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111TH CONGRESS
1ST SESSION

S. 1390

AN ACT

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2010''.

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

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

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(2) Division B–Military Construction Authorizations.

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

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

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $5,144,891,000.

(2) For missiles, $1,375,109,000.

(3) For weapons and tracked combat vehicles, $2,451,952,000.

(4) For ammunition, $2,059,895,000.

(5) For other procurement, $9,617,991,000.

SEC. 102. NAVY AND MARINE CORPS.

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

(1) For aircraft, $18,655,412,000.

(2) For weapons, including missiles and torpedoes, $3,515,455,000.

(3) For shipbuilding and conversion, $13,776,867,000.

(4) For other procurement, $5,595,176,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Marine Corps in the amount of $1,600,638,000.

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

SEC. 103. AIR FORCE.

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

(1) For aircraft, $13,077,876,000.

(2) For missiles, $6,107,728,000.

(3) For ammunition, $822,462,000.

(4) For other procurement, $17,245,341,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2010 for Defense-wide procurement as follows:

(1) For Defense-wide procurement, $4,050,052,000.

(2) For the Rapid Acquisition Fund, $79,300,000.

(3) For the Mine Resistant Ambush Protected Vehicle Fund, $1,200,000,000.

SEC. 105. FUNDING TABLE.

The amounts authorized to be appropriated by sections 101, 102, 103, and 104 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4101.

SEC. 106. ELIMINATION OF F–22A AIRCRAFT PROCUREMENT FUNDING.

(a) ELIMINATION OF FUNDING.—The amount authorized to be appropriated by section 103(1) for procurement for the Air Force for aircraft procurement is hereby decreased by $1,750,000,000, with the amount of the decrease to be derived from amounts available for F–22A aircraft procurement.

(b) RESTORED FUNDING.—

(1) OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by sec-

tion 301(1) for operation and maintenance for the Army is hereby increased by $350,000,000.

(2) OPERATION AND MAINTENANCE, NAVY.—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby increased by $100,000,000.

(3) OPERATION AND MAINTENANCE, AIR FORCE.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby increased by $250,000,000.

(4) OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by $150,000,000.

(5) MILITARY PERSONNEL.—The amount authorized to be appropriated by section 421(a)(1) for military personnel is hereby increased by $400,000,000.

(6) DIVISION A AND DIVISION B GENERALLY.—In addition to the amounts specified in paragraphs (1) through (5), the total amount authorized to be appropriated for the Department of Defense by divisions A and B is hereby increased by $500,000,000.

Subtitle B—Navy Programs

SEC. 111. TREATMENT OF LITTORAL COMBAT SHIP PROGRAM AS A MAJOR DEFENSE ACQUISITION PROGRAM.

Effective as of the date of the enactment of this Act, the program for the Littoral Combat Ship shall be treated as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

SEC. 112. REPORT ON STRATEGIC PLAN FOR HOMEPORTING THE LITTORAL COMBAT SHIP.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth the strategic plan of the Navy for homeporting the Littoral Combat Ship (LCS) on the East Coast and West Coast of the United States.

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

(1) The requirements for homeporting of the Littoral Combat ship of the commanders of the combatant commands, set forth by geographic area of responsibility (AOR).

(2) A description of the manner in which the Navy will meet the requirements identified under paragraph (1).

(3) An assessment of the effect of each type of Littoral Combat Ship on each port in which such ship could be homeported.

(4) A map, based on the current plan of 55 Littoral Combat Ships, identifying where each ship will homeport and how such ports will accommodate both types of Littoral Combat Ships, based on the current program and a 313-ship Navy.

(5) An estimate of the costs of infrastructure required for Littoral Combat Ships at each homeport, including—

(A) existing infrastructure; and

(B) such upgraded infrastructure as may be required.

SEC. 113. PROCUREMENT PROGRAMS FOR FUTURE NAVAL SURFACE COMBATANTS.

(a) LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORTS ABOUT SURFACE COMBATANT SHIPBUILDING PROGRAMS.—The Secretary of the Navy may not obligate or expend funds for the construction of, or advanced procurement of materials for, a surface combatant to be constructed after fiscal year 2011 until the Secretary has submitted to Congress each of the following:

(1) An acquisition strategy for such surface combatants that has been approved by the Department of Defense.

(2) The results of reviews by the Joint Requirements Oversight Council for an Acquisition Category I program that supports the need for an acquisition strategy to procure surface combatants after fiscal year 2011.

(3) A verification by an independent review panel convened by the Secretary of Defense that, in evaluating the shipbuilding program concerned, the Secretary of the Navy considered each of the following:

(A) Modeling and simulation, including war gaming conclusions regarding combat effectiveness for the selected ship platforms as compared to other reasonable alternative approaches.

(B) Assessments of platform operational availability.

(C) Life cycle costs from vessel manning levels to accomplish missions.

(4) An intelligence analysis reflecting a coordinated threat assessment of the Defense Intelligence Agency that provides the basis for deriving the mix

of platforms in the shipbuilding program concerned when compared with the surface combatants in the 2009 shipbuilding plan.

(5) The differences in cost and schedule arising from the need to accommodate new sensors and weapons in future surface combatants to counter the future threats referred to in paragraph (4) when compared with the cost and schedule arising from the need to accommodate sensors and weapons on surface combatants as contemplated by the 2009 shipbuilding plan for the vessels concerned.

(6) A verification by the commanders of the combatant commands that the shipbuilding program for the vessels concerned would be preferable to the surface combatants included in the 2009 shipbuilding plan for the vessels concerned in meeting all of their future mission requirements.

(7) A joint review by the Navy and the Missile Defense Agency setting forth additional requirements for investment in Aegis ballistic missile defense (BMD) beyond the number of DDG–51 and CG–47 vessels planned to be equipped for this mission area in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) FUTURE SURFACE COMBATANT ACQUISITION STRATEGY.—Not later than the date upon which President submits to Congress the budget for fiscal year 2012 (as so submitted), the Secretary of the Navy shall submit to the congressional defense committees a plan to provide for full and open competition on the combat systems for surface combatants proposed in the future-years defense program submitted to Congress under section 221 of title 10, United States Code, together with such budget. The plan shall include specifics on the intent of the Navy to satisfy criteria described in subsection (a) and evaluate applicable technologies during the request for proposal and selection process.

(c) NAVAL SURFACE FIRE SUPPORT.—Not later than 120 days after the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees an update to the March 2006 Report to Congress on Naval Surface Fire Support. The update shall identify how the Department of Defense intends to address any shortfalls between required naval surface fire support capability and the plan of the Navy to provide that capability. The update shall include addenda by the Chief of Naval Operations and Commandant of the Marine Corps, as was the case in the 2006 report.

(d) TECHNOLOGY ROADMAP FOR FUTURE SURFACE COMBATANTS AND FLEET MODERNIZATION.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall develop a plan to incorporate into surface combatants constructed after 2011, and into fleet modernization programs, the technologies developed for the DDG–1000 destroyer and the DDG–51 and CG–47 Aegis ships, including the following:

(A) For the DDG–1000 destroyer—

(i) combat system;

(ii) multi-function and dual-band radars;

(iii) hull, mechanical and electrical systems achieving significant manpower savings; and

(iv) integrated electric propulsion technologies.

(B) For the DDG–51 and CG–47 Aegis ships—

(i) combat system, including missile defense capability;

(ii) hull, mechanical and electrical systems achieving manpower savings; and

(iii) anti-submarine warfare sensor systems designed for operating in open ocean areas.

(2) SCOPE OF PLAN.—The plan required by paragraph (1) shall include sufficient detail for systems and subsystems to ensure that the plan—

(A) avoids redundant development for common functions;

(B) reflects implementation of Navy plans for achieving an open architecture for all naval surface combat systems; and

(C) fosters full and open competition.

(e) DEFINITION.—In this section:

(1) The term ''2009 shipbuilding plan'' means the 30-year shipbuilding plan submitted to Congress pursuant to section 231, title 10, United States Code, together with the budget of the President for fiscal year 2009 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(2) The term ''surface combatant'' means a cruiser, a destroyer, or any naval vessel under a program currently designated as a future surface combatant program.

SEC. 114. REPORT ON A SERVICE LIFE EXTENSION PROGRAM FOR OLIVER HAZARD PERRY CLASS FRIGATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth the following:

(1) A detailed analysis of a service life extension program (SLEP) for the Oliver Hazard Perry class frigates (FFGs), including—

(A) the cost of the program;

(B) a schedule for the program; and

(C) the shipyards available to carry out the work under the program.

(2) A detailed plan of the Navy for achieving a 313-ship fleet as contemplated by the 2006 Quadrennial Defense Review, including a comparison for purposes of that plan of decommissioning Oliver Hazard Perry class frigates as scheduled with extending the service life of such frigates under the service life extension program.

(3) The strategic plan of the Navy for the manner in which the Littoral Combat Ship (LCS) will fulfill the roles and missions currently performed by the Oliver Hazard Perry class frigates as they are decommissioned.

(4) The strategic plan of the Navy for the Littoral Combat Ship if the extension of the service life of the Oliver Hazard Perry class frigates alleviates demand arising under the current capabilities gap in the Littoral Combat Ship.

(5) A description of the manner in which the Navy has met the needs of the United States Southern Command over time, including the assets and vessels the Navy has deployed for military-to-military engagements, UNITAS exercises, and counterdrug operations in support of the Commander of the United States Southern Command during the five-year period ending on the date of the report.

SEC. 115. COMPETITIVE BIDDING FOR PROCUREMENT OF STEAM TURBINES FOR SHIPS SERVICE TURBINE GENERATORS AND MAIN PROPULSION TURBINES FOR OHIO-CLASS SUBMARINE REPLACEMENT PROGRAM.

The Secretary of the Navy shall take measures to ensure competition, or the option of competition, for steam turbines for the ships service turbine generators and main propulsion turbines for the Ohio-class submarine replacement program in accordance with section 202 of the

Weapons Systems Acquisition Reform Act of 2009 (Public Law 111–23; 10 U.S.C. 2430 note).

Subtitle C—Air Force Matters

SEC. 121. LIMITATION ON RETIREMENT OF C–5 AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may not proceed with a decision to retire C–5A aircraft from the active inventory of the Air Force in any number that would reduce the total number of such aircraft in the active inventory below 111 until—

(1) the Air Force has modified a C–5A aircraft to the configuration referred to as the Reliability Enhancement and Reengining Program (RERP) configuration, as planned under the C–5 System Development and Demonstration program as of May 1, 2003; and

(2) the Director of Operational Test and Evaluation of the Department of Defense—

(A) conducts an operational evaluation of that aircraft, as so modified; and

(B) provides to the Secretary of Defense and the congressional defense committees an operational assessment.

(b) OPERATIONAL EVALUATION.—An operational evaluation for purposes of paragraph (2)(A) of subsection (a) is an evaluation, conducted during operational testing

and evaluation of the aircraft, as so modified, of the performance of the aircraft with respect to reliability, maintainability, and availability and with respect to critical operational issues.

(c) OPERATIONAL ASSESSMENT.—An operational assessment for purposes of paragraph (2)(B) of subsection (a) is an operational assessment of the program to modify C–5A aircraft to the configuration referred to in subsection (a)(1) regarding both overall suitability and deficiencies of the program to improve performance of the C–5A aircraft relative to requirements and specifications for reliability, maintainability, and availability of that aircraft as in effect on May 1, 2003.

(d) ADDITIONAL LIMITATIONS ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force may not retire C–5 aircraft from the active inventory as of the date of this Act until the later of the following:

(1) The date that is 150 days after the date on which the Director of Operational Test and Evaluation submits the report referred to in subsection (a)(2)(B).

(2) The date that is 120 days after the date on which the Secretary submits the report required under subsection (e).

(3) The date that is 30 days after the date on which the Secretary certifies to the congressional defense committees that—

(A) the retirement of such aircraft will not increase the operational risk of meeting the National Defense Strategy; and

(B) the retirement of such aircraft will not reduce the total strategic airlift force structure below 324 strategic airlift aircraft.

(e) REPORT ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth the following:

(1) The rationale for the retirement of existing C–5 aircraft and a cost/benefit analysis of alternative strategic airlift force structures, including the force structure that would result from the retirement of such aircraft.

(2) An assessment of the costs and benefits of applying the Reliability Enhancement and Re-engining Program (RERP) modification to the entire the C–5A aircraft fleet.

(3) An assessment of the implications for the Air Force, the Air National Guard, and the Air

Force Reserve of operating a mix of C–5A aircraft and C–5M aircraft.

(4) An assessment of the costs and benefits of increasing the number of C–5 aircraft in Back-up Aircraft Inventory (BAI) status as a hedge against future requirements of such aircraft.

(5) An assessment of the costs, benefits, and implications of transferring C–5 aircraft to United States flag carriers operating in the Civil Reserve Air Fleet (CRAF) program or to coalition partners in lieu of the retirement of such aircraft.

(6) Such other matters relating to the retirement of C–5 aircraft as the Secretary considers appropriate.

(f) MAINTENANCE OF AIRCRAFT UPON RETIREMENT.—The Secretary of the Air Force shall maintain any C–5 aircraft retired after the date of the enactment of this Act in Type 1000 storage until opportunities for the transfer of such aircraft as described in subsection (e)(5) have been fully exhausted.

SEC. 122. REVISED AVAILABILITY OF CERTAIN FUNDS AVAILABLE FOR THE F–22A FIGHTER AIRCRAFT.

(a) REPEAL OF AUTHORITY ON AVAILABILITY OF FISCAL YEAR 2009 FUNDS.—Section 134 of the Duncan

Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4378) is repealed.

(b) AVAILABILITY OF ADVANCE PROCUREMENT FUNDS FOR OTHER F–22A AIRCRAFT MODERNIZATION PRIORITIES.—Subject to the provisions of appropriations Acts and applicable requirements relating to the transfer of funds, the Secretary of the Air Force may transfer amounts authorized to be appropriated for fiscal year 2009 by section 103(1) for aircraft procurement for the Air Force and available for advance procurement for the F–22A fighter aircraft within that subaccount or to other subaccounts for aircraft procurement for the Air Force for purposes of providing funds for other modernization priorities with respect to the F–22A fighter aircraft.

SEC. 123. REPORT ON POTENTIAL FOREIGN MILITARY SALES OF THE F–22A FIGHTER AIRCRAFT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State and in consultation with the Secretary of the Air Force, submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Rep-

resentatives a report on potential foreign military sales of the F–22A fighter aircraft.

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

(1) An estimate of the costs to the United States Government, industry, and any foreign military sales customer of developing an exportable version of the F–22A fighter aircraft.

(2) An assessment whether an exportable version of the F–22A fighter aircraft is technically feasible and executable, and, if so, a timeline for achieving an exportable version of the aircraft.

(3) An assessment of the potential strategic implications of permitting foreign military sales of the F–22A fighter aircraft.

(4) An assessment of the impact of foreign military sales of the F–22A fighter aircraft on the United States aerospace and aviation industry, and the advantages and disadvantages of such sales for sustaining that industry.

(5) An identification of any modifications to current law that are required to authorize foreign military sales of the F–22A fighter aircraft.

(c) ADDITIONAL REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act,

the Secretary of Defense shall provide for a federally funded research and development center which will submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, through the Secretary of Defense, a report on potential foreign military sales of the F–22A fighter aircraft, addressing the same elements as in subsection (b) of this section.

SEC. 124. NEXT GENERATION BOMBER AIRCRAFT.

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

(1) Long-range strike is a critical mission in which the United States needs to retain a credible and dominant capability.

(2) Long range, penetrating strike systems provide—

(A) a hedge against being unable to obtain access to forward bases for political reasons;

(B) a capacity to respond quickly to contingencies;

(C) the ability to base outside the reach of emerging adversary anti-access and area-denial capabilities; and

(D) the ability to impose disproportionate defensive costs on prospective adversaries of the United States.

(3) The 2006 Quadrennial Defense Review found that there was a requirement for a next generation bomber aircraft and directed the United States Air Force to ''develop a new land-based, penetrating long range strike capability to be fielded by 2018''.

(4) On April 6, 2009, Secretary Gates announced that the United States ''will not pursue a development program for a follow-on Air Force bomber until we have a better understanding of the need, the requirement and the technology''.

(5) On May 7, 2009, President Barack Obama announced the termination of the next generation bomber aircraft program in the document of the Office of Management and Budget entitled ''Terminations, Reductions, and Savings'', stating that ''there is no urgent need to begin an expensive development program for a new bomber'' and that ''the future bomber fleet may not be affordable over the next six years''.

(6) The United States will need a new long-range strike capability because the conflicts of the

future will likely feature heavily defended airspace, due in large part to the proliferation of relatively inexpensive, but sophisticated and deadly, air defense systems.

(7) General Michael Maples, the Director of the Defense Intelligence Agency, noted during a March 10, 2009, hearing of the Committee on Armed Services of the Senate on worldwide threats that ''Russia, quite frankly, is the developer of most of those [advanced air defense] systems and is exporting those systems both to China and to other countries in the world''.

(8) The Final Report of the Congressional Commission on the Strategic Posture of the United States, submitted to Congress on May 6, 2009, states that ''[t]he bomber force is valuable particularly for extending deterrence in time of crisis, as their deployment is visible and signals U.S. commitment. Bombers also impose a significant cost burden on potential adversaries in terms of the need to invest in advanced air defenses''.

(9) The commanders of the United States Pacific Command, the United States Strategic Command, and the United States Joint Forces Command have each testified before the Committee on

Armed Services of the Senate in support of the capability that the next generation bomber aircraft would provide.

(10) On June 17, 2009, General James Cartwright, Vice-Chairman of the Joint Chiefs of Staff and chair of the Joint Requirements Oversight Council, stated during a hearing before the Committee on Armed Services of the Senate that ''the nation needs a new bomber''.

(11) Nearly half of the United States bomber aircraft inventory (47 percent) pre-dates the Cuban Missile Crisis.

(12) The only air-breathing strike platforms the United States possesses today with reach and survivability to have a chance of successfully executing missions more than 1,000 nautical miles into enemy territory from the last air-to-air refueling are 16 combat ready B-2 bomber aircraft.

(13) The B-2 bomber aircraft was designed in the 1980s and achieved initial operational capability over a decade ago.

(14) The crash of an operational B-2 bomber aircraft during takeoff at Guam in early 2008 indicates that attrition can and does occur even in peacetime.

(15) The primary mission requirement of the next generation bomber aircraft is the ability to strike targets anywhere on the globe with whatever weapons the contingency requires.

(16) The requisite aerodynamic, structural, and low-observable technologies to develop the next generation bomber aircraft already exist in fifth-generation fighter aircraft.

(b) POLICY ON CONTINUED DEVELOPMENT OF NEXT GENERATION BOMBER AIRCRAFT IN FISCAL YEAR 2010.—It is the policy of the United States to support a development program for next generation bomber aircraft technologies.

SEC. 125. AC–130 GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the United States Special Operations Command, shall submit to the congressional defense committees an assessment of the reduction in the service life of AC–130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo

continues at a rate per year of the average of their operating rate for the last five years.

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

(1) An estimate by series of the maintenance costs for the AC–130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC–130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC–130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC–130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC–130 gunships, and an estimate of the cost of upgrading such systems during

that period to achieve any necessary capability improvements.

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

(d) ANALYSIS OF ALTERNATIVES.—The Secretary of the Air Force, in consultation with the United States Special Operations Command, shall conduct an analysis of alternatives for any gunship modernization requirements identified by the 2009 quadrennial defense review under section 118 of title 10, United States Code. The results of the analysis of alternatives shall be provided to the congressional defense committees not later than 18 months after the completion of the 2009 quadrennial defense review.

SEC. 126. REPORT ON E–8C JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM RE-ENGINING.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on replacing the engines of E-8C Joint Surveillance and Target Attack Radar System (Joint STARS) aircraft. The report shall include the following:

(1) An assessment of funding alternatives and options for accelerating funding for the fielding of Joint STARS aircraft with replaced engines.

(2) An analysis of the tradeoffs involved in the decision to replace the engines of Joint STARS aircraft or not to replace those engines, including the potential cost savings from replacing those engines and the operational impacts of not replacing those engines.

(3) An identification of the optimum path forward for replacing the engines of Joint STARS aircraft and modernizing the Joint STARS fleet.

(b) LIMITATION ON CERTAIN ACTIONS.—The Secretary of the Air Force may not take any action that would adversely impact the pace of the execution of the program to replace the engines of Joint STARS aircraft before submitting the report required by subsection (a).

Subtitle D—Joint and Multiservice Matters

SEC. 131. MODIFICATION OF NATURE OF DATA LINK UTILIZABLE BY TACTICAL UNMANNED AERIAL VEHICLES.

Section 141(a)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3164) is amended by striking ", until such time as

the Tactical Common Data Link is replace by an updated standard for use by those vehicles'' and inserting ''or a data link that uses waveform capable of transmitting and receiving Internet Protocol communications''.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,863,003,000.

(2) For the Navy, $19,597,696,000.

(3) For the Air Force, $28,693,952,000.

(4) For Defense-wide activities, $20,555,270,000.

(5) For Operational Test and Evaluation, Defense, $190,770,000.

(b) FUNDING TABLE.—The amounts authorized to be appropriated by subsection (a) shall be available, in accordance with the requirements of section 4001, for

projects, programs, and activities, and in the amounts, specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F–35 JOINT STRIKE FIGHTER PROGRAM; INCREASE IN FUNDING FOR PROCUREMENT OF UH–1Y/AH–1Z ROTARY WING AIRCRAFT AND FOR MANAGEMENT RESERVES FOR THE F–35 JOINT STRIKE FIGHTER PROGRAM.

(a) LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F–35 JOINT STRIKE FIGHTER PROGRAM.—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended for the development or procurement of an alternate propulsion system for the F–35 Joint Strike Fighter program until the Secretary of Defense submits to the congressional defense committees a certification in writing that the development and procurement of the alternate propulsion system—

(1) will—

(A) reduce the total life-cycle costs of the F–35 Joint Strike Fighter program; and

(B) improve the operational readiness of the fleet of F–35 Joint Strike Fighter aircraft; and

(2) will not—

(A) disrupt the F–35 Joint Strike Fighter program during the research, development, and procurement phases of the program; or

(B) result in the procurement of fewer F–35 Joint Strike Fighter aircraft during the life cycle of the program.

(b) ADDITIONAL AMOUNT FOR UH–1Y/AH–1Z ROTARY WING AIRCRAFT.—The amount authorized to be appropriated by section 102(a)(1) for aircraft procurement for the Navy is increased by $282,900,000, with the amount of the increase to be allocated to amounts available for the procurement of UH–1Y/AH–1Z rotary wing aircraft.

(c) RESTORATION OF MANAGEMENT RESERVES FOR F–35 JOINT STRIKE FIGHTER PROGRAM.—

(1) NAVY JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby increased by $78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike

Fighter program (PE # 0604800N) for management reserves.

(2) AIR FORCE JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby increased by $78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800F) for management reserves.

(d) OFFSETS.—

(1) NAVY JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby decreased by $219,450,000, with the amount of the decrease to be derived from amounts available for the Joint Strike Fighter (PE # 0604800N) for F136 development.

(2) AIR FORCE JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby decreased by $219,450,000, with the amount of the decrease to be derived from amounts available

for the Joint Strike Fighter (PE # 0604800F) for F136 development.

SEC. 212. ENHANCEMENT OF DUTIES OF DIRECTOR OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER WITH RESPECT TO THE MAJOR RANGE AND TEST FACILITY BASE.

(a) AUTHORITY TO REVIEW PROPOSALS FOR SIGNIFICANT CHANGES.—Section 196(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(3) by inserting ''(1)'' before ''The Director'';

(4) by redesignating subparagraphs (B), (C), and (D), as so redesignated, as subparagraphs (C), (D), and (E), respectively; and

(5) by inserting after subparagraph (A), as so redesignated, the following new subparagraph (B):

''(B) To review proposed significant changes to the test and evaluation facilities and resources of the Major Range and Test Facility Base before they are implemented by the Secretaries of the military de-

partments or the heads of the Defense Agencies with test and evaluation responsibilities and advise the Secretary of Defense and the Under Secretary of Acquisition, Technology, and Logistics of the impact of such changes on the adequacy of such test and evaluation facilities and resources to meet the test and evaluation requirements of the Department.''.

(b) ACCESS TO RECORDS AND DATA.—Such section is further amended by adding at the end the following new paragraph:

''(2) The Director shall have access to all records and data of the test and evaluation activities, facilities, and elements of the Major Range and Test Facility Base, including the records and data of each military department and Defense Agency, that the Director considers necessary in order to carry out the Director's duties under paragraph (1)(B).''.

SEC. 213. GUIDANCE ON SPECIFICATION OF FUNDING REQUESTED FOR OPERATION, SUSTAINMENT, MODERNIZATION, AND PERSONNEL OF MAJOR RANGES AND TEST FACILITIES.

(a) GUIDANCE ON SPECIFICATION OF FUNDING.—The Secretary of Defense shall, acting through the Under Secretary of Defense (Comptroller) and the Director of the Department of Defense Test Resource Management

Center, issue guidance on the specification by the military departments and Defense Agencies of amounts to be requested in the budget of the President for a fiscal year (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) for funding for each facility and resource of the Major Range and Test Facility Base in connection with each of the following:

(1) Operation.

(2) Sustainment.

(3) Investment and modernization.

(4) Government personnel.

(5) Contractor personnel.

(b) APPLICABILITY.—The guidance issued under subsection (a) shall apply with respect to budgets of the President for fiscal years after fiscal year 2010.

(c) MAJOR RANGE AND TEST FACILITY BASE DEFINED.—In this section, the term ''Major Range and Test Facility Base'' has the meaning given that term in section 196(h) of title 10, United States Code.

SEC. 214. PERMANENT AUTHORITY FOR THE JOINT DEFENSE MANUFACTURING TECHNOLOGY PANEL.

Section 2521 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

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

"(e) JOINT DEFENSE MANUFACTURING TECHNOLOGY PANEL.—(1) There is in the Department of Defense the Joint Defense Manufacturing Technology Panel.

"(2)(A) The Chair of the Joint Defense Manufacturing Technology Panel shall be the head of the Panel. The Chair shall be appointed, on a rotating basis, from among the appropriate personnel of the military departments and Defense Agencies with manufacturing technology programs.

"(B) The Panel shall be composed of at least one individual from among appropriate personnel of each military department and Defense Agency with manufacturing technology programs. The Panel may include as ex-officio members such individuals from other government organizations, academia, and industry as the Chair considers appropriate.

"(3) The purposes of the Panel shall be as follows:

"(A) To identify and integrate requirements for the program.

"(B) To conduct joint planning for the program.

"(C) To develop joint strategies for the program.

"(4) In carrying out the purposes specified in paragraph (3), the Panel shall perform the functions as follows:

"(A) Conduct comprehensive reviews and assessments of defense-related manufacturing issues being addressed by the manufacturing technology programs and related activities of the Department of Defense.

"(B) Execute strategic planning to identify joint planning opportunities for increased cooperation in the development and implementation of technological products and the leveraging of funding for such purposes with the private sector and other government agencies.

"(C) Ensure the integration and coordination of requirements and programs under the program with Office of the Secretary of Defense and other national-level initiatives, including the establishment of information exchange processes with other government agencies, private industry, academia, and professional associations.

"(D) Conduct such other functions as the Under Secretary of Defense for Acquisition, Technology, and Logistics shall specify.

"(5) The Panel shall report to and receive direction from the Director of Defense Research and Engineering on manufacturing technology issues of multi-service concern and application.

"(6) The administrative expenses of the Panel shall be borne by each military department and Defense Agency with manufacturing technology programs in such manner as the Panel shall provide.".

SEC. 215. EXTENSION AND ENHANCEMENT OF GLOBAL RESEARCH WATCH PROGRAM.

(a) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR MILITARY DEPARTMENTS PENDING PROVISION OF ASSISTANCE UNDER PROGRAM.—Subsection (d) of section 2365 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Funds available to a military department for a fiscal year for monitoring or analyzing the research activities and capabilities of foreign nations may not be obligated or expended until the Director certifies to the Under Secretary of Defense for Acquisition, Technology, and Logistics that the Secretary of such military department has provided the assistance required under paragraph (2).

"(B) The limitation in subparagraph (A) shall not be construed to alter or effect the availability to a military department of funds for intelligence activities.".

(b) FOUR-YEAR EXTENSION OF PROGRAM.—Subsection (f) of such section is amended by striking "September 30, 2011" and inserting "September 30, 2015".

SEC. 216. THREE-YEAR EXTENSION OF AUTHORITY FOR PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Section 2374a(f) of title 10, United States Code, is amended by striking "September 30, 2010" and inserting "September 30, 2013".

SEC. 217. MODIFICATION OF REPORT REQUIREMENTS REGARDING DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

Section 212 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 2501 note) is amended by striking subsection (b), (c), and (d) and inserting the following new subsections:

"(b) FUNDING OBJECTIVE.—It is the sense of Congress that it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program, including the science and technology program of each military department, for each fiscal year after fiscal year 2010 over the budget for that

program for the preceding fiscal year by a percent that is at least equal to the rate of inflation, as determined by the Office of Management and Budget.

"(c) ACTIONS FOLLOWING FAILURE TO COMPLY WITH OBJECTIVE.—If the proposed budget of the Department of Defense for a fiscal year fails to comply with the objective set forth in subsection (b), the Secretary of Defense shall submit to the congressional defense committees each of the following:

"(1) Not later than 60 days after the proposed budget is submitted to Congress, a detailed, prioritized list, including estimates of required funding, of proposals for science and technology projects received by the Department through competitive solicitations in the fiscal year preceding the fiscal year covered by the proposed budget which were not funded but represent science and technology opportunities that support the research and development programs and goals of the military departments and the Defense Agencies.

"(2) Not later than six months after the proposed budget is submitted to Congress, an independent assessment, in both classified and unclassified form (as necessary), of any research, technology, or engineering areas that are of interest to

the Department in which the United States may not have global technical leadership within the next 10 years.

"(d) SUNSET.—The requirements of this section shall terminate on December 31, 2014.".

SEC. 218. PROGRAMS FOR GROUND COMBAT VEHICLE AND SELF PROPELLED HOWITZER CAPABILITIES FOR THE ARMY.

(a) PROGRAMS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a separate program to achieve each of the following:

(A) The development, test, and fielding of an operationally effective, suitable, survivable, and affordable next generation ground combat vehicle for the Army.

(B) The development, test, and fielding of an operationally effective, suitable, survivable, and affordable next generation self-propelled howitzer capability for the Army.

(2) COMPLIANCE WITH CERTAIN ACQUISITION REQUIREMENTS.—Each program under paragraph (1) shall comply with the requirements of the Weapons Systems Acquisition Reform Act of 2009, and the amendments made by that Act.

(b) STRATEGY AND PLAN FOR ACQUISITION.—

(1) IN GENERAL.—Not later than March 31, 2010, the Secretary shall submit to the congressional defense committees a report setting forth a strategy and plan for the acquisition of weapon systems under the programs required by subsection (a). Each strategy and plan shall include measurable goals and objectives for the acquisition of such weapon systems, and shall identify all proposed major development, testing, procurement, and fielding events toward the achievement of such goals and objectives.

(2) ELEMENTS.—In developing each strategy and plan under paragraph (1), the Secretary shall consider the following:

(A) A single vehicle or family of vehicles utilizing a common chassis and automotive components.

(B) The incorporation of weapon, vehicle, communications, network, and system of systems common operating environment technologies developed under the Future Combat Systems program.

(c) ANNUAL REPORTS.—

(1) REPORTS REQUIRED.—The Secretary shall submit to the congressional defense committees, at the same time the President submits to Congress the budget for each of fiscal years 2011 through 2015 (as submitted pursuant to section 1105(a) of title 31, United States Code), a report on the investments proposed to be made under such budget with respect to each program required by subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall set forth, for the fiscal year covered by the budget with which such report is submitted—

(A) the manner in which amounts requested in such budget would be available for each program required by subsection (a); and

(B) an assessment of the extent to which utilizing such amount in such manner would improve ground combat capabilities for the Army.

SEC. 219. ASSESSMENT OF TECHNOLOGICAL MATURITY AND INTEGRATION RISK OF ARMY MODERNIZATION PROGRAMS.

(a) ASSESSMENT REQUIRED.—The Director of Defense Research and Engineering shall, in consultation with the Director of Developmental Test and Evaluation, review and assess the technological maturity and integration

risk of critical technologies (as jointly identified by the Director and the Secretary of the Army for purposes of this section) of Army modernization programs and appropriate associated programs, including the programs as follows:

(1) Manned Ground Vehicle and Ground Combat Vehicle.

(2) Future Combat Systems network hardware and software.

(3) Warfighter Information Network–Tactical, Increment 3.

(4) Joint Tactical Radio System.

(5) Reconnaissance unmanned aerial vehicles.

(6) Future Combat Systems Spin Out technologies.

(7) Any other programs jointly identified by the Director and the Secretary for purposes of this section.

(b) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the technological maturity and integration risk of critical technologies of Army modernization and associated programs covered by the review and assessment required under subsection (a), as determined pursuant to that assessment.

SEC. 220. ASSESSMENT OF STRATEGY FOR TECHNOLOGY FOR MODERNIZATION OF THE COMBAT VEHICLE AND TACTICAL WHEELED VEHICLE FLEETS.

(a) INDEPENDENT ASSESSMENT OF STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an independent assessment of current, anticipated, and potential research and engineering activities for or applicable to the modernization of the combat vehicle fleet and tactical wheeled vehicle fleet of the Department of Defense.

(2) ACCESS TO INFORMATION AND RESOURCES.—The Secretary shall provide the entity with which the Secretary contracts under paragraph (1) access to such information and resources as are appropriate to conduct the assessment required by that paragraph.

(b) REPORT.—

(1) IN GENERAL.—The contract required by subsection (a) shall provide that the entity with which the Secretary contracts under that subsection shall submit to the Secretary of Defense and the

congressional defense committees a report on the assessment required by that subsection not later than December 31, 2010.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed discussion of the requirements and capability needs identified or proposed for current and prospective combat vehicles and tactical wheeled vehicles.

(B) An identification of capability gaps for combat vehicles and tactical wheeled vehicles based on lessons learned from recent conflicts and an assessment of emerging threats.

(C) An identification of the critical technology elements or integration risks associated with particular categories of combat vehicles and tactical wheeled vehicles, and with particular missions of such vehicles.

(D) Recommendations for a plan to develop and deploy within the next 10 years critical technology capabilities to address the capability gaps identified pursuant to subparagraph (B), including an identification of high priority science and technology, research & engineering, and prototyping opportunities.

(E) Such other matters as the Secretary considers appropriate.

SEC. 221. SYSTEMS ENGINEERING AND PROTOTYPING PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, carry out a program to encourage and fund systems engineering and prototyping efforts in support of Department of Defense goals and missions.

(b) OBJECTIVES.—The objectives of the program required by subsection (a) shall be as follows:

(1) To develop system prototypes for systems that provide capabilities supportive of addressing Department of Defense goals, needs, and requirements.

(2) To successfully demonstrate new systems in relevant environments.

(3) To encourage the training of systems engineers and the development of systems engineering tools and practices.

(c) SELECTION OF PROJECTS.—

(1) PROGRAM AREAS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the military departments

and the Defense Agencies, designate general areas for systems engineering and prototype projects under the program required by subsection (a).

(2) SOLICITATION OF PROJECTS.—The Under Secretary shall solicit for the selection of projects under the program within the areas designated under paragraph (1) from among other government entities, federally-funded research and development centers, academia, the private sector, and such other persons, organizations, and entities as the Under Secretary considers appropriate.

(3) SELECTION.—The Under Secretary shall select projects for implementation under the program from among responses to the solicitations made under paragraph (2). The Under Secretary shall select such projects on a competitive basis.

(d) IMPLEMENTATION OF PROJECTS.—For each project selected under subsection (c)(3), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall designate a military department or Defense Agency to implement the project as part of the program required by subsection (a).

(e) FUNDING OF PROJECTS.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics

shall, subject to paragraphs (2) and (3), provide funds for each project selected under subsection (c)(3) in an amount jointly determined by the Under Secretary and the acquisition executive of the military department or Defense Agency concerned.

(2) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds provided to a project under paragraph (1) shall be not greater than the amount equal to 50 percent of the total cost of the project.

(3) LIMITATION ON PERIOD OF FUNDING.—A project may not be provided funds under this subsection for more than three fiscal years.

(4) SOURCE OF OTHER FUNDING.—Any funds required for a project under this section that are not provided under this subsection shall be derived from funds available to the military department or Defense Agency concerned, or another appropriate source other than this subsection.

(f) ANNUAL REPORT.—Not later than March 31 each year, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the activities carried out under the program required by subsection (a) during the preceding fiscal year.

(g) ACQUISITION EXECUTIVE DEFINED.—In this section, the term ''acquisition executive'', with respect to a military department or Defense Agency, means the official designated as the senior procurement executive for the military department or Defense Agency for the purposes of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414 (c)).

Subtitle C—Missile Defense Programs

SEC. 241. SENSE OF CONGRESS ON BALLISTIC MISSILE DEFENSE.

It is the sense of Congress that—

(1) the United States should develop, test, field, and maintain operationally effective, cost-effective, affordable, reliable, suitable, and survivable ballistic missile defense systems that are capable of defending the United States, its forward-deployed forces, allies, and other friendly nations from the threat of ballistic missile attacks from nations such as North Korea and Iran;

(2) the missile defense force structure and inventory levels of such missile defense systems should be determined based on an assessment of ballistic missile threats and a determination by senior military leaders, combatant commanders, and defense

officials of the requirements and capabilities needed to address those threats; and

(3) the test and evaluation program for such missile defense systems should be rigorous, robust, operationally realistic, and capable of providing a high level of confidence in the capability of such systems (including their continuing effectiveness over the course of their service lives), and adequate resources should be available for that test and evaluation program (including interceptor missiles and targets for flight tests).

SEC. 242. COMPREHENSIVE PLAN FOR TEST AND EVALUATION OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall establish a comprehensive plan for the developmental and operational testing and evaluation of the Ballistic Missile Defense System and its various elements.

(2) PERIOD OF PLAN.—The plan shall cover the period covered by the future-years defense program that is submitted to Congress under section 221 of title 10, United States Code, at or about the same

time as the submittal to Congress of the budget of the President for fiscal year 2011.

(3) INPUT.—In establishing the plan, the Secretary shall receive input on matters covered by the plan from the following:

(A) The Director of the Missile Defense Agency.

(B) The Director of Operational Test and Evaluation.

(C) The operational test components of the military departments.

(b) ELEMENTS.—The plan required by subsection (a) shall include, with regard to developmental and operational testing of the Ballistic Missile Defense System, the following:

(1) Test and evaluation objectives.

(2) Test and evaluation criteria and metrics.

(3) Test and evaluation procedures and methodology.

(4) Data requirements.

(5) System and element configuration under test.

(6) Approaches to verification, validation, and accreditation of models and simulations.

(7) The relative role of models and simulations, ground tests, and flight tests in achieving the objectives of the plan.

(8) Test infrastructure and resources, including test range limitations and potential range enhancements.

(9) Test readiness review approaches and methodology.

(10) Testing for system and element integration and interoperability.

(11) Means for achieving operational realism and means of demonstrating operational effectiveness, suitability and survivability.

(12) Detailed descriptions of planned tests.

(13) A description of the resources required to implement the plan.

(c) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2011, the Secretary shall submit to the congressional defense committees a report setting forth and describing the plan required by subsection (a) and each of the elements required in the plan under subsection (b).

(2) ADDITIONAL INFORMATION ON GROUND-BASED MIDCOURSE DEFENSE.—The report required

by this subsection shall, in addition to the matters specified in paragraph (1), include a detailed description of the test and evaluation activities pertaining to the Ground-based Midcourse Defense (GMD) element of the Ballistic Missile Defense System as follows:

(A) Plans for salvo testing.

(B) Plans for multiple simultaneous engagement testing.

(C) Plans for intercept testing using the Cobra Dane radar as the engagement sensor.

(D) Plans to test and demonstrate the ability of the system to accomplish its mission over the planned term of its operational service life (also known as ''sustainment testing'').

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

SEC. 243. ASSESSMENT AND PLAN FOR THE GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Ground-based Midcourse Defense (GMD) element of the Ballistic Missile Defense Sys-

tem should be an operationally effective, cost-effective, affordable, reliable, suitable, and survivable system capable of defending the United States from the threat of long-range missile attacks from nations such as North Korea and Iran, and adequate resources should be available to create and maintain such a capability (including continuing effectiveness over the course of its service life);

(2) the force structure and inventory levels of the Ground-based Midcourse Defense element should be determined based on an assessment of ballistic missile threats from nations such as North Korea and Iran and a determination by senior military leaders, combatant commanders, and defense officials of the requirements and capabilities needed to address those threats; and

(3) the test and evaluation program for the Ground-based Midcourse Defense element should be rigorous, robust, operationally realistic, and capable of providing a high degree of confidence in the capability of the system (including testing to demonstrate the continuing effectiveness of the system over the course of its service life), and adequate resources should be available for that test and evaluation pro-

gram (including interceptor missiles and targets for flight tests).

(b) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—As part of the Quadrennial Defense Review and the Ballistic Missile Defense Review, the Secretary of Defense shall conduct an assessment of the following:

(A) Ground-based Midcourse Defense element of the Ballistic Missile Defense System.

(B) Future options for the Ground-based Midcourse Defense element.

(2) ELEMENTS.—The assessment required by paragraph (1) shall include an assessment of the following:

(A) The ballistic missile threat against which the Ground-based Midcourse Defense element is intended to defend.

(B) The military requirement for Ground-based Midcourse Defense capabilities against such missile threat.

(C) The current capabilities of the Ground-based Midcourse Defense element.

(D) The planned capabilities of the Ground-based Midcourse Defense element, if

different from the capabilities under subparagraph (B).

(E) The force structure and inventory levels necessary for the Ground-based Midcourse Defense element to achieve the planned capabilities of that element, including an analysis of the costs and the potential advantages and disadvantages of deploying 44 operational Ground-based Interceptor missiles.

(F) The infrastructure necessary to achieve such capabilities, including the number and location of operational silos.

(G) The number of Ground-based Interceptor missiles necessary for operational assets, test assets (including developmental and operational test assets and aging and surveillance test assets), and spare missiles.

(3) REPORT.—At or about the same time the budget of the President for fiscal year 2011 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the results of the assessment required by paragraph (1). The report shall be in unclassified form, but may include a classified annex.

(c) PLAN REQUIRED.—

(1) IN GENERAL.—In addition to the assessment required by subsection (b), the Secretary shall establish a plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System. The plan shall cover the period of the future-years defense program that is submitted to Congress under section 221 of title 10, United States Code, at or about the same time as the submittal to Congress of the budget of the President for fiscal year 2011.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following elements:

(A) The schedule for achieving the planned capability of the Ground-based Midcourse Defense element, including the completion of operational silos, the delivery of operational Ground-Based Interceptors, and the deployment of such interceptors in those silos.

(B) The plan for funding the development, production, deployment, testing, improvement, and sustainment of the Ground-based Midcourse Defense element.

(C) The plan to maintain the operational effectiveness of the Ground-based Midcourse

Defense element over the course of its service life, including any modernization or capability enhancement efforts, and any sustainment efforts.

(D) The plan for flight testing the Ground-based Midcourse Defense element, including aging and surveillance tests to demonstrate the continuing effectiveness of the system over the course of its service life.

(E) The plan for production of Ground-Based Interceptor missiles necessary for operational assets, developmental and operational test assets, aging and surveillance test assets, and spare missiles.

(3) REPORT.—At or about the same time the budget of the President for fiscal year 2011 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the plan required by paragraph (1). The report shall be in unclassified form, but may include a classified annex.

(d) CONSTRUCTION.—Nothing in this section shall be construed as altering or revising the continued production

of all Ground-Based Interceptor missiles on contract as of June 23, 2009.

(e) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall—

(1) review the assessment required by subsection (b) and the plan required by subsection (c); and

(2) not later than 120 days after receiving the assessment and the plan, provide to the congressional defense committees the results of the review.

SEC. 244. REPORT ON POTENTIAL MISSILE DEFENSE COOPERATION WITH RUSSIA.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth potential options for cooperation among or between the United States, the North Atlantic Treaty Organization (NATO), and the Russian Federation on ballistic missile defense.

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

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

(1) A description of proposals made by the United States, the North Atlantic Treaty Organization, or the Russian Federation since January 1, 2007, for potential missile defense cooperation among or between such countries and that organization, including data sharing, cooperative regional missile defense architectures, joint exercises, and transparency and confidence building measures.

(2) A description of options for the sharing by such countries and that organization of ballistic missile surveillance or early warning data, including data from the Russian early warning radars at Gabala in Azerbaijan, and Armavir in southern Russia or other radars, such as the United States radar proposed for deployment in the Czech Republic.

(3) An assessment of the potential for implementation of the agreement between the United States and the Russian Federation on the establishment of a Joint Data Exchange Center.

(4) An assessment of the potential for missile defense cooperation between the Russian Federation and the North Atlantic Treaty Organization, including through the NATO-Russia Council.

(5) An assessment of the potential security benefits to the United States, Russia, and the North Atlantic Treaty Organization of the cooperation described in paragraph (4).

(6) Such other matters as the Secretary considers appropriate.

SEC. 245. CONTINUED PRODUCTION OF GROUND-BASED INTERCEPTOR MISSILE AND OPERATION OF MISSILE FIELD 1 AT FORT GREELY, ALASKA.

(a) LIMITATION ON BREAK IN PRODUCTION.—The Secretary of Defense shall ensure that the Missile Defense Agency does not allow a break in production of the Ground-based Interceptor missile until the Department of Defense has—

(1) completed the Ballistic Missile Defense Review; and

(2) made a determination with respect to the number of Ground-based Interceptor missiles that will be necessary to support the service life of the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.

(b) LIMITATION ON CERTAIN ACTIONS WITH RESPECT TO MISSILE FIELD 1 AND MISSILE FIELD 2 AT FORT GREELY, ALASKA.—

(1) LIMITATION ON DECOMMISSIONING OF MISSILE FIELD 1.—The Secretary of Defense shall ensure that Missile Field 1 at Fort Greely, Alaska, does not complete decommissioning until seven silos have been emplaced at Missile Field 2 at Fort Greely.

(2) LIMITATION WITH RESPECT TO DISPOSITION OF SILOS AT MISSILE FIELD 2.—The Secretary of Defense shall ensure that no irreversible decision is made with respect to the disposition of operational silos at Missile Field 2 at Fort Greely, Alaska, until that date that is 60 days after the date on which the reports required by subsections (b)(3) and (c)(3) of section 243 are submitted to the congressional defense committees.

SEC. 246. SENSE OF SENATE ON AND RESERVATION OF FUNDS FOR DEVELOPMENT AND DEPLOYMENT OF MISSILE DEFENSE SYSTEMS IN EUROPE.

(a) FINDINGS.—The Senate makes the following findings:

(1) In the North Atlantic Treaty Organization (NATO) Bucharest Summit Declaration of April 3, 2008, the Heads of State and Government participating in the meeting of the North Atlantic Council

declared that ''[b]allistic missile proliferation poses an increasing threat to Allies' forces, territory and populations. Missile defence forms part of a broader response to counter this threat. We therefore recognize the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets''.

(2) The Bucharest Summit Declaration also stated that ''[b]earing in mind the principle of the indivisibility of Allied security as well as NATO solidarity, we task the Council in Permanent Session to develop options for a comprehensive missile defence architecture to extend coverage to all Allied territory and populations not otherwise covered by the United States system for review at our 2009 Summit, to inform any future political decision''.

(3) In the Bucharest Summit Declaration, the North Atlantic Council also reaffirmed to Russia that ''current, as well as any future, NATO Missile Defence efforts are intended to better address the security challenges we all face, and reiterate that, far from posing a threat to our relationship, they offer opportunities to deepen levels of cooperation and stability''.

(4) In the Strasbourg/Kehl Summit Declaration of April 4, 2009, the heads of state and government participating in the meeting of the North Atlantic Council reaffirmed ''the conclusions of the Bucharest Summit about missile defense,'' and declared that ''we judge that missile threats should be addressed in a prioritized manner that includes consideration of the level of imminence of the threat and the level of acceptable risk''.

(5) Iran is rapidly developing its ballistic missile capabilities, including its inventory of short-range and medium-range ballistic missiles that can strike portions of Eastern and Southern North Atlantic Treaty Organization European territory, as well as the pursuit of long-range ballistic missiles that could reach Europe or the United States.

(6) On July 8, 2008, the Government of the United States and the Government of the Czech Republic signed an agreement to base a radar facility in the Czech Republic that is part of a proposed missile defense system to protect Europe and the United States against a potential future Iranian long-range ballistic missile threat.

(7) On August 20, 2008, the United States and the Republic of Poland signed an agreement con-

cerning the deployment of ground-based ballistic missile defense interceptors in the territory of the Republic of Poland.

(8) Section 233 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4393; 10 U.S.C. 2431 note) establishes conditions for the availability of funds for procurement, construction, and deployment of the planned missile defense system in Europe, including that the host nations must ratify any missile defense agreements with the United States and that the Secretary of Defense must certify that the system has demonstrated the ability to accomplish the mission.

(9) On April 5, 2009, President Barack Obama, speaking in Prague, Czech Republic, stated, ''As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven. If the Iranian threat is eliminated, we will have a stronger basis for security, and the driving force for missile defense construction in Europe will be removed.''.

(10) On June 16, 2009, Deputy Secretary of Defense William Lynn testified before the Committee on Armed Services of the Senate that the

United States Government is reviewing its options for developing and deploying operationally effective, cost-effective missile defense capabilities to Europe against potential future Iranian missile threats, in addition to the proposed deployment of a missile defense system in Poland and the Czech Republic.

(11) On July 9, 2009, General James Cartwright, the Vice Chairman of the Joint Chiefs of Staff, testified before the Committee on Armed Services of the Senate that the Department of Defense was considering some 40 different missile defense architecture options for Europe that could provide a ''regional defense capability to protect the nations'' of Europe, and a ''redundant capability that would assist in protecting the United States,'' and that the Department was considering ''what kind of an architecture best suits the defense of the region, the defense of the homeland, and the regional stability''.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government should continue developing and planning for the proposed deployment of elements of a Ground-based Midcourse Defense (GMD) system, including a midcourse radar in the Czech Republic and Ground-Based Intercep-

tors in Poland, consistent with section 233 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009;

(2) in conjunction with the continued development of the planned Ground-based Midcourse Defense system, the United States should work with its North Atlantic Treaty Organization allies to explore a range of options and architectures to provide missile defenses for Europe and the United States against current and future Iranian ballistic missile capabilities;

(3) any alternative system that the United States Government considers deploying in Europe to provide for the defense of Europe and a redundant defense of the United States against future long-range Iranian missile threats should be at least as capable and cost-effective as the proposed European deployment of the Ground-based Midcourse Defense system; and

(4) any missile defense capabilities deployed in Europe should, to the extent practical, be interoperable with United States and North Atlantic Treaty Organization missile defense systems.

(c) RESERVATION OF FUNDS FOR MISSILE DEFENSE SYSTEMS.—

(1) IN GENERAL.—Of the funds authorized to be appropriated or otherwise made available for fiscal years 2009 and 2010 for the Missile Defense Agency for the purpose of developing missile defenses in Europe, $353,100,000 shall be available only for the purposes described in paragraph (2).

(2) USE OF FUNDS.—The purposes described in this paragraph are the following:

(A) Research, development, test, and evaluation of—

(i) the proposed midcourse radar element of the Ground-based Midcourse Defense system in the Czech Republic; and

(ii) the proposed long-range missile defense interceptor site element of such defense system in Poland.

(B) Research, development, test, and evaluation, procurement, construction, or deployment of other missile defense systems designed to protect Europe, and the United States in the case of long-range missile threats, from the threats posed by current and future Iranian ballistic missiles of all ranges, if the Secretary of Defense submits to the congressional defense

committees a report certifying that such systems are expected to be—

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

(ii) operationally effective and cost-effective in providing protection for Europe, and the United States in the case of long-range missile threats, against current and future Iranian ballistic missile threats; and

(iii) interoperable, to the extent practical, with other components of missile defense and complementary to the missile defense strategy of the North Atlantic Treaty Organization.

(d) CONSTRUCTION.—Nothing in this section shall be construed as limiting or preventing the Department of Defense from pursuing the development or deployment of operationally effective and cost-effective ballistic missile defense systems in Europe.

SEC. 247. EXTENSION OF DEADLINE FOR STUDY ON BOOST-PHASE MISSILE DEFENSE.

Section 232(c)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4392) is amended by striking ''October 31, 2010'' and inserting ''March 1, 2011''.

Subtitle D—Other Matters

SEC. 251. REPEAL OF REQUIREMENT FOR BIENNIAL JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.

Section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note) is repealed.

