expect to gain from such mili-*  
22                  *tary-to-military contacts.*

23                  “(E) *The Secretary’s assessment of the bene-*  
24                  *fits the Department of Defense expects to gain*

1           *from such military-to-military contacts, and any*  
2           *concerns regarding such contacts.*

3           “(F) *The Secretary’s assessment of how such*  
4           *military-to-military contacts fit into the larger*  
5           *security relationship between the United States*  
6           *and the People’s Republic of China.*”

7           “(12) *Other military and security developments*  
8           *involving the People’s Republic of China that the Sec-*  
9           *retary of Defense considers relevant to United States*  
10          *national security.*”

11          (c) *CONFORMING AMENDMENT.*—*Such section is fur-*  
12          *ther amended in the heading by striking “**MILITARY***  
13          ***POWER OF**” and inserting “**MILITARY AND SECURITY***  
14          ***DEVELOPMENTS INVOLVING**”.*

15          (d) *REPEALS.*—*Section 1201 of the National Defense*  
16          *Authorization Act for Fiscal Year 2000 (Public Law 106–*  
17          *65; 113 Stat. 779; 10 U.S.C. 168 note) is amended by strik-*  
18          *ing subsections (e) and (f).*

19          (e) *EFFECTIVE DATE.*—

20                 (1) *IN GENERAL.*—*The amendments made by*  
21          *this section shall take effect on the date of the enact-*  
22          *ment of this Act, and shall apply with respect to re-*  
23          *ports required to be submitted under subsection (a) of*  
24          *section 1202 of the National Defense Authorization*



1 *Act for Fiscal Year 2000, as so amended, on or after*  
2 *that date.*

3 (2) *STRATEGY AND UPDATES FOR MILITARY-TO-*  
4 *MILITARY CONTACTS WITH PEOPLE'S LIBERATION*  
5 *ARMY.—The requirement to include the strategy de-*  
6 *scribed in paragraph (11)(A) of section 1202(b) of the*  
7 *National Defense Authorization Act for Fiscal Year*  
8 *2000, as so amended, in the report required to be sub-*  
9 *mitted under section 1202(a) of such Act, as so*  
10 *amended, shall apply with respect to the first report*  
11 *required to be submitted under section 1202(a) of such*  
12 *Act on or after the date of the enactment of this Act.*  
13 *The requirement to include updates to such strategy*  
14 *shall apply with respect to each subsequent report re-*  
15 *quired to be submitted under section 1202(a) of such*  
16 *Act on or after the date of the enactment of this Act.*

17 **SEC. 1234. REPORT ON IMPACTS OF DRAWDOWN AUTHORI-**  
18 **TIES ON THE DEPARTMENT OF DEFENSE.**

19 (a) *REPORT REQUIRED.—The Secretary of Defense*  
20 *shall submit to the congressional defense committees and the*  
21 *Committee on Foreign Affairs of the House of Representa-*  
22 *tives and the Committee on Foreign Relations of the Senate*  
23 *an annual report, in unclassified form but with a classified*  
24 *annex if necessary, on the impacts of drawdown authorities*  
25 *on the Department of Defense. The report required under*

1 *this subsection shall be submitted concurrent with the budg-*  
2 *et submitted to Congress by the President pursuant to sec-*  
3 *tion 1105(a) of title 31, United States Code.*

4 (b) *ELEMENTS OF REPORT.*—*The report required*  
5 *under subsection (a) shall contain the following elements:*

6 (1) *A list of each drawdown for which a presi-*  
7 *dential determination was issued in the preceding*  
8 *year.*

9 (2) *A summary of the types and quantities of*  
10 *equipment that was provided under each drawdown*  
11 *in the preceding year.*

12 (3) *The cost to the Department of Defense to re-*  
13 *place any equipment transferred as part of each*  
14 *drawdown, not including any depreciation, in the*  
15 *preceding year.*

16 (4) *The cost to the Department of Defense of any*  
17 *other item, including fuel or services, transferred as*  
18 *part of each drawdown in the preceding year.*

19 (5) *The total amount of funds transferred under*  
20 *each drawdown in the preceding year.*

21 (6) *A copy of any statement of impact on readi-*  
22 *ness or statement of impact on operations and main-*  
23 *tenance that any military service furnished as part of*  
24 *the process of developing a drawdown package in the*  
25 *preceding year.*

1           (7) *An assessment by the Secretary of Defense*  
2           *and the Chairman of the Joint Chiefs of Staff of the*  
3           *impact of transfers carried out as part of drawdowns*  
4           *in the previous year on—*

5                   (A) *the ability of the Armed Forces to meet*  
6                   *the requirements of ongoing overseas contingency*  
7                   *operations;*

8                   (B) *the level of risk associated with the abil-*  
9                   *ity of the Armed Forces to execute the missions*  
10                   *called for under the National Military Strategy*  
11                   *as described in section 153(b) of title 10, United*  
12                   *States Code;*

13                   (C) *the ability of the Armed Forces to reset*  
14                   *from current contingency operations;*

15                   (D) *the ability of both the active and Re-*  
16                   *serve forces to conduct necessary training; and*

17                   (E) *the ability of the Reserve forces to re-*  
18                   *spond to domestic emergencies.*

19           (c) *DEFINITIONS.—In this section:*

20                   (1) *DRAWDOWN.—The term “drawdown” means*  
21                   *any transfer or package of transfers of equipment,*  
22                   *services, fuel, funds or any other items carried out*  
23                   *pursuant to a presidential determination issued*  
24                   *under a drawdown authority.*

1           (2) *DRAWDOWN AUTHORITY.*—*The term “draw-*  
2 *down authority” means an authority under—*

3                   (A) *section 506(a) (1) or (2) of the Foreign*  
4 *Assistance Act of 1961 (22 U.S.C. 2318(a) (1) or*  
5 *(2));*

6                   (B) *section 552(c)(2) of the Foreign Assist-*  
7 *ance Act of 1961 (22 U.S.C. 2348a(c)(2)); or*

8                   (C) *any other substantially similar provi-*  
9 *sion of law.*

10 **SEC. 1235. RISK ASSESSMENT OF UNITED STATES SPACE**  
11 **EXPORT CONTROL POLICY.**

12           (a) *ASSESSMENT REQUIRED.*—*The Secretary of De-*  
13 *fense and the Secretary of State shall carry out an assess-*  
14 *ment of the national security risks of removing satellites*  
15 *and related components from the United States Munitions*  
16 *List.*

17           (b) *MATTERS TO BE INCLUDED.*—*The assessment re-*  
18 *quired under subsection (a) shall included the following*  
19 *matters:*

20                   (1) *A review of the space and space-related tech-*  
21 *nologies currently on the United States Munitions*  
22 *List, to include satellite systems, dedicated sub-*  
23 *systems, and components.*

24                   (2) *An assessment of the national security risks*  
25 *of removing certain space and space-related tech-*

1        *nologies identified under paragraph (1) from the*  
2        *United States Munitions List.*

3            (3) *An examination of the degree to which other*  
4        *nations' export control policies control or limit the ex-*  
5        *port of space and space-related technologies for na-*  
6        *tional security reasons.*

7            (4) *Recommendations for—*

8            (A) *the space and space-related technologies*  
9        *that should remain on, or may be candidates for*  
10       *removal from, the United States Munitions List*  
11       *based on the national security risk assessment re-*  
12       *quired paragraph (2);*

13          (B) *the safeguards and verifications nec-*  
14       *essary to—*

15            (i) *prevent the proliferation and diver-*  
16        *sion of such space and space-related tech-*  
17        *nologies;*

18            (ii) *confirm appropriate end use and*  
19        *end users; and*

20            (iii) *minimize the risk that such space*  
21        *and space-related technologies could be used*  
22        *in foreign missile, space, or other applica-*  
23        *tions that may pose a threat to the security*  
24        *of the United States; and*



1 *(signed in Warsaw, Poland, on August 20, 2008), and sub-*  
2 *ject to the availability of appropriations, the Secretary of*  
3 *Defense shall seek to deploy a United States Army Patriot*  
4 *air and missile defense battery and the personnel required*  
5 *to operate and maintain such battery to Poland by 2012.*

6 **SEC. 1237. REPORT ON POTENTIAL FOREIGN MILITARY**  
7 **SALES OF THE F-22A FIGHTER AIRCRAFT TO**  
8 **JAPAN.**

9 *(a) REPORT REQUIRED.—Not later than 30 days after*  
10 *the date of the enactment of this Act, Secretary of Defense,*  
11 *in coordination with the Secretary of State and in consulta-*  
12 *tion with the Secretary of the Air Force, shall submit to*  
13 *the congressional defense committees and the Committee on*  
14 *Foreign Affairs of the House of Representatives and the*  
15 *Committee on Foreign Relations of the Senate a report on*  
16 *potential foreign military sales of the F-22A fighter aircraft*  
17 *to the Government of Japan.*

18 *(b) MATTERS TO BE INCLUDED.—The report required*  
19 *under subsection (a) should detail—*

20 *(1) the cost of developing an exportable version*  
21 *of the F-22A fighter aircraft to the United States*  
22 *Government, industry, and the Government of Japan;*

23 *(2) whether an exportable version of the F-22A*  
24 *fighter aircraft is technically feasible and executable,*

1        *and the timeline for achieving such an exportable*  
2        *version of the aircraft;*

3            *(3) the potential strategic implication for allow-*  
4        *ing the sale of the F-22A fighter aircraft to Japan;*

5            *(4) the impact of foreign military sales of the F-*  
6        *22A fighter aircraft on the United States aerospace*  
7        *and aviation industry and the benefit or drawback*  
8        *such sales might have on sustaining such industry;*  
9        *and*

10           *(5) any changes to existing law needed to allow*  
11        *foreign military sales of the F-22A fighter aircraft to*  
12        *Japan.*

13    **SEC. 1238. EXPANSION OF UNITED STATES-RUSSIAN FED-**  
14                                    **ERATION JOINT CENTER TO INCLUDE EX-**  
15                                    **CHANGE OF DATA ON MISSILE DEFENSE.**

16        *(a) EXPANSION AUTHORIZED.—In conjunction with*  
17        *the Government of the Russian Federation, the Secretary*  
18        *of Defense may expand the United States-Russian Federa-*  
19        *tion joint center for the exchange of data from early warn-*  
20        *ing systems for launches of ballistic missiles, as established*  
21        *pursuant to section 1231 of the Floyd D. Spence National*  
22        *Defense Authorization Act for Fiscal Year 2001 (as enacted*  
23        *into law by Public Law 106–398; 114 Stat. 1654A–329),*  
24        *to include the exchange of data on missile defense-related*  
25        *activities.*



1       (b) *REPORT REQUIRED.*—Not later than 30 days after  
 2 the date of the enactment of this Act, the Secretary of De-  
 3 fense shall submit to the Committees on Armed Services of  
 4 the Senate and House of Representatives a report on plans  
 5 for expansion of the joint data exchange center.

6       (c) *AUTHORIZATION OF APPROPRIATIONS.*—Of the  
 7 amount authorized to be appropriated pursuant to section  
 8 201(1) for research, development, test, and evaluation for  
 9 the Army, \$5,000,000, to be derived from PE 0604869A,  
 10 shall be available to carry out this section.

11                   **TITLE XIII—COOPERATIVE**  
 12                   **THREAT REDUCTION**

*Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.*

*Sec. 1302. Funding allocations.*

*Sec. 1303. Utilization of contributions to the Cooperative Threat Reduction Program.*

*Sec. 1304. National Academy of Sciences study of metrics for the Cooperative Threat Reduction Program.*

*Sec. 1305. Cooperative Threat Reduction program authority for urgent threat reduction activities.*

*Sec. 1306. Cooperative Threat Reduction Defense and Military Contacts Program.*

13 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**  
 14 **DUCTION PROGRAMS AND FUNDS.**

15       (a) *SPECIFICATION OF COOPERATIVE THREAT REDUC-*  
 16 *TION PROGRAMS.*—For purposes of section 301 and other  
 17 provisions of this Act, Cooperative Threat Reduction pro-  
 18 grams are the programs specified in section 1501 of the Na-  
 19 tional Defense Authorization Act for Fiscal Year 1997 (50  
 20 U.S.C. 2362 note).

1           (b) *FISCAL YEAR 2010 COOPERATIVE THREAT REDUC-*  
2 *TION FUNDS DEFINED.*—As used in this title, the term “fis-  
3 cal year 2010 Cooperative Threat Reduction funds” means  
4 the funds appropriated pursuant to the authorization of ap-  
5 propriations in section 301 for Cooperative Threat Reduc-  
6 tion programs.

7           (c) *AVAILABILITY OF FUNDS.*—Funds appropriated  
8 pursuant to the authorization of appropriations in section  
9 301 for Cooperative Threat Reduction programs shall be  
10 available for obligation for fiscal years 2010, 2011, and  
11 2012.

12 **SEC. 1302. FUNDING ALLOCATIONS.**

13           (a) *FUNDING FOR SPECIFIC PURPOSES.*—Of the  
14 \$434,093,000 authorized to be appropriated to the Depart-  
15 ment of Defense for fiscal year 2010 in section 301(20) for  
16 Cooperative Threat Reduction programs, the following  
17 amounts may be obligated for the purposes specified:

18                   (1) *For strategic offensive arms elimination in*  
19 *Russia, \$66,385,000.*

20                   (2) *For strategic nuclear arms elimination in*  
21 *Ukraine, \$6,800,000.*

22                   (3) *For nuclear weapons storage security in Rus-*  
23 *sia, \$15,090,000.*

24                   (4) *For nuclear weapons transportation security*  
25 *in Russia, \$46,400,000.*

1           (5) *For weapons of mass destruction prolifera-*  
2           *tion prevention in the states of the former Soviet*  
3           *Union, \$90,886,000.*

4           (6) *For biological threat reduction in the former*  
5           *Soviet Union, \$152,132,000.*

6           (7) *For chemical weapons destruction,*  
7           *\$1,000,000.*

8           (8) *For defense and military contacts,*  
9           *\$5,000,000.*

10          (9) *For new Cooperative Threat Reduction ini-*  
11          *tiatives, \$29,000,000.*

12          (10) *For activities designated as Other Assess-*  
13          *ments/Administrative Costs, \$21,400,000.*

14          (b) *REPORT ON OBLIGATION OR EXPENDITURE OF*  
15          *FUNDS FOR OTHER PURPOSES.—No fiscal year 2010 Coop-*  
16          *erative Threat Reduction funds may be obligated or ex-*  
17          *pended for a purpose other than a purpose listed in para-*  
18          *graphs (1) through (10) of subsection (a) until 30 days after*  
19          *the date that the Secretary of Defense submits to Congress*  
20          *a report on the purpose for which the funds will be obligated*  
21          *or expended and the amount of funds to be obligated or ex-*  
22          *pended. Nothing in the preceding sentence shall be construed*  
23          *as authorizing the obligation or expenditure of fiscal year*  
24          *2010 Cooperative Threat Reduction funds for a purpose for*  
25          *which the obligation or expenditure of such funds is specifi-*

1 *cally prohibited under this title or any other provision of*  
2 *law.*

3 (c) *LIMITED AUTHORITY TO VARY INDIVIDUAL*  
4 *AMOUNTS.—*

5 (1) *IN GENERAL.—Subject to paragraph (2), in*  
6 *any case in which the Secretary of Defense determines*  
7 *that it is necessary to do so in the national interest,*  
8 *the Secretary may obligate amounts appropriated for*  
9 *fiscal year 2010 for a purpose listed in paragraphs*  
10 *(1) through (10) of subsection (a) in excess of the spe-*  
11 *cific amount authorized for that purpose.*

12 (2) *NOTICE-AND-WAIT REQUIRED.—An obligation*  
13 *of funds for a purpose stated in paragraphs (1)*  
14 *through (10) of subsection (a) in excess of the specific*  
15 *amount authorized for such purpose may be made*  
16 *using the authority provided in paragraph (1) only*  
17 *after—*

18 (A) *the Secretary submits to Congress noti-*  
19 *fication of the intent to do so together with a*  
20 *complete discussion of the justification for doing*  
21 *so; and*

22 (B) *15 days have elapsed following the date*  
23 *of the notification.*

1 **SEC. 1303. UTILIZATION OF CONTRIBUTIONS TO THE COOP-**  
2 **ERATIVE THREAT REDUCTION PROGRAM.**

3 (a) *IN GENERAL.*—*The Secretary of Defense, in con-*  
4 *sultation with the Secretary of State, may enter into one*  
5 *or more agreements with any person (including a foreign*  
6 *government, international organization, multinational en-*  
7 *tity, non-governmental organization, or individual) that*  
8 *the Secretary of Defense considers appropriate, under which*  
9 *the person contributes funds for activities conducted under*  
10 *the Cooperative Threat Reduction Program of the Depart-*  
11 *ment of Defense.*

12 (b) *RETENTION AND USE OF AMOUNTS.*—*Subject to*  
13 *the availability of appropriations, the Secretary of Defense*  
14 *may retain and use amounts contributed under an agree-*  
15 *ment under subsection (a) for purposes of the Cooperative*  
16 *Threat Reduction Program of the Department of Defense.*  
17 *Amounts so contributed shall be retained in a separate fund*  
18 *established in the Treasury for such purposes, subject to the*  
19 *availability of appropriations, consistent with an agree-*  
20 *ment under subsection (a).*

21 (c) *RETURN OF AMOUNTS NOT USED WITHIN FIVE*  
22 *YEARS.*—*If an amount contributed under an agreement*  
23 *under subsection (a) is not used under this section within*  
24 *five years after it was contributed, the Secretary of Defense*  
25 *shall return that amount to the person who contributed it.*

26 (d) *QUARTERLY REPORTS.*—

1           (1) *IN GENERAL.*—Not later than 90 days after  
2           the date of the enactment of this Act, and every 90  
3           days thereafter, the Secretary of Defense shall submit  
4           to the appropriate congressional committees a report  
5           on the receipt and use of amounts under this section  
6           during the period covered by the report. Each report  
7           shall set forth—

8                   (A) a statement of any amounts received  
9                   under this section, including, for each such  
10                  amount, the value of the contribution and the  
11                  person who contributed it;

12                  (B) a statement of any amounts used under  
13                  this section, including, for each such amount, the  
14                  purposes for which the amount was used; and

15                  (C) a statement of the amounts retained but  
16                  not used under this section including, for each  
17                  such amount, the purposes (if known) for which  
18                  the Secretary intends to use the amount.

19           (2) *IMPLEMENTATION PLAN.*—In addition to the  
20           statements described in subparagraphs (A) through  
21           (C) of paragraph (1), the first report submitted under  
22           such paragraph shall include an implementation plan  
23           for the authority provided under this section.

24           (e) *EXPIRATION.*—The authority to accept contribu-  
25           tions under this section shall expire on December 31, 2012.

1 *The authority to retain and use contributions under this*  
2 *section shall expire on December 31, 2015.*

3 (f) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*  
4 *FINED.—In this section, the term “appropriate congres-*  
5 *sional committees” means—*

6 (1) *the Committee on Armed Services, the Com-*  
7 *mittee on Appropriations, and the Committee on For-*  
8 *oreign Affairs of the House of Representatives; and*

9 (2) *the Committee on Armed Services, the Com-*  
10 *mittee on Appropriations, and the Committee on For-*  
11 *oreign Relations of the Senate.*

12 **SEC. 1304. NATIONAL ACADEMY OF SCIENCES STUDY OF**  
13 **METRICS FOR THE COOPERATIVE THREAT RE-**  
14 **DUCTION PROGRAM.**

15 (a) *STUDY REQUIRED.—Not later than 60 days after*  
16 *the date of the enactment of this Act, the Secretary of De-*  
17 *fense shall enter into an arrangement with the National*  
18 *Academy of Sciences under which the Academy shall carry*  
19 *out a study to identify metrics to measure the impact and*  
20 *effectiveness of activities under the Cooperative Threat Re-*  
21 *duction Program of the Department of Defense to address*  
22 *threats arising from the proliferation of chemical, nuclear,*  
23 *and biological weapons and weapons-related materials,*  
24 *technologies, and expertise.*

1           **(b) SUBMISSION OF NATIONAL ACADEMY OF SCIENCES**  
2 *REPORT.*—*The National Academy of Sciences shall submit*  
3 *to Congress and the Secretary of Defense a report on the*  
4 *results of the study carried out under subsection (a).*

5           **(c) SECRETARY OF DEFENSE REPORT.**—

6           **(1) IN GENERAL.**—*Not later than 90 days after*  
7 *receipt of the report required by subsection (b), the*  
8 *Secretary shall submit to Congress a report on the*  
9 *study carried out under subsection (a).*

10           **(2) MATTERS TO BE INCLUDED.**—*The report*  
11 *under paragraph (1) shall include the following:*

12                   **(A)** *A summary of the results of the study*  
13 *carried out under subsection (a).*

14                   **(B)** *An assessment by the Secretary of the*  
15 *study.*

16                   **(C)** *A statement of the actions, if any, to be*  
17 *undertaken by the Secretary to implement any*  
18 *recommendations in the study.*

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

22           **(d) FUNDING.**—*Of the amounts appropriated pursuant*  
23 *to the authorization of appropriations in section 301(20)*  
24 *or otherwise made available for Cooperative Threat Reduc-*  
25 *tion Programs for fiscal year 2010, not more than*



1 \$1,000,000 may be obligated or expended to carry out this  
2 section.

3 **SEC. 1305. COOPERATIVE THREAT REDUCTION PROGRAM**

4 **AUTHORITY FOR URGENT THREAT REDUC-**  
5 **TION ACTIVITIES.**

6 (a) *IN GENERAL.*—Subject to the notification require-  
7 ment under subsection (b), not more than 10 percent of the  
8 total amounts appropriated or otherwise made available in  
9 any fiscal year for the Cooperative Threat Reduction Pro-  
10 gram of the Department of Defense may be expended, not-  
11 withstanding any provision of law identified pursuant to  
12 subsection (b)(2)(B), for activities described under sub-  
13 section (b)(1)(A).

14 (b) *DETERMINATION AND NOTICE.*—

15 (1) *DETERMINATION.*—The Secretary of Defense,  
16 in consultation with the Secretary of State, may  
17 make a written determination that—

18 (A) certain activities of the Cooperative  
19 Threat Reduction Program of the Department of  
20 Defense are urgently needed to address threats  
21 arising from the proliferation of chemical, nu-  
22 clear, and biological weapons or weapons-related  
23 materials, technologies, and expertise;

1           (B) certain provisions of law would unnec-  
2           essarily impede the Secretary's ability to carry  
3           out such activities; and

4           (C) it is necessary to expend amounts de-  
5           scribed in subsection (a) to carry out such activi-  
6           ties.

7           (2) NOTICE REQUIRED.—Not later than 15 days  
8           before expending funds under the authority provided  
9           in subsection (a), the Secretary of Defense shall notify  
10          the appropriate congressional committees of the deter-  
11          mination made under paragraph (1). The notice shall  
12          include—

13                 (A) the determination;

14                 (B) an identification of each provision of  
15                 law the Secretary determines would unneces-  
16                 sarily impede the Secretary's ability to carry out  
17                 the activities described under paragraph (1)(A);

18                 (C) the activities of the Cooperative Threat  
19                 Reduction Program to be undertaken pursuant  
20                 to the determination;

21                 (D) the expected time frame for such activi-  
22                 ties; and

23                 (E) the expected costs of such activities.

1       (c) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—In  
2 this section, the term “appropriate congressional commit-  
3 tees” means—

4           (1) *the Committee on Foreign Affairs, the Com-*  
5 *mittee on Armed Services, and the Committee on Ap-*  
6 *propriations of the House of Representatives; and*

7           (2) *the Committee on Foreign Relations, the*  
8 *Committee on Armed Services, and the Committee on*  
9 *Appropriations of the Senate.*

10 **SEC. 1306. COOPERATIVE THREAT REDUCTION DEFENSE**  
11 **AND MILITARY CONTACTS PROGRAM.**

12 *The Secretary of Defense shall ensure the following:*

13           (1) *The Defense and Military Contacts Program*  
14 *under the Cooperative Threat Reduction Program of*  
15 *the Department of Defense—*

16           (A) *is strategically used to advance the mis-*  
17 *sion of the Cooperative Threat Reduction Pro-*  
18 *gram;*

19           (B) *is focused and expanded to support spe-*  
20 *cific relationship-building opportunities, which*  
21 *could lead to Cooperative Threat Reduction Pro-*  
22 *gram development in new geographic areas and*  
23 *achieve other Cooperative Threat Reduction Pro-*  
24 *gram benefits;*

1           (C) is directly administered as part of the  
2           Cooperative Threat Reduction Program; and

3           (D) includes, within an overall strategic  
4           framework, cooperation and coordination with—

5                   (i) the unified combatant commands  
6                   that operate in areas in which Cooperative  
7                   Threat Reduction activities are carried out;  
8                   and

9                   (ii) related diplomatic efforts.

10           (2) Beginning with fiscal year 2010, the strategy  
11           and activities of the Defense and Military Contacts  
12           Program, in accordance with this section, are in-  
13           cluded in the Cooperative Threat Reduction Annual  
14           Report to Congress for each fiscal year, as required by  
15           section 1308 of the Floyd D. Spence National Defense  
16           Authorization Act for fiscal year 2001 (as enacted  
17           into law by Public Law 106–398; 114 Stat. 1654A–  
18           341; 22 U.S.C. 5959 note).

19                                   **TITLE XIV—OTHER**  
20                                   **AUTHORIZATIONS**

*Subtitle A—Military Programs*

*Sec. 1401. Working capital funds.*

*Sec. 1402. National Defense Sealift Fund.*

*Sec. 1403. Defense Health Program.*

*Sec. 1404. Chemical agents and munitions destruction, defense.*

*Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.*

*Sec. 1406. Defense Inspector General.*

*Subtitle B—National Defense Stockpile*

*Sec. 1411. Authorized uses of National Defense Stockpile funds.*

*Sec. 1412. Extension of previously authorized disposal of cobalt from National Defense Stockpile.*

*Sec. 1413. Report on implementation of reconfiguration of the National Defense Stockpile.*

*Subtitle C—Armed Forces Retirement Home*

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

1       ***Subtitle A—Military Programs***

2       ***SEC. 1401. WORKING CAPITAL FUNDS.***

3           *Funds are hereby authorized to be appropriated for fis-*  
 4 *cal year 2010 for the use of the Armed Forces and other*  
 5 *activities and agencies of the Department of Defense for*  
 6 *providing capital for working capital and revolving funds*  
 7 *in amounts as follows:*

8           (1) *For the Defense Working Capital Funds,*  
 9           *\$141,388,000.*

10          (2) *For the Defense Working Capital Fund, De-*  
 11 *fense Commissary, \$1,313,616,000.*

12       ***SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.***

13           *Funds are hereby authorized to be appropriated for the*  
 14 *fiscal year 2010 for the National Defense Sealift Fund in*  
 15 *the amount of \$1,702,758,000.*

16       ***SEC. 1403. DEFENSE HEALTH PROGRAM.***

17           *Funds are hereby authorized to be appropriated for the*  
 18 *Department of Defense for fiscal year 2010 for expenses, not*  
 19 *otherwise provided for, for the Defense Health Program, in*  
 20 *the amount of \$26,963,187,000, of which—*

21           (1) *\$26,292,463,000 is for Operation and Main-*  
 22 *tenance;*

1           (2) \$493,192,000 is for *Research, Development,*  
2           *Test, and Evaluation; and*

3           (3) \$177,532,000 is for *Procurement.*

4 **SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**  
5 **TION, DEFENSE.**

6           (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*  
7 *hereby authorized to be appropriated for the Department*  
8 *of Defense for fiscal year 2010 for expenses, not otherwise*  
9 *provided for, for Chemical Agents and Munitions Destruc-*  
10 *tion, Defense, in the amount of \$1,560,760,000, of which—*

11           (1) \$1,146,802,000 is for *Operation and Mainte-*  
12 *nance;*

13           (2) \$401,269,000 is for *Research, Development,*  
14 *Test, and Evaluation; and*

15           (3) \$12,689,000 is for *Procurement.*

16           (b) *USE.—Amounts authorized to be appropriated*  
17 *under subsection (a) are authorized for—*

18           (1) *the destruction of lethal chemical agents and*  
19 *munitions in accordance with section 1412 of the De-*  
20 *partment of Defense Authorization Act, 1986 (50*  
21 *U.S.C. 1521); and*

22           (2) *the destruction of chemical warfare materiel*  
23 *of the United States that is not covered by section*  
24 *1412 of such Act.*

1 **SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
2 **TIVITIES, DEFENSE-WIDE.**

3 *Funds are hereby authorized to be appropriated for the*  
4 *Department of Defense for fiscal year 2010 for expenses, not*  
5 *otherwise provided for, for Drug Interdiction and Counter-*  
6 *Drug Activities, Defense-wide, in the amount of*  
7 *\$1,050,984,000.*

8 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

9 *Funds are hereby authorized to be appropriated for the*  
10 *Department of Defense for fiscal year 2010 for expenses, not*  
11 *otherwise provided for, for the Office of the Inspector Gen-*  
12 *eral of the Department of Defense, in the amount of*  
13 *\$279,224,000, of which—*

14 *(1) \$278,224,000 is for Operation and Mainte-*  
15 *nance; and*

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

17 **Subtitle B—National Defense**  
18 **Stockpile**

19 **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**  
20 **STOCKPILE FUNDS.**

21 *(a) OBLIGATION OF STOCKPILE FUNDS.—During fis-*  
22 *cal year 2010, the National Defense Stockpile Manager may*  
23 *obligate up to \$41,179,000 of the funds in the National De-*  
24 *fense Stockpile Transaction Fund established under sub-*  
25 *section (a) of section 9 of the Strategic and Critical Mate-*  
26 *rials Stock Piling Act (50 U.S.C. 98h) for the authorized*

1 *uses of such funds under subsection (b)(2) of such section,*  
2 *including the disposal of hazardous materials that are envi-*  
3 *ronmentally sensitive.*

4 (b) *ADDITIONAL OBLIGATIONS.—The National Defense*  
5 *Stockpile Manager may obligate amounts in excess of the*  
6 *amount specified in subsection (a) if the National Defense*  
7 *Stockpile Manager notifies Congress that extraordinary or*  
8 *emergency conditions necessitate the additional obligations.*  
9 *The National Defense Stockpile Manager may make the ad-*  
10 *ditional obligations described in the notification after the*  
11 *end of the 45-day period beginning on the date on which*  
12 *Congress receives the notification.*

13 (c) *LIMITATIONS.—The authorities provided by this*  
14 *section shall be subject to such limitations as may be pro-*  
15 *vided in appropriations Acts.*

16 **SEC. 1412. EXTENSION OF PREVIOUSLY AUTHORIZED DIS-**  
17 **POSAL OF COBALT FROM NATIONAL DEFENSE**  
18 **STOCKPILE.**

19 *Section 3305(a)(5) of the National Defense Authoriza-*  
20 *tion Act for Fiscal Year 1998 (Public Law 105–85; 50*  
21 *U.S.C. 98d note), as most recently amended by section*  
22 *1412(b) of the Duncan Hunter National Defense Authoriza-*  
23 *tion Act for Fiscal Year 2009 (Public Law 110–417; 122*  
24 *Stat. 4648), is amended by striking “during fiscal year*  
25 *2009” and inserting “by the end of fiscal year 2011”.*



1 **SEC. 1413. REPORT ON IMPLEMENTATION OF RECONFIG-**  
2 **URATION OF THE NATIONAL DEFENSE**  
3 **STOCKPILE.**

4 (a) *REPORT REQUIRED.*—Not later than 180 days  
5 after the date of the enactment of this Act, the Secretary  
6 of Defense shall submit to the Committees on Armed Serv-  
7 ices of the Senate and House of Representatives a report  
8 on any actions the Secretary plans to take in response to  
9 the recommendations in the April 2009 report entitled “Re-  
10 configuration of the National Defense Stockpile Report to  
11 Congress” submitted by the Under Secretary of Defense for  
12 Acquisition, Logistics, and Technology, as required by  
13 House Report 109-89, House Report 109-452, and Senate  
14 Report 110-115.

15 (b) *CONGRESSIONAL NOTIFICATION.*—The Secretary  
16 may not take any action regarding the implementation of  
17 any initiative recommended in the report required under  
18 subsection (a) until 45 days after the Secretary submits to  
19 the congressional defense committees such report.

20 **Subtitle C—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 *2010 from the Armed Forces Retirement Home Trust Fund*

1 *the sum of \$134,000,000 for the operation of the Armed*  
 2 *Forces Retirement Home.*

3 **TITLE XV—AUTHORIZATION OF**  
 4 **ADDITIONAL APPROPRIA-**  
 5 **TIONS FOR OVERSEAS CON-**  
 6 **TINGENCY OPERATIONS**

*Sec. 1501. Purpose.*

*Sec. 1502. Army procurement.*

*Sec. 1503. Joint Improvised Explosive Device Defeat Fund.*

*Sec. 1504. Limitation on obligation of funds for Joint Improvised Explosive De-*  
*vice Defeat Organization pending report to Congress.*

*Sec. 1505. Navy and Marine Corps procurement.*

*Sec. 1506. Air Force procurement.*

*Sec. 1507. Defense-wide activities procurement.*

*Sec. 1508. Mine Resistant Ambush Protected Vehicle Fund.*

*Sec. 1509. Research, development, test, and evaluation.*

*Sec. 1510. Operation and maintenance.*

*Sec. 1511. Working capital funds.*

*Sec. 1512. Military personnel.*

*Sec. 1513. Afghanistan Security Forces Fund.*

*Sec. 1514. Iraq Freedom Fund.*

*Sec. 1515. Other Department of Defense programs.*

*Sec. 1516. Limitations on Iraq Security Forces Fund.*

*Sec. 1517. Continuation of prohibition on use of United States funds for certain*  
*facilities projects in Iraq.*

*Sec. 1518. Special transfer authority.*

*Sec. 1519. Treatment as additional authorizations.*

7 **SEC. 1501. PURPOSE.**

8 *The purpose of this title is to authorize appropriations*  
 9 *for the Department of Defense for fiscal year 2010 to pro-*  
 10 *vide additional funds for overseas contingency operations*  
 11 *being carried out by the Armed Forces.*

12 **SEC. 1502. ARMY PROCUREMENT.**

13 *Funds are hereby authorized to be appropriated for fis-*  
 14 *cal year 2010 for procurement accounts of the Army in*  
 15 *amounts as follows:*

1           (1) *For aircraft procurement, \$1,976,474,000.*

2           (2) *For ammunition procurement, \$370,635,000.*

3           (3) *For weapons and tracked combat vehicles*  
4 *procurement, \$874,466,000.*

5           (4) *For missile procurement, \$531,570,000.*

6           (5) *For other procurement, \$6,021,786,000.*

7 **SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**  
8 **FUND.**

9           (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*  
10 *hereby authorized to be appropriated for fiscal year 2010*  
11 *for the Joint Improvised Explosive Device Defeat Fund in*  
12 *the amount of \$1,435,000,000.*

13           (b) *USE AND TRANSFER OF FUNDS.—Subsections (b)*  
14 *and (c) of section 1514 of the John Warner National De-*  
15 *fense Authorization Act for Fiscal Year 2007 (Public Law*  
16 *109–364; 120 Stat. 2439), as amended by section 1503 of*  
17 *the Duncan Hunter National Defense Authorization Act for*  
18 *Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649),*  
19 *shall apply to the funds appropriated pursuant to the au-*  
20 *thorization of appropriations in subsection (a) and made*  
21 *available to the Department of Defense for the Joint Impro-*  
22 *vised Explosive Device Defeat Fund.*

23           (c) *MONTHLY OBLIGATIONS AND EXPENDITURE RE-*  
24 *PORTS.—Not later than 15 days after the end of each month*  
25 *of fiscal year 2010, the Secretary of Defense shall provide*

1 *to the congressional defense committees a report on the*  
2 *Joint Improvised Explosive Device Defeat Fund explaining*  
3 *monthly commitments, obligations, and expenditures by*  
4 *line of action.*

5 **SEC. 1504. LIMITATION ON OBLIGATION OF FUNDS FOR**  
6 **JOINT IMPROVISED EXPLOSIVE DEVICE DE-**  
7 **FEAT ORGANIZATION PENDING REPORT TO**  
8 **CONGRESS.**

9 *(a) LIMITATION.—Of the amounts remaining unobli-*  
10 *gated as of the date of the enactment of this Act from*  
11 *amounts described in subsection (b) for the Joint Impro-*  
12 *vised Explosive Device Defeat Organization (in this section*  
13 *referred to as “JIEDDO”), not more than 50 percent of*  
14 *such remaining amounts may be obligated until JIEDDO*  
15 *submits to the congressional defense committees a report*  
16 *containing the following information regarding projects*  
17 *funded for fiscal years 2008, 2009, and 2010:*

18 *(1) A description of the purpose, funding, and*  
19 *schedule of the project.*

20 *(2) A description of related projects.*

21 *(3) An acquisition strategy.*

22 *(b) COVERED AUTHORIZATION OF APPROPRIATIONS.—*  
23 *The limitation contained in subsection (a) applies with re-*  
24 *spect to amounts made available pursuant to the authoriza-*  
25 *tion of appropriations—*

1           (1) *in section 1503 of the Duncan Hunter Na-*  
2           *tional Defense Authorization Act for Fiscal Year 2009*  
3           *(Public Law 110–417; 122 Stat. 4649); and*

4           (2) *in section 1503(a) of this Act.*

5           (c) *WAIVER.—The Secretary of Defense may waive the*  
6           *limitation in subsection (a) if the Secretary determines that*  
7           *the waiver is necessary to fulfill a critical need by United*  
8           *States military forces deployed in overseas contingency op-*  
9           *erations. The Secretary shall notify the congressional de-*  
10          *fense committees of any waiver granted under this sub-*  
11          *section and the reasons for the waiver.*

12          **SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.**

13          (a) *NAVY.—Funds are hereby authorized to be appro-*  
14          *priated for fiscal year 2010 for other procurement for the*  
15          *Navy in the amount of \$2,019,051,000.*

16          (b) *MARINE CORPS.—Funds are hereby authorized to*  
17          *be appropriated for fiscal year 2010 for other procurement*  
18          *for the Marine Corps in the amount of \$1,164,445,000.*

19          **SEC. 1506. AIR FORCE PROCUREMENT.**

20          *Funds are hereby authorized to be appropriated for fis-*  
21          *cal year 2010 for procurement accounts of the Air Force*  
22          *in amounts as follows:*

23                  (1) *For aircraft procurement, \$1,151,776,000.*

24                  (2) *For ammunition procurement, \$256,819,000.*

25                  (3) *For missile procurement, \$36,625,000.*

1           (4) *For other procurement, \$2,321,549,000.*

2   **SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

3           *Funds are hereby authorized to be appropriated for fis-*  
4 *cal year 2010 for the procurement account for Defense-wide*  
5 *in the amount of \$799,830,000.*

6   **SEC. 1508. MINE RESISTANT AMBUSH PROTECTED VEHICLE**  
7           **FUND.**

8           *Funds are hereby authorized to be appropriated for fis-*  
9 *cal year 2010 for the Mine Resistant Ambush Protected Ve-*  
10 *hicle Fund in the amount of \$5,456,000,000.*

11   **SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
12           **TION.**

13           *Funds are hereby authorized to be appropriated for fis-*  
14 *cal year 2010 for the use of the Department of Defense for*  
15 *research, development, test, and evaluation as follows:*

16           (1) *For the Army, \$57,962,000.*

17           (2) *For the Navy, \$107,180,000.*

18           (3) *For the Air Force, \$29,286,000.*

19           (4) *For Defense-wide activities, \$215,826,000.*

20   **SEC. 1510. OPERATION AND MAINTENANCE.**

21           *Funds are hereby authorized to be appropriated for fis-*  
22 *cal year 2010 for the use of the Armed Forces for expenses,*  
23 *not otherwise provided for, for operation and maintenance,*  
24 *in amounts as follows:*

25           (1) *For the Army, \$51,970,661,000.*

- 1           (2) *For the Navy, \$6,219,583,000.*
- 2           (3) *For the Marine Corps, \$3,701,600,000.*
- 3           (4) *For the Air Force, \$10,152,068,000.*
- 4           (5) *For Defense-wide activities, \$7,578,300,000.*
- 5           (6) *For the Army Reserve, \$204,326,000.*
- 6           (7) *For the Navy Reserve, \$68,059,000*
- 7           (8) *For the Marine Corps Reserve, \$86,667,000.*
- 8           (9) *For the Air Force Reserve, \$125,925,000.*
- 9           (10) *For the Army National Guard,*  
10        *\$321,646,000.*
- 11          (11) *For the Air National Guard, \$289,862,000.*

12 **SEC. 1511. WORKING CAPITAL FUNDS.**

13        *Funds are hereby authorized to be appropriated for fis-*  
14 *cal year 2010 for the use of the Armed Forces and other*  
15 *activities and agencies of the Department of Defense for*  
16 *providing capital for working capital and revolving funds*  
17 *in the amount of \$396,915,000.*

18 **SEC. 1512. MILITARY PERSONNEL.**

19        *Funds are hereby authorized to be appropriated for fis-*  
20 *cal year 2010 to the Department of Defense for military*  
21 *personnel accounts in the total amount of \$13,586,341,000.*

22 **SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.**

23        *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*  
24 *hereby authorized to be appropriated for fiscal year 2010*

1 *for the Afghanistan Security Forces Fund in the amount*  
2 *of \$7,462,769,000.*

3 (b) *LIMITATION.—Funds appropriated pursuant to the*  
4 *authorization of appropriations in subsection (a) or in any*  
5 *other Act and made available to the Department of Defense*  
6 *for the Afghanistan Security Forces Fund shall be subject*  
7 *to the conditions contained in subsections (b) through (g)*  
8 *of section 1513 of the National Defense Authorization Act*  
9 *for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428).*

10 **SEC. 1514. IRAQ FREEDOM FUND.**

11 (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*  
12 *hereby authorized to be appropriated for fiscal year 2010*  
13 *for the Iraq Freedom Fund in the amount of \$115,300,000.*

14 (b) *TRANSFER.—*

15 (1) *TRANSFER AUTHORIZED.—Subject to para-*  
16 *graph (2), amounts authorized to be appropriated by*  
17 *subsection (a) may be transferred from the Iraq Free-*  
18 *dom Fund to any accounts as follows:*

19 (A) *Operation and maintenance accounts of*  
20 *the Armed Forces.*

21 (B) *Military personnel accounts.*

22 (C) *Research, development, test, and evalua-*  
23 *tion 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 De-*  
8           *fense notifies the congressional defense committees in*  
9           *writing of the transfer.*

10          (3) *TREATMENT OF TRANSFERRED FUNDS.—*  
11          *Amounts transferred to an account under the author-*  
12          *ity in paragraph (1) shall be merged with amounts*  
13          *in such account and shall be made available for the*  
14          *same purposes, and subject to the same conditions*  
15          *and limitations, as amounts in such account.*

16          (4) *EFFECT ON AUTHORIZATION AMOUNTS.—A*  
17          *transfer of an amount to an account under the au-*  
18          *thority in paragraph (1) shall be deemed to increase*  
19          *the amount authorized for such account by an*  
20          *amount equal to the amount transferred.*

21 **SEC. 1515. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

22          (a) *DEFENSE HEALTH PROGRAM.—Funds are hereby*  
23          *authorized to be appropriated for the Department of Defense*  
24          *for fiscal year 2010 for expenses, not otherwise provided for,*

1 *for the Defense Health Program in the amount of*  
2 *\$1,155,235,000 for operation and maintenance.*

3 (b) *DRUG INTERDICTION AND COUNTER-DRUG ACTIVI-*  
4 *TIES, DEFENSE-WIDE.—Funds are hereby authorized to be*  
5 *appropriated for the Department of Defense for fiscal year*  
6 *2010 for expenses, not otherwise provided for, for Drug*  
7 *Interdiction and Counter-Drug Activities, Defense-wide in*  
8 *the amount of \$324,603,000.*

9 (c) *DEFENSE INSPECTOR GENERAL.—Funds are here-*  
10 *by authorized to be appropriated for the Department of De-*  
11 *fense for fiscal year 2010 for expenses, not otherwise pro-*  
12 *vided for, for the Office of the Inspector General of the De-*  
13 *partment of Defense in the amount of \$8,876,000 for oper-*  
14 *ation and maintenance.*

15 **SEC. 1516. LIMITATIONS ON IRAQ SECURITY FORCES FUND.**

16 *Funds made available to the Department of Defense*  
17 *for the Iraq Security Forces Fund for fiscal year 2010 shall*  
18 *be subject to the conditions contained in subsections (b)*  
19 *through (g) of section 1512 of the National Defense Author-*  
20 *ization Act for Fiscal Year 2008 (Public Law 110–181; 122*  
21 *Stat. 426).*

1 **SEC. 1517. CONTINUATION OF PROHIBITION ON USE OF**  
2 **UNITED STATES FUNDS FOR CERTAIN FACILI-**  
3 **TIES PROJECTS IN IRAQ.**

4 *Section 1508(a) of the Duncan Hunter National De-*  
5 *fense Authorization Act for Fiscal Year 2009 (Public Law*  
6 *110–417; 122 Stat. 4651) shall apply to funds authorized*  
7 *to be appropriated by this title.*

8 **SEC. 1518. SPECIAL TRANSFER AUTHORITY.**

9 *(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—*

10 *(1) AUTHORITY.—Upon determination by the*  
11 *Secretary of Defense that such action is necessary in*  
12 *the national interest, the Secretary may transfer*  
13 *amounts of authorizations made available to the De-*  
14 *partment of Defense in this title for fiscal year 2010*  
15 *between any such authorizations for that fiscal year*  
16 *(or any subdivisions thereof). Amounts of authoriza-*  
17 *tions so transferred shall be merged with and be*  
18 *available for the same purposes as the authorization*  
19 *to which transferred.*

20 *(2) LIMITATION.—The total amount of author-*  
21 *izations that the Secretary may transfer under the*  
22 *authority of this section may not exceed*  
23 *\$4,000,000,000.*

24 *(b) TERMS AND CONDITIONS.—Transfers under this*  
25 *section shall be subject to the same terms and conditions*  
26 *as transfers under section 1001.*

1           (c) *ADDITIONAL AUTHORITY.*—*The transfer authority*  
2 *provided by this section is in addition to the transfer au-*  
3 *thority provided under section 1001.*

4 **SEC. 1519. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

5           *The amounts authorized to be appropriated by this*  
6 *title are in addition to amounts otherwise authorized to be*  
7 *appropriated by this Act.*

8 **DIVISION B—MILITARY CON-**  
9 **STRUCTION AUTHORIZA-**  
10 **TIONS**

11 **SEC. 2001. SHORT TITLE.**

12           *This division may be cited as the “Military Construc-*  
13 *tion Authorization Act for Fiscal Year 2010”.*

14 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**  
15 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
16 **LAW.**

17           (a) *EXPIRATION OF AUTHORIZATIONS AFTER THREE*  
18 *YEARS.*—*Except as provided in subsection (b), all author-*  
19 *izations contained in titles XXI through XXVII and title*  
20 *XXIX for military construction projects, land acquisition,*  
21 *family housing projects and facilities, and contributions to*  
22 *the North Atlantic Treaty Organization Security Invest-*  
23 *ment Program (and authorizations of appropriations there-*  
24 *for) shall expire on the later of—*

25                   (1) *October 1, 2012; or*



Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.

Sec. 2106. Extension of authorizations of certain fiscal year 2006 projects.

1 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
 2 **ACQUISITION PROJECTS.**

3 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-  
 4 propriated pursuant to the authorization of appropriations  
 5 in section 2104(a)(1), the Secretary of the Army may ac-  
 6 quire real property and carry out military construction  
 7 projects for the installations or locations inside the United  
 8 States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Alaska .....	Fort Richardson .....	\$51,150,000
	Fort Wainwright .....	\$198,000,000
Alabama .....	Anniston Army Depot .....	\$3,000,000
	Redstone Arsenal .....	\$3,550,000
Arizona .....	Fort Huachuca .....	\$27,700,000
Arkansas .....	Pine Bluff Arsenal .....	\$25,000,000
California .....	Fort Irwin .....	\$9,500,000
Colorado .....	Fort Carson .....	\$342,950,000
Florida .....	Elgin Air Force Base .....	\$131,600,000
Georgia .....	Fort Benning .....	\$295,300,000
	Fort Gillem .....	\$10,800,000
	Fort Stewart .....	\$145,400,000
Hawaii .....	Schofield Barracks .....	\$184,000,000
	Wheeler Army Air Field .....	\$7,500,000
Kansas .....	Fort Riley .....	\$162,400,000
Kentucky .....	Fort Campbell .....	\$14,400,000
	Fort Knox .....	\$70,000,000
Louisiana .....	Fort Polk .....	\$55,400,000
Maryland .....	Fort Detrick .....	\$46,400,000
	Fort Meade .....	\$2,350,000
Missouri .....	Fort Leonard Wood .....	\$170,800,000
New Jersey .....	Picatinny Arsenal .....	\$10,200,000
New York .....	Fort Drum .....	\$92,700,000
North Carolina .....	Fort Bragg .....	\$111,150,000
	Sunny Point Military Ocean Terminal .....	\$28,900,000
Oklahoma .....	Fort Sill .....	\$90,500,000
	McAlester Army Ammunition Plant .....	\$12,500,000
South Carolina .....	Charleston Naval Weapons Station, .....	\$21,800,000
	Fort Jackson .....	\$103,500,000
Texas .....	Fort Bliss .....	\$219,400,000
	Fort Hood .....	\$40,600,000
	Fort Sam Houston .....	\$19,800,000
Utah .....	Dugway Proving Ground .....	\$25,000,000
Virginia .....	Fort A.P. Hill .....	\$23,000,000
	Fort Belvoir .....	\$37,900,000
	Fort Lee .....	\$5,000,000
Washington .....	Fort Lewis .....	\$18,700,000

1       (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in section 2104(a)(2), the Secretary of the Army may  
 4 acquire real property and carry out military construction  
 5 projects for the installations or locations outside the United  
 6 States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Afghanistan</i> .....	<i>Bagram Air Base</i> .....	\$87,100,000
<i>Belgium</i> .....	<i>Brussels</i> .....	\$20,000,000
<i>Germany</i> .....	<i>Ansbach</i> .....	\$31,700,000
	<i>Kleber Kaserne</i> .....	\$20,000,000
	<i>Landstuhl</i> .....	\$25,000,000
<i>Japan</i> .....	<i>Okinawa</i> .....	\$6,000,000
	<i>Sagamihara</i> .....	\$6,000,000
<i>Korea</i> .....	<i>Camp Humphreys</i> .....	\$50,200,000
<i>Kuwait</i> .....	<i>Camp Arifjan</i> .....	\$82,000,000

7 **SEC. 2102. FAMILY HOUSING.**

8       (a) *CONSTRUCTION AND ACQUISITION.*—Using  
 9 amounts appropriated pursuant to the authorization of ap-  
 10 propriations in section 2104(a)(5)(A), the Secretary of the  
 11 Army may construct or acquire family housing units (in-  
 12 cluding land acquisition and supporting facilities) at the  
 13 installations or locations, in the number of units, and in  
 14 the amounts set forth in the following table:

**Army: Family Housing**

<b>Country</b>	<b>Installation or Loca- tion</b>	<b>Units</b>	<b>Amount</b>
<i>Germany</i> .....	<i>Baumholder</i> .....	38 .....	\$18,000,000

15       (b) *PLANNING AND DESIGN.*—Using amounts appro-  
 16 priated pursuant to the authorization of appropriations in  
 17 section 2104(a)(5)(A), the Secretary of the Army may carry

1 *out architectural and engineering services and construction*  
2 *design activities with respect to the construction or im-*  
3 *provement of family housing units in an amount not to*  
4 *exceed \$3,936,000.*

5 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
6 **UNITS.**

7 *Subject to section 2825 of title 10, United States Code,*  
8 *and using amounts appropriated pursuant to the author-*  
9 *ization of appropriations in section 2104(a)(5)(A), the Sec-*  
10 *retary of the Army may improve existing military family*  
11 *housing units in an amount not to exceed \$219,300,000.*

12 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

13 *(a) IN GENERAL.—Funds are hereby authorized to be*  
14 *appropriated for fiscal years beginning after September 30,*  
15 *2009, for military construction, land acquisition, and mili-*  
16 *tary family housing functions of the Department of the*  
17 *Army in the total amount of \$4,427,076,000 as follows:*

18 *(1) For military construction projects inside the*  
19 *United States authorized by section 2101(a),*  
20 *\$2,738,150,000.*

21 *(2) For military construction projects outside the*  
22 *United States authorized by section 2101(b),*  
23 *\$328,000,000.*



1           (3) *For unspecified minor military construction*  
2 *projects authorized by section 2805 of title 10, United*  
3 *States Code, \$33,000,000.*

4           (4) *For host nation support and architectural*  
5 *and engineering services and construction design*  
6 *under section 2807 of title 10, United States Code,*  
7 *\$187,872,000.*

8           (5) *For military family housing functions:*

9                 (A) *For construction and acquisition, plan-*  
10 *ning and design, and improvement of military*  
11 *family housing and facilities, \$273,236,000.*

12                 (B) *For support of military family housing*  
13 *(including the functions described in section*  
14 *2833 of title 10, United States Code),*  
15 *\$523,418,000.*

16           (6) *For the construction of increment 4 of a bri-*  
17 *gade complex at Fort Lewis, Washington, authorized*  
18 *by section 2101(a) of the Military Construction Au-*  
19 *thorization Act for Fiscal Year 2007 (division B of*  
20 *Public Law 109–364; 120 Stat. 2445), as amended by*  
21 *section 20814 of the Continuing Appropriations Reso-*  
22 *lution, 2007 (division B of Public Law 109–289), as*  
23 *added by section 2 of the Revised Continuing Resolu-*  
24 *tion, 2007 (Public Law 110–5; 121 Stat 41)*  
25 *\$102,000,000.*

1           (7) *For the construction of increment 2 of the*  
2           *United States Southern Command Headquarters at*  
3           *Miami Doral, Florida, authorized by section 2101(a)*  
4           *of the Military Construction Authorization Act for*  
5           *Fiscal Year 2008 (division B of Public Law 110–181;*  
6           *122 Stat. 504), \$55,400,000.*

7           (8) *For the construction of increment 3 of the*  
8           *brigade complex operations support facility at*  
9           *Vicenza, Italy, authorized by section 2101(b) of the*  
10          *Military Construction Authorization Act for Fiscal*  
11          *Year 2008 (division B of Public Law 110–181; 122*  
12          *Stat. 505), \$23,500,000.*

13          (9) *For the construction of increment 3 of the*  
14          *brigade complex barracks and community support fa-*  
15          *ility at Vicenza, Italy, authorized by section 2101(b)*  
16          *of the Military Construction Authorization Act for*  
17          *Fiscal Year 2008 (division B of Public Law 110–181;*  
18          *122 Stat. 505), \$22,500,000.*

19          (10) *For the construction of increment 2 of a*  
20          *barracks and dining complex at Fort Carson, Colo-*  
21          *rado, authorized by section 2101(a) of the Military*  
22          *Construction Authorization Act for Fiscal Year 2009*  
23          *(division B of Public Law 110–417 122 Stat. 4659),*  
24          *\$60,000,000.*



1 *Army may construct up to a 22,600 square-foot (400 per-*  
 2 *son) chapel consistent with the Army's standard square*  
 3 *footage for chapel construction guidelines.*

4 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 5 **FISCAL YEAR 2006 PROJECTS.**

6 (a) *EXTENSION.*—Notwithstanding section 2701 of the  
 7 *Military Construction Authorization Act for Fiscal Year*  
 8 *2006 (division B of Public Law 109–163; 119 Stat. 3501),*  
 9 *authorizations set forth in the table in subsection (b), as*  
 10 *provided in section 2101 of that Act (119 Stat. 3485) and*  
 11 *extended by section 2107 of the Military Construction Au-*  
 12 *thorization Act for Fiscal Year 2009 (division B of Public*  
 13 *Law 110–417; 122 Stat. 4665), shall remain in effect until*  
 14 *October 1, 2010, or the date of the enactment of an Act*  
 15 *authorizing funds for military construction for fiscal year*  
 16 *2011, whichever is later:*

17 (b) *TABLE.*—The table referred to in subsection (a) is  
 18 *as follows:*

**Army: Extension of 2006 Project Authorizations**

<b>State</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
<i>Hawaii .....</i>	<i>Pohakuloa .....</i>	<i>Tactical Vehicle Wash Fa-</i> <i>ility.</i>	<i>\$9,207,000</i>
		<i>Battle Area Complex .....</i>	<i>\$33,660,000</i>

19 **TITLE XXII—NAVY**

*Sec. 2201. Authorized Navy construction and land acquisition projects.*

*Sec. 2202. Family housing.*

*Sec. 2203. Improvements to military family housing units.*

*Sec. 2204. Authorization of appropriations, Navy.*

*Sec. 2205. Modification and extension of authority to carry out certain fiscal year 2006 project.*

**1 SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
**2 ACQUISITION PROJECTS.**

*3 (a) INSIDE THE UNITED STATES.—Using amounts ap-*  
*4 propriated pursuant to the authorization of appropriations*  
*5 in section 2204(1), the Secretary of the Navy may acquire*  
*6 real property and carry out military construction projects*  
*7 for the installations or locations inside the United States,*  
*8 and in the amounts, set forth in the following table:*

***Navy: Inside the United States***

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Arizona .....	Marine Corps Air Station, Yuma .....	\$28,770,000
California .....	Mountain Warfare Training Center Bridge- port.	\$11,290,000
	Marine Corps Base, Camp Pendleton .....	\$775,162,000
	Edwards Air Force Base .....	\$3,007,000
	Naval Station Monterey .....	\$10,240,000
	Marine Corps Base, Twentynine Palms .....	\$513,680,000
	Marine Corps Air Station, Miramar .....	\$9,280,000
	Point Loma Annex .....	\$11,060,000
	Naval Station, San Diego .....	\$23,590,000
Connecticut .....	Naval Submarine Base, New London .....	\$6,570,000
Florida .....	Blount Island Command .....	\$3,760,000
	Eglin Air Force Base .....	\$26,287,000
	Naval Air Station, Jacksonville .....	\$5,917,000
	Naval Station, Mayport .....	\$56,042,000
	Naval Air Station, Pensacola .....	\$26,161,000
	Naval Air Station, Whiting Field .....	\$4,120,000
Georgia .....	Marine Corps Logistics Base, Albany .....	\$4,870,000
Hawaii .....	Oahu .....	\$5,380,000
	Naval Station, Pearl Harbor .....	\$35,182,000
Maine .....	Portsmouth Naval Shipyard .....	\$7,090,000
Maryland .....	Naval Surface Warfare Center, Carderock ...	\$6,520,000
	Naval Air Station, Patuxent River .....	\$11,043,000
North Carolina .....	Marine Corps Base, Camp Lejeune .....	\$673,570,000
	Marine Corps Air Station, Cherry Point .....	\$22,960,000
	Marine Corps Air Station, New River .....	\$107,090,000
Rhode Island .....	Naval Station, Newport .....	\$54,333,000
South Carolina .....	Marine Corps Air Station, Beaufort .....	\$1,280,000
	Marine Corps Recruit Depot, Parris Island	\$6,972,000
Texas .....	Naval Air Station, Corpus Christi .....	\$19,764,000
	Naval Air Station, Kingsville .....	\$4,470,000
Virginia .....	Naval Amphibious Base, Little Creek .....	\$13,095,000
	Naval Station Norfolk .....	\$18,139,000
	Naval Special Weapons Center, Dahlgren ....	\$3,660,000
	Norfolk Naval Shipyard, Portsmouth .....	\$226,969,000
	Marine Corps Base, Quantico .....	\$105,240,000
Washington .....	Naval Station, Everett .....	\$3,810,000
	Naval Magazine, Indian Island .....	\$13,130,000

**Navy: Inside the United States—Continued**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
	Spokane .....	\$12,707,000

1           **(b) OUTSIDE THE UNITED STATES.**—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2204(2), the Secretary of the Navy may  
4 acquire real property and carry out military construction  
5 projects for the installation or location outside the United  
6 States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Bahrain .....	Southwest Asia .....	\$41,526,000
Djibouti .....	Camp Lemonier .....	\$41,845,000
Guam .....	Naval Base, Guam .....	\$505,161,000
	Andersen Air Force Base .....	\$110,297,000
Spain .....	Naval Station, Rota .....	\$26,278,000

**7 SEC. 2202. FAMILY HOUSING.**

8           **(a) CONSTRUCTION AND ACQUISITION.**—Using  
9 amounts appropriated pursuant to the authorization of ap-  
10 propriations in section 2204(5)(A), the Secretary of the  
11 Navy may construct or acquire family housing units (in-  
12 cluding land acquisition and supporting facilities) at the  
13 installations or locations, in the number of units, and in  
14 the amount set forth in the following table:

**Navy: Family Housing**

<b>Location</b>	<b>Installation or Lo- cation</b>	<b>Units</b>	<b>Amount</b>
Korea .....	Pusan .....	Welcome center/ ware- house.	\$4,376,000
Mariana Islands .....	Naval Activities, Guam.	30 .....	\$20,730,000



1           (2) *For military construction projects outside the*  
2 *United States authorized by section 2201(b),*  
3 *\$483,845,000.*

4           (3) *For unspecified minor military construction*  
5 *projects authorized by section 2805 of title 10, United*  
6 *States Code, \$17,483,000.*

7           (4) *For architectural and engineering services*  
8 *and construction design under section 2807 of title*  
9 *10, United States Code, \$179,652,000.*

10          (5) *For military family housing functions:*

11                (A) *For construction and acquisition, plan-*  
12 *ning and design, and improvement of military*  
13 *family housing and facilities, \$146,569,000.*

14                (B) *For support of military family housing*  
15 *(including functions described in section 2833 of*  
16 *title 10, United States Code), \$368,540,000.*

17          (6) *For the construction of increment 6 of a lim-*  
18 *ited area production and storage complex at Bangor,*  
19 *Washington, authorized by section 2201(a) of the*  
20 *Military Construction Authorization Act for Fiscal*  
21 *Year 2005 (division B of Public Law 108–375; 118*  
22 *Stat. 2106), \$87,292,000.*

23          (7) *For the construction of increment 2 of en-*  
24 *clave fencing at Naval Submarine Base, Bangor,*  
25 *Washington, authorized by section 2201(a) of the*



1 *Military Construction Authorization Act for Fiscal*  
2 *Year 2006 (division B of Public Law 109–163; 119*  
3 *Stat. 3490), as amended by section 2205 of this Act,*  
4 *\$67,419,000.*

5 (8) *For the construction of increment 2 of a re-*  
6 *placement maintenance pier at Bremerton, Wash-*  
7 *ington, authorized by section 2201(a) of the Military*  
8 *Construction Authorization Act for Fiscal Year 2008*  
9 *(division B of Public Law 110–181; 122 Stat. 510),*  
10 *\$69,064,000.*

11 (9) *For the construction of increment 3 of a sub-*  
12 *marine drive-in magazine silencing facility at Naval*  
13 *Base Pearl Harbor, Hawaii, authorized by section*  
14 *2201(a) of the Military Construction Authorization*  
15 *Act for Fiscal Year 2008 (division B of Public Law*  
16 *110–181; 122 Stat. 510), \$8,645,000.*

17 **SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY**

18 **TO CARRY OUT CERTAIN FISCAL YEAR 2006**

19 **PROJECT.**

20 (a) *MODIFICATION.*—*The table in section 2201(a) of*  
21 *the Military Construction Authorization Act for Fiscal Year*  
22 *2006 (division B of Public Law 109-163; 119 Stat. 3490)*  
23 *is amended in the item relating to Naval Submarine Base,*  
24 *Bangor, Washington, by striking “\$60,160,000” and insert-*  
25 *ing “\$127,163,000”.*

1       (b) *CONFORMING AMENDMENT.*—Section 2204(b) of  
 2 that Act (119 Stat. 3492) is amended by adding at the end  
 3 the following new paragraph:

4               “(11) \$67,003,000 (the balance of the amount  
 5 authorized under section 2201(a) for construction of  
 6 a waterfront security enclave at Naval Submarine  
 7 Base, Bangor, Washington).”.