SEC. 252. MODIFICATION OF REPORTING REQUIREMENT FOR DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2358 note) is amended by striking subsection (e) and inserting the following new subsection (e):

''(e) REPORTS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the National Science and Technology Council information on the program that covers the information described in paragraphs (1) through (5) of section 2(d) of the 21st Century Nanotechnology Research and Development Act (15

U.S.C. 7501(d)) to be included in the annual report submitted by the Council under that section.''.

SEC. 253. EVALUATION OF EXTENDED RANGE MODULAR SNIPER RIFLE SYSTEMS.

(a) IN GENERAL.—Not later than March 31, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct a comparative evaluation of extended range modular sniper rifle systems, including .300 Winchester Magnum, .338 Lapua Magnum, and other calibers. The evaluation shall identify and demonstrate an integrated suite of technologies capable of—

(1) extending the effective range of snipers;

(2) meeting service or unit requirements or operational need statements; or

(3) closing documented capability gaps.

(b) FUNDING.—The Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct the evaluation required by subsection (a) using amounts appropriated for fiscal year 2009 for extended range modular sniper rifle system research (PE # 0604802A) that are unobligated.

(c) REPORT.—Not later than April 30, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Serv-

ices of the House of Representatives a report containing the results of the evaluation required by subsection (a), including—

(1) detailed ballistics and system performance data; and

(2) an assessment of the operational capabilities of extended range modular sniper rifle systems to meet service or unit requirements or operational need statements or close documented capabilities gaps.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $30,932,882,000.

(2) For the Navy, $35,890,046,000.

(3) For the Marine Corps, $5,547,223,000.

(4) For the Air Force, $34,053,559,000.

(5) For Defense-wide activities, $27,645,997,000.

(6) For the Army Reserve, $2,623,796,000.

(7) For the Navy Reserve, $1,278,501,000.

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

(9) For the Air Force Reserve, $3,079,228,000.

(10) For the Army National Guard, $6,260,634,000.

(11) For the Air National Guard, $5,888,461,000.

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

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

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

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

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

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

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

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

(20) For Cooperative Threat Reduction programs, $424,093,000.

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

(b) FUNDING TABLE.—The amounts authorized by subsection (a) shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4301.

Subtitle B—Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE FORMER NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.

(a) AUTHORITY TO REIMBURSE.—

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

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

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in an interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Former Nansemond Ordnance Depot Site in December 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(a)(18) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

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

Subtitle C—Workplace and Depot Issues

SEC. 321. MODIFICATION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) CLARIFICATION OF AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENTS.—The second sentence of section 4544(a) of title 10, United States Code, as added by section 328(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 66), is amended by inserting after ''not more than eight contracts or cooperative agreements'' the following: ''in addition to the contracts and cooperative agreements in place as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181)''.

(b) ADDITIONAL ELEMENTS REQUIRED FOR ANALYSIS OF USE OF AUTHORITY.—Section 328(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 67) is amended—

(1) by striking ''a report assessing the advisability'' and inserting the following: ''a report—

''(A) assessing the advisability''; and

(2) by striking ''pursuant to such authority.'' and inserting the following: ''pursuant to such authority;

''(B) assessing the benefit to the Federal Government of using such authority;

''(C) assessing the impact of the use of such authority on the availability of facilities needed by the Army and on the private sector; and

''(D) describing the steps taken to comply with the requirements under section 4544(g) of title 10, United States Code.''.

SEC. 322. IMPROVEMENT OF INVENTORY MANAGEMENT PRACTICES.

(a) INVENTORY MANAGEMENT PRACTICES IMPROVEMENT PLAN REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for improving the inventory management systems of the military departments and the Defense Logistics Agency with the objective of reducing the acquisition and storage of secondary inventory that is excess to requirements.

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

(1) A plan for a comprehensive review of demand-forecasting procedures to identify and correct any systematic weaknesses in such procedures, including the development of metrics to identify bias toward over-forecasting and adjust forecasting methods accordingly.

(2) A plan to accelerate the efforts of the Department of Defense to achieve total asset visibility, including efforts to link wholesale and retail inventory levels through multi-echelon modeling.

(3) A plan to reduce the average level of on-order secondary inventory that is excess to requirements, including a requirement for the systemic review of such inventory for possible contract termination.

(4) A plan for the review and validation of methods used by the military departments and the Defense Logistics Agency to establish economic retention requirements.

(5) A plan for an independent review of methods used by the military departments and the Defense Logistics Agency to establish contingency retention requirements.

(6) A plan to identify items stored in secondary inventory that require substantial amounts of stor-

age space and shift such items, where practicable, to direct vendor delivery.

(7) A plan for a comprehensive assessment of inventory items on hand that have no recurring demands, including the development of—

(A) metrics to track years of no demand for items in stock; and

(B) procedures for ensuring the systemic review of such items for potential reutilization or disposal.

(8) A plan to more aggressively pursue disposal reviews and actions on stocks identified for potential reutilization or disposal.

(c) GAO REPORTS.—

(1) ASSESSMENT OF PLAN.—Not later than 60 days after the date on which the plan required by subsection (a) is submitted as specified in that subsection, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the plan meets the requirements of this section.

(2) ASSESSMENT OF IMPLEMENTATION.—Not later than 18 months after the date on which the plan required by subsection (a) is submitted, the

Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the plan has been effectively implemented by each military department and by the Defense Logistics Agency.

(d) INVENTORY THAT IS EXCESS TO REQUIREMENTS DEFINED.—In this section, the term ''inventory that is excess to requirements'' means inventory that—

(1) is excess to the approved acquisition objective concerned; and

(2) is not needed for the purposes of economic retention or contingency retention.

SEC. 323. TEMPORARY SUSPENSION OF AUTHORITY FOR PUBLIC-PRIVATE COMPETITIONS.

(a) TEMPORARY SUSPENSION.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Secretary of Defense submits to the congressional defense committees the certification described in subsection (b), no study or public-private competition regarding the conversion to contractor performance of any function of the Department of Defense performed by civilian employees may be begun or announced pursuant to section 2461 of title 10, United States Code, Office of Management and Budget Circular A–76, or any other authority.

(b) CERTIFICATION.—The certification described in this subsection is a certification that—

(1) the Secretary of Defense has completed and submitted to Congress a complete inventory of contracts for services for or on behalf of the Department of Defense in compliance with the requirements of subsection (c) of section 2330a of title 10, United States Code; and

(2) the Secretary of each military department and the head of each Defense Agency responsible for activities in the inventory is in compliance with the review and planning requirements of subsection (e) of such section.

SEC. 323A. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION OF ANY DEPARTMENT OF DEFENSE FUNCTION PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

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

(1) by striking ''A function'' and inserting ''No function'';

(2) by striking ''10 or more''; and

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

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

SEC. 323B. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

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

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

"(B) The period referred to in paragraph (A) is 30 months with respect to a single formation activity and 36 months with respect to a multi-formation activity.

"(C) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims.

"(D) In this paragraph, the term 'preliminary planning' with respect to a public-private competition means any action taken to carry out any of the following activities:

"(i) Determining the scope of the competition.

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

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

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

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private

competition covered by such section that is being conducted on or after the date of the enactment of this Act.

SEC. 323C. TERMINATION OF CERTAIN PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

Any Department of Defense public-private competition that exceeds the time limits established in section 2461(a) shall be reviewed by the Secretary of Defense and considered for termination. If the Secretary of Defense does not terminate the competition, he shall report to Congress on the reasons for his decision.

SEC. 324. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551 note), as amended by section 341 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 69), is amended—

(1) in subsection (a), by striking ''2010'' and inserting ''2011''; and

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

SEC. 325. MODIFICATION OF DATE FOR SUBMITTAL TO CONGRESS OF ANNUAL REPORT ON FUNDING FOR PUBLIC AND PRIVATE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.

Section 2466(d)(1) of title 10, United States Code, is amended by striking ''April 1 of each year'' and inserting ''90 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31''.

Subtitle D—Energy Provisions

SEC. 331. ENERGY SECURITY ON DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) PLAN FOR ENERGY SECURITY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan for identifying and addressing areas in which the electricity needed to carry out critical military missions on Department of Defense installations is vulnerable to disruption.

(2) ELEMENTS.—The plan developed under paragraph (1) shall include, at a minimum, the following:

(A) An identification of the areas of vulnerability as described in paragraph (1), and an

identification of priorities in addressing such areas of vulnerability.

(B) A schedule for the actions to be taken by the Department to address such areas of vulnerability.

(C) A strategy for working with other public or private sector entities to address such areas of vulnerability that are beyond the control of the Department.

(b) WORK WITH NON-DEPARTMENT OF DEFENSE ENTITIES.—

(1) IN GENERAL.—The Secretary of Defense shall work with other Federal entities, and with State and local government entities, to develop any regulations or other mechanisms needed to require or encourage actions to address areas of vulnerability identified pursuant to the plan developed under subsection (a) that are beyond the control of the Department of Defense.

(2) CONTRACT AUTHORITY.—Where necessary to achieve the purposes of this section, the Secretary may enter into a contract, grant, or other agreement with one or more appropriate public or private sector entities under which such entity or entities agree to carry out actions required to address areas of vul-

nerability identified pursuant to the plan developed under subsection (a) that are beyond the control of the Department. Any such contract, grant, or agreement may provide for the full or partial reimbursement of the entity concerned by the Department for actions taken by the entity under such contract, grant, or agreement.

SEC. 332. EXTENSION AND EXPANSION OF REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAMS.

(a) NEW REPORTING REQUIREMENTS.—Section 317(e) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1054) is amended to read as follows:

"(e) REPORTING REQUIREMENTS.—

"(1) IN GENERAL.—Not later one year after the date of the enactment of this Act, and each January 1 thereafter through 2020, the Secretary shall submit to the congressional defense a report regarding progress made toward achieving the energy efficiency goals of the Department of Defense, consistent with the provisions of section 303 of Executive Order 13123 (64 Fed. Reg. 30851; 42 U.S.C. 8521 note) and section 11(b) of Executive Order 13423 (72 Fed. Reg. 3919; 42 U.S.C. 4321 note).

"(2) REPORTS SUBMITTED AFTER JANUARY 1, 2009.—Each report required under paragraph (1) that is submitted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010 shall include the following:

"(A) A table detailing funding, by account, for all energy projects and investments.

"(B) A description of the funding and steps taken to achieve the renewable energy goals in the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.) and Executive Order 13423 by fiscal year 2015, and section 2911(e) of title 10, United States Code, by fiscal year 2025.

"(C) A description of steps taken to ensure that facility and installation management goals are consistent with current legislative and other requirements, including applicable requirements under the Energy Independence and Security Act of 2007 (Public Law 110–140).

"(D) A description of steps taken to determine best practices for measuring energy consumption in Department of Defense facilities and installations in order to use the data for better energy management.

"(E) A description of steps taken to comply with requirements of the Energy Independence and Security Act of 2007, including new design and construction requirements for buildings.

"(F) A description of steps taken to comply with section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b), regarding the supply by the General Services Administration and the Defense Logistics Agency of Energy Star and Federal Energy Management Program (FEMP) designated products to its Department of Defense customers.

"(G) A description of steps taken to encourage the use of Energy Star and FEMP designated products at military installations in government or contract maintenance activities.

"(H) A description of steps taken to comply with standards for projects built using appropriated funds and established by the Energy Independence and Security Act of 2007 for privatized construction projects, whether residential, administrative, or industrial.

"(I) A description of any other issues and strategies the Secretary determines relevant to a comprehensive and renewable energy policy.".

(b) ADDITIONAL MATERIAL REQUIRED FOR FIRST EXPANDED REPORT.—The first report submitted by the Secretary of Defense under section 317(e) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1054), as amended by subsection (a), after the date of the enactment of this Act shall include, in addition to the matters required under such section, the following:

(1) A determination of whether the existing tools, such as the Energy Conservation Investment Program (ECIP) and the Energy Savings Performance Contracts (ESPC) program, are sufficient to support renewable energy projects to achieve the Department's installation energy goals, or if new funding mechanisms would be beneficial.

(2) An appropriate goal or goals for the use of alternative fuels for ground vehicles, aircraft, sea vessels, and applicable weapons systems, taking into consideration a broad range of factors, including cost, availability, technological feasibility, energy independence and security, and environmental impact.

(3) A determination of the cost and feasibility of a policy that would require new power generation projects established on installations to be able to switch to provide power for military operations in the event of a commercial grid outage.

(4) An assessment of the extent to which State and regional laws and regulations and market structures provide opportunities or obstacles to establish renewable energy projects on military installations.

(5) A determination of the cost and feasibility of developing or acquiring equipment or systems that would result in the complete use of renewable energy sources at contingency locations.

(6) A determination of the cost and feasibility of implementing the recommendations of the 2008 Defense Science Board Report entitled, ''More Fight – Less Fuel''.

SEC. 333. ALTERNATIVE AVIATION FUEL INITIATIVE.

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

(1) Dependence on foreign sources of oil is detrimental to the national security of the United States due to possible disruptions in supply.

(2) The Department of Defense is the largest single consumer of fuel in the United States.

(3) The United States Air Force is the largest consumer of fuel in the Department of Defense.

(4) The dramatically fluctuating price of fuel can have a significant budgetary impact on the Department of Defense.

(5) The United States Air Force uses about 2,600,000,000 gallons of jet fuel a year, or 10 percent of the entire domestic market in aviation fuel.

(6) The Air Force's Alternative Aviation Fuel Initiative includes certification and testing of both biomass-derived (''biofuel'') and synthetic fuel blends produced via the Fischer-Tropsch (FT) process. By not later than December 31, 2016, the Air Force will be prepared to cost competitively acquire 50 percent of the Air Force's domestic aviation fuel requirement via an alternative fuel blend in which the alternative component is derived from domestic sources produced in a manner that is greener than fuels produced from conventional petroleum.

(7) The Air Force Energy Program will provide options to reduce the use of foreign oil, by focusing on expanding alternative energy options that provide favorable environmental attributes as compared to currently-available options.

(b) CONTINUATION OF INITIATIVES.—

(1) IN GENERAL.—The Secretary of the Air Force shall continue the alternative aviation fuel initiatives of the Air Force with a goal of—

(A) certifying its aircraft, applicable vehicles and support equipment, and associated storage and distribution infrastructure for unrestricted operational use of a synthetic fuel blend by early 2011;

(B) being prepared to acquire 50 percent of its domestic aviation fuel requirement from alternative or synthetic fuels (including blends of alternative or synthetic fuels with conventional fuels) by not later than December 31, 2016, provided that—

(i) the lifecycle greenhouse gas emissions associated with the production and combustion of such fuel shall be equal to or lower than such emissions from conventional fuels that are used in the same application, as determined in accordance with guidance by the Department of Energy and the Environmental Protection Agency; and

(ii) prices for such fuels are cost competitive with petroleum-based alternatives that are used for the same functions;

(C) taking actions in collaboration with the commercial aviation industry and equipment manufacturers to spur the development of a domestic alternative aviation fuel industry; and

(D) taking actions in collaboration with other Federal agencies, the commercial sector, and academia to solicit for and test the next generation of environmentally-friendly alternative aviation fuels.

(2) ADJUSTMENT OF GOAL.—The Secretary of the Air Force may adjust the goal of acquiring 50 percent of Air Force domestic fuel requirements from alternative or synthetic fuels by not later than December 31, 2016, if the Secretary determines in writing that it would not be practicable, or in the best interests of the Air Force, to do so and informs the congressional defense committees within 30 days of the basis for such determination.

(3) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter in each of fiscal years 2011 through 2016, the Secretary of Defense, in consulta-

tion with the Secretary of the Air Force, shall submit to Congress a report on the progress of the alternative aviation fuel initiative program, including—

(A) the status of aircraft fleet certification, until complete;

(B) the quantities of alternative or synthetic fuels (including blends of alternative or synthetic fuels with conventional fuels) purchased for use by the Air Force in the fiscal year ending in such year;

(C) progress made against published goals for such fiscal year;

(D) the status of recovery plans to achieve any goals set for previous years that were not achieved; and

(E) the establishment or adjustment of goals and objectives for the current fiscal year or for future years.

(c) ANNUAL REPORT FOR ARMY AND NAVY.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter in each of fiscal years 2011 through 2016, the Secretary of the Army and the Secretary of the Navy shall each submit to Congress a report on goals and progress to research, test, and certify

1 the use of alternative fuels in their respective aircraft
2 fleets.
3 (d) DEFENSE SCIENCE BOARD REVIEW.—
4 (1) REPORT REQUIRED.—Not later than Octo-
5 ber 1, 2011, the Defense Science Board shall report
6 to the Secretary of Defense on the feasibility and
7 advisability of achieving the goals established in sub-
8 section (b)(1). The report shall address—
9 (A) the technological and economic
10 achievability of the goals;
11 (B) the impact of actions required to meet
12 such goals on the military readiness of the Air
13 Force, energy costs, environmental perform-
14 ance, and dependence on foreign oil; and
15 (C) any recommendations the Defense
16 Science Board may have for improving the Air
17 Force program.
18 (2) SUBMISSION TO CONGRESS.—Not later than
19 30 days after receiving the report required by under
20 paragraph (1), the Secretary of Defense shall for-
21 ward the report to Congress, together with the com-
22 ments and recommendations of the Secretary.

SEC. 334. AUTHORIZATION OF APPROPRIATIONS FOR DIRECTOR OF OPERATIONAL ENERGY.

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

SEC. 335. DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.

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

"§ 2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods

"(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense, the Secretaries of the military departments, the heads of the Defense Agencies, and the heads of other instrumentalities of the Department of Defense are author-

ized to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by any of the following parties:

"(1) An electric utility

"(2) An independent system operator.

"(3) A State agency.

"(4) A third party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

"(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the extent provided in advance in an appropriations Act. The Secretary concerned or the head of the Defense Agency or other instrumentality, as the case may be, shall pay for the cost of the design and implementation of these services in full in the year in which they are received from amounts provided in advance in an appropriations Act.

"(c) USE OF CERTAIN FINANCIAL INCENTIVES.—Of the amounts derived from financial incentives awarded to

a military installation as described in subsection (b) and provided for in advance by an appropriations Act—

"(1) not less than 100 percent shall be made available for use at such military installation; and

"(2) not less than 30 percent shall be made available for energy management initiatives at such installation.".

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

"2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.".

Subtitle E—Reports

SEC. 341. STUDY ON ARMY MODULARITY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center (FFRDC) to conduct a study on the current and planned modularity structures of the Army to determine the following:

(A) The operational capability of the Army to execute its core mission to contribute land power to joint operations.

(B) The ability to manage flexibility and versatility of Army forces across the range of military operations.

(C) The tactical, operational, and strategic risk associated with the heavy and light modular combat brigades and functional brigades.

(D) The required and planned end strength for the Army.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) The Army's historical experience with separate brigade structures.

(B) The original Army analysis, including explicit or implicit assumptions, upon which the brigade combat team, functional brigade, and higher headquarters' designs were based.

(C) Subsequent analysis that confirmed or modified the original designs.

(D) Lessons learned from Operations Iraqi Freedom and Enduring Freedom that confirmed or modified the original designs.

(E) Improvements in brigade and headquarters designs the Army has made or is implementing.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the FFRDC conducting the study has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—Not later than December 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a), together with comments by the Chief of Staff of the Army and the Secretary of Defense.

SEC. 342. PLAN FOR MANAGING VEGETATIVE ENCROACHMENT AT TRAINING RANGES.

Section 366(a)(5) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 113 note) is amended—

(1) by striking ''(5) At the same time'' and inserting ''(5)(A) At the same time''; and

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

''(B) Beginning with the report submitted to Congress at the same time as the President submits the budget for fiscal year 2011, the report required under this subsection shall include the following:

"(i) An assessment of the extent to which vegetation and overgrowth limits the use of military lands available for training of the Armed Forces in the United States and overseas.

"(ii) Identification of the particular installations and training areas at which vegetation and overgrowth negatively impact the use of training space.

"(iii)(I) As part of the first such report submitted, a plan to address training constraints caused by vegetation and overgrowth.

"(II) As part of each subsequent report, any necessary updates to such plan.".

SEC. 343. REPORT ON STATUS OF AIR NATIONAL GUARD AND AIR FORCE RESERVE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Air Force, the Chief of the National Guard Bureau, the Director of the Air National Guard, the Chief of the Air Force Reserve, and such other officials as the Secretary of Defense considers appropriate, shall submit to Congress a report on—

(1) the status of the Air National Guard and the Air Force Reserve; and

(2) the plans of the Department of Defense to ensure that the Air National Guard and the Air

Force Reserve remain ready to meet the requirements of the Air Force and the combatant commands and for homeland defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

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

(1) The Army, 547,400.

(2) The Navy, 328,800.

(3) The Marine Corps, 202,100.

(4) The Air Force, 331,700.

SEC. 402. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE-DUTY END STRENGTHS FOR FISCAL YEARS 2010, 2011, AND 2012.

(a) AUTHORITY TO INCREASE ARMY ACTIVE-DUTY END STRENGTH.—

(1) AUTHORITY.—For each of fiscal years 2010, 2011, and 2012, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (2), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law

up to the number equal to the fiscal-year 2010 baseline plus 30,000.

(2) PURPOSE OF INCREASES.—The purposes for which an increase may be made in the active duty end strength for the Army under paragraph (1) are the following:

(A) To increase dwell time for members of the Army on active duty.

(B) To support operational missions.

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

(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the authority of the President under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority in subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) BUDGET TREATMENT.—

(1) IN GENERAL.—If the Secretary of Defense increases active-duty end strength for the Army for fiscal year 2010 under subsection (a), the Secretary may fund such an increase through Department of Defense reserve funds or through an emergency supplemental appropriation.

(2) FISCAL YEARS 2011 AND 2012.—(2) If the Secretary of Defense plans to increase the active-duty end strength for the Army for fiscal year 2011 or 2012, the budget for the Department of Defense for such fiscal year as submitted to Congress shall include the amounts necessary for funding the active-duty end strength for the Army in excess of the fiscal-year 2010 baseline.

(e) DEFINITIONS.—In this section:

(1) FISCAL-YEAR 2010 BASELINE.—The term ''fiscal-year 2010 baseline'', with respect to the Army, means the active-duty end strength authorized for the Army in section 401(1).

(2) ACTIVE-DUTY END STRENGTH.—The term ''active-duty end strength'', with respect to the Army for a fiscal year, means the strength for active duty personnel of Army as of the last day of the fiscal year.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

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

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 65,500.

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

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

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

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

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

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

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory partici-

pation in training) without their consent at the end of the fiscal year.

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

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

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

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

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,818.

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

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

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

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

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

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

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

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

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

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

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2010, may not exceed the following:

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

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

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2010, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2010, may not exceed 90.

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

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

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

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

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

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

SEC. 416. REPORT ON TRAINEE ACCOUNT FOR THE ARMY NATIONAL GUARD.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report setting forth an assessment of the establishment within the Army National Guard of a trainees, transients, holdees, and students account (commonly referred to as a ''TTHS'' account).

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the feasibility and advisability of permitting the Army National Guard to have, without regard to its authorized end strength levels for a fiscal year, a trainees, transients, holdees, and students account for assigning all members of the Army National Guard who have not completed initial entry training in order to ensure that all personnel of fully manned and deployable units of the Army National Guard have completed initial entry training.

SEC. 417. AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR SELECTED RESERVE END STRENGTHS.

Section 115(g) of title 10, United States Code, is amended to read as follows:

"(g) AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE END STRENGTHS.—(1) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may—

"(A) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength; and

"(B) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for the Selected Reserve of the reserve component of any of the armed forces under the jurisdiction of that Sec-

retary, by a number equal to not more than 2 percent of such authorized end strength.

"(2) Any increase under paragraph (1) of the end strength for an armed force or the Selected Reserve of a reserve component of an armed force shall be counted as part of the increase for that armed force or Selected Reserve for that fiscal year authorized under subsection (f)(1) or subsection (f)(3), respectively.".

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense for military personnel amounts as follows:

(1) For military personnel, $124,864,942,000.

(2) For contributions to the Medicare-Eligible Retiree Health Fund, $10,751,339,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2010.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. MODIFICATION OF LIMITATIONS ON GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) CLARIFICATION OF DISTRIBUTION LIMITS.—Section 525 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) For purposes of the applicable limitation in section 526(a) of this title on general and flag officers on active duty, no appointment of an officer on the active duty list may be made as follows:

"(1) in the Army, if that appointment would result in more than—

"(A) 7 officers in the grade of general;

"(B) 45 officers in a grade above the grade of major general; or

"(C) 90 officers in the grade of major general;

"(2) in the Air Force, if that appointment would result in more than—

"(A) 9 officers in the grade of general;

"(B) 43 officers in a grade above the grade of major general; or

"(C) 73 officers in the grade of major general;

"(3) in the Navy, if that appointment would result in more than—

"(A) 6 officers in the grade of admiral;

"(B) 32 officers in a grade above the grade of rear admiral; or

"(C) 50 officers in the grade of rear admiral;

"(4) in the Marine Corps, if that appointment would result in more than—

"(A) 2 officers in the grade of general;

"(B) 15 officers in a grade above the grade of major general; or

"(C) 22 officers in the grade of major general.

"(b)(1) The limitations of subsection (a) do not include the following:

"(A) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military depart-

ment to extend the 60-day period by an additional 120 days, but no more than 3 officers from each armed forces may be on active duty who are excluded under this subparagraph.

"(B) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title.

"(C) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526(b) for each military service.

"(D) An officer while serving as Chief of the National Guard Bureau.

"(2) An officer of the Army while serving as Superintendent of the United States Military Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Army for officers serving on active duty in grades above major general under subsection (a). An officer of the Navy or Marine Corps while serving as Superintendent of the United States Naval Academy, if serving in the grade of vice admiral or lieutenant general, is in addition to the number that would otherwise be permitted for the Navy or Marine Corps, respectively, for officers serving on active duty in grades above major general or rear admiral under

subsection (a). An officer while serving as Superintendent of the United States Air Force Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under subsection (a).''.

(b) CLARIFICATION ON OFFSETTING REDUCTIONS.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

''(A) may make appointments in the Army, Air Force, and Marine Corps in the grades of lieutenant general and general in excess of the applicable numbers determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and''; and

(B) in subparagraph (B), by striking ''subsection (b)(2)'' and inserting ''this section'';

(2) in paragraph (3)(A), by striking ''the number equal to 10 percent of the total number of officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps under subsection (b)'' and inserting ''15''; and

(3) in paragraph (3)(B), by striking ''the number equal to 15 percent of the total number of officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps'' and inserting ''5''.

(c) OTHER DISTRIBUTION CLARIFICATIONS.—Such section is further amended—

(1) in subsection (e), by striking ''In determining the total number of general officers or flag officers of an armed force on active duty for purposes of this section, the following officers shall not be counted:'' in the matter preceding paragraph (1) and inserting ''The following officers shall not be counted for purposes of this section:''; and

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

''(g) The limitations of this section do not apply to a reserve component general or flag officer who is on active duty and serving in a position that is a joint duty assignment for the purposes of chapter 38 of this title for a period not to exceed three years.''.

(d) CHANGE TO AUTHORIZED STRENGTHS.—Subsection (a) of section 526 of such title is amended—

(1) in paragraph (1), by striking ''307'' and inserting ''230'';

(2) in paragraph (2), by striking ''216'' and inserting ''160'';

(3) in paragraph (3), by striking ''279'' and inserting ''208''; and

(4) in paragraph (4), by striking ''81'' and inserting ''60''.

(e) CHANGES TO LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''Chairman of the Joint Chiefs of Staff'' and inserting ''Secretary of Defense'';

(B) by striking ''65'' and inserting ''324''; and

(C) by striking the second sentence and inserting the following new sentence: ''The Secretary of Defense shall allocate those exclusions to the armed forces based on the number of general or flag officers required from each armed force for assignment to these designated positions.'';

(2) by redesignating paragraph (2) as paragraph (4); and

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

"(2) Unless the Secretary of Defense determines that a lower number is in the best interest of the Department, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

"(A) For the Army, 85.

"(B) For the Navy, 61.

"(C) For the Air Force, 76.

"(D) For the Marine Corps, 21.

"(3) The number excluded under paragraph (1) and serving in positions designated under that paragraph—

"(A) in the grade of general or admiral may not exceed 20;

"(B) in a grade above the grade of major general or rear admiral may not exceed 68; and

"(C) in the grade of major general or rear admiral may not exceed 144.".

(f) OTHER AUTHORIZATION CLARIFICATIONS.—Such section is further amended—

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

"(3) The limitations of this section do not apply to a reserve component general or flag officer who is on ac-

tive duty and serving in a position that is a joint duty assignment for the purposes of chapter 38 of this title for a period not to exceed three years.''; and

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

''(g) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—(1) The limitations in subsection (a) and in section 525(a) of this title do not apply to a general or flag officer assigned to a temporary joint duty assignment designated by the Secretary of Defense.

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

''(h) EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment; except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day by an additional 120 days, but no more than 3 officers from each armed force may be on active duty who are excluded under this subsection.''.

(g) REPEAL OF LIMITATIONS ON GENERAL AND FLAG OFFICER ACTIVITIES OUTSIDE THE OFFICER'S OWN SERVICE.—

(1) REPEAL.—Section 721 of such title is repealed.

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

(h) REPEAL OF SUPERSEDED AUTHORITY.—Section 506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4434; 10 U.S.C. 525 note) is repealed.

SEC. 502. REVISIONS TO ANNUAL REPORT REQUIREMENT ON JOINT OFFICER MANAGEMENT.

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

(1) in paragraph (1)(A), by striking ''and their education and experience'';

(2) by striking paragraph (3);

(3) by transferring subparagraph (B) of paragraph (4) to the end of paragraph (1), redesignating that subparagraph as subparagraph (C), aligning that subparagraph with the margin of subparagraph

(B) of paragraph (1), and capitalizing the first word of that subparagraph;

(4) by striking the remainder of paragraph (4), as amended by paragraph (3) of this section;

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

(6) by striking paragraph (6);

(7) by redesignating paragraphs (7) through (11) as paragraphs (4) through (8), respectively;

(8) by redesignating paragraph (12) as paragraph (9) and in that paragraph striking ''each time the'' and all that follows and inserting ''the principal courses of instruction for Joint Professional Military Education Level II, the number of officers graduating from each of the following:

''(A) The Joint Forces Staff College.

''(B) The National Defense University.

''(C) Senior Service Schools.''; and

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

SEC. 503. GRADE OF LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) IN GENERAL.—Section 156(c) of title 10, United States Code, is amended by striking '', while so serving, hold the'' and inserting ''be appointed in the regular''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals appointed as Legal Counsel to the Chairman of the Joint Chiefs of Staff on or after that date.

SEC. 504. CHIEF AND DEPUTY CHIEF OF CHAPLAINS OF THE AIR FORCE.

(a) IN GENERAL.—Chapter 805 of title 10, United States Code, is amended by inserting after section 8038 the following new section:

"§ 8039. Chief and Deputy Chief of Chaplains: appointment; duties

"(a) CHIEF OF CHAPLAINS.—(1) There is a Chief of Chaplains in the Air Force, who shall be appointed by the President, by and with the advice and consent of the Senate, from active duty officers of the Air Force Chaplain Corps serving in the grade of colonel or above who have served on active duty as a chaplain for at least eight years.

"(2) An officer appointed as the Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

"(3) The Chief of Chaplains shall be appointed in the regular grade of major general.

"(4) The Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force and by law.

"(b) DEPUTY CHIEF OF CHAPLAINS.—(1) There is a Deputy Chief of Chaplains in the Air Force who shall be appointed by the President by and with the advice and consent of the Senate from active duty officers of the Air Force Chaplain Corps serving in the grade of colonel who have served on active duty as a chaplain for at least eight years.

"(2) An officer appointed as the Deputy Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

"(3) The Deputy Chief of Chaplains shall be appointed in the regular grade of brigadier general.

"(4) The Deputy Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force, the Chief of Chaplains, and by law.

"(c) SELECTION OF RECOMMENDED OFFICERS THROUGH SELECTION BOARD PROCEDURES.—Under regulations approved by the Secretary of Defense, the Secretary of the Air Force in selecting an officer for recommendation to the President under subsection (a) for appointment as the Chief of Chaplains or under subsection

(b) for appointment as the Deputy Chief of Chaplains shall ensure that the officer selected is recommended by a board of officers that, insofar as is practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 805 of such title is amended by inserting after the item related to section 8038 the following new item:

''8039. Chief and Deputy Chief of Chaplains: appointment; duties.''.

Subtitle B—Reserve Component Management

SEC. 511. REPORT ON REQUIREMENTS OF THE NATIONAL GUARD FOR NON-DUAL STATUS TECHNICIANS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the following:

(1) A description of the types of duties performed for the National Guard by non-dual status technicians.

(2) A description of the current requirements of the National Guard for non-dual status technicians.

(3) A description of various means of addressing any shortfalls in meeting such requirements, including both temporary shortfalls and permanent shortfalls.

(b) CONSIDERATIONS.—The report required by subsection (a) shall take into consideration the effects of the mobilization of large numbers of National Guard military technicians (dual status) on the readiness of National Guard units in critically important areas and on the capacity of the National Guard to continue performing home-based missions and responsibilities for the States.

Subtitle C—Education and Training

SEC. 521. GRADE OF COMMISSIONED OFFICERS IN UNIFORMED MEDICAL ACCESSION PROGRAMS.

(a) MEDICAL STUDENTS OF USUHS.—Section 2114(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: ''Each medical student shall be appointed as a regular officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the regular grade of first lieutenant or lieutenant (junior grade).

Medical students commissioned under this section shall serve on active duty in their respective grades.''; and

(2) in paragraph (2), by striking ''grade of second lieutenant or ensign'' and inserting ''grade in which the member is serving under paragraph (1)''.

(b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section 2121(c) of such title is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: ''Each person so commissioned shall be appointed as a reserve officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the reserve grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades for a period of 45 days during each year of participation in the program.''; and

(2) in paragraph (2), by striking ''grade of second lieutenant or ensign'' and inserting ''grade in which the member is serving under paragraph (1)''.

(c) OFFICERS DETAILED AS STUDENTS AT MEDICAL SCHOOLS.—Subsection (e) of section 2004a of such title is amended—

(1) in the subsection heading, by striking ''APPOINTMENT AND TREATMENT OF PRIOR ACTIVE SERVICE'' and inserting ''SERVICE ON ACTIVE DUTY''; and

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

''(1) A commissioned officer detailed under subsection (a) shall serve on active duty, subject to the limitations on grade specified in section 2114(b)(1) of this title and with the entitlement to basic pay as specified in section 2114(b)(2) of this title.''.

SEC. 522. EXPANSION OF CRITERIA FOR APPOINTMENT AS MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113a(b)(1) of title 10, United States Code, is amended by striking ''health and health education'' and inserting ''health care, higher education administration, and public policy''.

SEC. 523. DETAIL OF COMMISSIONED OFFICERS AS STUDENTS AT SCHOOLS OF PSYCHOLOGY.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2004 the following new section:

"§ 2004a. Detail of commissioned officers as students at schools of psychology

"(a) DETAIL AUTHORIZED.—The Secretary of each military department may detail commissioned officers of the armed forces as students at accredited schools of psychology located in the United States for a period of training leading to the degree of Doctor of Philosophy in clinical psychology. No more than 25 officers from each military department may commence such training in any single fiscal year.

"(b) ELIGIBILITY FOR DETAIL.—To be eligible for detail under subsection (a), an officer must be a citizen of the United States and must—

"(1) have served on active duty for a period of not less than two years nor more than six years and be in the pay grade 0–3 or below as of the time the training is to begin; and

"(2) sign an agreement that unless sooner separated the officer will—

"(A) complete the educational course of psychological training;

"(B) accept transfer or detail as a commissioned officer within the military department concerned when the officer's training is completed; and

"(C) agree to serve, following completion of the officer's training, on active duty (or on active duty and in the Selected Reserve) for a period as specified pursuant to subsection (c).

"(c) SERVICE OBLIGATION.—(1) Except as provided in paragraph (2), the agreement of an officer under subsection (b) shall provide that the officer shall serve on active duty for two years for each year or part thereof of the officer's training under subsection (a).

"(2) The agreement of an officer may authorize the officer to serve a portion of the officer's service obligation on active duty and to complete the service obligation that remains upon separation from active duty in the Selected Reserve. Under any such agreement, an officer shall serve three years in the Selected Reserve for each year or part thereof of the officer's training under subsection (a) for any service obligation that was not completed before separation from active duty.

"(d) SELECTION OF OFFICERS FOR DETAIL.—Officers detailed for training under subsection (a) shall be se-

lected on a competitive basis by the Secretary of the military department concerned.

"(e) RELATION OF SERVICE OBLIGATIONS TO OTHER SERVICE OBLIGATIONS.—Any service obligation incurred by an officer under an agreement entered into under subsection (b) shall be in addition to any service obligation incurred by the officer under any other provision of law or agreement.

"(f) EXPENSES.—Expenses incident to the detail of officers under this section shall be paid from any funds appropriated for the military department concerned.

"(g) FAILURE TO COMPLETE PROGRAM.—(1) An officer who is dropped from a program of psychological training to which detailed under subsection (a) for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed on the officer under regulations issued by the Secretary of Defense for purposes of this section.

"(2) In no case shall an officer be required to serve on active duty under paragraph (1) for any period in excess of one year for each year or part thereof the officer participated in the program.

"(h) LIMITATION ON DETAILS.—No agreement detailing an officer of the armed forces to an accredited

school of psychology may be entered into during any period in which the President is authorized by law to induct persons into the armed forces involuntarily. Nothing in this subsection shall affect any agreement entered into during any period when the President is not authorized by law to so induct persons into the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2004 the following new item:

''2004a. Detail of commissioned officers as students at schools of psychology.''.

SEC. 524. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9361 the following new section:

''§ 9362. Air Force Academy athletic programs support

''(a) ESTABLISHMENT AUTHORIZED.—

''(1) IN GENERAL.—The Secretary of the Air Force may, in accordance with the laws of the State of incorporation, establish a corporation to support the athletic programs of the Academy (in this section referred to as the 'corporation'). All stock of the corporation shall be owned by the United States and held in the name of and voted by the Secretary of the Air Force.

"(2) PURPOSE.—The corporation shall operate exclusively for charitable, educational, and civic purposes to support the athletic programs of the Academy.

"(b) CORPORATE ORGANIZATION.—The corporation shall be organized and operated—

"(1) as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986;

"(2) in accordance with this section; and

"(3) pursuant to the laws of the State of incorporation, its articles of incorporation, and its bylaws.

"(c) CORPORATE BOARD OF DIRECTORS.—

"(1) COMPENSATION.—The members of the board of directors shall serve without compensation, except for reasonable travel and other related expenses for attendance at meetings.

"(2) AIR FORCE PERSONNEL.—The Secretary of the Air Force may authorize military and civilian personnel of the Air Force under section 1033 of this title to serve, in their official capacities, as members of the board of directors, but such personnel shall not hold more than one third of the directorships.

"(d) TRANSFER FROM NONAPPROPRIATED FUND OPERATION.—The Secretary of the Air Force may, sub-

ject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property, but excluding any interest in real property.

"(e) ACCEPTANCE OF GIFTS.—The Secretary of the Air Force may accept from the corporation funds, supplies, and services for the support of cadets and Academy personnel during their participation in, or in support of, Academy or corporate events related to the Academy athletic programs.

"(f) LEASING.—The Secretary of the Air Force may, in accordance with section 2667 of this title, lease real and personal property to the corporation for purposes related to the Academy athletic programs. Money rentals received from any such lease may be retained and spent by the Secretary to support athletic programs of the Academy.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9361 the following new item:

"9362. Air Force Academy athletic programs support.".

Subtitle D—Defense Dependents' Education Matters

SEC. 531. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(a)(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational

agencies under subsection (b) of such section 572, as amended by section 533 of this Act.

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

SEC. 532. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(a)(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 533. TWO-YEAR EXTENSION OF AUTHORITY FOR ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.

Section 572(b)(4) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b(b)(4)) is amended by strik-

ing ''September 30, 2010'' and inserting ''September 30, 2012''.

SEC. 534. PERMANENT AUTHORITY FOR ENROLLMENT IN DEFENSE DEPENDENTS' EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.

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

(b) COMBATANT COMMANDER ADVICE AND ASSISTANCE.—Subsection (c)(1) of such section is amended by inserting after ''Secretary'' the following: '', with the advice and assistance of the commander of the geographic combatant command with jurisdiction over Mons, Belgium,''.

SEC. 535. STUDY ON OPTIONS FOR EDUCATIONAL OPPORTUNITIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES WHO DO NOT ATTEND DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS.

(a) STUDY ON OPTIONS FOR EDUCATIONAL OPPORTUNITIES.—

(1) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Education, conduct a study on options for educational opportunities that are, or may be, available for dependent children of members of the Armed Forces who do not attend Department of Defense dependents' schools when the public elementary and secondary schools attended by such children are determined to be in need of improvement pursuant to the No Child Left Behind Act of 2001 (Public Law 110–117).

(2) OPTIONS.—The options to be considered under the study required by paragraph (1) shall include the following:

(A) Vouchers.

(B) Education provided by the Department of Defense through the Internet.

(C) Charter schools.

(D) Such other options as the Secretary of Defense, in consultation with the Secretary of Education, considers appropriate for purposes of the study.

(3) ELEMENTS.—The study required by paragraph (1) shall address the following matters:

(A) The challenges faced by parents in military families in securing quality elementary and secondary education for their children when the public elementary and secondary schools attended by their children are identified as being in need of improvement.

(B) The extent to which perceptions of differing degrees of quality in public elementary and secondary schools in different regions of the United States affect plans of military families to relocate, including relocation pursuant to a permanent change of duty station.

(C) The various reasons why military families seek educational opportunities for their children other than those available through local public elementary and secondary schools.

(D) The current level of student achievement in public elementary and secondary schools in school districts which have a high percentage of students who are children of military families.

(E) The educational needs of children of military families who are required by location to attend public elementary and secondary schools identified as being in need of improvement.

(F) The value and impact of a school voucher or other alternative educational program for military families.

(G) The extent to which the options referred to in paragraph (2) would provide a meaningful option for education for military children when the public elementary and secondary schools attended by such children are determined to be in need of improvement.

(H) The extent to which the options referred to in paragraph (2) would improve the quality of education available for students with special needs, including students with learning disabilities and gifted students.

(I) Such other matters as the Secretary of Defense, in consultation with the Secretary of Education, considers appropriate for purposes of the study.

(b) REPORT.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (b). The report shall include the following:

(1) A description of the results of the study.

(2) Such recommendations for legislative or administrative action as the Secretary of Defense considers appropriate in light of the results of the study.

SEC. 536. SENSE OF SENATE ON THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

(a) FINDINGS.—The Senate makes the following findings:

(1) The incongruity in how States assess and enroll transfer students creates challenges for the moving military family and can, in some cases, be detrimental to the higher education opportunities of military children.

(2) The inability to transfer credits, maintain the proper number of school-year hours, missing exams, and other obstacles can make moving as a military family difficult.

(3) The average military child moves six to nine times between kindergarten and high school graduation, creating a variety of challenges and obstacles related to permanent change of station moves.

(4) The demands and strains on members of the Armed Forces and their families continue to increase and will do so for the foreseeable future as

the United States continues overseas contingency operations, and children and adolescents are acutely vulnerable to family stresses caused by the high operational tempo and may therefore be at a heightened risk for emotional distress.

(5) The routine of the school environment can be a source of stability for military children as they cope with the disruptive challenges caused by the deployment of a parent or a relocation.

(b) SENSE OF SENATE.—It is the sense of the Senate to—

(1) express strong support and commendation for Alabama, Alaska, Arizona, Colorado, Connecticut, Delaware, Florida, Hawaii, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, Texas, Virginia, and Washington as States that have successfully enacted the Interstate Compact on Educational Opportunity for Military Children;

(2) express its strong support and encourage all remaining States to enact the Interstate Compact on Educational Opportunity for Military Children;

(3) recognize the importance of the components of the Interstate Compact on Educational Opportunity for Military Children, including—

(A) the transfer of educational records to expedite the proper enrollment and placement of students;

(B) the ability of students to continue their enrollment at a grade level in the receiving State commensurate with their grade level from the sending State;

(C) priority for attendance to children of members of the Armed Forces assuming the school district accepts transfer students;

(D) the ability of students to continue their course placement, including but not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathways courses;

(E) the recalculation of grades to consider the weights offered by a receiving school for the same performance in the same course when a student transfers from one grading system to another system (for example, number-based system to letter-based system);

(F) the waiver of specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or the provision of an alternative

means of acquiring required coursework so that graduation may occur on time; and

(G) the recognition of an appointed guardian as a custodial parent while the child's parent or parents are deployed; and

(4) express strong support for States to develop a State Council to provide for the coordination among their agencies of government, local education agencies, and military installations concerning the participation of a State in the Interstate Compact on Educational Opportunity for Military Children.

SEC. 537. COMPTROLLER GENERAL AUDIT OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the utilization by local educational agencies of the assistance specified in subsection (b) provided to such agencies for fiscal years 2001 through 2009 for the education of dependent children of members of the Armed Forces. The audit shall include—

(1) an evaluation of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

(b) ASSISTANCE SPECIFIED.—The assistance specified in this subsection is—

(1) assistance provided under—

(A) section 572 the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b);

(B) section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1917);

(C) section 536 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1474);

(D) section 341 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2514);

(E) section 351 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1063); or

(F) section 362 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–76); and

(2) payments made under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

(c) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit to the congressional defense committees a report containing the results of the audit required by subsection (a).

SEC. 538. AUTHORITY TO EXTEND ELIGIBILITY FOR ENROLLMENT IN DEPARTMENT OF DEFENSE ELEMENTARY AND SECONDARY SCHOOLS TO CERTAIN ADDITIONAL CATEGORIES OF DEPENDENTS.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j) TUITION-FREE ENROLLMENT OF DEPENDENTS OF FOREIGN MILITARY PERSONNEL RESIDING ON DOMESTIC MILITARY INSTALLATIONS AND DEPENDENTS OF CERTAIN DECEASED MEMBERS OF THE ARMED

FORCES.—(1) The Secretary may authorize the enrollment in an education program provided by the Secretary pursuant to subsection (a) of a dependent not otherwise eligible for such enrollment who is the dependent of an individual described in paragraph (2). Enrollment of such a dependent shall be on a tuition-free basis.

"(2) An individual referred to in paragraph (1) is any of the following:

"(A) A member of a foreign armed force residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States).

"(B) A deceased member of the armed forces who died in the line of duty in a combat-related operation, as designated by the Secretary.".

Subtitle E—Military Justice and Legal Assistance Matters

SEC. 541. INDEPENDENT REVIEW OF JUDGE ADVOCATE REQUIREMENTS OF THE DEPARTMENT OF THE NAVY.

(a) INDEPENDENT PANEL FOR REVIEW.—

(1) ESTABLISHMENT.—There is hereby established an independent panel to review the judge advocate requirements of the Department of the Navy.

(2) COMPOSITION.—The panel shall be composed of five members, appointed by the Secretary of Defense from among private United States citizens who have expertise in law, military manpower policies, the missions of the Navy and Marine Corps, and the current responsibilities of Navy and Marine Corps judge advocates in ensuring competent legal representation and advice to commanders.

(3) CHAIR.—The chair of the panel shall be appointed by the Secretary from among the members of the panel appointed under paragraph (2).

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(5) MEETINGS.—The panel shall meet at the call of the chair.

(6) DEADLINE FOR APPOINTMENTS.—All original appointments to the panel shall be made not later than April 1, 2010.

(7) FIRST MEETING.—The chair shall call the first meeting of the panel not later than June 1, 2010.

(b) DUTIES.—

(1) IN GENERAL.—The panel established under subsection (a) shall carry out a study of the policies and management and organizational practices of the Navy and Marine Corps with respect to the responsibilities, assignment, and career development of judge advocates for purposes of determining the number of judge advocates required to fulfill the legal mission of the Department of the Navy.

(2) REVIEW.—In carrying out the study required by paragraph (1), the panel shall—

(A) review the emergent operational law requirements of the Navy and Marine Corps, including requirements for judge advocates on joint task forces, in support of rule of law objectives in Iraq and Afghanistan, and in operational units;

(B) review new requirements to support the Office of Military Commissions and to support the disability evaluation system for members of the Armed Forces;

(C) review the judge advocate requirements of the Department of the Navy for the military justice mission, including assignment policies, training and education, increasing complexity of court-martial litigation, and the performance of

the Navy and Marine Corps in providing legally sufficient post-trial processing of cases in general courts-martial and special courts-martial;

(D) review the role of the Judge Advocate General of the Navy, as the senior uniformed legal officer of the Department of the Navy, to determine whether additional authority for the Judge Advocate General over manpower policies and assignments of judge advocates in the Navy and Marine Corps is warranted;

(E) review directives issued by the Navy and the Marine Corps pertaining to jointly-shared missions requiring legal support;

(F) review career patterns for Marine Corps judge advocates in order to identify and validate assignments to nonlegal billets required for professional development and promotion; and

(G) review, evaluate, and assess such other matters and materials as the panel considers appropriate for purposes of the study.

(3) UTILIZATION OF OTHER STUDIES.—In carrying out the study required by paragraph (1), the panel may review, and incorporate as appropriate, the findings of applicable ongoing and completed

studies in future manpower requirements, including the two-part study by CNA Analysis and Solutions entitled ''An Analysis of Navy JAG Corps Future Manpower Requirements''.

(4) REPORT.—Not later than 120 days after its first meeting under subsection (a)(7), the panel shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the study. The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

(c) PERSONNEL MATTERS.—

(1) PAY OF MEMBERS.—(A) Members of the panel established under subsection (a) shall serve without pay by reason of their work on the panel.

(B) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this section.

(2) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for

employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance or services for the panel.

Subtitle F—Military Family Readiness Matters

SEC. 551. ADDITIONAL MEMBERS ON THE DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

Section 1781a(b)(1) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) In addition to the representatives appointed under subparagraph (B)—

"(i) one representative from the National Guard, who shall be appointed by the Secretary of Defense; and

"(ii) one representative from a reserve component of the armed forces (other than the National Guard), who shall be so appointed."; and

(3) in subparagraph (E), as redesignated by paragraph (1), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

SEC. 552. COMPREHENSIVE PLAN ON PREVENTION, DIAGNOSIS, AND TREATMENT OF SUBSTANCE USE DISORDERS AND DISPOSITION OF SUBSTANCE ABUSE OFFENDERS IN THE ARMED FORCES.

(a) REVIEW AND ASSESSMENT OF CURRENT CAPABILITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, conduct a comprehensive review of the following:

(A) The programs and activities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(2) ELEMENTS.—The review conducted under paragraph (1) shall include, but not be limited to, an assessment of each of the following:

(A) The current state and effectiveness of the programs of the Department of Defense and the military departments relating to the prevention, diagnosis, and treatment of substance use disorders.

(B) The adequacy of the availability of and access to care for substance abusers in military medical treatment facilities and under the TRICARE program.

(C) The adequacy of oversight by the Department of Defense of programs relating to the prevention, diagnosis, and treatment of substance abuse in members of the Armed Forces.

(D) The adequacy and appropriateness of current credentials and other requirements for healthcare professionals treating members of the Armed Forces with substance use disorders.

(E) The advisable ratio of physician and nonphysician care providers for substance use disorders to members of the Armed Forces with such disorders.

(F) The adequacy and appropriateness of protocols and directives for the diagnosis and treatment of substance use disorders in members of the Armed Forces and for the disposition, including disciplinary action and administrative separation, of members of the Armed Forces who abuse substances.

(G) The adequacy of the availability of and access to care for substance use disorders for members of the reserve components of the Armed Forces, including an identification of any obstacles that are unique to the prevention, diagnosis, and treatment of substance use disorders and the appropriate disposition of substance abuse offenders (including disciplinary action and administrative separation) in members of the reserve components of the Armed Forces.

(H) The adequacy of the prevention, diagnosis, and treatment of substance use disorders in family members of members of the Armed Forces.

(I) Any gaps in the current capabilities of the Department of Defense for the prevention,

diagnosis, and treatment of substance use disorders in members of the Armed Forces.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the findings and recommendations of the Secretary as a result of the review conducted under paragraph (1). The report shall—

(A) set forth the findings and recommendations of the Secretary regarding each element of the review specified in paragraph (2);

(B) set forth relevant statistics on the frequency of substance use disorders, disciplinary actions, and administrative separations for substance abuse in members of the regular components of the Armed Forces, members of the reserve component of the Armed Forces, and to the extent applicable, dependents of such members (including spouses and children); and

(C) include such other findings and recommendations on improvements to the current capabilities of the Department of Defense for

the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and the policies relating to the disposition, including disciplinary action and administrative separation, of members of the Armed Forces for substance abuse, as the Secretary considers appropriate.

(b) PLAN FOR IMPROVEMENT AND ENHANCEMENT OF PROGRAMS AND POLICIES.—

(1) PLAN REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for the improvement and enhancement of the following:

(A) The programs and activities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and their dependent family members.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(2) BASIS.—The comprehensive plan required by paragraph (1) shall take into account the following:

(A) The results of the review and assessment conducted under subsection (a).

(B) Similar initiatives of the Secretary of Veterans Affairs to expand and improve care for substance use disorders among veterans, including the programs and activities conducted under title I of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 112 Stat. 4112).

(3) COMPREHENSIVE STATEMENT OF POLICY.—The comprehensive plan required by paragraph (1) shall include a comprehensive statement of the following:

(A) The policy of the Department of Defense regarding the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and their dependent family members.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including

disciplinary action and administrative separation.

(4) AVAILABILITY OF SERVICES AND TREATMENT.—The comprehensive plan required by paragraph (1) shall include mechanisms to ensure the availability to members of the Armed Forces and their dependent family members of a core of evidence-based practices across the spectrum of medical and non-medial services and treatments for substance use disorders.

(5) PREVENTION AND REDUCTION OF DISORDERS.—The comprehensive plan required by paragraph (1) shall include mechanisms to facilitate the prevention and reduction of substance use disorders in members of the Armed Forces through science-based initiatives, including education programs, for members of the Armed Forces and their families.

(6) SPECIFIC INSTRUCTIONS.—The comprehensive plan required by paragraph (1) shall include each of the following:

(A) SUBSTANCES OF ABUSE.—Instructions on the prevention, diagnosis, and treatment of substance abuse in members of the Armed Forces, including the abuse of alcohol, illicit

1 drugs, and nonmedical use and abuse of pre-
2 scription drugs.
3 (B) HEALTHCARE PROFESSIONALS.—In-
4 structions on—
5 (i) appropriate training of healthcare
6 professionals in the prevention, screening,
7 diagnosis, and treatment of substance use
8 disorders in members of the Armed Forces;
9 (ii) appropriate staffing levels for
10 healthcare professionals at military medical
11 treatment facilities for the prevention,
12 screening, diagnosis, and treatment of sub-
13 stance use disorders in members of the
14 Armed Forces; and
15 (iii) such uniform training and
16 credentialing requirements for physician
17 and nonphysician healthcare professionals
18 in the prevention, screening, diagnosis, and
19 treatment of substance use disorders in
20 members of the Armed Forces as the Sec-
21 retary considers appropriate.
22 (C) SERVICES FOR DEPENDENT FAMILY
23 MEMBERS.—Instructions on the availability of
24 services for substance use disorders for depend-
25 ent family members of members of the Armed

Forces, including instructions on making such services available to such dependents to the maximum extent practicable.

(D) RELATIONSHIP BETWEEN DISCIPLINARY ACTION AND TREATMENT.—Policy on the relationship between disciplinary actions and administrative separation processing and prevention and treatment of substance use disorders in members of the Armed Forces.

(E) CONFIDENTIALITY.—Recommendations regarding policies pertaining to confidentiality for members of the Armed Forces in seeking or receiving services or treatment for substance use disorders.

(F) PARTICIPATION OF CHAIN OF COMMAND.—Policy on appropriate consultation, reference to, and involvement of the chain of command of members of the Armed Forces in matters relating to the diagnosis and treatment of substance abuse and disposition of military members who abuse substances.

(G) CONSIDERATION OF GENDER.—Instructions on gender specific requirements, if appropriate, in the prevention, diagnosis, treatment, and management of substance use dis-

orders in members of the Armed Forces, including gender specific care and treatment requirements.

(H) COORDINATION WITH OTHER HEALTHCARE INITIATIVES.—Instructions on the integration of efforts on the prevention, diagnosis, treatment, and management of substance use disorders in members of the Armed Forces with efforts to address co-occurring health care disorders (such as post-traumatic stress disorder (PTSD) and depression) and suicide prevention.

(7) OTHER ELEMENTS.—In addition to the matters specified in paragraph (3), the comprehensive plan required by paragraph (1) shall include the following:

(A) IMPLEMENTATION PLAN.—An implementation plan for the achievement of the goals of the comprehensive plan, including goals relating to the following:

(i) Enhanced education of members of the Armed Forces and their families regarding substance use disorders.

(ii) Enhanced and improved identification and diagnosis of substance use dis-

orders in members of the Armed Forces and their families.

(iii) Enhanced and improved access of members of the Armed Forces to services and treatment for and management of substance use disorders.

(iv) Appropriate staffing of military medical treatment facilities and other facilities for the treatment of substance use disorders in members of the Armed Forces.

(B) BEST PRACTICES.—The incorporation of evidence-based best practices utilized in current military and civilian approaches to the prevention, diagnosis, treatment, and management of substance use disorders.

(C) AVAILABLE RESEARCH.—The incorporation of applicable results of available studies, research, and academic reviews on the prevention, diagnosis, treatment, and management of substance use disorders.

(8) UPDATE IN LIGHT OF INDEPENDENT STUDY.—Upon the completion of the study required by subsection (c), the Secretary of Defense shall—

(A) in consultation with the Secretaries of the military departments, make such modifica-

tions and improvements to the comprehensive plan required by paragraph (1) as the Secretary of Defense considers appropriate in light of the findings and recommendations of the study; and

(B) submit to the congressional defense committees a report setting forth the comprehensive plan as modified and improved under subparagraph (A).

(c) INDEPENDENT REPORT ON SUBSTANCE USE DISORDERS PROGRAMS FOR MEMBERS OF THE ARMED FORCES.—

(1) STUDY REQUIRED.—Upon completion of the policy review required by subsection (a), the Secretary of Defense shall provide for a study on substance use disorders programs for members of the Armed Forces to be conducted by the Institute of Medicine of the National Academies of Sciences or such other independent entity as the Secretary shall select for purposes of the study.

(2) ELEMENTS.—The study required by paragraph (1) shall include a review and assessment of the following:

(A) The adequacy and appropriateness of protocols for the diagnosis, treatment, and

1 management of substance use disorders in
2 members of the Armed Forces.
3 (B) The adequacy of the availability of and
4 access to care for substance use disorders in
5 military medical treatment facilities and under
6 the TRICARE program.
7 (C) The adequacy and appropriateness of
8 current credentials and other requirements for
9 physician and non-physician healthcare profes-
10 sionals treating members of the Armed Forces
11 with substance use disorders.
12 (D) The advisable ratio of physician and
13 non-physician care providers for substance use
14 disorders to members of the Armed Forces with
15 such disorders.
16 (E) The adequacy of the availability of and
17 access to care for substance use disorders for
18 members of the reserve components of the
19 Armed Forces when compared with the avail-
20 ability of and access to care for substance use
21 disorders for members of the regular compo-
22 nents of the Armed Forces.
23 (F) The adequacy of the prevention, diag-
24 nosis, treatment, and management of substance
25 use disorder programs for dependent family

members of members of the Armed Forces, whether such family members suffer from their own substance use disorder or because of the substance use disorder of a member of the Armed Forces.

(G) Such other matters as the Secretary considers appropriate for purposes of the study.

(3) REPORT.—Not later than two years after the date of the enactment of this Act, the entity conducting the study required by paragraph (1) shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the study. The report shall set forth the findings and recommendations of the entity as a result of the study.

SEC. 553. MILITARY COMMUNITY SUPPORT FOR CHILDREN WITH AUTISM AND THEIR FAMILIES.

(a) POLICY ON MILITARY COMMUNITY SUPPORT REQUIRED.—The Secretary of Defense shall develop and implement a policy for the Department of Defense on the support of military children with autism and their families. The policy shall seek to establish and further an integrated, family-centered approach to providing services to military children with autism and their families by leveraging the resources of local military communities and

1 local and national public and private entities devoted to
2 research and services for autism.
3 (b) PROGRAM ON SUPPORT.—
4 (1) PROGRAM REQUIRED.—In carrying out the
5 policy required by subsection (a), the Secretary shall
6 develop and carry out a program on support for
7 military children with autism and their families.
8 (2) ELEMENTS.—The program required by this
9 subsection shall provide for broad-based services, in-
10 cluding the following:
11 (A) Research.
12 (B) Early intervention.
13 (C) Evidence-based therapeutic and med-
14 ical services.
15 (D) Education and training on autism for
16 family members.
17 (E) Appropriate coordination with applica-
18 ble school programs.
19 (F) Vocational training for adolescent mili-
20 tary children with autism.
21 (G) Family counseling for families of mili-
22 tary children with autism.
23 (3) PILOT PROJECTS.—In carrying out the pro-
24 gram required by this subsection, the Secretary shall
25 conduct one or more pilot projects to assess the ef-

fectiveness of various approaches to developing and enhancing integrated community support for military children with autism, including adolescent military children with autism, and their families utilizing the program elements specified in paragraph (2).

(4) CONSULTATION.—For purposes of carrying out the requirements of this subsection, the Secretary shall establish a partnership with one or more entities (whether public or private) that provide services or support for, or conduct research on, individuals with autism spectrum disorder and their families.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the actions the Secretary proposes to take to carry out this section and a proposed schedule for the taking of such actions.

(2) PILOT PROJECTS.—Not later than 60 days after the date of the completion of the pilot project or projects conducted under subsection (b)(3), the Secretary shall submit to the congressional defense committees a report on the pilot project or projects.

The report shall include a description of the pilot project or projects, an assessment of the lessons learned from the pilot project or projects, and a discussion of the manner in which the lessons so learned shall be integrated into the policy required by subsection (a) and the program required by subsection (b).

(d) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(a)(5) for operation and maintenance, Defense-wide activities, $5,000,000 may be available to carry out this section.

(e) MILITARY CHILDREN WITH AUTISM DEFINED.—In this section, the term ''military children with autism'' means dependent children of members of the Armed Forces with autism spectrum disorder.

SEC. 554. REPORTS ON EFFECTS OF DEPLOYMENTS ON MILITARY CHILDREN AND THE AVAILABILITY OF MENTAL HEALTH CARE AND COUNSELING SERVICES FOR MILITARY CHILDREN.

(a) IMPACT OF DEPLOYMENTS OF MILITARY PARENTS ON MILITARY CHILDREN.—

(1) IN GENERAL.—The Secretary of Defense shall undertake a comprehensive assessment of the impacts of military deployment on dependent chil-

dren of members of the Armed Forces. The assessment shall separately address each of the categories of such children as follows:

(A) Preschool-age children.

(B) Elementary-school age children.

(C) Teenage or adolescent children.

(2) ELEMENTS.—The assessment undertaken under paragraph (1) shall include an assessment of the following:

(A) The impact that separation due to the deployment of a military parent or parents has on children.

(B) The impact that multiple deployments of a military parent or parents have on children.

(C) The impact that the return from deployment of a severely wounded or injured military parent or parents has on children.

(D) The impact that the death of a military parent or parents in connection with a deployment has on children.

(E) The impact that deployment of a military parent or parents has on children with preexisting psychological conditions, such as anxiety and depression.

(F) The impact that deployment of a military parent or parents has on risk factors such as child abuse, child neglect, family violence, substance abuse by children, or parental substance abuse.

(G) Such other matters as the Secretary considers appropriate.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment undertaken under paragraph (1), including the findings and recommendations of the Secretary as a result of the assessment.

(b) MENTAL HEALTH CARE AND COUNSELING SERVICES AVAILABLE TO MILITARY CHILDREN.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a comprehensive review of the mental health care and counseling services available to dependent children of members of the Armed Forces through the Department of Defense.

(2) ELEMENTS.—The review under paragraph (1) shall include an assessment of the following:

(A) The availability, quality, and effectiveness of Department of Defense programs in-

tended to meet the mental health care needs of military children.

(B) The availability, quality, and effectiveness of Department of Defense programs intended to promote resiliency in military children in coping with deployment cycles, injury, or death in military parents.

(C) The extent of access to, adequacy, and availability of mental health care and counseling services for military children in military medical treatment facilities, in family assistance centers, through Military OneSource, under the TRICARE program, and in Department of Defense dependents' schools.

(D) Whether the status of a member of the Armed Forces on active duty, or in reserve active status, affects the access of a military child to mental health care and counseling services.

(E) Whether, and to what extent, waiting lists, geographic distance, and other factors may obstruct the receipt by military children of mental health care and counseling services.

(F) The extent of access to, availability, and viability of specialized mental health care for military children (including adolescents).

(G) The extent of any gaps in the current capabilities of the Department of Defense to provide preventive mental health services for military children.

(H) Such other matters as the Secretary considers appropriate.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review conducted under paragraph (1), including the findings and recommendations of the Secretary as a result of the review.

(4) COMPREHENSIVE PLAN FOR IMPROVEMENTS IN ACCESS TO CARE AND COUNSELING.—The Secretary shall develop a comprehensive plan for improvements in access to quality mental health care and counseling services for military children in order to develop and promote psychological health and resilience in children of deploying and deployed members of the Armed Forces. The information in the report required by paragraph (3) shall provide the basis for the development of the plan.

SEC. 555. REPORT ON CHILD CUSTODY LITIGATION INVOLVING SERVICE OF MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than June 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all known reported cases since September 2003 involving child custody disputes in which the service of a member of the Armed Forces, whether a member of a regular component of the Armed Forces or a member of a reserve component of the Armed Forces, was an issue in the custody dispute.

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

(1) A statement of the total number of cases, by Armed Force, in which members of the Armed Forces have lost custody of a child as a result of deployment, or the prospect of deployment, under military orders.

(2) A summary of applicable Federal law pertaining to child custody disputes involving members of the Armed Forces.

(3) An analysis of the litigation history of all available reported cases involving child custody disputes in which the deployment of a member of the Armed Forces was an issue in the dispute, and a

discussion of the rationale presented by deciding judges and courts of the reasons for their rulings.

(4) An assessment of the nature and extent of the problem, if any, for members of the Armed Forces who are custodial parents in being able to deploy and perform their operational mission while continuing to fulfill their role as parents with sole or joint custody of minor children.

(5) A discussion of measures being taken by the States, or which are under consideration by State legislatures, to address matters relating to child custody disputes in which one of the parties is a member of the Armed Forces, and an assessment whether State legislatures and State courts are cognizant of issues involving members of the Armed Forces with minor children.

(6) A discussion of Family Care Plan policies aimed at ensuring that appropriate measures are taken by members of the Armed Forces to avoid litigation in child custody disputes.

(7) Such recommendations as the Secretary considers appropriate regarding how best to assist members of the Armed Forces who are single, custodial parents with respect to child custody disputes in connection with the performance of military duties,

including the need for legislative or administrative action to provide such assistance.

(8) Such other recommendations for legislative or administrative action as the Secretary considers appropriate.

SEC. 556. SENSE OF SENATE ON PREPARATION AND COORDINATION OF FAMILY CARE PLANS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Family Care Plans provide a military tool to document the plan by which members of the Armed Forces provide for the care of their family members when military duties prevent members of the Armed Forces from doing so themselves. Properly prepared Family Care Plans are essential to military readiness. Minimizing the strain on members of the Armed Forces of unresolved, challenged, or voided child custody arrangements arising during deployments or temporary duty directly contributes to the national defense by enabling members of the Armed Forces to devote their entire energy to their military mission and duties.

(2) When Family Care Plans are properly prepared and coordinated with all affected parties, the legal difficulties that may otherwise arise in the ab-

sence of the military custodial parent often can be minimized, if not eliminated.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the responsibility for establishing workable and legally supportable Family Care Plans lies with the members of the Armed Forces;

(2) notwithstanding that responsibility, commanders should—

(A) ensure that the members of their command fully understand the purpose of the Family Care Plan and its limitations, including the overriding authority of State courts to determine child custody arrangements notwithstanding a Family Care Plan;

(B) understand and emphasize to their members that failure to involve, or at least inform, the non-custodial parent of custody arrangements in anticipation of an absence can undermine the Family Care Plan or even render it useless, in such cases; and

(C) apprise their members of the risks described in subparagraph (B), and strongly encourage them to seek legal assistance, as far in advance of actual absences as practicable;

(3) the Secretary of Defense, and the Secretary of Homeland Security with respect to matters concerning the Coast Guard when it is not operating as a service in the Navy, should ensure that members of the Armed Forces update their Family Care Plans and emphasize—

(A) the importance of prior planning;

(B) that Family Care Plans are necessary not only for the single parent and for the dual military couple but also for a married member of the Armed Forces who has custody of a child pursuant to a court order or separation agreement or who has custody of a child whose other parent is not the current spouse of the member;

(C) that in spite of how important Family Care Plans are to readiness, they are not legal documents that can change a court-mandated custodial arrangement or interfere with the other parent's right to custody of his or her child;

(D) that, to the greatest extent possible, a member of the Armed Forces should inform the other parent of the member's impending absence due to military orders if such absence prohibits the member from fulfilling the mem-

ber's custody responsibilities and inform that other parent of the Family Care Plan;

(E) that a member of the Armed Forces should attempt to obtain the consent of the non-custodial or adoptive parent to any Family Care Plan that would leave the child in the care of a third party; and

(F) that if a member of the Armed Forces cannot or will not contact the non-custodial parent or cannot obtain that parent's consent to the Family Care Plan, the commander of the member should—

(i) counsel the member about the implications; and

(ii) encourage in the strongest possible terms that the member seek immediate help from a legal assistance attorney or other qualified legal counsel; and

(4) attorneys providing legal assistance as described in paragraph (3)(F)(ii) should provide members of the Armed Forces a full explanation of the dangers of not involving the non-custodial parent and discuss appropriate courses of action.

SEC. 557. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended—

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

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

"(i) SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.—

"(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members and their families, and in coordination with community programs, assist the communities, with training in suicide prevention and community healing and response to suicide.

"(2) DESIGN.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

"(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

"(B) the adjutant general of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

"(3) OPERATION.—

"(A) SUICIDE PREVENTION TRAINING.—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

"(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

"(ii) examining the influence of military culture on risk and protective factors for suicide; and

"(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

"(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

"(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

"(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

"(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

"(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow

soldiers of a suicide victim through the processes of grieving and healing.

"(C) COLLABORATION WITH CENTERS OF EXCELLENCE.—The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.

"(4) TERMINATION.—The program established under this subsection shall terminate on October 1, 2012.".

SEC. 558. REPORT ON YELLOW RIBBON REINTEGRATION PROGRAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the various reintegration programs being administered in support of National Guard and Reserve members and their families.

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

(1) An evaluation of the initial implementation of the Yellow Ribbon Reintegration Program in fiscal year 2009, including an assessment of the best practices from pilot programs offered by various States to provide supplemental services to Yellow Ribbon and the feasibility of incorporating those practices into Yellow Ribbon.

(2) An assessment of the extent to which Yellow Ribbon funding, although requested in multiple component accounts, supports robust joint programs that provide reintegration and support services to National Guard and Reserve members and their families regardless of military affiliation.

(3) An assessment of the extent to which Yellow Ribbon programs are coordinating closely with the Department of Veterans Affairs and its various veterans' programs.

(4) Plans for further implementation of the Yellow Ribbon Reintegration Program in fiscal year 2010.

SEC. 559. IMPROVED ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to expand existing initiatives of the Department of Defense to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Programs and activities to educate family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Efforts to expand counseling activities for such family members in local communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and at such times thereafter as the Secretary of Defense considers appropriate, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at

facilities currently outside the network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

SEC. 560. FULL ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) EXPANDED INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall expand existing Department of Defense initiatives to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The expanded initiatives, which shall build upon and be consistent with ongoing efforts, shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Guidelines for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and at such times as the Secretary deems appropriate thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate

1 and the House of Representatives a report on this
2 section.
3 (2) ELEMENTS.—Each report shall include the
4 following:
5 (A) A current assessment of the extent to
6 which family members of members of the Na-
7 tional Guard and Reserve who are deployed
8 overseas have access to, and are utilizing, men-
9 tal health care available under this section.
10 (B) A current assessment of the quality of
11 mental health care being provided to family
12 members of members of the National Guard
13 and Reserve who are deployed overseas, and an
14 assessment of expanding coverage for mental
15 health care services under the TRICARE pro-
16 gram to mental health care services provided at
17 facilities currently outside the accredited net-
18 work of the TRICARE program.
19 (C) Such recommendations for legislative
20 or administration action as the Secretary con-
21 siders appropriate in order to further assure
22 full access to mental health care by family
23 members of members of the National Guard
24 and Reserve who are deployed overseas during
25 the mobilization, deployment, and demobiliza-

tion of such members of the National Guard and Reserve.

SEC. 561. COMPTROLLER GENERAL REPORT ON CHILD CARE ASSISTANCE FOR DEPLOYED MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representative a report on financial assistance for child care provided by the Department of Defense, including through the Operation: Military Child Care and Military Child Care in Your Neighborhood programs, to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

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

(1) The types of financial assistance for child care made available by the Department of Defense to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

(2) The extent to which such members have taken advantage of such assistance since such assistance was first made available.

(3) The formulas used for calculating the amount of such assistance provided to such members.

(4) The funding allocated to such assistance.

(5) The remaining costs of child care to families of such members that are not covered by the Department of Defense.

(6) Any barriers to access to such assistance faced by such members and the families of such members.

(7) The different criteria used by different States with respect to the regulation of child care services and the potential impact differences in such criteria may have on the access of such members to such assistance.

(8) The different standards and criteria used by different programs of the Department of Defense for providing such assistance with respect to child care providers and the potential impact differences in such standards and criteria may have on the access of such members to such assistance.

(9) Any other matters the Comptroller General determines relevant to the improvement of financial assistance for child care made available by the Department of Defense to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

Subtitle G—Other Matters

SEC. 571. DEADLINE FOR REPORT ON SEXUAL ASSAULT IN THE ARMED FORCES BY DEFENSE TASK FORCE ON SEXUAL ASSAULT IN THE MILITARY SERVICES.

Section 576(e)(1) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1924; 10 U.S.C. 4331 note) is amended by striking ''one year after the initiation of its examination under subsection (b)'' and inserting ''December 1, 2009''.

SEC. 572. CLARIFICATION OF PERFORMANCE POLICIES FOR MILITARY MUSICAL UNITS AND MUSICIANS.

(a) CLARIFICATION.—Section 974 of title 10, United States Code, is amended to read as follows:

"§ 974. Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians

"(a) MILITARY MUSICIANS PERFORMING IN AN OFFICIAL CAPACITY.—(1) A military musical unit, and a member of the armed forces who is a member of such a unit performing in an official capacity, may not engage in the performance of music in competition with local civilian musicians.

"(2) For purposes of paragraph (1), the following shall, except as provided in paragraph (3), be included among the performances that are considered to be a performance of music in competition with local civilian musicians:

"(A) A performance that is more than incidental to an event that—

"(i) is not supported, in whole or in part, by United States Government funds; and

"(ii) is not free to the public.

"(B) A performance of background, dinner, dance, or other social music at an event that—

"(i) is not supported, in whole or in part, by United States Government funds; and

"(ii) is held at a location not on a military installation.

"(3) For purposes of paragraph (1), the following shall not be considered to be a performance of music in competition with local civilian musicians:

"(A) A performance (including background, dinner, dance, or other social music) at an official United States Government event that is supported, in whole or in part, by United States Government funds.

"(B) A performance at a concert, parade, or other event, that—

"(i) is a patriotic event or a celebration of a national holiday; and

"(ii) is free to the public.

"(C) A performance that is incidental to an event that—

"(i) is not supported, in whole or in part, by United States Government funds; or

"(ii) is not free to the public.

"(D) A performance (including background, dinner, dance, or other social music) at—

"(i) an event that is sponsored by or for a military welfare society, as defined in section 2566 of this title;

"(ii) an event that is a traditional military event intended to foster the morale and welfare

of members of the armed forces and their families; or

"(iii) an event that is specifically for the benefit or recognition of members of the armed forces, their family members, veterans, civilian employees of the Department of Defense, or former civilian employees of the Department of Defense, to the extent provided in regulations prescribed by the Secretary of Defense.

"(E) A performance (including background, dinner, dance, or other social music)—

"(i) to uphold the standing and prestige of the United States with dignitaries and distinguished or prominent persons or groups of the United States or another nation; or

"(ii) in support of fostering and sustaining a cooperative relationship with another nation.

"(b) PROHIBITION OF MILITARY MUSICIANS ACCEPTING ADDITIONAL REMUNERATION FOR OFFICIAL PERFORMANCES.—A military musical unit, and a member of the armed forces who is a member of such a unit performing in an official capacity, may not receive remuneration for an official performance, other than applicable military pay and allowances.

"(c) RECORDINGS.—(1) When authorized under regulations prescribed by the Secretary of Defense for purposes of this section, a military musical unit may produce recordings for distribution to the public, at a cost not to exceed expenses of production and distribution.

"(2) Amounts received in payment for a recording distributed to the public under this subsection shall be credited to the appropriation or account providing the funds for the production of the recording. Any amount so credited shall be merged with amounts in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

"(d) PERFORMANCES AT FOREIGN LOCATIONS.—Subsection (a) does not apply to a performance outside the United States, its commonwealths, or its possessions.

"(e) MILITARY MUSICAL UNIT DEFINED.—In this section, the term 'military musical unit' means a band, ensemble, chorus, or similar musical unit of the armed forces.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

"974. Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians.".

SEC. 573. GUARANTEE OF RESIDENCY FOR SPOUSES OF MILITARY PERSONNEL FOR VOTING PURPOSES.

(a) IN GENERAL.—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking ''For'' and inserting the following:

''(a) IN GENERAL.—For'';

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

''(b) SPOUSES.—For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.''; and

(3) in the section heading, by inserting "**AND SPOUSES OF MILITARY PERSONNEL**" before the period at the end.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501) is amended by striking the item relating to section 705 and inserting the following new item:

"Sec. 705. Guarantee of residency for military personnel and spouses of military personnel.".

(c) APPLICATION.—Subsection (b) of section 705 of such Act (50 U.S.C. App. 595), as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act, regardless of the date of the military or naval order concerned.

SEC. 574. DETERMINATION FOR TAX PURPOSES OF RESIDENCE OF SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 511 of the Servicemembers Civil Relief Act (50 U.S.C. App. 571) is amended—

(1) in subsection (a)—

(A) by striking "A servicemember" and inserting the following:

"(1) IN GENERAL.—A servicemember"; and

(B) by adding at the end the following:

"(2) SPOUSES.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember's military orders if the residence or domicile, as the case may be, is the same for the servicemember and the spouse.";

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

(3) by inserting after subsection (b) the following new subsection:

"(c) INCOME OF A MILITARY SPOUSE.—Income for services performed by the spouse of a servicemember shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the spouse is not a resident or domiciliary of the jurisdiction in which the income is earned because the spouse is in the jurisdiction solely to be with the servicemember serving in compliance with military orders."; and

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in paragraph (1), by inserting ''or the spouse of a servicemember'' after ''The personal property of a servicemember''; and

(B) in paragraph (2), by inserting ''or the spouse's'' after ''servicemember's''.

(b) APPLICATION.—Subsections (a)(2) and (c) of section 511 of such Act (50 U.S.C. App. 571), as added by subsection (a) of this section, and the amendments made to such section 511 by subsection (a)(4) of this section, shall apply with respect to any return of State or local income tax filed for any taxable year beginning with the taxable year that includes the date of the enactment of this Act.

SEC. 575. SUSPENSION OF LAND RIGHTS RESIDENCY REQUIREMENT FOR SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 508 of the Servicemembers Civil Relief Act (50 U.S.C. App. 568) is amended in subsection (b) by inserting ''or the spouse of such servicemember'' after ''a servicemember in military service''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to servicemembers in military service (as defined in section 101 of such Act (50

U.S.C. App. 511)) on or after the date of the enactment of this Act.

SEC. 576. MODIFICATION OF DEPARTMENT OF DEFENSE SHARE OF EXPENSES UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) MODIFICATION.—Section 509(d)(1) of title 32, United States Code, is amended by striking ''may not exceed'' and all that follows and inserting ''may not exceed the amount as follows:

''(A) In the case of a State program of the Program in either of its first two years of operation, an amount equal to 100 percent of the costs of operating the State program in that fiscal year.

''(B) In the case of any other State program of the Program, an amount equal to 75 percent of the costs of operating the State program in that fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 577. PROVISION TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES OF COMPREHENSIVE INFORMATION ON BENEFITS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) PROVISION OF COMPREHENSIVE INFORMATION REQUIRED.—The Secretary of the military department concerned shall, at each time specified in subsection (b), provide to each member of the Armed Forces and, when practicable, the family members of such member comprehensive information on the benefits available to such member and family members as described in subsection (c), including the estimated monetary amount of such benefits and of any applicable offsets to such benefits.

(b) TIMES FOR PROVISION OF INFORMATION.—Comprehensive information on benefits shall be provided a member of the Armed Forces and family members at each time as follows:

(1) Within 180 days of the enlistment, accession, or commissioning of the member as a member of the Armed Forces.

(2) Within 180 days of a determination that the member—

(A) has incurred a service-connected disability; and

(B) is unfit to perform the duties of the member's office, grade, rank, or rating because of such disability.

(3) Upon the discharge, separation, retirement, or release of the member from the Armed Forces.

(c) COVERED BENEFITS.—The benefits on which a member of the Armed Forces and family members shall be provided comprehensive information under this section shall be as follows:

(1) At all the times described in subsection (b), the benefits shall include the following:

(A) Financial compensation, including financial counseling.

(B) Health care and life insurance programs for members of the Armed Forces and their families.

(C) Death benefits.

(D) Entitlements and survivor benefits for dependents of the Armed Forces, including offsets in the receipt of such benefits under the Survivor Benefit Plan and in connection with the receipt of dependency and indemnity compensation.

(E) Educational assistance benefits, including limitations on and the transferability of such assistance.

(F) Housing assistance benefits, including counseling.

(G) Relocation planning and preparation.

(H) Such other benefits as the Secretary concerned considers appropriate.

(2) At the time described in paragraph (1) of such subsection, the benefits shall include the following:

(A) Maintaining military records.

(B) Legal assistance.

(C) Quality of life programs.

(D) Family and community programs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(3) At the times described in paragraphs (2) and (3) of such subsection, the benefits shall include the following:

(A) Employment assistance.

(B) Continuing Reserve Component service.

(C) Disability benefits, including offsets in connection with the receipt of such benefits.

(D) Benefits and services provided under laws administered by the Secretary of Veterans Affairs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(d) BIENNIAL NOTICE TO MEMBERS OF THE ARMED FORCES ON THE VALUE OF PAY AND BENEFITS.—

(1) BIENNIAL NOTICE REQUIRED.—The Secretary of each military department shall provide to each member of the Armed Forces under the jurisdiction of such Secretary on a biennial basis notice on the value of the pay and benefits paid or provided to such member by law during the preceding year. The notice may be provided in writing or electronically, at the election of the Secretary.

(2) ELEMENTS.—Each notice provided a member under paragraph (1) shall include the following:

(A) A statement of the estimated value of the military health care, retirement benefits, disability benefits, commissary and exchange privileges, government-provided housing, tax benefits associated with service in the Armed Forces, and special pays paid or provided the member during the preceding 24 months.

(B) A notice regarding the death and survivor benefits, including Servicemembers' Group Life Insurance, to which the family of the member would be entitled in the event of the death of the member, and a description of any offsets that might be applicable to such benefits.

(C) Information on other programs available to members of the Armed Forces generally, such as access to morale, welfare, and recreation (MWR) facilities, child care, and education tuition assistance, and the estimated value, if ascertainable, of the availability of such programs in the area where the member is stationed or resides.

(e) OTHER OUTREACH.—

(1) IN GENERAL.—The Secretaries of the military departments shall, on a periodic basis, conduct outreach on the pay, benefits, and programs and services available to members of the Armed Forces by reason of service in the Armed Forces. The outreach shall be conducted pursuant to public service announcements, publications, and such other announcements through general media as will serve to disseminate the information broadly among the general public.

(2) INTERNET OUTREACH WEBSITE.—

(A) IN GENERAL.—The Secretary of Defense shall establish an Internet website for the purpose of providing the comprehensive information about the benefits and offsets described in subsection (c) to members of the Armed Forces and their families.

(B) CONTACT INFORMATION.—The Internet website required by subparagraph (A) shall provide contact information, both telephone and e-mail, that a member of the Armed Forces and a family member of the member can use to get personalized information about the benefits and offsets described in subsection (c).

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the requirements of this section by the Department of Defense. Such report shall include a description of the quality and scope of available online resources that provide information about benefits for members of the Armed Forces and their families.

(2) RECORDS MAINTAINED.—The Secretary of Defense or the military department concerned shall maintain records that contain the number of individuals that received a briefing under this section in the previous year disaggregated by the following:

(A) Whether the individual is a member of the Armed Forces or a family member of a member of the Armed Forces.

(B) The Armed Force of the members.

(C) The State or territory in which the briefing occurred.

(D) The subject of the briefing.

Subtitle H—Military Voting

SEC. 581. SHORT TITLE.

This subtitle may be cited as the ''Military and Overseas Voter Empowerment Act''.

SEC. 582. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental right.

(2) Due to logistical, geographical, operational and environmental barriers, military and overseas voters are burdened by many obstacles that impact their right to vote and register to vote, the most critical of which include problems transmitting balloting materials and not being given enough time to vote.

(3) States play an essential role in facilitating the ability of military and overseas voters to register to vote and have their ballots cast and counted, especially with respect to timing and improvement of absentee voter registration and absentee ballot procedures.

(4) The Department of Defense educates military and overseas voters of their rights under the Uniformed and Overseas Citizens Absentee Voting Act and plays an indispensable role in facilitating the procedural channels that allow military and overseas voters to have their votes count.

(5) The local, State, and Federal Government entities involved with getting ballots to military and overseas voters must work in conjunction to provide voter registration services and balloting materials in a secure and expeditious manner.

SEC. 583. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES.

A State may delegate its responsibilities in carrying out the requirements under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) imposed as a result of the provisions of and amendments made by this Act to jurisdictions of the State.

SEC. 584. ESTABLISHMENT OF PROCEDURES FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS BY MAIL AND ELECTRONICALLY.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

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

''(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

''(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

"(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

"(C) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such voter registration application or absentee ballot application to be transmitted by mail or electronically."; and

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

"(e) DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.—

"(1) IN GENERAL.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

"(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

"(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

"(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

"(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

"(3) INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.—Each State shall

include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

"(4) AVAILABILITY AND MAINTENANCE OF ONLINE REPOSITORY OF STATE CONTACT INFORMATION.—The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

"(5) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method

allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

"(6) SECURITY AND PRIVACY PROTECTIONS.—

"(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

"(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 585. ESTABLISHMENT OF PROCEDURES FOR STATES TO TRANSMIT BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY TO ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 584, is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

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

''(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f).''; and

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

1 "(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS
2 BY MAIL AND ELECTRONICALLY.—
3 "(1) IN GENERAL.—Each State shall establish
4 procedures—
5 "(A) to transmit blank absentee ballots by
6 mail and electronically (in accordance with the
7 preferred method of transmission designated by
8 the absent uniformed services voter or overseas
9 voter under subparagraph (B)) to absent uni-
10 formed services voters and overseas voters for
11 an election for Federal office; and
12 "(B) by which the absent uniformed serv-
13 ices voter or overseas voter can designate
14 whether they prefer for such blank absentee
15 ballot to be transmitted by mail or electroni-
16 cally.
17 "(2) TRANSMISSION IF NO PREFERENCE INDI-
18 CATED.—In the case where an absent uniformed
19 services voter or overseas voter does not designate a
20 preference under paragraph (1)(B), the State shall
21 transmit the ballot by any delivery method allowable
22 in accordance with applicable State law, or if there
23 is no applicable State law, by mail.
24 "(3) SECURITY AND PRIVACY PROTECTIONS.—

"(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

"(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 586. ENSURING ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS HAVE TIME TO VOTE.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)(1)), as amended by section 585, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

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

''(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

''(A) except as provided in subsection (g), in the case where the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

''(B) in the case where the request is received less than 45 days before an election for Federal office—

''(i) in accordance with State law; and

''(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot.''.

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

''(g) HARDSHIP EXEMPTION.—

"(1) IN GENERAL.—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include—

"(A) a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;

"(B) an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

"(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

"(D) a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which

they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

"(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

"(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and

"(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

"(2) APPROVAL OF WAIVER REQUEST.—After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presidential designee determines each of the following requirements are met:

"(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

"(B) One or more of the following issues creates an undue hardship for the State:

"(i) The State's primary election date prohibits the State from complying with subsection (a)(8)(A).

"(ii) The State has suffered a delay in generating ballots due to a legal contest.

"(iii) The State Constitution prohibits the State from complying with such subsection.

"(3) TIMING OF WAIVER.—

"(A) IN GENERAL.—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the re-

quest is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

"(B) EXCEPTION.—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Presidential designee the written waiver request as soon as practicable. The Presidential designee shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

"(4) APPLICATION OF WAIVER.—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.".

(b) RUNOFF ELECTIONS.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)), as amended by subsection (a), is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

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

''(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner that gives them sufficient time to vote in the runoff election.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

"SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

"(a) ESTABLISHMENT OF PROCEDURES.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering such marked absentee ballots to the appropriate election officials.

"(b) DELIVERY TO APPROPRIATE ELECTION OFFICIALS.—

"(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent overseas uniformed services voters for regularly scheduled general elections for Federal office to the appropriate election officials, in accordance with this section, not later than the date by which an absentee ballot must be received in order to be counted in the election.

"(2) COOPERATION AND COORDINATION WITH THE UNITED STATES POSTAL SERVICE.—The Presidential designee shall carry out this section in co-

operation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services voters that are collected on or before the deadline described in paragraph (3) and then transferred to the United States Postal Service.

"(3) DEADLINE DESCRIBED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the seventh day preceding the date of the regularly scheduled general election for Federal office.

"(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient

to provide timely delivery of the ballot under paragraph (1).

"(4) NO POSTAGE REQUIREMENT.—In accordance with section 3406 of title 39, United States Code, such marked absentee ballots and other balloting materials shall be carried free of postage.

"(5) DATE OF MAILING.—Such marked absentee ballots shall be postmarked with a record of the date on which the ballot is mailed.

"(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots pursuant to this section.

"(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term 'absent overseas uniformed services voter' means an overseas voter described in section 107(5)(A).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.".

(b) CONFORMING AMENDMENT.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

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

"(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.".

(c) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)), as amended by section 586, is amended—

(1) in paragraph (8), by striking "and" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; and"; and

(3) by adding the following new paragraph:

"(10) carry out section 103A(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.".

(d) TRACKING MARKED BALLOTS.—Section 102 of such Act (42 U.S.C. 1973ff–1(a)), as amended by section 586, is amended by adding at the end the following new subsection:

"(h) TRACKING MARKED BALLOTS.—The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.".

(e) PROTECTING VOTER PRIVACY AND SECRECY OF ABSENTEE BALLOTS.—Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by subsection (b), is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

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

"(9) to the greatest extent practicable, take such actions as may be necessary—

"(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

"(B) to protect the privacy of the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 588. FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) USE IN GENERAL, SPECIAL, PRIMARY, AND RUNOFF ELECTIONS FOR FEDERAL OFFICE.—

(1) IN GENERAL.—Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–2) is amended—

(A) in subsection (a), by striking "general elections for Federal office" and inserting "gen-

eral, special, primary, and runoff elections for Federal office''; (B) in subsection (e), in the matter preceding paragraph (1), by striking ''a general election'' and inserting ''a general, special, primary, or runoff election for Federal office''; and (C) in subsection (f), by striking ''the general election'' each place it appears and inserting ''the general, special, primary, or runoff election for Federal office''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date.

(b) PROMOTION AND EXPANSION OF USE.—Section 103(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–2) is amended—

(1) by striking ''GENERAL.—The Presidential'' and inserting ''GENERAL.—

''(1) FEDERAL WRITE-IN ABSENTEE BALLOT.—The Presidential''; and

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

''(2) PROMOTION AND EXPANSION OF USE OF FEDERAL WRITE-IN ABSENTEE BALLOTS.—

"(A) IN GENERAL.—Not later than December 31, 2011, the Presidential designee shall adopt procedures to promote and expand the use of the Federal write-in absentee ballot as a back-up measure to vote in elections for Federal office.

"(B) USE OF TECHNOLOGY.—Under such procedures, the Presidential designee shall utilize technology to implement a system under which the absent uniformed services voter or overseas voter may—

"(i) enter the address of the voter or other information relevant in the appropriate jurisdiction of the State, and the system will generate a list of all candidates in the election for Federal office in that jurisdiction; and

"(ii) submit the marked Federal write-in absentee ballot by printing the ballot (including complete instructions for submitting the marked Federal write-in absentee ballot to the appropriate State election official and the mailing address of the single State office designated under section 102(b)).

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this paragraph.".

SEC. 589. PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS, MARKED ABSENTEE BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 587, is amended by adding at the end the following new subsection:

"(i) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

"(1) Notarization requirements.

"(2) Restrictions on paper type, including weight and size.

"(3) Restrictions on envelope type, including weight and size.".

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

"(1) Notarization requirements.

"(2) Restrictions on paper type, including weight and size.

"(3) Restrictions on envelope type, including weight and size.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 590. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

(a) FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended by section 587, is amended by inserting after section 103A the following new section:

"SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

"(a) DUTIES.—The Presidential designee shall carry out the following duties:

"(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

"(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uniformed services voters of the

foregoing 90, 60, and 30 days prior to each election for Federal office.

"(b) CLARIFICATION REGARDING OTHER DUTIES AND OBLIGATIONS.—Nothing in this section shall relieve the Presidential designee of their duties and obligations under any directives or regulations issued by the Department of Defense, including the Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for purposes of carrying out this section.".

(2) CONFORMING AMENDMENTS.—Section 101 of such Act (42 U.S.C. 1973ff), as amended by section 587, is amended—

(A) in subparagraph (b)—

(i) by striking "and" at the end of paragraph (8);

(ii) by striking the period at the end of paragraph (9) and inserting "; and"; and

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

"(10) carry out section 103B with respect to Federal Voting Assistance Program Improvements."; and

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

"(d) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—There are authorized to be appropriated to the Presidential designee such sums as are necessary for purposes of carrying out subsection (b)(10).".

(b) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 589, is amended by adding at the end the following new subsection:

"(j) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—

"(1) DESIGNATING AN OFFICE AS A VOTER REGISTRATION AGENCY ON EACH INSTALLATION OF THE ARMED FORCES.—Not later than 180 days after the date of enactment of this subsection, each Secretary of a military department shall take appropriate actions to designate an office on each installa-

tion of the Armed Forces under the jurisdiction of such Secretary (excluding any installation in a theater of combat), consistent across every installation of the department of the Secretary concerned, to provide each individual described in paragraph (3)—

"(A) written information on voter registration procedures and absentee ballot procedures (including the official post card form prescribed under section 101);

"(B) the opportunity to register to vote in an election for Federal office;

"(C) the opportunity to update the individual's voter registration information, including clear written notice and instructions for the absent uniformed services voter to change their address by submitting the official post card form prescribed under section 101 to the appropriate State election official; and

"(D) the opportunity to request an absentee ballot under this Act.

"(2) DEVELOPMENT OF PROCEDURES.—Each Secretary of a military department shall develop, in consultation with each State and the Presidential designee, the procedures necessary to provide the assistance described in paragraph (1).

"(3) INDIVIDUALS DESCRIBED.—The following individuals are described in this paragraph:

"(A) An absent uniformed services voter—

"(i) who is undergoing a permanent change of duty station;

"(ii) who is deploying overseas for at least 6 months;

"(iii) who is or returning from an overseas deployment of at least 6 months; or

"(iv) who at any time requests assistance related to voter registration.

"(B) All other absent uniformed services voters (as defined in section 107(1)).

"(4) TIMING OF PROVISION OF ASSISTANCE.—The assistance described in paragraph (1) shall be provided to an absent uniformed services voter—

"(A) described in clause (i) of paragraph (3)(A), as part of the administrative in-processing of the member upon arrival at the new duty station of the absent uniformed services voter;

"(B) described in clause (ii) of such paragraph, as part of the administrative in-processing of the member upon deployment from

the home duty station of the absent uniformed services voter;

"(C) described in clause (iii) of such paragraph, as part of the administrative in-processing of the member upon return to the home duty station of the absent uniformed services voter;

"(D) described in clause (iv) of such paragraph, at any time the absent uniformed services voter requests such assistance; and

"(E) described in paragraph (3)(B), at any time the absent uniformed services voter requests such assistance.

"(5) PAY, PERSONNEL, AND IDENTIFICATION OFFICES OF THE DEPARTMENT OF DEFENSE.—The Secretary of Defense may designate pay, personnel, and identification offices of the Department of Defense for persons to apply to register to vote, update the individual's voter registration information, and request an absentee ballot under this Act.

"(6) TREATMENT OF OFFICES DESIGNATED AS VOTER REGISTRATION AGENCIES.—An office designated under paragraph (1) or (5) shall be considered to be a voter registration agency designated

under section 7(a)(2) of the National Voter Registration Act of 1993 for all purposes of such Act.

"(7) OUTREACH TO ABSENT UNIFORMED SERVICES VOTERS.—The Secretary of each military department or the Presidential designee shall take appropriate actions to inform absent uniformed services voters of the assistance available under this subsection including—

"(A) the availability of voter registration assistance at offices designated under paragraphs (1) and (5); and

"(B) the time, location, and manner in which an absent uniformed voter may utilize such assistance.

"(8) DEFINITION OF MILITARY DEPARTMENT AND SECRETARY CONCERNED.—In this subsection, the terms 'military department' and 'Secretary concerned' have the meaning given such terms in paragraphs (8) and (9), respectively, of section 101 of title 10, United States Code.

"(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly sched-

uled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 591. DEVELOPMENT OF STANDARDS FOR REPORTING AND STORING CERTAIN DATA.

(a) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)), as amended by section 590, is amended—

(1) by striking ''and'' at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting ''; and''; and

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

''(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards—

''(A) for States to report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate; and

''(B) for the Presidential designee to store the data reported.''.

(b) CONFORMING AMENDMENT.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)), as amended by section 587, is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting ''; and''; and

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

''(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(11).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 592. REPEAL OF PROVISIONS RELATING TO USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

(a) IN GENERAL.—Subsections (a) through (d) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) are repealed.

(b) CONFORMING AMENDMENTS.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended—

(1) in section 101(b)—

(A) in paragraph (2), by striking ", for use by States in accordance with section 104"; and

(B) in paragraph (4), by striking "for use by States in accordance with section 104"; and

(2) in section 104, as amended by subsection (a)—

(A) in the section heading, by striking "**USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS**" and inserting "**PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION**"; and

(B) in subsection (e), by striking "(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—".

SEC. 593. REPORTING REQUIREMENTS.

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 105 the following new section:

"SEC. 105A. REPORTING REQUIREMENTS.

"(a) REPORT ON STATUS OF IMPLEMENTATION AND ASSESSMENT OF PROGRAMS.—Not later than 180 days after the date of the enactment of the Military and Overseas Voter Empowerment Act, the Presidential designee shall submit to the relevant committees of Congress a report containing the following information:

"(1) The status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 103A, and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

"(2) An assessment of the effectiveness of the Voting Assistance Officer Program of the Department of Defense, which shall include the following:

"(A) A thorough and complete assessment of whether the Program, as configured and implemented as of such date of enactment, is effectively assisting absent uniformed services voters in exercising their right to vote.

"(B) An inventory and explanation of any areas of voter assistance in which the Program has failed to accomplish its stated objectives

and effectively assist absent uniformed services voters in exercising their right to vote.

"(C) As necessary, a detailed plan for the implementation of any new program to replace or supplement voter assistance activities required to be performed under this Act.

"(3) A detailed description of the specific steps taken towards the implementation of voter registration assistance for absent uniformed services voters under section 102(j), including the designation of offices under paragraphs (1) and (5) of such section.

"(b) ANNUAL REPORT ON EFFECTIVENESS OF ACTIVITIES AND UTILIZATION OF CERTAIN PROCEDURES.—Not later than March 31 of each year, the Presidential designee shall transmit to the President and to the relevant committees of Congress a report containing the following information:

"(1) An assessment of the effectiveness of activities carried out under section 103B, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed services voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uni-

formed services, and a description of the cooperation between States and the Federal Government in carrying out such section.

"(2) A description of the utilization of voter registration assistance under section 102(j), which shall include the following:

"(A) A description of the specific programs implemented by each military department of the Armed Forces pursuant to such section.

"(B) The number of absent uniformed services voters who utilized voter registration assistance provided under such section.

"(3) In the case of a report submitted under this subsection in the year following a year in which a regularly scheduled general election for Federal office is held, a description of the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A, which shall include the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

"(c) DEFINITIONS.—In this section:

"(1) ABSENT OVERSEAS UNIFORMED SERVICES VOTER.—The term 'absent overseas uniformed services voter' has the meaning given such term in section 103A(d).

"(2) PRESIDENTIAL DESIGNEE.—The term 'Presidential designee' means the Presidential designee under section 101(a).

"(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—The term 'relevant committees of Congress' means—

"(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

"(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.".

SEC. 594. ANNUAL REPORT ON ENFORCEMENT.

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–4) is amended—

(1) by striking "The Attorney" and inserting "(a) IN GENERAL.—The Attorney"; and

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

"(b) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit

to Congress an annual report on any civil action brought under subsection (a) during the preceding year.''.

SEC. 595. REQUIREMENTS PAYMENTS.

(a) USE OF FUNDS.—Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

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

''(3) ACTIVITIES UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 257(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.''.

(b) REQUIREMENTS.—

(1) STATE PLAN.—Section 254(a) of the Help America Vote Act of 2002 (42 U.S.C. 15404(a)) is amended by adding at the end the following new paragraph:

"(14) How the State plan will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.".

(2) CONFORMING AMENDMENTS.—Section 253(b) of the Help America Vote Act of 2002 (42 U.S.C. 15403(b)) is amended—

(A) in paragraph (1)(A), by striking "section 254" and inserting "subsection (a) of section 254 (or, in the case where a State is seeking a requirements payment made using funds appropriated pursuant to the authorization under section 257(4), paragraph (14) of section 254)"; and

(B) in paragraph (2)—

(i) by striking "(2) The State" and inserting "(2)(A) Subject to subparagraph (B), the State"; and

(ii) by inserting after subparagraph (A), as added by clause (i), the following new subparagraph:

"(B) The requirement under subparagraph (A) shall not apply in the case of a requirements payment made using funds appropriated pursuant to the authorization under section 257(4).".

(c) AUTHORIZATION.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by adding at the end the following new paragraph:

"(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 251(b)(3).".

SEC. 596. TECHNOLOGY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ABSENT UNIFORMED SERVICES VOTER.—The term "absent uniformed services voter" has the meaning given such term in section 107(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) OVERSEAS VOTER.—The term "overseas voter" has the meaning given such term in section 107(5) of such Act.

(3) PRESIDENTIAL DESIGNEE.—The term "Presidential designee" means the individual designated under section 101(a) of such Act.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Presidential designee may establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and

overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) DESIGN AND CONDUCT.—The design and conduct of a pilot program established under this subsection—

(A) shall be at the discretion of the Presidential designee; and

(B) shall not conflict with or substitute for existing laws, regulations, or procedures with respect to the participation of absent uniformed services voters and military voters in elections for Federal office.

(c) CONSIDERATIONS.—In conducting a pilot program established under subsection (b), the Presidential designee may consider the following issues:

(1) The transmission of electronic voting material across military networks.

(2) Virtual private networks, cryptographic voting systems, centrally controlled voting stations, and other information security techniques.

(3) The transmission of ballot representations and scanned pictures in a secure manner.

(4) Capturing, retaining, and comparing electronic and physical ballot representations.

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

(7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

(d) REPORTS.—The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations—

(1) for the conduct of additional pilot programs under this section; and

(2) for such legislation and administrative action as the Presidential designee determines appropriate.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Election Assistance Commission and the National Institute of Standards and Technology shall work with the Presidential designee to support the pilot program or programs established under this section through best practices or standards and in accordance with electronic absentee voting guidelines established under the first sentence of section 1604(a)(2) of the National De-

fense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note), as amended by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

(2) REPORT.—In the case where the Election Assistance Commission has not established electronic absentee voting guidelines under such section 1604(a)(2), as so amended, by not later than 180 days after enactment of this Act, the Election Assistance Commission shall submit to the relevant committees of Congress a report containing the following information:

(A) The reasons such guidelines have not been established as of such date.

(B) A detailed timeline for the establishment of such guidelines.

(C) A detailed explanation of the Commission's actions in establishing such guidelines since the date of enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''relevant committees of Congress'' means—

(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2010 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2010, the rates of monthly basic pay for members of the uniformed services are increased by 3.4 percent.

SEC. 602. COMPTROLLER GENERAL OF THE UNITED STATES COMPARATIVE ASSESSMENT OF MILITARY AND PRIVATE-SECTOR PAY AND BENEFITS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study comparing pay and benefits provided by law to members of the Armed Forces with pay and benefits provided by the private sector to comparably situated private-sector employees.

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

(1) An assessment of total military compensation for officers and for enlisted personnel, including basic pay, the basic allowance for housing (BAH), the basic allowance for subsistence (BAS), tax benefits applicable to military pay and allowances under Federal law (including the Social Security laws) and State law, military retirement benefits, commissary and exchange privileges, and military healthcare benefits.