8       (c) *EXTENSION.*—Notwithstanding section 2701 of the  
 9 Military Construction Authorization Act for Fiscal Year  
 10 2006 (division B of Public Law 109–163; 119 Stat. 3501),  
 11 the authorization relating to enclave fencing/parking at  
 12 Naval Submarine Base, Bangor, Washington (formerly re-  
 13 ferred to as a project at Naval Submarine Base, Bangor,  
 14 Washington), as provided in section 2201 of that Act, shall  
 15 remain in effect until October 1, 2012, or the date of the  
 16 enactment of an Act authorizing funds for military con-  
 17 struction for fiscal year 2013, whichever is later.

## 18                   **TITLE XXIII—AIR FORCE**

*Sec. 2301. Authorized Air Force construction and land acquisition projects.*

*Sec. 2302. Family housing.*

*Sec. 2303. Improvements to military family housing units.*

*Sec. 2304. Authorization of appropriations, Air Force.*

*Sec. 2305. Extension of authorizations of certain fiscal year 2007 projects.*

*Sec. 2306. Extension of authorizations of certain fiscal year 2006 projects.*

### 19   **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 20                   **LAND ACQUISITION PROJECTS.**

21       (a) *INSIDE THE UNITED STATES.*—Using amounts ap-  
 22 propriated pursuant to the authorization of appropriations

1 *in section 2304(1), the Secretary of the Air Force may ac-*  
 2 *quire real property and carry out military construction*  
 3 *projects for the installations or locations inside the United*  
 4 *States, and in the amounts, set forth in the following table:*

***Air Force: Inside the United States***

<b><i>State</i></b>	<b><i>Installation or Location</i></b>	<b><i>Amount</i></b>
<i>Alaska</i> .....	<i>Clear Air Force Station</i> .....	\$24,300,000
	<i>Elmendorf Air Force Base</i> .....	\$15,700,000
<i>Arizona</i> .....	<i>Davis-Monthan Air Force Base</i> .....	\$41,900,000
<i>Arkansas</i> .....	<i>Little Rock Air Force Base</i> .....	\$16,200,000
<i>California</i> .....	<i>Los Angeles Air Force Base</i> .....	\$8,000,000
	<i>Travis Air Force Base</i> .....	\$12,900,000
	<i>Vandenberg Air Force Base</i> .....	\$13,000,000
<i>Colorado</i> .....	<i>Peterson Air Force Base</i> .....	\$32,300,000
	<i>United States Air Force Academy</i> ..	\$17,500,000
<i>Delaware</i> .....	<i>Dover Air Force Base</i> .....	\$17,400,000
<i>Florida</i> .....	<i>Eglin Air Force Base</i> .....	\$84,360,000
	<i>Hurlburt Field</i> .....	\$19,900,000
	<i>MacDill Air Force Base</i> .....	\$59,300,000
<i>Georgia</i> .....	<i>Warner Robins Air Force Base</i> .....	\$6,200,000
<i>Hawaii</i> .....	<i>Hickam Air Force Base</i> .....	\$4,000,000
	<i>Wheeler Air Force Base</i> .....	\$15,000,000
<i>Idaho</i> .....	<i>Mountain Home Air Force Base</i> .....	\$20,000,000
<i>Illinois</i> .....	<i>Scott Air Force Base</i> .....	\$7,400,000
<i>Maryland</i> .....	<i>Andrews Air Force Base</i> .....	\$9,300,000
<i>Missouri</i> .....	<i>Whiteman Air Force Base</i> .....	\$12,900,000
<i>Nevada</i> .....	<i>Crech Air Force Base</i> .....	\$2,700,000
<i>New Jersey</i> .....	<i>McGuire Air Force Base</i> .....	\$7,900,000
<i>New Mexico</i> .....	<i>Cannon Air Force Base</i> .....	\$15,000,000
	<i>Holloman Air Force Base</i> .....	\$15,900,000
	<i>Kirtland Air Force Base</i> .....	\$22,500,000
<i>North Carolina</i> .....	<i>Seymour Johnson Air Force Base</i> ...	\$6,900,000
<i>North Dakota</i> .....	<i>Minot Air Force Base</i> .....	\$11,500,000
<i>Ohio</i> .....	<i>Wright Patterson Air Force Base</i> ...	\$58,600,000
<i>Oklahoma</i> .....	<i>Altus Air Force Base</i> .....	\$20,300,000
	<i>Tinker Air Force Base</i> .....	\$18,137,000
<i>South Carolina</i> .....	<i>Shaw Air Force Base</i> .....	\$21,183,000
<i>Texas</i> .....	<i>Dyess Air Force Base</i> .....	\$4,500,000
	<i>Goodfellow Air Force Base</i> .....	\$32,400,000
	<i>Lackland Air Force Base</i> .....	\$113,879,000
<i>Utah</i> .....	<i>Hill Air Force Base</i> .....	\$26,153,000
<i>Virginia</i> .....	<i>Langley Air Force Base</i> .....	\$10,000,000
<i>Washington</i> .....	<i>Fairchild Air Force Base</i> .....	\$4,150,000
<i>Wyoming</i> .....	<i>F. E. Warren Air Force Base</i> .....	\$9,100,000

5 (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
 6 appropriated pursuant to the authorization of appropria-  
 7 tions in section 2304(2), the Secretary of the Air Force may  
 8 acquire real property and carry out military construction

1 *projects for the installations or locations outside the United*  
 2 *States, and in the amounts, set forth in the following table:*

***Air Force: Outside the United States***

<b><i>Country</i></b>	<b><i>Installation or Location</i></b>	<b><i>Amount</i></b>
<i>Afghanistan</i> .....	<i>Bagram Air Base</i> .....	<i>\$22,000,000</i>
<i>Colombia</i> .....	<i>Palanquero Air Base</i> .....	<i>\$46,000,000</i>
<i>Germany</i> .....	<i>Ramstein Air Base</i> .....	<i>\$34,700,000</i>
	<i>Spangdahlem Air Base</i> .....	<i>\$23,500,000</i>
<i>Guam</i> .....	<i>Andersen Air Force Base</i> .....	<i>\$61,702,000</i>
<i>Italy</i> .....	<i>Naval Air Station Sigonella</i> .....	<i>\$31,300,000</i>
<i>Oman</i> .....	<i>Al Musannah Air Base</i> .....	<i>\$116,000,000</i>
<i>Qatar</i> .....	<i>Al Udeid Air Base</i> .....	<i>\$60,000,000</i>
<i>Turkey</i> .....	<i>Incirlik Air Base</i> .....	<i>\$9,200,000</i>

3 ***SEC. 2302. FAMILY HOUSING.***

4 *Using amounts appropriated pursuant to the author-*  
 5 *ization of appropriations in section 2304(5)(A), the Sec-*  
 6 *retary of the Air Force may carry out architectural and*  
 7 *engineering services and construction design activities with*  
 8 *respect to the construction or improvement of family hous-*  
 9 *ing units in an amount not to exceed \$4,314,000.*

10 ***SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING***  
 11 ***UNITS.***

12 *Subject to section 2825 of title 10, United States Code,*  
 13 *and using amounts appropriated pursuant to the author-*  
 14 *ization of appropriations in section 2304(5)(A), the Sec-*  
 15 *retary of the Air Force may improve existing military fam-*  
 16 *ily housing units in an amount not to exceed \$61,787,000.*

1 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
2 **FORCE.**

3 *Funds are hereby authorized to be appropriated for fis-*  
4 *cal years beginning after September 30, 2009, for military*  
5 *construction, land acquisition, and military family housing*  
6 *functions of the Department of the Air Force in the total*  
7 *amount of \$1,928,208,000, as follows:*

8 (1) *For military construction projects inside the*  
9 *United States authorized by section 2301(a),*  
10 *\$838,362,000.*

11 (2) *For military construction projects outside the*  
12 *United States authorized by section 2301(b),*  
13 *\$404,402,000.*

14 (3) *For unspecified minor military construction*  
15 *projects authorized by section 2805 of title 10, United*  
16 *States Code, \$23,000,000.*

17 (4) *For architectural and engineering services*  
18 *and construction design under section 2807 of title*  
19 *10, United States Code, \$93,407,000.*

20 (5) *For military family housing functions:*

21 (A) *For construction and acquisition, plan-*  
22 *ning and design, and improvement of military*  
23 *family housing and facilities, \$66,101,000.*

24 (B) *For support of military family housing*  
25 *(including functions described in section 2833 of*  
26 *title 10, United States Code), \$502,936,000.*

1 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 2 **FISCAL YEAR 2007 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2701 of the  
 4 *Military Construction Authorization Act for Fiscal Year*  
 5 *2007 (division B of Public Law 109-364; 120 Stat. 2463),*  
 6 *authorizations set forth in the table in subsection (b), as*  
 7 *provided in sections 2301 and 2302 of that Act, shall re-*  
 8 *main in effect until October 1, 2010, or the date of the en-*  
 9 *actment of an Act authorizing funds for military construc-*  
 10 *tion for fiscal year 2011, whichever is later.*

11 (b) *TABLE.*—The table referred to in subsection (a) is  
 12 *as follows:*

***Air Force: Extension of 2007 Project Authorizations***

<b><i>State/Country</i></b>	<b><i>Installation or Location</i></b>	<b><i>Project</i></b>	<b><i>Amount</i></b>
<i>Delaware .....</i>	<i>Dover Air Force Base .....</i>	<i>C-17 Aircrew Life Support</i>	<i>\$7,400,000</i>
<i>Idaho .....</i>	<i>Mountain Home Air Force Base .....</i>	<i>Replace Family Housing (457 units) .....</i>	<i>\$107,800,000</i>

13 **SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 14 **FISCAL YEAR 2006 PROJECTS.**

15 (a) *EXTENSION.*—Notwithstanding section 2701 of the  
 16 *Military Construction Authorization Act for Fiscal Year*  
 17 *2006 (division B of Public Law 109-163; 119 Stat. 3501),*  
 18 *authorizations set forth in the table in subsection (b), as*  
 19 *provided in section 2302 of that Act (119 Stat. 3495) and*  
 20 *extended by section 2305 of the Military Construction Au-*  
 21 *thorization Act for Fiscal Year 2009 (division B of Public*

1 *Law 110–417; 122 Stat. 4684), shall remain in effect until*  
 2 *October 1, 2010, or the date of the enactment of an Act*  
 3 *authorizing funds for military construction for fiscal year*  
 4 *2011, whichever is later.*

5 (b) *TABLE.—The table referred to in subsection (a) is*  
 6 *as follows:*

***Air Force: Extension of 2006 Project Authorizations***

<b><i>State</i></b>	<b><i>Installation or Location</i></b>	<b><i>Project</i></b>	<b><i>Amount</i></b>
<i>Alaska .....</i>	<i>Eielson Air Force Base ...</i>	<i>Replace Family Housing (92 units) .....</i>	<i>\$37,650,000</i>
	<i>Eielson Air Force Base</i>	<i>Purchase Build/Lease Housing (300 units) .....</i>	<i>\$18,144,000</i>
<i>North Dakota .....</i>	<i>Grand Forks Air Force Base .....</i>	<i>Replace Family Housing (150 units) .....</i>	<i>\$43,353,000</i>

7 ***TITLE XXIV—DEFENSE***  
 8 ***AGENCIES***

*Subtitle A—Defense Agency Authorizations*

*Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.*

*Sec. 2402. Authorization of appropriations, Defense Agencies.*

*Sec. 2403. Modification of authority to carry out certain fiscal year 2008 project.*

*Sec. 2404. Modification of authority to carry out certain fiscal year 2009 project.*

*Sec. 2405. Extension of authorizations of certain fiscal year 2007 project.*

*Subtitle B—Chemical Demilitarization Authorizations*

*Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.*

9 ***Subtitle A—Defense Agency***  
 10 ***Authorizations***

11 ***SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.***  
 12

13 (a) *INSIDE THE UNITED STATES.—Using amounts ap-*  
 14 *propriated pursuant to the authorization of appropriations*

- 1 in section 2402(a)(1), the Secretary of Defense may acquire  
 2 real property and carry out military construction projects  
 3 for the installations or locations inside the United States,  
 4 and in the amounts, set forth in the following tables:

**Defense Education Activity**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Georgia .....	Fort Benning .....	\$2,330,000
	Fort Stewart/Hunter Army Air Field .....	\$45,003,000
North Carolina .....	Fort Bragg .....	\$3,439,000

**Defense Information Systems Agency**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Hawaii .....	Naval Station Pearl Harbor, Ford Island ....	\$9,633,000

**Defense Logistics Agency**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
California .....	El Centro .....	\$11,000,000
	Travis Air Force Base .....	\$15,357,000
Florida .....	Jacksonville International Airport (Air National Guard).	\$11,500,000
Minnesota .....	Duluth International Airport (Air National Guard).	\$15,000,000
Oklahoma .....	Altus Air Force Base .....	\$2,700,000
Texas .....	Fort Hood .....	\$3,000,000
Washington .....	Fairchild Air Force Base .....	\$7,500,000

**Missile Defense Agency**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Virginia .....	Naval Support Facility, Dahlgren .....	\$24,500,000

**National Security Agency**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Maryland .....	Fort Meade .....	\$203,800,000

**Special Operations Command**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
California .....	Naval Amphibious Base, Coronado .....	\$15,722,000
Colorado .....	Fort Carson .....	\$48,246,000
Florida .....	Eglin Air Force Base .....	\$3,046,000
	Hurlburt Field .....	\$8,156,000
Georgia .....	Fort Benning .....	\$3,046,000
Kentucky .....	Fort Campbell .....	\$32,335,000
New Mexico .....	Cannon Air Force Base .....	\$52,864,000



**Special Operations Command—Continued**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
North Carolina .....	Fort Bragg .....	\$101,488,000
	Marine Corps Base, Camp Lejeune .....	\$11,791,000
Virginia .....	Naval Amphibious Base, Little Creek .....	\$18,669,000
	Naval Surface Warfare Center, Dam Neck ...	\$6,100,000
Washington .....	Fort Lewis .....	\$14,500,000

**TRICARE Management Activity**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Alaska .....	Elmendorf Air Force Base .....	\$25,017,000
	Fort Richardson .....	\$3,518,000
Colorado .....	Fort Carson .....	\$52,773,000
Georgia .....	Fort Benning .....	\$17,200,000
	Fort Stewart/Hunter Army Field .....	\$26,386,000
Kentucky .....	Fort Campbell .....	\$8,600,000
Maryland .....	Fort Detrick .....	\$29,807,000
Missouri .....	Fort Leonard Wood .....	\$5,570,000
North Carolina .....	Fort Bragg .....	\$57,658,000
Oklahoma .....	Fort Sill .....	\$10,554,000
Texas .....	Lackland Air Force Base .....	\$101,928,000
	Fort Bliss .....	\$996,295,000
Washington .....	Fort Lewis .....	\$15,636,000

**Washington Headquarters Services**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Virginia .....	Pentagon Reservation .....	\$27,672,000

1           (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
2 appropriated pursuant to the authorization of appropri-  
3 ations in section 2404(a)(2), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for the installations or locations outside the United  
6 States, and in the amounts, set forth in the following tables:

**Defense Education Activity**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Belgium .....	Brussels .....	\$38,124,000
Germany .....	Kaiserslautern .....	\$93,545,000
	Wiesbaden Air Base .....	\$5,379,000
United Kingdom .....	Royal Air Force Lakenheath .....	\$4,509,000

**Defense Intelligence Agency**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Korea</i> .....	<i>K-16 Airfield</i> .....	\$5,050,000

**Defense Logistics Agency**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Cuba</i> .....	<i>Naval Air Station, Guantanamo Bay</i> .....	\$12,500,000
<i>Guam</i> .....	<i>Naval Air Station, Agana</i> .....	\$4,900,000
<i>Korea</i> .....	<i>Osan Air Base</i> .....	\$28,000,000
<i>United Kingdom</i> .....	<i>Royal Air Force Mildenhall</i> .....	\$4,700,000

**National Security Agency**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>United Kingdom</i> .....	<i>Royal Air Force Menwith Hill Station</i> .....	\$37,588,000

**TRICARE Management Activity**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Guam</i> .....	<i>Naval Activities, Guam</i> .....	\$446,450,000
<i>United Kingdom</i> .....	<i>Royal Air Force Alconbury</i> .....	\$14,227,000

1 **SEC. 2402. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**  
2 **AGENCIES.**

3 (a) *IN GENERAL.*—Funds are hereby authorized to be  
4 appropriated for fiscal years beginning after September 30,  
5 2009, for military construction, land acquisition, and mili-  
6 tary family housing functions of the Department of Defense  
7 (other than the military departments) in the total amount  
8 of \$3,132,024,000, as follows:

9 (1) For military construction projects inside the  
10 United States authorized by section 2401(a),  
11 \$1,170,314,000.

1           (2) *For military construction projects outside the*  
2 *United States authorized by section 2401(b),*  
3 *\$857,678,000.*

4           (3) *For unspecified minor military construction*  
5 *projects under section 2805 of title 10, United States*  
6 *Code, \$33,025,000.*

7           (4) *For contingency construction projects of the*  
8 *Secretary of Defense under section 2804 of title 10,*  
9 *United States Code, \$10,000,000.*

10          (5) *For architectural and engineering services*  
11 *and construction design under section 2807 of title*  
12 *10, United States Code, \$121,442,000.*

13          (6) *For energy conservation projects under chap-*  
14 *ter 173 of title 10, United States Code, \$90,000,000.*

15          (7) *For support of military family housing, in-*  
16 *cluding functions described in section 2833 of title 10,*  
17 *United States Code, and credits to the Department of*  
18 *Defense Family Housing Improvement Fund under*  
19 *section 2883 of title 10, United States Code, and the*  
20 *Homeowners Assistance Fund established under sec-*  
21 *tion 1013 of the Demonstration Cities and Metropoli-*  
22 *tan Development Act of 1966 (42 U.S.C. 3374),*  
23 *\$77,898,000.*

24          (8) *For the construction of increment 4 of the*  
25 *Army Medical Research Institute of Infectious Dis-*

1 *eases Stage 1 at Fort Detrick, Maryland, authorized*  
2 *by section 2401(a) of the Military Construction Au-*  
3 *thorization Act of Fiscal Year 2007 (division B of*  
4 *Public Law 109–364; 120 Stat. 2457), \$28,000,000.*

5 *(9) For the construction of increment 2 of re-*  
6 *placement fuel storage facilities at Point Loma*  
7 *Annex, California, authorized by section 2401(a) of*  
8 *the Military Construction Authorization Act of Fiscal*  
9 *Year 2008 (division B of Public Law 110–181; 122*  
10 *Stat. 521), as amended by section 2405 of this Act,*  
11 *\$92,300,000.*

12 *(10) For the construction of increment 3 of a*  
13 *special operations facility at Dam Neck, Virginia, au-*  
14 *thorized by section 2401(a) of the Military Construc-*  
15 *tion Authorization Act of Fiscal Year 2008 (division*  
16 *B of Public Law 110–181; 122 Stat. 521),*  
17 *\$15,967,000.*

18 *(11) For the construction of increment 2 of the*  
19 *United States Army Medical Research Institute of*  
20 *Chemical Defense replacement facility at Aberdeen*  
21 *Proving Ground, Maryland, authorized by section*  
22 *2401(a) of the Military Construction Authorization*  
23 *Act of Fiscal Year 2009 (division B of Public Law*  
24 *110–417 122 Stat. 4689), \$111,400,000.*

1           (12) *For the construction of fuel storage tanks*  
2           *and pipeline replacement at Souda Bay, Greece, au-*  
3           *thorized by section 2401(b) of the Military Construc-*  
4           *tion Authorization Act of Fiscal Year 2009 (division*  
5           *B of Public Law 110–417; 122 Stat. 4691), as*  
6           *amended by section 2406 of this Act, \$24,000,000.*

7           (13) *For the construction of increment 2 of a Na-*  
8           *tional Security Agency data center at Camp Wil-*  
9           *liams, Utah, authorized as a Military Construction,*  
10          *Defense-Wide project by the Supplemental Appropria-*  
11          *tions Act, 2009, \$500,000,000.*

12          (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*  
13          *PROJECTS.—Notwithstanding the cost variations author-*  
14          *ized by section 2853 of title 10, United States Code, and*  
15          *any other cost variation authorized by law, the total cost*  
16          *of all projects carried out under section 2401 of this Act*  
17          *may not exceed the sum of the total amount authorized to*  
18          *be appropriated under paragraphs (1) and (2) of subsection*  
19          *(a).*

20          (c) *AVAILABILITY OF FUNDS FOR ENERGY CONSERVA-*  
21          *TION PROJECTS OF RESERVE COMPONENTS.—Of the*  
22          *amount authorized to be appropriated by subsection (a)(6)*  
23          *for energy conservation projects under chapter 173 of title*  
24          *10, United States Code, the Secretary of Defense shall re-*  
25          *serve a portion of the amount for energy conservation*

1 *projects for the reserve components in an amount that bears*  
2 *the same proportion to the total amount authorized to be*  
3 *appropriated as the total quantity of energy consumed by*  
4 *reserve facilities (as defined in section 18232(2) of such*  
5 *title) during fiscal year 2009 bears to the total quantity*  
6 *of energy consumed by all military installations (as defined*  
7 *in section 2687(e)(1) of such title) during that fiscal year,*  
8 *as determined by the Secretary.*

9 **SEC. 2403. MODIFICATION OF AUTHORITY TO CARRY OUT**  
10 **CERTAIN FISCAL YEAR 2008 PROJECT.**

11 *(a) MODIFICATION.—The table relating to the Defense*  
12 *Logistics Agency in section 2401 (a) of the Military Con-*  
13 *struction Authorization Act for Fiscal Year 2008 (division*  
14 *B of Public Law 110-181; 122 Stat. 521) is amended in*  
15 *the item relating to Point Loma Annex, California, by*  
16 *striking “\$140,000,000” in the amount column and insert-*  
17 *ing “\$195,000,000”.*

18 *(b) CONFORMING AMENDMENT.—Section 2403(b)(2) of*  
19 *that Act (122 Stat.524) is amended by striking*  
20 *“\$84,300,000” and inserting “\$139,300,000”.*

21 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**  
22 **CERTAIN FISCAL YEAR 2009 PROJECT.**

23 *(a) MODIFICATION.—The table relating to the Defense*  
24 *Logistics Agency in section 2401 (b) of the Military Con-*  
25 *struction Authorization Act for Fiscal Year 2009 (division*

1 *B of Public Law 110-417; 122 Stat. 4691) is amended in*  
 2 *the item relating to Souda Bay, Greece, by striking*  
 3 *“\$8,000,000” in the amount column and inserting*  
 4 *“\$32,000,000”.*

5 (b) *CONFORMING AMENDMENT.—Section 2403(b) of*  
 6 *that Act (122 Stat. 4692) is amended by adding at the end*  
 7 *the following new paragraph:*

8 “(5) \$24,000,000 (the balance of the amount au-  
 9 thorized for the Defense Logistics Agency under sec-  
 10 tion 2401(b) for fuel storage tanks and pipeline re-  
 11 placement at Souda Bay, Greece).”.

12 **SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 13 **FISCAL YEAR 2007 PROJECT.**

14 (a) *EXTENSION.—Notwithstanding section 2701 of the*  
 15 *Military Construction Authorization Act for Fiscal Year*  
 16 *2007 (division B of Public Law 109-364; 120 Stat. 2463),*  
 17 *authorizations set forth in the table in subsection (b), as*  
 18 *provided in section 2402 of that Act, shall remain in effect*  
 19 *until October 1, 2010, or the date of the enactment of an*  
 20 *Act authorizing funds for military construction for fiscal*  
 21 *year 2011, whichever is later.*

22 (b) *TABLE.—The table referred to in subsection (a) is*  
 23 *as follows:*

***Defense Logistics Agency: Family Housing***

<b><i>State</i></b>	<b><i>Location</i></b>	<b><i>Units</i></b>	<b><i>Amount</i></b>
<i>Virginia .....</i>	<i>Defense Supply Center, Rich- mond.</i>	<i>Whole House Renovation.</i>	<i>\$484,000</i>

1                   **Subtitle B—Chemical**  
2                   **Demilitarization Authorizations**

3   **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**  
4                   **ICAL DEMILITARIZATION CONSTRUCTION,**  
5                   **DEFENSE-WIDE.**

6           *Funds are hereby authorized to be appropriated for fis-*  
7   *cal years beginning after September 30, 2009, for military*  
8   *construction and land acquisition for chemical demili-*  
9   *tarization in the total amount of \$146,541,000 as follows:*

10           (1) *For the construction of phase 11 of a chem-*  
11   *ical munitions demilitarization facility at Pueblo*  
12   *Chemical Activity, Colorado, authorized by section*  
13   *2401(a) of the Military Construction Authorization*  
14   *Act for Fiscal Year 1997 (division B of Public Law*  
15   *104–201; 110 Stat. 2775), as amended by section*  
16   *2406 of the Military Construction Authorization Act*  
17   *for Fiscal Year 2000 (division B of Public Law 106–*  
18   *65; 113 Stat. 839), section 2407 of the Military Con-*  
19   *struction Authorization Act for Fiscal Year 2003 (di-*  
20   *vision B of Public Law 107–314; 116 Stat. 2698),*  
21   *and section 2413 of the Military Construction Author-*  
22   *ization Act for Fiscal Year 2009 (division B of Public*  
23   *Law 110–417; 122 Stat. 4697), \$92,500,000.*

24           (2) *For the construction of phase 10 of a muni-*  
25   *tions demilitarization facility at Blue Grass Army*



1 *Depot, Kentucky, authorized by section 2401(a) of the*  
 2 *Military Construction Authorization Act for Fiscal*  
 3 *Year 2000 (division B of Public Law 106–65; 113*  
 4 *Stat. 835), as amended by section 2405 of the Mili-*  
 5 *tary Construction Authorization Act for Fiscal Year*  
 6 *2002 (division B of Public Law 107–107; 115 Stat.*  
 7 *1298), section 2405 of the Military Construction Au-*  
 8 *thorization Act for Fiscal Year 2003 (division B of*  
 9 *Public Law 107–314; 116 Stat. 2698), and section*  
 10 *2414 of the Military Construction Authorization Act*  
 11 *for Fiscal Year 2009 (division B of Public Law 110–*  
 12 *417; 122 Stat. 4697), \$54,041,000.*

13 **TITLE XXV—NORTH ATLANTIC**  
 14 **TREATY ORGANIZATION SE-**  
 15 **CURITY INVESTMENT PRO-**  
 16 **GRAM**

*Sec. 2501. Authorized NATO construction and land acquisition projects.*

*Sec. 2502. Authorization of appropriations, NATO.*

17 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
 18 **ACQUISITION PROJECTS.**

19 *The Secretary of Defense may make contributions for*  
 20 *the North Atlantic Treaty Organization Security Invest-*  
 21 *ment Program as provided in section 2806 of title 10,*  
 22 *United States Code, in an amount not to exceed the sum*  
 23 *of the amount authorized to be appropriated for this pur-*  
 24 *pose in section 2502 and the amount collected from the*

1 *North Atlantic Treaty Organization as a result of construc-*  
 2 *tion previously financed by the United States.*

3 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

4 *Funds are hereby authorized to be appropriated for fis-*  
 5 *cal years beginning after September 30, 2009, for contribu-*  
 6 *tions by the Secretary of Defense under section 2806 of title*  
 7 *10, United States Code, for the share of the United States*  
 8 *of the cost of projects for the North Atlantic Treaty Organi-*  
 9 *zation Security Investment Program authorized by section*  
 10 *2501, in the amount of \$276,314,000.*

11 **TITLE XXVI—GUARD AND**  
 12 **RESERVE FORCES FACILITIES**

*Sec. 2601. Authorized Army National Guard construction and land acquisition projects.*

*Sec. 2602. Authorized Army Reserve construction and land acquisition projects.*

*Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.*

*Sec. 2604. Authorized Air National Guard construction and land acquisition projects.*

*Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.*

*Sec. 2606. Authorization of appropriations, National Guard and Reserve.*

*Sec. 2607. Extension of authorizations of certain fiscal year 2007 projects.*

*Sec. 2608. Extension of authorizations of certain fiscal year 2006 project.*

13 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**  
 14 **STRUCTION AND LAND ACQUISITION**  
 15 **PROJECTS.**

16 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*  
 17 *propriated pursuant to the authorization of appropriations*  
 18 *in section 2606(1)(A), the Secretary of the Army may ac-*  
 19 *quire real property and carry out military construction*