(2) An assessment of private-sector pay and benefits for civilians of similar age, education, and experience in like fields of officers and enlisted personnel of the Armed Forces, including pay, bonuses, employee options, fringe benefits, retirement benefits, individual retirement investment benefits, flexi-

ble spending accounts and health savings accounts, and any other elements of private-sector compensation that the Comptroller General considers appropriate.

(3) An identification of the percentile of comparable private-sector compensation at which members of the Armed Forces are paid, including an assessment of the adequacy of percentile comparisons generally and whether the Department of Defense goal of compensating members of the Armed Forces at the 80th percentile of comparable private-sector compensation, as described in the 10th Quadrennial Review of Military Compensation, is appropriate and adequate to achieve comparability of pay between members of the Armed Forces and private-sector employees.

(c) REPORT.—The Comptroller General shall submit to the congressional defense committees a report on the study required by subsection (a) by not later than April 1, 2010.

SEC. 603. INCREASE IN MAXIMUM MONTHLY AMOUNT OF SUPPLEMENTAL SUBSISTENCE ALLOWANCE FOR LOW-INCOME MEMBERS WITH DEPENDENTS.

(a) INCREASE IN MAXIMUM MONTHLY AMOUNT.—Section 402a(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking ''$500'' and inserting ''$1,100''; and

(2) in paragraph (3)(B), by striking ''$500'' and inserting ''$1,100''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to monthly supplemental subsistence allowances for low-income members with dependents payable on or after that date.

(c) REPORT ON ELIMINATION OF RELIANCE ON SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM TO MEET NUTRITIONAL NEEDS OF MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.—

(1) IN GENERAL.—Not later than September 1, 2010, the Secretary of Defense shall, in consultation with the Secretary of Agriculture, submit to the congressional defense committees a report setting forth a plan for actions to eliminate the need for members of the Armed Forces and their dependents to rely on

the supplemental nutrition assistance program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) for their monthly nutritional needs.

(2) ELEMENTS.—The plan required by paragraph (1) shall address the following:

(A) An appropriate amount or amounts for the monthly supplemental subsistence allowance for low-income members with dependents payable under section 402a of title 37, United States Code.

(B) Such modifications, if any, to the eligibility requirements for the monthly supplemental subsistence allowance, including limitations on the maximum size of the household of a member for purposes of eligibility for the allowance, as the Secretary of Defense considers appropriate.

(C) The advisability of requiring members of the Armed Forces to apply for the monthly supplemental subsistence allowance before seeking assistance under the supplemental nutrition assistance program.

(D) Such other matters as the Secretary of Defense considers appropriate.

SEC. 604. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits specified in this subsection are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS PROVIDABLE.—The number of days of benefits providable to a member or former member of the Armed Forces under this section may not exceed 40 days of benefits.

(e) FORM OF PAYMENT.—The paid benefits providable under subsection (b) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the

Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or

former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Sec-

tion 308h(e) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(g) INCOME REPLACEMENT PAYMENTS.—Section 910(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) ACCESSION AND RETENTION BONUSES FOR PSYCHOLOGISTS.—Section 302c-1(f) of title 37, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(d) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(e) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(g) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(h) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(i) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(j) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

(a) GENERAL BONUS AUTHORITY FOR ENLISTED MEMBERS.—Section 331(h) of title 37, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) GENERAL BONUS AUTHORITY FOR OFFICERS.—Section 332(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) SPECIAL BONUS AND INCENTIVE PAY AUTHORITIES FOR NUCLEAR OFFICERS.—Section 333(i) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(d) SPECIAL AVIATION INCENTIVE PAY AND BONUS AUTHORITIES.—Section 334(i) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(e) SPECIAL HEALTH PROFESSIONS INCENTIVE PAY AND BONUS AUTHORITIES.—Section 335(k) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) HAZARDOUS DUTY PAY.—Section 351(i) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(g) ASSIGNMENT PAY OR SPECIAL DUTY PAY.—Section 352(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(h) SKILL INCENTIVE PAY OR PROFICIENCY BONUS.—Section 353(j) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(i) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355(i) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by

striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(g) INCENTIVE BONUS FOR TRANSFER BETWEEN ARMED FORCES.—Section 327(h) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(h) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 616. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Section 1030(i) of title 10, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) ARMY REFERRAL BONUS.—Section 3252(h) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 617. SPECIAL COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES WITH SERIOUS INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING.

(a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living

"(a) MONTHLY COMPENSATION.—The Secretary concerned may pay to any member of the uniformed services described in subsection (b) monthly special compensation in an amount determined under subsection (c).

"(b) COVERED MEMBERS.—A member eligible for monthly special compensation authorized by subsection (a) is a member who—

"(1) has been certified by a licensed physician to be in need of assistance from another person to perform the personal functions required in everyday living;

"(2) has a serious injury, disorder, or disease of either a temporary or permanent nature that—

"(A) is incurred or aggravated in the line of duty; and

"(B) compromises the member's ability to carry out one or more activities of daily living or requires the member to be constantly supervised to avoid physical harm to the member or to others; and

"(3) meets such other criteria, if any, as the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) prescribes for purposes of this section.

"(c) AMOUNT.—(1) The amount of monthly special compensation payable to a member under subsection (a) shall be determined under criteria prescribed by the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard), but may not exceed the amount of aid and attendance allowance authorized by section 1114(r)(2) of title 38 for veterans in need of aid and attendance.

"(2) In determining the amount of monthly special compensation, the Secretary concerned shall consider the following:

"(A) The extent to which home health care and related services are being provided by the Government.

"(B) The extent to which aid and attendance services are being provided by family and friends

who may be compensated with funds provided through the monthly special compensation.

"(d) PAYMENT UNTIL MEDICAL RETIREMENT.—Monthly special compensation is payable under this section to a member described in subsection (b) for any month that begins before the date on which the member is medically retired.

"(e) CONSTRUCTION WITH OTHER PAY AND ALLOWANCES.—Monthly special compensation payable to a member under this section is in addition to any other pay and allowances payable to the member by law.

"(f) BENEFIT INFORMATION.—The Secretary of Defense, in collaboration with the Secretary of Veterans Affairs, shall ensure that members of the uniformed services who may be eligible for compensation under this section are made aware of the availability of such compensation by including information about such compensation in written and online materials for such members and their families.

"(g) REGULATIONS.—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.".

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense (and the Secretary of Homeland Security, with respect to the Coast Guard) shall submit to Congress a report on the provision of compensation under section 439 of title 37, United States Code, as added by subsection (a) of this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An estimate of the number of members of the uniformed services eligible for compensation under such section 439.

(B) The number of members of the uniformed services receiving compensation under such section.

(C) The average amount of compensation provided to members of the uniformed services receiving such compensation.

(D) The average amount of time required for a member of the uniformed services to receive such compensation after the member becomes eligible for the compensation.

(E) A summary of the types of injuries, disorders, and diseases of members of the uni-

formed services receiving such compensation that made such members eligible for such compensation.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

"439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living.".

SEC. 618. TEMPORARY AUTHORITY FOR MONTHLY SPECIAL PAY FOR MEMBERS OF THE ARMED FORCES SUBJECT TO CONTINUING ACTIVE DUTY OR SERVICE UNDER STOP-LOSS AUTHORITIES.

(a) SPECIAL PAY AUTHORIZED.—The Secretary of the military department concerned may pay monthly special pay to any member of the Armed Forces described in subsection (b) for any month or portion of a month in which the member serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces, or has the member's eligibility for retirement from the Armed Forces suspended, as described in that subsection.

(b) COVERED MEMBERS.—A member of the Armed Forces described in this subsection is any member of the

Army, Navy, Air Force, or Marine Corps (including a member of a reserve component thereof) who, at any time during the period beginning on October 1, 2009, and ending on June 30, 2011, serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces, while the member's enlistment or period of obligated service is extended, or has the member's eligibility for retirement suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a ''stop-loss authority'') authorizing the President to extend an enlistment or period of obligated service, or suspend eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(c) AMOUNT.—The amount of monthly special pay payable to a member under this section for a month may not exceed $500.

(d) CONSTRUCTION WITH OTHER PAYS.—Monthly special pay payable to a member under this section is in addition to any other amounts payable to the member by law.

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DESIGNATED INDIVIDUALS OF WOUNDED, ILL, OR INJURED MEMBERS OF THE UNIFORMED SERVICES FOR DURATION OF INPATIENT TREATMENT.

(a) AUTHORITY TO PROVIDE TRAVEL TO DESIGNATED INDIVIDUALS.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''family members of a member described in paragraph (2)'' and inserting ''individuals who, with respect to a member described in paragraph (2), are designated individuals for that member'';

(B) by striking ''that the presence of the family member'' and inserting '', with respect to any such individual, that the presence of such individual''; and

(C) by striking ''of family members'' and inserting ''of designated individuals''; and

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

1 "(4) In the case of a designated individual who is also
2 a member of the uniformed services, that member may be
3 provided travel and transportation under this section in
4 the same manner as a designated individual who is not
5 a member.".

6 (b) DEFINITION OF DESIGNATED INDIVIDUAL.—

7 (1) IN GENERAL.—Paragraph (1) of subsection
8 (b) of such section is amended by striking "the
9 term" and all that follows and inserting "the term
10 'designated individual', with respect to a member,
11 means—

12 "(A) an individual designated by the member
13 for the purposes of this section; or

14 "(B) in the case of a member who has not
15 made a designation under subparagraph (A) and, as
16 determined by the attending physician or surgeon, is
17 not able to make such a designation, an individual
18 who, as designated by the attending physician or
19 surgeon and the commander or head of the military
20 medical facility exercising control over the member,
21 is someone with a personal relationship to the mem-
22 ber whose presence may aid and support the health
23 and welfare of the member during the duration of
24 the member's inpatient treatment.".

(2) DESIGNATIONS NOT PERMANENT.—Paragraph (2) of such subsection is amended to read as follows:

''(2) The designation of an individual as a designated individual for purposes of this section may be changed at any time.''.

(c) COVERAGE OF MEMBERS HOSPITALIZED OUTSIDE THE UNITED STATES WHO WERE WOUNDED OR INJURED IN A COMBAT OPERATION OR COMBAT ZONE.—

(1) COVERAGE FOR HOSPITALIZATION OUTSIDE THE UNITED STATES.—Subparagraph (B) of section (a)(2) of such section is amended—

(A) in clause (i), by striking ''in or outside the United States''; and

(B) in clause (ii), by striking ''in the United States''.

(2) CLARIFICATION OF MEMBERS COVERED.—Such subparagraph is further amended—

(A) in clause (i), by inserting ''seriously wounded,'' after ''(i) is''; and

(B) in clause (ii)—

(i) by striking ''an injury'' and inserting ''a wound or an injury''; and

(ii) by striking ''that injury'' and inserting ''that wound or injury''.

(d) COVERAGE OF MEMBERS WITH SERIOUS MENTAL DISORDERS.—

(1) IN GENERAL.—Subsection (a)(2)(B)(i) of such section, as amended by subsection (c) of this section, is further amended by inserting ''(including having a serious mental disorder)'' after ''seriously injured''.

(2) SERIOUS MENTAL DISORDER DEFINED.—Subsection (b) of such section 411h, as amended by subsection (b) of this section, is further amended by adding at the end the following new paragraph:

''(4)(A) In this section, the term 'serious mental disorder', in the case of a member, means that the member has been diagnosed with a mental disorder that requires intensive mental health treatment or hospitalization.

''(B) The circumstances in which a member shall be considered to have a serious mental disorder for purposes of this section shall include, but not be limited to, the following:

''(i) The member is considered to be a potential danger to self or others as a result of a diagnosed mental disorder that requires intensive mental health treatment or hospitalization.

"(ii) The member is diagnosed with a mental disorder and has psychotic symptoms that require intensive mental health treatment or hospitalization.

"(iii) The member is diagnosed with a mental disorder and has severe symptoms or severe impairment in functioning that require intensive mental health treatment or hospitalization.".

(e) FREQUENCY OF AUTHORIZED TRAVEL.—Paragraph (3) of subsection (a) of such section 411h is amended to read as follows:

"(3) Not more than a total of three roundtrips may be provided under paragraph (1) in any 60-day period at Government expense to the individuals who, with respect to a member, are the designated individuals of that member in effect during that period. However, if the Secretary concerned has granted a waiver under the second sentence of paragraph (1) with respect to a member, then for any 60-day period in which the waiver is in effect the limitation in the preceding sentence shall be adjusted accordingly. In addition, during any period during which there is in effect a non-medical attendant designation for a member under section 411h–1 of this title, not more than a total of two roundtrips may be provided under paragraph (1) in any 60-day period at Government expense until there no longer is a designation of a non-medical at-

tendant or that designation transfers to another individual, in which case during the transfer period three roundtrip tickets may be provided.''.

(f) STYLISTIC AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking ''(a)(1)'' and inserting ''(a) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1)'';

(2) in subsection (b)—

(A) by striking ''(b)(1)'' and inserting ''(b) DEFINITIONS.—(1)''; and

(B) in paragraph (3)—

(i) by inserting ''(A)'' after ''(3)''; and

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

''(B) In this paragraph, the term 'family member', with respect to a member, means the following:

''(i) The member's spouse.

''(ii) Children of the member (including stepchildren, adopted children, and illegitimate children).

''(iii) Parents of the member or persons in loco parentis to the member, including fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the

uniformed service, except that only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

''(iv) Siblings of the member.

''(v) A person related to the member as described in clause (i), (ii), (iii), or (iv) who is also a member of the uniformed services.'';

(3) in subsection (c)—

(A) by striking ''(c)(1)'' and inserting ''(c) ROUND TRIP TRANSPORTATION AND PER DIEM ALLOWANCE.—(1)''; and

(B) in paragraph (1), by striking ''family member'' and inserting ''designated individual''; and

(4) in subsection (d), by striking ''(d)(1)'' and inserting ''(d) METHOD OF TRANSPORTATION AUTHORIZED.—(1)''.

(g) CLERICAL AMENDMENTS.—

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

"§ 411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury".

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.".

(h) CONFORMING AMENDMENT TO WOUNDED WARRIOR ACT.—Section 1602(4) of the Wounded Warrior Act (10 U.S.C. 1071 note) is amended by striking "411h(b)(1)" and inserting "411h(b)(3)(B)".

(i) APPLICABILITY OF AMENDMENTS.—No reimbursement may be provided under section 411h of title 37, United States Code, by reason of the amendments made by this section for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS OF SERIOUSLY WOUNDED, ILL, OR INJURED MEMBERS OF THE UNIFORMED SERVICES.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is mended by inserting after section 411h the following new section:

"§ 411h–1. Travel and transportation allowances: transportation of non-medical attendants for members who are seriously wounded, ill, or injured

"(a) IN GENERAL.—Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for a qualified non-medical attendant for a member of the uniformed services described in subsection (c) if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member jointly determine that the presence of such an attendant may contribute to the member's health and welfare.

"(b) QUALIFIED NON-MEDICAL ATTENDANT.—For purposes of this section, a qualified non-medical attendant with respect to a member described in subsection (c) is an individual who—

"(1) the member designates for purposes of this section to be a non-medical attendant for the member; or

"(2) the attending physician or surgeon and the commander or head of the military medical facility

exercising control over the member jointly determine is an appropriate non-medical attendant for the member whose presence may contribute to the member's health and welfare.

"(c) COVERED MEMBERS.—A member of the uniformed services described in this subsection is a member who—

"(1) is serving on active duty, is entitled to pay and allowances under section 204(g) of this title (or would be so entitled if not for offsetting earned income described in that subsection), or is retired for the wound, illness, or injury for which the member is categorized as described in paragraph (2);

"(2) has been determined by the attending physician or surgeon to be in the category known as 'very seriously wounded, ill, or injured' or in the category known as 'seriously wounded, ill, and injured'; and

"(3) either—

"(A) is hospitalized for treatment of the wound, illness, or injury for which the member is so categorized; or

"(B) requires continuing outpatient treatment for such wound, illness, or injury.

1 "(d) TRAVEL AND TRANSPORTATION.—(1)(A) The
2 transportation authorized by subsection (a) for a qualified
3 non-medical attendant for a member is round-trip trans-
4 portation between the home of the attendant and the loca-
5 tion at which the member is receiving treatment, including
6 transportation, while accompanying the member, to any
7 other location to which the member is subsequently trans-
8 ferred for further treatment.

9 "(B) In addition to the transportation authorized by
10 subsection (a), the Secretary concerned may provide a per
11 diem allowance or reimbursement, or a combination there-
12 of, for the actual and necessary expenses of travel as de-
13 scribed in subparagraph (A), but at rates not to exceed
14 the rates for travel established under section 404(d) of
15 this title.

16 "(2) The transportation authorized by subsection (a)
17 includes transportation, while accompanying the member,
18 necessary to obtain treatment for the member at the loca-
19 tion to which the member is permanently assigned.

20 "(3) The transportation authorized by subsection (a)
21 may be provided by any means as follows:

22 "(A) Transportation in-kind.

23 "(B) A monetary allowance in place of trans-
24 portation in-kind.

"(C) Reimbursement for the cost of commercial transportation.

"(4) An allowance payable under this subsection may be paid in advance.

"(5) Reimbursement payable under this subsection for air travel may not exceed the cost of Government-procured commercial round-trip air travel.

"(e) COORDINATION WITH TRANSPORTATION AND ALLOWANCES FOR DESIGNATED INDIVIDUALS.—An individual may not receive travel and transportation allowances under section 411h of this title and this section simultaneously.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item related to section 411h the following new item:

"411h–1. Travel and transportation allowances: transportation of non-medical attendants for members who are seriously wounded, ill, or injured.".

(b) APPLICABILITY.—No reimbursement may be provided under section 411h–1 of title 37, United States Code (as added by subsection (a)), for any costs of travel or transportation incurred before the date of the enactment of this Act.

SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES ON LEAVE FOR SUSPENSION OF TRAINING.

(a) ALLOWANCES AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

"§ 411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training

"(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse or provide transportation to a member of a reserve component of the armed forces on active duty for a period of more than 30 days who is performing duty at a temporary duty station for travel between the member's temporary duty station and the member's permanent duty station in connection with authorized leave pursuant to a suspension of training.

"(b) MINIMUM DISTANCE BETWEEN STATIONS.—A member may be paid for or provided transportation under subsection (a) only as follows:

"(1) In the case of a member who travels between a temporary duty station and permanent duty

station by air transportation, if the distance between such stations is not less than 300 miles.

"(2) In the case of a member who travels between a temporary duty station and permanent duty station by ground transportation, if the distance between such stations is more than the normal commuting distance from the permanent duty station (as determined under the regulations prescribed under subsection (e)).

"(c) MINIMUM PERIOD OF SUSPENSION OF TRAINING.—A member may be paid for or provided transportation under subsection (a) only in connection with a suspension of training covered by that subsection that is five days or more in duration.

"(d) LIMITATION ON REIMBURSEMENT.—The amount a member may be paid under subsection (a) for travel may not exceed the amount that would be paid by the government (as determined under the regulations prescribed under subsection (e)) for the least expensive means of travel between the duty stations concerned.

"(e) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411j the following new item:

"411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to travel that occurs on or after that date.

SEC. 634. REIMBURSEMENT OF TRAVEL EXPENSES OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND THEIR DEPENDENTS FOR TRAVEL FOR SPECIALTY CARE UNDER EXCEPTIONAL CIRCUMSTANCES.

(a) REIMBURSEMENT AUTHORIZED.—Section 1074i of title 10, United States Code, is amended—

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

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

"(b) REIMBURSEMENT FOR TRAVEL UNDER EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Defense may provide reimbursement for reasonable travel expenses of travel of members of the armed forces on active duty and their dependents, and accompaniment, to a specialty care

provider not otherwise authorized by subsection (a) under such exceptional circumstances as the Secretary considers appropriate for purposes of this section.''.

(b) TECHNICAL AMENDMENT.—Subsection (a) of such section is amended by inserting ''of Defense'' after ''the Secretary''.

SEC. 635. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.

(a) ALLOWANCES AUTHORIZED.—Subsection (a) of section 411f of title 37, United States Code, is amended—

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

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

''(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel

of eligible relatives to only one memorial service for the deceased member concerned.''.

(b) CONFORMING AMENDMENTS.—Subsection (c) of such section is amended—

(1) by striking ''subsection (a)(1)'' the first place it appears and inserting ''paragraphs (1) and (2) of subsection (a)''; and

(2) by striking ''subsection (a)(1)'' the second place it appears and inserting ''paragraph (1) or (2) of subsection (a)''.

Subtitle D—Other Matters

SEC. 651. AUTHORITY TO CONTINUE PROVISION OF INCENTIVES AFTER TERMINATION OF TEMPORARY ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

Subsection (i) of section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3321) is amended to read as follows:

''(i) TERMINATION OF AUTHORITY.—

''(1) IN GENERAL.—The Secretary may not develop an incentive under this section, or first provide an incentive developed under this section to an individual, after December 31, 2009.

''(2) CONTINUATION OF INCENTIVES.—Nothing in paragraph (1) shall be construed to prohibit or

limit the continuing provision to an individual after the date specified in that paragraph of an incentive first provided the individual under this section before that date.''.

SEC. 652. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10,

United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code,

as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 653. SENSE OF CONGRESS ON AIRFARES FOR MEMBERS OF THE ARMED FORCES.

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

(1) The Armed Forces is comprised of over 1,450,000 active-duty members from every State and territory of the United States who are assigned to thousands of installations, stations, and ships

worldwide and who oftentimes must travel long distances by air at their own expense to enjoy the benefits of leave and liberty.

(2) The United States is indebted to the members of the all volunteer Armed Forces and their families who protect our Nation, often experiencing long separations due to the demands of military service and in life threatening circumstances.

(3) Military service often precludes long range planning for leave and liberty to provide opportunities for reunions and recreation with loved ones and requires changes in planning due to military necessity which results in last minute changes in planning.

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

(1) all United States commercial carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties for military personnel;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and

(E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave.

SEC. 654. CONTINUATION ON ACTIVE DUTY OF RESERVE COMPONENT MEMBERS DURING PHYSICAL DISABILITY EVALUATION FOLLOWING MOBILIZATION AND DEPLOYMENT.

Section 1218 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary of a military department shall ensure that each member of a reserve component under the jurisdiction of the Secretary who is determined, after a mobilization and deployment to an area in which imminent danger pay is authorized under section 310 of title 37, to require evaluation for a physical or mental disability which could result in separation or retirement for disability under this chapter or placement on the temporary disability retired list or inactive status list under this chapter is retained on active duty during the disability evaluation process until such time as such member is—

''(A) cleared by appropriate authorities for continuation on active duty; or

''(B) separated, retired, or placed on the temporary disability retired list or inactive status list.

''(2)(A) A member described in paragraph (1) may request termination of active duty under such paragraph at any time during the demobilization or disability evaluation process of such member.

"(B) Upon a request under subparagraph (A), a member described in paragraph (1) shall only be released from active duty after the member receives counseling about the consequences of termination of active duty.

"(C) Each release from active duty under subparagraph (B) shall be thoroughly documented.

"(3) The requirements in paragraph (1) shall expire on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.".

SEC. 655. USE OF LOCAL RESIDENCES FOR COMMUNITY-BASED CARE FOR CERTAIN RESERVE COMPONENT MEMBERS.

Section 1222 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) USE OF LOCAL RESIDENCES FOR CERTAIN RESERVE COMPONENT MEMBERS.—(1)(A) A member of a reserve component described by subparagraph (B) may be assigned to the community-based warrior transition unit located nearest to the member's permanent place of residence if residing at that location is—

"(i) medically feasible, as determined by a licensed military health care provider; and

"(ii) consistent with—

"(I) the needs of the armed forces; and

"(II) the optimal course of medical treatment of the member.

"(B) A member of a reserve component described by this subparagraph is any member remaining on active duty under section 1218(d) of this title during the period the member is on active duty under such subsection.

"(2) Nothing in this subsection shall be construed as terminating, altering, or otherwise affecting the authority of the commander of a member described in paragraph (1)(B) to order the member to perform duties consistent with the member's fitness for duty.

"(3) The Secretary concerned shall pay any reasonable expenses of transportation, lodging, and meals incurred by a member residing at the member's permanent place of residence under this subsection in connection with travel from the member's permanent place of residence to a medical facility during the period in which the member is covered by this subsection.".

SEC. 656. ASSISTANCE WITH TRANSITIONAL BENEFITS.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1218 the following new section:

"§ 1218a. Discharge or release from active duty: transition assistance

"The Secretary of a military department shall provide to a member of a reserve component under the jurisdiction of the Secretary who is injured while on active duty in the armed forces the following before such member is demobilized or separated from the armed forces:

"(1) Information on the availability of care and administrative processing through community based warrior transition units.

"(2) The location of the community based warrior transition unit located nearest to the member's permanent place of residence.

"(3) An opportunity to consult with a member of the applicable judge advocate general's corps, or other qualified legal assistance attorney, regarding the member's eligibility for compensation, disability, or other transitional benefits.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1218 the following new item:

"1218a. Discharge or release from active duty: transition assistance.".

SEC. 657. REPORT ON RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the efforts of the Air Force to attract and retain qualified individuals for service as members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons.

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

(1) A description of current reenlistment rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) An description of the steps the Air Force has taken, including the use of retention bonuses or assignment incentive pay, to improve recruiting and retention of officers and enlisted personnel by the

Air Force for the positions described in paragraph (1).

(4) An assessment of the feasibility, advisability, utility, and cost effectiveness of establishing additional bonuses or incentive pay as a way to enhance the recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(5) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(6) An assessment of the long-term community management plan for recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(7) Such other matters as the Secretary considers appropriate.

SEC. 658. SENSE OF CONGRESS ON ESTABLISHMENT OF FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.

(a) IN GENERAL.—It is the sense of Congress that, the Secretary of Defense, with respect to members of the Army, Navy, Marine Corps, and Air Force, the Secretary of Homeland Security, with respect to members of the

Coast Guard, the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, and the Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration, should establish procedures to implement flexible spending arrangements with respect to basic pay and compensation, for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) CONSIDERATIONS.—It is the sense of Congress that, in establishing the procedures described by subsection (a), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Commerce should consider life events of members of the uniformed services that are unique to them as members of the uniformed services, including changes relating to permanent changes of duty station and deployments to overseas contingency operations.

SEC. 659. TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS MEMBER OF ALASKA TERRITORIAL GUARD DURING WORLD WAR II.

(a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

SEC. 660. INCLUSION OF SERVICE AFTER SEPTEMBER 11, 2001, IN DETERMINATION OF REDUCED ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

Section 12731(f)(2)(A) of title 10, United States Code, is amended—

(1) by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' and inserting ''September 11, 2001''; and

(2) by striking ''in any fiscal year after such date'' and inserting ''in any fiscal year after fiscal year 2001''.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE, AND FAMILY MEMBERS, WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

"§ 1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

"(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the Armed Forces who is qualified for a non-regular retirement at age 60 under chapter 1223, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

"(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

"(b) TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE COVERAGE.—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE coverage at age 60 under section 1086 of this title.

"(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under the section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family

of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

"(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

"(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all covered members of the reserve components covered under this section.

"(3)(A) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

"(B) The appropriate actuarial basis for purposes of subparagraph (A) shall be determined in the manner spec-

1 ified in section 1076d(d)(3)(B) of this title with respect
2 to the cost of coverage applicable under subparagraph (A).
3 "(4) The Secretary shall prescribe the requirements
4 and procedures applicable to the payment of premiums
5 under this subsection.
6 "(5) Amounts collected as premiums under this sub-
7 section shall be credited to the appropriation available for
8 the Defense Health Program Account under section 1100
9 of this title, shall be merged with sums in such Account
10 that are available for the fiscal year in which collected,
11 and shall be available under subsection (b) of such section
12 for such fiscal year.
13 "(e) REGULATIONS.—The Secretary of Defense, in
14 consultation with the other administering Secretaries,
15 shall prescribe regulations for the administration of this
16 section.
17 "(f) DEFINITIONS.—In this section:
18 "(1) The term 'immediate family', with respect
19 to a member of a reserve component, means all of
20 the member's dependents described in subpara-
21 graphs (A), (D), and (I) of section 1072(2) of this
22 title.
23 "(2) The term 'TRICARE Standard' means—

"(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

"(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1076d the following new item:

"1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.".

(c) EFFECTIVE DATE.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.

SEC. 702. EXPANSION OF ELIGIBILITY OF SURVIVORS UNDER THE TRICARE DENTAL PROGRAM.

Section 1076a(k)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: ", except that, in the case of a dependent described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continuing eligibility shall be the longer of the following periods beginning on such date:

"(A) Three years.

"(B) The period ending on the date on which the dependent attains 21 years of age.

"(C) In the case of a dependent who, at 21 years of age, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary and is, or was, at the time of the member's death, in fact dependent on the member for over one-half of the dependent's support, the period ending on the earlier of the following dates:

"(i) The date on which the dependent ceases to pursue such a course of study, as determined by the administering Secretary.

"(ii) The date on which the dependent attains 23 years of age".

SEC. 703. CONSTRUCTIVE ELIGIBILITY FOR TRICARE BENEFITS OF CERTAIN PERSONS OTHERWISE INELIGIBLE UNDER RETROACTIVE DETERMINATION OF ENTITLEMENT TO MEDICARE PART A HOSPITAL INSURANCE BENEFITS.

Section 1086(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

1 (2) by inserting after paragraph (3) the fol-
2 lowing new paragraph (4):
3 ''(4)(A) If a person referred to in subsection (c) and
4 described by paragraph (2)(B) is subject to a retroactive
5 determination by the Social Security Administration of en-
6 titlement to hospital insurance benefits described in para-
7 graph (1), the person shall, during the period described
8 in subparagraph (B), be deemed for purposes of health
9 benefits under this section—
10 ''(i) not to have been covered by paragraph (1);
11 and
12 ''(ii) not to have been subject to the require-
13 ments of section 1079(j)(1) of this title, whether
14 through the operation of such section or subsection
15 (g) of this section.
16 ''(B) The period described in this subparagraph with
17 respect to a person covered by subparagraph (A) is the
18 period that—
19 ''(i) begins on the date that eligibility of the
20 person for hospital insurance benefits referred to in
21 paragraph (1) is effective under the retroactive de-
22 termination of eligibility with respect to the person
23 as described in subparagraph (A); and

"(ii) ends on the date of the issuance of such retroactive determination of eligibility by the Social Security Administration.".

SEC. 704. REFORM AND IMPROVEMENT OF THE TRICARE PROGRAM.

(a) IN GENERAL.—Commencing not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the other administering Secretaries, undertake actions to reform and improve the TRICARE program.

(b) ELEMENTS.—In undertaking actions to reform and improve the TRICARE program under subsection (a), the Secretary shall consider actions as follows:

(1) Actions to guarantee the availability of care without delay for eligible beneficiaries.

(2) Actions to expand and enhance sharing of health care resources among Federal health care programs, including designated providers (as that term is defined in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 1073 note)).

(3) Actions utilizing medical technology to speed and simplify referrals for specialty care.

(4) Actions, including a comprehensive plan, for the enhanced availability of prevention and wellness care.

(5) Actions to expand and enhance options for mental health care.

(6) Actions utilizing technology to improve direct communication with beneficiaries regarding health and preventive care.

(7) Actions regarding additional financing options for health care provided by civilian providers.

(8) Actions to improve regional or national staffing capabilities in order to enhance support provided to military medical treatment facilities facing staff shortages.

(9) Actions to reduce administrative costs.

(10) Actions to control the cost of health care and pharmaceuticals.

(11) Actions to ensure consistency throughout the TRICARE program, including actions to hold commanders of military medical treatment facilities and civilian providers accountable for compliance with access standards.

(12) Actions to create performance metrics by which to measure improvement in the TRICARE program.

(13) Such other actions as the Secretary, in consultation with the other administering Secretaries, considers appropriate.

(c) CONSULTATION.—In considering actions to be undertaken under this section, and in undertaking such actions, the Secretary shall consult with a broad range of national health care and military advocacy organizations.

(d) REPORTS.—

(1) IN GENERAL.—The Secretary shall, on a periodic basis, submit to the congressional defense committees a report on the progress being made in the reform and improvement of the TRICARE program under this section.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) A description and assessment of the progress made as of the date of such report in the reform and improvement of the TRICARE program.

(B) Such recommendations for administrative or legislative action as the Secretary considers appropriate to expedite and enhance the reform and improvement of the TRICARE program.

(e) DEFINITIONS.—In this section:

(1) The term ''administering Secretaries'' has the meaning given that term in section 1072(3) of title 10, United States Code.

(2) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 705. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON IMPLEMENTATION OF REQUIREMENTS ON THE RELATIONSHIP BETWEEN THE TRICARE PROGRAM AND EMPLOYER-SPONSORED GROUP HEALTH PLANS.

(a) REPORT REQUIRED.—Not later than March 31, 2010, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of section 1097c of title 10, United States Code, relating to the relationship between the TRICARE program and employer-sponsored group health plans.

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

(1) A description of the extent to which the Department of Defense has established measures to assess the effectiveness of section 1097c of title 10, United States Code, in reducing health care costs to

the Department for military retirees and their families, and an assessment of the effectiveness of any measures so established.

(2) An assessment of the extent to which the implementation of such section 1097c has resulted in the migration of military retirees from coverage under the TRICARE Standard option of the TRICARE program to coverage under the TRICARE Prime option of the TRICARE program.

(3) A description of the exceptions adopted under subsection (a)(2) of such section 1097c to the requirements under such section 1097c, and an assessment of the effect of the exercise of any exceptions adopted on the administration of such section 1097c.

(4) An assessment of the extent to which the Department collects and assembles data on the treatment of employees eligible for participation in the TRICARE program in comparison with similar employees who are not eligible for participation in that program.

(5) A description of the outreach conducted by the Department to inform individuals eligible for participation in the TRICARE program and employers of their respective rights and responsibilities

under such section 1097c, and an assessment of the effectiveness of any outreach so conducted.

(6) Such other matters with respect to the administration and effectiveness of the authorities in such section 1097c as the Comptroller General considers appropriate.

SEC. 706. SENSE OF THE SENATE ON HEALTH CARE BENEFITS AND COSTS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Career members of the Armed Forces and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current combat operations, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a

range of retirement benefits, including lifetime health benefits, that a grateful Nation provides for those who choose to subordinate their personal life to the national interest for so many years.

(4) Currently serving and retired members of the uniformed services and their families and survivors deserve benefits equal to their commitment and service to our Nation.

(5) Many employers are curtailing health benefits and shifting costs to their employees, which may result in retired members of the Armed Forces returning to the Department of Defense, and its TRICARE program, for health care benefits during retirement, and contribute to health care cost growth.

(6) Defense health costs also expand as a result of service-unique military readiness requirements, wartime requirements, and other necessary requirements that represent the ''cost of business'' for the Department of Defense.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, too many of those efforts have been devoted to shifting a larger share of the costs of benefits under that program to retired members

of the Armed Forces who have earned health care benefits in return for a career of military service.

(8) In some cases health care providers refuse to accept TRICARE patients because that program pays less than other public and private payors and imposes unique administrative requirements.

(9) The Department of Defense records deposits to the Department of Defense Military Retiree Health Care Fund as discretionary costs to the Department in spite of legislation enacted in 2006 that requires such deposits to be made directly from the Treasury of the United States.

(10) As a result, annual payments for the future costs of servicemember health care continue to compete with other readiness needs of the Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense and the Nation have an obligation to provide health care benefits to retired members of the Armed Forces that equals the quality of their selfless service to our country;

(2) past proposals by the Department of Defense to impose substantial fee increases on military

beneficiaries have failed to acknowledge properly the findings addressed in subsection (a); and

(3) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the Armed Forces who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program.

SEC. 707. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 1111. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

"(a) IN GENERAL.—The Secretary of Defense shall establish procedures for identifying individuals described in subsection (b). The Secretary of Defense shall immediately notify individuals identified under the preceding sentence that they are no longer eligible for health care

benefits under the TRICARE program under chapter 55 of title 10, United States Code, and of any options available for enrollment of the individual under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.). The Secretary of Defense shall consult with the Secretary of Health and Human Services to accurately identify and notify individuals described in subsection (b) under this subsection.

"(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code) at the time the individual is entitled to part A of title XVIII of the Social Security Act under section 226(b) or section 226A of such Act (42 U.S.C. 426(b) and 426–1) and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual's initial enrollment period under part B of such title.".

Subtitle B—Other Health Care Benefits

SEC. 711. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

(a) MENTAL HEALTH ASSESSMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance for the provision of a person-to-person mental health assessment for each member of the Armed Forces who is deployed in connection with a contingency operation as follows:

(A) At a time during the period beginning 60 days before the date of deployment in connection with the contingency operation.

(B) At a time during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after the date of redeployment from the contingency operation.

(C) Subject to subsection (d), not later than each of 6 months, 12 months, and 24 months after return from deployment.

(2) EXCLUSION OF CERTAIN MEMBERS.—A mental health assessment is not required for a member of the Armed Forces under subparagraphs (B) and (C) of paragraph (1) if the Secretary determines that the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned.

(b) PURPOSE.—The purpose of the mental health assessments provided pursuant to this section shall be to identify Post Traumatic Stress Disorder (PTSD), suicidal tendencies, and other behavioral health issues identified among members of the Armed Forces described in subsection (a) in order to determine which such members are in need of additional care and treatment for such health issues.

(c) ELEMENTS.—

(1) IN GENERAL.—The mental health assessments provided pursuant to this section shall—

(A) be performed by personnel trained and certified to perform such assessments and may be performed by licensed mental health professionals if such professionals are available and the use of such professionals for the assessments would not impair the capacity of such professionals to perform higher priority tasks;

(B) include a person-to-person dialogue between members of the Armed Forces described in subsection (a) and the professionals or personnel described by paragraph (1), as applicable, on such matters as the Secretary shall specify in order that the assessments achieve

the purpose specified in subsection (b) for such assessments;

(C) be conducted in a private setting to foster trust and openness in discussing sensitive health concerns; and

(D) be provided in a consistent manner across the military departments.

(2) TREATMENT OF CURRENT ASSESSMENTS.—The Secretary may treat periodic health assessments and other person-to-person assessments that are provided to members of the Armed Forces as of the date of the enactment of this Act as meeting the requirements for mental health assessments required under this section if the Secretary determines that such assessments and person-to-person assessments meet the requirements for mental health assessments established by this section.

(d) CESSATION OF ASSESSMENTS.—No mental health assessment is required to be provided to an individual under subsection (a)(1)(C) after the individual's discharge or release from the Armed Forces.

(e) SHARING OF INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense shall share with the Secretary of Veterans Affairs such information on members of the Armed Forces

that is derived from confidential mental health assessments, including mental health assessments provided pursuant to this section and health assessments and other person-to-person assessments provided before the date of the enactment of this Act, as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate to ensure continuity of mental health care and treatment of members of the Armed Forces during their transition from health care and treatment provided by the Department of Defense to health care and treatment provided by the Department of Veterans Affairs.

(2) PROTOCOLS.—Any sharing of information under paragraph (1) shall occur pursuant to a protocol jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection. Any such protocol shall be consistent with the following:

(A) Applicable provisions of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note), including in particular, section 1614 of that Act (122 Stat. 443; 10 U.S.C. 1071 note).

(B) Section 1720F of title 38, United States Code.

(f) CONTINGENCY OPERATION DEFINED.—In this section, the term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(g) REPORTS.—

(1) REPORT ON GUIDANCE.—Upon the issuance of the guidance required by subsection (a), the Secretary of Defense shall submit to Congress a report describing the guidance.

(2) REPORTS ON IMPLEMENTATION OF GUIDANCE.—

(A) INITIAL REPORT.—Not later than 270 days after the date of the issuance of the guidance, the Secretary shall submit to Congress an initial report on the implementation of the guidance by the military departments.

(B) SUBSEQUENT REPORT.—Not later than two years after the date of the issuance of the guidance, the Secretary shall submit to Congress a report on the implementation of the guidance by the military departments. The report shall include an evidence based assessment of the effectiveness of the mental health assessments provided pursuant to the guidance in

achieving the purpose specified in subsection (b) for such assessments.

SEC. 712. ENHANCEMENT OF TRANSITIONAL DENTAL CARE FOR MEMBERS OF THE RESERVE COMPONENTS ON ACTIVE DUTY FOR MORE THAN 30 DAYS IN SUPPORT OF A CONTINGENCY OPERATION.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (3)'' and inserting ''paragraph (4)''; and

(B) in subparagraph (A), by inserting ''except as provided in paragraph (3),'' before ''medical and dental care'';

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

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

''(3) In the case of a member described in paragraph (2)(B), the dental care to which the member is entitled under this subsection shall be the dental care to which a member of the uniformed services on active duty for

more than 30 days is entitled under section 1074 of this title.''; and

(4) in subparagraph (A) of paragraph (6), as redesignated by paragraph (2) of this section, by striking ''paragraph (4)'' and inserting ''paragraph (5)''.

SEC. 713. REDUCTION OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES OF THE MILITARY HEALTH CARE SYSTEM FOR TRAVEL FOR SPECIALTY HEALTH CARE.

(a) REDUCTION.—Section 1074i(a) of title 10, United States Code, is amended by striking ''100 miles'' and inserting ''50 miles''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to referrals for specialty health care made on or after such effective date.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for Defense-wide activities is hereby decreased by $14,000,000, with the amount of the decrease to be derived from unobligated balances.

SEC. 714. REPORT ON POST-DEPLOYMENT HEALTH ASSESSMENTS OF GUARD AND RESERVE MEMBERS.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on post-deployment health assessments of Guard and Reserve members.

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

(1) An assessment of the feasibility of administering a Post-Deployment Health Assessment (PDHA) to each member of a reserve component of the Armed Forces returning to the member's home station from deployment in connection with a contingency operation at such home station or in the county of residence of the member within the following timeframes:

(A) In the case of a member of the Individual Ready Reserve, an assessment administered by not later than the member's release from active duty following such deployment or 10 days after the member's return to such station or county, whichever occurs earlier.

(B) In the case of any other member of a reserve component of the Armed Forces returning from deployment, by not later than the

member's release from active duty following such deployment.

(2) An assessment of the feasibility of requiring that Post-Deployment Health Assessments described under paragraph (1) be performed by a practitioner trained and certified as qualified to participate in the performance of Post-Deployment Health Assessments or Post-Deployment Health Reassessments.

(3) A description of—

(A) the availability of personnel described under paragraph (2) to perform assessments described under this subsection at the home stations or counties of residence of members of the reserve components of the Armed Forces; and

(B) if such personnel are not available at such locations, the additional resources necessary to ensure such availability within one year after the date of the enactment of this Act.

Subtitle C—Health Care Administration

SEC. 721. COMPREHENSIVE POLICY ON PAIN MANAGEMENT BY THE MILITARY HEALTH CARE SYSTEM.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than October 1, 2010, the Secretary of Defense shall de-

velop and implement a comprehensive policy on pain management by the military health care system.

(b) SCOPE OF POLICY.—The policy required by subsection (a) shall cover each of the following:

(1) The management of acute and chronic pain.

(2) The standard of care for pain management to be used throughout the Department.

(3) The consistent application of pain assessments throughout the Department.

(4) The assurance of prompt and appropriate pain care treatment and management by the Department when medically necessary.

(5) Programs of research related to acute and chronic pain, including pain attributable to central and peripheral nervous system damage characteristic of injuries incurred in modern warfare, brain injuries, and chronic migraine headache.

(6) Programs of pain care education and training for health care personnel of the Department.

(7) Programs of patient education for members suffering from acute or chronic pain and their families.

(c) UPDATES.—The Secretary shall revise the policy required by subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the commencement of the implementation of the policy required by subsection (a), and on October 1 each year thereafter through 2018, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A description of the policy implemented under subsection (a), and any revisions to such policy under subsection (c).

(B) A description of the performance measures used to determine the effectiveness of the policy in improving pain care for beneficiaries enrolled in the military health care system.

(C) An assessment of the adequacy of Department pain management services based on a current survey of patients managed in Department clinics.

(D) An assessment of the research projects of the Department relevant to the treatment of

the types of acute and chronic pain suffered by members of the Armed Forces and their families.

(E) An assessment of the training provided to Department health care personnel with respect to the diagnosis, treatment, and management of acute and chronic pain.

(F) An assessment of the pain care education programs of the Department.

(G) An assessment of the dissemination of information on pain management to beneficiaries enrolled in the military health care system.

SEC. 722. PLAN TO INCREASE THE BEHAVIORAL HEALTH CAPABILITIES OF THE DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to significantly increase the number of military and civilian behavioral health personnel of the Department of Defense by September 30, 2013.

(2) ELEMENTS.—The plan required by paragraph (1) may include the following:

(A) The allocation of scholarships and financial assistance under the Health Professions Scholarship and Financial Assistance Program under subchapter I of chapter 105 of title 10, United States Code, to students pursuing advanced degrees in clinical psychology and other behavioral health professions.

(B) The offering of accession and retention bonuses for psychologists as authorized by section 620 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4489).

(C) An expansion of the capacity for training doctoral-level clinical psychologists at the Uniformed Services University of the Health Sciences.

(D) An expansion of the capacity of the Department of Defense for training masters-level clinical psychologists and social workers with expertise in deployment-related mental health disorders, such as post traumatic stress disorder.

(E) The detail of commissioned officers of the Armed Forces to accredited schools of psy-

chology for training leading to a doctoral degree in clinical psychology or social work.

(F) The reassignment of military behavioral health providers from administrative positions to clinical positions in support of military units.

(G) The offering of civilian hiring incentives and bonuses and the utilization of direct hiring authority to increase the number of behavioral health personnel of the Department of Defense.

(H) Such other mechanisms to increase the number of behavioral health personnel of the Department of Defense as the Secretary considers appropriate.

(3) REPORT.—Not later than January 31, 2010, the Secretary shall submit to the congressional defense committees a report on the plan required by paragraph (1). The report shall include a comprehensive description of the plan and the actions the Secretary proposes to undertake in the implementation of the plan.

(b) REPORT ON ADDITIONAL OFFICER OR ENLISTED MILITARY SPECIALTIES FOR BEHAVIORAL HEALTH COUNSELORS.—

(1) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the assessment of the Secretary of the feasability and advisability of establishing one or more military specialities for officers or enlisted members of the Armed Forces as counselors with behavioral health expertise in order to better meet the mental health care needs of members of the Armed Forces and their families.

(2) ELEMENTS.—The report required by paragraph (1) shall set forth the following:

(A) A recommendation as to the feasability and advisability of establishing one or more military specialities for officers or enlisted members of the Armed Forces as counselors with behavioral health expertise.

(B) For each military specialty recommended to be established under subparagraph (A)—

(i) a description of the qualifications required for such speciality, which qualifications shall reflect lessons learned from best practices in academia and the civilian

health care industry regarding positions analogous to such specialty; and

(ii) a description of the incentives or other mechanisms, if any, that would be advisable to facilitate recruitment and retention of individuals to and in such specialty.

SEC. 723. DEPARTMENT OF DEFENSE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

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

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on factors contributing to the risk of misadministration of medications, including accidental and intentional overdoses, under and over

medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that may increase the risks of misadministration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the Armed Forces, other departments and agencies of government, and the private sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risks of misadministration of medications and associated problems with respect to physically and psychologically wounded members of the Armed Forces.

(c) REPORT.—Not later than April 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study required under subsection (a). The report shall include such findings and recommendations as the Secretary considers appropriate in light of the study.

SEC. 724. PRESCRIPTION OF ANTIDEPRESSANTS FOR TROOPS SERVING IN IRAQ AND AFGHANISTAN.

(a) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2010, and annually thereafter until June 30, 2015, the Secretary of Defense shall submit to Congress a report on the prescription of antidepressants and drugs to treat anxiety for troops serving in Iraq and Afghanistan.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) the numbers and percentages of troops that have served or are serving in Iraq and Afghanistan since January 1, 2005, who have been prescribed antidepressants or drugs to treat anxiety, including psychotropic drugs such as Selective Serotonin Reuptake Inhibitors (SSRIs); and

(B) the policies and patient management practices of the Department of Defense with respect to the prescription of such drugs.

(b) NATIONAL INSTITUTE OF MENTAL HEALTH STUDY.—

(1) STUDY.—The National Institute of Mental Health shall conduct a study on the potential rela-

tionship between the increased number of suicides and attempted suicides by members of the Armed Forces and the increased number of antidepressants, drugs to treat anxiety, other psychotropics, and other behavior modifying prescription medications being prescribed, including any combination or interactions of such prescriptions. The Department of Defense shall immediately make available to the National Institute of Mental Health all data necessary to complete the study.

(2) REPORT ON FINDINGS.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the findings of the study conducted pursuant to paragraph (1).

Subtitle D—Wounded Warrior Matters

SEC. 731. PILOT PROGRAM FOR THE PROVISION OF COGNITIVE REHABILITATIVE THERAPY SERVICES UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense may, in consultation with the entities and officials referred to in subsection (d), carry out a pilot program under the TRICARE program to determine the feasibility and advis-

ability of expanding the availability of cognitive rehabilitative therapy services for members or former members of the Armed Forces described in subsection (b).

(b) COVERED MEMBERS AND FORMER MEMBERS.—A member or former member of the Armed Forces is described in this subsection if—

(1) the member or former member—

(A) is otherwise eligible for medical care under the TRICARE program;

(B) has been diagnosed with a moderate to severe traumatic brain injury incurred in the line of duty in Operation Iraqi Freedom or Operation Enduring Freedom;

(C) is retired or separated from the Armed Forces for disability under chapter 61 of title 10, United States Code; and

(D) is referred by a qualified physician for cognitive rehabilitative therapy; and

(2) cognitive rehabilitative therapy is not reasonably available to the member or former member through the Department of Veterans Affairs.

(c) ELEMENTS OF PILOT PROGRAM.—The Secretary of Defense shall, in consultation with the entities and officials referred to in subsection (d), develop for inclusion in the pilot program the following:

(1) Procedures for access to cognitive rehabilitative therapy services.

(2) Qualifications and supervisory requirements for licensed and certified health care professionals providing such services.

(3) A methodology for reimbursing providers for such services.

(d) ENTITIES AND OFFICIALS TO BE CONSULTED.—The entities and officials referred to in this subsection are the following:

(1) The Secretary of Veterans Affairs.

(2) The Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury.

(3) Relevant national organizations with experience in treating traumatic brain injury.

(e) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

(1) evaluating the effectiveness of the pilot program in providing increased access to safe, effective, and quality cognitive rehabilitative therapy services for members and former members of the Armed Forces described in subsection (b); and

(2) making recommendations with respect to the effectiveness of cognitive rehabilitative therapy services and the appropriateness of including such services as a benefit under the TRICARE program.

(f) TRICARE PROGRAM DEFINED.—The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

(g) FUNDING.—Of the amount authorized to be appropriated by section 1403 for the Defense Health Program, not more than $5,000,000 may be available to carry out the pilot program under this section.

SEC. 732. DEPARTMENT OF DEFENSE TASK FORCE ON THE CARE, MANAGEMENT, AND TRANSITION OF RECOVERING WOUNDED, ILL, AND INJURED MEMBERS OF THE ARMED FORCES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a task force to be known as the ''Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces'' (in this section referred to as the ''Task Force'').

(2) PURPOSE.—The purpose of the Task Force shall be to assess the effectiveness of the policies and

programs developed and implemented by the Department of Defense, and by each of the military departments, to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces, and to make recommendations for the further improvement of such policies and programs.

(b) COMPOSITION.—

(1) MEMBERS.—The Task Force shall consist of not more than 14 members, appointed by the Secretary of Defense from among the individuals as described in paragraph (2).

(2) COVERED INDIVIDUALS.—The individuals appointed to the Task Force shall include the following:

(A) At least one member of each of the regular components of the Army, the Navy, the Air Force, and the Marine Corps.

(B) One member of the National Guard.

(C) One member of a reserve component of the Armed Forces other than National Guard.

(D) A number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed

1 Forces or civilian personnel) who are appointed
2 to the Task Force.
3 (E) Persons who have experience in—
4 (i) medical care and coordination for
5 wounded, ill, and injured members of the
6 Armed Forces;
7 (ii) medical case management;
8 (iii) non-medical case management;
9 (iv) the disability evaluation process
10 for members of the Armed Forces;
11 (v) veterans benefits;
12 (vi) treatment of traumatic brain in-
13 jury and post traumatic stress disorder;
14 (vii) family support;
15 (viii) medical research;
16 (ix) vocational rehabilitation; or
17 (x) disability benefits.
18 (F) At least one family member of a
19 wounded, ill, or injured member of the Armed
20 Forces or veteran who has experience working
21 with wounded, ill, and injured members of the
22 Armed Forces or their families.
23 (3) INDIVIDUALS APPOINTED FROM WITHIN DE-
24 PARTMENT OF DEFENSE.—At least one of the indi-
25 viduals appointed to the Task Force from within the

Department of Defense shall be the surgeon general of an Armed Force.

(4) INDIVIDUALS APPOINTED FROM OUTSIDE DEPARTMENT OF DEFENSE.—The individuals appointed to the Task Force from outside the Department of Defense—

(A) with the concurrence of the Secretary of Veterans Affairs, shall include an officer or employee of the Department of Veterans Affairs; and

(B) may include individuals from other departments or agencies of the Federal Government, from State and local agencies, or from the private sector.