1 projects for the Army National Guard locations inside the  
 2 United States, and in the amounts, set forth in the following  
 3 table:

**Army National Guard: Inside the United States**

<b>State</b>	<b>Location</b>	<b>Amount</b>
Alabama .....	Fort McClellan .....	\$3,000,000
Arizona .....	Camp Navajo .....	\$3,000,000
California .....	Los Alamitos Joint Forces Training Base	\$31,000,000
Georgia .....	Fort Benning .....	\$15,500,000
	Hunter Army Air Field .....	\$8,967,000
Idaho .....	Gowen Field .....	\$16,100,000
Indiana .....	Muscatatuck Urban Training Center .....	\$10,100,000
Massachusetts .....	Hanscom Air Force Base .....	\$29,000,000
Michigan .....	Fort Custer .....	\$7,732,000
Minnesota .....	Arden Hills .....	\$6,700,000
	Camp Ripley .....	\$1,710,000
Mississippi .....	Camp Shelby .....	\$16,100,000
Missouri .....	Boonville .....	\$1,800,000
Nebraska .....	Lincoln Municipal Airport .....	\$23,000,000
New Mexico .....	Santa Fe .....	\$39,000,000
Nevada .....	North Las Vegas .....	\$26,000,000
North Carolina .....	East Flat Rock .....	\$2,516,000
	Fort Bragg .....	\$6,038,000
Oregon .....	Polk County .....	\$12,100,000
South Carolina .....	McEntire Joint National Guard Base .....	\$26,000,000
	Donaldson Air Force Base .....	\$40,000,000
Texas .....	Austin .....	\$22,200,000
Virginia .....	Fort Pickett .....	\$32,000,000

4 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 5 appropriated pursuant to the authorization of appropria-  
 6 tions in section 2606(1)(B), the Secretary of the Army may  
 7 acquire real property and carry out military construction  
 8 projects for the Army National Guard locations outside the  
 9 United States, and in the amounts, set forth in the following  
 10 table:

**Army National Guard: Outside the United States**

<b>Country</b>	<b>Location</b>	<b>Amount</b>
Guam .....	Barrigada .....	\$30,000,000
Virgin Islands .....	St. Croix .....	\$20,000,000

1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**  
 2 **AND LAND ACQUISITION PROJECTS.**

3 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-  
 4 propriated pursuant to the authorization of appropriations  
 5 in section 2606(2)(A), the Secretary of the Army may ac-  
 6 quire real property and carry out military construction  
 7 projects for the Army Reserve locations inside the United  
 8 States, and in the amounts, set forth in the following table:

**Army Reserve: Inside the United States**

<b>State</b>	<b>Location</b>	<b>Amount</b>
California .....	Camp Pendleton .....	\$19,500,000
	Los Angeles .....	\$29,000,000
Colorado .....	Colorado Springs .....	\$13,000,000
Connecticut .....	Bridgeport .....	\$18,500,000
Florida .....	Panama City .....	\$7,300,000
	West Palm Beach .....	\$26,000,000
Georgia .....	Atlanta .....	\$14,000,000
Illinois .....	Chicago .....	\$23,000,000
Minnesota .....	Fort Snelling .....	\$12,000,000
New York .....	Rochester .....	\$13,600,000
Ohio .....	Cincinnati .....	\$13,000,000
	Ashley .....	\$9,800,000
Pennsylvania .....	Harrisburg .....	\$7,600,000
	Newton Square .....	\$20,000,000
	Uniontown .....	\$11,800,000
	Austin .....	\$20,000,000
Texas .....	Bryan .....	\$12,200,000
	Fort Bliss .....	\$9,500,000
	Houston .....	\$24,000,000
	Robstown .....	\$10,200,000
	San Antonio .....	\$20,000,000
Wisconsin .....	Fort McCoy .....	\$25,000,000

9 (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
 10 appropriated pursuant to the authorization of appropri-  
 11 ations in section 2606(2)(B), the Secretary of the Army may  
 12 acquire real property and carry out military construction  
 13 projects for the Army Reserve location outside the United  
 14 States, and in the amount, set forth in the following table:

**Army Reserve: Outside the United States**

<b>Country</b>	<b>Location</b>	<b>Amount</b>
<i>Puerto Rico</i> .....	<i>Caguas</i> .....	\$12,400,000

1 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**  
2 **CORPS RESERVE CONSTRUCTION AND LAND**  
3 **ACQUISITION PROJECTS.**

4 *Using amounts appropriated pursuant to the author-*  
5 *ization of appropriations in section 2606(3), the Secretary*  
6 *of the Navy may acquire real property and carry out mili-*  
7 *tary construction projects for the Navy Reserve and Marine*  
8 *Corps Reserve locations, and in the amounts, set forth in*  
9 *the following table:*

**Navy Reserve and Marine Corps Reserve**

<b>State</b>	<b>Location</b>	<b>Amount</b>
<i>Arizona</i> .....	<i>Luke Air Force Base</i> .....	\$10,986,000
<i>California</i> .....	<i>Alameda</i> .....	\$5,960,000
<i>Illinois</i> .....	<i>Joliet Army Ammunition Plant</i> .....	\$7,957,000
<i>South Carolina</i> .....	<i>Goose Creek</i> .....	\$4,240,000
<i>Texas</i> .....	<i>San Antonio</i> .....	\$2,210,000
	<i>Forth Worth Naval Air Station Joint Re-</i> <i>serve Base.</i>	\$6,170,000
<i>Virginia</i> .....	<i>Oceana Naval Air Station</i> .....	\$30,400,000

10 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**  
11 **TION AND LAND ACQUISITION PROJECTS.**

12 *Using amounts appropriated pursuant to the author-*  
13 *ization of appropriations in section 2606(4)(A), the Sec-*  
14 *retary of the Air Force may acquire real property and*  
15 *carry out military construction projects for the Air Na-*  
16 *tional Guard locations, and in the amounts, set forth in*  
17 *the following table:*

**Air National Guard**

<b>State</b>	<b>Location</b>	<b>Amount</b>
Arizona .....	Davis-Monthan Air Force Base .....	\$5,600,000
California .....	South California Logistics Airport .....	\$8,400,000
Connecticut .....	Bradley International Airport .....	\$9,000,000
Hawaii .....	Hickam Air Force .....	\$33,000,000
Illinois .....	Lincoln Capital Airport .....	\$3,000,000
Kansas .....	McConnell Air Force Base .....	\$8,700,000
Maine .....	Bangor International Airport .....	\$28,000,000
Maryland .....	Andrews Air Force Base .....	\$14,000,000
Massachusetts .....	Barnes Air National Guard Base .....	\$8,100,000
Mississippi .....	Gulfport-Biloxi Regional Airport .....	\$6,500,000
	Wheeler Sack AAF .....	\$2,700,000
Nebraska .....	Lincoln Municipal Airport .....	\$1,500,000
Ohio .....	Mansfield Lahm Airport .....	\$11,400,000
Oklahoma .....	Will Rogers World Airport .....	\$7,300,000
Texas .....	Kelly Field Annex .....	\$7,900,000
Wisconsin .....	General Mitchell International Airport ...	\$5,000,000

1 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRU-**  
2 **CTION AND LAND ACQUISITION PROJECTS.**

3 *Using amounts appropriated pursuant to the author-*  
4 *ization of appropriations in section 2606(4)(B), the Sec-*  
5 *retary of the Air Force may acquire real property and*  
6 *carry out military construction projects for the Air Force*  
7 *Reserve locations, and in the amounts, set forth in the fol-*  
8 *lowing table:*

**Air Force Reserve**

<b>State</b>	<b>Location</b>	<b>Amount</b>
California .....	March Air Reserve Base .....	\$9,800,000
Colorado .....	Schriever Air Force Base .....	\$10,200,000
Mississippi .....	Keesler Air Force Base .....	\$9,800,000
New York .....	Niagara Falls Air Reserve Station .....	\$5,700,000
Texas .....	Lackland Air Force Base .....	\$1,500,000
Utah .....	Hill Air Force Base .....	\$3,200,000

9 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**  
10 **TIONAL GUARD AND RESERVE.**

11 *Funds are hereby authorized to be appropriated for fis-*  
12 *cal years beginning after September 30, 2009, for the costs*

1 *of acquisition, architectural and engineering services, and*  
2 *construction of facilities for the Guard and Reserve Forces,*  
3 *and for contributions therefor, under chapter 1803 of title*  
4 *10, United States Code (including the cost of acquisition*  
5 *of land for those facilities), in the following amounts:*

6           (1) *For the Department of the Army, for the*  
7 *Army National Guard of the United States—*

8                   (A) *for military construction projects inside*  
9 *the United States authorized by section 2601(a),*  
10 *\$509,129,000; and*

11                   (B) *for military construction projects out-*  
12 *side the United States authorized by section*  
13 *2601(b), \$20,000,000.*

14           (2) *For the Department of the Army, for the*  
15 *Army Reserve—*

16                   (A) *for military construction projects inside*  
17 *the United States authorized by section 2602(a),*  
18 *\$420,116,000; and*

19                   (B) *for military construction projects out-*  
20 *side the United States authorized by section*  
21 *2602(b), \$12,400,000.*

22           (3) *For the Department of the Navy, for the*  
23 *Navy and Marine Corps Reserve, \$172,177,000.*

24           (4) *For the Department of the Air Force—*

1 (A) for the Air National Guard of the  
2 United States, \$226,126,000; and

3 (B) for the Air Force Reserve, \$103,169,000.

4 **SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
5 **FISCAL YEAR 2007 PROJECTS.**

6 (a) *EXTENSION.*—Notwithstanding section 2701 of the  
7 Military Construction Authorization Act for Fiscal Year  
8 2007 (division B of Public Law 109–364; 120 Stat. 2463),  
9 the authorizations set forth in the table in subsection (b),  
10 as provided in section 2601 of that Act, shall remain in  
11 effect until October 1, 2010, or the date of the enactment  
12 of an Act authorizing funds for military construction for  
13 fiscal year 2011, whichever is later.

14 (b) *TABLE.*—The table referred to in subsection (a) is  
15 as follows:

**Army National Guard: Extension of 2007 Project Authorizations**

<b>State</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
California .....	Fresno .....	AVCRAD Add/Alt, PH I.	\$30,000,000
New Jersey .....	Lakehurst .....	Consolidated Logistics Training Facility, PH II.	\$20,024,000

16 **SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
17 **FISCAL YEAR 2006 PROJECT.**

18 (a) *EXTENSION.*—Notwithstanding section 2701 of the  
19 Military Construction Authorization Act for Fiscal Year  
20 2006 (division B of Public Law 109–163; 119 Stat. 3501),  
21 the authorization set forth in the table in subsection (b),



1 *as provided in section 2601 of that Act (119 Stat. 3501)*  
 2 *and extended by section 2608 of the Military Construction*  
 3 *Authorization Act for Fiscal Year 2009 (division B of Pub-*  
 4 *lic Law 110–417; 122 Stat. 4710), shall remain in effect*  
 5 *until October 1, 2010, or the date of the enactment of an*  
 6 *Act authorizing funds for military construction for fiscal*  
 7 *year 2011, whichever is later.*

8 (b) *TABLE.—The table referred to in subsection (a) is*  
 9 *as follows:*

***Army National Guard: Extension of 2006 Project Authorization***

<b><i>State</i></b>	<b><i>Installation or Location</i></b>	<b><i>Project</i></b>	<b><i>Amount</i></b>
<i>Montana .....</i>	<i>Townsend .....</i>	<i>Automated Qualification Training Range.</i>	<i>\$2,532,000</i>

10 ***TITLE XXVII—BASE CLOSURE***  
 11 ***AND REALIGNMENT ACTIVITIES***

*Subtitle A—Authorizations*

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

*Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.*

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

*Subtitle B—Amendments to Base Closure and Related Laws*

*Sec. 2711. Use of economic development conveyances to implement base closure and realignment property recommendations.*

*Subtitle C—Other Matters*

*Sec. 2721. Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness.*

*Sec. 2722. Modification of closure instructions regarding Paul Doble Army Reserve Center, Portsmouth, New Hampshire.*

**Subtitle A—Authorizations**

**SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE  
CLOSURE AND REALIGNMENT ACTIVITIES  
FUNDED THROUGH DEPARTMENT OF DE-  
FENSE BASE CLOSURE ACCOUNT 1990.**

*Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of \$536,768,000, as follows:*

*(1) For the Department of the Army,  
\$133,723,000.*

*(2) For the Department of the Navy,  
\$228,000,000.*

*(3) For the Department of the Air Force,  
\$172,364,000.*

*(4) For the Defense Agencies, \$2,681,000.*

1 **SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN-**  
2 **MENT ACTIVITIES FUNDED THROUGH DE-**  
3 **PARTMENT OF DEFENSE BASE CLOSURE AC-**  
4 **COUNT 2005.**

5 *Using amounts appropriated pursuant to the author-*  
6 *ization of appropriations in section 2703, the Secretary of*  
7 *Defense may carry out base closure and realignment activi-*  
8 *ties, including real property acquisition and military con-*  
9 *struction projects, as authorized by the Defense Base Closure*  
10 *and Realignment Act of 1990 (part A of title XXIX of Pub-*  
11 *lic Law 101–510; 10 U.S.C. 2687 note) and funded through*  
12 *the Department of Defense Base Closure Account 2005 es-*  
13 *tablished by section 2906A of such Act, in the amount of*  
14 *\$5,934,740,000.*

15 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE**  
16 **CLOSURE AND REALIGNMENT ACTIVITIES**  
17 **FUNDED THROUGH DEPARTMENT OF DE-**  
18 **FENSE BASE CLOSURE ACCOUNT 2005.**

19 *Funds are hereby authorized to be appropriated for fis-*  
20 *cal years beginning after September 30, 2009, for base clo-*  
21 *sure and realignment activities, including real property ac-*  
22 *quisition and military construction projects, as authorized*  
23 *by the Defense Base Closure and Realignment Act of 1990*  
24 *(part A of title XXIX of Public Law 101–510; 10 U.S.C.*  
25 *2687 note) and funded through the Department of Defense*

1 *Base Closure Account 2005 established by section 2906A of*  
2 *such Act, in the total amount of \$7,129,498,000, as follows:*

3           (1) *For the Department of the Army,*  
4           *\$4,081,037,000.*

5           (2) *For the Department of the Navy,*  
6           *\$591,572,000,*

7           (3) *For the Department of the Air Force,*  
8           *\$418,260,000.*

9           (4) *For the Defense Agencies, \$2,038,629,000.*

10           ***Subtitle B—Amendments to Base***  
11           ***Closure and Related Laws***

12           ***SEC. 2711. USE OF ECONOMIC DEVELOPMENT CONVEY-***  
13           ***ANCES TO IMPLEMENT BASE CLOSURE AND***  
14           ***REALIGNMENT PROPERTY RECOMMENDA-***  
15           ***TIONS.***

16           (a) *ECONOMIC REDEVELOPMENT CONVEYANCE AU-*  
17 *THORITY.*—*Subsection (b)(4) of section 2905 of the Defense*  
18 *Base Closure and Realignment Act of 1990 (part A of title*  
19 *XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is*  
20 *amended—*

21           (1) *in subparagraph (A), by striking “job gen-*  
22 *eration” and inserting “economic redevelopment”;*

23           (2) *by striking subparagraph (B) and inserting*  
24 *the following new subparagraph:*

1       “(B) *Real or personal property at a military installa-*  
2 *tion shall be conveyed, without consideration, under sub-*  
3 *paragraph (A) to the redevelopment authority with respect*  
4 *to the installation if the authority—*

5               “(i) *agrees that the proceeds from any sale or*  
6 *lease of the property (or any portion thereof) received*  
7 *by the redevelopment authority during at least the*  
8 *first seven years after the date of the initial transfer*  
9 *of the property under subparagraph (A) or the com-*  
10 *pletion of the initial redevelopment of the property,*  
11 *whichever is earlier, shall be used to support the eco-*  
12 *nommic redevelopment of, or related to, the installation;*  
13 *and*

14               “(ii) *executes the agreement for transfer of the*  
15 *property and accepts control of the property within a*  
16 *reasonable time after the requirements associated with*  
17 *subsection (c) are satisfied.”; and*

18               “(3) *in subparagraph (C), by adding at the end*  
19 *the following new clause:*

20               “(xiii) *Environmental restoration, waste man-*  
21 *agement, and environmental compliance activities*  
22 *provided pursuant to subsection (e).”.*

23       (b) *RECOUPMENT AUTHORITY.—Subsection (b)(4)(D)*  
24 *of such section is amended—*

1           (1) *by striking “The Secretary” and inserting*  
2           *“At the conclusion of the period specified in subpara-*  
3           *graph (B) applicable to an installation, the Sec-*  
4           *retary”*; and

5           (2) *by striking “for the period specified in sub-*  
6           *paragraph (B)” and inserting “before the conclusion*  
7           *of such period”*.

8           (c) *REGULATIONS AND REPORT CONCERNING PROP-*  
9           *ERTY CONVEYANCES.—*

10           (1) *REGULATIONS.—Not later than 60 days after*  
11           *the date of the enactment of this Act, the Secretary of*  
12           *Defense shall prescribe regulations to implement the*  
13           *amendments made by this section to support the con-*  
14           *veyance of surplus real and personal property at*  
15           *closed or realigned military installations to local re-*  
16           *development authorities for economic development*  
17           *purposes.*

18           (2) *REPORT.—Not later than 180 days after the*  
19           *date of the enactment of this Act, the Secretary of De-*  
20           *fense shall submit to Congress a report regarding the*  
21           *status of current and anticipated economic develop-*  
22           *ment conveyances involving surplus real and personal*  
23           *property at closed or realigned military installations,*  
24           *projected job creation as a result of the conveyances,*  
25           *community reinvestment, and progress made as a re-*

1        *sult of the implementation of the amendments made*  
2        *by this section.*

3                    ***Subtitle C—Other Matters***

4    ***SEC. 2721. SENSE OF CONGRESS ON ENSURING JOINT BAS-***  
5                    ***ING RECOMMENDATIONS DO NOT ADVERSELY***  
6                    ***AFFECT OPERATIONAL READINESS.***

7        *It is the sense of Congress that, in implementing the*  
8        *joint basing recommendations of the Defense Base Closure*  
9        *and Realignment Commission contained in the report of*  
10       *the Commission transmitted to Congress on September 15,*  
11       *2005, under section 2903(e) of the Defense Base Closure and*  
12       *Realignment Act of 1990 (part A of title XXIX of Public*  
13       *Law 101–510; 10 U.S.C. 2687 note), the Secretary of De-*  
14       *fense should ensure that the joint basing of military instal-*  
15       *lations at any of the recommended locations does not ad-*  
16       *versely impact—*

17                *(1) the ability of commanders, and the units of*  
18                *the Armed Forces under their command, to perform*  
19                *their operational missions;*

20                *(2) the command and control of commanders at*  
21                *each military installation that has an operational*  
22                *mission requirement; and*

23                *(3) the readiness of the units of the Armed Forces*  
24                *under their command.*

1 **SEC. 2722. MODIFICATION OF CLOSURE INSTRUCTIONS RE-**  
 2 **GARDING PAUL DOBLE ARMY RESERVE CEN-**  
 3 **TER, PORTSMOUTH, NEW HAMPSHIRE.**

4 *With respect to the closure of the Paul Doble Army*  
 5 *Reserve Center in Portsmouth, New Hampshire, and reloca-*  
 6 *tion of units to a new reserve center and associated training*  
 7 *and maintenance facilities, the new reserve center and asso-*  
 8 *ciated training and maintenance facilities may be located*  
 9 *adjacent to or in the vicinity of Pease Air National Guard*  
 10 *Base.*

11 **TITLE XXVIII—MILITARY CON-**  
 12 **STRUCTION GENERAL PROVI-**  
 13 **SIONS**

*Subtitle A—Military Construction Program and Military Family Housing Changes*

- Sec. 2801. Modification of unspecified minor construction authorities.*  
*Sec. 2802. Congressional notification of facility repair projects carried out using operation and maintenance funds.*  
*Sec. 2803. Authorized scope of work variations for military construction projects and military family housing projects.*  
*Sec. 2804. Imposition of requirement that acquisition of reserve component facilities be authorized by law.*  
*Sec. 2805. Report on Department of Defense contributions to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities.*  
*Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.*  
*Sec. 2807. Expansion of First Sergeants Barracks Initiative.*  
*Sec. 2808. Reports on privatization initiatives for military unaccompanied housing.*

*Subtitle B—Real Property and Facilities Administration*

- Sec. 2811. Imposition of requirement that leases of real property to the United States with annual rental costs of more than \$750,000 be authorized by law.*  
*Sec. 2812. Consolidation of notice-and-wait requirements applicable to leases of real property owned by the United States.*



- Sec. 2813. Clarification of authority of military departments to acquire low-cost interests in land and interests in land when need is urgent.*
- Sec. 2814. Modification of utility systems conveyance authority.*
- Sec. 2815. Decontamination and use of former bombardment area on island of Culebra.*
- Sec. 2816. Disposal of excess property of Armed Forces Retirement Home.*
- Sec. 2817. Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California.*
- Sec. 2818. Limitation on establishment of Navy outlying landing fields.*
- Sec. 2819. Prohibition on outlying landing field at Sandbanks or Hale's Lake, North Carolina, for Oceana Naval Air Station.*
- Sec. 2820. Selection of military installations to serve as locations of brigade combat teams.*

*Subtitle C—Provisions Related to Guam Realignment*

- Sec. 2831. Role of Under Secretary of Defense for Policy in management and coordination of Department of Defense activities relating to Guam realignment.*
- Sec. 2832. Clarifications regarding use of special purpose entities to assist with Guam realignment.*
- Sec. 2833. Workforce issues related to military construction and certain other transactions on Guam.*
- Sec. 2834. Composition of workforce for construction projects funded through the Support for United States Relocation to Guam Account.*
- Sec. 2835. Interagency Coordination Group of Inspector Generals for Guam Realignment.*
- Sec. 2836. Compliance with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Futenma, Okinawa.*
- Sec. 2837. Report and sense of Congress on Marine Corps training requirements in Asia-Pacific region.*

*Subtitle D—Energy Security*

- Sec. 2841. Adoption of unified energy monitoring and management system specification for military construction and military family housing activities.*
- Sec. 2842. Department of Defense use of electric and hybrid motor vehicles.*
- Sec. 2843. Department of Defense goal regarding use of renewable energy sources to meet facility energy needs.*
- Sec. 2844. Comptroller General report on Department of Defense renewable energy initiatives.*
- Sec. 2845. Study on development of nuclear power plants on military installations.*

*Subtitle E—Land Conveyances*

- Sec. 2851. Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California.*
- Sec. 2852. Land conveyances, Naval Air Station, Barbers Point, Hawaii.*
- Sec. 2853. Modification of land conveyance, former Griffiss Air Force Base, New York.*
- Sec. 2854. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.*
- Sec. 2855. Land conveyance, Naval Air Station Oceana, Virginia.*
- Sec. 2856. Land conveyance, Haines Tank Farm, Haines, Alaska.*

*Sec. 2857. Completion of land exchange and consolidation, Fort Lewis, Washington.*

*Subtitle F—Other Matters*

*Sec. 2871. Revised authority to establish national monument to honor United States Armed Forces working dog teams.*

*Sec. 2872. Naming of child development center at Fort Leonard Wood, Missouri, in honor of Mr. S. Lee Kling.*

*Sec. 2873. Conditions on establishment of Cooperative Security Location in Palanquero, Colombia.*

*Sec. 2874. Military activities at United States Marine Corps Mountain Warfare Training Center.*

1 ***Subtitle A—Military Construction***  
 2 ***Program and Military Family***  
 3 ***Housing Changes***

4 ***SEC. 2801. MODIFICATION OF UNSPECIFIED MINOR CON-***  
 5 ***STRUCTION AUTHORITIES.***

6 *(a) REPEAL OF LIMITATIONS ON EXERCISE-RELATED*  
 7 *PROJECTS OVERSEAS.—Section 2805 of title 10, United*  
 8 *States Code, is amended—*

9 *(1) in subsection (a)—*

10 *(A) by striking “(1) Except as provided in*  
 11 *paragraph (2), within” and inserting “Within”;*

12 *(B) by striking paragraph (2); and*

13 *(C) by striking “An unspecified” and in-*  
 14 *serting the following:*

15 *“(2) An unspecified”; and*

16 *(2) in subsection (c)—*

17 *(A) by striking “Except as provided in*  
 18 *paragraphs (2) and (3)” and inserting “Except*  
 19 *as provided in paragraph (2)”;*

1                   (B) by striking paragraph (2); and  
2                   (C) by redesignating paragraph (3) as  
3                   paragraph (2).

4           (b) *LABORATORY REVITALIZATION*.—

5                   (1) *REVITALIZATION AUTHORIZED*.—Subsection  
6           (d) of such section is amended—

7                           (A) in paragraph (1)(B), by inserting “or  
8                           from funds authorized to be available under sec-  
9                           tion 219(a) of the Duncan Hunter National De-  
10                           fense Authorization Act for Fiscal Year 2009  
11                           (Public Law 110–417; 10 U.S.C. 2358 note)”  
12                           after “authorized by law”;

13                           (B) by striking paragraph (3); and

14                           (C) by redesignating paragraphs (4), (5),  
15                           and (6) as paragraphs (3), (4), and (5), respec-  
16                           tively.

17                   (2) *MECHANISMS TO PROVIDE FUNDS FOR REVI-*  
18           *TALIZATION*.—Section 219(a)(1) of the Duncan  
19           Hunter National Defense Authorization Act for Fiscal  
20           Year 2009 (Public Law 110–417; 10 U.S.C. 2358  
21           note) is amended by adding at the end the following  
22           new subparagraph:

23                           “(D) To fund the revitalization and recapiti-  
24                           talization of the laboratory pursuant to section  
25                           2805(d) of title 10, United States Code.”.

1 **SEC. 2802. CONGRESSIONAL NOTIFICATION OF FACILITY**  
2 **REPAIR PROJECTS CARRIED OUT USING OP-**  
3 **ERATION AND MAINTENANCE FUNDS.**

4 *Section 2811(d) of title 10, United States Code, is*  
5 *amended—*

6 *(1) in paragraph (1), by striking “and” at the*  
7 *end; and*

8 *(2) by striking paragraph (2) and inserting the*  
9 *following new paragraphs:*

10 *“(2) if the current estimate of the cost of the re-*  
11 *pair project exceeds 50 percent of the estimated cost*  
12 *of a military construction project to replace the facil-*  
13 *ity, an explanation of the reasons why replacement of*  
14 *the facility is not in the best interest of the Govern-*  
15 *ment; and*

16 *“(3) a description of the elements of military*  
17 *construction, including the elements specified in sec-*  
18 *tion 2802(b) of this title, incorporated into the repair*  
19 *project.”.*

20 **SEC. 2803. AUTHORIZED SCOPE OF WORK VARIATIONS FOR**  
21 **MILITARY CONSTRUCTION PROJECTS AND**  
22 **MILITARY FAMILY HOUSING PROJECTS.**

23 *(a) AUTHORIZED PROCESS TO INCREASE SCOPE OF*  
24 *WORK.—Section 2853 of title 10, United States Code, is*  
25 *amended—*

26 *(1) in subsection (b)—*

1           (A) by striking “*Except*” and inserting  
2           “*LIMITATION ON SCOPE OF WORK VARI-*  
3           *ATIONS.—(1) Except*”; and

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

6           “(2) *Except as provided in subsection (c), the scope*  
7           *of work for a military construction project or for the con-*  
8           *struction, improvement, and acquisition of a military fam-*  
9           *ily housing project may not be increased beyond the amount*  
10           *approved for that project, construction, improvement, or ac-*  
11           *quisition by Congress.*”; and

12           (2) in subsection (c)—

13           (A) in the matter preceding paragraph (1),  
14           by striking “*scope reduction in subsection (b)*  
15           *does not apply if the variation in cost or reduc-*  
16           *tion*” and inserting “*scope of work variations in*  
17           *subsection (b) does not apply if the variation in*  
18           *cost or the variation*”; and

19           (B) in paragraph (1), by striking “*reduc-*  
20           *tion*” both places it appears and inserting “*vari-*  
21           *ation*”.

22           (b) *STYLISTIC AMENDMENTS.—Such section is further*  
23           *amended—*

24           (1) in subsection (a), by inserting “*LIMITATION*  
25           *ON COST VARIATIONS.—*” before “*Except*”;

1           (2) *in subsection (c), by inserting “EXCEPTION;*  
2           *NOTICE-AND-WAIT REQUIREMENTS.—” after “(c);*  
3           *and*

4           (3) *in subsection (d), by inserting “ADDITIONAL*  
5           *EXCEPTION TO LIMITATION ON COST VARIATIONS.—*  
6           *” after “(d)”.*

7   **SEC. 2804. IMPOSITION OF REQUIREMENT THAT ACQUI-**  
8                           **TION OF RESERVE COMPONENT FACILITIES**  
9                           **BE AUTHORIZED BY LAW.**

10          *Section 18233(a)(1) of title 10, United States Code,*  
11          *is amended by striking “as he determines to be necessary”*  
12          *and inserting “as are authorized by law”.*

13   **SEC. 2805. REPORT ON DEPARTMENT OF DEFENSE CON-**  
14                           **TRIBUTIONS TO STATES FOR ACQUISITION,**  
15                           **CONSTRUCTION, EXPANSION, REHABILITA-**  
16                           **TION, OR CONVERSION OF RESERVE COMPO-**  
17                           **NENT FACILITIES.**

18          (a) *REPORT REQUIRED.—Not later than March 1,*  
19          *2010, the Secretary of Defense shall submit to the congress-*  
20          *sional defense committees a report specifying, for each of*  
21          *fiscal years 2005 through 2009, the total amount of con-*  
22          *tributions made by the Secretary to each State under the*  
23          *authority of paragraphs (2) through (6) of section 18233(a)*  
24          *of title 10, United States Code, for reserve component facili-*

1 *ties. The amounts contributed under each of such para-*  
2 *graphs for each State shall be specified separately.*

3 (b) *DEFINITIONS.—In this section, the terms “State”*  
4 *and “facility” have the meanings given those terms in sec-*  
5 *tion 18232 of such title.*

6 **SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.**

10 (a) *ONE-YEAR EXTENSION OF AUTHORITY.—Section*  
11 *2808 of the Military Construction Authorization Act for*  
12 *Fiscal Year 2004 (division B of Public Law 108-136; 117*  
13 *Stat. 1723), as most recently amended by section 2806 of*  
14 *the Military Construction Authorization Act for Fiscal Year*  
15 *2009 (division B of Public Law 110-417; 112 Stat. 4724),*  
16 *is amended—*

17 (1) *in subsection (a), by striking “During fiscal*  
18 *year 2004” and all that follows through “obligate”*  
19 *and inserting “The Secretary of Defense may obli-*  
20 *gate”; and*

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

23 *“(h) EXPIRATION OF AUTHORITY.—The authority to*  
24 *obligate funds under this section expires on September 30,*  
25 *2010.”.*

1       (b) *GEOGRAPHIC AREA OF AUTHORITY.*—Subsection  
2 (a) of such section is further amended by striking “and  
3 United States Africa Command areas of responsibility” and  
4 inserting “area of responsibility”.

5       (c) *ANNUAL FUNDING LIMITATION ON USE OF AU-*  
6 *THORITY; EXCEPTION.*—Subsection (c) of such section is  
7 amended by striking paragraph (2) and inserting the fol-  
8 lowing new paragraph:

9       “(2) Notwithstanding paragraph (1), the Secretary of  
10 Defense may authorize the obligation under this section of  
11 not more than an additional \$10,000,000 of appropriated  
12 funds available for operation and maintenance for a fiscal  
13 year if the Secretary determines that the additional funds  
14 are needed for costs associated with contract closeouts.”.

15       (d) *CLERICAL AMENDMENT TO CORRECT REFERENCE*  
16 *TO CONGRESSIONAL COMMITTEE.*—Subsection (f) of such  
17 section is amended by striking “Subcommittees on Defense  
18 and Military Construction” both places it appears and in-  
19 serting “Subcommittee on Defense and the Subcommittee on  
20 Military Construction, Veterans Affairs, and Related Agen-  
21 cies”.

22 **SEC. 2807. EXPANSION OF FIRST SERGEANTS BARRACKS**  
23 **INITIATIVE.**

24       (a) *EXPANSION OF INITIATIVE.*—Not later than Sep-  
25 tember 30, 2011, the Secretary of the Army shall expand



1 *the First Sergeants Barracks Initiative (FSBI) to include*  
2 *all Army installations in order to improve the quality of*  
3 *life and living environments for single soldiers.*

4 (b) *PROGRESS REPORTS.*—*Not later than February*  
5 *15, 2010, and February 15, 2011, the Secretary of the Army*  
6 *shall submit to the congressional defense committees a re-*  
7 *port describing the progress made in expanding the First*  
8 *Sergeants Barracks Initiative to all Army installations.*

9 **SEC. 2808. REPORTS ON PRIVATIZATION INITIATIVES FOR**  
10 **MILITARY UNACCOMPANIED HOUSING.**

11 (a) *SECRETARY OF DEFENSE REPORT.*—*Not later*  
12 *than March 31, 2010, the Secretary of Defense shall submit*  
13 *to the Committees on Armed Services of the Senate and the*  
14 *House of Representatives a report containing—*

15 (1) *an evaluation of the process by which the*  
16 *Secretary develops, implements, and oversees housing*  
17 *privatization transactions involving military unac-*  
18 *companied housing;*

19 (2) *recommendations regarding additional op-*  
20 *portunities for members of the Armed Forces to utilize*  
21 *housing privatization transactions involving military*  
22 *unaccompanied housing; and*

23 (3) *an evaluation of the impact of a prohibition*  
24 *on civilian occupancy of such housing on the ability*

1       to secure private partners for such housing privatiza-  
2       tion transactions.

3       (b) *COMPTROLLER GENERAL REPORT.*—Not later than  
4       March 31, 2010, the Comptroller General shall submit to  
5       the Committees on Armed Services of the Senate and the  
6       House of Representatives a report evaluating the feasibility  
7       and cost of privatizing military unaccompanied housing for  
8       all members of the Armed Forces.

9       (c) *HOUSING PRIVATIZATION TRANSACTION DE-*  
10       *FINED.*—In this section, the term “housing privatization  
11       transaction” means any contract or other transaction for  
12       the construction or acquisition of military unaccompanied  
13       housing entered into under the authority of subchapter IV  
14       of chapter 169 of title 10, United States Code.

15               ***Subtitle B—Real Property and***  
16               ***Facilities Administration***

17       ***SEC. 2811. IMPOSITION OF REQUIREMENT THAT LEASES OF***  
18               ***REAL PROPERTY TO THE UNITED STATES***  
19               ***WITH ANNUAL RENTAL COSTS OF MORE THAN***  
20               ***\$750,000 BE AUTHORIZED BY LAW.***

21       (a) *AUTHORIZATION REQUIRED.*—Section 2661 of title  
22       10, United States Code, is amended by inserting after sub-  
23       section (b) the following new subsection:

24               “(c) *AUTHORIZATION OF CERTAIN LEASES TO THE*  
25       *UNITED STATES REQUIRED BY LAW.*—If the estimated an-

1 nual rental in connection with a proposed lease of real  
2 property to the United States is more than \$750,000, the  
3 Secretary of a military department or, with respect to a  
4 Defense Agency, the Secretary of Defense may enter into  
5 the lease or utilize the General Services Administration to  
6 enter into the lease on the Secretary's behalf only if the lease  
7 is specifically authorized by law.”.

8 (b) *REPEAL OF NOTICE AND WAIT REQUIREMENTS*  
9 *REGARDING SUCH LEASES.*—

10 (1) *REPEAL.*—Section 2662 of such title is  
11 amended—

12 (A) in subsection (a)(1)—

13 (i) by striking subparagraph (B); and

14 (ii) by redesignating subparagraphs

15 (C) through (G) as subparagraphs (B)

16 through (F), respectively; and

17 (B) by striking subsection (e).

18 (2) *CONFORMING AMENDMENTS.*—Such section is  
19 further amended—

20 (A) in subsection (a)(2)—

21 (i) by striking “or (B)”;

22 (ii) by striking “or leases to be made”;

23 and

24 (iii) by striking “subparagraph (E)”

25 and inserting “subparagraph (D)”;

1                   (B) in subsection (g)—

2                   (i) in paragraph (1), by striking “,  
3                   and the reporting requirement set forth in  
4                   subsection (e) shall not apply with respect  
5                   to a real property transaction otherwise  
6                   covered by that subsection,”; and

7                   (ii) in paragraph (3), by striking “or  
8                   (e), as the case may be”.

9   **SEC. 2812. CONSOLIDATION OF NOTICE-AND-WAIT REQUIRE-**  
10                   **MENTS APPLICABLE TO LEASES OF REAL**  
11                   **PROPERTY OWNED BY THE UNITED STATES.**

12           (a) *NOTICE-AND-WAIT REQUIREMENTS.*—Section 2662  
13 of title 10, United States Code, as amended by section  
14 2821(b), is further amended by inserting after subsection  
15 (d) the following new subsection:

16           “(e) *ADDITIONAL REPORTING REQUIREMENTS RE-*  
17 *GARDING LEASES OF REAL PROPERTY OWNED BY THE*  
18 *UNITED STATES.*—(1) *In the case of a proposed lease or*  
19 *license of real property owned by the United States covered*  
20 *by paragraph (1)(B) of subsection (a), the Secretary of a*  
21 *military department or the Secretary of Defense may not*  
22 *issue a contract solicitation or other lease offering with re-*  
23 *gard to the transaction unless the Secretary complies with*  
24 *the notice-and wait requirements of paragraph (3) of such*  
25 *subsection. The monthly report under such paragraph shall*

1 *include the following with regard to the proposed trans-*  
2 *action:*

3           “(A) *A description of the proposed transaction,*  
4 *including the proposed duration of the lease or li-*  
5 *cence.*

6           “(B) *A description of the authorities to be used*  
7 *in entering into the transaction and the intended*  
8 *participation of the United States in the lease or li-*  
9 *cence, including a justification of the intended method*  
10 *of participation.*

11           “(C) *A statement of the scored cost of the trans-*  
12 *action, determined using the scoring criteria of the*  
13 *Office of Management and Budget.*

14           “(D) *A determination that the property involved*  
15 *in the transaction is not excess property, as required*  
16 *by section 2667(a)(3) of this title, including the basis*  
17 *for the determination.*

18           “(E) *A determination that the proposed trans-*  
19 *action is directly compatible with the mission of the*  
20 *military installation or Defense Agency at which the*  
21 *property is located and a description of the antici-*  
22 *ipated long-term use of the property at the conclusion*  
23 *of the lease or license.*

24           “(F) *A description of the requirements or condi-*  
25 *tions within the contract solicitation or other lease of-*

1        *fering for the offeror to address taxation issues, in-*  
2        *cluding payments-in-lieu-of taxes, and other develop-*  
3        *ment issues related to local municipalities.*

4        *“(2) The Secretary of a military department or the*  
5        *Secretary of Defense may not enter into the actual lease*  
6        *or license with respect to property for which the informa-*  
7        *tion required by paragraph (1) was submitted in a monthly*  
8        *report under subsection (a)(3) unless the Secretary again*  
9        *complies with the notice-and wait requirements of such sub-*  
10       *section. The subsequent monthly report shall include the fol-*  
11       *lowing with regard to the proposed transaction:*

12                *“(A) A cross reference to the prior monthly re-*  
13                *port that contained the information submitted under*  
14                *paragraph (1) with respect to the transaction.*

15                *“(B) A description of the differences between the*  
16                *information submitted under paragraph (1) and the*  
17                *information regarding the transaction being sub-*  
18                *mitted in the subsequent report.*

19                *“(C) A description of the payment to be required*  
20                *in connection with the lease or license, including a*  
21                *description of any in-kind consideration that will be*  
22                *accepted.*

23                *“(D) A description of any community support*  
24                *facility or provision of community support services*  
25                *under the lease or license, regardless of whether the fa-*

1        *cility will be operated by a covered entity (as defined*  
2        *in section 2667(d) of this title) or the lessee or the*  
3        *services will be provided by a covered entity or the*  
4        *lessee.*

5            *“(E) A description of the competitive procedures*  
6        *used to select the lessee or, in the case of a lease in-*  
7        *volving the public benefit exception authorized by sec-*  
8        *tion 2667(h)(2) of this title, a description of the pub-*  
9        *lic benefit to be served by the lease.*

10           *“(F) If the proposed lease or license involves a*  
11        *project related to energy production, and the term of*  
12        *the lease or license exceeds 20 years, a certification*  
13        *that the project is consistent with the Department of*  
14        *Defense performance goals and plan required by sec-*  
15        *tion 2911 of this title.”.*

16        *(b) EXCEPTION FOR LEASES UNDER BASE CLOSURE*  
17        *PROCESS.—Subsection (a)(1)(B) of such section, as redesign-*  
18        *ated by section 2821(b), is amended by inserting after*  
19        *“United States” the following: “(other than a lease or li-*  
20        *cense entered into under section 2667(g) of this title)”.*

21        *(c) CONFORMING AMENDMENTS TO LEASE OF NON-EX-*  
22        *CESS PROPERTY AUTHORITY.—Section 2667 of such title*  
23        *is amended—*

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

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

2           *and*

3           (3) *in subsection (h)—*

4                   (A) *by striking paragraphs (3) and (5); and*

5                   (B) *by redesignating paragraph (4) as*  
6           *paragraph (3).*

7   **SEC. 2813. CLARIFICATION OF AUTHORITY OF MILITARY DE-**  
8                   **PARTMENTS TO ACQUIRE LOW-COST INTER-**  
9                   **ESTS IN LAND AND INTERESTS IN LAND**  
10                  **WHEN NEED IS URGENT.**

11        *Section 2664(a) of title 10, United States Code, is*  
12    *amended—*

13           (1) *by inserting “(1)” before “No military”; and*

14           (2) *by striking “The foregoing limitation shall*  
15    *not apply to the acceptance” and inserting the fol-*  
16    *lowing:*

17        “(2) *Paragraph (1) shall not apply to the following:*

18           “(A) *The acquisition of low-cost interests in*  
19    *land, as authorized by section 2663(c) of this title.*

20           “(B) *The acquisition of interests in land when*  
21    *the need is urgent, as authorized by section 2663(d)*  
22    *of this title.*

23           “(C) *The acceptance”.*



1 **SEC. 2814. MODIFICATION OF UTILITY SYSTEMS CONVEY-**  
2 **ANCE AUTHORITY.**

3 (a) *CLARIFICATION OF REQUIRED DETERMINATION*  
4 *THAT CONVEYANCE REDUCE LONG-TERM COSTS.*—Para-  
5 *graph (2)(A)(ii) of subsection (a) of section 2688 of title*  
6 *10, United States Code, is amended by striking “system;*  
7 *and” and inserting the following: “system—*

8 *“(I) by 10 percent of the long-term cost*  
9 *for provision of those utility services in the*  
10 *agency tender, for periods of performance*  
11 *specified in subsection (d)(1); or*

12 *“(II) 20 percent of the long-term cost*  
13 *for provision of those utility services in the*  
14 *agency tender, for periods of performance*  
15 *specified in subsection (d)(2); and”.*

16 (b) *LIMITATION ON REPEATED USE OF AUTHORITY*  
17 *FOR SAME UTILITY SYSTEM.*—*Such subsection is further*  
18 *amended by adding at the end the following new paragraph:*

19 *“(3) If, as a result of the economic analysis required*  
20 *by paragraph (2)(A), the Secretary concerned determines*  
21 *that a utility system, or part of a utility system, is not*  
22 *eligible for conveyance under this subsection, the Secretary*  
23 *concerned may not reconsider the utility system, or part*  
24 *of a utility system, for conveyance under this subsection or*  
25 *for conversion to contractor operation under section 2461*  
26 *of this title for a period of five years beginning on the date*

1 *of the determination. In addition, if the results of a public-*  
2 *private competition for conversion of a utility system, or*  
3 *part of a utility system, to operation by a contractor favors*  
4 *continued operation by civilian employees of the Depart-*  
5 *ment of Defense, the Secretary concerned may not recon-*  
6 *sider the utility system, or part of a utility system, for con-*  
7 *version under such section or for conveyance under this sub-*  
8 *section for a period of five years beginning on the date of*  
9 *the completion of the public-private competition.”.*

10 **SEC. 2815. DECONTAMINATION AND USE OF FORMER BOM-**  
11 **BARDMENT AREA ON ISLAND OF CULEBRA.**

12 *Section 204 of the Military Construction Authoriza-*  
13 *tion Act, 1974 (Public Law 93–166; 87 Stat. 668) is*  
14 *amended by striking subsection (c).*

15 **SEC. 2816. DISPOSAL OF EXCESS PROPERTY OF ARMED**  
16 **FORCES RETIREMENT HOME.**

17 *Section 1511(e)(3) of the Armed Forces Retirement*  
18 *Home Act of 1991 (24 U.S.C. 411(e)(3)) is amended—*

19 *(1) by striking the first sentence and inserting*  
20 *the following new sentence: “If the Secretary of De-*  
21 *fense determines that any property of the Retirement*  
22 *Home is excess to the needs of the Retirement Home,*  
23 *the Secretary shall dispose of the property in accord-*  
24 *ance with subchapter III of chapter 5 of title 40,*  
25 *United States Code (40 U.S.C. 541 et seq.).”;* and

1           (2) *by striking the last sentence.*

2   **SEC. 2817. ACCEPTANCE OF CONTRIBUTIONS TO SUPPORT**  
3                   **CLEANUP EFFORTS AT FORMER ALMADEN**  
4                   **AIR FORCE STATION, CALIFORNIA.**

5           (a) *ACCEPTANCE OF CONTRIBUTIONS; PURPOSE.—The*  
6   *Secretary of the Air Force may accept contributions from*  
7   *other Federal entities, the State of California, and other en-*  
8   *tities, both public and private, for the purposes of helping*  
9   *to cover the costs of—*

10           (1) *demolition of property at former Almaden*  
11   *Air Force Station, California; and*

12           (2) *environmental remediation and restoration*  
13   *and other efforts to further the ultimate end use of the*  
14   *property for conservation and recreation purposes.*

15           (b) *AVAILABILITY.—Amounts received as contributions*  
16   *under subsection (a) may be merged with other amounts*  
17   *available to the Secretary to carry out the purposes de-*  
18   *scribed in such subsection and shall be available, in such*  
19   *amounts as may be provided in advance in appropriation*  
20   *Act, for such purposes.*

21   **SEC. 2818. LIMITATION ON ESTABLISHMENT OF NAVY OUT-**  
22                   **LYING LANDING FIELDS.**

23           (a) *LIMITATION.—The Secretary of the Navy may not*  
24   *establish an outlying landing field at a proposed location*  
25   *to be used by naval aircraft if, within 90 days after the*

1 *issuance of the final environmental assessment or environ-*  
2 *mental impact statement regarding the proposed location*  
3 *pursuant to section 102(2) of the National Environmental*  
4 *Policy Act of 1969 (42 U.S.C. 4332(2)), the Secretary deter-*  
5 *mines that the governmental body of the political subdivi-*  
6 *sion of a State containing the proposed location is formally*  
7 *opposed to the establishment of the outlying landing field.*

8 (b) *EXCEPTION.*—*Subsection (a) shall not apply if*  
9 *Congress enacts a law authorizing the Secretary to proceed*  
10 *with the outlying landing field notwithstanding the local*  
11 *government action.*

12 **SEC. 2819. PROHIBITION ON OUTLYING LANDING FIELD AT**  
13 **SANDBANKS OR HALE’S LAKE, NORTH CARO-**  
14 **LINA, FOR OCEANA NAVAL AIR STATION.**

15 *The Secretary of the Navy may not establish, consider*  
16 *the establishment of, or purchase land, construct facilities,*  
17 *implement bird management plans, or conduct any other*  
18 *activities that would facilitate the establishment of, an out-*  
19 *lying landing field at either of the proposed sites in North*  
20 *Carolina, Sandbanks or Hale’s Lake, to support field car-*  
21 *rier landing practice for naval aircraft operating out of*  
22 *Oceana, Naval Air Station, Virginia.*

1 **SEC. 2820. SELECTION OF MILITARY INSTALLATIONS TO**  
2 **SERVE AS LOCATIONS OF BRIGADE COMBAT**  
3 **TEAMS.**

4 *In selecting the military installations at which brigade*  
5 *combat teams will be stationed, which previously included*  
6 *Fort Bliss, Texas, Fort Carson, Colorado, and Fort Stewart,*  
7 *Georgia, the Secretary of the Army shall take into consider-*  
8 *ation the availability and proximity of training spaces for*  
9 *the units and the capacity of the installations to support*  
10 *the units.*

11 ***Subtitle C—Provisions Related to***  
12 ***Guam Realignment***

13 **SEC. 2831. ROLE OF UNDER SECRETARY OF DEFENSE FOR**  
14 **POLICY IN MANAGEMENT AND COORDINA-**  
15 **TION OF DEPARTMENT OF DEFENSE ACTIVI-**  
16 **TIES RELATING TO GUAM REALIGNMENT.**

17 *Section 134 of title 10, United States Code, is amended*  
18 *by adding at the end the following new subsection:*

19 *“(d)(1) Until September 30, 2019, the Under Secretary*  
20 *shall have responsibility for coordinating the activities of*  
21 *the Department of Defense in connection with the realign-*  
22 *ment of military installations and the relocation of mili-*  
23 *tary personnel on Guam (in this subsection referred to as*  
24 *the ‘Guam realignment’).*

1           “(2) *The Joint Guam Program Office shall report di-*  
2 *rectly to the Under Secretary in carrying out its activities*  
3 *in connection with the Guam realignment.*

4           “(3) *In carrying out the responsibilities assigned by*  
5 *paragraph (1), the Under Secretary shall coordinate with*  
6 *the National Security Advisor and serve as the official rep-*  
7 *resentative of the Secretary of Defense at meetings of the*  
8 *Interagency Group on Insular Areas, which was established*  
9 *by Executive Order No. 13299 of May 12, 2003 (68 Fed.*  
10 *Reg. 25477; 48 U.S.C. note prec. 1451), and any sub-group*  
11 *or working group of that interagency group.*

12           “(4) *The Under Secretary shall remain the primary*  
13 *lead within the Department of Defense for coordination*  
14 *with the Secretary of State on all matters concerning the*  
15 *implementation of the agreement entitled ‘Agreement be-*  
16 *tween the Government of the United States of America and*  
17 *the Government of Japan concerning the Implementation*  
18 *of the Relocation of the III Marine Expeditionary Force*  
19 *Personnel and their Dependents from Okinawa to Guam’.*

20           “(5) *The assignment of responsibilities by paragraph*  
21 *(1) does not confer upon the Under Secretary the authority*  
22 *to control funds made available to the military departments*  
23 *for the Guam realignment. The Joint Guam Program Office*  
24 *shall remain as the primary coordinator of the resources*

1 *provided by each military department involved in the*  
2 *Guam realignment.”.*

3 **SEC. 2832. CLARIFICATIONS REGARDING USE OF SPECIAL**  
4 **PURPOSE ENTITIES TO ASSIST WITH GUAM**  
5 **REALIGNMENT.**

6 (a) *SPECIAL PURPOSE ENTITY DEFINED.—In this sec-*  
7 *tion, the term “special purpose entity” means a wholly*  
8 *independent entity established for a specific and limited*  
9 *purpose to facilitate the realignment of military installa-*  
10 *tions and the relocation of military personnel on Guam.*

11 (b) *REPORT ON IMPLEMENTATION GUIDANCE FOR*  
12 *SPECIAL PURPOSE ENTITIES.—*

13 (1) *REPORT REQUIRED.—Not later than 180*  
14 *days after the date of the enactment of this Act, the*  
15 *Secretary of Defense shall submit to the congressional*  
16 *defense committees a report containing the implemen-*  
17 *tation guidance developed regarding the use of special*  
18 *purpose entities to assist with the realignment of*  
19 *military installations and the relocation of military*  
20 *personnel on Guam.*

21 (2) *NOTICE AND WAIT.—The Secretary of Defense*  
22 *may not authorize the use of the implementation*  
23 *guidance referred to in paragraph (1) until the end*  
24 *of the 30-day period (15-day period if the report is*  
25 *submitted electronically) beginning on the date on*

1       *which the report required by such paragraph is sub-*  
2       *mitted.*

3       (c) *APPLICABILITY OF UNIFIED FACILITIES CRI-*  
4       *TERIA.—*

5               (1) *APPLICABILITY TO SECTION 2350K CONTRIBU-*  
6       *TIONS.—Section 2824(c)(4) of the Military Construc-*  
7       *tion Authorization Act for Fiscal Year 2009 (division*  
8       *B of Public Law 110–417; 10 U.S.C. 2687 note) is*  
9       *amended by adding at the end the following new sub-*  
10       *paragraph:*

11                       “(D) *APPLICABILITY OF UNIFIED FACILI-*  
12       *TIES CRITERIA.—The unified facilities criteria*  
13       *promulgated by the Under Secretary of Defense*  
14       *for Acquisition, Technology, and Logistics and*  
15       *dated May 29, 2002, or any successor to such*  
16       *criteria shall apply to the obligation of contribu-*  
17       *tions referred to in subsection (b)(1) for a trans-*  
18       *action authorized by paragraph (1).”.*

19               (2) *APPLICABILITY TO SPECIAL PURPOSE ENTITY*  
20       *CONTRIBUTIONS.—The unified facilities criteria pro-*  
21       *mulgated by the Under Secretary of Defense for Ac-*  
22       *quisition, Technology, and Logistics and dated May*  
23       *29, 2002, or any successor to such criteria shall apply*  
24       *to the obligation of contributions provided by a spe-*  
25       *cial purpose entity.*



1           (3) *REPORT.*—Not later than 180 days after the  
2           date of the enactment of this Act, the Secretary of De-  
3           fense shall submit to the congressional defense com-  
4           mittees a report containing an evaluation of various  
5           options, including a preferred option, that the Sec-  
6           retary could utilize to comply with the unified facili-  
7           ties criteria referred to in paragraph (2) in the acqui-  
8           sition of military housing on Guam in connection  
9           with the realignment of military installations and the  
10          relocation of military personnel on Guam. The report  
11          shall specifically consider increasing the overseas  
12          housing allowance for members of the Armed Forces  
13          serving on Guam and providing a direct Federal sub-  
14          sidy to public-private ventures.

15          (d) *SENSE OF CONGRESS ON SCOPE OF UTILITY IN-*  
16 *FRASTRUCTURE IMPROVEMENTS.*—Section 2821 of the Mili-  
17 *tary Construction Authorization Act for Fiscal Year 2009*  
18 *(division B of Public Law 110–417; 122 Stat. 4729) is*  
19 *amended—*

20           (1) *by redesignating subsection (c) as subsection*  
21 *(b); and*

22           (2) *in such subsection, by striking “should incor-*  
23 *porate the civilian and military infrastructure into a*  
24 *single grid to realize and maximize the effectiveness*  
25 *of the overall utility system” and inserting “should*

1 support proposed utility infrastructure improvements  
2 on Guam that incorporate the civilian and military  
3 infrastructure into a single grid to realize and maxi-  
4 mize the effectiveness of the overall utility system,  
5 rather than simply supporting one or more military  
6 installations”.

7 **SEC. 2833. WORKFORCE ISSUES RELATED TO MILITARY**  
8 **CONSTRUCTION AND CERTAIN OTHER TRANS-**  
9 **ACTIONS ON GUAM.**

10 (a) *PREVAILING WAGE REQUIREMENTS.*—Subsection  
11 (c) of section 2824 of the Military Construction Authoriza-  
12 tion Act for Fiscal Year 2009 (division B of Public Law  
13 110–417; 10 U.S.C. 2687 note) is amended by adding at  
14 the end the following new paragraph:

15 “(5) *APPLICATION OF PREVAILING WAGE RE-*  
16 *QUIREMENTS.*—

17 “(A) *APPLICATION; RELATION TO WAGE*  
18 *RATES IN HAWAII.*—The requirements of sub-  
19 chapter IV of chapter 31 of title 40, United  
20 States Code, shall apply to any military con-  
21 struction project or other transaction authorized  
22 by paragraph (1) that is carried out on Guam  
23 using contributions referred to in subsection  
24 (b)(1) or appropriated funds, except that the  
25 wage rates determined pursuant to such sub-

1           *chapter for Guam may not be less than the low-*  
2           *est wage rates determined for the applicable class*  
3           *of laborer or mechanic on projects or trans-*  
4           *actions of a similar character under such sub-*  
5           *chapter for Hawaii.*

6           “(B) *SECRETARY OF LABOR AUTHORI-*  
7           *TIES.—In order to carry out the requirements of*  
8           *subparagraph (A) and paragraph (6) (relating*  
9           *to composition of workforce for construction*  
10           *projects), the Secretary of Labor shall have the*  
11           *authority and functions set forth in Reorganiza-*  
12           *tion Plan Number 14 of 1950 and section 3145*  
13           *of title 40, United States Code.*

14           “(C) *ADDITION TO WEEKLY STATEMENT ON*  
15           *THE WAGES PAID.—In the case of projects and*  
16           *other transactions covered by subparagraph (A),*  
17           *the weekly statement required by section 3145 of*  
18           *title 40, United States Code, shall also identify*  
19           *each employee working on the project or trans-*  
20           *action who holds a visa issued under section*  
21           *101(a)(15)(H)(ii)(b) of the Immigration and Na-*  
22           *tionality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).*

23           “(D) *DURATION OF REQUIREMENTS.—The*  
24           *Secretary of Labor shall make and issue a wage*  
25           *rate determination for Guam annually until 90*

1           *percent of the funds in the Account and other*  
2           *funds made available for the realignment of*  
3           *military installations and the relocation of mili-*  
4           *tary personnel on Guam have been expended.”.*

5           ***(b) REPORTING REQUIREMENTS REGARDING SUPPORT***  
6 ***OF CONSTRUCTION WORKFORCE.—Subsection (e) of such***  
7 ***section is amended—***

8           ***(1) by striking “Not later than” and inserting***  
9 ***the following:***

10           ***“(1) MILITARY CONSTRUCTION INFORMATION.—***  
11 ***Not later than”;*** ***and***

12           ***(2) by adding at the end the following new para-***  
13 ***graph:***

14           ***“(2) CONSTRUCTION WORKFORCE INFORMA-***  
15 ***TION.—The annual report shall also include an as-***  
16 ***essment of the living standards of the construction***  
17 ***workforce employed to carry out military construction***  
18 ***projects covered by the report, including, at a min-***  
19 ***imum, the adequacy of contract standards and infra-***  
20 ***structure that support temporary housing the con-***  
21 ***struction workforce and their medical needs.”.***

1 **SEC. 2834. COMPOSITION OF WORKFORCE FOR CONSTRUC-**  
2 **TION PROJECTS FUNDED THROUGH THE SUP-**  
3 **PORT FOR UNITED STATES RELOCATION TO**  
4 **GUAM ACCOUNT.**

5 (a) *COMPOSITION OF WORKFORCE.*—Section 2824(c)  
6 of the Military Construction Authorization Act for Fiscal  
7 Year 2009 (division B of Public Law 110–417; 10 U.S.C.  
8 2687 note) is amended by inserting after paragraph (5),  
9 as added by section 2833, the following new paragraph:

10 “(6) *COMPOSITION OF WORKFORCE FOR CON-*  
11 *STRUCTION PROJECTS.*—

12 “(A) *PERCENTAGE LIMITATION.*—With re-  
13 spect to each construction project for which  
14 ground-breaking occurs before October 1, 2011,  
15 and that is carried out using amounts described  
16 in subparagraph (B), not more than 30 percent  
17 of the total hours worked per month on the con-  
18 struction project may be performed by persons  
19 holding visas issued under section  
20 101(a)(15)(H)(ii)(b) of the Immigration and Na-  
21 tionality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

22 “(B) *SOURCE OF FUNDS.*—Subparagraph  
23 (A) applies to—

24 “(i) amounts in the Account used for  
25 projects associated with the realignment of

1           *military installations and the relocation of*  
2           *military personnel on Guam;*

3           “(ii) *funds associated with activities*  
4           *under section 2821 of this Act; and*

5           “(iii) *funds for authorized military*  
6           *construction projects.*

7           “(C) *SOLICITATION OF WORKERS.—In order*  
8           *to ensure compliance with subparagraph (A), as*  
9           *a condition of a contract covered by such sub-*  
10           *paragraph, the contractor shall be required to*  
11           *advertise and solicit for construction workers in*  
12           *the United States, including territories in the*  
13           *Pacific region, in accordance with a recruitment*  
14           *plan created by the Secretary of Labor. The con-*  
15           *tractor shall submit a copy of the employment*  
16           *offer, including a description of wages and other*  
17           *terms and conditions of employment, to the Sec-*  
18           *retary of Labor. The contractor shall authorize*  
19           *the Secretary of Labor to post a notice of the em-*  
20           *ployment offer on a website, with State and local*  
21           *job banks, with State workforce agencies, and*  
22           *with unemployment agencies and other referral*  
23           *and recruitment sources pertinent to the employ-*  
24           *ment opportunity.”.*

25           **(b) REPORTING REQUIREMENTS.—**

1           (1) *SECRETARY OF DEFENSE.*—Not later than  
2           *June 30, 2010, the Secretary of Defense shall submit*  
3           *to the congressional committees specified in para-*  
4           *graph (3) a report containing an assessment of efforts*  
5           *to establish a Project Labor Agreement for construc-*  
6           *tion projects associated with the Guam realignment*  
7           *as encouraged by Executive Order 13502, entitled*  
8           *“Use of Project Labor Agreements for Federal Con-*  
9           *struction Projects” (74 Fed. Reg. 6985), as a means*  
10          *of complying with the requirements of paragraph (6)*  
11          *of section 2824(c) of the Military Construction Au-*  
12          *thorization Act for Fiscal Year 2009, as added by*  
13          *subsection (a).*