(5) DEADLINE FOR APPOINTMENTS.—All original appointments to the Task Force shall be made not later than 120 days after the date of the enactment of this Act.

(6) CO-CHAIRS.—There shall be two co-chairs of the Task Force. One of the co-chairs shall be designated by the Secretary of Defense at the time of appointment from among the individuals appointed to the Task Force from within the Department of Defense. The other co-chair shall be selected from

among the individuals appointed from outside the Department of Defense by those individuals.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 12 months after the date on which all members of the Task Force have been appointed, the Task Force shall submit to the Secretary of Defense a report. The report shall include the following:

(A) The findings and conclusions of the Task Force as a result of its assessment of the effectiveness of the policies and programs developed and implemented by the Department of Defense, and by each of the military departments, to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(B) A description of various ways in which the Department of Defense and the military departments could more effectively address matters relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces, including members of the regular components, and members of the reserve components, and support for their families.

(C) Such recommendations for other legislative or administrative action as the Task Force considers appropriate for measures to improve the policies and programs described in subparagraph (A).

(2) METHODOLOGY.—For purposes of the report, the Task Force—

(A) shall conduct site visits and interviews as the Task Force considers appropriate;

(B) may consider the findings and recommendations of previous reviews and evaluations of the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces; and

(C) may utilize such other means for directly obtaining information relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces as the Task Force considers appropriate.

(3) MATTERS TO BE REVIEWED AND ASSESSED.—For purposes of the report, the Task Force shall review and assess the following:

(A) Case management, including the numbers and types of case managers (including

Federal Recovery Coordinators, Recovery Care Coordinators, National Guard or Reserve case managers, and other case managers) assigned to recovering wounded, ill, and injured members of the Armed Forces, the training provided such case mangers, and the effectiveness of such case mangers in providing care and support to recovering wounded, ill, and injured members of the Armed Forces.

(B) The effectiveness of the Interagency Program Office in achieving fully interoperable electronic health records by September 30, 2009, in accordance with section 1635 of the Wounded Warrior Act (10 U.S.C. 1071 note).

(C) Staffing of Army Warrior Transition Units, Marine Corps Wounded Warrior Regiments, Navy and Air Force Medical Hold or Medical Holdover Units, and other service-related programs or units for recovering wounded, ill, and injured members of the Armed Forces, including the use of applicable hiring authorities to ensure the proper staffing of such programs and units.

(D) The legal support available to recovering wounded, ill, and injured members of the Armed Forces and their families.

(E) The support and assistance provided to recovering wounded, ill, and injured members of the Armed Forces as they progress through the military disability evaluation system.

(F) The effectiveness of any measures under pilot programs to improve or enhance the military disability evaluation system.

(G) The effectiveness of the Senior Oversight Committee in facilitating and overseeing collaboration between the Department of Defense and the Department of Veterans Affairs on matters relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(H) The establishment and effectiveness of the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, and the centers of excellence for military eye injuries, hearing loss and auditory system injuries, and traumatic extremity injuries and amputations.

(I) The establishment and effectiveness of performance and accountability standards for warrior transition units and programs.

(J) The support available to family caregivers of recovering wounded, ill, and injured members of the Armed Forces.

(K) The availability of vocational training for recovering wounded, ill, and injured members of the Armed Forces seeking to transition to civilian life.

(L) The availability of services for traumatic brain injury and post traumatic stress disorder.

(M) The support systems in place to ease the transition of recovering wounded, ill, and injured members of the Armed Forces from the Department of Defense to the Department of Veterans Affairs.

(N) The effectiveness of wounded warrior information resources, including the Wounded Warrior Resource Center, the National Resource Directory, Military OneSource, Family Assistance Centers, and Service hotlines, in providing meaningful information for recovering

wounded, ill, and injured members of the Armed Forces.

(O) Interagency matters affecting recovering wounded, ill, and injured members of the Armed Forces in their transition to civilian life.

(P) Overall coordination between the Department of Defense and the Department of Veterans Affairs on the matters specified in this paragraph.

(Q) Such other matters as the Task Force considers appropriate in connection with the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(4) TRANSMITTAL.—Not later than 90 days after receipt of the report required by paragraph (1) the Secretary of Defense shall transmit the report, together with the Secretary's evaluation of the report, to the Committees on Armed Services of the Senate and the House of Representatives.

(d) PLAN REQUIRED.—Not later than six months after the receipt under subsection (c) of the report of the Task Force under that subsection, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed

Services of the Senate and the House of Representatives a plan to implement the recommendations of the Task Force as included in the report of the Task Force under subsection (c).

(e) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the Task Force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve on the Task Force without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the Task Force shall be appointed in accordance with, and subject to, the provisions of section 3161 of title 5, United States Code.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the Task Force. The Washington Headquarters Services of the Department of Defense shall provide the Task Force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the Task Force.

(3) VISITS TO MILITARY FACILITIES.—Any visit by the Task Force to a military installation or facility shall be undertaken through the Deputy Under

Secretary of Defense for Personnel and Readiness, in coordination with the Secretaries of the military departments.

(f) TERMINATION.—The Task Force shall terminate 90 days after the date on which the Task Force submits to the Secretary of Defense the report of the Task Force under subsection (c).

SEC. 733. REPORT ON USE OF ALTERNATIVE THERAPIES IN TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on research related to post-traumatic stress disorder.

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

(1) The status of all studies and clinical trials that involve treatments of post-traumatic stress disorder conducted by the Department of Defense and the Department of Veterans Affairs.

(2) The effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals.

(3) Identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Veterans' Affairs of the House of Representatives.

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

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 801. CONTRACT AUTHORITY FOR ADVANCED DEVELOPMENT OF PROTOTYPE UNITS.

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2359b the following new section:

"§ 2359c. Contract authority for advanced development of prototype units

"(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a broad agency announcement pursuant to section 2302(2)(B) of this title may contain a contract line item or an option, including not-to-exceed prices, for either of the following:

"(1) The delivery of a specified number of prototype items to demonstrate technology developed under the contract.

"(2) The provision, for a specified period of time, of advanced component development effort or effort to prototype technology developed under the contract.

"(b) LIMITATIONS.—(1) The number of prototype items specified pursuant to subsection (a)(1) may not exceed the minimum number required to ensure that research and development work can continue without interruption during the solicitation and award of a follow-on competitive contract.

"(2) The period of time specified under subsection (a)(2) may not exceed 12 months.

"(3) The dollar value of the work to be performed pursuant to a contract line item or option under subsection (a) may not exceed the lesser of the amounts as follows:

"(A) The amount that is three times the dollar value of the work previously performed under the contract.

"(B) $20,000,000.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2359b the following new item:

"2359c. Contract authority for advanced development of prototype units.".

(b) SUNSET.—

(1) IN GENERAL.—Effective on the date that is five years after the date of the enactment of this Act—

(A) section 2359c of title 10, United States Code (as added by subsection (a)), is repealed; and

(B) the table of sections at the beginning of chapter 139 of such title (as amended by subsection (a)) is further amended by striking the item relating to section 2359c.

(2) CONTINUATION OF LINE ITEMS AND OPTIONS.—The repeal of section 2359c of title 10, United States Code (as so added), by paragraph (1) shall not affect the authority of the Department of Defense to exercise any contract line item or option included in a contract under the authority of such section before the effective date of the repeal of such section under paragraph (1).

(c) REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by section 2359c of title 10, United States Code (as added by subsection (a)). The report shall, at a minimum—

(1) identify the number of times the authority in section 2359c of title 10, United States Code (as so added), has been used by each military department and Defense Agency, and the dollar amount of contract line items or options exercised pursuant to such authority;

(2) assess the effectiveness of the authority in promoting the maturation of technologies and in addressing potential gaps between science and technology projects and acquisition programs;

(3) assess any potential anti-competitive impacts resulting from the use of the authority; and

(4) make such recommendations as the Secretary considers appropriate.

SEC. 802. JUSTIFICATION AND APPROVAL OF SOLE-SOURCE CONTRACTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the Department of Defense Supplement to the Federal Acquisition Regulation to provide that the head of an agency may not award a sole-source contract for an amount exceeding $20,000,000 unless—

(1) the contracting officer for the contract justifies the use of a sole-source contract in writing; and

(2) the justification is approved by an official designated in section 2304(f)(1)(B) of title 10, United States Code, to approve contract awards for dollar amounts that are comparable to the amount of the sole-source contract.

(b) ELEMENTS OF JUSTIFICATION.—The justification of a sole-source contract required pursuant to subsection (a) shall include the following:

(1) A description of the needs of the agency concerned for the matters covered by the contract.

(2) A specification of the statutory provision providing the exception from the requirement to use competitive procedures in entering into the contract.

(3) A determination that the use of a sole-source contract is in the best interest of the Department of Defense.

(4) A determination that the anticipated cost of the contract will be fair and reasonable.

(5) Such other matters as the Secretary shall specify for purposes of this section.

(c) CONSTRUCTION WITH COMPETITION IN CONTRACTING ACT REQUIREMENTS.—In the case of any contract for which a justification and approval is required under section 2304(f) of title 10, United States Code, a justification and approval meeting the requirements of such section may be treated as meeting the requirements of this section for purposes of the award of a sole-source contract.

Subtitle B—Acquisition Policy and Management

SEC. 811. REPORTING REQUIREMENTS FOR PROGRAMS THAT QUALIFY AS BOTH MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS AND MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Section 2445d of title 10, United States Code, is amended by striking ''of this title'' and all that follows and inserting ''of this title, the Secretary may designate the program to be treated only as a major automated information system program covered by this chapter or to be treated only as a major defense acquisition program covered by such chapter 144.''.

(b) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance on the implementation of section 2445d of title 10, United States Code (as amended by subsection (a)). The guidance shall provide that, as a general rule—

(1) a program covered by such section that requires the development of customized hardware shall be treated only as a major defense acquisition program under chapter 144 of title 10, United States Code; and

(2) a program covered by such section that does not require the development of customized hardware shall be treated only as a major automated information system program under chapter 144A of title 10, United States Code.

SEC. 812. FUNDING OF DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) ADDITIONAL ELEMENT OF FUND.—Subsection (d) of section 1705 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) Amounts transferred to the Fund pursuant to paragraph (3).''; and

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

''(3) TRANSFER OF CERTAIN UNOBLIGATED BALANCES.—To the extent provided in appropriations Acts, the Secretary of Defense may, during the 24-month period following the expiration of availability for obligation of any appropriations made to the Department of Defense for procurement, re-

search, development, test, and evaluation, or operation and maintenance, transfer to the Fund any unobligated balance of such appropriations. Any amount so transferred shall be credited to the Fund.''.

(b) NATURE OF EXPENDED AMOUNTS PROVIDING BASIS FOR CREDIT TO FUND.—Subparagraph (A) of paragraph (2) of such subsection is amended by striking '', other than'' and all that follows and inserting ''from amounts available for operation and maintenance.''.

(c) REMITTANCES.—Subparagraph (B) of paragraph (2) of such subsection is amended by inserting '', from amounts available to such military department or Defense Agency, as the case may be, for operation and maintenance,'' after ''remit to the Secretary of Defense''.

(d) ADDITIONAL MATTERS RELATING TO REMITTANCES.—Such subsection is further amended—

(1) in paragraph (2)(B), by striking ''Not later than'' and inserting ''Subject to paragraph (4), not later than''; and

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

''(4) ADDITIONAL REQUIREMENTS AND LIMITATIONS ON REMITTANCES.—(A) In the event amounts are transferred to the Fund during a fiscal year pur-

suant to paragraph (1)(B) or appropriated to the Fund for a fiscal year pursuant to paragraph (1)(C), the aggregate amount otherwise required to be remitted to the Fund for that fiscal year pursuant to paragraph (2)(B) shall be reduced by the amount equal to the amounts so transferred or appropriated to the Fund during or for that fiscal year. Any reduction in the aggregate amount required to be remitted to the Fund for a fiscal year under this subparagraph shall be allocated as provided in applicable provisions of appropriations Acts or, absent such provisions, on a pro rata basis among the military departments and Defense Agencies required to make remittances to the Fund for that fiscal year under paragraph (2)(B).

''(B) Any remittance of amounts to the Fund for a fiscal year under paragraph (2) shall be subject to the availability of appropriations for that purpose.''.

(e) REMITTANCE AMOUNTS.—Paragraph (2) of such subsection is further amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

''(C) For purposes of this paragraph, the applicable percentage for a fiscal year is the percentage

that results in the credit to the Fund in such fiscal year of an amount as follows:

"(i) For fiscal year 2010, $570,000,000.

"(ii) For fiscal year 2011, $770,000,000.

"(iii) For fiscal year 2012, $900,000,000.

"(iv) For fiscal year 2013, $1,180,000,000.

"(v) For fiscal year 2014, $1,330,000,000.

"(vi) For fiscal year 2015, $1,470,000,000.

"(D) The Secretary of Defense may reduce a percentage specified in subparagraph (C) for a fiscal year if the Secretary determines that the application of such percentage would result in the crediting to the Fund in such fiscal year of an amount greater than is reasonably needed for purposes of the Fund. The percentage for a fiscal year, as so reduced, may not be a percentage that will result in the credit to the Fund in such fiscal year of an amount that is less than 80 percent of the amount otherwise specified in subparagraph (C) for such fiscal year.".

(f) CLARIFICATION OF LIMITATION ON PAY OF BASE SALARY OF CURRENT EMPLOYEES.—Subsection (e)(5) of such section is amended by striking "as of the date of the enactment of the National Defense Authorization Act

for Fiscal Year 2008'' and inserting ''serving in a position in the acquisition workforce as of January 28, 2008''.

(g) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of such section is amended by inserting ''Development'' after ''Workforce''.

(2) Subsection (f) of such section is amended in the matter preceding paragraph (1) by striking ''beginning with fiscal year 2008''.

(h) EFFECTIVE DATES.—

(1) FUNDING AMENDMENTS.—The amendments made by subsections (a) through (e) shall take effect on October 1, 2009.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsections (f) and (g) shall take effect on the date of the enactment of this Act.

SEC. 813. ENHANCEMENT OF EXPEDITED HIRING AUTHORITY FOR DEFENSE ACQUISITION WORKFORCE POSITIONS.

(a) IN GENERAL.—Paragraph (1) of section 1705(h) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''acquisition positions within the Department of Defense as shortage category position'' and inserting ''acquisition workforce positions as positions for which there

exists a shortage of candidates or there is a critical hiring need''; and

(2) in subparagraph (B), by striking ''highly qualified'' and inserting ''appropriately qualified''.

(b) EXTENSION.—Paragraph (2) of such section is amended by striking ''September 30, 2012'' and inserting ''September 30, 2015''.

(c) TECHNICAL AMENDMENT.—Paragraph (1) of such section is further amended by striking ''United States Code,'' in the matter preceding subparagraph (A).

SEC. 814. TREATMENT OF NON-DEFENSE AGENCY PROCUREMENTS UNDER JOINT PROGRAMS WITH THE DEPARTMENT OF DEFENSE UNDER LIMITATIONS ON NON-DEFENSE AGENCY PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE.

Section 801(b) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended by adding at the end the following new paragraph:

''(3) TREATMENT OF PROCUREMENTS UNDER JOINT PROGRAMS.—For purposes of this subsection, a contract entered by a non-defense agency for the performance of a joint program conducted to meet the needs of the Department of Defense and the non-defense agency shall not be considered a pro-

curement of property or services for the Department of Defense through a non-defense agency.''.

SEC. 815. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON TRAINING OF ACQUISITION AND AUDIT PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the efficacy of Department of Defense training for acquisition and audit personnel of the Department of Defense.

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

(1) An assessment of the nature and efficacy of training (including training materials and methods) required for acquisition and audit personnel of the Department of Defense.

(2) An assessment of the timeliness and manner in which the Department of Defense provides training for such personnel.

(3) An assessment of the extent to which such training reaches appropriate acquisition personnel,

including personnel outside the acquisition workforce who exercise significant acquisition responsibilities.

(4) An assessment of the extent to which each of the Department of Defense and the Department of the Army have implemented the recommendations of the Commission on Army Acquisition and Program Management in Expeditionary Operations relating to training of acquisition personnel.

(5) Such recommendations as the Comptroller General considers appropriate regarding training of acquisition and audit personnel of the Department of Defense, including recommendations regarding best practices and objectives for improved training of such acquisition and audit personnel.

Subtitle C—Contractor Matters

SEC. 821. AUTHORITY FOR GOVERNMENT SUPPORT CONTRACTORS TO HAVE ACCESS TO TECHNICAL DATA BELONGING TO PRIME CONTRACTORS.

(a) AUTHORITY.—

(1) ACCESS TO TECHNICAL DATA.—Subsection (c) of section 2320 of title 10, United States Code, is amended—

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

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

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

''(2) notwithstanding any limitation upon the license rights conveyed under subsection (a), allowing a covered Government support contractor access to and use of any technical data delivered under a contract for the sole purpose of furnishing independent and impartial advice or technical assistance directly to the Government in support of the Government's management and oversight of the program or effort to which such technical data relates; or''.

(2) COVERED GOVERNMENT SUPPORT CONTRACTOR DEFINED.—Such section is further amended by adding at the end the following new subsection:

''(f) In this section, the term 'covered Government support contractor' means a contractor under a contract the primary purpose of which is to furnish independent and impartial advice or technical assistance directly to the Government in support of the Government's management and oversight of a program or effort (rather than to directly furnish an end item or service to accomplish a program or effort), which contractor—

"(1) is not affiliated with the prime contractor or a first-tier subcontractor on the program or effort, or with any direct competitor of such prime contractor or any such first-tier subcontractor in furnishing end items or services of the type developed or produced on the program or effort; and

"(2) executes a contract with the Government agreeing to and acknowledging—

"(A) that proprietary or nonpublic technical data furnished will be accessed and used only for the purposes stated in that contract;

"(B) that a breach of that contract by the covered Government support contractor with regard to a third party's ownership or rights in such technical data may subject the covered Government support contractor—

"(i) to criminal, civil, administrative, and contractual actions in law and equity for penalties, damages, and other appropriate remedies by the United States; and

"(ii) to civil actions for damages and other appropriate remedies by the contractor or subcontractor whose technical data is affected by the breach;

"(C) that such technical data provided to the covered Government support contractor under the authority of this section shall not be used by the covered Government support contractor to compete against the third party for Government or non-Government contracts; and

"(D) that any breach of the nondisclosure obligations under subparagraphs (A) through (C) may constitute a violation of section 1905 of title 18.".

(b) CRIMINAL PENALTY.—Section 1905 of title 18, United States Code, is amended by inserting "or being an officer, agent, or employee of a private sector organization having a contractual nondisclosure agreement under the authority of section 2320(f)(2) of title 10," after "Antitrust Civil Process Act (15 U.S.C. 1311-1314),".

SEC. 822. EXTENSION AND ENHANCEMENT OF AUTHORITIES ON THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) DATE OF FINAL REPORT.—Subsection (d)(3) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is amended by striking "two years" and inserting "three years".

(b) ASSISTANCE FROM FEDERAL AGENCIES.—Such section is further amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) ASSISTANCE FROM FEDERAL AGENCIES.—

"(1) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall provide to the Commission administrative support for the performance of the Commission's functions in carrying out the requirements of this section.

"(2) TRAVEL AND LODGING IN COMBAT THEATERS.—The administrative support provided the Commission under paragraph (1) shall include travel and lodging undertaken in combat theaters, which support shall be provided on a non-reimbursable basis.

"(3) OTHER DEPARTMENTS AND AGENCIES.—In addition to the support required by paragraph (1), any department or agency of the Federal Government may provide to the Commission such services, funds, facilities, staff, and other support services for the performance of the Commission's functions as the head of such department or agency con-

siders advisable, or as may otherwise be authorized by law.''.

SEC. 823. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

(a) REGULATIONS REQUIRED.—Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the Federal Acquisition Regulation shall be modified to provide the following:

(1) That the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to contractor personnel.

(2) That contractor personnel with proper training and security clearances may be used as linguists, interpreters, report writers, information technology technicians, and other employees filling ancillary positions in interrogations of persons as described in paragraph (1) if such personnel are subject to the same rules, procedures, policies, and laws pertaining to detainee operations and interrogations

as apply to government personnel in such positions in such interrogations.

(b) DISCHARGE BY GOVERNMENT PERSONNEL.—The Secretary of Defense shall take appropriate actions to ensure that, by not later than one year after the date of the enactment of this Act, the Department of Defense has the resources needed to ensure that interrogations described in subsection (a)(1) are conducted by appropriately qualified government personnel.

SEC. 824. MODIFICATIONS TO DATABASE FOR FEDERAL AGENCY CONTRACT AND GRANT OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

Subsection (c) of section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4556) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following new paragraphs:

''(6) Each audit report that, as determined by an Inspector General or the head of an audit agency responsible for the report, contains significant adverse information about a contractor that should be included in the database.

"(7) Each contract action that, as determined by the head of the contracting activity responsible for the contract action, reflects information about contractor performance or integrity that should be included in the database.".

Subtitle D—Other Matters

SEC. 831. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN CENTRAL ASIA, PAKISTAN, AND THE SOUTH CAUCASUS.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military operations or stability operations (including security, transition, reconstruction, and humanitarian relief activities) in Afghanistan for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from Central Asia, Pakistan, or the South Caucasus;

(2) procedures other than competitive procedures are used to award a contract to a particular source or sources from Central Asia, Pakistan, or the South Caucasus; or

(3) a preference is provided for products or services that are from Central Asia, Pakistan, or the South Caucasus.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by military forces, police, or other security personnel of Afghanistan; or

(2) it is in the national security interest of the United States to limit competition, use procedures other than competitive procedures, or provide a preference as described in subsection (a) because—

(A) such limitation, procedure, or preference is necessary—

(i) to improve local market and transportation infrastructure in Central Asia, Pakistan, or the South Caucasus in order to reduce overall United States transportation costs and risks in shipping goods in support of operations in Afghanistan; or

(ii) to encourage states of Central Asia, Pakistan, or the South Caucasus to cooperate in expanding supply routes through their territory in support of operations in Afghanistan; and

(B) such limitation, procedure, or preference will not adversely affect—

(i) operations in Afghanistan; or

(ii) the United States industrial base.

(c) PRODUCTS, SERVICES, AND SOURCES FROM CENTRAL ASIA, PAKISTAN, OR THE SOUTH CAUCASUS.—For the purposes of this section:

(1) A product is from the Central Asia, Pakistan, or the South Caucasus if it is mined, produced, or manufactured in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan.

(2) A service is from Central Asia, Pakistan, or the South Caucasus if it is performed in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan by citizens or permanent resident aliens of Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan.

(3) A source is from Central Asia, Pakistan, or the South Caucasus if it—

(A) is located in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan; and

(B) offers products or services that are from Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan.

(d) CONSTRUCTION WITH OTHER AUTHORITY.—The authority in subsection (a) is in addition to the authority in section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266; 10 U.S.C. 2302 note).

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31 each year, the Secretary shall submit to Congress a report on the exercise of the authority in subsection (a) during the preceding fiscal year.

(2) ELEMENTS.—Each report under this subsection shall include, for the fiscal year covered by such report, the following:

(A) A statement of the number of occasions on which the Secretary made a determination under subsection (a) with respect to the exercise of the authority in subsection (a), regardless of whether or not the determination resulted in the exercise of such authority.

(B) The total amount of all procurements pursuant to the exercise of such authority, and the total amount of procurements for each country with respect to which such authority was exercised.

(C) A description and assessment of the extent to which procurements pursuant to the exercise of such authority furthered the national security interest of the United States.

(f) SUNSET.—The authority in subsection (a) shall expire on the date that is three years after the date of the enactment of this Act.

SEC. 832. SMALL ARMS PRODUCTION INDUSTRIAL BASE MATTERS.

(a) AUTHORITY TO MODIFY DEFINITION OF ''SMALL ARMS PRODUCTION INDUSTRIAL BASE''.—Section

2473(c) of title 10, United States Code, is amended by inserting before the period at the end the following: ", and any subsequent modifications to such list of firms pursuant to a review by the Secretary of Defense".

(b) REVIEW OF SMALL ARMS PRODUCTION INDUSTRIAL BASE.—

(1) REVIEW.—Not later than March 31, 2010, the Secretary of Defense shall review and determine, based upon manufacturing capability and capacity—

(A) whether any firms included in the small arms production industrial base (as that term is defined in section 2473(c) of title 10, United States Code) should be eliminated or modified and whether any additional firms should be included; and

(B) whether any of the small arms listed in section 2473(d) of title 10, United States Code, should be eliminated from the list or modified on the list, and whether any additional small arms should be included in the list.

(2) REPORT.—Not later than March 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the review conducted under this subsection, including any recommendations for changes to the list maintained

pursuant to subsection (c) of section 2473(d) of title 10, United States Code, or the list under subsection (d) of such section.

SEC. 833. EXTENSION OF SBIR AND STTR PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) SBIR EXTENSION.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking ''The authorization'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the authorization''; and

(2) by adding at the end the following:

''(2) EXCEPTION FOR DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretary of each military department is authorized to carry out the Small Business Innovation Research Program of the Department of Defense until September 30, 2023.''.

(b) STTR REAUTHORIZATION.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking ''With respect'' and inserting the following:

"(i) FEDERAL AGENCIES GENERALLY.—Except as provided in clause (i), with respect"; and

(2) by adding at the end the following:

"(ii) DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretary of each military department shall carry out clause (i) with respect to each fiscal year through fiscal year 2023.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 30, 2009.

SEC. 834. EXPANSION AND PERMANENT AUTHORITY FOR SMALL BUSINESS INNOVATION RESEARCH COMMERCIALIZATION PROGRAM.

(a) EXPANSION TO INCLUDE SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended in paragraphs (1), (2), and (4) by inserting "and the Small Business Technology Transfer Program" after "Small Business Innovation Research Program".

(b) PERMANENT AUTHORITY.—

(1) IN GENERAL.—Such section is further amended by striking paragraph (6).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in the subsection heading, by striking "PILOT"; and

(B) by striking "Pilot" each place it appears.

SEC. 835. MEASURES TO ENSURE THE SAFETY OF FACILITIES, INFRASTRUCTURE, AND EQUIPMENT FOR MILITARY OPERATIONS.

(a) POLICY.—It shall be the policy of the Department of Defense to incorporate generally accepted industry standards for the safety and health of personnel, to the maximum extent practicable, into requirements for facilities, infrastructure, and equipment that are intended for use by military or civilian personnel of the Department in current and future contingency operations.

(b) CONTRACTS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing that actions that the Department of Defense has taken, or plans to take, to ensure that each contract or task or delivery order entered into for the construction, installation, repair, maintenance, or operation of facilities for use by military or civilian personnel of the Department in current and future contingency operations complies with the policy established in subsection (a).

(c) GENERALLY ACCEPTED INDUSTRY STANDARDS FOR SAFETY.—For the purposes of this section, generally accepted industry standards for the safety of personnel include—

(1) appropriate standards with respect to fire protection and structural integrity; and

(2) standards with respect to electrical systems, water treatment, and telecommunications networks.

SEC. 836. REPEAL OF REQUIREMENTS RELATING TO THE MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

SEC. 837. DEFENSE SCIENCE BOARD REPORT ON RARE EARTH MATERIALS IN THE DEFENSE SUPPLY CHAIN.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Defense Science Board shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the usage of rare earth materials in the supply chain of the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall address, at a minimum, the following:

(1) The current and projected domestic and world-wide availability of rare earth materials for use by the Department of Defense in its weapon systems.

(2) The extent to which weapon systems acquired by the Department of Defense are currently dependent on, or are projected to become dependent on, rare earth materials supplied by sources that could be interrupted.

(3) The risk to national security, if any, of dependence on such sources for rare earth materials.

(4) Any steps that the Department of Defense has taken or is planning to take to address any such risk to national security.

(5) Such recommendations for further action to address the matters covered by the report as the Defense Science Board considers appropriate.

(c) DEFINITIONS.—In this section:

(1) The term ''rare earth'' means the chemical elements in the periodic table beginning with lanthanum and continuing to lutetium, and any associated elements.

(2) The term ''rare earth material'' includes rare earth ores, semi-finished rare earth products, and components containing rare earth materials.

SEC. 838. SMALL BUSINESS CONTRACTING PROGRAMS PARITY.

Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking ''shall'' and inserting ''may''.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. DEPUTY UNDER SECRETARIES OF DEFENSE AND ASSISTANT SECRETARIES OF DEFENSE.

(a) DEPUTY UNDER SECRETARIES OF DEFENSE.—Chapter 4 of title 10, United States Code, is amended by adding after section 137 the following new section:

''§ 137a. Deputy Under Secretaries of Defense

''(a)(1) There are five Deputy Under Secretaries of Defense.

''(2)(A) The Deputy Under Secretaries of Defense referred to in paragraphs (1) through (3) of subsection (c) shall be appointed as provided in the applicable paragraph.

''(B) The Deputy Under Secretaries of Defense referred to in paragraphs (4) and (5) of subsection (c) shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(3) The five Deputy Under Secretaries of Defense authorized by this section are the only Deputy Under Secretaries of Defense.

"(b) Each Deputy Under Secretary of Defense shall be the first assistant to an Under Secretary of Defense and shall assist such Under Secretary in the performance of the duties of the position of such Under Secretary and shall act for, and exercise the powers of, such Under Secretary when such Under Secretary is absent or disabled.

"(c)(1) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics appointed pursuant to section 133a of this title.

"(2) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Policy appointed pursuant to section 134a of this title.

"(3) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Personnel and Readiness appointed pursuant to section 136a of this title.

"(4) One of the Deputy Under Secretaries shall be the Principal Deputy Under Secretary of Defense (Comptroller).

"(5) One of the Deputy Under Secretaries shall be the Principal Deputy Under Secretary of Defense for Intelligence.

"(d) The Deputy Under Secretaries of Defense take precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Deputy Chief Management Officer of the Department of Defense.".

(b) ASSISTANT SECRETARIES OF DEFENSE.—

(1) REDESIGNATION OF DEPUTY UNDER SECRETARY FOR LOGISTICS AND MATERIEL READINESS AS ASSISTANT SECRETARY.—Chapter 4 of such title is further amended—

(A) by transferring section 133b to appear after section 138 and redesignating such section, as so transferred, as section 138a; and

(B) in such section, as so transferred and redesignated, by striking "Deputy Under Secretary" each place it appears and inserting "Assistant Secretary".

(2) ADDITIONAL ASSISTANT SECRETARIES.—Section 138 of such title is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

"(a)(1) There are 16 Assistant Secretaries of Defense.

"(2)(A) The Assistant Secretary of Defense referred to in subsection (b)(7) shall be appointed as provided in that subsection.

"(B) The other Assistant Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate."; and

(B) in subsection (b), by adding the following new paragraphs:

"(6) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Acquisition. The Assistant Secretary of Defense for Acquisition is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to acquisition.

"(7) One of the Assistant Secretaries is the Assistant Secretary of Defense for Logistics and Materiel Readiness appointed pursuant to section 138a of this title. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Logistics and Materiel Readiness shall have the duties specified in section 138a of this title.

"(8) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Installations and Environ-

ment. The Assistant Secretary of Defense for Installations and Environment is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to Department of Defense installations and environmental policy.

"(9) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Manufacturing and Industrial Base. The Assistant Secretary of Defense for Manufacturing and Industrial Base is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on policies relating to the defense industrial base, carrying out the requirements of chapter 148 of this title, and executing the authorities provided by the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.).

"(10) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Readiness. The Assistant Secretary of Defense for Readiness is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Personnel and Readiness on matters relating to military readiness.

"(11) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Strategy, Plans, and Forces. The Assistant Secretary of Defense for Strategy,

Plans, and Forces is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Policy on matters relating to strategy, plans, and forces.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—

(A) Section 133a of such title is amended—

(i) by striking ''Deputy Under Secretary of Defense for Acquisition and Technology'' each place it appears and inserting ''Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics''; and

(ii) by striking ''duties relating to acquisition and technology'' and inserting ''duties''.

(B) Section 134a of such title is amended by striking ''Deputy Under Secretary'' each place it appears and inserting ''Principal Deputy Under Secretary''.

(C) Section 134b of such title is repealed.

(D) Section 136a of such title is amended by striking ''Deputy Under Secretary'' each place it appears and inserting ''Principal Deputy Under Secretary''.

(2) SECTION HEADING AMENDMENTS.—

(A) The heading of section 133a of such title is amended to read as follows:

"§ 133a. Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics".

(B) The heading of section 134a of such title is amended to read as follows:

"§ 134a. Principal Deputy Under Secretary of Defense for Policy".

(C) The heading of section 136a of such title is amended to read as follows:

"§ 136a. Principal Deputy Under Secretary of Defense for Personnel and Readiness".

(D) The heading of section 138a of such title, as transferred and redesignated by subsection (b)(1) of this section, is amended to read as follows:

"§ 138a. Assistant Secretary of Defense for Logistics and Materiel Readiness".

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 133a and inserting the following new item:

"133a. Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.";

(B) by striking the items relating to sections 134a and 134b and inserting the following new item:

"134a. Principal Deputy Under Secretary of Defense for Policy.";

(C) by striking the item relating to section 136a and inserting the following new item:

"136a. Principal Deputy Under Secretary of Defense for Personnel and Readiness.";

(D) by inserting after the item relating to section 137 the following new item:

"137a. Deputy Under Secretaries of Defense."; and

(E) by inserting after the item relating to section 138 the following new item:

"138a. Assistant Secretary of Defense for Logistics and Materiel Readiness.".

(d) EXECUTIVE SCHEDULE MATTERS.—

(1) LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Under Secretary of Defense for Acquisition and Technology and inserting the following new item:

"Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.".

(2) LEVEL IV.—Section 5315 of such title is amended—

(A) by striking the item relating to the Assistant Secretaries of Defense and inserting the following new item:

''Assistant Secretaries of Defense (16).''; and

(B) by striking the items relating to the Deputy Under Secretary of Defense for Policy, the Deputy Under Secretary of Defense for Personnel and Readiness, and the Deputy Under Secretary of Defense for Logistics and Materiel Readiness and inserting the following new items:

''Principal Deputy Under Secretary of Defense for Policy.

''Principal Deputy Under Secretary of Defense for Personnel and Readiness.

''Principal Deputy Under Secretary of Defense (Comptroller).

''Principal Deputy Under Secretary of Defense for Intelligence.''.

SEC. 902. REPEAL OF CERTAIN LIMITATIONS ON PERSONNEL AND CONSOLIDATION OF REPORTS ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES.

(a) REPEAL OF CERTAIN LIMITATIONS ON PERSONNEL ASSIGNED TO MAJOR HEADQUARTERS ACTIVITIES.—

(1) REPEALS.—The following provisions of law are repealed:

(A) Section 143 of title 10, United States Code.

(B) Section 194 of such title.

(C) Sections 3014(f), 5014(f), and 8014(f) of such title.

(D) Section 601 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (10 U.S.C. 194 note).

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended by striking the item relating to section 143.

(B) The table of sections at the beginning of subchapter I of chapter 8 of such title is amended by striking the item relating to section 194.

(b) CONSOLIDATED ANNUAL REPORT.—

(1) INCLUSION IN ANNUAL DEFENSE MAPOWER REQUIREMENTS REPORT.—Section 115a of such title is amended by inserting after subsection (e) the following new subsection:

''(f) The Secretary shall also include in each such report the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:

''(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year and estimates of such numbers for the current fiscal year and the budget fiscal year.

''(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number associated with the replacement of contracts performing inherently governmental or exempt functions.

''(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion

to military or civilian performance in accordance with section 2463 of this title.''.

(2) TECHNICAL AMENDMENTS TO REFLECT NAME OF REPORT.—

(A) Subsection (a) of such section is amended by inserting ''defense'' before ''manpower requirements report''.

(B)(i) The heading of such section is amended to read as follows:

''§ 115a. Annual defense manpower requirements report''.

(ii) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

''1115a. Annual defense manpower requirements report.''.

(3) CONFORMING REPEALS.—The following provisions of law are repealed:

(A) Subsections (b) and (c) of section 901 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 272).

(B) Section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4619).

SEC. 903. SENSE OF SENATE ON THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Western Hemisphere Institute for Security Cooperation was established by section 911 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–226).

(2) The Western Hemisphere Institute for Security Cooperation provides professional education and training to military personnel, law enforcement officials, and civilian personnel in support of the democratic principles set forth in the Charter of the Organization of American States. The Institute effectively promotes mutual knowledge, transparency, confidence, and cooperation among participating nations. It also effectively builds strategic partnerships to address the great security challenges in the region while encouraging democratic values, respect for human rights, subordination to civilian authority, and understanding of United States customs and traditions.

(3) The Western Hemisphere Institute for Security Cooperation supports the Security Coopera-

tion Guidance of the Secretary of Defense by addressing the building partner capacity education and training needs of the United States Southern Command and the United States Northern Command.

(4) In a joint letter, dated April 9, 2009, General Renuart, the Commander of the United States Northern Command, and Admiral Stavridis, the Commander of the United States Southern Command, write ''[t]he outstanding service that WHINSEC provides directly supports the United States Southern Command's and United States Northern Command's strategic objective of fostering lasting partnerships that will ensure security, enhance stability, and enable prosperity throughout the Americas'' and notes that the Institute provides ''culturally-sensitive training, with a strong emphasis on the values of democracy and human rights''.

(5) In establishing the Western Hemisphere Institute for Security Cooperation, Congress mandates that participants at the Institute receive a minimum of 8 hours of instruction on human rights, due process, the rule of law, the role of the Armed Forces in a democratic society, and civilian control of the military. Every course devotes at least 10 percent of its course work to democracy, ethics, and human

rights issues. The Institute is also required to develop a curriculum that includes leadership development, counterdrug operations, peacekeeping, resource management, and disaster relief planning. In fiscal year 2008, the Institute presented 39 courses and hosted 1,196 students in residence at Fort Benning, Georgia, of whom 292 were police personnel, and trained an additional 280 students through the Mobile Training Team programs of the Institute.

(6) Congress mandated the formation of a Federal advisory committee—an oversight committee unique to the Western Hemisphere Institute for Security Cooperation. It provides recommendations and an independent review of the Institute and its curriculum to ensure the uniform adherence of the Institute to United States law, regulations, and policies. The Board of Visitors of the Institute includes the Chairman and Ranking Member of the Committee on Armed Services of the Senate, the Chairman and Ranking Member of the Committee on Armed Services of the House of Representatives, the Secretary of State, the Commander of the United States Southern Command, the Commander of the United States Northern Command, the Commander

of the United States Training and Doctrine Command, and six members designated by the Secretary of Defense. The six members designated by the Secretary of Defense include, to the extent practicable, individuals from academia and the religious and human rights communities. In addition to the 13 members of the Board of Visitors, advisors and subject matter experts assist the Board in areas the Board considers necessary and appropriate.

(7) The Western Hemisphere Institute for Security Cooperation operates in accordance with section 8130 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2335) that prohibits United States military assistance to foreign military units that violate human rights, including security assistance programs funded through appropriations available for foreign operations and training programs funded through appropriations made available for the Department of Defense.

(8) The Western Hemisphere Institute for Security Cooperation does not select students for participation in its courses. A partner nation nominates students to attend the Institute, and in accordance with the law of the United States and the policies

of the Department of Defense and the Department of State, the United States Embassy in such partner nation screens and conducts background checks on such nominees. The vetting process of nominees for participation in the Institute includes a background check by United States embassies in partner nations, as well as checks by the Bureau of Western Hemisphere Affairs and the Bureau of Democracy, Human Rights, and Labor at the Department of State. The Department of State also uses the Abuse Case Evaluation System, a central database that aggregates human rights abuse data into a single, searchable location, to ensure nominees have not been accused of any human rights abuses.

(9) The training provided by the Western Hemisphere Institute for Security Cooperation is transparent and the Institute is open to visitors at any time. Visitors are welcome to sit in on classes, talk with students and faculty, and review instructional materials. Every year, the Institute hosts more than a thousand visiting students, faculty, civilian, and military officials.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Western Hemisphere Institute for Security Cooperation—

(A) offers quality professional military bilingual instruction for military officers and noncommissioned officers that promotes democracy, subordination to civilian authority, and respect for human rights; and

(B) is uniquely positioned to support the modernization of Latin America security forces as they work to transcend their own controversial pasts;

(2) the Western Hemisphere Institute for Security Cooperation is building partner capacity which enhances regional and global security while encouraging respect for human rights and promoting democratic principles among eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere;

(3) the Western Hemisphere Institute for Security Cooperation is an invaluable education and training facility whose curriculum is not duplicated in any of the military departments and is not replaceable by professional military education funded by appropriations for International Military Education and Training (IMET), which education is not

conducted in Spanish and does not concentrate on regional challenges; and

(4) the Western Hemisphere Institute for Security Cooperation is an essential tool to educate future generations of Latin American leaders and improve United States relationships with partner nations that are working with the United States to promote democracy, prosperity, and stability in the Western Hemisphere.

SEC. 904. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) REESTABLISHMENT OF POSITION.—

(1) IN GENERAL.—Chapter 1011 of title 10, United States Code, is amended—

(A) by redesignating section 10505 as section 10505a; and

(B) by inserting after section 10504 the following new section 10505:

"§ 10505. Vice Chief of the National Guard Bureau

"(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

"(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

"(C) are in a grade above the grade of colonel.

"(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

"(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

"(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

"(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

"(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in a grade decided by the Secretary of Defense.

"(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10505 and inserting the following new items:

"10505. Vice Chief of the National Guard Bureau.
"10505a. Director of the Joint Staff of the National Guard Bureau.".

(b) CONFORMING AMENDMENT.—Section 10506(a)(1) of such title is amended by striking "and the Director of the Joint Staff of the National Guard Bureau" and inserting ", the Vice Chief of the National Guard Bureau, and the Director of the Joint Staff of the National Guard Bureau".

Subtitle B—Space Matters

SEC. 911. PROVISION OF SPACE SITUATIONAL AWARENESS SERVICES AND INFORMATION TO NON-UNITED STATES GOVERNMENT ENTITIES.

(a) IN GENERAL.—Section 2274 of title 10, United States Code, is amended to read as follows:

"§ 2274. Space situational awareness services and information: provision to non-United States Government entities

"(a) AUTHORITY.—The Secretary of Defense may provide space situational awareness services and information to, and may obtain space situational awareness data and information from, non-United States Government entities in accordance with this section. Any such action may be taken only if the Secretary determines that such action is consistent with the national security interests of the United States.

"(b) ELIGIBLE ENTITIES.—The Secretary may provide services and information under subsection (a) to, and may obtain data and information under subsection (a) from, any non-United States Government entity, including any of the following:

"(1) A State.

"(2) A political subdivision of a State.

"(3) A United States commercial entity.

"(4) The government of a foreign country.

"(5) A foreign commercial entity.

"(c) AGREEMENT.—The Secretary may not provide space situational awareness services and information under subsection (a) to a non-United States Government entity unless that entity enters into an agreement with the Secretary under which the entity—

"(1) agrees to pay an amount that may be charged by the Secretary under subsection (d);

"(2) agrees not to transfer any data or technical information received under the agreement, including the analysis of data, to any other entity without the express approval of the Secretary; and

"(3) agrees to any other terms and conditions considered necessary by the Secretary.

"(d) CHARGES.—(1) As a condition of an agreement under subsection (c), the Secretary may (except as provided in paragraph (2)) require the non-United States Government entity entering into the agreement to pay to the Department of Defense such amounts as the Secretary determines appropriate to reimburse the Department for the costs to the Department of providing space situational awareness services or information under the agreement.

"(2) The Secretary may not require the government of a State, or of a political subdivision of a State, to pay any amount under paragraph (1).

"(e) CREDITING OF FUNDS RECEIVED.—(1) Funds received for the provision of space situational awareness services or information pursuant to an agreement under this section shall be credited, at the election of the Secretary, to the following:

"(A) The appropriation, fund, or account used in incurring the obligation.

"(B) An appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

"(2) Funds credited under paragraph (1) shall be merged with, and remain available for obligation with, the funds in the appropriation, fund, or account to which credited.

"(f) PROCEDURES.—The Secretary shall establish procedures by which the authority under this section shall be carried out. As part of those procedures, the Secretary may allow space situational awareness services or information to be provided through a contractor of the Department of Defense.

"(g) NONDISCLOSURE.—Any information received under subsection (a), records of agreements entered into

1 under subsection (c), and analyses or data provided as a
2 part of the provision of services or information under this
3 section shall be exempt from disclosure under section
4 552(b)(3) of title 5.

5 "(h) IMMUNITY.—The United States, any agencies
6 and instrumentalities thereof, and any individuals, firms,
7 corporations, and other persons acting for the United
8 States, shall be immune from any suit in any court for
9 any cause of action arising from the provision or receipt
10 of space situational awareness services or information,
11 whether or not provided in accordance with this section,
12 or any related action or omission.".

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 135 of such title is amended
15 by striking the item relating to section 2274 and inserting
16 the following new item:

"2274. Space situational awareness services and information: provision to non-United States Government entities.".

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on October 1, 2009, or the
19 date of the enactment of this Act, whichever is later.

SEC. 912. PLAN FOR MANAGEMENT AND FUNDING OF NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, the Secretary of Commerce, and the Administrator of the National Aeronautics and Space Administration shall jointly develop a plan for the management and funding of the National Polar-Orbiting Operational Environmental Satellite System Program (in this section referred to as the ''Program'') by the Department of Defense, the Department of Commerce, and the National Aeronautics and Space Administration.

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

(1) Requirements for the Program.

(2) The management structure of the Program.

(3) A funding profile for the Program for each year of the Program for the Department of Defense, the Department of Commerce, and the National Aeronautics and Space Administration.

(c) LIMITATION ON USE OF FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2010 by section 201(a)(3) for research, development, test, and evaluation for the Air Force and available for the Program, not more than 50 percent of such amounts may be

obligated or expended before the date on which the plan developed under subsection (a) is submitted to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives.

(d) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the National Polar-Orbiting Operational Environmental Satellite System Program, including the sensors, satellites, and orbits included in the Program, should be maintained;

(2) the National Polar-Orbiting Operational Environmental Satellite System preparatory project should be managed and treated as an operational satellite;

(3) the responsibility of Department of Defense milestone decision authority for the Program should be delegated to the Department of Defense Executive Agent for Space, and the Department of Defense Executive Agent for Space should become the member of the Tri-Agency Executive Committee from the Department of Defense;

(4) the Program Executive Office of the Program should report directly to and take direction exclusively from the Tri-Agency Executive Committee;

(5) the acquisition procedures of the Department of Defense should continue to be used in the Program;

(6) the Administrator of the National Aeronautics and Space Administration and the Secretary of the Air Force should make support from the Goddard Space Flight Center and the Space and Missile Systems Center, respectively, available for the Program, as needed;

(7) the budget for the Program should not be less than the estimate of the Cost Analysis Improvement Group of the Department of Defense for the Program;

(8) the Program should continue to be managed by a single program manager;

(9) the Program should be managed as a long-term operational program; and

(10) once all requirements for the Program are fully agreed to by the Secretary of Defense, the Secretary of Commerce, and the Administrator of the National Aeronautics and Space Administration, the Program should be executed with no modifications to

those requirements that would increase the cost, or extend the schedule, of the Program.

Subtitle C—Intelligence Matters

SEC. 921. INCLUSION OF DEFENSE INTELLIGENCE AGENCY IN AUTHORITY TO USE PROCEEDS FROM COUNTERINTELLIGENCE OPERATIONS.

(a) IN GENERAL.—Section 423 of title 10, United States Code, is amended by inserting ''and the Defense Intelligence Agency'' after ''the military departments'' each place it appears in subsections (a) and (c).

(b) CONFORMING AMENDMENTS.—

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

''§ 423. Authority to use proceeds from counterintelligence operations of the military departments and the Defense Intelligence Agency''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 21 of such title is amended by striking the item relating to section 423 and inserting the following new item:

''423. Authority to use proceeds from counterintelligence operations of the military departments and the Defense Intelligence Agency.''.

Subtitle D—Other Matters

SEC. 931. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2118. United States Military Cancer Institute

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish in the University the United States Military Cancer Institute. The Institute shall be established pursuant to regulations prescribed by the Secretary.

''(b) PURPOSES.—The purposes of the Institute are as follows:

''(1) To establish and maintain a clearinghouse of data on the incidence and prevalence of cancer among members and former members of the armed forces.

''(2) To conduct research that contributes to the detection or treatment of cancer among the members and former members of the armed forces.

''(c) HEAD OF INSTITUTE.—The Director of the United States Military Cancer Institute is the head of the Institute. The Director shall report to the President of the University regarding matters relating to the Institute.

''(d) ELEMENTS.—(1) The Institute is composed of clinical and basic scientists in the Department of Defense

1 who have an expertise in research, patient care, and edu-
2 cation relating to oncology and who meet applicable cri-
3 teria for affiliation with the Institute.

4 "(2) The components of the Institute include military
5 treatment and research facilities that meet applicable cri-
6 teria and are designated as affiliates of the Institute.

7 "(e) RESEARCH.—(1) The Director of the United
8 States Military Cancer Institute shall carry out research
9 studies on the following:

10 "(A) The epidemiological features of cancer, in-
11 cluding assessments of the carcinogenic effect of ge-
12 netic and environmental factors, and of disparities in
13 health, inherent or common among populations of
14 various ethnic origins within the members of the
15 armed forces.

16 "(B) The prevention and early detection of can-
17 cer among members and former members of the
18 armed forces.

19 "(C) Basic, translational, and clinical investiga-
20 tion matters relating to the matters described in
21 subparagraphs (A) and (B).

22 "(2) The research studies under paragraph (1) shall
23 include complementary research on oncologic nursing.

24 "(f) COLLABORATIVE RESEARCH.—The Director of
25 the United States Military Cancer Institute shall carry out

the research studies under subsection (e) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

"(g) ANNUAL REPORT.—(1) Not later than November 1 each year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the current status of the research studies being carried out by the Institute under subsection (e).

"(2) Not later than 60 days after receiving a report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following new item:

"2118. United States Military Cancer Institute.".

SEC. 932. INSTRUCTION OF PRIVATE SECTOR EMPLOYEES IN CYBER SECURITY COURSES OF THE DEFENSE CYBER INVESTIGATIONS TRAINING ACADEMY.

(a) AUTHORITY TO RECEIVE INSTRUCTION.—

(1) IN GENERAL.—The Secretary of Defense may permit eligible private sector employees to enroll in and receive instruction at the Defense Cyber Investigations Training Academy operated under the direction of the Defense Cyber Crime Center.

(2) LIMITATION.—Not more than the equivalent of 200 full-time student positions at the Defense Cyber Investigations Training Academy may be filled at any one time by private sector employees enrolled under this section.

(3) CERTIFICATION.—Upon successful completion of a course of instruction at the Defense Cyber Investigations Training Academy under this section, a private sector employee may be awarded an appropriate certification or diploma.

(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—

(1) IN GENERAL.—For purposes of this section, an eligible private sector employee is an individual employed by a private entity, as determined by the Secretary—

(A) that is engaged in providing to the Department of Defense or other departments or agencies of the Federal Government significant and substantial defense-related systems, products, or services; or

(B) whose work product is relevant to national security policy or strategy.

(2) DURATION OF TREATMENT.—An individual is eligible for treatment as a private sector employee for purposes of this section only so long as the indi-

1 vidual remains employed by a private entity de-
2 scribed in paragraph (1).

3 (c) CURRICULA OPEN TO ENROLLEES.—The cur-
4 ricula of instruction for which eligible private sector em-
5 ployees may enroll at the Defense Cyber Investigations
6 Training Academy under this section may only include
7 curricula of instruction otherwise offered by the Academy
8 that, as determined by the Secretary, are not readily avail-
9 able through other educational institutions.

10 (d) TUITION.—A private sector employee enrolled at
11 the Defense Cyber Investigations Training Academy under
12 this section shall be charged tuition at a rate equal to the
13 rate charged for civilian employees of the Federal Govern-
14 ment at the Academy.

15 (e) STANDARDS OF CONDUCT.—While receiving in-
16 struction at the Defense Cyber Investigations Training
17 Academy under this section, private sector employees en-
18 rolled at the Academy under this section shall, to the ex-
19 tent practicable, be subject to the same regulations gov-
20 erning academic performance, attendance, norms of be-
21 havior, and enrollment as apply to civilian employees of
22 the Federal Government receiving instruction at the Acad-
23 emy.

24 (f) USE OF FUNDS.—Notwithstanding section 3302
25 of title 31, United States Code, or any other provision of

law, amounts received by the Defense Cyber Investigations Training Academy for the instruction of private sector employees enrolled under this section shall be retained by the Academy to defray the costs of such instruction. The source and disposition of funds so retained and utilized shall be specifically identified in records of the Academy.

SEC. 933. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Transportation shall, after consultation with the Secretary of Homeland Security, jointly develop a plan for providing access to the national airspace for unmanned aircraft of the Department of Defense.

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

(1) A description of how the Department of Defense and the Department of Transportation will communicate and cooperate, at the executive, management, and action levels, to provide access to the national airspace for unmanned aircraft of the Department of Defense.

(2) Specific milestones, aligned to operational and training needs, for providing access to the national airspace for unmanned aircraft and a transition plan for sites programmed to be activated as

unmanned aerial system sites during fiscal years 2010 through 2015.

(3) Recommendations for policies with respect to use of the national airspace, flight standards, and operating procedures that should be implemented by the Department of Defense and the Department of Transportation to accommodate unmanned aircraft assigned to any State or territory of the United States.

(4) An identification of resources required by the Department of Defense and the Department of Transportation to execute the plan.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a).

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a)

SEC. 1002. AUDIT READINESS OF FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) AUDIT READINESS OBJECTIVES.—It shall be the objective of the Department of Defense to ensure that—

(1) the financial statements of the Department of the Army are validated as ready for audit by not later than March 31, 2017;

(2) the financial statements of the Department of the Navy are validated as ready for audit by not later than March 31, 2016;

(3) the financial statements of the Department of the Air Force are validated as ready for audit by not later than September 30, 2016;

(4) the financial statements of the Defense Logistics Agency are validated as ready for audit by not later than September 30, 2017; and

(5) the financial statements of the Department of Defense are validated as ready for audit by not later than September 30, 2017.

(b) ADJUSTMENT OF DEADLINE FOR OBJECTIVES.—

(1) IN GENERAL.—In the event that the appropriate chief management officer determines that the Department of Defense, a military department, or the Defense Logistics Agency will be unable to meet the deadline for an objective as specified in subsection (a), the chief management officer may adjust the deadline for meeting such objective.

(2) REPORT.—Not later than 30 days after adjusting the deadline for an objective pursuant to paragraph (1), the chief management officer concerned shall submit to the congressional defense committees a report setting forth—

(A) a statement of the reasons why the Department of Defense, the military department, or the Defense Logistics Agency, as applicable, will be unable to meet the deadline for such objective;

(B) a proposed completion date for the achievement of compliance with such objective; and

(C) a description of the actions that have been taken and are planned to be taken by the Department of Defense, the military department, or the Defense Logistics Agency, as applicable, to meet such objective.

(3) APPROPRIATE CHIEF MANAGEMENT OFFICER.—For the purposes of this subsection, the appropriate chief management officer is as follows:

(A) For the objective in subsection (a)(1), the Chief Management Officer of the Army.

(B) For the objective in subsection (a)(2), the Chief Management Officer of the Navy.

(C) For the objective in subsection (a)(3), the Chief Management Officer of the Air Force.

(D) For the objective in subsection (a)(4), the Deputy Chief Management Officer of the Department of Defense.

(E) For the objective in subsection (a)(5), the Chief Management Officer of the Department of Defense.

(c) FINANCIAL IMPROVEMENT AUDIT READINESS PLAN.—

(1) IN GENERAL.—The Chief Management Officer of the Department of Defense shall, in consultation with the Under Secretary of Defense (Comptroller), develop and maintain a plan to be known as the ''Financial Improvement and Audit Readiness Plan''.

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) describe specific actions to be taken to—

(i) correct financial management deficiencies that impair the ability of the Department of Defense to prepare timely, reliable, and complete financial management information; and

(ii) meet the objectives specified in subsection (a); and

(B) systematically tie the actions described under subparagraph (A) to process and control improvements and business systems modernization efforts described in the business enterprise architecture and transition plan required by section 2222 of title 10, United States Code.

(d) SEMI-ANNUAL REPORTS ON FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN.—

(1) IN GENERAL.—Not later than May 15 and November 15 each year, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on the status of the implementation by the Department of Defense of the Financial Improvement and Audit Readiness Plan required by subsection (c).

(2) ELEMENTS.—Each report under paragraph (1) shall include, at a minimum—

(A) an overview of the steps the Department has taken or plans to take to meet the objectives specified in subsection (a), including any interim objectives established by the Department for that purpose; and

(B) a description of any impediments identified in the efforts of the Department to meet such objectives, and of the actions the Department has taken or plans to take to address such impediments.

(3) ADDITIONAL ISSUES TO BE ADDRESSED IN FIRST REPORT.—The first report submitted under paragraph (1) after the date of the enactment of this Act shall address, in addition to the elements required by paragraph (2), the actions taken or to be taken by the Department as follows:

(A) To develop standardized guidance for financial improvement plans by components of the Department.

(B) To establish a baseline of financial management capabilities and weaknesses at the component level of the Department.

(C) To provide results-oriented metrics for measuring and reporting quantifiable results toward addressing financial management deficiencies.

(D) To define the oversight roles of the Chief Management Officer of the Department of Defense, the chief management officers of the military departments, and other appropriate elements of the Department to ensure that the requirements of the Financial Improvement and Audit Readiness Plan are carried out.

(E) To assign accountability for carrying out specific elements of the Financial Improvement and Audit Readiness Plan to appropriate officials and organizations at the component level of the Department.

(F) To develop mechanisms to track budgets and expenditures for the implementation of

the requirements of the Financial Improvement and Audit Readiness Plan.

(e) RELATIONSHIP TO EXISTING LAW.—The requirements of this section shall be implemented in a manner that is consistent with the requirements of section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1204; 10 U.S.C. 2222 note).

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. TEMPORARY REDUCTION IN MINIMUM NUMBER OF AIRCRAFT CARRIERS IN ACTIVE SERVICE.

Notwithstanding section 5062(b) of title 10, United States Code, during the period beginning on the date of the decommissioning of the U.S.S. Enterprise (CVN 65) and ending on the date of the commissioning into active service of the U.S.S. Gerald R. Ford (CVN 78), the number of operational aircraft carriers in the naval combat forces of the Navy may be 10.

SEC. 1012. REPEAL OF POLICY RELATING TO THE MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

Section 1012 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 303) is repealed.

SEC. 1013. SENSE OF SENATE ON THE MAINTENANCE OF A 313-SHIP NAVY.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of the Navy has a stated requirement for a 313-ship fleet.

(2) The Navy can better meet this requirement—

(A) by procuring sufficient numbers of new ships; and

(B) by ensuring the sound material condition of existing ships that will enable the Navy to utilize them for their full planned service lives.

(3) When procuring new classes of ships, the Navy must exercise greater caution than it has exhibited to date in proceeding from one stage of the acquisition cycle to the next before a ship program has achieved a level of maturity that significantly lowers the risk of cost growth and schedule slippage.

(4) In retaining existing assets, the Navy can do a much better job of achieving the full planned service lives of ships and extending the service lives of certain ships so as to keep their unique capabilities in the fleet while the Navy takes the time nec-

essary to develop and field next-generation capabilities under a low risk program.

(5) The Navy can undertake certain development approaches that can help the Navy control the total costs of ownership of a ship or class of ships, including emphasizing common hull designs, open architecture combat systems, and other common ship systems in order to achieve efficiency in acquiring and supporting various classes of ships.

(6) The Navy needs to continue its efforts toward achieving an open architecture for existing combat systems, as this will have great benefit in reducing the costs and risks of fielding new classes of ships, and will yield recurring savings from reducing the costs of buying later ships in a program and reducing life cycle support costs for ships and classes of ships.

(7) The Navy can also undertake other measures to acquire new ships and maintain the current fleet with greater efficiency, including—

(A) greater use of fixed-price contracts;

(B) maximizing competition (or the option of competition) throughout the life cycle of its ships;

(C) entering into multiyear contracts when warranted; and

(D) employing an incremental approach to developing new technologies.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Navy should meet its requirement for a 313-ship fleet;

(2) the Navy should take greater care to achieve the full planned service life of existing ships and reduce the incidence of early ship decommissioning;

(3) the Navy should exercise greater restraint on the acquisition process for ships in order to achieve on-time, on-cost shipbuilding programs; and

(4) Congress should support the Navy when it is acting responsibly to undertake measures that can help the Navy achieve the requirement for a 313-ship fleet and maintain a fleet that is adequate to meet the national security needs of the United States.

SEC. 1014. DESIGNATION OF U.S.S. CONSTITUTION AS AMERICA'S SHIP OF STATE.

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

(1) The 3rd Congress authorized, in the Act entitled ''An Act to Provide a Naval Armament'', approved on March 27, 1794 (1 Stat. 350, Chap. XII), the construction of six frigates as the first ships to be built for the United States Navy.

(2) One of the six frigates was built in Boston between 1794 and 1797, and is the only one of the original six ships to survive.

(3) President George Washington named this frigate ''Constitution'' to represent the Nation's founding document.

(4) President Thomas Jefferson, asserting the right of the United States to trade on the high seas, dispatched the frigate Constitution in 1803 as the flagship of the Mediterranean Squadron to end the depredations of the Barbary States against United States ships and shipping, which led to a treaty being signed with the Bashaw of Tripoli in the Captain's cabin aboard the frigate Constitution on June 4, 1805.

(5) The frigate Constitution, with her defeat of HMS Guerriere, secured the first major victory by the young United States Navy against the Royal Navy during the War of 1812, gaining in the proc-

ess the nickname ''Old Ironsides'', which she has proudly carried since.

(6) Congress awarded gold medals to four of the ship's commanding officers (Preble, Hull, Stewart, and Bainbridge), a record unmatched by any other United States Navy vessel.

(7) The frigate Constitution emerged from the War of 1812 undefeated, having secured victories over three additional ships of the Royal Navy.

(8) As early as May 1815, the frigate Constitution had already been adopted as a symbol of the young Republic, as attested by the [Washington] National Intelligencer which proclaimed, ''Let us keep 'Old Ironsides' at home. She has, literally become the Nation's Ship . . . and should thus be preserved . . . in honorable pomp, as a glorious Monument of her own, and our other Naval Victories.''.

(9) Rumors in 1830 that ''Old Ironsides,'' an aging frigate, was about to be scrapped resulted in a public uproar demanding that the ship be restored and preserved, spurred by Oliver Wendell Holmes' immortal poem ''Old Ironsides''.

(10) ''Old Ironsides'' circumnavigated the world between 1844 and 1846, showing the American flag as she searched for future coaling stations that

would eventually fuel the steam-powered navy of the United States.

(11) The first Pope to set foot on United States sovereign territory was Pius IX onboard the frigate Constitution in 1849.

(12) ''Old Ironsides'' helped evacuate the United States Naval Academy from Annapolis, Maryland, to Newport, Rhode Island, in 1860 to prevent this esteemed ship from falling into Confederate hands.

(13) Congressman John F. ''Honey Fitz'' Fitzgerald introduced legislation in 1896 to return ''Old Ironsides'' from the Portsmouth (New Hampshire) Naval Shipyard, where she was moored pier side and largely forgotten, to Boston for her 100th birthday.

(14) Thousands of school children contributed pennies between 1925 an 1927 to help fund a much needed restoration for ''Old Ironsides''.

(15) Between 1931 and 1934, more than 4,500,000 Americans gained inspiration, at the depth of the Great Depression, by going aboard ''Old Ironsides'' as she was towed to 76 ports on the Atlantic, Gulf, and Pacific coasts.

(16) The 83rd Congress enacted the Act of July 23, 1954 (68 Stat. 527, chapter 565), which

1 directed the Secretary of the Navy to transfer to the
2 States and appropriate commissions four other his-
3 toric ships then on the Navy inventory, and to repair
4 and equip U.S.S. Constitution, as much as prac-
5 ticable, to her original condition, but not for active
6 service.

7 (17) Queen Elizabeth II paid a formal visit to
8 U.S.S. Constitution in 1976, at the start of her
9 state visit marking the Bicentennial of the United
10 States.

11 (18) The U.S.S. Constitution, in celebration of
12 her bicentennial, returned to sea under sail on July
13 21, 1997 for the first time since 1881, proudly set-
14 ting sails purchased by the contributions of thou-
15 sands of pennies given by school children across the
16 United States.

17 (19) The U.S.S. Constitution is the oldest com-
18 missioned warship afloat in the world.

19 (20) The U.S.S. Constitution is a National His-
20 toric Landmark.

21 (21) The U.S.S. Constitution continues to per-
22 form official, ceremonial duties, including in recent
23 years hosting a congressional dinner honoring the
24 late Senator John Chafee of Rhode Island, a special
25 salute for the dedication of the John Moakley Fed-

eral Courthouse, a luncheon honoring British Ambassador Sir David Manning, and a special underway demonstration during which 60 Medal of Honor recipients each received a personal Medal of Honor flag.

(22) The U.S.S. Constitution celebrated on October 21, 2007, the 210th anniversary of her launching.

(23) The U.S.S. Constitution will remain a commissioned ship in the United States Navy, with the Navy retaining control of the ship, its material condition, and its employment.

(24) The U.S.S. Constitution's primary mission will remain education and public outreach, and any Ship of State functions will be an adjunct to the ship's primary mission.

(b) DESIGNATION AS AMERICA'S SHIP OF STATE.—

(1) IN GENERAL.—The U.S.S. Constitution is hereby designated as ''America's Ship of State''.

(2) REFERENCES.—The U.S.S. Constitution may be known or referred to as ''America's Ship of State''.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the President, Vice President, executive branch officials, and members of Congress

should utilize the U.S.S. Constitution for the conducting of pertinent matters of state, such as hosting visiting heads of state, signing legislation relating to the Armed Forces, and signing maritime related treaties.

(4) FEE OR REIMBURSEMENT STRUCTURE FOR NON-DEPARTMENT OF THE NAVY USE.—The Secretary of the Navy shall determine an appropriate fee or reimbursement structure for any non-Department of the Navy entities using the U.S.S. Constitution for Ship of State purposes.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) EXTENSION OF AUTHORITY.—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1593), section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2137), section

1022 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), and section 1024 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4587), is further amended by striking ''2009'' and inserting ''2010''.

(b) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended—

(1) by striking ''or'' before ''$75,000,000''; and

(2) by striking the period at the end and inserting '', or $100,000,000 during fiscal year 2010.''.

(c) CONDITIONS ON PROVISION OF SUPPORT.—Subsection (f)(2) of such section is amended in the matter preceding subparagraph (A) by striking ''for fiscal year 2009 to carry out this section and the first fiscal year in which the support is to be provided'' and inserting ''and available for support''.

(d) COUNTER-DRUG PLAN.—Subsection (h) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal year 2009'' and inserting ''for each fiscal year''; and

(2) in paragraph (7), by striking ''fiscal year 2009, and thereafter, for the first fiscal year in which support is to be provided'' and inserting ''each

fiscal year in which support is to be provided a government''.

SEC. 1022. ONE-YEAR EXTENSION OF AUTHORITY FOR JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) ONE-YEAR EXTENSION.—Subsection (b) of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking ''2009'' and inserting ''2010''.

(b) ANNUAL REPORT.—Subsection (c) of such section is amended to read as follows:

''(c) ANNUAL REPORT.—Not later than December 31 of each year after 2008 in which the authority in subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report setting forth, for the one-year period ending on the date of such report, the following:

''(1) An assessment of the effect on counter-drug and counter-terrorism activities and objectives of using counter-drug funds of a joint task force to provide counterterrorism support authorized by subsection (a).

"(2) A description of the type of support and any recipient of support provided under subsection (a).

"(3) A list of current joint task forces conducting counter-drug operations.".

SEC. 1023. ONE-YEAR EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382) and section 1023 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended—

(1) in subsection (a)(1), by striking "2009" and inserting "2010"; and

(2) in subsection (c), by striking "2009" and inserting "2010".

Subtitle D—Military Commissions

SEC. 1031. MILITARY COMMISSIONS.

(a) IN GENERAL.—Chapter 47A of title 10, United States Code, is amended to read as follows:

"CHAPTER 47A—MILITARY COMMISSIONS

"SUBCHAPTER	Sec.
"I. General Provisions	948a.
"II. Composition of Military Commissions	948h.
"III. Pre-Trial Procedure	948q.
"IV. Trial Procedure	949a.
"V. Classified Information Procedures	949p–1.
"VI. Sentences	949s.
"VII. Post-Trial Procedures and Review of Military Commissions	950a.
"VIII. Punitive Matters	950p.

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
"948a. Definitions.
"948b. Military commissions generally.
"948c. Persons subject to military commissions.
"948d. Jurisdiction of military commissions.

"§ 948a. Definitions

"In this chapter:

"(1) ALIEN.—The term 'alien' means an individual who is not a citizen of the United States.

"(2) CLASSIFIED INFORMATION.—The term 'classified information' means the following:

"(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

"(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

"(3) COALITION PARTNER.—The term 'coalition partner', with respect to hostilities engaged in by the United States, means any State or armed force directly engaged along with the United States in such hostilities or providing direct operational support to the United States in connection with such hostilities.

"(4) GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR.—The term 'Geneva Convention Relative to the Treatment of Prisoners of War' means the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316).

"(5) GENEVA CONVENTIONS.—The term 'Geneva Conventions' means the international conventions signed at Geneva on August 12, 1949.

"(6) PRIVILEGED BELLIGERENT.—The term 'privileged belligerent' means an individual belonging to one of the eight categories enumerated in Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War.

"(7) UNPRIVILEGED ENEMY BELLIGERENT.—The term 'unprivileged enemy belligerent' means an individual (other than a privileged belligerent) who—

"(A) has engaged in hostilities against the United States or its coalition partners;

1 "(B) has purposefully and materially sup-
2 ported hostilities against the United States or
3 its coalition partners; or
4 "(C) is a member of al Qaeda.
5 "(8) NATIONAL SECURITY.—The term 'national
6 security' means the national defense and foreign re-
7 lations of the United States.

8 **"§ 948b. Military commissions generally**

9 "(a) PURPOSE.—This chapter establishes procedures
10 governing the use of military commissions to try alien
11 unprivileged enemy belligerents for violations of the law
12 of war and other offenses triable by military commission.
13 "(b) AUTHORITY FOR MILITARY COMMISSIONS
14 UNDER THIS CHAPTER.—The President is authorized to
15 establish military commissions under this chapter for of-
16 fenses triable by military commission as provided in this
17 chapter.
18 "(c) CONSTRUCTION OF PROVISIONS.—The proce-
19 dures for military commissions set forth in this chapter
20 are based upon the procedures for trial by general courts-
21 martial under chapter 47 of this title (the Uniform Code
22 of Military Justice). Chapter 47 of this title does not, by
23 its terms, apply to trial by military commission except as
24 specifically provided therein or in this chapter, and many
25 of the provisions of chapter 47 of this title are by their

terms inapplicable to military commissions. The judicial construction and application of chapter 47 of this title, while instructive, is therefore not of its own force binding on military commissions established under this chapter.

"(d) INAPPLICABILITY OF CERTAIN PROVISIONS.—(1) The following provisions of this title shall not apply to trial by military commission under this chapter:

"(A) Section 810 (article 10 of the Uniform Code of Military Justice), relating to speedy trial, including any rule of courts-martial relating to speedy trial.

"(B) Sections 831(a), (b), and (d) (articles 31(a), (b), and (d) of the Uniform Code of Military Justice), relating to compulsory self-incrimination.

"(C) Section 832 (article 32 of the Uniform Code of Military Justice), relating to pretrial investigation.

"(2) Other provisions of chapter 47 of this title shall apply to trial by military commission under this chapter only to the extent provided by the terms of such provisions or by this chapter.

"(e) TREATMENT OF RULINGS AND PRECEDENTS.—The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not be introduced or considered in any hearing, trial, or other

proceeding of a court-martial convened under chapter 47 of this title. The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not form the basis of any holding, decision, or other determination of a court-martial convened under that chapter.

"(f) GENEVA CONVENTIONS NOT ESTABLISHING PRIVATE RIGHT OF ACTION.—No alien unprivileged enemy belligerent subject to trial by military commission under this chapter may invoke the Geneva Conventions as a basis for a private right of action.

"§ 948c. Persons subject to military commissions

"Any alien unprivileged enemy belligerent having engaged in hostilities or having supported hostilities against the United States is subject to trial by military commission as set forth in this chapter.

"§ 948d. Jurisdiction of military commissions

"A military commission under this chapter shall have jurisdiction to try persons subject to this chapter for any offense made punishable by this chapter, sections 904 and 906 of this title (articles 104 and 106 of the Uniform Code of Military Justice), or the law of war, and may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death when specifically authorized under

this chapter. A military commission is a competent tribunal to make a finding sufficient for jurisdiction.

''SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS

''Sec.
''948h. Who may convene military commissions.
''948i. Who may serve on military commissions.
''948j. Military judge of a military commission.
''948k. Detail of trial counsel and defense counsel.
''948l. Detail or employment of reporters and interpreters.
''948m. Number of members; excuse of members; absent and additional members.

''§ 948h. Who may convene military commissions

''Military commissions under this chapter may be convened by the Secretary of Defense or by any officer or official of the United States designated by the Secretary for that purpose.

''§ 948i. Who may serve on military commissions

''(a) IN GENERAL.—Any commissioned officer of the armed forces on active duty is eligible to serve on a military commission under this chapter, including commissioned officers of the reserve components of the armed forces on active duty, commissioned officers of the National Guard on active duty in Federal service, or retired commissioned officers recalled to active duty.

''(b) DETAIL OF MEMBERS.—When convening a military commission under this chapter, the convening authority shall detail as members thereof such members of the armed forces eligible under subsection (a) who, as in the

opinion of the convening authority, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of a military commission when such member is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

"(c) EXCUSE OF MEMBERS.—Before a military commission under this chapter is assembled for the trial of a case, the convening authority may excuse a member from participating in the case.

"§ 948j. Military judge of a military commission

"(a) DETAIL OF MILITARY JUDGE.—A military judge shall be detailed to each military commission under this chapter. The Secretary of Defense shall prescribe regulations providing for the manner in which military judges are so detailed to military commissions. The military judge shall preside over each military commission to which he has been detailed.

"(b) ELIGIBILITY.—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court, or a member of the bar of the highest court of a State, and who is certified to be qualified for duty under section 826 of this title (article 26 of the Uniform Code of Military Justice) as a military

1 judge in general courts-martial by the Judge Advocate
2 General of the armed force of which such military judge
3 is a member.

4 "(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No
5 person is eligible to act as military judge in a case of a
6 military commission under this chapter if he is the accuser
7 or a witness or has acted as investigator or a counsel in
8 the same case.

9 "(d) CONSULTATION WITH MEMBERS; INELIGI-
10 BILITY TO VOTE.—A military judge detailed to a military
11 commission under this chapter may not consult with the
12 members except in the presence of the accused (except as
13 otherwise provided in section 949d of this title), trial coun-
14 sel, and defense counsel, nor may he vote with the mem-
15 bers.

16 "(e) OTHER DUTIES.—A commissioned officer who
17 is certified to be qualified for duty as a military judge of
18 a military commission under this chapter may perform
19 such other duties as are assigned to him by or with the
20 approval of the Judge Advocate General of the armed
21 force of which such officer is a member or the designee
22 of such Judge Advocate General.

23 "(f) PROHIBITION ON EVALUATION OF FITNESS BY
24 CONVENING AUTHORITY.—The convening authority of a
25 military commission under this chapter shall not prepare

or review any report concerning the effectiveness, fitness, or efficiency of a military judge detailed to the military commission which relates to his performance of duty as a military judge on the military commission.

"§ 948k. Detail of trial counsel and defense counsel

"(a) DETAIL OF COUNSEL GENERALLY.—(1) Trial counsel and military defense counsel shall be detailed for each military commission under this chapter.

"(2) Assistant trial counsel and assistant and associate defense counsel may be detailed for a military commission under this chapter.

"(3) Military defense counsel for a military commission under this chapter shall be detailed as soon as practicable.

"(4) The Secretary of Defense shall prescribe regulations providing for the manner in which trial counsel and military defense counsel are detailed for military commissions under this chapter and for the persons who are authorized to detail such counsel for such military commissions.

"(b) TRIAL COUNSEL.—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be—

"(1) a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice)) who is—

"(A) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

"(2) a civilian who is—

"(A) a member of the bar of a Federal court or of the highest court of a State; and

"(B) otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.

"(c) MILITARY DEFENSE COUNSEL.—Subject to subsection (e), military defense counsel detailed for a military commission under this chapter must be a judge advocate (as so defined) who is—

"(1) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(2) certified as competent to perform duties as defense counsel before general courts-martial by the

1 Judge Advocate General of the armed force of which
2 he is a member.
3 "(d) CHIEF PROSECUTOR; CHIEF DEFENSE COUN-
4 SEL.—(1) The Chief Prosecutor in a military commission
5 under this chapter shall meet the requirements set forth
6 in subsection (b)(1).
7 "(2) The Chief Defense Counsel in a military com-
8 mission under this chapter shall meet the requirements set
9 forth in subsection (c)(1).
10 "(e) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No
11 person who has acted as an investigator, military judge,
12 or member of a military commission under this chapter
13 in any case may act later as trial counsel or military de-
14 fense counsel in the same case. No person who has acted
15 for the prosecution before a military commission under
16 this chapter may act later in the same case for the de-
17 fense, nor may any person who has acted for the defense
18 before a military commission under this chapter act later
19 in the same case for the prosecution.

20 **"§ 948l. Detail or employment of reporters and inter-**
21 **preters**

22 "(a) COURT REPORTERS.—Under such regulations
23 as the Secretary of Defense may prescribe, the convening
24 authority of a military commission under this chapter
25 shall detail to or employ for the military commission quali-

fied court reporters, who shall prepare a verbatim record of the proceedings of and testimony taken before the military commission.

"(b) INTERPRETERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter may detail to or employ for the military commission interpreters who shall interpret for the military commission, and, as necessary, for trial counsel and defense counsel for the military commission, and for the accused.

"(c) TRANSCRIPT; RECORD.—The transcript of a military commission under this chapter shall be under the control of the convening authority of the military commission, who shall also be responsible for preparing the record of the proceedings of the military commission.

"§ 948m. Number of members; excuse of members; absent and additional members

"(a) NUMBER OF MEMBERS.—(1) A military commission under this chapter shall, except as provided in paragraph (2), have at least five members.

"(2) In a case in which the accused before a military commission under this chapter may be sentenced to a penalty of death, the military commission shall have the number of members prescribed by section 949m(c) of this title.

1 "(b) EXCUSE OF MEMBERS.—No member of a mili-
2 tary commission under this chapter may be absent or ex-
3 cused after the military commission has been assembled
4 for the trial of a case unless excused—
5 "(1) as a result of challenge;
6 "(2) by the military judge for physical disability
7 or other good cause; or
8 "(3) by order of the convening authority for
9 good cause.
10 "(c) ABSENT AND ADDITIONAL MEMBERS.—When-
11 ever a military commission under this chapter is reduced
12 below the number of members required by subsection (a),
13 the trial may not proceed unless the convening authority
14 details new members sufficient to provide not less than
15 such number. The trial may proceed with the new mem-
16 bers present after the recorded evidence previously intro-
17 duced before the members has been read to the military
18 commission in the presence of the military judge, the ac-
19 cused (except as provided in section 949d of this title),
20 and counsel for both sides.
21 "SUBCHAPTER III—PRE-TRIAL PROCEDURE

"Sec.
"948q. Charges and specifications.
"948r. Compulsory self-incrimination prohibited; statements obtained by torture or cruel, inhuman, or degrading treatment.
"948s. Service of charges.

"§ 948q. Charges and specifications

"(a) CHARGES AND SPECIFICATIONS.—Charges and specifications against an accused in a military commission under this chapter shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

"(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

"(2) that they are true in fact to the best of his knowledge and belief.

"(b) NOTICE TO ACCUSED.—Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges and specifications against him as soon as practicable.

"§ 948r. Compulsory self-incrimination prohibited; statements obtained by torture or cruel, inhuman, or degrading treatment

"(a) IN GENERAL.—No person shall be required to testify against himself at a proceeding of a military commission under this chapter.

"(b) STATEMENTS OBTAINED BY TORTURE.—A statement obtained by use of torture, whether or not under color of law, shall not be admissible in a trial by military

commission under this chapter, except against a person accused of torture as evidence the statement was made.

"(c) STATEMENTS OBTAINED THROUGH CRUEL, INHUMAN, OR DEGRADING TREATMENT.—A statement in which the degree of coercion is disputed may be admissible in a trial by military commission under this chapter only if the military judge finds that—

"(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value;

"(2) the interests of justice would best be served by admission of the statement into evidence; and

"(3) the interrogation methods used to obtain the statement do not amount to cruel, inhuman, or degrading treatment prohibited by section 1003 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd).

"§ 948s. Service of charges

"The trial counsel assigned to a case before a military commission under this chapter shall cause to be served upon the accused and military defense counsel a copy of the charges upon which trial is to be had in English and, if appropriate, in another language that the accused un-

1 derstands, sufficiently in advance of trial to prepare a de-
2 fense.

3 "SUBCHAPTER IV—TRIAL PROCEDURE

"Sec.
"949a. Rules.
"949b. Unlawfully influencing action of military commission.
"949c. Duties of trial counsel and defense counsel.
"949d. Sessions.
"949e. Continuances.
"949f. Challenges.
"949g. Oaths.
"949h. Former jeopardy.
"949i. Pleas of the accused.
"949j. Opportunity to obtain witnesses and other evidence.
"949k. Defense of lack of mental responsibility.
"949l. Voting and rulings.
"949m. Number of votes required.
"949n. Military commission to announce action.
"949o. Record of trial.

4 **"§ 949a. Rules**

5 "(a) PROCEDURES AND RULES OF EVIDENCE.—Pre-
6 trial, trial, and post-trial procedures, including elements
7 and modes of proof, for cases triable by military commis-
8 sion under this chapter may be prescribed by the Secretary
9 of Defense. Such procedures may not be contrary to or
10 inconsistent with this chapter. Except as otherwise pro-
11 vided in this chapter or chapter 47 of this title, the proce-
12 dures and rules of evidence applicable in trials by general
13 courts-martial of the United States shall apply in trials
14 by military commission under this chapter.

15 "(b) EXCEPTIONS.—(1) The Secretary of Defense, in
16 consultation with the Attorney General, may make such
17 exceptions in the applicability in trials by military commis-
18 sion under this chapter from the procedures and rules of

evidence otherwise applicable in general courts-martial as may be required by the unique circumstances of the conduct of military and intelligence operations during hostilities or by other practical need.

"(2) Notwithstanding any exceptions authorized by paragraph (1), the procedures and rules of evidence in trials by military commission under this chapter shall include, at a minimum, the following rights:

"(A) To present evidence in his defense, to cross-examine the witnesses who testify against him, and to examine and respond to all evidence admitted against him on the issue of guilt or innocence and for sentencing, as provided for by this chapter.

"(B) To be present at all sessions of the military commission (other than those for deliberations or voting), except when excluded under section 949d of this title.

"(C) To be represented before a military commission by civilian counsel if provided at no expense to the Government, and by either the defense counsel detailed or by military counsel of the accused's own selection, if reasonably available.

"(D) To self-representation, if the accused knowingly and competently waives the assistance of counsel, subject to the provisions of paragraph (4).

"(E) To the suppression of evidence that is not reliable or probative.

"(F) To the suppression of evidence the probative value of which is substantially outweighed by—

"(i) the danger of unfair prejudice, confusion of the issues, or misleading the members; or

"(ii) considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

"(3) In making exceptions in the applicability in trials by military commission under this chapter from the procedures and rules otherwise applicable in general courts-martial, the Secretary of Defense may provide the following:

"(A) Evidence seized outside the United States shall not be excluded from trial by military commission on the grounds that the evidence was not seized pursuant to a search warrant or authorization.

"(B) A statement of the accused that is otherwise admissible shall not be excluded from trial by military commission on grounds of alleged coercion or compulsory self-incrimination so long as the evi-

dence complies with the provisions of section 948r of this title.

"(C) Evidence shall be admitted as authentic so long as—

"(i) the military judge of the military commission determines that there is sufficient evidence that the evidence is what it is claimed to be; and

"(ii) the military judge instructs the members that they may consider any issue as to authentication or identification of evidence in determining the weight, if any, to be given to the evidence.

"(D) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission only if—

"(i) the proponent of the evidence makes known to the adverse party, sufficiently in advance to provide the adverse party with a fair opportunity to meet the evidence, the proponent's intention to offer the evidence, and the particulars of the evidence (including information on the circumstances under which the evidence was obtained); and

"(ii) the military judge, after taking into account all of the circumstances surrounding the taking of the statement, the degree to which the statement is corroborated, and the indicia of reliability within the statement itself, determines that—

"(I) the statement is offered as evidence of a material fact;

"(II) either—

"(aa) direct testimony from the witness is not available as a practical matter, taking into consideration the physical location of the witness and the unique circumstances of the conduct of military and intelligence operations during hostilities; or

"(bb) the production of the witness would have an adverse impact on military or intelligence operations; and

"(III) the general purposes of the rules of evidence and the interests of justice will best be served by admission of the statement into evidence.

"(4)(A) The accused in a military commission under this chapter who exercises the right to self-representation

under paragraph (2)(D) shall conform his deportment and the conduct of the defense to the rules of evidence, procedure, and decorum applicable to trials by military commission.

"(B) Failure of the accused to conform to the rules described in subparagraph (A) may result in a partial or total revocation by the military judge of the right of self-representation under paragraph (2)(D). In such case, the military counsel of the accused or an appropriately authorized civilian counsel shall perform the functions necessary for the defense.

"(c) DELEGATION OF AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary of Defense may delegate the authority of the Secretary to prescribe regulations under this chapter.

"§ 949b. Unlawfully influencing action of military commission

"(a) IN GENERAL.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the military commission, or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the military commission, or with respect to any other exercises of its or their functions in the conduct of the proceedings.

"(2) No person may attempt to coerce or, by any unauthorized means, influence—

"(A) the action of a military commission under this chapter, or any member thereof, in reaching the findings or sentence in any case;

"(B) the action of any convening, approving, or reviewing authority with respect to their judicial acts; or

"(C) the exercise of professional judgment by trial counsel or defense counsel.

"(3) The provisions of this subsection shall not apply with respect to—

"(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

"(B) statements and instructions given in open proceedings by a military judge or counsel.

"(b) PROHIBITION ON CONSIDERATION OF ACTIONS ON COMMISSION IN EVALUATION OF FITNESS.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced in

grade, or in determining the assignment or transfer of any such officer or whether any such officer should be retained on active duty, no person may—

"(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

"(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer, in acting as counsel, represented any accused before a military commission under this chapter.

"§ 949c. Duties of trial counsel and defense counsel

"(a) TRIAL COUNSEL.—The trial counsel of a military commission under this chapter shall prosecute in the name of the United States.

"(b) DEFENSE COUNSEL.—(1) The accused shall be represented in his defense before a military commission under this chapter as provided in this subsection.

"(2) The accused may be represented by military counsel detailed under section 948k of this title or by military counsel of the accused's own selection, if reasonably available.

"(3) The accused may be represented by civilian counsel if retained by the accused, provided that such civilian counsel—

"(A) is a United States citizen;

"(B) is admitted to the practice of law in a State, district, or possession of the United States, or before a Federal court;

"(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

"(D) has been determined to be eligible for access to information classified at the level Secret or higher; and

"(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

"(4) If the accused is represented by civilian counsel, military counsel shall act as associate counsel.

"(5) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under section 948k of this title to detail counsel, in such person's sole discretion, may detail additional military counsel to represent the accused.

"(6) Defense counsel may cross-examine each witness for the prosecution who testifies before a military commission under this chapter.

"(7) Civilian defense counsel shall protect any classified information received during the course of representation of the accused in accordance with all applicable law governing the protection of classified information, and may not divulge such information to any person not authorized to receive it.

"§ 949d. Sessions

"(a) SESSIONS WITHOUT PRESENCE OF MEMBERS.—(1) At any time after the service of charges which have been referred for trial by military commission under this chapter, the military judge may call the military commission into session without the presence of the members for the purpose of—

"(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

"(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members;

"(C) if permitted by regulations prescribed by the Secretary of Defense, receiving the pleas of the accused; and

"(D) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members.

"(2) Except as provided in subsections (b), (c), and (d), any proceedings under paragraph (1) shall be conducted in the presence of the accused, defense counsel, and trial counsel, and shall be made part of the record.

"(b) DELIBERATION OR VOTE OF MEMBERS.—When the members of a military commission under this chapter deliberate or vote, only the members may be present.

"(c) CLOSURE OF PROCEEDINGS.—(1) The military judge may close to the public all or part of the proceedings of a military commission under this chapter.

"(2) The military judge may close to the public all or a portion of the proceedings under paragraph (1) only upon making a specific finding that such closure is necessary to—

"(A) protect information the disclosure of which could reasonably be expected to cause damage to the

national security, including intelligence or law enforcement sources, methods, or activities; or

"(B) ensure the physical safety of individuals.

"(3) A finding under paragraph (2) may be based upon a presentation, including a presentation ex parte or in camera, by either trial counsel or defense counsel.

"(d) EXCLUSION OF ACCUSED FROM CERTAIN PROCEEDINGS.—The military judge may exclude the accused from any portion of a proceeding upon a determination that, after being warned by the military judge, the accused persists in conduct that justifies exclusion from the courtroom—

"(1) to ensure the physical safety of individuals; or

"(2) to prevent disruption of the proceedings by the accused.

"§ 949e. Continuances

"The military judge in a military commission under this chapter may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

"§ 949f. Challenges

"(a) CHALLENGES AUTHORIZED.—The military judge and members of a military commission under this chapter may be challenged by the accused or trial counsel

for cause stated to the military commission. The military judge shall determine the relevance and validity of challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by trial counsel shall ordinarily be presented and decided before those by the accused are offered.

"(b) PEREMPTORY CHALLENGES.—The accused and trial counsel are each entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

"(c) CHALLENGES AGAINST ADDITIONAL MEMBERS.—Whenever additional members are detailed to a military commission under this chapter, and after any challenges for cause against such additional members are presented and decided, the accused and trial counsel are each entitled to one peremptory challenge against members not previously subject to peremptory challenge.

"§ 949g. Oaths

"(a) IN GENERAL.—(1) Before performing their respective duties in a military commission under this chapter, military judges, members, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

"(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of

recording thereof, and whether the oath shall be taken for all cases in which duties are to be performed or for a particular case, shall be as provided in regulations prescribed by the Secretary of Defense. The regulations may provide that—

"(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty; and

"(B) if such an oath is taken, such oath need not again be taken at the time the judge advocate or other person is detailed to that duty.

"(b) WITNESSES.—Each witness before a military commission under this chapter shall be examined on oath.

"(c) OATH DEFINED.—In this section, the term 'oath' includes an affirmation.

"§ 949h. Former jeopardy

"(a) IN GENERAL.—No person may, without his consent, be tried by a military commission under this chapter a second time for the same offense.

"(b) SCOPE OF TRIAL.—No proceeding in which the accused has been found guilty by military commission under this chapter upon any charge or specification is a trial in the sense of this section until the finding of guilty

has become final after review of the case has been fully completed.

"§ 949i. Pleas of the accused

"(a) PLEA OF NOT GUILTY.—If an accused in a military commission under this chapter after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the military commission shall proceed as though the accused had pleaded not guilty.

"(b) FINDING OF GUILT AFTER GUILTY PLEA.—With respect to any charge or specification to which a plea of guilty has been made by the accused in a military commission under this chapter and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. The finding shall constitute the finding of the military commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

"§ 949j. Opportunity to obtain witnesses and other evidence

"(a) IN GENERAL.—(1) Defense counsel in a military commission under this chapter shall have a reasonable op-

portunity to obtain witnesses and other evidence as provided in regulations prescribed by the Secretary of Defense.

"(2) Process issued in military commissions under this chapter to compel witnesses to appear and testify and to compel the production of other evidence—

"(A) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

"(B) shall run to any place where the United States shall have jurisdiction thereof.

"(b) DISCLOSURE OF EXCULPATORY EVIDENCE.—(1) As soon as practicable, trial counsel in a military commission under this chapter shall disclose to the defense the existence of any evidence that reasonably tends to—

"(A) negate the guilt of the accused of an offense charged; or

"(B) reduce the degree of guilt of the accused with respect to an offense charged.

"(2) The trial counsel shall, as soon as practicable, disclose to the defense the existence of evidence that reasonably tends to impeach the credibility of a witness whom the government intends to call at trial.

"(3) The trial counsel shall, as soon as practicable upon a finding of guilt, disclose to the defense the exist-

ence of evidence that is not subject to paragraph (1) or paragraph (2) but that reasonably may be viewed as mitigation evidence at sentencing.

"(4) The disclosure obligations under this subsection encompass evidence that is known or reasonably should be known to any government officials who participated in the investigation and prosecution of the case against the defendant.

"§ 949k. Defense of lack of mental responsibility

"(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense in a trial by military commission under this chapter that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

"(b) BURDEN OF PROOF.—The accused in a military commission under this chapter has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

"(c) FINDINGS FOLLOWING ASSERTION OF DEFENSE.—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue in a military commission under this chapter, the military judge shall instruct the members as to the defense of lack

of mental responsibility under this section and shall charge the members to find the accused—

"(1) guilty;

"(2) not guilty; or

"(3) subject to subsection (d), not guilty by reason of lack of mental responsibility.

"(d) MAJORITY VOTE REQUIRED FOR FINDING.—The accused shall be found not guilty by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members present at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

"§ 949l. Voting and rulings

"(a) VOTE BY SECRET WRITTEN BALLOT.—Voting by members of a military commission under this chapter on the findings and on the sentence shall be by secret written ballot.

"(b) RULINGS.—(1) The military judge in a military commission under this chapter shall rule upon all questions of law, including the admissibility of evidence and all interlocutory questions arising during the proceedings.

"(2) Any ruling made by the military judge upon a question of law or an interlocutory question (other than the factual issue of mental responsibility of the accused) is conclusive and constitutes the ruling of the military

commission. However, a military judge may change his ruling at any time during the trial.

"(c) INSTRUCTIONS PRIOR TO VOTE.—Before a vote is taken of the findings of a military commission under this chapter, the military judge shall, in the presence of the accused and counsel, instruct the members as to the elements of the offense and charge the members—

"(1) that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond a reasonable doubt;

"(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

"(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

"(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

"§ 949m. Number of votes required

"(a) CONVICTION.—No person may be convicted by a military commission under this chapter of any offense, except as provided in section 949i(b) of this title or by

concurrence of two-thirds of the members present at the time the vote is taken.

"(b) SENTENCES.—(1) Except as provided in paragraphs (2) and (3), sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken.

"(2) No person may be sentenced to death by a military commission, except insofar as—

"(A) the penalty of death has been expressly authorized under this chapter, chapter 47 of this title, or the law of war for an offense of which the accused has been found guilty;

"(B) trial counsel expressly sought the penalty of death by filing an appropriate notice in advance of trial;

"(C) the accused was convicted of the offense by the concurrence of all the members present at the time the vote is taken; and

"(D) all members present at the time the vote was taken concurred in the sentence of death.

"(3) No person may be sentenced to life imprisonment, or to confinement for more than 10 years, by a military commission under this chapter except by the concurrence of three-fourths of the members present at the time the vote is taken.

"(c) NUMBER OF MEMBERS REQUIRED FOR PENALTY OF DEATH.—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members of the military commission under this chapter shall be not less than 12 members.

"(2) In any case described in paragraph (1) in which 12 members are not reasonably available for a military commission because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 5 members), and the military commission may be assembled, and the trial held, with not less than the number of members so specified. In any such case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

"§ 949n. Military commission to announce action

"A military commission under this chapter shall announce its findings and sentence to the parties as soon as determined.

"§ 949o. Record of trial

"(a) RECORD; AUTHENTICATION.—Each military commission under this chapter shall keep a separate, verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signa-

ture of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by a member if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. Where appropriate, and as provided in regulations prescribed by the Secretary of Defense, the record of a military commission under this chapter may contain a classified annex.

"(b) COMPLETE RECORD REQUIRED.—A complete record of the proceedings and testimony shall be prepared in every military commission under this chapter.

"(c) PROVISION OF COPY TO ACCUSED.—A copy of the record of the proceedings of the military commission under this chapter shall be given the accused as soon as it is authenticated. If the record contains classified information, or a classified annex, the accused shall receive a redacted version of the record consistent with the requirements of section 949d(c)(4) of this title. Defense counsel shall have access to the unredacted record, as provided in regulations prescribed by the Secretary of Defense.

"SUBCHAPTER V—CLASSIFIED INFORMATION PROCEDURES

"Sec.
"949p–1. Protection of classified information: applicability of subchapter.
"949p–2. Pretrial conference.
"949p–3. Protective orders.
"949p–4. Discovery of, and access to, classified information by the accused.

''949p–5. Notice by accused of intention to disclose classified information.
''949p–6. Procedure for cases involving classified information.
''949p–7. Introduction of classified information into evidence.

''§ 949p–1. Protection of classified information: applicability of subchapter

''(a) PROTECTION OF CLASSIFIED INFORMATION.—Classified information shall be protected and is privileged from disclosure if disclosure would be detrimental to the national security. Under no circumstances may a military judge order the release of classified information to any person not authorized to receive such information.

''(b) ACCESS TO EVIDENCE.—Any information admitted into evidence pursuant to any rule, procedure, or order by the military judge shall be provided to the accused.

''(c) DECLASSIFICATION.—Trial counsel shall work with the original classification authorities for evidence that may be used at trial to ensure that such evidence is declassified to the maximum extent possible, consistent with the requirements of national security. A decision not to declassify evidence under this section shall not be subject to review by a military commission or upon appeal.

''(d) CONSTRUCTION OF PROVISIONS.—The judicial construction of the Classified Information Procedures Act (18 U.S.C. App.) shall be authoritative in the interpretation of this subchapter, except to the extent that such con-

1 struction is inconsistent with the specific requirements of
2 this chapter.

3 **"§ 949p–2. Pretrial conference**

4 "(a) MOTION.—At any time after service of charges,
5 any party may move for a pretrial conference to consider
6 matters relating to classified information that may arise
7 in connection with the prosecution.

8 "(b) CONFERENCE.—Following a motion under sub-
9 section (a), or sua sponte, the military judge shall prompt-
10 ly hold a pretrial conference. Upon request by either party,
11 the court shall hold such conference ex parte to the extent
12 necessary to protect classified information from disclosure,
13 in accordance with the practice of the Federal courts
14 under the Classified Information Procedures Act (18
15 U.S.C. App.).

16 "(c) MATTERS TO BE ESTABLISHED AT PRETRIAL
17 CONFERENCE.—

18 "(1) TIMING OF SUBSEQUENT ACTIONS.—At
19 the pretrial conference, the military judge shall es-
20 tablish the timing of—

21 "(A) requests for discovery;

22 "(B) the provision of notice required by
23 section 949p–5 of this title; and

24 "(C) the initiation of the procedure estab-
25 lished by section 949p–6 of this title.

"(2) OTHER MATTERS.—At the pretrial conference, the military judge may also consider any matter—

"(A) which relates to classified information; or

"(B) which may promote a fair and expeditious trial.

"(d) EFFECT OF ADMISSIONS BY ACCUSED AT PRETRIAL CONFERENCE.—No admission made by the accused or by any counsel for the accused at a pretrial conference under this section may be used against the accused unless the admission is in writing and is signed by the accused and by the counsel for the accused.

"§ 949p–3. Protective orders

"Upon motion of the trial counsel, the military judge shall issue an order to protect against the disclosure of any classified information that has been disclosed by the United States to any accused in any military commission under this chapter or that has otherwise been provided to, or obtained by, any such accused in any such military commission.

"§ 949p–4. Discovery of, and access to, classified information by the accused

"(a) LIMITATIONS ON DISCOVERY OR ACCESS BY THE ACCUSED.—

1 "(1) DECLARATIONS BY THE UNITED STATES
2 OF DAMAGE TO NATIONAL SECURITY.—In any case
3 before a military commission in which the United
4 States seeks to delete, withhold, or otherwise obtain
5 other relief with respect to the discovery of or access
6 to any classified information, the trial counsel shall
7 submit a declaration invoking the United States'
8 classified information privilege and setting forth the
9 damage to the national security that the discovery of
10 or access to such information reasonably could be
11 expected to cause. The declaration shall be signed by
12 a knowledgeable United States official possessing
13 authority to classify information.
14 "(2) STANDARD FOR AUTHORIZATION OF DIS-
15 COVERY OR ACCESS.—Upon the submission of a dec-
16 laration under paragraph (1), the military judge
17 shall not authorize the discovery of or access to such
18 classified information unless the military judge de-
19 termines that such classified information would be
20 noncumulative, relevant, and helpful to a legally cog-
21 nizable defense, rebuttal of the prosecution's case, or
22 to sentencing, in accordance with standards gen-
23 erally applicable to discovery of or access to classi-
24 fied information in Federal criminal cases. If the
25 discovery of or access to such classified information

is authorized, it shall be addressed in accordance with the requirements of subsection (b).

"(b) DISCOVERY OF CLASSIFIED INFORMATION.—

"(1) SUBSTITUTIONS AND OTHER RELIEF.—The military judge, in assessing the accused's discovery of or access to classified information under this section, may authorize the United States—

"(A) to delete or withhold specified items of classified information;

"(B) to substitute a summary for classified information; or

"(C) to substitute a statement admitting relevant facts that the classified information or material would tend to prove.

"(2) EX PARTE PRESENTATIONS.—The military judge shall permit the trial counsel to make a request for an authorization under paragraph (1) in the form of an ex parte presentation to the extent necessary to protect classified information, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.). If the military judge enters an order granting relief following such an ex parte showing, the entire text of the written submission shall be sealed and preserved in the records of the military

commission to be made available to the appellate court in the event of an appeal.

"(3) ACTION BY MILITARY JUDGE.—The military judge shall grant the request of the trial counsel to substitute a summary or to substitute a statement admitting relevant facts, or to provide other relief in accordance with paragraph (1), if the military judge finds that the summary, statement, or other relief would provide the accused with substantially the same ability to make a defense as would discovery of or access to the specific classified information.

"(c) RECONSIDERATION.—An order of a military judge authorizing a request of the trial counsel to substitute, summarize, withhold, or prevent access to classified information under this section is not subject to a motion for reconsideration by the accused, if such order was entered pursuant to an ex parte showing under this section.

"§ 949p–5. Notice by accused of intention to disclose classified information

"(a) NOTICE BY ACCUSED.—

"(1) NOTIFICATION OF TRIAL COUNSEL AND MILITARY JUDGE.—If an accused reasonably expects to disclose, or to cause the disclosure of, classified

information in any manner in connection with any trial or pretrial proceeding involving the prosecution of such accused, the accused shall, within the time specified by the military judge or, where no time is specified, within 30 days before trial, notify the trial counsel and the military judge in writing. Such notice shall include a brief description of the classified information. Whenever the accused learns of additional classified information the accused reasonably expects to disclose, or to cause the disclosure of, at any such proceeding, the accused shall notify trial counsel and the military judge in writing as soon as possible thereafter and shall include a brief description of the classified information.

"(2) LIMITATION ON DISCLOSURE BY ACCUSED.—No accused shall disclose, or cause the disclosure of, any information known or believed to be classified in connection with a trial or pretrial proceeding until—

"(A) notice has been given under paragraph (1); and

"(B) the United States has been afforded a reasonable opportunity to seek a determination pursuant to the procedure set forth in section 949p–6 of this title and the time for the

United States to appeal such determination under section 950d of this title has expired or any appeal under that section by the United States is decided.

"(b) FAILURE TO COMPLY.—If the accused fails to comply with the requirements of subsection (a), the military judge—

"(1) may preclude disclosure of any classified information not made the subject of notification; and

"(2) may prohibit the examination by the accused of any witness with respect to any such information.

"§ 949p–6. Procedure for cases involving classified information

"(a) MOTION FOR HEARING.—

"(1) REQUEST FOR HEARING.—Within the time specified by the military judge for the filing of a motion under this section, either party may request the military judge to conduct a hearing to make all determinations concerning the use, relevance, or admissibility of classified information that would otherwise be made during the trial or pretrial proceeding.

"(2) CONDUCT OF HEARING.—Upon a request by either party under paragraph (1), the military

judge shall conduct such a hearing and shall rule prior to conducting any further proceedings.

"(3) IN CAMERA HEARING UPON DECLARATION TO COURT BY APPROPRIATE OFFICIAL OF RISK OF DISCLOSURE OF CLASSIFIED INFORMATION.—Any hearing held pursuant to this subsection (or any portion of such hearing specified in the request of a knowledgeable United States official) shall be held in camera if a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration that a public proceeding may result in the disclosure of classified information. Classified information is not subject to disclosure under this section unless the information is relevant and necessary to an element of the offense or a legally cognizable defense and is otherwise admissible in evidence.

"(4) MILITARY JUDGE TO MAKE DETERMINATIONS IN WRITING.—As to each item of classified information, the military judge shall set forth in writing the basis for the determination.

"(b) NOTICE AND USE OF CLASSIFIED INFORMATION BY THE GOVERNMENT.—

"(1) NOTICE TO ACCUSED.—Before any hearing is conducted pursuant to a request by the trial coun-

sel under subsection (a), trial counsel shall provide the accused with notice of the classified information that is at issue. Such notice shall identify the specific classified information at issue whenever that information previously has been made available to the accused by the United States. When the United States has not previously made the information available to the accused in connection with the case the information may be described by generic category, in such forms as the military judge may approve, rather than by identification of the specific information of concern to the United States.