14           (2) *SECRETARY OF LABOR.*—Not later than *June*  
15          *30, 2010, the Secretary of Labor shall submit to the*  
16          *congressional committees specified in paragraph (3) a*  
17          *report containing an assessment of—*

18                   (A) *the opportunities to expand the recruit-*  
19                   *ment of construction workers in the United*  
20                   *States, including territories in the Pacific re-*  
21                   *gion, to support the realignment of military in-*  
22                   *stallations and the relocation of military per-*  
23                   *sonnel on Guam, consistent with the require-*  
24                   *ments of paragraph (6) of section 2824(c) of the*

1           *Military Construction Authorization Act for Fis-*  
2           *cal Year 2009, as added by subsection (a);*

3                   *(B) the ability of labor markets to support*  
4           *the Guam realignment; and*

5                   *(C) the sufficiency of efforts to recruit*  
6           *United States construction workers.*

7           (3) *COVERED CONGRESSIONAL COMMITTEES.—*

8           *The reports required by this subsection shall be sub-*  
9           *mitted to the congressional defense committees, the*  
10          *Committee on Education and Labor of the House of*  
11          *Representatives, and the Committee on Health, Edu-*  
12          *cation, Labor, and Pensions of the Senate.*

13 **SEC. 2835. INTERAGENCY COORDINATION GROUP OF IN-**  
14                   **SPECTOR GENERALS FOR GUAM REALIGN-**  
15                   **MENT.**

16          (a) *INTERAGENCY COORDINATION GROUP.—There is*  
17          *hereby established the Interagency Coordination Group of*  
18          *Inspector Generals for Guam Realignment (in this section*  
19          *referred to as the “Interagency Coordination Group”)—*

20                   (1) *to provide for the objective conduct and su-*  
21          *per vision of audits and investigations relating to the*  
22          *programs and operations funded with amounts ap-*  
23          *propriated or otherwise made available for military*  
24          *construction on Guam in connection with the realign-*



1 *ment of military installations and the relocation of*  
2 *military personnel on Guam; and*

3 *(2) to provide for coordination of, and rec-*  
4 *ommendations on, policies designed to—*

5 *(A) promote economic efficiency, and effec-*  
6 *tiveness in the administration of the programs*  
7 *and operations described in paragraph (1); and*

8 *(B) prevent and detect waste, fraud, and*  
9 *abuse in such programs and operations; and*

10 *(b) MEMBERSHIP.—*

11 *(1) CHAIRPERSON.—The Inspector General of the*  
12 *Department of Defense shall serve as chairperson of*  
13 *the Interagency Coordination Group.*

14 *(2) ADDITIONAL MEMBERS.—Additional mem-*  
15 *bers of the Interagency Coordination Group shall in-*  
16 *clude the Inspector General of the Department of Inte-*  
17 *rior and Inspectors General of such other Federal*  
18 *agencies as the chairperson considers appropriate to*  
19 *carry out the duties of the Interagency Coordination*  
20 *Group.*

21 *(c) DUTIES.—*

22 *(1) OVERSIGHT OF GUAM CONSTRUCTION.—It*  
23 *shall be the duty of the Interagency Coordination*  
24 *Group to conduct, supervise, and coordinate audits*  
25 *and investigations of the treatment, handling, and ex-*

1        *penditure of amounts appropriated or otherwise made*  
2        *available for military construction on Guam and of*  
3        *the programs, operations, and contracts carried out*  
4        *utilizing such funds, including—*

5                *(A) the oversight and accounting of the obli-*  
6                *gation and expenditure of such funds;*

7                *(B) the monitoring and review of construc-*  
8                *tion activities funded by such funds;*

9                *(C) the monitoring and review of contracts*  
10              *funded by such funds;*

11              *(D) the monitoring and review of the trans-*  
12              *fer of such funds and associated information be-*  
13              *tween and among departments, agencies, and en-*  
14              *tities of the United States and private and non-*  
15              *governmental entities;*

16              *(E) the maintenance of records on the use*  
17              *of such funds to facilitate future audits and in-*  
18              *vestigations of the use of such fund; and*

19              *(F) the monitoring and review of the imple-*  
20              *mentation of the Defense Posture Review Initia-*  
21              *tive relating to the realignment of military in-*  
22              *stallations and the relocation of military per-*  
23              *sonnel on Guam.*

24              *(2) OTHER DUTIES RELATED TO OVERSIGHT.—*

25        *The Interagency Coordination Group shall establish,*

1       *maintain, and oversee such systems, procedures, and*  
2       *controls as the Interagency Coordination Group con-*  
3       *siders appropriate to discharge the duties under para-*  
4       *graph (1).*

5               (3) *OVERSIGHT PLAN.*—*The chairperson of the*  
6       *Interagency Coordination Group shall prepare an an-*  
7       *nuual oversight plan detailing planned audits and re-*  
8       *views related to the Guam realignment.*

9       (d) *ASSISTANCE FROM FEDERAL AGENCIES.*—

10              (1) *PROVISION OF ASSISTANCE.*—*Upon request of*  
11       *the Interagency Coordination Group for information*  
12       *or assistance from any department, agency, or other*  
13       *entity of the Federal Government, the head of such en-*  
14       *tity shall, insofar as is practicable and not in con-*  
15       *travention of any existing law, furnish such informa-*  
16       *tion or assistance to the Interagency Coordination*  
17       *Group.*

18              (2) *REPORTING OF REFUSED ASSISTANCE.*—  
19       *Whenever information or assistance requested by the*  
20       *Interagency Coordination Group is, in the judgment*  
21       *of the chairperson of the Interagency Coordination*  
22       *Group, unreasonably refused or not provided, the*  
23       *chairperson shall report the circumstances to the Sec-*  
24       *retary of Defense and to the congressional defense*  
25       *committees without delay.*

1       (e) *REPORTS.*—

2               (1) *ANNUAL REPORTS.*—*Not later than February*  
3 *1 of each year, the chairperson of the Interagency Co-*  
4 *ordination Group shall submit to the congressional*  
5 *defense committees, the Secretary of Defense, and the*  
6 *Secretary of the Interior a report summarizing, for*  
7 *the preceding calendar year, the activities of the*  
8 *Interagency Coordination Group during such year*  
9 *and the activities under programs and operations*  
10 *funded with amounts appropriated or otherwise made*  
11 *available for military construction on Guam. Each*  
12 *report shall include, for the year covered by the re-*  
13 *port, a detailed statement of all obligations, expendi-*  
14 *tures, and revenues associated with such construction,*  
15 *including the following:*

16                       (A) *Obligations and expenditures of appro-*  
17 *priated funds.*

18                       (B) *A project-by-project and program-by-*  
19 *program accounting of the costs incurred to date*  
20 *for military construction in connection with the*  
21 *realignment of military installations and the re-*  
22 *location of military personnel on Guam, together*  
23 *with the estimate of the Department of Defense*  
24 *and the Department of the Interior, as applica-*

1           *ble, of the costs to complete each project and each*  
2           *program.*

3           *(C) Revenues attributable to or consisting of*  
4           *funds contributed by the Government of Japan*  
5           *in connection with the realignment of military*  
6           *installations and the relocation of military per-*  
7           *sonnel on Guam and any obligations or expendi-*  
8           *tures of such revenues.*

9           *(D) Operating expenses of agencies or enti-*  
10          *ties receiving amounts appropriated or otherwise*  
11          *made available for military construction on*  
12          *Guam.*

13          *(E) In the case of any contract, grant,*  
14          *agreement, or other funding mechanism described*  
15          *in paragraph (2)—*

16                 *(i) the amount of the contract, grant,*  
17                 *agreement, or other funding mechanism;*

18                 *(ii) a brief discussion of the scope of*  
19                 *the contract, grant, agreement, or other*  
20                 *funding mechanism;*

21                 *(iii) a discussion of how the depart-*  
22                 *ment or agency of the United States Gov-*  
23                 *ernment involved in the contract, grant,*  
24                 *agreement, or other funding mechanism*  
25                 *identified, and solicited offers from, poten-*

1            *tial individuals or entities to perform the*  
2            *contract, grant, agreement, or other funding*  
3            *mechanism, together with a list of the po-*  
4            *tential individuals or entities that were*  
5            *issued solicitations for the offers; and*

6                    *(iv) the justification and approval doc-*  
7                    *uments on which was based the determina-*  
8                    *tion to use procedures other than procedures*  
9                    *that provide for full and open competition.*

10            (2) *COVERED CONTRACTS, GRANTS, AGREE-*  
11            *MENTS, AND FUNDING MECHANISMS.—A contract,*  
12            *grant, agreement, or other funding mechanism de-*  
13            *scribed in this paragraph is any major contract,*  
14            *grant, agreement, or other funding mechanism that is*  
15            *entered into by any department or agency of the*  
16            *United States Government that involves the use of*  
17            *amounts appropriated or otherwise made available*  
18            *for military construction on Guam with any public*  
19            *or private sector entity.*

20            (3) *FORM.—Each report required under this sub-*  
21            *section shall be submitted in unclassified form, but*  
22            *may include a classified annex if the Interagency Co-*  
23            *ordination Group considers it necessary.*

1           (4) *RULE OF CONSTRUCTION.*—*Nothing in this*  
2 *subsection shall be construed to authorize the public*  
3 *disclosure of information that is—*

4                   (A) *specifically prohibited from disclosure*  
5 *by any other provision of law;*

6                   (B) *specifically required by Executive order*  
7 *to be protected from disclosure in the interest of*  
8 *national defense or national security or in the*  
9 *conduct of foreign affairs; or*

10                  (C) *a part of an ongoing criminal inves-*  
11 *tigation.*

12           (5) *SUBMISSION OF COMMENTS.*—*Not later than*  
13 *30 days after receipt of a report under paragraph (1),*  
14 *the Secretary of Defense or the Secretary of the Inte-*  
15 *rior may submit to the congressional defense commit-*  
16 *tees any comments on the matters covered by the re-*  
17 *port as the Secretary concerned considers appro-*  
18 *priate. Any comments on the matters covered by the*  
19 *report shall be submitted in unclassified form, but*  
20 *may include a classified annex if the Secretary con-*  
21 *cerned considers it necessary.*

22           (f) *PUBLIC AVAILABILITY; WAIVER.*—

23                   (1) *PUBLIC AVAILABILITY.*—*The Interagency Co-*  
24 *ordination Group shall publish on a publically-avail-*  
25 *able Internet website each report prepared under sub-*

1 *section (e). Any comments on the report submitted*  
2 *under paragraph (5) of such subsection shall also be*  
3 *published on such website.*

4 (2) *WAIVER AUTHORITY.—The President may*  
5 *wave the requirement under paragraph (1) with re-*  
6 *spect to availability to the public of any element in*  
7 *a report under subsection (e), or any comment with*  
8 *respect to a report, if the President determines that*  
9 *the waiver is justified for national security reasons.*

10 (3) *NOTICE OF WAIVER.—The President shall*  
11 *publish a notice of each waiver made under this sub-*  
12 *section in the Federal Register no later than the date*  
13 *on which a report required under subsection (e), or*  
14 *any comment under paragraph (5) of such subsection,*  
15 *is submitted to the congressional defense committees.*  
16 *The report and comments shall specify whether waiv-*  
17 *ers under this subsection were made and with respect*  
18 *to which elements in the report or which comments,*  
19 *as appropriate.*

20 (g) *DEFINITIONS.—In this section:*

21 (1) *AMOUNTS APPROPRIATED OR OTHERWISE*  
22 *MADE AVAILABLE.—The term “amounts appropriated*  
23 *or otherwise made available for military construction*  
24 *on Guam” includes amounts derived from the Sup-*  
25 *port for United States Relocation to Guam Account.*



1           (2) *GUAM.*—*The term “Guam” includes any is-*  
2 *land in the Northern Mariana Islands.*

3           (h) *TERMINATION.*—

4           (1) *IN GENERAL.*—*The Interagency Coordination*  
5 *Group shall terminate upon the expenditure of 90*  
6 *percent of all funds appropriated or otherwise made*  
7 *available for Guam realignment.*

8           (2) *FINAL REPORT.*—*Before the termination of*  
9 *the Interagency Coordination Group pursuant to*  
10 *paragraph (1), the chairperson of the Interagency Co-*  
11 *ordination Group shall prepare and submit to the*  
12 *congressional defense committees a final report con-*  
13 *taining—*

14                   (A) *notice that the termination condition in*  
15 *paragraph (1) has occurred; and*

16                   (B) *a final forensic audit on programs and*  
17 *operations funded with amounts appropriated or*  
18 *otherwise made available for military construc-*  
19 *tion on Guam.*

1 **SEC. 2836. COMPLIANCE WITH NAVAL AVIATION SAFETY RE-**  
2 **QUIREMENTS AS CONDITION ON ACCEPT-**  
3 **ANCE OF REPLACEMENT FACILITY FOR MA-**  
4 **RINE CORPS AIR STATION, FUTENMA, OKI-**  
5 **NAWA.**

6 *The Secretary of Defense may not accept, or authorize*  
7 *any other official of the Department of Defense to accept,*  
8 *a replacement facility in Okinawa for air operations con-*  
9 *ducted at Marine Corps Air Station, Futenma, Okinawa,*  
10 *unless the Secretary certifies to the congressional defense*  
11 *committees that the replacement facility satisfies at least*  
12 *minimum Naval Aviation Safety requirements. The Sec-*  
13 *retary may not waive any of these requirements.*

14 **SEC. 2837. REPORT AND SENSE OF CONGRESS ON MARINE**  
15 **CORPS TRAINING REQUIREMENTS IN ASIA-PA-**  
16 **CIFIC REGION.**

17 *(a) REPORT REQUIRED.—Not later than 180 days*  
18 *after the date of the enactment of this Act, the Secretary*  
19 *of Defense, in consultation with the Secretary of the Navy*  
20 *and the Joint Guam Program Office, shall submit to the*  
21 *congressional defense committees a report on the training*  
22 *requirements necessary for Marine Forces Pacific, the field*  
23 *command of the Marine Corps within the United States Pa-*  
24 *cific Command.*

25 *(b) CONTENTS OF REPORT.—The report required*  
26 *under subsection (a) shall contain each of the following:*

1           (1) *A description of the units of the Marine*  
2 *Corps expected to be assigned on a permanent or tem-*  
3 *porary basis to Marine Forces Pacific, including the*  
4 *type of unit, the organizational element, the current*  
5 *location of the unit, and proposed location for the*  
6 *unit.*

7           (2) *A description of the training requirements*  
8 *necessary to sustain the current and planned realign-*  
9 *ment of forces according to the agreement entitled*  
10 *“Agreement between the Government of the United*  
11 *States of America and the Government of Japan con-*  
12 *cerning the Implementation of the Relocation of the*  
13 *III Marine Expeditionary Force Personnel and their*  
14 *Dependents from Okinawa to Guam”.*

15           (3) *A description of the potential effects of un-*  
16 *dertaking a separate environmental impact study for*  
17 *expanded training ranges in the Commonwealth of*  
18 *the Northern Mariana Islands and for alternative*  
19 *training range options, including locations in the*  
20 *Philippines, Thailand, Australia, and Japan.*

21           (4) *The rationale for conducting the Mariana Is-*  
22 *land Range Complex environmental impact statement*  
23 *without including the additional training require-*  
24 *ments necessary to support the additional realign-*  
25 *ment of Marine Corps units on Guam.*

1           (5) *A description of the strategic- and tactical-*  
2 *lift requirements associated with Marine Forces Pa-*  
3 *cific, including programming information regarding*  
4 *the intent of the Department of Defense to eliminate*  
5 *deficiencies in the strategic-lift capabilities.*

6           (c) *SENSE OF CONGRESS.—It is the sense of Congress*  
7 *that an evaluation of training requirements for Marine*  
8 *Forces Pacific—*

9           (1) *should be conducted and completed as soon as*  
10 *possible;*

11           (2) *should include a training analysis that, at a*  
12 *minimum, reviews the capabilities required to sup-*  
13 *port a Marine Air-Ground Task Force; and*

14           (3) *should not impact the implementation of the*  
15 *recently signed international agreement referred to in*  
16 *subsection (b)(2).*

## 17           ***Subtitle D—Energy Security***

### 18 ***SEC. 2841. ADOPTION OF UNIFIED ENERGY MONITORING*** 19 ***AND MANAGEMENT SYSTEM SPECIFICATION*** 20 ***FOR MILITARY CONSTRUCTION AND MILI-*** 21 ***TARY FAMILY HOUSING ACTIVITIES.***

22           (a) *ADOPTION REQUIRED.—*

23           (1) *IN GENERAL.—Subchapter III of chapter 169*  
24 *of title 10, United States Code, is amended by insert-*

1        *ing after section 2866 at the end the following new*  
2        *section:*

3        **“§2867. Energy monitoring and management system**  
4                                **specification for military construction**  
5                                **and military family housing activities**

6        “(a) *ADOPTION OF DEPARTMENT-WIDE, OPEN*  
7        *SOURCE, ENERGY MONITORING AND MANAGEMENT SYSTEM*  
8        *SPECIFICATION.—The Secretary of Defense shall adopt an*  
9        *open source energy monitoring and management system*  
10       *specification for use throughout the Department of Defense*  
11       *in connection with a military construction project, military*  
12       *family housing activity, or other activity under this chapter*  
13       *for the purpose of monitoring and controlling the following*  
14       *with respect to the project or activity:*

15                                “(1) *Utilities and energy usage, including elec-*  
16                                *tricity, gas, steam, and water usage.*

17                                “(2) *Indoor environments, including temperature*  
18                                *and humidity levels.*

19                                “(3) *Heating, ventilation, and cooling compo-*  
20                                *nents.*

21                                “(4) *Central plant equipment.*

22                                “(5) *Renewable energy generation systems.*

23                                “(6) *Lighting systems.*

24                                “(7) *Power distribution networks.*

1       “(b) *EXCLUSION.*—(1) *The Secretary concerned may*  
2 *waive the application of the energy monitoring and man-*  
3 *agement system specification adopted under subsection (a)*  
4 *with respect to a specific military construction project,*  
5 *military family housing activity, or other activity under*  
6 *this chapter if the Secretary determines that the application*  
7 *of the specification to the project or activity is not life cycle*  
8 *cost-effective.*

9       “(2) *The Secretary concerned shall notify the congres-*  
10 *sional defense committees of any waiver granted under*  
11 *paragraph (1).”.*

12               (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
13 *tions at the beginning of subchapter III is amended*  
14 *inserting after the item relating to section 2866 the*  
15 *following new item:*

“2867. *Energy monitoring and management system specification for military con-*  
*struction and military family housing activities.”.*

16               (3) *DEADLINE FOR ADOPTION.*—*The Secretary of*  
17 *Defense shall adopt the open source energy monitoring*  
18 *and management system specification required by sec-*  
19 *tion 2867 of title 10, United States Code, as added*  
20 *by paragraph (1), not later than 180 days after the*  
21 *date of the enactment of this Act.*

22               (b) *REPORTING REQUIREMENT.*—*Not later than 180*  
23 *days after the date of the enactment of the Act, the Secretary*

1 *of Defense shall submit to the congressional defense commit-*  
2 *tees a report containing the following items:*

3           (1) *A contract specification that will implement*  
4 *the open source energy monitoring and management*  
5 *system specification required by section 2867 of title*  
6 *10, United States Code, as added by subsection (a).*

7           (2) *A description of the method to ensure compli-*  
8 *ance of the Department of Defense information assur-*  
9 *ance certification and accreditation process.*

10           (3) *An expected timeline for integration of exist-*  
11 *ing components with the energy monitoring and man-*  
12 *agement system.*

13           (4) *A list of the justifications and authorizations*  
14 *provided by the Department, pursuant to Federal Ac-*  
15 *quisition Regulations Chapter 6.3, relating to Other*  
16 *Than Full and Open Competition, for energy moni-*  
17 *toring and management systems during fiscal year*  
18 *2009.*

19 **SEC. 2842. DEPARTMENT OF DEFENSE USE OF ELECTRIC**  
20 **AND HYBRID MOTOR VEHICLES.**

21           (a) *PREFERENCE.*—*Subchapter II of chapter 173 of*  
22 *title 10, United States Code, is amended by inserting after*  
23 *section 2922g, as added by title III of this Act, the following*  
24 *new section:*

1 **“§ 2922h. Preference for motor vehicles using electric**  
2 **or hybrid propulsion systems**

3 “(a) *PREFERENCE.*—*In leasing or procuring motor ve-*  
4 *hicles for use by a military department or Defense Agency,*  
5 *the Secretary of the military department or the head of the*  
6 *Defense Agency shall provide a preference for the lease or*  
7 *procurement of motor vehicles using electric or hybrid pro-*  
8 *pulsion systems, including plug-in hybrid systems, if the*  
9 *electric or hybrid vehicles—*

10 “(1) *will meet the requirements or needs of the*  
11 *Department of Defense; and*

12 “(2) *are commercially available at a cost reason-*  
13 *ably comparable, on the basis of life-cycle cost, to*  
14 *motor vehicles containing only an internal combus-*  
15 *tion or heat engine using combustible fuel.*

16 “(b) *EXCEPTION.*—*Subsection (a) does not apply with*  
17 *respect to tactical vehicles designed for use in combat.*

18 “(c) *HYBRID DEFINED.*—*In this section, the term ‘hy-*  
19 *brid’, with respect to a motor vehicle, means a motor vehicle*  
20 *that draws propulsion energy from onboard sources of*  
21 *stored energy that are both—*

22 “(1) *an internal combustion or heat engine using*  
23 *combustible fuel; and*

24 “(2) *a rechargeable energy storage system.”.*



1           (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 2 *the beginning of such subchapter is amended by adding at*  
 3 *the end the following new item:*

*“2922h. Preference for motor vehicles using electric or hybrid propulsion systems.”.*

4 **SEC. 2843. DEPARTMENT OF DEFENSE GOAL REGARDING**  
 5 **USE OF RENEWABLE ENERGY SOURCES TO**  
 6 **MEET FACILITY ENERGY NEEDS.**

7           (a) *FACILITY BASIS OF GOAL.*—*Subsection (e) of sec-*  
 8 *tion 2911 of title 10, United States Code, is amended—*  
 9           (1) *by redesignating paragraphs (1) and (2) as*  
 10 *subparagraphs (A) and (B), respectively;*

11           (2) *in subparagraph (A) (as so redesignated)—*  
 12           (A) *by striking “electric energy” and insert-*  
 13 *ing “facility energy”;*

14           (B) *by striking “and in its activities”; and*  
 15           (C) *by striking “(as defined in section*  
 16 *203(b) of the Energy Policy Act of 2005 (42*  
 17 *U.S.C. 15852(b))”;* and

18           (3) *in subparagraph (B) (as so redesignated), by*  
 19 *striking “electric energy” and inserting “facility en-*  
 20 *ergy”.*

21           (b) *DEFINITION OF RENEWABLE ENERGY SOURCE.*—  
 22 *Such subsection is further amended—*

23           (1) *by striking “It shall be” and inserting “(1*  
 24 *It shall be”;* and

1           (2) *by adding at the end the following new para-*  
2           *graph:*

3           “(2) *In this subsection, the term ‘renewable energy*  
4           *source’ means energy generated from renewable sources, in-*  
5           *cluding the following:*

6           “(A) *Solar.*

7           “(B) *Wind.*

8           “(C) *Biomass.*

9           “(D) *Landfill gas.*

10          “(E) *Ocean, including tidal, wave, current, and*  
11          *thermal.*

12          “(F) *Geothermal, including electricity and heat*  
13          *pumps.*

14          “(G) *Municipal solid waste.*

15          “(H) *New hydroelectric generation capacity*  
16          *achieved from increased efficiency or additions of new*  
17          *capacity at an existing hydroelectric project. For pur-*  
18          *poses of this subparagraph, hydroelectric generation*  
19          *capacity is ‘new’ if it was placed in service on or*  
20          *after January 1, 1999.*

21          “(I) *Thermal energy generated by any of the pre-*  
22          *ceding sources.”.*

23          (c) *CLERICAL AMENDMENT.—The heading of such sub-*  
24          *section is amended by striking “ELECTRICITY NEEDS” and*  
25          *inserting “FACILITY ENERGY NEEDS”.*

1 **SEC. 2844. COMPTROLLER GENERAL REPORT ON DEPART-**  
2 **MENT OF DEFENSE RENEWABLE ENERGY INI-**  
3 **TIATIVES.**

4 *Not later than 90 days after the date of the enactment*  
5 *of this Act, the Comptroller General shall submit to Con-*  
6 *gress a report on all renewable energy initiatives being*  
7 *funded by the Department of Defense or a military depart-*  
8 *ment down to the base commander level. The Comptroller*  
9 *General shall specifically address the following in the re-*  
10 *port:*

11 (1) *The costs associated with each renewable en-*  
12 *ergy initiative.*

13 (2) *Whether the renewable energy initiative has*  
14 *a clearly delineated set of goals or targets.*

15 (3) *Whether those goals or targets are being met*  
16 *or are likely to be met by the conclusion of the renew-*  
17 *able energy initiative.*

18 **SEC. 2845. STUDY ON DEVELOPMENT OF NUCLEAR POWER**  
19 **PLANTS ON MILITARY INSTALLATIONS.**

20 (a) *STUDY REQUIRED; ELEMENTS.—The Secretary of*  
21 *Defense shall conduct a study to assess the feasibility of de-*  
22 *veloping nuclear power plants on military installations. As*  
23 *part of the study, the Secretary shall—*

24 (1) *summarize options available for public-pri-*  
25 *vate partnerships for construction and operation of*  
26 *the power plants;*

1           (2) estimate the cost per kilowatt-hour and con-  
2           sider the potential for life cycle cost savings to the De-  
3           partment of Defense, including potential environ-  
4           mental liabilities;

5           (3) consider the potential energy security advan-  
6           tages to the Department of Defense of generating elec-  
7           tricity on military installations through the use of  
8           nuclear energy;

9           (4) assess the additional infrastructure costs that  
10          would be needed to enable the power plants to sell  
11          power back to the general electricity grid;

12          (5) consider impact on quality of life of members  
13          stationed at an installation containing a nuclear  
14          power plant;

15          (6) consider regulatory, State, and local concerns  
16          to production of nuclear power on military installa-  
17          tions;

18          (7) assess to what degree nuclear power plants  
19          would adversely affect operations on military instal-  
20          lations, including consideration of training and read-  
21          iness requirements;

22          (8) assess potential environmental liabilities for  
23          the Department of Defense;

24          (9) consider factors impacting safe co-location of  
25          nuclear power plants on military installations; and

1           (10) *consider any other factors that bear on the*  
2           *feasibility of developing nuclear power plants on*  
3           *military installations.*

4           (b) *SUBMISSION OF RESULTS OF STUDY.*—*Not later*  
5           *than June 1, 2010, the Secretary shall submit to the Com-*  
6           *mittees on Armed Services of the Senate and House of Rep-*  
7           *resentatives a report containing the results of the study.*

## 8           ***Subtitle E—Land Conveyances***

### 9           ***SEC. 2851. TRANSFER OF ADMINISTRATIVE JURISDICTION,*** 10                           ***PORT CHICAGO NAVAL MAGAZINE, CALI-*** 11                           ***FORNIA.***

12           (a) *TRANSFER REQUIRED; ADMINISTRATION.*—*Section*  
13           *203 of the Port Chicago National Memorial Act of 1992*  
14           *(Public Law 102–562; 16 U.S.C. 431; 106 Stat. 4235) is*  
15           *amended by striking subsection (c) and inserting the fol-*  
16           *lowing new subsections:*

17           “(c) *ADMINISTRATION.*—*The Secretary of the Interior*  
18           *shall administer the Port Chicago Naval Magazine National*  
19           *Memorial as a unit of the National Park System in accord-*  
20           *ance with this Act and laws generally applicable to units*  
21           *of the National Park System, including the National Park*  
22           *Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and*  
23           *the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461*  
24           *et seq.). Land transferred to the administrative jurisdiction*

1 *of the Secretary of the Interior under subsection (d) shall*  
2 *be administered in accordance with this subsection.*

3       “(d) *TRANSFER OF LAND.—The Secretary of Defense*  
4 *shall transfer a parcel of land, consisting of approximately*  
5 *5 acres, depicted within the proposed boundary on the map*  
6 *titled ‘Port Chicago Naval Magazine National Memorial,*  
7 *Proposed Boundary’, numbered 018/80,001, and dated Au-*  
8 *gust 2005, to the administrative jurisdiction of the Sec-*  
9 *retary of the Interior if the Secretary of Defense determines*  
10 *that—*

11               “(1) *the land is excess to military needs; and*

12               “(2) *all environmental remediation actions nec-*  
13 *essary to respond to environmental contamination re-*  
14 *lated to the land have been completed in accordance*  
15 *with the Comprehensive Environmental Response,*  
16 *Compensation, and Liability Act of 1980 (42 U.S.C.*  
17 *9601 et seq.) and other applicable laws.*

18       “(e) *PUBLIC ACCESS.—The Secretary of the Interior*  
19 *shall enter into an agreement with the Secretary of Defense*  
20 *to provide as much public access as possible to the Port*  
21 *Chicago Naval Magazine National Memorial without inter-*  
22 *fering with military needs. This subsection shall no longer*  
23 *apply if, at some point in the future, the National Memorial*  
24 *ceases to be an enclave within the Concord Naval Weapons*  
25 *Station.*

1           “(f) *AGREEMENT WITH CITY OF CONCORD AND EAST*  
2 *BAY REGIONAL PARK DISTRICT.*—*The Secretary of the In-*  
3 *terior is authorized to enter into an agreement with the City*  
4 *of Concord, California, and the East Bay Regional Park*  
5 *District, to establish and operate a facility for visitor ori-*  
6 *entation and parking, administrative offices, and curato-*  
7 *rial storage for the National Memorial.”.*

8           (b) *SENSE OF CONGRESS ON REMEDIATION AND RE-*  
9 *PAIR OF NATIONAL MEMORIAL.*—

10           (1) *REMEDICATION.*—*It is the sense of Congress*  
11 *that, in order to facilitate the land transfer described*  
12 *in subsection (d) of section 203 of the Port Chicago*  
13 *National Memorial Act of 1992, as added by sub-*  
14 *section (a), the Secretary of Defense should remediate*  
15 *remaining environmental contamination related to*  
16 *the land.*

17           (2) *REPAIR.*—*It is the sense of Congress that, in*  
18 *order to preserve the Port Chicago Naval Magazine*  
19 *National Memorial for future generations, the Sec-*  
20 *retary of Defense and the Secretary of the Interior*  
21 *should work together to develop a process by which fu-*  
22 *ture repairs and necessary modifications to the Na-*  
23 *tional Memorial can be achieved in as timely and*  
24 *cost-effective a manner as possible.*

1 **SEC. 2852. LAND CONVEYANCES, NAVAL AIR STATION, BAR-**  
2 **BERS POINT, HAWAII.**

3 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*  
4 *Navy shall convey, without consideration, to the Hawaii*  
5 *Community Development Authority (in this section referred*  
6 *to as the “Authority”), which is the local redevelopment au-*  
7 *thority for former Naval Air Station, Barbers Point, Oahu,*  
8 *Hawaii, all right, title, and interest of the United States*  
9 *in and to the following parcels of real property, including*  
10 *any improvements thereon and clear of all liens and encum-*  
11 *brances, at the installation:*

12 (1) *An approximately 10.569-acre parcel of land*  
13 *identified as “Parcel No. 13126 B” and further iden-*  
14 *tified by Oahu Tax Map Key No. 9-1-031:047.*

15 (2) *An approximately 145.785-acre parcel of*  
16 *land identified as “Parcel No. 13058 D” and further*  
17 *identified by Oahu Tax Map Key No. 9-1-013:039.*

18 (3) *An approximately 9.303-acre parcel of land*  
19 *identified as “Parcel No. 13058 F” and further iden-*  
20 *tified by Oahu Tax Map Key No. 9-1-013:041.*

21 (4) *An approximately 57.937-acre parcel of land*  
22 *identified as “Parcel No. 13058 G” and further iden-*  
23 *tified by Oahu Tax Map Key No. 9-1-013:042.*

24 (5) *An approximately 11.501-acre parcel of land*  
25 *identified as “Parcel No. 13073 D” and further iden-*  
26 *tified by Oahu Tax Map Key No. 9-1-013:069.*



1           (6) *An approximately 65.356-acre parcel of land*  
2           *identified as “Parcel No. 13073 B” and further iden-*  
3           *tified by Oahu Tax Map Key No. 9-1-013:067.*

4           ***(b) PAYMENT OF COSTS OF CONVEYANCES.—***

5           ***(1) PAYMENT REQUIRED.—****The Secretary shall*  
6           *require the Authority to cover costs to be incurred by*  
7           *the Secretary, or to reimburse the Secretary for costs*  
8           *incurred by the Secretary, to carry out the convey-*  
9           *ance under subsection (a), including survey costs,*  
10          *costs related to environmental documentation, and*  
11          *other administrative costs related to the conveyance.*  
12          *If amounts are collected from the Authority in ad-*  
13          *vance of the Secretary incurring the actual costs, and*  
14          *the amount collected exceeds the costs actually in-*  
15          *curring by the Secretary to carry out the conveyance,*  
16          *the Secretary shall refund the excess amount to the*  
17          *Authority.*

18          ***(2) TREATMENT OF AMOUNTS RECEIVED.—***  
19          *Amounts received as reimbursements under para-*  
20          *graph (1) shall be credited to the fund or account that*  
21          *was used to cover the costs incurred by the Secretary*  
22          *in carrying out the conveyance. Amounts so credited*  
23          *shall be merged with amounts in such fund or account*  
24          *and shall be available for the same purposes, and sub-*

1        *ject to the same conditions and limitations, as*  
2        *amounts in such fund or account.*

3        *(c) SAVINGS PROVISION.—Nothing in this section shall*  
4        *be construed to affect or limit the application of, or any*  
5        *obligation to comply with, any environmental law, includ-*  
6        *ing the Comprehensive Environmental Response, Com-*  
7        *pensation, and Liability Act of 1980 (42 U.S.C. 9601 et*  
8        *seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901*  
9        *et seq.).*

10        *(d) DESCRIPTION OF PROPERTY.—The exact acreage*  
11        *and legal descriptions of the parcels of real property to be*  
12        *conveyed under subsection (a) shall be determined by a sur-*  
13        *vey satisfactory to the Secretary.*

14        *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
15        *retary may require such additional terms and conditions*  
16        *in connection with the conveyances under subsection (a) as*  
17        *the Secretary considers appropriate to protect the interests*  
18        *of the United States.*

19        **SEC. 2853. MODIFICATION OF LAND CONVEYANCE, FORMER**  
20        **GRIFFISS AIR FORCE BASE, NEW YORK.**

21        *(a) ADDITIONAL CONVEYANCE.—Subsection (a)(1) of*  
22        *section 2873 of the Military Construction Authorization Act*  
23        *for Fiscal Year 2005 (division B of Public Law 108–375;*  
24        *118 Stat. 2152) is amended—*

1           (1) by striking “two parcels” and inserting  
2           “three parcels”;

3           (2) by striking “and 1.742 acres and containing  
4           the four buildings” and inserting “, 1.742 acres, and  
5           4.5 acres, respectively, and containing all or a por-  
6           tion of the five buildings”; and

7           (3) by inserting “and the Modification and Fab-  
8           rication Facility” after “Reconnaissance Labora-  
9           tory”.

10          (b) *DESCRIPTION OF PROPERTY.*—Subsection (a)(2) of  
11          such section is amended by adding at the end the following  
12          new subparagraph:

13                 “(E) Bay Number 4 in Building 101 (approxi-  
14                 mately 115,000 square feet).”.

15          (c) *PURPOSE OF CONVEYANCE.*—Subsection (a)(3) of  
16          such section is amended by adding before the period at the  
17          end the following: “and to provide adequate reimbursement,  
18          real property, and replacement facilities for the Air Force  
19          Research Laboratory units that are relocated as a result  
20          of the conveyance”.

21          (d) *CONSIDERATION.*—Subsection (c) of such section is  
22          amended by striking “in-kind contribution” and inserting  
23          “in-kind consideration (including land and new facili-  
24          ties)”.

1 **SEC. 2854. LAND CONVEYANCE, ARMY RESERVE CENTER,**  
2 **CHAMBERSBURG, PENNSYLVANIA.**

3 (a) *CONVEYANCE AUTHORIZED.*—At such time as the  
4 Army Reserve vacates the Army Reserve Center at 721  
5 South Sixth Street, Chambersburg, Pennsylvania, the Sec-  
6 retary of the Army may convey, without consideration, to  
7 the Chambersburg Area School District (in this section re-  
8 ferred to as the “School District”), all right, title, and inter-  
9 est of the United States in and to the Reserve Center for  
10 the purpose of permitting the School District to utilize the  
11 property for educational, educational support, and commu-  
12 nity activities.

13 (b) *REVERSIONARY INTEREST.*—If the Secretary deter-  
14 mines at any time that the real property conveyed under  
15 subsection (a) is not being used in accordance with the pur-  
16 pose of the conveyance, all right, title, and interest in and  
17 to such real property, including any improvements and ap-  
18 purtenant easements thereto, shall, at the option of the Sec-  
19 retary, revert to and become the property of the United  
20 States, and the United States shall have the right of imme-  
21 diate entry onto such real property. A determination by the  
22 Secretary under this subsection shall be made on the record  
23 after an opportunity for a hearing.

24 (c) *DESCRIPTION OF PROPERTY.*—The exact acreage  
25 and legal description of the real property to be conveyed

1 *under subsection (a) shall be determined by a survey satis-*  
2 *factory to the Secretary.*

3 *(d) PAYMENT OF COSTS OF CONVEYANCES.—*

4 *(1) PAYMENT REQUIRED.—The Secretary shall*  
5 *require the School District to cover costs to be in-*  
6 *curring by the Secretary, or to reimburse the Secretary*  
7 *for costs incurred by the Secretary, to carry out the*  
8 *conveyance under subsection (a), including survey*  
9 *costs, costs related to environmental documentation,*  
10 *and other administrative costs related to the convey-*  
11 *ance. If amounts are collected from the School Dis-*  
12 *trict in advance of the Secretary incurring the actual*  
13 *costs, and the amount collected exceeds the costs actu-*  
14 *ally incurred by the Secretary to carry out the con-*  
15 *veyance, the Secretary shall refund the excess amount*  
16 *to the School District.*

17 *(2) TREATMENT OF AMOUNTS RECEIVED.—*  
18 *Amounts received as reimbursements under para-*  
19 *graph (1) shall be credited to the fund or account that*  
20 *was used to cover the costs incurred by the Secretary*  
21 *in carrying out the conveyance. Amounts so credited*  
22 *shall be merged with amounts in such fund or account*  
23 *and shall be available for the same purposes, and sub-*  
24 *ject to the same conditions and limitations, as*  
25 *amounts in such fund or account.*

1           (e) *ADDITIONAL TERM AND CONDITIONS.*—*The Sec-*  
2 *retary may require such additional terms and conditions*  
3 *in connection with the conveyance under subsection (a) as*  
4 *the Secretary considers appropriate to protect the interests*  
5 *of the United States.*

6 **SEC. 2855. LAND CONVEYANCE, NAVAL AIR STATION**  
7                                   **OCEANA, VIRGINIA.**

8           (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*  
9 *Navy may convey to the City of Virginia Beach, Virginia*  
10 *(in this section referred to as the “City”), all right, title,*  
11 *and interest of the United States in and to parcels of non-*  
12 *contiguous real property, including any improvements*  
13 *thereon, consisting of a total of approximately 2.4 acres at*  
14 *Naval Air Station Oceana, Virginia, for the purpose of per-*  
15 *mitting the City to expand services to support the Marine*  
16 *Animal Care Center.*

17           (b) *CONSIDERATION.*—*As consideration for the convey-*  
18 *ance under subsection (a), the City shall provide compensa-*  
19 *tion to the Secretary of the Navy in an amount equal to*  
20 *the fair market value of the real property conveyed under*  
21 *such subsection, as determined by appraisals acceptable to*  
22 *the Secretary.*

23           (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*  
24 *and legal description of the real property to be exchanged*

1 *under this section shall be determined by surveys satisfac-*  
2 *tory to the Secretary.*

3 *(d) PAYMENT OF COSTS OF CONVEYANCES.—*

4 *(1) PAYMENT REQUIRED.—The Secretary shall*  
5 *require the City to cover costs to be incurred by the*  
6 *Secretary, or to reimburse the Secretary for costs in-*  
7 *curring by the Secretary, to carry out the conveyance*  
8 *under this section, including survey costs related to*  
9 *the conveyance. If amounts are collected from the City*  
10 *in advance of the Secretary incurring the actual costs,*  
11 *and the amount collected exceeds the costs actually in-*  
12 *curring by the Secretary to carry out the conveyance,*  
13 *the Secretary shall refund the excess amount to the*  
14 *City.*

15 *(2) TREATMENT OF AMOUNTS RECEIVED.—*  
16 *Amounts received under paragraph (1) as reimburse-*  
17 *ment for costs incurred by the Secretary to carry out*  
18 *the conveyance under this section shall be credited to*  
19 *the fund or account that was used to cover the costs*  
20 *incurred by the Secretary in carrying out the convey-*  
21 *ance. Amounts so credited shall be merged with*  
22 *amounts in such fund or account and shall be avail-*  
23 *able for the same purposes, and subject to the same*  
24 *conditions and limitations, as amounts in such fund*  
25 *or account.*

1           (e) *ADDITIONAL TERM AND CONDITIONS.*—*The Sec-*  
2 *retary may require such additional terms and conditions*  
3 *in connection with the conveyance under this section as the*  
4 *Secretary considers appropriate to protect the interests of*  
5 *the United States.*

6 **SEC. 2856. LAND CONVEYANCE, HAINES TANK FARM,**  
7                                   **HAINES, ALASKA.**

8           (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*  
9 *Army may convey to the Chilkoot Indian Association (in*  
10 *this section referred to as the “Association”)* all right, title,  
11 *and interest of the United States in and to a parcel of real*  
12 *property, including improvements thereon, consisting of ap-*  
13 *proximately 201 acres located at the former Haines Fuel*  
14 *Terminal (also known as the Haines Tank Farm) in*  
15 *Haines, Alaska, for the purpose of permitting the Associa-*  
16 *tion to develop a Deep Sea Port and for other industrial*  
17 *and commercial development purposes. To the extent prac-*  
18 *ticable, the Secretary is encouraged to complete the convey-*  
19 *ance by September 30, 2013.*

20           (b) *CONSIDERATION.*—*As consideration for the convey-*  
21 *ance of the property described in subsection (a), the Associa-*  
22 *tion shall pay to the Secretary an amount equal to the fair*  
23 *market value of the property, as determined by the Sec-*  
24 *retary. The determination of the Secretary shall be final.*  
25 *At the election of the Secretary, the Secretary may accept*



1 *in-kind consideration in lieu of all or a portion of the cash*  
2 *payment.*

3       (c) *REVERSIONARY INTEREST.*—*If the Secretary deter-*  
4 *mines at any time that the real property conveyed under*  
5 *subsection (a) is not being used in accordance with the pur-*  
6 *pose of the conveyance, all right, title, and interest in and*  
7 *to such real property, including any improvements and ap-*  
8 *purtenant easements thereto, shall, at the option of the Sec-*  
9 *retary, revert to and become the property of the United*  
10 *States, and the United States shall have the right of imme-*  
11 *diatate entry onto such real property. A determination by the*  
12 *Secretary under this subsection shall be made on the record*  
13 *after an opportunity for a hearing.*

14       (d) *PAYMENT OF COSTS OF CONVEYANCES.*—

15           (1) *PAYMENT REQUIRED.*—*The Secretary shall*  
16 *require the Association to cover costs to be incurred*  
17 *by the Secretary, or to reimburse the Secretary for*  
18 *costs incurred by the Secretary, to carry out the con-*  
19 *veyance under subsection (a), including survey costs,*  
20 *costs related to environmental documentation, and*  
21 *other administrative costs related to the conveyance.*  
22 *If amounts are collected from the Association in ad-*  
23 *vance of the Secretary incurring the actual costs, and*  
24 *the amount collected exceeds the costs actually in-*  
25 *curring by the Secretary to carry out the conveyance,*

1        *the Secretary shall refund the excess amount to the*  
2        *Association.*

3            (2) *TREATMENT OF AMOUNTS RECEIVED.—*  
4        *Amounts received as reimbursements under para-*  
5        *graph (1) shall be credited to the fund or account that*  
6        *was used to cover the costs incurred by the Secretary*  
7        *in carrying out the conveyance. Amounts so credited*  
8        *shall be merged with amounts in such fund or account*  
9        *and shall be available for the same purposes, and sub-*  
10       *ject to the same conditions and limitations, as*  
11       *amounts in such fund or account.*

12        (e) *SAVINGS PROVISION.—Nothing in this section shall*  
13       *be construed to affect or limit the application of, or any*  
14       *obligation to comply with, any environmental law, includ-*  
15       *ing the Comprehensive Environmental Response, Com-*  
16       *pensation, and Liability Act of 1980 (42 U.S.C. 9601 et*  
17       *seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901*  
18       *et seq.).*

19        (f) *DESCRIPTION OF PROPERTY.—The exact acreage*  
20       *and legal description of the real property to be conveyed*  
21       *under this section shall be determined by a survey satisfac-*  
22       *tory to the Secretary.*

23        (g) *ADDITIONAL TERM AND CONDITIONS.—The Sec-*  
24       *retary may require such additional terms and conditions*  
25       *in connection with the conveyance under this section as the*

1 *Secretary considers appropriate to protect the interests of*  
2 *the United States.*

3 **SEC. 2857. COMPLETION OF LAND EXCHANGE AND CON-**  
4 **SOLIDATION, FORT LEWIS, WASHINGTON.**

5 *Subsection (a)(1) of section 2837 of the Military Con-*  
6 *struction Authorization Act for Fiscal Year 2002 (division*  
7 *B of Public Law 107–107; 115 Stat. 1315), as amended*  
8 *by section 2852 of the Military Construction Authorization*  
9 *Act for Fiscal Year 2005 (division B of Public Law 108–*  
10 *375; 118 Stat. 2143), is further amended—*

11 *(1) in the first sentence, by striking “The Sec-*  
12 *retary of the Army may transfer” and inserting “Not*  
13 *later than 60 days after the date of the enactment of*  
14 *the Military Construction Authorization Act for Fis-*  
15 *cal Year 2010, the Secretary of the Army shall trans-*  
16 *fer”;* and

17 *(2) in the second sentence—*

18 *(A) by striking “may make the transfer”*  
19 *and inserting “shall make the transfer”;* and

20 *(B) by striking “may accept” and inserting*  
21 *“shall accept”.*

1                   ***Subtitle F—Other Matters***

2   ***SEC. 2871. REVISED AUTHORITY TO ESTABLISH NATIONAL***  
3                   ***MONUMENT TO HONOR UNITED STATES***  
4                   ***ARMED FORCES WORKING DOG TEAMS.***

5           *Section 2877 of the National Defense Authorization*  
6 *Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.*  
7 *563; 16 U.S.C. 431 note) is amended by striking “National*  
8 *War Dogs Monument, Inc.,” both places it appears and in-*  
9 *serting “John Burnam Monument Foundation, Inc.”.*

10   ***SEC. 2872. NAMING OF CHILD DEVELOPMENT CENTER AT***  
11                   ***FORT LEONARD WOOD, MISSOURI, IN HONOR***  
12                   ***OF MR. S. LEE KLING.***

13           *A child development center at Fort Leonard Wood,*  
14 *Missouri, shall be known and designated as the “S. Lee*  
15 *Kling Child Development Center”. Any reference in a law,*  
16 *map, regulation, document, paper, or other record of the*  
17 *United States to such child development center shall be*  
18 *deemed to be a reference to the S. Lee Kling Child Develop-*  
19 *ment Center.*

20   ***SEC. 2873. CONDITIONS ON ESTABLISHMENT OF COOPERA-***  
21                   ***TIVE SECURITY LOCATION IN PALANQUERO,***  
22                   ***COLOMBIA.***

23           ***(a) CONGRESSIONAL NOTIFICATION OF AGREEMENT.—***  
24 *None of the amounts authorized to be appropriated by this*  
25 *division or otherwise made available for military construc-*

1 *tion for fiscal year 2010 may be obligated to commence con-*  
2 *struction of a Cooperative Security Location at the German*  
3 *Olano Airbase (the Palanquero AB Development Project) in*  
4 *Palanquero, Colombia, until at least 15 days after the date*  
5 *on which the Secretary of Defense certifies to the congres-*  
6 *sional defense committees that an agreement has been en-*  
7 *tered into with the Government of Colombia that permits*  
8 *the establishment of the Cooperative Security Location at*  
9 *the German Olano Airbase in a manner that will enable*  
10 *the United States Southern Command to execute its Theater*  
11 *Posture Strategy in cooperation with the Armed Forces of*  
12 *Colombia.*

13 *(b) PROHIBITION ON PERMANENT UNITED STATES*  
14 *MILITARY INSTALLATION.—The agreement referred to in*  
15 *subsection (a) may not provide for or authorize the estab-*  
16 *lishment of a United States military installation or base*  
17 *for the permanent stationing of United States Armed Forces*  
18 *in Colombia.*

19 **SEC. 2874. MILITARY ACTIVITIES AT UNITED STATES MA-**  
20 **RINE CORPS MOUNTAIN WARFARE TRAINING**  
21 **CENTER.**

22 *Section 1806 of the Omnibus Public Land Manage-*  
23 *ment Act of 2009 (Public Law 111–11; 123 Stat. 1056; 16*  
24 *U.S.C. 460vvv) is amended by adding at the end the fol-*  
25 *lowing new subsection:*



*Army: Outside United States—Continued*

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
	<i>Camp Salerno</i> .....	\$50,200,000
	<i>Forward Operating Base Blessing</i> .....	\$5,600,000
	<i>Forward Operating Base Bostick</i> .....	\$5,500,000
	<i>Forward Operating Base Dwyer</i> .....	\$14,900,000
	<i>Forward Operating Base Ghazni</i> .....	\$5,500,000
	<i>Forward Operating Base Shank</i> .....	\$19,700,000
	<i>Forward Operating Base Sharana</i> .....	\$60,800,000
	<i>Frontenac</i> .....	\$2,200,000
	<i>Jalalabad Airfield</i> .....	\$41,400,000
	<i>Maywand</i> .....	\$12,200,000
	<i>Methar-Lam</i> .....	\$4,150,000
	<i>Provincial Reconstruction Team Gardez</i> .....	\$36,200,000
	<i>Provincial Reconstruction Team Tarin Kowt.</i>	\$57,950,000
	<i>Tombstone/Bastion</i> .....	\$71,800,000
	<i>Wolverine</i> .....	\$14,900,000

1           **(b) AUTHORIZATION OF APPROPRIATIONS.**—*Funds are*  
2 *hereby authorized to be appropriated for fiscal years begin-*  
3 *ning after September 30, 2009, for military construction,*  
4 *land acquisition, and military family housing functions of*  
5 *the Department of the Army in the total amount of*  
6 *\$930,484,000 as follows:*

7           **(1)** *For military construction projects outside the*  
8 *United States authorized by subsection (a),*  
9 *\$834,100,000.*

10           **(2)** *For unspecified minor military construction*  
11 *projects under section 2805 of title 10, United States*  
12 *Code, \$20,100,000.*

13           **(3)** *For architectural and engineering services*  
14 *and construction design under section 2807 of title*  
15 *10, United States Code, \$76,284,000.*

1 **SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND**  
 2 **LAND ACQUISITION PROJECTS.**

3 (a) *OUTSIDE THE UNITED STATES.*—Using amounts  
 4 appropriated pursuant to the authorization of appropria-  
 5 tions in subsection (b)(1), the Secretary of the Air Force  
 6 may acquire real property and carry out military construc-  
 7 tion projects for the installations or locations outside the  
 8 United States, and in the amounts, set forth in the following  
 9 table:

***Air Force: Outside the United States***

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Afghanistan</i> .....	<i>Bagram Air Base</i> .....	\$29,100,000
	<i>Camp Kandahar</i> .....	\$234,600,000
	<i>Forward Operating Base Dwyer</i> .....	\$4,900,000
	<i>Forward Operating Base Shank</i> .....	\$4,900,000
	<i>Provincial Reconstruction Team Tarin Kowt.</i>	\$4,900,000
	<i>Tombstone/Bastion</i> .....	\$156,200,000
	<i>Wolverine</i> .....	\$4,900,000

10 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are  
 11 hereby authorized to be appropriated for fiscal years begin-  
 12 ning after September 30, 2009, for military construction,  
 13 land acquisition, and military family housing functions of  
 14 the Department of the Air Force in the total amount of  
 15 \$474,500,000, as follows:

16 (1) *For military construction projects outside the*  
 17 *United States authorized by subsection (a),*  
 18 *\$439,500,000.*



1           (2) *For architectural and engineering services*  
2           *and construction design under section 2807 of title*  
3           *10, United States Code, \$35,000,000.*

4 **SEC. 2903. CONSTRUCTION AUTHORIZATION FOR FACILI-**  
5                           **TIES FOR OFFICE OF DEFENSE REPRESENTA-**  
6                           **TIVE-PAKISTAN.**

7           (a) *IN GENERAL.*—*Notwithstanding the definition of*  
8           *military construction in section 2801 of title 10, United*  
9           *States Code, of the amounts authorized to be appropriated*  
10           *by this division for military construction, the Secretary of*  
11           *Defense may use not more than \$25,000,000 to plan, design,*  
12           *and construct facilities on the United States Embassy Com-*  
13           *pound in Islamabad, Pakistan, in support of the Office of*  
14           *the Defense Representative-Pakistan (in this section referred*  
15           *to as the “ODRP”).*

16           (b) *REPORT REQUIRED.*—

17           (1) *IN GENERAL.*—*Not later than 90 days after*  
18           *the date of the enactment of this Act, and every 180*  
19           *days thereafter, the Secretary of Defense shall submit*  
20           *to the appropriate congressional committees a report*  
21           *on the number of personnel and activities of the*  
22           *ODRP.*

23           (2) *ELEMENTS.*—*The report under paragraph*  
24           (1) *shall include the following:*

1           (A) *A detailed accounting of the number of*  
2           *personnel permanently assigned or on temporary*  
3           *duty in the ODRP.*

4           (B) *A description of the mission of those*  
5           *personnel assigned on a temporary or permanent*  
6           *basis to the ODRP.*

7           (C) *A projection of space requirements for*  
8           *the ODRP.*

9           (3) *FORM.—The report under paragraph (1)*  
10          *may be submitted in a classified form.*

11          (4) *APPROPRIATE COMMITTEES.—For the pur-*  
12          *poses of this subsection, the appropriate congressional*  
13          *committees are the following:*

14               (A) *The Committees on Armed Services and*  
15               *Foreign Affairs of the House of Representatives.*

16               (B) *The Committees on Armed Services and*  
17               *Foreign Relations of the Senate.*

18          (5) *TERMINATION.—The requirement to submit a*  
19          *report under this subsection terminates on the date*  
20          *occurring two years after the date on which the first*  
21          *report is submitted.*

1 **DIVISION C—DEPARTMENT OF**  
 2 **ENERGY NATIONAL SECURITY**  
 3 **AUTHORIZATIONS AND**  
 4 **OTHER AUTHORIZATIONS**  
 5 **TITLE XXXI—DEPARTMENT OF**  
 6 **ENERGY NATIONAL SECURITY**  
 7 **PROGRAMS**

*Subtitle A—National Security Programs Authorizations*

- Sec. 3101. National Nuclear Security Administration.*  
*Sec. 3102. Defense environmental cleanup.*  
*Sec. 3103. Other defense activities.*  
*Sec. 3104. Defense nuclear waste disposal.*  
*Sec. 3105. Energy security and assurance.*

*Subtitle B—Program Authorizations, Restrictions, and Limitations*

- Sec. 3111. Stockpile stewardship program.*  
*Sec. 3112. Stockpile management program.*  
*Sec. 3113. Plan for execution of stockpile stewardship and stockpile management programs.*  
*Sec. 3114. Dual validation of annual weapons assessment and certification.*  
*Sec. 3115. Annual long-term plan for the modernization and refurbishment of the nuclear security complex.*

*Subtitle C—Reports*

- Sec. 3121. Comptroller General review of management and operations contract costs for national security laboratories.*  
*Sec. 3122. Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities.*

8 **Subtitle A—National Security**  
 9 **Programs Authorizations**

10 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
 11 **TION.**

12 (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*  
 13 *hereby authorized to be appropriated to the Department of*  
 14 *Energy for fiscal year 2010 for the activities of the National*

1 *Nuclear Security Administration in carrying out programs*  
2 *necessary for national security in the amount of*  
3 *\$10,479,627,000, to be allocated as follows:*

4 (1) *For weapons activities, \$6,516,431,000.*

5 (2) *For defense nuclear nonproliferation activi-*  
6 *ties, \$2,539,309,000.*

7 (3) *For naval reactors, \$1,003,133,000.*

8 (4) *For the Office of the Administrator for Nu-*  
9 *clear Security, \$420,754,000.*

10 (b) *AUTHORIZATION OF NEW PLANT PROJECTS.—*

11 *From funds referred to in subsection (a) that are available*  
12 *for carrying out plant projects, the Secretary of Energy*  
13 *may carry out new plant projects for the National Nuclear*  
14 *Security Administration as follows:*

15 (1) *For readiness in technical base and facilities,*  
16 *the following new plant project:*

17 *Project 10-D-501, nuclear facilities risk re-*  
18 *duction, Y-12 National Security Complex, Oak*  
19 *Ridge, Tennessee, \$12,500,000.*

20 (2) *For safeguards and security, the following*  
21 *new plant project:*

22 *Project 10-D-701, security improvement*  
23 *project, Y-12 National Security Complex, Oak*  
24 *Ridge, Tennessee, \$49,000,000.*

1           (3) *For naval reactors, the following new plant*  
2           *projects:*

3                     *Project 10-D-903, KAPL security upgrades,*  
4                     *Schenectady, New York, \$1,500,000.*

5                     *Project 10-D-904, Naval Reactors Facility*  
6                     *infrastructure upgrades, Naval Reactors Facil-*  
7                     *ity, Idaho, \$700,000.*

8   **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

9           *Funds are hereby authorized to be appropriated to the*  
10   *Department of Energy for fiscal year 2010 for defense envi-*  
11   *ronmental cleanup activities in carrying out programs nec-*  
12   *essary for national security in the amount of*  
13   *\$5,024,491,000.*

14   **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

15           *Funds are hereby authorized to be appropriated to the*  
16   *Department of Energy for fiscal year 2010 for other defense*  
17   *activities in carrying out programs necessary for national*  
18   *security in the amount of \$872,468,000.*

19   **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

20           *Funds are hereby authorized to be appropriated to the*  
21   *Department of Energy for fiscal year 2010 for defense nu-*  
22   *clear waste disposal for payment to the Nuclear Waste Fund*  
23   *established in section 302(c) of the Nuclear Waste Policy*  
24   *Act of 1982 (42 U.S.C. 10222(c)) in the amount of*  
25   *\$98,400,000.*

1 **SEC. 3105. ENERGY SECURITY AND ASSURANCE.**

2 *Funds are hereby authorized to be appropriated to the*  
3 *Department of Energy for fiscal year 2010 for energy secu-*  
4 *rity and assurance programs necessary for national secu-*  
5 *rity in the amount of \$6,188,000.*

6 **Subtitle B—Program Authoriza-**  
7 **tions, Restrictions, and Limita-**  
8 **tions**

9 **SEC. 3111. STOCKPILE STEWARDSHIP PROGRAM.**

10 *(a) IN GENERAL.—Subsection (a) of section 4201 of*  
11 *the Atomic Energy Defense Act (division D of Public Law*  
12 *107–314; 50 U.S.C. 2521) is amended to read as follows:*

13 *“(a) ESTABLISHMENT.—The Secretary of Energy, act-*  
14 *ing through the Administrator for Nuclear Security, shall*  
15 *establish a stewardship program to ensure—*

16 *“(1) the preservation of the core intellectual and*  
17 *technical competencies of the United States in nuclear*  
18 *weapons, including weapons design, system integra-*  
19 *tion, manufacturing, security, use control, reliability*  
20 *assessment, and certification; and*

21 *“(2) that the nuclear weapons stockpile is safe,*  
22 *secure, and reliable without the use of underground*  
23 *nuclear weapons testing.”.*

24 *(b) ELEMENTS.—Subsection (b) of such section is*  
25 *amended—*

1           (1) *in paragraph (1), by inserting “and per-*  
2 *formance over time” after “detonation”; and*

3           (2) *by adding at the end the following new para-*  
4 *graphs:*

5           “(4) *Material support for the use of, and experi-*  
6 *ments facilitated by, the advanced experimental fa-*  
7 *cilities of the United States, including—*

8                   “(A) *the National Ignition Facility at Law-*  
9 *rence Livermore National Laboratory;*

10                   “(B) *the Dual Axis Radiographic Hydro-*  
11 *dynamic Test Facility at Los Alamos National*  
12 *Laboratory; and*

13                   “(C) *the Z Machine at Sandia National*  
14 *Laboratories.*

15           “(5) *Material support for the sustainment and*  
16 *modernization of facilities with production and man-*  
17 *ufacturing capabilities that are necessary to ensure*  
18 *the safety, security, and reliability of the nuclear*  
19 *weapons stockpile, including—*

20                   “(A) *the Pantex Plant;*

21                   “(B) *the Y-12 National Security Complex;*

22                   “(C) *the Kansas City Plant; and*

23                   “(D) *the Savannah River Site.”.*

1           (c) *PRIOR AUTHORIZATION OF APPROPRIATIONS FOR*  
2 *FISCAL YEAR 1994.—Such section is further amended by*  
3 *striking subsection (c).*

4 **SEC. 3112. STOCKPILE MANAGEMENT PROGRAM.**

5           (a) *IN GENERAL.—The Atomic Energy Defense Act*  
6 *(division D of Public Law 107-314; 50 U.S.C. 2501 et seq.)*  
7 *is amended—*

8                 (1) *by repealing section 4204A (50 U.S.C.*  
9 *2524a); and*

10                (2) *by amending section 4204 (50 U.S.C. 2524)*  
11 *to read as follows:*

12 **“SEC. 4204. STOCKPILE MANAGEMENT PROGRAM.**

13           “(a) *PROGRAM REQUIRED.—The Secretary of Energy,*  
14 *acting through the Administrator for Nuclear Security and*  
15 *in consultation with the Secretary of Defense, shall carry*  
16 *out a program, to be known as the stockpile management*  
17 *program, to provide for the effective management of the*  
18 *weapons in the nuclear weapons stockpile (including any*  
19 *weapon proposed to be added to the stockpile). The program*  
20 *shall have the following objectives:*

21                 “(1) *To increase the reliability, safety, and secu-*  
22 *rity of the nuclear weapons stockpile of the United*  
23 *States.*

24                 “(2) *To further reduce the likelihood of the re-*  
25 *sumption of underground nuclear weapons testing.*



1           “(3) *To achieve reductions in the future size of*  
2           *the nuclear weapons stockpile.*

3           “(4) *To reduce the risk of an accidental detona-*  
4           *tion of an element of the stockpile.*

5           “(5) *To reduce the risk of an element of the*  
6           *stockpile being used by a person or entity hostile to*  
7           *the United States, its vital interests, or its allies.*

8           “(b) *PROGRAM BUDGET.—For each budget submitted*  
9           *by the President to Congress under section 1105 of title 31,*  
10           *United States Code, the amounts requested for the program*  
11           *shall be clearly identified in the budget justification mate-*  
12           *rials submitted to Congress in support of that budget.*

13           “(c) *PROGRAM LIMITATIONS.—In carrying out the*  
14           *stockpile management program under subsection (a), the*  
15           *Secretary shall ensure that—*

16           “(1) *any changes made to the stockpile shall be*  
17           *made to achieve the objectives identified in subsection*  
18           *(a); and*

19           “(2) *any such changes made to the stockpile*  
20           *shall—*

21           “(A) *remain consistent with basic design*  
22           *parameters by including, to the maximum extent*  
23           *feasible, components that are well understood or*  
24           *are certifiable without the need to resume under-*  
25           *ground nuclear weapons testing; and*

1           “(B) use the design, certification, and pro-  
 2           duction expertise resident in the nuclear complex  
 3           to fulfill current mission requirements of the ex-  
 4           isting stockpile.”.