"(2) ORDER BY MILITARY JUDGE UPON REQUEST OF ACCUSED.—Whenever the trial counsel requests a hearing under subsection (a), the military judge, upon request of the accused, may order the trial counsel to provide the accused, prior to trial, such details as to the portion of the charge or specification at issue in the hearing as are needed to give the accused fair notice to prepare for the hearing.

"(c) SUBSTITUTIONS.—

"(1) IN CAMERA PRETRIAL HEARING.—Upon request of the trial counsel pursuant to the Military Commission Rules of Evidence, and in accordance with the security procedures established by the mili-

tary judge, the military judge shall conduct a classified in camera pretrial hearing concerning the admissibility of classified information.

"(2) PROTECTION OF SOURCES, METHODS, AND ACTIVITIES BY WHICH EVIDENCE ACQUIRED.—The military judge shall permit the trial counsel to introduce otherwise admissible evidence, including a substituted evidentiary foundation pursuant to the procedures described in subsection (d), before a military commission while protecting from disclosure the sources, methods, or activities by which the United States acquired the evidence if the military judge finds that the sources, methods, or activities are classified, the evidence is reliable, and the redaction is consistent with affording the accused a fair trial.

"(d) ALTERNATIVE PROCEDURE FOR DISCLOSURE OF CLASSIFIED INFORMATION.—

"(1) MOTION BY THE UNITED STATES.—Upon any determination by the military judge authorizing the disclosure of specific classified information under the procedures established by this section, the trial counsel may move that, in lieu of the disclosure of such specific classified information, the military judge order—

"(A) the substitution for such classified information of a statement admitting relevant facts that the specific classified information would tend to prove;

"(B) the substitution for such classified information of a summary of the specific classified information; or

"(C) any other procedure or redaction limiting the disclosure of specific classified information.

"(2) ACTION ON MOTION.—The military judge shall grant such a motion of the trial counsel if the military judge finds that the statement, summary, or other procedure or redaction will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

"(3) HEARING ON MOTION.—The military judge shall hold a hearing on any motion under this subsection. Any such hearing shall be held in camera at the request of a knowledgeable United States official possessing authority to classify information.

"(4) SUBMISSION OF STATEMENT OF DAMAGE TO NATIONAL SECURITY IF DISCLOSURE ORDERED.—The trial counsel may, in connection with

a motion under paragraph (1), submit to the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information certifying that disclosure of classified information would cause identifiable damage to the national security of the United States and explaining the basis for the classification of such information. If so requested by the trial counsel, the military judge shall examine such declaration during an ex parte presentation.

"(e) SEALING OF RECORDS OF IN CAMERA HEARINGS.—If at the close of an in camera hearing under this section (or any portion of a hearing under this section that is held in camera), the military judge determines that the classified information at issue may not be disclosed or elicited at the trial or pretrial proceeding, the record of such in camera hearing shall be sealed and preserved for use in the event of an appeal. The accused may seek reconsideration of the military judge's determination prior to or during trial.

"(f) PROHIBITION ON DISCLOSURE OF CLASSIFIED INFORMATION BY THE ACCUSED; RELIEF FOR ACCUSED WHEN THE UNITED STATES OPPOSES DISCLOSURE.—

"(1) ORDER TO PREVENT DISCLOSURE BY ACCUSED.—Whenever the military judge denies a mo-

tion by the trial counsel that the judge issue an order under subsection (a), (c), or (d) and the trial counsel files with the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information objecting to disclosure of the classified information at issue, the military judge shall order that the accused not disclose or cause the disclosure of such information.

"(2) RESULT OF ORDER UNDER PARAGRAPH (1).—Whenever an accused is prevented by an order under paragraph (1) from disclosing or causing the disclosure of classified information, the military judge shall dismiss the case; except that, when the military judge determines that the interests of justice would not be served by dismissal of the case, the military judge shall order such other action, in lieu of dismissing the charge or specification, as the military judge determines is appropriate. Such action may include, but need not be limited to, the following:

"(A) Dismissing specified charges or specifications.

"(B) Finding against the United States on any issue as to which the excluded classified information relates.

"(C) Striking or precluding all or part of the testimony of a witness.

"(3) TIME FOR THE UNITED STATES TO SEEK INTERLOCUTORY APPEAL.—An order under paragraph (2) shall not take effect until the military judge has afforded the United States—

"(A) an opportunity to appeal such order under section 950d of this title; and

"(B) an opportunity thereafter to withdraw its objection to the disclosure of the classified information at issue.

"(g) RECIPROCITY.—

"(1) DISCLOSURE OF REBUTTAL INFORMATION.—Whenever the military judge determines that classified information may be disclosed in connection with a trial or pretrial proceeding, the military judge shall, unless the interests of fairness do not so require, order the United States to provide the accused with the information it expects to use to rebut the classified information. The military judge may place the United States under a continuing duty to disclose such rebuttal information.

"(2) SANCTION FOR FAILURE TO COMPLY.—If the United States fails to comply with its obligation under this subsection, the military judge—

"(A) may exclude any evidence not made the subject of a required disclosure; and

"(B) may prohibit the examination by the United States of any witness with respect to such information.

"§ 949p–7. Introduction of classified information into evidence

"(a) PRESERVATION OF CLASSIFICATION STATUS.—Writings, recordings, and photographs containing classified information may be admitted into evidence in proceedings of military commissions under this chapter without change in their classification status.

"(b) PRECAUTIONS BY MILITARY JUDGES.—

"(1) PRECAUTIONS IN ADMITTING CLASSIFIED INFORMATION INTO EVIDENCE.—The military judge in a trial by military commission, in order to prevent unnecessary disclosure of classified information, may order admission into evidence of only part of a writing, recording, or photograph, or may order admission into evidence of the whole writing, recording, or photograph with excision of some or all of the classified information contained therein, unless the whole ought in fairness be considered.

"(2) CLASSIFIED INFORMATION KEPT UNDER SEAL.—The military judge shall allow classified in-

formation offered or accepted into evidence to remain under seal during the trial, even if such evidence is disclosed in the military commission, and may, upon motion by the Government, seal exhibits containing classified information for any period after trial as necessary to prevent a disclosure of classified information when a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration setting forth the damage to the national security that the disclosure of such information reasonably could be expected to cause.

"(c) TAKING OF TESTIMONY.—

"(1) OBJECTION BY TRIAL COUNSEL.—During the examination of a witness, trial counsel may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible.

"(2) ACTION BY MILITARY JUDGE.—Following an objection under paragraph (1), the military judge shall take such suitable action to determine whether the response is admissible as will safeguard against the compromise of any classified information. Such action may include requiring trial counsel to provide the military judge with a proffer of the witness' re-

sponse to the question or line of inquiry and requiring the accused to provide the military judge with a proffer of the nature of the information sought to be elicited by the accused. Upon request, the military judge may accept an ex parte proffer by trial counsel to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

"(d) DISCLOSURE AT TRIAL OF CERTAIN STATEMENTS PREVIOUSLY MADE BY A WITNESS.—

"(1) MOTION FOR PRODUCTION OF STATEMENTS IN POSSESSION OF THE UNITED STATES.—After a witness called by the trial counsel has testified on direct examination, the military judge, on motion of the accused, may order production of statements of the witness in the possession of the United States which relate to the subject matter as to which the witness has testified. This paragraph does not preclude discovery or assertion of a privilege otherwise authorized.

"(2) INVOCATION OF PRIVILEGE BY THE UNITED STATES.—If the United States invokes a privilege, the trial counsel may provide the prior statements of the witness to the military judge dur-

ing an ex parte presentation to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

"(3) ACTION BY MILITARY JUDGE ON MOTION.—If the military judge finds that disclosure of any portion of the statement identified by the United States as classified would be detrimental to the national security in the degree to warrant classification under the applicable Executive Order, statute, or regulation, that such portion of the statement is consistent with the testimony of the witness, and that the disclosure of such portion is not necessary to afford the accused a fair trial, the military judge shall excise that portion from the statement. If the military judge finds that such portion of the statement is inconsistent with the testimony of the witness or that its disclosure is necessary to afford the accused a fair trial, the military judge, shall, upon the request of the trial counsel, review alternatives to disclosure in accordance with section 949p–6(d) of this title.

"SUBCHAPTER VI—SENTENCES

"Sec.
"949s. Cruel or unusual punishments prohibited.

''949t. Maximum limits.
''949u. Execution of confinement.

"§ 949s. Cruel or unusual punishments prohibited

''Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission under this chapter or inflicted under this chapter upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited under this chapter.

"§ 949t. Maximum limits

''The punishment which a military commission under this chapter may direct for an offense may not exceed such limits as the President or Secretary of Defense may prescribe for that offense.

"§ 949u. Execution of confinement

''(a) IN GENERAL.—Under such regulations as the Secretary of Defense may prescribe, a sentence of confinement adjudged by a military commission under this chapter may be carried into execution by confinement—

''(1) in any place of confinement under the control of any of the armed forces; or

''(2) in any penal or correctional institution under the control of the United States or its allies, or which the United States may be allowed to use.

"(b) TREATMENT DURING CONFINEMENT BY OTHER THAN THE ARMED FORCES.—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of an armed force are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, District of Columbia, or place in which the institution is situated.

"SUBCHAPTER VII—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

"Sec.
"950a. Error of law; lesser included offense.
"950b. Review by the convening authority.
"950c. Appellate referral; waiver or withdrawal of appeal.
"950d. Interlocutory appeals by the United States.
"950e. Rehearings.
"950f. Review by United States Court of Appeals for the Armed Forces and Supreme Court.
"950g. Appellate counsel.
"950h. Execution of sentence; suspension of sentence.
"950i. Finality of proceedings, findings, and sentences.

"§ 950a. Error of law; lesser included offense

"(a) ERROR OF LAW.—A finding or sentence of a military commission under this chapter may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

"(b) LESSER INCLUDED OFFENSE.—Any reviewing authority with the power to approve or affirm a finding of guilty by a military commission under this chapter may approve or affirm, instead, so much of the finding as includes a lesser included offense.

"§ 950b. Review by the convening authority

"(a) NOTICE TO CONVENING AUTHORITY OF FINDINGS AND SENTENCE.—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence.

"(b) SUBMITTAL OF MATTERS BY ACCUSED TO CONVENING AUTHORITY.—(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

"(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after accused has been give an authenticated record of trial under section 949o(c) of this title.

"(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority may, for good cause, extend the applicable period under subparagraph (A) for not more than an additional 20 days.

"(3) The accused may waive his right to make a submittal to the convening authority under paragraph (1). Such a waiver shall be made in writing, and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submittal under this subsection shall be deemed to have expired upon the sub-

mittal of a waiver under this paragraph to the convening authority.

"(c) ACTION BY CONVENING AUTHORITY.—(1) The authority under this subsection to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

"(2) The convening authority is not required to take action on the findings of a military commission under this chapter. If the convening authority takes action on the findings, the convening authority may, in his sole discretion, only—

"(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

"(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

"(3)(A) The convening authority shall take action on the sentence of a military commission under this chapter.

"(B) Subject to regulations prescribed by the Secretary of Defense, action under this paragraph may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier.

"(C) In taking action under this paragraph, the convening authority may, in his sole discretion, approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase a sentence beyond that which is found by the military commission.

"(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

"(d) ORDER OF REVISION OR REHEARING.—(1) Subject to paragraphs (2) and (3), the convening authority of a military commission under this chapter may, in his sole discretion, order a proceeding in revision or a rehearing.

"(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered by the convening authority if—

"(i) there is an apparent error or omission in the record; or

"(ii) the record shows improper or inconsistent action by the military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

"(B) In no case may a proceeding in revision—

"(i) reconsider a finding of not guilty of a specification or a ruling which amounts to a finding of not guilty;

"(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation; or

"(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

"(3) A rehearing may be ordered by the convening authority if the convening authority disapproves the findings and sentence and states the reasons for disapproval of the findings. If the convening authority disapproves the finding and sentence and does not order a rehearing, the convening authority shall dismiss the charges. A rehearing as to the findings may not be ordered by the convening authority when there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered by the convening authority if the convening authority disapproves the sentence.

"§ 950c. Appellate referral; waiver or withdrawal of appeal

"(a) AUTOMATIC REFERRAL FOR APPELLATE REVIEW.—Except as provided in subsection (b), in each case

in which the final decision of a military commission under this chapter (as approved by the convening authority) includes a finding of guilty, the convening authority shall refer the case to the United States Court of Appeals for the Armed Forces. Any such referral shall be made in accordance with procedures prescribed under regulations of the Secretary.

"(b) WAIVER OF RIGHT OF REVIEW.—(1) Except in a case in which the sentence as approved under section 950b of this title extends to death, an accused may file with the convening authority a statement expressly waiving the right of the accused to appellate review by the United States Court of Appeals for the Armed Forces under section 950f(a) of this title of the final decision of the military commission under this chapter.

"(2) A waiver under paragraph (1) shall be signed by both the accused and a defense counsel.

"(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice of the action is served on the accused or on defense counsel under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days.

"(c) WITHDRAWAL OF APPEAL.—Except in a case in which the sentence as approved under section 950b of this

title extends to death, the accused may withdraw an appeal at any time.

"(d) EFFECT OF WAIVER OR WITHDRAWAL.—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f of this title.

"§ 950d. Interlocutory appeals by the United States

"(a) INTERLOCUTORY APPEAL.—Except as provided in subsection (b), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the United States Court of Appeals for the Armed Forces under section 950f of this title of any order or ruling of the military judge—

"(1) that terminates proceedings of the military commission with respect to a charge or specification;

"(2) that excludes evidence that is substantial proof of a fact material in the proceeding;

"(3) that relates to a matter under subsection (c) or (d) of section 949d of this title; or

"(4) that, with respect to classified information—

"(A) authorizes the disclosure of such information;

"(B) imposes sanctions for nondisclosure of such information; or

"(C) refuses a protective order sought by the United States to prevent the disclosure of such information.

"(b) LIMITATION.—The United States may not appeal under subsection (a) an order or ruling that is, or amounts to, a finding of not guilty by the military commission with respect to a charge or specification.

"(c) SCOPE OF APPEAL RIGHT WITH RESPECT TO CLASSIFIED INFORMATION.—The United States has the right to appeal under paragraph (4) of subsection (a) whenever the military judge enters an order or ruling that would require the disclosure of classified information, without regard to whether the order or ruling appealed from was entered under this chapter, another provision of law, a rule, or otherwise. Any such appeal may embrace any preceding order, ruling, or reasoning constituting the basis of the order or ruling that would authorize such disclosure.

"(d) TIMING AND ACTION ON INTERLOCUTORY APPEALS RELATING TO CLASSIFIED INFORMATION.—

"(1) APPEAL TO BE EXPEDITED.—An appeal taken pursuant to paragraph (4) of subsection (a) shall be expedited by the United States Court of Appeals for the Armed Forces.

"(2) APPEALS BEFORE TRIAL.—If such an appeal is taken before trial, the appeal shall be taken within 10 days after the order or ruling appealed from and the trial shall not commence until the appeal is decided.

"(3) APPEALS DURING TRIAL.—If such an appeal is taken during trial, the military judge shall adjourn the trial until the appeal is decided, and the court of appeals—

"(A) shall hear argument on such appeal within 4 days of the adjournment of the trial (excluding weekends and holidays);

"(B) may dispense with written briefs other than the supporting materials previously submitted to the military judge;

"(C) shall render its decision within four days of argument on appeal (excluding weekends and holidays); and

"(D) may dispense with the issuance of a written opinion in rendering its decision.

"(e) NOTICE AND TIMING OF OTHER APPEALS.—The United States shall take an appeal of an order or ruling under subsection (a), other than an appeal under paragraph (4) of that subsection, by filing a notice of appeal

with the military judge within 5 days after the date of the order or ruling.

"(f) METHOD OF APPEAL.—An appeal under this section shall be forwarded, by means specified in regulations prescribed by the Secretary of Defense, directly to the United States Court of Appeals for the Armed Forces.

"(g) APPEALS COURT TO ACT ONLY WITH RESPECT TO MATTER OF LAW.—In ruling on an appeal under paragraph (1), (2), or (3) of subsection (a), the appeals court may act only with respect to matters of law.

"(h) SUBSEQUENT APPEAL RIGHTS OF ACCUSED NOT AFFECTED.—An appeal under paragraph (4) of subsection (a), and a decision on such appeal, shall not affect the right of the accused, in a subsequent appeal from a judgment of conviction, to claim as error reversal by the military judge on remand of a ruling appealed from during trial.

"§ 950e. Rehearings

"(a) COMPOSITION OF MILITARY COMMISSION FOR REHEARING.—Each rehearing under this chapter shall take place before a military commission under this chapter composed of members who were not members of the military commission which first heard the case.

"(b) SCOPE OF REHEARING.—(1) Upon a rehearing—

"(A) the accused may not be tried for any offense of which he was found not guilty by the first military commission; and

"(B) no sentence in excess of or more than the original sentence may be imposed unless—

"(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

"(ii) the sentence prescribed for the offense is mandatory.

"(2) Upon a rehearing, if the sentence approved after the first military commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first military commission.

"§ 950f. Review by United States Court of Appeals for the Armed Forces and Supreme Court

"(a) REVIEW BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subject to the provisions of this subsection, the United States Court of Appeals for the Armed Forces shall have exclusive jurisdic-

tion to determine the final validity of any judgment rendered by a military commission under this chapter.

"(2) In any case referred to it pursuant to section 950c(a) of this title, the United States Court of Appeals for the Armed Forces may act only with respect to the findings and sentence as approved by the convening authority. It may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as it finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record, it may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses.

"(3) If the United States Court of Appeals for the Armed Forces sets aside the findings and sentence, it may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If it sets aside the findings and sentence and does not order a rehearing, it shall order that the charges be dismissed.

"(b) REVIEW BY SUPREME COURT.—The Supreme Court of the United States may review by writ of certiorari pursuant to section 1257 of title 28 the final judgment

of the United States Court of Appeals for the Armed Forces in a determination under subsection (a).

"§ 950g. Appellate counsel

"(a) APPOINTMENT.—The Secretary of Defense shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications of counsel for appearing before military commissions under this chapter.

"(b) REPRESENTATION OF UNITED STATES.—Appellate counsel may represent the United States in any appeal or review proceeding under this chapter. Appellate Government counsel may represent the United States before the Supreme Court in case arising under this chapter when requested to do so by the Attorney General.

"(c) REPRESENTATION OF ACCUSED.—The accused shall be represented before the United States Court of Appeals for the Armed Forces or the Supreme Court by military appellate counsel, or by civilian counsel if retained by him.

"§ 950h. Execution of sentence; suspension of sentence

"(a) EXECUTION OF SENTENCE OF DEATH ONLY UPON APPROVAL BY THE PRESIDENT.—If the sentence

of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

"(b) EXECUTION OF SENTENCE OF DEATH ONLY UPON FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgement as to the legality of the proceedings (and with respect to death, approval under subsection (a)).

"(2) A judgement as to legality of proceedings is final for purposes of paragraph (1) when review is completed in accordance with the judgment of the United States Court of Appeals for the Armed Forces and (A) a petition for a writ of certiorari is not timely filed, (B) such a petition is denied by the Supreme Court, or (C) review is otherwise completed in accordance with the judgment of the Supreme Court.

"(c) SUSPENSION OF SENTENCE.—The Secretary of the Defense, or the convening authority acting on the case (if other than the Secretary), may suspend the execution of any sentence or part thereof in the case.

"§ 950i. Finality of proceedings, findings, and sentences

"The appellate review of records of trial provided by this chapter, and the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions under this chapter are binding upon all departments, courts, agencies, and officers of the United States, subject only to action by the Secretary or the convening authority as provided in section 950h(c) of this title and the authority of the President.

"SUBCHAPTER VIII—PUNITIVE MATTERS

"§ 950p. Definitions; construction of certain offenses; common circumstances

"(a) DEFINITIONS.—In this subchapter:

"(1) The term 'military objective' means combatants and those objects during an armed conflict which, by their nature, location, purpose, or use, effectively contribute to the war-fighting or war-sustaining capability of an opposing force and whose total or partial destruction, capture, or neutralization would constitute a definite military advantage to the attacker under the circumstances at the time of an attack.

"(2) The term 'protected person' means any person entitled to protection under one or more of the Geneva Conventions, including civilians not taking an active part in hostilities, military personnel placed out of combat by sickness, wounds, or detention, and military medical or religious personnel.

"(3) The term 'protected property' means any property specifically protected by the law of war, including buildings dedicated to religion, education, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, but only if and to the extent such property is not being used for military purposes or is not otherwise a military objective. The term includes objects properly identified by one of the distinctive emblems of the Geneva Conventions, but does not include civilian property that is a military objective.

"(b) CONSTRUCTION OF CERTAIN OFFENSES.—The intent required for offenses under paragraphs (1), (2), (3), (4), and (12) of section 950w of this title precludes their applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

"(c) COMMON CIRCUMSTANCES.—An offense specified in this subchapter is triable by military commission

under this chapter only if the offense is committed in the context of and associated with armed conflict.

"(d) OFFENSES ENCOMPASSED UNDER LAW OF WAR.—To the extent that the provisions of this subchapter codify offenses that have traditionally been triable under the law of war or otherwise triable by military commission, this subchapter does not preclude trial for offenses that occurred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.

"§ 950q. Principals

"Any person punishable under this chapter who—

"(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission;

"(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

"(3) is a superior commander who, with regard to acts punishable by this chapter, knew, had reason to know, or should have known, that a subordinate was about to commit such acts or had done so and who failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof,

is a principal.

"§ 950r. Accessory after the fact

''Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission under this chapter may direct.

"§ 950s. Conviction of lesser offenses

''An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an attempt to commit either the offense charged or an offense necessarily included therein.

"§ 950t. Attempts

''(a) IN GENERAL.—Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a military commission under this chapter may direct.

''(b) SCOPE OF OFFENSE.—An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

"(c) EFFECT OF CONSUMMATION.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

"§ 950u. Conspiracy

"Any person subject to this chapter who conspires to commit one or more substantive offenses triable by military commission under this subchapter, and who knowingly does any overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"§ 950v. Solicitation

"Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission under this chapter shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a military commission under this chapter may direct.

"§ 950w. Crimes triable by military commissions

''The following offenses shall be triable by military commission under this chapter at any time without limitation:

''(1) MURDER OF PROTECTED PERSONS.—Any person subject to this chapter who intentionally kills one or more protected persons shall be punished by death or such other punishment as a military commission under this chapter may direct.

''(2) ATTACKING CIVILIANS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian population as such, or individual civilians not taking active part in hostilities, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(3) ATTACKING CIVILIAN OBJECTS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian object that is not a military objective shall be punished as a military commission under this chapter may direct.

''(4) ATTACKING PROTECTED PROPERTY.—Any person subject to this chapter who intentionally en-

gages in an attack upon protected property shall be punished as a military commission under this chapter may direct.

"(5) PILLAGING.—Any person subject to this chapter who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be punished as a military commission under this chapter may direct.

"(6) DENYING QUARTER.—Any person subject to this chapter who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those groups that there shall be no survivors or surrender accepted, with the intent to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be punished as a military commission under this chapter may direct.

"(7) TAKING HOSTAGES.—Any person subject to this chapter who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or re-

frain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(8) EMPLOYING POISON OR SIMILAR WEAPONS.—Any person subject to this chapter who intentionally, as a method of warfare, employs a substance or weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(9) USING PROTECTED PERSONS AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of, a protected person with the intent to shield a military ob-

jective from attack. or to shield, favor, or impede military operations, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(10) USING PROTECTED PROPERTY AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of the location of, protected property with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished as a military commission under this chapter may direct.

"(11) TORTURE.—

"(A) OFFENSE.—Any person subject to this chapter who commits an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind,

shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(B) SEVERE MENTAL PAIN OR SUFFERING DEFINED.—In this paragraph, the term 'severe mental pain or suffering' has the meaning given that term in section 2340(2) of title 18.

"(12) CRUEL OR INHUMAN TREATMENT.—Any person subject to this chapter who subjects another person in their custody or under their physical control, regardless of nationality or physical location, to cruel or inhuman treatment that constitutes a grave breach of common Article 3 of the Geneva Conventions shall be punished, if death results to the victim, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to the victim, by such punishment, other than death, as a military commission under this chapter may direct.

"(13) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—

"(A) OFFENSE.—Any person subject to this chapter who intentionally causes serious bodily injury to one or more persons, including privileged belligerents, in violation of the law of war shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(B) SERIOUS BODILY INJURY DEFINED.—In this paragraph, the term 'serious bodily injury' means bodily injury which involves—

"(i) a substantial risk of death;

"(ii) extreme physical pain;

"(iii) protracted and obvious disfigurement; or

"(iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(14) MUTILATING OR MAIMING.—Any person subject to this chapter who intentionally injures one

or more protected persons by disfiguring the person or persons by any mutilation of the person or persons, or by permanently disabling any member, limb, or organ of the body of the person or persons, without any legitimate medical or dental purpose, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(15) MURDER IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally kills one or more persons, including privileged belligerents, in violation of the law of war shall be punished by death or such other punishment as a military commission under this chapter may direct.

"(16) DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally destroys property belonging to another person in violation of the law of war shall punished as a military commission under this chapter may direct.

"(17) USING TREACHERY OR PERFIDY.—Any person subject to this chapter who, after inviting the

confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(18) IMPROPERLY USING A FLAG OF TRUCE.—Any person subject to this chapter who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise suspend hostilities when there is no such intention shall be punished as a military commission under this chapter may direct.

"(19) IMPROPERLY USING A DISTINCTIVE EMBLEM.—Any person subject to this chapter who intentionally uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of war shall be punished as a military commission under this chapter may direct.

"(20) INTENTIONALLY MISTREATING A DEAD BODY.—Any person subject to this chapter who in-

tentionally mistreats the body of a dead person, without justification by legitimate military necessary, shall be punished as a military commission under this chapter may direct.

"(21) RAPE.—Any person subject to this chapter who forcibly or with coercion or threat of force wrongfully invades the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object, shall be punished as a military commission under this chapter may direct.

"(22) SEXUAL ASSAULT OR ABUSE.—Any person subject to this chapter who forcibly or with coercion or threat of force engages in sexual contact with one or more persons, or causes one or more persons to engage in sexual contact, shall be punished as a military commission under this chapter may direct

"(23) HIJACKING OR HAZARDING A VESSEL OR AIRCRAFT.—Any person subject to this chapter who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of a vessel or aircraft that is not a legitimate military objective shall be punished, if death results to one or more of

the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(24) TERRORISM.—Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more protected persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(25) PROVIDING MATERIAL SUPPORT FOR TERRORISM.—

"(A) OFFENSE.—Any person subject to this chapter who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out,

an act of terrorism (as set forth in paragraph (23) of this section), or who intentionally provides material support or resources to an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism (as so set forth), shall be punished as a military commission under this chapter may direct.

"(B) MATERIAL SUPPORT OR RESOURCES DEFINED.—In this paragraph, the term 'material support or resources' has the meaning given that term in section 2339A(b) of title 18.

"(26) WRONGFULLY AIDING THE ENEMY.—Any person subject to this chapter who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished as a military commission under this chapter may direct.

"(27) SPYING.—Any person subject to this chapter who, in violation of the law of war and with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign power, collects or attempts to collect in-

formation by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished by death or such other punishment as a military commission under this chapter may direct.

"(28) CONTEMPT.—A military commission under this chapter may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.

"(29) PERJURY AND OBSTRUCTION OF JUSTICE.—A military commission under this chapter may try offenses and impose such punishment as the military commission may direct for perjury, false testimony, or obstruction of justice related to the military commission.".

(b) CONFORMING AMENDMENT.—Paragraph (13) of section 802 of title 10, United States Code (article 2 of the Uniform Code of Military Justice), is amended to read as follows:

"(13) Privileged belligerents (as that term is defined section 948a(3) of this title) who violate the law of war.".

(c) PROCEEDINGS UNDER PRIOR STATUTE.—

(1) PRIOR CONVICTIONS.—The amendments made by subsection (a) shall have no effect on the validity of any conviction pursuant to chapter 47A of title 10, United States Code, as such chapter was in effect on the day before the date of the enactment of this Act.

(2) COMPOSITION OF MILITARY COMMISSIONS.—Notwithstanding the amendments made by subsection (a)—

(A) any commission convened pursuant to chapter 47A of title 10, United States Code, as such chapter was in effect on the day before the date of the enactment of this Act, shall be deemed to have been convened pursuant to chapter 47A of title 10, United States Code, as amended by subsection (a);

(B) any member of the Armed Forces detailed to serve on a commission pursuant to chapter 47A of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code, as so amended;

(C) any military judge detailed to a commission pursuant to chapter 47A of title 10,

United States Code, as in effect on the day before the date of the enactment of this Act, shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code, as so amended;

(D) any trial counsel or defense counsel detailed for a commission pursuant to chapter 47A of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code, as so amended; and

(E) any court reporters detailed to or employed by a commission pursuant to chapter 47A of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be deemed to have been detailed or employed pursuant to chapter 47A of title 10, United States Code, as so amended.

(3) CHARGES AND SPECIFICATIONS.—Notwithstanding the amendments made by subsection (a)—

(A) any charges or specifications sworn or referred pursuant to chapter 47A of title 10, United States Code, as such chapter was in effect on the day before the date of the enact-

ment of this Act, shall be deemed to have been sworn or referred pursuant to chapter 47A of title 10, United States Code, as amended by subsection (a); and

(B) any charges or specifications described in subparagraph (A) may be amended, without prejudice, as needed to properly allege jurisdiction under chapter 47A of title 10, United States Code, as so amended, and crimes triable under such chapter.

(4) PROCEDURES AND REQUIREMENTS.—Except as provided in paragraphs (1) through (3), any commission convened pursuant to chapter 47A of title 10, United States Code, as such chapter was in effect on the day before the date of the enactment of this Act, shall be conducted after the date of the enactment of this Act in accordance with the procedures and requirements of chapter 47A of title 10, United States Code, as amended by subsection (a).

(d) NOTICE TO CONGRESS.—

(1) INITIAL RULES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting for the procedures for

military commissions prescribed under chapter 47A of title 10, United States Code, as amended by subsection (a).

(2) CHANGES TO PROCEDURES.—Not later than 60 days before the date on which any proposed modification of the regulations in effect for military commissions under Chapter 47A of title 10, United States Code, as so amended, goes into effect, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the modification.

SEC. 1032. TRIAL BY MILITARY COMMISSION OF ALIEN UNPRIVILEGED BELLIGERENTS FOR VIOLATIONS OF THE LAW OF WAR.

(a) IN GENERAL.—Subchapter I of chapter 47A of title 10, United States Code, as amended by section 1031(a), is further amended by adding at the end the following new section:

"§ 948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war

"(a) SENSE OF CONGRESS.—It is the sense of Congress that the preferred forum for the trial of alien unprivileged enemy belligerents subject to this chapter for violations of the law of war and other offenses made pun-

ishable by this chapter is trial by military commission under this chapter.''

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such subchapter, as amended by section 1031(a), is further amended by adding after the item relating to section 948d the following new item:

''948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war.''.

SEC. 1033. NO MIRANDA WARNINGS FOR AL QAEDA TERRORISTS.

(a) DEFINITIONS.—In this section—

(1) the term ''foreign national'' means an individual who is not a citizen or national of the United States; and

(2) the term ''enemy combatant'' includes a privileged belligerent and an unprivileged enemy belligerent, as those terms are defined in section 948a of title 10, United States Code, as amended by section 1031 of this Act.

(b) NO MIRANDA WARNINGS.—Absent an unappealable court order requiring the reading of such statements, no military or intelligence agency or department of the United States shall read to a foreign national who is captured or detained as an enemy combatant by the United States the statement required by Miranda v. Arizona, 384 U.S. 436 (1966), or otherwise inform such

a prisoner of any rights that the prisoner may or may not have to counsel or to remain silent consistent with Miranda v. Arizona, 384 U.S. 436 (1966). No Federal statute, regulation, or treaty shall be construed to require that a foreign national who is captured or detained as an enemy combatant by the United States be informed of any rights to counsel or remain silent consistent with Miranda v. Arizona, 384 U.S. 436 (1966) that the prisoner may or may not have, except as required by the United States Constitution. No statement that is made by a foreign national who is captured or detained as an enemy combatant by the United States may be excluded from any proceeding on the basis that the prisoner was not informed of a right to counsel or to remain silent, that the prisoner may or may not have, unless required by the United States Constitution.

(c) IN GENERAL.—This section shall not apply to the Department of Justice.

Subtitle E—Medical Facility Matters

SEC. 1041. SHORT TITLE.

This subtitle may be cited as the ''Captain James A. Lovell Federal Health Care Center Act of 2009''.

SEC. 1042. EXECUTIVE AGREEMENT.

(a) EXECUTIVE AGREEMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall execute a signed executive agreement for the joint use by the Department of Defense and the Department of Veterans Affairs of the following:

(1) A new Navy ambulatory care center (on which construction commenced in July 2008), parking structure, and supporting structures and facilities in North Chicago, Illinois, and Great Lakes, Illinois.

(2) Medical personal property and equipment relating to the center, structures, and facilities described in paragraph (1).

(b) SCOPE.—The agreement required by subsection (a) shall—

(1) be a binding operational agreement on matters under the areas specified in section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500); and

(2) contain additional terms and conditions as required by the provisions of this title.

SEC. 1043. TRANSFER OF PROPERTY.

(a) TRANSFER.—

(1) TRANSFER AUTHORIZED.—The Secretary of Defense, acting through the Administrator of General Services, may transfer, without reimbursement, to the Secretary of Veterans Affairs jurisdiction over the center, structures, facilities, and property and equipment covered by the executive agreement under section 1042.

(2) DATE OF TRANSFER.—The transfer authorized by paragraph (1) may not occur before the earlier of—

(A) the date that is five years after the date of the execution under section 1042 of the executive agreement required by that section; or

(B) the date of the completion of such specific benchmarks relating to the joint use by the Department of Defense and the Department of Veterans Affairs of the Navy ambulatory care center described in section 1042(a)(1) as the Secretary of Defense (in consultation with the Secretary of the Navy) and Secretary of the Department of Veterans Affairs shall jointly establish for purposes of this section not later than 180 days after the date of the enactment of this Act.

(3) DELAY OF TRANSFER FOR COMPLETION OF CONSTRUCTION.—If construction on the center, structures, and facilities described in paragraph (1) is not complete as of the date specified in subparagraph (A) or (B) of that paragraph, as applicable, the transfer of the center, structures, and facilities under that paragraph may occur thereafter upon completion of the construction.

(4) DISCHARGE OF TRANSFER.—The Administrator of General Services shall effectualize and memorialize the transfer as authorized by this subsection not later than 30 days after receipt of the request for the transfer.

(5) DESIGNATION OF FACILITY.—The center, structures, facilities transferred under this subsection shall be designated and known after transfer under this subsection as the ''Captain James A. Lovell Federal Health Care Center''.

(b) REVERSION.—

(1) IN GENERAL.—If any of the real and related personal property transferred pursuant to subsection (a) is subsequently used for purposes other than those specified in the executive agreement required by section 1042, or is otherwise jointly determined by the Secretary of Defense and the Secretary

of Veterans Affairs to be excess to the needs of the Captain James A. Lovell Federal Health Care Center, the Secretary of Veterans Affairs shall offer to transfer jurisdiction over such property, without reimbursement, to the Secretary of Defense. Any such transfer shall be carried out by the Administrator of General Services not later than one year after the acceptance of the offer of such transfer, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(2) REVERSION IN EVENT OF LACK OF FACILITIES INTEGRATION.—

(A) WITHIN INITIAL PERIOD.—During the five-year period beginning on the date of the transfer of real and related personal property pursuant to subsection (a), if the Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Navy jointly determine that the integration of the facilities transferred pursuant to that subsection should not continue, jurisdiction over such real and related personal property shall be transferred, without reimbursement, to the Secretary of Defense. The transfer under this subparagraph shall be carried out by the Administrator of General Serv-

ices not later than 180 days after the date of the determination by the Secretaries, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(B) AFTER INITIAL PERIOD.—After the end of the five-year period described in subparagraph (A), if the Secretary of Veterans Affairs or the Secretary of Defense determines that the integration of the facilities transferred pursuant to subsection (a) should not continue, the Secretary of Veterans Affairs shall transfer, without reimbursement, to the Secretary of Defense jurisdiction over the real and related personal property described in subparagraph (A). Any transfer under this subparagraph shall be carried out by the Administrator of General Services not later than one year after the date of the determination by the applicable Secretary, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(C) REVERSION PROCEDURES.—The executive agreement required by section 1042 shall provide the following:

(i) Specific procedures for the reversion of real and related personal property, as appropriate, transferred pursuant to subsection (a) to ensure the continuing accomplishment by the Department of Defense and the Department of Veterans Affairs of their missions in the event that the integration of facilities described transferred pursuant to that subsection (a) is not completed or a reversion of property occurs under subparagraph (A) or (B).

(ii) In the event of a reversion under this paragraph, the transfer from the Department of Veterans Affairs to the Department of Defense of associated functions including appropriate resources, civilian positions, and personnel, in a manner that will not result in adverse impact to the missions of Department of Defense or the Department of Veterans Affairs.

SEC. 1044. TRANSFER OF CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—The Secretary of Defense and the Secretary of the Navy may transfer to the Secretary of Veterans Affairs functions necessary for

the effective operation of the Captain James A. Lovell Federal Health Care Center. The Secretary of Veterans Affairs may accept any functions so transferred.

(b) TERMS.—

(1) EXECUTIVE AGREEMENT.—Any transfer of functions under subsection (a) shall be carried out as provided in the executive agreement required by section 1042. The functions to be so transferred shall be identified utilizing the provisions of section 3503 of title 5, United States Code.

(2) ELEMENTS.—In providing for the transfer of functions under subsection (a), the executive agreement required by section 1042 shall provide for the following:

(A) The transfer of civilian employee positions of the Department of Defense identified in the executive agreement to the Department of Veterans Affairs, and of the incumbent civilian employees in such positions, and the transition of the employees so transferred to the pay, benefits, and personnel systems that apply to employees of the Department of Veterans Affairs (to the extent that different systems apply).

(B) The transition of employees so transferred to the pay systems of the Department of

Veterans Affairs in a manner which will not result in any reduction in an employee's regular rate of compensation (including basic pay, locality pay, any physician comparability allowance, and any other fixed and recurring pay supplement) at the time of transition.

(C) The continuation after transfer of the same employment status for employees so transferred who have already successfully completed or are in the process of completing a one-year probationary period under title 5, United States Code, notwithstanding the provisions of section 7403(b)(1) of title 38, United States Code.

(D) The extension of collective bargaining rights under title 5, United States Code, to employees so transferred in positions listed in subsection 7421(b) of title 38, United States Code, notwithstanding the provisions of section 7422 of title 38, United States Code, for a two-year period beginning on the effective date of the executive agreement.

(E) At the end of the two-year period beginning on the effective date of the executive agreement, for the following actions by the Sec-

retary of Veterans Affairs with respect to the extension of collective bargaining rights under subparagraph (D):

(i) Consideration of the impact of the extension of such rights.

(ii) Consultation with exclusive employee representatives of the transferred employees about such impact.

(iii) Determination, after consultation with the Secretary of Defense and the Secretary of the Navy, whether the extension of such rights should be terminated, modified, or kept in effect.

(iv) Submittal to Congress of a notice regarding the determination made under clause (iii).

(F) The recognition after transfer of each transferred physician's and dentist's total number of years of service as a physician or dentist in the Department of Defense for purposes of calculating such employee's rate of base pay, notwithstanding the provisions of section 7431(b)(3) of title 38, United States Code.

(G) The preservation of the seniority of the employees so transferred for all pay purposes.

(c) RETENTION OF DEPARTMENT OF DEFENSE EMPLOYMENT AUTHORITY.—Notwithstanding subsections (a) and (b), the Department of Defense may employ civilian personnel at the Captain James Lovell Federal Health Care Center if the Secretary of the Navy, or a designee of the Secretary, determines it is necessary and appropriate to meet mission requirements of the Department of the Navy.

SEC. 1045. JOINT FUNDING AUTHORITY FOR THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) IN GENERAL.—The Department of Veterans Affairs/Department of Defense Health-Care Resources Sharing Committee under section 8111(b) of title 38, United States Code, may provide for the joint funding of the Captain James A. Lovell Federal Health Care Center in accordance with the provisions of this section.

(b) HEALTH CARE CENTER FUND.—

(1) ESTABLISHMENT.—There is established on the books of the Treasury under the Department of Veterans Affairs a fund to be known as the ''Captain James A. Lovell Federal Health Care Center Fund'' (in this section referred to as the ''Fund'').

(2) ELEMENTS.—The Fund shall consist of the following:

(A) Amounts transferred to the Fund by the Secretary of Defense, in consultation with the Secretary of the Navy, from amounts authorized to be appropriated for the Department of Defense.

(B) Amounts transferred to the Fund by the Secretary of Veterans Affairs from amounts authorized to be appropriated for the Department of Veterans Affairs.

(C) Amounts transferred to the Fund from medical care collections under paragraph (4).

(3) DETERMINATION OF AMOUNTS TRANSFERRED GENERALLY.—The amount transferred to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs under subparagraphs (A) and (B), as applicable, of paragraph (2) each fiscal year shall be such amount, as determined by a methodology jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection, that reflects the mission-specific activities, workload, and costs of provision of health care at the Captain James A. Lovell Federal Health Care Center of the Department of Defense and the Department of Veterans Affairs, respectively.

(4) TRANSFERS FROM MEDICAL CARE COLLECTIONS.—

(A) IN GENERAL.—Amounts collected under the authorities specified in subparagraph (B) for health care provided at the Captain James A. Lovell Federal Health Care Center may be transferred to the Fund under paragraph (2)(C).

(B) AUTHORITIES.—The authorities specified in this subparagraph are the following:

(i) Section 1095 of title 10, United States Code.

(ii) Section 1729 of title 38, United States Code.

(iii) Public Law 87–693, popularly known as the ''Federal Medical Care Recovery Act'' (42 U.S.C. 2651 et seq.).

(5) ADMINISTRATION.—The Fund shall be administered in accordance with such provisions of the executive agreement required by section 1042 as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly include in the executive agreement. Such provisions shall provide for an independent review of the methodology established under paragraph (3).

(c) AVAILABILITY.—

(1) IN GENERAL.—Funds transferred to the Fund under subsection (b) shall be available to fund the operations of the Captain James A. Lovell Federal Health Care Center, including capital equipment, real property maintenance, and minor construction projects that are not required to be specifically authorized by law under section 2805 of title 10, United States Code, or section 8104 of title 38, United States Code.

(2) LIMITATION.—The availability of funds transferred to the Fund under subsection (b)(2)(C) shall be subject to the provisions of section 1729A of title 38, United States Code.

(3) PERIOD OF AVAILABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds transferred to the Fund under subsection (b) shall be available under paragraph (1) for one fiscal year after transfer.

(B) EXCEPTION.—Of an amount transferred to the Fund under subsection (b), an amount not to exceed two percent of such amount shall be available under paragraph (1) for two fiscal years after transfer.

(d) FINANCIAL RECONCILIATION.—The executive agreement required by section 1042 shall provide for the development and implementation of an integrated financial reconciliation process that meets the fiscal reconciliation requirements of the Department of Defense, the Department of the Navy, and the Department of Veterans Affairs. The process shall permit each of the Department of Defense, the Department of Navy, and the Department of Veterans Affairs to identify their fiscal contributions to the Fund, taking into consideration accounting, workload, and financial management differences.

(e) ANNUAL REPORT.—The Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall jointly provide for an annual independent review of the Fund for at least three years after the date of the enactment of this Act. Such review shall include detailed statements of the uses of amounts of the Fund and an evaluation of the adequacy of the proportional share contributed to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs.

(f) TERMINATION.—The authorities in this section shall terminate on September 30, 2015.

SEC. 1046. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR CARE AND SERVICES AT THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) IN GENERAL.—For purposes of eligibility for health care under chapter 55 of title 10, United States Code, the Captain James A. Lovell Federal Health Care Center may be treated as a facility of the uniformed services to the extent provided under subsection (b) in the executive agreement required by section 1042.

(b) ADDITIONAL ELEMENTS.—The executive agreement required by section 1042 may include provisions as follows:

(1) To establish an integrated priority list for access to health care at the Captain James A. Lovell Federal Health Care Center, which list shall—

(A) integrate the respective health care priority lists of the Secretary of Defense and the Secretary of Veterans Affairs; and

(B) take into account categories of beneficiaries, enrollment program status, and such other matters as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate.

(2) To incorporate any resource-related limitations for access to health care at the Captain James

A. Lovell Federal Health Care Center that the Secretary of Defense may establish for purposes of administering space-available eligibility for care in facilities of the uniformed services under chapter 55 of title 10, United States Code.

(3) To allocate financial responsibility for care provided at the Captain James A. Lovell Federal Health Care Center for individuals who are eligible for care under both chapter 55 of title 10, United States Code, and title 38, United States Code.

(4) To waive the applicability to the Captain James A. Lovell Federal Health Care Center of any provision of section 8111(e) of title 38, United States Code, that the Secretary of Defense and the Secretary of Veterans Affairs shall jointly specify.

SEC. 1047. EXTENSION OF DOD–VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2015''.

Subtitle F—Miscellaneous Requirements, Authorities, and Limitations

SEC. 1051. CONGRESSIONAL EARMARKS RELATING TO THE DEPARTMENT OF DEFENSE.

(a) REPORT ON RECURRING EARMARKS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a list of each congressional earmark that has been included in a national defense authorization Act for three or more consecutive fiscal years as of the national defense authorization Act for fiscal year 2010.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the extent to which competitive or merit-based procedures were used to award funding, or to enter into a contract, grant, or other agreement, pursuant to each congressional earmark listed in the report.

(B) An identification of the specific contracting vehicle used for each such earmark.

(C) In the case of any congressional earmark listed in the report for which competitive

or merit-based procedures were not used to award funding, or to enter the contract, grant, or other agreement, a statement of the reasons competitive or merit-based procedures were not used.

(b) DOD INSPECTOR GENERAL AUDIT OF EARMARKS.—The Inspector General of the Department of Defense shall conduct an audit of contracts, grants, or other agreements pursuant to congressional earmarks of Department of Defense funds to determine whether or not the recipients of such earmarks are complying with requirements of Federal law on the use of appropriated funds to influence, whether directly or indirectly, congressional action on any legislation or appropriation matter pending before Congress.

(c) DEFINITIONS.—In this section:

(1) The term ''congressional earmark'' means any congressionally directed spending item (Senate) or congressional earmark (House of Representatives) on the list published in compliance with rule XLIV of the Standing Rules of the Senate or rule XXI of the Rules of the House of Representatives.

(2) The term ''national defense authorization Act'' means an Act authorizing funds for a fiscal

year for the military activities of the Department of Defense, and for other purposes.

SEC. 1052. NATIONAL STRATEGIC FIVE-YEAR PLAN FOR IMPROVING THE NUCLEAR FORENSIC AND ATTRIBUTION CAPABILITIES OF THE UNITED STATES.

(a) IN GENERAL.—The President, with the participation of the officials specified in subsection (c), shall develop a national strategic plan for improving over a five-year period the nuclear forensic and attribution capabilities of the United States and the methods, capabilities, and capacity for nuclear materials forensics and attribution.

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

(1) An investment plan to support nuclear materials forensics and attribution.

(2) Recommendations with respect to—

(A) the allocation of roles and responsibilities for pre-detonation, detonation, and post-detonation activities; and

(B) methods for the attribution of nuclear or radiological material to the source when such material is intercepted by the United States, foreign governments, or international bodies or

is dispersed in the course of a terrorist attack or other nuclear or radiological explosion.

(c) OFFICIALS.—The officials specified in this subsection are the following:

(1) The Secretary of Homeland Security.

(2) The Secretary of Defense.

(3) The Secretary of Energy.

(4) The Attorney General.

(5) The Secretary of State.

(6) The Director of National Intelligence.

(7) Such other officials as the President considers appropriate.

(d) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress the plan required under subsection (a).

SEC. 1053. ONE-YEAR EXTENSION OF AUTHORITY TO OFFER AND MAKE REWARDS FOR ASSISTANCE IN COMBATING TERRORISM THROUGH GOVERNMENT PERSONNEL OF ALLIED FORCES.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking ''September, 30, 2009'' and inserting ''September, 30, 2010''.

SEC. 1054. BUSINESS PROCESS REENGINEERING.

(a) NEW PROGRAMS.—Section 2222 of title 10, United States Code, is amended—

(1) in subsection (a)—

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

(B) by inserting before paragraph (2), as redesignated by subparagraph (A) of this subsection, the following new paragraph (1):

''(1) the appropriate chief management officer for the defense business system modernization has determined whether or not—

''(A) the defense business system modernization is in compliance with the enterprise architecture developed under subsection (c); and

''(B) appropriate business process reengineering efforts have been undertaken to ensure that—

''(i) the business process to be supported by the defense business system modernization will be as streamlined and efficient as practicable; and

''(ii) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has

been eliminated or reduced to the maximum extent practicable;'';

(C) in paragraph (2), as redesignated by subparagraph (A) of this subsection, by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) has been determined by the appropriate chief management officer to be in compliance with the requirements of paragraph (1);''; and

(D) in paragraph (3), as redesignated by subparagraph (A) of this paragraph, by striking ''the certification by the approval authority is'' and inserting ''the certification by the approval authority and the determination by the chief management officer are''; and

(2) in subsection (f)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(B) by inserting ''(1)'' before ''The Secretary of Defense'';

(C) in subparagraph (E) of paragraph (1), as designated by this paragraph, by striking

"paragraphs (1) through (4)" and inserting "subparagraphs (A) through (D)"; and

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

"(2) For purposes of subsection (a), the appropriate chief management officer for a defense business system modernization is as follows:

"(A) In the case of an Army program, the Chief Management Officer of the Army.

"(B) In the case of a Navy program, the Chief Management Officer of the Navy.

"(C) In the case of an Air Force program, the Chief Management Officer of the Air Force.

"(D) In the case of a program of a Defense Agency, the Deputy Chief Management Officer of the Department of Defense.

"(E) In the case of a program that will support the business processes of more than one military department or Defense Agency, the Deputy Chief Management Officer of the Department of Defense.".

(b) ONGOING PROGRAMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the appropriate chief management officer for each defense

business system modernization approved by the Defense Business Systems Management Committee before the date of the enactment of this Act that will have a total cost in excess of $100,000,000 shall review such defense business system modernization to determine whether or not appropriate business process reengineering efforts have been undertaken to ensure that—

(A) the business process to be supported by such defense business system modernization will be as streamlined and efficient as practicable; and

(B) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable.

(2) ACTION ON FINDING OF LACK OF REENGINEERING EFFORTS.—If the appropriate chief management officer determines that appropriate business process reengineering efforts have not been undertaken with regard to a defense business system modernization as described in paragraph (1), that chief management officer—

(A) shall develop a plan to undertake business process reengineering efforts with respect to the defense business system modernization; and

(B) may direct that the defense business system modernization be restructured or terminated, if necessary to meet the requirements of paragraph (1).

(3) DEFINITIONS.—In this subsection:

(A) The term ''appropriate chief management officer'', with respect to a defense business system modernization, has the meaning given that term in paragraph (2) of subsection (f) of section 2222 of title 10, United States Code (as amended by subsection (a)(2) of this section).

(B) The term ''defense business system modernization'' has the meaning given that term in subsection (j)(3) of section 2222 of title 10, United States Code.

SEC. 1055. RESPONSIBILITY FOR PREPARATION OF BIENNIAL GLOBAL POSITIONING SYSTEM REPORT.

(a) IN GENERAL.—Section 2281(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''the Secretary of Defense'' and inserting ''the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing,''; and

(B) by striking ''the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives'' and inserting ''the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives''; and

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

''(2) In preparing each report required under paragraph (1), the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing, shall consult with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security.''.

(b) TECHNICAL AMENDMENTS.—Paragraph (1)(B)(ii) of such section is amended—

(1) by inserting ''validated'' before ''performance requirements''; and

(2) by inserting ''in accordance with Office of Management and Budget Circular A–109'' after ''Plan''.

SEC. 1056. ADDITIONAL SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 8 of the Inspector General Act of 1978 (5 U.S.C. App. 8) is amended by adding at the end the following new subsection:

''(i)(1) The Inspector General of the Department of Defense is authorized to require by subpoena the attendance and testimony of witnesses necessary to carry out an audit or investigation pursuant to the authorities of this Act.

''(2) A subpoena issued under this subsection, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

''(3) The Inspector General shall consult with the Attorney General before issuing any subpoena under this section, and shall not proceed with the issuance of such a subpoena if the Attorney General objects.''.

SEC. 1057. REPORTS ON BANDWIDTH REQUIREMENTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEM ACQUISITION PROGRAMS.

Section 1047(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4603; 10 U.S.C. 2366b note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs, as so redesignated, four ems from the left margin;

(2) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(3) by adding at the end the following:

''(2) REPORTS.—Not later than January 1 each year, the Secretary of Defense and the Director of National Intelligence shall each submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on any determinations made under paragraph (1) with respect to meeting the bandwidth requirements for major defense acqui-

sition programs and major system acquisition programs during the preceding fiscal year.''.

SEC. 1058. MULTIYEAR CONTRACTS UNDER PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

(a) MULTIYEAR CONTRACTS AUTHORIZED.—The Secretary of the Air Force may enter into one or more multiyear contracts, beginning with the fiscal year 2011 program year, for purposes of conducting the pilot program on utilizing commercial fee-for-service air refueling tanker aircraft for Air Force operations required by section 1081 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 335).

(b) COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.—Any contract entered into under subsection (a) shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(1) the term of the contract may not be more than 8 years;

(2) notwithstanding subsection 2306c(b) of title 10, United States Code, the authority under subsection 2306c(a) of title 10, United States Code,

shall apply to the fee-for-service air refueling pilot program;

(3) the contract may contain a clause setting forth a cancellation ceiling in excess of $100,000,000; and

(4) the contract may provide for an unfunded contingent liability in excess of $20,000,000.

(c) COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.—A contract entered into under subsection (a) shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(1) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining commercial fee-for-service air refueling tanker aircraft for Air Force operations; and

(2) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(d) LIMITATION ON AMOUNT.—The amount of a contract under subsection (a) may not exceed $999,999,999.

(e) PROVISION OF GOVERNMENT INSURANCE.—A commercial air operator contracting with the Department of Defense under the pilot program referred to in subsection (a) shall be eligible to receive government provided insurance pursuant to chapter 443 of title 49, United States Code, if commercial insurance is unavailable on reasonable terms and conditions.

SEC. 1059. ADDITIONAL DUTY FOR ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 337) is amended by—

(1) redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) in paragraph (4), by striking ''other department'' and inserting ''other departments''; and

(3) by inserting after paragraph (6) the following new paragraphs:

''(7) assess the adequacy of the process and methodology by which the Department of Defense establishes, maintains, and resources dedicated, special, and general purpose forces for conducting operations described in paragraph (1);

"(8) assess the adequacy of the resources planned and programmed by the Department of Defense to ensure the preparedness and capability of dedicated, special, and general purpose forces for conducting operations described in paragraph (1);".

Subtitle G—Reports

SEC. 1071. NATIONAL INTELLIGENCE ESTIMATE ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES AND NUCLEAR WEAPONS AND RELATED PROGRAMS IN NON-NUCLEAR-WEAPONS STATES AND COUNTRIES NOT PARTIES TO THE NUCLEAR NON-PROLIFERATION TREATY.

(a) IN GENERAL.—The Director of National Intelligence shall prepare a national intelligence estimate (NIE) on the following:

(1) The nuclear weapons programs and any related programs of countries that are non-nuclear-weapons state parties to the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the "Nuclear Non-Proliferation Treaty") and countries that are not parties to the Treaty.

(2) The nuclear weapons aspirations of such non-state entities as the Director considers appropriate to include in the estimate.

(b) ELEMENTS.—The national intelligence estimate required under subsection (a) shall include, with respect to each country described in subsection (a)(1) and each non-state entity referred to in subsection (a)(2), the following:

(1) A statement of the number of nuclear weapons possessed by such country or non-state entity.

(2) An estimate of the total number of nuclear weapons that such country or non-state entity seeks to obtain and, in the case of such non-state entity, an assessment of the extent to which such non-state entity is seeking to develop a nuclear weapon or device or radiological dispersion device.

(3) A description of the technical characteristics of any nuclear weapons possessed by such country or non-state entity.

(4) A description of nuclear weapons designs available to such country or non-state entity.

(5) A description of any sources of assistance with respect to nuclear weapons design provided to such country or non-state entity.

(6) An assessment of the annual capability of such country and non-state entity to produce new or newly designed nuclear weapons.

(7) A description of the type of fissile materials used in any nuclear weapons possessed by such country or non-state entity.

(8) An description of the location and production capability of any fissile materials production facilities in such country or controlled by such non-state entity, the current status of any such facilities, and any plans by such country or non-state entity to develop such facilities.

(9) An identification of the source of any fissile materials used by such country or non-state entity, if such materials are not produced in facilities referred to in paragraph (8).

(10) A description of any delivery systems available to such country or non-state entity and an assessment of whether nuclear warheads have been mated to any such delivery system.

(11) An assessment of the physical security of the storage facilities for nuclear weapons in such country or controlled by such non-state entity.

(12) An assessment of whether such country or non-state entity is modernizing or otherwise improv-

ing the safety, security, and reliability of the nuclear weapons stockpile of such country or non-state entity.

(13) In the case of a country, an assessment of the policy of such country on the employment and use of nuclear weapons.

(c) SUBMITTAL TO CONGRESS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Director of National Intelligence shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives the national intelligence estimate required under subsection (a) by not later than September 1, 2010.

(2) NOTIFICATION OF DELAY IN SUBMITTAL.—If the Director of National Intelligence determines that it will not be possible for the Director to submit the national intelligence estimate by September 1, 2010, the Director shall, not later than August 1, 2010, submit to the committees specified in paragraph (1) a notice—

(A) that the national intelligence estimate will not be submitted by September 1, 2010; and

(B) setting forth the date by which the Director will submit the national intelligence estimate.

SEC. 1072. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF MILITARY WHISTLEBLOWER PROTECTIONS.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of military whistleblower protections afforded to members of the Armed Services by the Department of Defense. The review shall include an analysis of the following:

(1) A sample of military whistleblower cases at the Office of the Inspector General of the Department of Defense, as well as one or more Offices of the Inspector General of a military department (as selected by the Comptroller General for the purposes of this section).

(2) Department-wide efforts to educate and inform members of the Armed Forces about the protections provided to them under section 1034 of title 10, United States Code.

(3) A sample of military whistleblower reprisal appeals (as selected by the Comptroller General for the purposes of this section) heard by the Boards for the Correction of Military Records referred to in sec-

tion 1552 of title 10, United States Code, of each military department.

(b) REPORT.—Not later than December 1, 2009, the Comptroller General shall submit a report on the review and analysis conducted under subsection (a) to the Chairman and Ranking Minority Member of each of the following:

(1) The Committees on Armed Services, Homeland Security and Governmental Affairs, and the Judiciary of the Senate.

(2) The Committees on Armed Services, Homeland Security, and the Judiciary of the House of Representatives.

SEC. 1073. REPORT ON RE-DETERMINATION PROCESS FOR PERMANENTLY INCAPACITATED DEPENDENTS OF RETIRED AND DECEASED MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the re-determination process of the Department of Defense used to determine the eligibility of permanently incapacitated dependents of retired and deceased members of the Armed Forces for benefits provided under laws administered by the Secretary. The report shall include the following:

(1) An assessment of the re-determination process, including the following:

(A) The rationale for requiring a quadrennial recertification of financial support after issuance of a permanent identification card to a permanently incapacitated dependent.

(B) The administrative and other burdens the quadrennial recertification imposes on the affected sponsor and dependents, especially after the sponsor becomes ill, incapacitated, or deceased.

(C) The extent to which the quadrennial recertification undermines the utility of issuing a permanent identification card.

(D) The extent of the consequences entailed in eliminating the requirement for quadrennial recertification.

(2) Specific recommendations for the following:

(A) Improving the efficiency of the recertification process.

(B) Minimizing the burden of such process on the sponsors of such dependents.

(C) Eliminating the requirement for quadrennial recertification.

SEC. 1074. COMPTROLLER GENERAL REVIEW OF SPENDING IN THE FINAL QUARTER OF FISCAL YEAR 2009 BY THE DEPARTMENT OF DEFENSE.

(a) REVIEW OF SPENDING BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a review of the obligations and expenditures of the Department of Defense in the final quarter of fiscal year 2009, as compared to the obligations and expenditures of the Department in the first three quarters of that fiscal year, to determine if policies with respect to spending by the Department contribute to hastened year-end spending and poor use or waste of taxpayer dollars.

(b) REPORT.—Not later than the earlier of March 30, 2010, or the date that is 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing—

(1) the results of the review conducted under subsection (a); and

(2) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts appropriated to the Department of Defense are obligated and expended in the final quarter of the fiscal year.

SEC. 1075. REPORT ON AIR AMERICA.

(a) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term ''Air America'' means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term ''associated company'' means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport during the period when such an entity was owned and controlled by the United States Government.

(b) REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(2) REPORT ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The history of Air America and the associated companies prior to 1977, including a description of—

(i) the relationship between Air American and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(ii) the workforce of Air America and the associated companies;

(iii) the missions performed by Air America, the associated companies, and their employees for the United States; and

(iv) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(B) A description of—

(i) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(ii) the contributions made by such employees for such benefits;

(iii) the retirement benefits actually paid such employees;

(iv) the entitlement of such employees to the payment of future retirement benefits; and

(v) the likelihood that such employees will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(ii) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(D)(i) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the re-

lationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(ii) If legislative action is considered advisable under clause (i), a proposal for such action and an assessment of its costs.

(E) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(3) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by paragraph (1).

(4) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1076. REPORT ON CRITERIA FOR SELECTION OF STRATEGIC EMBARKATION PORTS AND SHIP LAYBERTHING LOCATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Transportation Command shall submit to the congressional defense committees a report with criteria for the selection of strategic embarkation ports and ship layberth locations.

(b) DEVELOPMENT OF CRITERIA.—The criteria included in the report required under subsection (a) shall—

(1) prioritize the facilitation of strategic deployment and reduction of combatant commander force closure timelines;

(2) take into account—

(A) time required to crew, activate, and sail sealift vessels to embarkation ports;

(B) distance and travel times for the forces from assigned installation to embarkation ports;

(C) availability of adequate infrastructure to transport forces from assigned installation to embarkation ports; and

(D) time required to move forces from embarkation ports to likely areas of force deployment around the world; and

(3) inform the selection of strategic embarkation ports and the procurement of ship layberthing services.

SEC. 1077. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan to simplify defense travel.

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

(1) A comprehensive discussion of aspects of the Department of Defense travel system that are most confusing, inefficient, and in need of revision.

(2) Critical review of opportunities to streamline and simplify defense travel policies and to reduce travel-related costs to the Department of Defense.

(3) Options to leverage industry capabilities that could enhance management responsiveness to changing markets.

(4) A discussion of pilot programs that could be undertaken to prove the merit of improvements identified in accomplishing actions specified in para-

graphs (1) and (2), including recommendations for legislative authority.

(5) Such recommendations and an implementation plan for legislative or administrative action as the Secretary of Defense considers appropriate to improve defense travel.

SEC. 1078. REPORT ON MODELING AND SIMULATION ACTIVITIES OF UNITED STATES JOINT FORCES COMMAND.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, working through the Director for Defense Research and Engineering, the Assistant Secretary of Defense for Manufacturing and Industrial Base, and the Commander of the United States Joint Forces Command, shall submit to the congressional defense committees a report that describes current and planned efforts to support and enhance the defense modeling and simulation technological and industrial base, including in academia, industry, and government.

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

(1) An assessment of the current and future domestic defense modeling and simulation techno-

logical and industrial base and its ability to meet current and future defense requirements.

(2) A description of current and planned programs and activities of the Department of Defense to enhance the ability of the domestic defense modeling and simulation industrial base to meet current and future defense requirements.

(3) A description of current and planned Department of Defense activities in cooperation with Federal, State, and local government organizations that promote the enhancement of the ability of the domestic defense modeling and simulation industrial base to meet current and future defense requirements.

(4) A comparative assessment of current and future global modeling and simulation capabilities relative to those of the United States in areas related to defense applications of modeling and simulation.

(5) An identification of additional authorities or resources related to technology transfer, establishment of public-private partnerships, coordination with regional, State, or local initiatives, or other activities that would be required to enhance efforts to

support the domestic defense modeling and simulation industrial base.

(6) Other matters as determined appropriate by the Secretary.

SEC. 1079. REPORT ON ENABLING CAPABILITIES FOR SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command, jointly with the commanders of the combatant commands and the chiefs of the services, shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report on the availability of enabling capabilities to support special operations forces requirements.

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

(1) An identification of the requirements for enabling capabilities for conventional forces and special operations forces globally, including current and projected needs in Iraq, Afghanistan, and other theaters of operation.

(2) A description of the processes used to prioritize and allocate enabling capabilities to meet

the mission requirements of conventional forces and special operations forces.

(3) An identification and description of any shortfalls in enabling capabilities for special operations forces by function, region, and quantity, as determined by the Commander of the United States Special Operations Command and the commanders of the geographic combatant commands.

(4) An assessment of the current inventory of these enabling capabilities within the military departments and components and the United States Special Operations Command.

(5) An assessment of whether there is a need to create additional enabling capabilities by function and quantity.

(6) An assessment of the merits of creating additional enabling units, by type and quantity—

(A) within the military departments; and

(B) within the United States Special Operations Command.

(7) Recommendations for meeting the current and future enabling force requirements of the United States Special Operations Command, including an assessment of the increases in endstrength, equipment, funding, and military construction that

would be required to support these recommendations.

(8) Any other matters the Commander of the United States Special Operations Command, the commanders of the combatant commands, and the chiefs of the services consider useful and relevant.

(c) REPORT TO CONGRESS.—Not later than 30 days after receiving the report required under subsection (a), the Secretary of Defense shall forward the report to the congressional defense committees with any additional comments the Secretary considers appropriate.

Subtitle H—Other Matters

SEC. 1081. TRANSFER OF NAVY AIRCRAFT N40VT.

(a) AUTHORITY TO TRANSFER.—

(1) AUTHORITY.—Subject to all applicable Federal laws and regulations controlling the disposition of Federal property, the Secretary of the Navy may transfer to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as the ''transferee''), Navy aircraft N40VT (Bureau Number 163283) and associated components, test equipment, and engines, previously specified as Government-furnished equipment in contract N00019–00–C–0284.

(2) WRITTEN AGREEMENT.—The transfer under this subsection shall be made by means of a written agreement.

(3) APPLICABLE LAW.—The transfer or use of military equipment is subject to all applicable United State laws and regulations, including, but not limited to, the Arms Export Control Act, the Export Administration Act of 1979, continued under Executive Order 12924, International Traffic in Arms Regulations (22 C.F.R. 120 et seq.), Export Administration Regulations (15 C.F.R. 730 et seq.), Foreign Assets Control Regulations (31 C.F.R. 500 et seq.), and the Espionage Act.

(b) CERTIFICATION REQUIRED FOR DISPOSAL OF COMBATANT MILITARY EQUIPMENT.—No military equipment described by subsection (a) that is military equipment of a combatant command may be transferred under subsection (a) unless the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps, as applicable, certifies that such equipment is not essential to the defense of the United States.

(c) CONDITION OF EQUIPMENT TO BE TRANSFERRED.—The military equipment transferred under subsection (a) shall be transferred in its current ''as is'' condi-

tion. The Secretary is not required to repair or alter the condition of any military equipment before transferring any interest in such equipment under subsection (a).

(d) TRANSFER AT NO COST TO THE UNITED STATES.—The transfer of military equipment under subsection (a) shall be made at no cost to the United States. Any costs associated with the transfer shall be borne by the transferee.

(e) GOVERNMENT RIGHTS.—The Secretary shall include in the written agreement under subsection (a)(2) such terms and conditions as the Secretary considers appropriate—

(1) to permit the United States to use any future technologies derived from testing of military equipment transferred under subsection (a), including upon the transfer of such military equipment to a successor in interest of the transferee; and

(2) to retain for the Government all technical data rights associated with military equipment transferred under subsection (a).

(f) CONSIDERATION.—As consideration for the transfer of military equipment under subsection (a), the transferee shall provide compensation to the United States, the value of which is equal to the fair market value of such military equipment, as determined by the Secretary. The

Secretary may not delegate the authority to make the determination required by the preceding sentence.

(g) NO LIABILITY FOR THE UNITED STATES.—Upon the transfer of military equipment under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from the use of such military equipment by any person other than the United States.

(h) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the written agreement under subsection (a)(2) the following:

(1) A condition that the transferee not transfer any interest in, or transfer possession of, the military equipment transferred under subsection (a) to any other party without the prior written approval of the Secretary.

(2) A condition that the transferee operate or maintain, as applicable, the military equipment transferred under subsection (a) in compliance with all applicable limitations and maintenance requirements under law.

(3) A condition that if the Secretary determines at any time that the transferee has failed to comply with a condition set forth in paragraph (1) or (2), all right, title, and interest in and to the military equipment transferred under subsection (a), includ-

ing any repair or alteration of the military equipment by the transferee or otherwise, shall revert to the United States, and the United States shall have the right of immediate possession of the military equipment.

(i) LIMITATION ON TRANSFER PENDING NOTICE TO CONGRESS.—

(1) LIMITATION.—A transfer of military equipment under subsection (a) may not occur until—

(A) notice of the proposal to make the transfer is sent to Congress; and

(B) 60 days of continuous session of Congress have expired following the date on which such notice is sent to Congress.

(2) CALCULATION OF CONTINUOUS SESSION.—For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which the either House is not in session because of adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period.

(j) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a transfer under subsection (a) as the

Secretary considers appropriate to protect the interests of the United States.

SEC. 1082. TRANSFER OF BIG CROW AIRCRAFT.

(a) IN GENERAL.—The Secretary of the Air Force may convey to an appropriate private entity the right, title, and interest of the United States in and to the Big Crow aircraft referred to in subsection (b) in order to permit the continuation of the purpose of such aircraft at the time of their retirement in and through such private entity after conveyance if the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics jointly determine that it is in the interests of the Department of Defense to do so.

(b) COVERED BIG CROW AIRCRAFT.—The Big Crow aircraft referred to in this subsection are the recently-retired aircraft as follows:

(1) Big Crow aircraft NC–135E, tail number 55–3132.

(2) Big Crow aircraft NC–135B, tail number 63–8050.

(c) CONDITIONS OF CONVEYANCE.—

(1) IN GENERAL.—Any conveyance of Big Crow aircraft under subsection (a) shall be for such consideration as the Secretary considers appropriate. The Secretary shall provide for any aircraft so con-

veyed to be conveyed in ''as-is'' condition at the time of conveyance, with all classified and other sensitive equipment removed from such aircraft before conveyance.

(2) NO LIABILITY FOR THE UNITED STATES.—Notwithstanding any other provision of law, upon the conveyance of a Big Crow aircraft under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from the use of the aircraft by any person other than the United States.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1083. PLAN FOR SUSTAINMENT OF LAND-BASED SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) IN GENERAL.—The Secretary of Defense shall review and establish a plan to sustain the solid rocket motor industrial base, including the ability to maintain and sustain currently deployed strategic and missile defense systems and to maintain an intellectual and engineering capacity to support next generation rocket motors, as needed.

(b) SUBMISSION OF PLAN.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees the plan required under subsection (a), together with an explanation of how fiscal year 2010 funds will be used to sustain and support the plan and a description of the funding in the future years defense program plan to support the plan.

SEC. 1084. PILOT PROGRAM ON USE OF SERVICE DOGS FOR THE TREATMENT OR REHABILITATION OF VETERANS WITH PHYSICAL OR MENTAL INJURIES OR DISABILITIES.

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

(1) The United States owes a profound debt to those who have served the United States honorably in the Armed Forces.

(2) Disabled veterans suffer from a range of physical and mental injuries and disabilities.

(3) In 2008, the Army reported the highest level of suicides among its soldiers since it began tracking the rate 28 years before 2009.

(4) A scientific study documented in the 2008 Rand Report entitled ''Invisible Wounds of War'' estimated that 300,000 veterans of Operation Endur-

ing Freedom and Operation Iraqi Freedom currently suffer from post-traumatic stress disorder.

(5) Veterans have benefitted in multiple ways from the provision of service dogs.

(6) The Department of Veterans Affairs has been successfully placing guide dogs with the blind since 1961.

(7) Thousands of dogs around the country await adoption.

(b) PROGRAM REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year pilot program to assess the benefits, feasibility, and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, including post-traumatic stress disorder.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program by partnering with nonprofit organizations that—

(A) have experience providing service dogs to individuals with injuries or disabilities;

(B) do not charge fees for the dogs, services, or lodging that they provide; and

(C) are accredited by a generally accepted industry-standard accrediting institution.

(2) REIMBURSEMENT OF COSTS.—The Secretary shall reimburse partners for costs relating to the pilot program as follows:

(A) For the first 50 dogs provided under the pilot program, all costs relating to the provision of such dogs.

(B) For dogs provided under the pilot program after the first 50 dogs provided, all costs relating to the provision of every other dog.

(d) PARTICIPATION.—

(1) IN GENERAL.—As part of the pilot program, the Secretary shall provide a service dog to a number of veterans with physical or mental injuries or disabilities that is greater than or equal to the greater of—

(A) 200; and

(B) the minimum number of such veterans required to produce scientifically valid results with respect to assessing the benefits and costs of the use of such dogs for the treatment or rehabilitation of such veterans.

(2) COMPOSITION.—The Secretary shall ensure that—

(A) half of the participants in the pilot program are veterans who suffer primarily from a mental health injury or disability; and

(B) half of the participants in the pilot program are veterans who suffer primarily from a physical injury or disability.

(e) STUDY.—In carrying out the pilot program, the Secretary shall conduct a scientifically valid research study of the costs and benefits associated with the use of service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities. The matters studied shall include the following:

(1) The therapeutic benefits to such veterans, including the quality of life benefits reported by the veterans partaking in the pilot program.

(2) The economic benefits of using service dogs for the treatment or rehabilitation of such veterans, including—

(A) savings on health care costs, including savings relating to reductions in hospitalization and reductions in the use of prescription drugs; and

(B) productivity and employment gains for the veterans.

(3) The effectiveness of using service dogs to prevent suicide.

(f) REPORTS.—

(1) ANNUAL REPORT OF THE SECRETARY.—After each year of the pilot program, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the pilot program.

(2) FINAL REPORT BY THE NATIONAL ACADEMY OF SCIENCES.—Not later than 180 days after the date of the completion of the pilot program, the National Academy of Sciences shall submit to Congress a report on the results of the pilot program.

SEC. 1085. EXPANSION OF STATE HOME CARE FOR PARENTS OF VETERANS WHO DIED WHILE SERVING IN ARMED FORCES.

In administering section 51.210(d) of title 38, Code of Federal Regulations, the Secretary of Veterans Affairs shall permit a State home to provide services to, in addition to non-veterans described in such subsection, a non-veteran any of whose children died while serving in the Armed Forces.

SEC. 1086. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) by striking ''(e) The'' and inserting ''(e)(1) Except as provided in paragraph (2), the''; and

(B) by adding at the end the following:

''(2) The maximum age limit for an original appointment to a position as a firefighter or law enforcement officer (as defined by section 8401(14) or (17), respectively) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.''.

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of title 5, United States Code), or customs and border protection officer (as defined in

section 8401(36) of title 5, United States Code) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of title 5, United States Code, is amended—

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

(2) in paragraph (2), by adding ''or'' at the end; and

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

''(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

''(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, or customs

and border protection officer on or after the effective date of this paragraph under section 1083(e) of the National Defense Authorization Act for Fiscal Year 2010;

"(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1083(a)(2) of the National Defense Authorization Act for Fiscal Year 2010.".

(c) MANDATORY SEPARATION.—Section 8425 of title 5, United States Code, is amended—

(1) in subsection (b)(1), in the first sentence, by inserting ", except that a law enforcement officer, firefighter, nuclear materials courier, or customs and border protection officer eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age" before the period;

(2) in subsection (c), in the first sentence, by inserting ", except that a member of the Capitol Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age" before the period; and

(3) in subsection (d), in the first sentence, by inserting ", except that a member of the Supreme Court Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age" before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking "total service as" and inserting "civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,"; and

(2) in paragraph (2), by striking "so much of such individual's total service as exceeds 20 years" and inserting "the remainder of such individual's total service".

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of the enactment of this Act and shall apply to appointments made on or after that effective date.

SEC. 1087. SENSE OF CONGRESS ON MANNED AIRBORNE IRREGULAR WARFARE PLATFORMS.

It is the sense of Congress that the Secretary of Defense should, with regard to the development of manned airborne irregular warfare platforms, coordinate requirements for such weapons systems with the military services, including the reserve components.

SEC. 1088. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

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

(1) Congress is grateful for the service and leadership of the members of the bipartisan Congressional Commission on the Strategic Posture of the United States, who, pursuant to section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319), spent more than one year examining the strategic posture of the United States in all of its aspects: deterrence strategy, missile defense, arms control initiatives, and nonproliferation strategies.

(2) The Commission, comprised of some of the most preeminent scholars and technical experts in the United States in the subject matter, found a bi-

partisan consensus on these issues in its Final Report made public on May 6, 2009.

(3) Congress appreciates the service of former Secretary of Defense William Perry, former Secretary of Defense and Energy James Schlesinger, former Senator John Glenn, former Congressman Lee Hamilton, Ambassador James Woolsey, Doctors John Foster, Fred Ikle, Keith Payne, Morton Halperin, Ellen Williams, Bruce Tarter, and Harry Cartland, and the United States Institute of Peace.

(4) Congress values the work of the Commission and pledges to work with President Barack Obama to address the findings and review and consider the recommendations of the Commission.

(b) EXTENSION OF SUNSET.—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1), by striking ''September 30, 2009'' and inserting ''September 30, 2010''; and

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

"(f) FOLLOW-ON REPORT.—Following submittal of the report required in subsection (e), the Commission may conduct public outreach and discussion of the matters contained in the report.".

SEC. 1089. ADDITIONAL MEMBERS AND DUTIES FOR INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.

(a) FINDING.—Congress understands that the independent panel appointed by the Secretary of Defense pursuant to section 118(f) of title 10, United States Code, will be comprised of twelve members equally divided on a bipartisan basis.

(b) SENSE OF CONGRESS ON INDEPENDENT PANEL.—It is the sense of Congress that the independent panel appointed by the Secretary of Defense pursuant to section 118(f) of title 10, United States Code, should be comprised of members equally divided on a bipartisan basis.

(c) ADDITIONAL MEMBERS.—

(1) IN GENERAL.—For purposes of conducting the assessment of the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this section referred to as the "2009 QDR"), the independent panel established under subsection (f) of such section (in this section re-

ferred to as the ''Panel'') shall include eight additional members to be appointed as follows:

(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two by the chairman of the Committee on Armed Services of the Senate.

(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two by the ranking member of the Committee on Armed Services of the Senate.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Any vacancy in an appointment to the Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(d) ADDITIONAL DUTIES OF PANEL FOR 2009 QDR.—In addition to the duties of the Panel under section 118(f) of title 10, United States Code, the Panel shall, with respect to the 2009 QDR—

(1) conduct an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR; and

(2) make any recommendations it considers appropriate for consideration.

(e) REPORT OF SECRETARY OF DEFENSE.—Not later than 30 days after the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees any comments of the Secretary on the report of the Panel.

(f) TERMINATION.—The provisions of this section shall terminate on the day that is 45 days after the date on which the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code.

SEC. 1090. CONTRACTING IMPROVEMENTS.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms ''HUBZone small business concern'', ''small business concern'', ''small business concern owned and controlled by service-disabled veterans'', and ''small business concern owned and controlled by women'' have the same meanings as in

section 3 of the Small Business Act (15 U.S.C. 632).

(b) CONTRACTING OPPORTUNITIES.—Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking ''shall'' and inserting ''may''.

(c) CONTRACTING GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting ''and subcontract'' after ''not less than 3 percent of the total value of all prime contract''.

(d) MENTOR-PROTEGE PROGRAMS.—The Administrator may establish mentor-protege programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

SEC. 1091. NATIONAL D–DAY MEMORIAL STUDY.

(a) DEFINITIONS.—In this section:

(1) AREA.—The term ''Area'' means in the National D–Day Memorial in Bedford, Virginia.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the Area to evaluate the national significance of the Area and suitability and feasibility of designating the Area as a unit of the National Park System.

(2) CRITERIA.—In conducting the study required by paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(3) CONTENTS.—The study required by paragraph (1) shall—

(A) determine the suitability and feasibility of designating the Area as a unit of the National Park System;

(B) include cost estimates for any necessary acquisition, development, operation, and maintenance of the Area; and

(C) identify alternatives for the management, administration, and protection of the Area.

(c) REPORT.—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct of the study required by this section, except that the study shall be submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 3 years after the date on which funds are first made available for the study.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Personnel

SEC. 1101. REPEAL OF NATIONAL SECURITY PERSONNEL SYSTEM; DEPARTMENT OF DEFENSE PERSONNEL AUTHORITIES.

(a) REPEAL OF AUTHORITY TO ESTABLISH NATIONAL SECURITY PERSONNEL SYSTEM.—Section 9902 of title 5, United States Code, is amended—

(1) by striking subsections (a), (b), (c), (d), (e), (i), and (j); and

(2) by redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f) respectively.

(b) PERIOD FOR TERMINATION OF NATIONAL SECURITY PERSONNEL SYSTEM.—

(1) APPLICABILITY OF PRIOR LAW TO UNITS IN NSPS.—Notwithstanding the amendments made by

this section, the provisions of section 9902 of title 5, United States Code, as in effect on the day before the date of the enactment of this Act, shall apply to organizational and functional units included in the National Security Personnel System as of January 20, 2009, for a period of one year after the date of the enactment of this Act.

(2) TRANSITION OF UNITS FROM NSPS.—The Secretary of Defense shall ensure the orderly transition of all organizational and functional units covered by paragraph (1) from the National Security Personnel System by not later than one year after the date of the enactment of this Act. The Secretary shall ensure that no employee is subject to a reduction in pay as a result of such transition.

(3) REMOVAL OF LIMITATION ON PAY ADJUSTMENT.—Notwithstanding section 9902(e)(7) of title 5, United States Code (as in effect on the day before the date of the enactment of this Act), at the time of any annual adjustment to pay schedules pursuant to section 5303 of such title during the transitional period provided in paragraph (1), the rate of basic pay for each employee described in section 9902(e)(7), as so in effect, shall be adjusted by 100 percent of the amount of such adjustment.

(4) CURRENT RULES INVALID.—Any rule or implementing issuance adopted before the date of the enactment of this Act to implement any provision of section 9902 of title 5, United States Code (other than subsections (d), (e), and (f) of such section (as redesignated by subsection (a)(2))), shall cease to be effective on the date that is one year after the date of the enactment of this Act.

(c) AUTHORITY RELATING TO PERSONNEL MANAGEMENT AND WORKFORCE INCENTIVES.—Section 9902 of such title is further amended by inserting before subsection (d), as redesignated by subsection (a)(2) of this section, the following new subsections:

''(a) PERSONNEL MANAGEMENT.—(1) The Secretary may waive the requirements of chapter 33, and the regulations implementing such chapter, to the extent the Secretary considers appropriate to establish and implement regulations providing for the following:

''(A) Fair, credible, and transparent methods of establishing qualification requirements for, recruitment for, and appointments to employment positions.

''(B) Fair, credible, and transparent methods of assigning, reassigning, detailing, transferring, or promoting employees.

"(2) In implementing this subsection, the Secretary shall comply with the provisions of section 2302(b)(11), regarding veterans' preference requirements, in a manner comparable to that in which such provisions are applied under chapter 33.

"(3) Any action taken by the Secretary under this subsection, or to implement this subsection, shall be subject to the requirements subsection (c) and chapter 71.

"(b) PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVES.—(1) The Secretary may waive the requirements of chapters 43 (other than sections 4302 and 4303(e)) and 45, and the regulations implementing such chapters, to the extent the Secretary considers appropriate to establish and implement regulations providing for the following:

"(A) A fair, credible, and transparent performance appraisal system for employees.

"(B) A fair, credible, and transparent system for linking employee bonuses and other performance-based actions to performance appraisals of employees.

"(C) A process for ensuring ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the appraisal period and setting timetables for review.

"(2)(A) The Secretary may establish a fund to be known as the 'Department of Defense Civilian Workforce Incentive Fund' (in this paragraph referred to as the 'Fund').

"(B) The Fund shall consist of the following:

"(i) Amounts appropriated to the Fund.

"(ii) Amounts available for compensation of employees that are transferred to the Fund.

"(C) Amounts in the Fund shall be available as follows:

"(i) For incentive payments to employees based on individual or team performance.

"(ii) For incentive payments to employees for purposes of the employment and retention as employees of qualified individuals with particular competencies or qualifications.

"(3) Any action taken by the Secretary under this subsection, or to implement this subsection, shall be subject to the requirements of subsection (c) and chapter 71.

"(c) CRITERIA FOR USE OF NEW PERSONNEL AUTHORITIES.—In establishing any new personnel management system under subsection (a) or new performance management and workforce incentive system under subsection (b), the Secretary shall—

"(1) adhere to merit principles set forth in section 2301;

"(2) include a means for ensuring employee involvement in the design and implementation of such system;

"(3) provide for adequate training and retraining for supervisors, managers, and employees in the implementation and operation of such system;

"(4) include effective transparency and accountability measures and safeguards to ensure that the management of such system is fair, credible, and equitable, including appropriate independent reasonableness reviews, internal assessments, and employee surveys; and

"(5) ensure that adequate agency resources are allocated for the design, implementation, and administration of such system.".

(d) CONFORMING CLERICAL AMENDMENTS.—

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

"§ 9902. Department of Defense personnel authorities".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 99 of such title is

amended by striking the item relating to section 9902 and inserting the following new item:

"9902. Department of Defense personnel authorities.".

(e) MODIFICATION OF IMPLEMENTATION AUTHORITIES AND LIMITATIONS.—Section 1106 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 349) is amended—

(1) by striking subsection (b);

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

(3) in subsection (b), as redesignated by paragraph (2)—

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

"(1) The Comptroller General shall conduct annual reviews in calendar years 2010, 2011, and 2012 of—

"(A) employee satisfaction with any processes established pursuant to regulations promulgated by the Secretary of Defense pursuant to section 9902 of title 5, United States Code; and

"(B) the extent to which any processes so established are fair, credible, and transparent, as required by such section 9902."; and

(B) in paragraph (2), by striking ''the National Security Personnel System'' and inserting ''any processes established pursuant to such regulations''.

(f) ADDITIONAL CONFORMING AMENDMENT.—Section 1108(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4618; 10 U.S.C. 1580 note) is amended by striking ''identified in section 9902(c)(2) of title 5, United States Code.'' and inserting ''as follows:

''(1) The Aviation and Missile Research Development and Engineering Center.

''(2) The Army Research Laboratory.

''(3) The Medical Research and Materiel Command.

''(4) The Engineer Research and Development Command.

''(5) The Communications–Electronics Command.

''(6) The Soldier and Biological Chemical Command.

''(7) The Naval Sea Systems Command Centers.

''(8) The Naval Research Laboratory.

''(9) The Office of Naval Research.

1 "(10) The Air Force Research Laboratory.".

2 (g) WAIVER.—Subsection (a) through (f) of this sec-
3 tion and the amendments made by such subsections shall
4 not take effect if, not later than 60 days after the date
5 of the enactment of this Act, the Secretary of Defense sub-
6 mits to the Committees on Armed Services of the Senate
7 and the House of Representatives, the Committee on
8 Homeland Security and Governmental Affairs of the Sen-
9 ate, and the Committee on Oversight and Government Re-
10 form of the House of Representatives a report that in-
11 cludes—

12 (1) a certification that—

13 (A) the termination of the National Secu-
14 rity Personnel System would not be in the best
15 interest of the Department of Defense;

16 (B) the Secretary intends to implement
17 changes during fiscal year 2010 to improve the
18 fairness, credibility, and transparency of the
19 National Security Personnel System; and

20 (C) the Secretary has determined that the
21 changes to be made pursuant to subparagraph
22 (B) will result in improved employee acceptance
23 of the National Security Personnel System; and

(2) a description of the changes that the Secretary intends to implement and the schedule for implementing such changes.

(h) EXPANSION PROHIBITED.—If the Secretary of Defense submits a report and certification under subsection (g) and the National Security Personnel System is not terminated, the National Security Personnel System may not be extended to organizational and functional units of the Department of Defense not included in such system as of June 1, 2009, unless specifically authorized by statute enacted after the date of the enactment of this Act.

SEC. 1102. EXTENSION AND MODIFICATION OF EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) THREE-YEAR EXTENSION.—Subsection (e)(1) of section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking ''September 30, 2011'' and inserting ''September 30, 2014''.

(b) LIMITATIONS ON ADDITIONAL PAYMENTS.—Such section is further amended—

(1) in subsection (b)(3), by striking "under subsection (d)(1)" and inserting "under subsection (d)"; and

(2) by striking subsection (d) and inserting the following new subsection (d):

"(d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) Subject to paragraph (3), the total amount of additional payments paid to an employee under subsection (b)(3) for any 12-month period may not exceed the lesser of the amounts as follows:

"(A) $50,000 in fiscal year 2010, which may be adjusted annually thereafter by the Secretary, with a percentage increase equal to one-half of 1 percentage point less than the percentage by which the Employment Cost Index, published quarterly by the Bureau of Labor Statistics, for the base quarter of the year before the preceding calendar year exceeds the Employment Cost Index for the base quarter of the second year before the preceding calendar year.

"(B) The amount equal to 50 percent of the employee's annual rate of basic pay.

"(2) In paragraph (1), the term 'base quarter' has the meaning given that term in section 5302(3) of title 5, United States Code.

"(3) Notwithstanding any other provision of this section or section 5307 of title 5, United States Code, no additional payments may be paid to an employee under subsection (b)(3) in any calendar year if, or to the extent that, the employee's total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3, United States Code.

"(4) An employee appointed under the program is not eligible for any bonus, monetary award, or other monetary incentive for service under the appointment other than payments authorized by this section.".

(c) REPORTING REQUIREMENTS.—Paragraph (1) of subsection (g) of such section is amended to read as follows:

"(1)(A) Not later than December 31 each year in which the authority under this section is in effect, the Secretary of Defense shall submit to the committees of Congress specified in subparagraph (B) a report on the program. Each report shall cover the 12-month period preceding the date of the submittal of such report.

"(B) The committees of Congress specified in this subparagraph are—

"(i) the Committee on Armed Services, the Committee on Homeland Security and Governmental

Affairs, and the Committee on Appropriations of the Senate; and

''(ii) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives''.

SEC. 1103. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615) is amended by striking ''calendar year 2009'' and inserting ''calendar years 2009 and 2010''.

(b) CLARIFICATION OF EXEMPTION FROM AGGREGATE LIMITATIONS ON PAY.—Subsection (b) of such section is amended by striking ''Section 5307 of title 5, United States Code'' and inserting ''Aggregate limitations on pay, whether established by law or regulation''.

SEC. 1104. AVAILABILITY OF FUNDS FOR COMPENSATION OF CERTAIN CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, funds authorized to be appropriated for the Department of Defense that are available for the purchase of contract services to meet a requirement that is anticipated to continue for five years or more shall be available to provide compensation for civilian employees of the Department to meet the same requirement.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prescribe regulations implementing the authority in subsection (a). Such regulations—

(1) shall ensure that the authority in subsection (a) is utilized to build government capabilities that are needed to perform inherently governmental functions, functions closely associated with inherently governmental functions, and other critical functions;

(2) shall include a mechanism to ensure that follow-on funding to provide compensation for civilian employees of the Department to perform functions described in paragraph (1) is provided from appropriate accounts; and

(3) may establish additional criteria and levels of approval within the Department for the utilization

of funds to provide compensation for civilian employees of the Department pursuant to subsection (a).

(c) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year for which the authority in subsection (a) is in effect, the Secretary shall submit to the congressional defense committees a report on the use of such authority. Each report shall cover the preceding fiscal year and shall identify, at a minimum, the following:

(1) The amount of funds used under the authority in subsection (a) to provide compensation for civilian employees.

(2) The source or sources of the funds so used.

(3) The number of civilian employees employed through the use of such funds.

(4) The actions taken by the Secretary to ensure that follow-on funding for such civilian employees is provided through appropriate accounts.

(d) TEMPORARY AUTHORITY.—The authority in subsection (a) shall apply to funds authorized to be appropriated for the Department of Defense fiscal years 2010 through 2019.

SEC. 1105. DEPARTMENT OF DEFENSE CIVILIAN LEADERSHIP PROGRAM.

(a) LEADERSHIP PROGRAM REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a program of leadership recruitment and development for civilian employees of the Department of Defense, to be known as the ''Department of Defense Civilian Leadership Program'' (in this section referred to as the ''program'').

(2) OBJECTIVES.—The objectives of the program shall be as follows:

(A) To develop a new generation of civilian leaders for the Department of Defense.

(B) To recruit individuals with the academic merit, work experience, and demonstrated leadership skills to meet the future needs of the Department.

(C) To offer rapid advancement, competitive compensation, and leadership opportunities to highly-qualified civilian employees of the Department.

(3) AVAILABLE AUTHORITIES.—In carrying out the program, the Secretary may exercise any authority available to the Office of Personnel Management under section 4703 of title 5, United States Code, except that the Secretary shall not be bound by the

limitations in subsection (d) of such section. Nothing in this section shall be construed to authorize the waiver of any part of chapter 71 of title 5, United States Code, or any regulation implementing such chapter, in the carrying out of the program.

(b) ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—The following individuals shall be eligible to participate in the program:

(A) Current employees of the Department of Defense.

(B) Appropriate individuals in the private sector.

(2) LIMITATION ON NUMBER OF ENTRANTS INTO PROGRAM.—The total number of individuals who may enter into the program in any fiscal year may not exceed 5,000.

(c) ELEMENTS OF PROGRAM.—

(1) COMPETITIVE ENTRY.—The selection of individuals for entry into the program shall be made on the basis of a competition conducted at least twice each year. In each competition, participants in the program shall be selected from among applicants determined by the Secretary to be the most highly qualified in terms of academic merit, work experience, and demonstrated leadership skills. Each com-

petition shall provide for entry-level participants and midcareer participants in the program.

(2) ALLOCATION OF POSITIONS.—The Secretary shall allocate positions in the program among the components of the Department of Defense that—

(A) offer the most challenging assignments;

(B) provide the greatest level of responsibility; and

(C) demonstrate the greatest need for participants in the program.

(3) ASSIGNMENTS TO POSITIONS.—Participants in the program shall be assigned to components of the Department that best match their skills and qualifications. Participants in the program may be rotated among components of the Department of Defense at the discretion of the Secretary.

(4) INITIAL COMPENSATION.—The initial compensation of participants in the program shall be determined by the Secretary based on the qualifications of such participants and applicable market conditions.

(5) EDUCATION AND TRAINING.—The Secretary shall provide participants in the program with training, mentoring, and educational opportunities that

are appropriate to facilitate the development of such participants into effective civilian leaders for the Department of Defense.

(6) OBJECTIVE, MERIT-BASED PRINCIPLES FOR PERSONNEL DECISIONS.—The Secretary shall make personnel decisions under the program in accordance with such objective, merit-based criteria as the Secretary shall prescribe in regulations for purposes of the program. Such criteria shall include, but not be limited to, criteria applicable to the following:

(A) The selection of individuals for entry into the program.

(B) The assignment of participants in the program to positions in the Department of Defense.

(C) The initial compensation of participants in the program.

(D) The access of participants in the program to training, mentoring, and educational opportunities under the program.

(E) The consideration of participants in the program for selection into the senior management, functional, and technical workforce of the Department.

(7) CONSIDERATION FOR SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—Any participant in the program who, as determined by the Secretary, demonstrates outstanding performance shall be afforded priority in consideration for selection into the appropriate element of the senior management, functional, and technical workforce of the Department of Defense (as set forth in section 1102(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2407)).

SEC. 1106. REVIEW OF DEFENSE LABORATORIES FOR PARTICIPATION IN DEFENSE LABORATORY PERSONNEL DEMONSTRATION PROJECTS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall undertake a review of defense laboratories not currently included in personnel demonstration projects authorized by section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–315), to determine whether or not any laboratory so reviewed would benefit from the extension to such laboratory of the personnel management flexi-

bilities available under such section 342(b), as so amended.

(b) COVERED LABORATORIES.—The laboratories covered by the review required by subsection (a) shall include, but not be limited to, the following:

(1) Laboratories within the Army Research, Development, and Engineering Command.

(2) Army Tank and Automotive Research, Development, and Engineering Center.

(3) Army Armament Research, Development, and Engineering Center.

(4) Naval Air Warfare Center, Weapons Division.

(5) Naval Air Warfare Center, Aircraft Division.

(6) Space and Naval Warfare Systems Center, Pacific.

(7) Space and Naval Warfare Systems Center, Atlantic.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the results of the review required by subsection (a).

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

Subtitle B—Part-Time Reemployment of Annuitants

SEC. 1161. SHORT TITLE.

This subtitle may be cited as the ''Part-Time Reemployment of Annuitants Act of 2009''.

SEC. 1162. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

"(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

"(ii) the head of the United States Postal Service;

"(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

"(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

"(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

"(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

"(A) fulfill functions critical to the mission of the agency, or any component of that agency;

"(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Eco-

nomic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

"(C) assist in the development, management, or oversight of agency procurement actions;

"(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

"(E) promote appropriate training or mentoring programs of employees;

"(F) assist in the recruitment or retention of employees; or

"(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

"(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

"(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

"(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

"(C) for more than a total of 3120 hours of service performed by that annuitant.

"(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

"(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

"(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

"(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

"(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

"(B) Any regulations promulgated under subparagraph (A) may—

"(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

"(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

"(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

"(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

"(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

"(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service

performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

"(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

"(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009."; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking "(k)" and inserting "(l)"; and

(B) in paragraph (2), by striking "or (k)" and inserting "(k), or (l)".

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

"(i)(1) For purposes of this subsection—

"(A) the term 'head of an agency' means—

"(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

"(ii) the head of the United States Postal Service;

"(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

"(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

"(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

"(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

"(A) fulfill functions critical to the mission of the agency, or any component of that agency;

"(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Eco-

nomic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

"(C) assist in the development, management, or oversight of agency procurement actions;

"(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

"(E) promote appropriate training or mentoring programs of employees;

"(F) assist in the recruitment or retention of employees; or

"(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

"(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

"(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

"(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

"(C) for more than a total of 3120 hours of service performed by that annuitant.

"(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

"(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

"(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

"(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

"(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

"(B) Any regulations promulgated under subparagraph (A) may—

"(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

"(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

"(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

"(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

"(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

"(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

"(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

"(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009."; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking "(h)" and inserting "(i)"; and

(B) in paragraph (2), by striking "or (h)" and inserting "(h), or (i)".

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking "(l)(2)" and inserting "(m)(2)"; and

(2) by striking ''(i)(2)'' and inserting ''(j)(2)''.

SEC. 1163. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 1162.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this subtitle, or subsection (i) of section 8468 of title 5, United States Code, as amended by this subtitle; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 1162 of this subtitle) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. INCREASE IN UNIT COST THRESHOLD FOR PURCHASES USING CERTAIN FUNDS UNDER THE COMBATANT COMMANDER INITIATIVE FUND.

(a) INCREASE.—

(1) IN GENERAL.—Subsection (e)(1)(A) of section 166a of title 10, United States Code, is amended by striking ''$15,000'' and inserting ''the investment unit threshold in effect under section 2245a of this title''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2009, and shall apply with respect to funds available under the Combatant Commander Initiative Fund for fiscal years that being on or after that date.

(b) CLARIFYING AMENDMENTS.—

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

"§ 166a. Combatant commands: funding through the Chairman of the Joint Chiefs of Staff from Combatant Commander Initiative Fund".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 6 of such title is amended by striking the item relating to section 166a and inserting the following new item:

"166a. Combatant commands: funding through the Chairman of the Joint Chiefs of Staff from Combatant Commander Initiative Fund.".

SEC. 1202. AUTHORITY TO PROVIDE ADMINISTRATIVE SERVICES AND SUPPORT TO COALITION LIAISON OFFICERS OF CERTAIN FOREIGN NATIONS ASSIGNED TO UNITED STATES JOINT FORCES COMMAND.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1051a of title 10, United States Code, is amended—

(1) by striking "assigned temporarily" and inserting "assigned temporarily as follows:";

(2) by designating the remainder of the text of that subsection as paragraph (1) and indenting that text two ems from the left margin;

(3) in paragraph (1), as so designated, by striking "to the headquarters" and inserting "To the headquarters"; and

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

"(2) To the headquarters of the combatant command assigned by the Secretary of Defense the mission of joint warfighting experimentation and joint forces training.".

(b) EFFECTIVE DATE.—Paragraph (2) of section 1051a(a) of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 1203. MODIFICATION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY FOR MILITARY AND STABILITY OPERATIONS.—Section 1206(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418) and section 1206 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–

417; 122 Stat. 4625), is further amended by adding at the end the following new paragraph:

"(5) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT MILITARY AND STABILITY OPERATIONS.—Of the funds used to carry out a program under subsection (a), not more than $75,000,000 may be used during fiscal year 2010, and not more than $75,000,000 may be used during fiscal year 2011, for purposes described in subsection (a)(1)(B).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to programs under section 1206(a) of the National Defense Authorization Act for Fiscal Year 2006 that begin on or after that date.

SEC. 1204. MODIFICATION OF NOTIFICATION AND REPORTING REQUIREMENTS FOR USE OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) NOTIFICATION.—Section 1208(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended by section 1208(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009

(Public Law 110–417; 122 Stat. 4626), is further amended to read as follows:

"(c) NOTIFICATION.—

"(1) SUPPORT FOR FOREIGN FORCES.—The Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event not later than 48 hours, after—

"(A) using the authority provided in subsection (a) to make funds available for foreign forces in support of an approved military operation; or

"(B) changing the scope or funding level of any such support.

"(2) SUPPORT FOR IRREGULAR FORCES, GROUPS, OR INDIVIDUALS.—The Secretary of Defense may not exercise the authority provided in subsection (a) to make funds available for irregular forces or a group (other than foreign forces) or individual in support of an approved military operation, or change the scope or funding level of such support, until 72 hours after notifying the congressional defense committees of the use of such authority with respect to that operation or such change in scope or funding level.

"(3) CONTENT.—Notifications required under this subsection shall include the following information:

"(A) The type of support provided or to be provided to United States special operations forces.

"(B) The type of support provided or to be provided to the recipient of the funds.

"(C) The intended duration of the support.

"(D) The amount obligated under the authority to provide support.".

(b) ANNUAL REPORT.—Section 1208(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended in the second sentence by striking "shall describe the support" and all that follows through the period at the end and inserting "shall include the following information:

"(1) A description of supported operations.

"(2) A summary of operations.

"(3) The type of recipients that received support, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

"(4) The total amount obligated in the previous fiscal year, including budget details.

"(5) The total amount obligated in prior fiscal years.

"(6) The intended duration of support.

"(7) A description of support or training provided to the recipients of support.

"(8) A value assessment of the operational support provided.".

SEC. 1205. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXPANSION OF AUTHORITY.—Section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393) is amended—

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

(2) by striking subsection (a) and inserting the following new subsections:

"(a) REIMBURSEMENT.—

"(1) IN GENERAL.—Using applicable funds referred to in paragraph (2), the Secretary of Defense may reimburse any key cooperating nation for the following:

"(A) During fiscal year 2008, logistical and military support provided by that nation to

or in connection with United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom.

"(B) During fiscal year 2010, logistical, military, and other support, including access, provided by that nation to or in connection with United States military operations described in subparagraph (A).

"(2) COVERED FUNDS.—The funds referred to in this subsection are the following:

"(A) For purposes of paragraph (1)(A), amounts authorized to be appropriated for fiscal year 2008 by section 1508 for operation and maintenance.

"(B) For purposes of paragraph (1)(B), amounts authorized to be appropriated for fiscal year 2010 by section 1507(5) for operation and maintenance, Defense-wide activities.

"(b) OTHER SUPPORT.—Using funds described in subsection (a)(2)(B), the Secretary of Defense may also assist any key cooperating nation supporting United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom in Afghanistan through the following:

"(1) The provision of specializing training to personnel of that nation in connection with such operations, including training of such personnel before deployment in connection with such operations.

"(2) The procurement and provision of supplies to that nation in connection with such operations.

"(3) The procurement of specialized equipment and the loaning of such specialized equipment to that nation on a non-reimbursable basis in connection with such operations.".

(b) AMOUNTS OF SUPPORT.—Paragraph (2) of subsection (c) of such section, as redesignated by subsection (a)(1) of this section, is amended to read as follows:

"(2) SUPPORT.—Support authorized by subsection (b) may be provided in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, considers appropriate.".

(c) LIMITATIONS ON AMOUNTS DURING FISCAL YEAR 2010.—Paragraph (1) of subsection (d) of such section, as so redesignated, is amended to read as follows:

"(1) LIMITATIONS ON AMOUNTS.—(A) The total amount of reimbursements made under the au-

thority in subsection (a) during fiscal year 2008 may not exceed $1,200,000,000.

''(B) The aggregate amount of reimbursements made under subsection (a) and support provided under subsection (b) during fiscal year 2010 may not exceed