5           (b) *CLERICAL AMENDMENT.*—*The table of contents in*  
 6 *section 4001(b) of such Act (division D of Public Law 107-*  
 7 *314; 50 U.S.C. 2501 note) is amended by striking the items*  
 8 *relating to sections 4204 and 4204A and inserting the fol-*  
 9 *lowing new item:*

          “*Sec. 4204. Stockpile management program.*”.

10 **SEC. 3113. PLAN FOR EXECUTION OF STOCKPILE STEWARD-**  
 11 **SHIP AND STOCKPILE MANAGEMENT PRO-**  
 12 **GRAMS.**

13           (a) *PLAN.*—*Section 4203 of the Atomic Energy Defense*  
 14 *Act (division D of Public Law 107–314; 50 U.S.C. 2523)*  
 15 *is amended to read as follows:*

16 **“SEC. 4203. PLAN FOR EXECUTION OF STOCKPILE STEW-**  
 17 **ARDSHIP AND STOCKPILE MANAGEMENT**  
 18 **PROGRAMS.**

19           “(a) *PLAN REQUIREMENT.*—*The Secretary of Energy,*  
 20 *acting through the Administrator for Nuclear Security,*  
 21 *shall develop and annually update a plan for maintaining*  
 22 *the nuclear weapons stockpile. The plan shall cover, at a*  
 23 *minimum, stockpile stewardship, stockpile management,*  
 24 *and program direction and shall be consistent with the pro-*

1 *grammatic and technical requirements of the most recent*  
2 *annual Nuclear Weapons Stockpile Memorandum.*

3 “(b) *PLAN ELEMENTS.—The plan and each update of*  
4 *the plan shall set forth the following:*

5 “(1) *The number of warheads (including active*  
6 *and inactive warheads) for each warhead type in the*  
7 *nuclear weapons stockpile.*

8 “(2) *The current age of each warhead type, and*  
9 *any plans for stockpile lifetime extensions and modi-*  
10 *fications or replacement of each warhead type.*

11 “(3) *The process by which the Secretary of En-*  
12 *ergy is assessing the lifetime and requirements for*  
13 *maintenance of the nuclear and nonnuclear compo-*  
14 *nents of the warheads (including active and inactive*  
15 *warheads) in the nuclear weapons stockpile.*

16 “(4) *The process used in recertifying the safety,*  
17 *security, and reliability of each warhead type in the*  
18 *nuclear weapons stockpile without the use of nuclear*  
19 *testing.*

20 “(5) *Any concerns which would affect the ability*  
21 *of the Secretary of Energy to recertify the safety, secu-*  
22 *rity, or reliability of warheads in the nuclear weap-*  
23 *ons stockpile (including active and inactive war-*  
24 *heads).*

1       “(c) *ASSESSMENT.*—*In addition to the elements de-*  
2 *scribed under subsection (b), the plan and each update of*  
3 *the plan shall include a joint assessment of the stockpile*  
4 *stewardship program by the heads of the national security*  
5 *laboratories. Each assessment shall set forth the following:*

6               “(1) *An identification and description of—*

7                       “(A) *any key technical challenges to the*  
8 *program; and*

9                       “(B) *the strategies to address such chal-*  
10 *lenges without the use of nuclear testing.*

11               “(2) *A strategy for using the science-based tools*  
12 *(including advanced simulation and computing capa-*  
13 *bilities) of each national security laboratory to ensure*  
14 *that the nuclear weapons stockpile is safe, secure, and*  
15 *reliable without the use of nuclear testing.*

16               “(3) *An assessment of the science-based tools (in-*  
17 *cluding advanced simulation and computing capa-*  
18 *bilities) of each national security laboratory that exist*  
19 *at the time of the plan compared with the science-*  
20 *based tools expected to exist during the period covered*  
21 *by the future-years nuclear security program.*

22               “(4) *Clear and specific criteria for judging*  
23 *whether the science-based tools being used by the De-*  
24 *partment of Energy for determining the safety and*  
25 *reliability of the nuclear weapons stockpile are per-*

1       *forming in a manner that will provide an adequate*  
2       *degree of certainty that the stockpile is safe and reli-*  
3       *able.*

4               “(5) *An assessment of the core scientific and*  
5       *technical competencies required to achieve the objec-*  
6       *tives of the stockpile stewardship program and other*  
7       *weapons and weapons-related activities of the Depart-*  
8       *ment of Energy, including—*

9                       “(A) *the number of scientists, engineers,*  
10                      *and technicians, by discipline, required to main-*  
11                      *tain such competencies; and*

12                      “(B) *a description of any shortage of such*  
13                      *individuals that exists at the time of the plan*  
14                      *compared with any shortage expected to exist*  
15                      *during the period covered by the future-years nu-*  
16                      *clear security program.*

17               “(d) *REPORTS TO CONGRESS.—Not later than Feb-*  
18       *ruary 1 of each year, beginning with February 1, 2010,*  
19       *the Secretary of Energy shall submit to the congressional*  
20       *defense committees a report describing the plan required by*  
21       *subsection (a).*

22               “(e) *DEFINITIONS.—In this section:*

23                      “(1) *The term ‘future-years nuclear security pro-*  
24                      *gram’ means the program required by section 3253 of*

1       *the National Nuclear Security Administration Act*  
2       *(50 U.S.C. 2453).*

3             “(2) *The term ‘national security laboratory’ has*  
4       *the meaning given such term in section 3281 of the*  
5       *National Nuclear Security Administration Act (50*  
6       *U.S.C. 2471).*”

7             “(3) *The term ‘weapons activities’ means each*  
8       *activity within the budget category of weapons activi-*  
9       *ties in the budget of the National Nuclear Security*  
10       *Administration.*”

11            “(4) *The term ‘weapons–related activities’ means*  
12       *each activity under the Department of Energy that*  
13       *involves nuclear weapons, nuclear weapons tech-*  
14       *nology, or fissile or radioactive materials, including*  
15       *activities related to—*

16                    “(A) *nuclear non-proliferation;*

17                    “(B) *nuclear forensics;*

18                    “(C) *nuclear intelligence;*

19                    “(D) *nuclear safety; and*

20                    “(E) *nuclear incident response.*”

21        (b) *CLERICAL AMENDMENT.—The item relating to sec-*  
22        *tion 4203 in the table of contents for such Act is amended*  
23        *to read as follows:*

      “*Sec. 4203. Plan for execution of stockpile stewardship and stockpile management programs.*”

1           (c) *CONFORMING REPEAL.*—Section 4202 of the Atom-  
2 *ic Energy Defense Act (division D of Public Law 107–314;*  
3 *50 U.S.C. 2522) is repealed.*

4 **SEC. 3114. DUAL VALIDATION OF ANNUAL WEAPONS AS-**  
5 **SESSMENT AND CERTIFICATION.**

6           (a) *DUAL VALIDATION.*—

7               (1) *IN GENERAL.*—Section 4205 of the Atomic  
8 *Energy Defense Act (division D of Public Law 107–*  
9 *314; 50 U.S.C. 2525) is amended—*

10                   (A) *by redesignating subsections (c) through*  
11 *(h) as subsections (d) through (i), respectively;*  
12 *and*

13                   (B) *by inserting after subsection (b) the fol-*  
14 *lowing new subsection (c):*

15           “(c) *DUAL VALIDATION TEAMS IN SUPPORT OF AS-*  
16 *SESSMENTS.*—*In support of the assessments required by*  
17 *subsection (a), the Administrator for Nuclear Security shall*  
18 *establish teams, known as ‘dual validation teams’, to pro-*  
19 *vide Lawrence Livermore National Laboratory and Los Al-*  
20 *amos National Laboratory with independent evaluations of*  
21 *the condition of each warhead for which such laboratory*  
22 *has lead responsibility. Each such team shall—*

23                   “(1) *be comprised of weapons experts from the*  
24 *laboratory that does not have lead responsibility for*  
25 *fielding the warhead being evaluated;*

1           “(2) have access to all surveillance and under-  
2           ground test data for all stockpile systems for use in  
3           the independent evaluations;

4           “(3) use all relevant available data to conduct  
5           independent calculations; and

6           “(4) pursue independent experiments to support  
7           the independent evaluations.”.

8           (2) *PLAN*.—Not later than March 1, 2010, the  
9           Administrator for Nuclear Security shall submit to  
10          the congressional defense committees a plan (includ-  
11          ing a schedule) to carry out subsection (c) of section  
12          4205 of such Act, as added by paragraph (1) of this  
13          subsection.

14          (b) *RED TEAM REVIEWS*.—Subsection (d)(1) of such  
15          section, as redesignated by subsection (a)(1)(A) of this sec-  
16          tion, is amended—

17                  (1) by inserting “both” after “review”; and

18                  (2) by inserting after “that laboratory” the fol-  
19          lowing: “and the independent evaluations conducted  
20          by a dual validation team under subsection (c)”.

21          (c) *SUMMARY*.—Subsection (e)(3) of such section, as re-  
22          designated by subsection (a)(1)(A) of this section, is amend-  
23          ed—

24                  (1) in subparagraph (B), by striking “and” at  
25          the end;



1           (2) *in subparagraph (C), by striking the period*  
2 *and inserting “; and”; and*

3           (3) *by adding at the end the following new sub-*  
4 *paragraph:*

5                   *“(D) a concise summary of the results of*  
6 *any independent evaluation conducted by a dual*  
7 *validation team under subsection (c).”.*

8           (d) *CONFORMING AMENDMENTS.—Such section is fur-*  
9 *ther amended—*

10           (1) *in paragraph (3)(C) of subsection (e), as re-*  
11 *designated by subsection (a)(1)(A) of this section, by*  
12 *striking “subsection (c)” and inserting “subsection*  
13 *(d)”;*

14           (2) *in paragraph (1)(A) of subsection (f), as re-*  
15 *designated by subsection (a)(1)(A) of this section, by*  
16 *striking “subsection (d)” and inserting “subsection*  
17 *(e)”;*

18           (3) *in subsection (g), as redesignated by sub-*  
19 *section (a)(1)(A) of this section, by striking “sub-*  
20 *section (e)” and inserting “subsection (f)”;* and

21           (4) *in subsection (i), as redesignated by sub-*  
22 *section (a)(1)(A) of this section—*

23                   (A) *in paragraph (1), by striking “sub-*  
24 *section (d)” and inserting “subsection (e)”;* and

1                   (B) in paragraph (2), by striking “sub-  
2                   section (e)” and inserting “subsection (f)”.

3 **SEC. 3115. ANNUAL LONG-TERM PLAN FOR THE MOD-**  
4                   **ERNIZATION AND REFURBISHMENT OF THE**  
5                   **NUCLEAR SECURITY COMPLEX.**

6           (a) *POLICY.*—It is the policy of the United States that  
7           sustainment, modernization, and refurbishment of the nu-  
8           clear security complex is mandatory for maintaining the  
9           future viability of the United States nuclear deterrent and  
10          a prerequisite for any reductions to the nuclear weapons  
11          stockpile of the United States.

12          (b) *GENERAL REQUIREMENT.*—Subtitle D of the Na-  
13          tional Nuclear Security Administration Act (50 U.S.C.  
14          2451 et seq.) is amended by adding at the end the following  
15          new section:

16 **“SEC. 3255. BUDGETING FOR MODERNIZATION AND REFUR-**  
17                   **BISHMENT OF THE NUCLEAR SECURITY COM-**  
18                   **PLEX: ANNUAL PLAN AND CERTIFICATION.**

19          “(a) *ANNUAL NUCLEAR SECURITY COMPLEX MOD-*  
20          *ERNIZATION AND REFURBISHMENT PLAN AND CERTIFI-*  
21          *CATION.*—The Administrator for Nuclear Security shall in-  
22          clude with the nuclear security budget materials for each  
23          fiscal year—

1           “(1) a plan for the modernization and refurbish-  
2           ment of the nuclear security complex developed in ac-  
3           cordance with this section; and

4           “(2) a certification by the Administrator that  
5           both the budget for that fiscal year and the future-  
6           years nuclear security program submitted to Congress  
7           in relation to such budget under section 3253 provide  
8           for funding of the nuclear security complex at a level  
9           that is sufficient for the modernization and refurbish-  
10          ment of the nuclear security complex provided for in  
11          the plan under paragraph (1) on the schedule pro-  
12          vided in the plan.

13          “(b) ANNUAL NUCLEAR SECURITY COMPLEX MOD-  
14          ERNIZATION AND REFURBISHMENT PLAN.—(1) The annual  
15          nuclear security complex modernization and refurbishment  
16          plan developed for a fiscal year for purposes of subsection  
17          (a)(1) should be designed so that the nuclear security com-  
18          plex provided for under that plan is capable of sup-  
19          porting—

20                 “(A) the National Security Strategy of the  
21                 United States as set forth in the most recent na-  
22                 tional security strategy report of the President  
23                 under section 108 of the National Security Act  
24                 of 1947 (50 U.S.C. 404a), except that, if at the  
25                 time such plan is submitted with the nuclear se-

1           *curity budget materials for that fiscal year, a*  
2           *national security strategy report required under*  
3           *such section 108 has not been submitted to Con-*  
4           *gress as required by paragraph (2) or paragraph*  
5           *(3), if applicable, of subsection (a) of such sec-*  
6           *tion, then such annual plan should be designed*  
7           *so that the nuclear security complex moderniza-*  
8           *tion and refurbishment provided for under that*  
9           *plan is capable of supporting the nuclear secu-*  
10          *urity complex recommended in the report of the*  
11          *most recent Quadrennial Defense Review; and*

12           *“(B) the nuclear posture of the United*  
13          *States as set forth in the most recent Nuclear*  
14          *Posture Review.*

15           *“(2) Each such nuclear security complex mod-*  
16          *ernization and refurbishment plan shall include the*  
17          *following:*

18           *“(A) A detailed program with schedule and*  
19          *associated funding for the modernization and re-*  
20          *furbishment of the nuclear security complex for*  
21          *the National Nuclear Security Administration*  
22          *over the next 30 fiscal years.*

23           *“(B) A description of the necessary mod-*  
24          *ernization and refurbishment measures to meet*  
25          *the requirements of the national security strategy*

1           *of the United States or the most recent Quadren-*  
2           *ennial Defense Review, whichever is applicable*  
3           *under paragraph (1), and the Nuclear Posture*  
4           *Review.*

5           “(C) *The estimated levels of annual funding*  
6           *necessary to carry out the program, together with*  
7           *a discussion of the implementation strategies on*  
8           *which such estimated levels of annual funding*  
9           *are based.*

10          “(c) *ASSESSMENT WHEN NUCLEAR SECURITY COM-*  
11          *PLEX MODERNIZATION AND REFURBISHMENT BUDGET IS*  
12          *INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If*  
13          *the budget for a fiscal year provides for funding of the mod-*  
14          *ernization and refurbishment of the nuclear security com-*  
15          *plex at a level that is not sufficient to sustain the require-*  
16          *ments specified in the plan for that fiscal year under sub-*  
17          *section (a), the Administrator shall include with the nuclear*  
18          *security budget materials for that fiscal year an assessment*  
19          *that describes and discusses the risks and implications asso-*  
20          *ciated with the ability of the nuclear security complex to*  
21          *support the annual certification of the nuclear stockpile of*  
22          *the United States and maintain its long-term safety, secu-*  
23          *rity, and reliability. Such assessment shall be coordinated*  
24          *in advance with the Secretary of Defense and the Com-*  
25          *mander of the United States Strategic Command.*

1       “(d) *DEFINITIONS.—In this section:*

2               “(1) *The term ‘nuclear security complex’ means*  
3 *the physical facilities, technology, and human capital*  
4 *of—*

5                       “(A) *the national security laboratories;*

6                       “(B) *the Pantex Plant;*

7                       “(C) *the Y-12 National Security Complex;*

8                       “(D) *the Kansas City Plant;*

9                       “(E) *the Savannah River Site; and*

10                      “(F) *the Nevada test site.*

11               “(2) *The term ‘budget’ with respect to a fiscal*  
12 *year, means the budget for that fiscal year that is*  
13 *submitted to Congress by the President under section*  
14 *1105(a) of title 31.*

15               “(3) *The term ‘nuclear security budget mate-*  
16 *rials’, with respect to a fiscal year, means the mate-*  
17 *rials submitted to Congress by the Administrator for*  
18 *Nuclear Security in support of the budget for that fis-*  
19 *cal year.*

20               “(4) *The term ‘Quadrennial Defense Review’*  
21 *means the review of the defense programs and policies*  
22 *of the United States that is carried out every four*  
23 *years under section 118 of title 10, United States*  
24 *Code.’’.*



1           *management and operations when performed by*  
2           *a covered contractor; and*

3                   *(B) an assessment of the effect of such cost*  
4           *differences on the resources available to support*  
5           *scientific and technical programs at the covered*  
6           *national laboratories.*

7           *(2) A quantitative assessment of the ability of*  
8           *the covered national laboratories to perform other im-*  
9           *portant laboratory functions, including safety, secu-*  
10          *rity, and environmental management.*

11          *(b) REPORT.—Not later than March 1, 2010, the*  
12          *Comptroller General shall submit to the congressional de-*  
13          *fense committees a report on the results of the review.*

14          *(c) DEFINITIONS.—In this section:*

15                   *(1) The term “covered contractor” means—*

16                           *(A) with respect to Los Alamos National*  
17                           *Laboratory, Los Alamos National Security, LLC;*  
18                           *and*

19                           *(B) with respect to Lawrence Livermore Na-*  
20                           *tional Laboratory, Lawrence Livermore National*  
21                           *Security, LLC.*

22                   *(2) The term “covered national laboratories”*  
23           *means—*

24                           *(A) the Los Alamos National Laboratory;*  
25                           *and*



1                   (B) the Lawrence Livermore National Lab-  
2                   oratory.

3 **SEC. 3122. PLAN TO ENSURE CAPABILITY TO MONITOR,**  
4                   **ANALYZE, AND EVALUATE FOREIGN NUCLEAR**  
5                   **WEAPONS ACTIVITIES.**

6           (a) *PLAN.*—The Secretary of Energy, in consultation  
7 with the Director of National Intelligence and the Secretary  
8 of Defense, shall prepare a plan to ensure that the national  
9 laboratories overseen by the Department of Energy main-  
10 tain a robust technical capability to monitor, analyze, and  
11 evaluate foreign nuclear weapons activities.

12          (b) *REPORT.*—Not later than February 28, 2010, the  
13 Secretary of Energy shall submit a report to the appro-  
14 priate committees of Congress describing the plan required  
15 under subsection (a) and the resources necessary to imple-  
16 ment the plan. The report shall be in unclassified form, but  
17 may include a classified annex.

18          (c) *APPROPRIATE COMMITTEES.*—For purposes of this  
19 section, the appropriate committees of Congress are the fol-  
20 lowing:

21               (1) the Committee on Armed Services, the Com-  
22               mittee on Appropriations, and the Permanent Select  
23               Committee on Intelligence of the House of Representa-  
24               tives; and

1           (2) *the Committee on Armed Services, the Com-*  
2           *mittee on Appropriations, and the Select Committee*  
3           *on Intelligence of the Senate.*

4   **TITLE       XXXII—DEFENSE       NU-**  
5       **CLEAR    FACILITIES    SAFETY**  
6       **BOARD**

*Sec. 3201. Authorization.*

7   **SEC. 3201. AUTHORIZATION.**

8           *There are authorized to be appropriated for fiscal year*  
9    2010, \$26,086,000 for the operation of the Defense Nuclear  
10 *Facilities Safety Board under chapter 21 of the Atomic En-*  
11 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

12                   **TITLE XXXIV—NAVAL**  
13                   **PETROLEUM RESERVES**

*Sec. 3401. Authorization of appropriations.*

14 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

15       (a) *AMOUNT.*—*There are hereby authorized to be ap-*  
16 *propriated to the Secretary of Energy \$23,627,000 for fiscal*  
17 *year 2010 for the purpose of carrying out activities under*  
18 *chapter 641 of title 10, United States Code, relating to the*  
19 *naval petroleum reserves.*

20       (b) *PERIOD OF AVAILABILITY.*—*Funds appropriated*  
21 *pursuant to the authorization of appropriations in sub-*  
22 *section (a) shall remain available until expended.*

1                   **TITLE XXXV—MARITIME**  
 2                   **ADMINISTRATION**

*Sec. 3501. Authorization of appropriations for fiscal year 2010.*

*Sec. 3502. Liquidation of unused leave balance at the United States Merchant Marine Academy.*

*Sec. 3503. Adjunct professors.*

*Sec. 3504. Maritime loan guarantee program.*

*Sec. 3505. Defense measures against unauthorized seizures of Maritime Security Fleet vessels.*

*Sec. 3506. Technical corrections to State maritime academies student incentive program.*

*Sec. 3507. Limitation on disposal of interest in certain vessels.*

3   **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**  
 4                   **CAL YEAR 2010.**

5           *Funds are hereby authorized to be appropriated for fis-*  
 6 *cal year 2010, to be available without fiscal year limitation*  
 7 *if so provided in appropriations Acts, for the use of the De-*  
 8 *partment of Transportation for the Maritime Administra-*  
 9 *tion as follows:*

10                   (1) *For expenses necessary for operations and*  
 11 *training activities, \$152,900,000, of which—*

12                           (A) *\$15,391,000 shall remain available*  
 13 *until expended for capital improvements at the*  
 14 *United States Merchant Marine Academy;*

15                           (B) *\$11,240,000 shall remain available*  
 16 *until expended for maintenance and repair of*  
 17 *training ships of the State Maritime Academies;*  
 18 *and*

1           (C) \$53,208,000 shall be available for oper-  
2           ations at the United States Merchant Marine  
3           Academy.

4           (2) For expenses to maintain a preserve a  
5           United States-flag merchant fleet to serve the national  
6           security needs of the United States under chapter 531  
7           of title 46, United States Code, \$174,000,000.

8           (3) For expenses to dispose of obsolete vessels in  
9           the National Defense Reserve Fleet, \$15,000,000.

10          (4) For the cost (as defined in section 502(5) of  
11          the Federal Credit Reform Act of 1990 (2 U.S.C.  
12          661a(5)) of loan guarantees under the program au-  
13          thorized by chapter 537 of title 46, United States  
14          Code, \$60,000,000.

15 **SEC. 3502. LIQUIDATION OF UNUSED LEAVE BALANCE AT**  
16                   **THE UNITED STATES MERCHANT MARINE**  
17                   **ACADEMY.**

18          *The Maritime Administrator may, subject to the avail-*  
19          *ability of appropriations, make a lump-sum payment for*  
20          *the accumulated balance of unused leave to any former em-*  
21          *ployee of a United States Merchant Marine Academy non-*  
22          *appropriated fund instrumentality who was terminated*  
23          *from such employment in 2009 or whose position as such*  
24          *an employee was converted to the Civil Service in 2009*  
25          *under authority granted by section 3506 of the Duncan*

1 *Hunter National Defense Authorization Act for fiscal year*  
2 *2009 (Public Law 110–417; 122 Stat. 4356).*

3 **SEC. 3503. ADJUNCT PROFESSORS.**

4 *Section 3506 of the Duncan Hunter National Defense*  
5 *Authorization Act for Fiscal Year 2009 (Public Law 110-*  
6 *417; 122 Stat. 4356) is amended—*

7 *(1) in subsection (a), by striking “temporary”;*

8 *(2) in subsection (b), by inserting “and” after*  
9 *the semicolon at the end of paragraph (1), by striking*  
10 *“; and” at the end of paragraph (2) and inserting a*  
11 *period, and by striking paragraph (3); and*

12 *(3) by striking subsection (d) and inserting the*  
13 *following:*

14 *“(d) REPORTING REQUIREMENTS.—When the author-*  
15 *ity granted by subsection (a) is used to hire an adjunct*  
16 *professor at the Academy, the Administrator shall notify*  
17 *the Committee on Armed Services of the House of Represent-*  
18 *atives and the Committee on Commerce, Science, and*  
19 *Transportation of the Senate, including the need for and*  
20 *the term of employment of the adjunct professor.”.*

21 **SEC. 3504. MARITIME LOAN GUARANTEE PROGRAM.**

22 *The Congress finds that—*

23 *(1) it is in the national security interest of the*  
24 *United States to foster commercial shipbuilding in*  
25 *the United States;*

1           (2) *the maritime loan guarantee program au-*  
2 *thorized by chapter 537 or title 46, United States*  
3 *Code, has a long and successful history of facilitating*  
4 *construction of commercial vessels in domestic ship-*  
5 *yards;*

6           (3) *the Maritime Loan Guarantee Program*  
7 *strengthens our Nation’s industrial base allowing do-*  
8 *mestic shipyards and their allied service and supply*  
9 *industries to more effectively produce commercial ves-*  
10 *sels that enhance the commercial sealift capability of*  
11 *the Department of Defense; and*

12           (4) *a revitalized and effective Maritime Loan*  
13 *Guarantee Program would result in construction of a*  
14 *more modern and more numerous fleet of commercial*  
15 *vessels manned by United States citizens, thereby pro-*  
16 *viding a pool of trained United States citizen mari-*  
17 *ners available to assist the Department of Defense in*  
18 *times of war or national emergency.*

19 **SEC. 3505. DEFENSE MEASURES AGAINST UNAUTHORIZED**  
20 **SEIZURES OF MARITIME SECURITY FLEET**  
21 **VESSELS.**

22 *Section 53107(b) of title 46, United States Code, is*  
23 *amended by adding at the end the following new paragraph:*

24           “(3) **DEFENSE MEASURES AGAINST UNAUTHOR-**  
25 **IZED SEIZURES.**—(A) *The Emergency Preparedness*

1 *Agreement for any operating agreement that first*  
2 *takes effect or is renewed after the date of enactment*  
3 *of the National Defense Authorization Act for Fiscal*  
4 *Year 2010 shall require that any vessel operating*  
5 *under the agreement in hazardous carriage shall be*  
6 *equipped with appropriate non-lethal defense meas-*  
7 *ures to protect the vessel, crew, and cargo from unau-*  
8 *thorized seizure at sea.*

9 *“(B) In this paragraph the term ‘hazardous car-*  
10 *riage’ means the carriage of cargo for the Department*  
11 *of Defense in an area that is designated by the Coast*  
12 *Guard or the International Maritime Bureau of the*  
13 *International Chamber Of Commerce as an area of*  
14 *high risk of piracy.”.*

15 **SEC. 3506. TECHNICAL CORRECTIONS TO STATE MARITIME**  
16 **ACADEMIES STUDENT INCENTIVE PROGRAM.**

17 *(a) INSTALLMENT PAYMENTS.—Section 51509(b) of*  
18 *title 46, United States Code, is amended—*

19 *(1) by striking “and be paid before the start of*  
20 *each academic year, as prescribed by the Secretary,”*  
21 *and inserting “and be paid in such installments as*  
22 *the Secretary shall determine”;*

23 *(2) by striking “academy.” and inserting “acad-*  
24 *emy, as prescribed by the Secretary.”.*

1           (b) *REPEAL OF REDUNDANT SECTION.*—Section 177  
2 of division I of Public Law 111–8 (123 Stat. 945; relating  
3 to amendments previously enacted by section 3503 of divi-  
4 sion C of Public Law 110–417 (122 Stat. 4762)) is repealed  
5 and shall have no force or effect.

6 **SEC. 3507. LIMITATION ON DISPOSAL OF INTEREST IN CER-**  
7 **TAIN VESSELS.**

8           (a) *LIMITATION.*—If the United States acquires any  
9 financial interest in a covered vessel as a consequence of  
10 a default on a loan guaranteed for the vessel under chapter  
11 537 of title 46, United States Code, no action to dispose  
12 of the financial interest may be taken by the Maritime Ad-  
13 ministrator until 180 days after the date the Maritime Ad-  
14 ministrator notifies the Secretary of the Navy that the  
15 United States has such financial interest.

16           (b) *COVERED VESSEL DEFINED.*—In this section the  
17 term “covered vessel” means each of—

18                   (1) the vessel *HUAKAI* (United States official  
19 number 1215902); and

20                   (2) the vessel *ALAKAI* (United States official  
21 number 1182234).

Amend the title so as to read: “A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”.





Union Calendar No. 84

11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2647**

[Report No. 111-166]

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## **A BILL**

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

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JUNE 18, 2009

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed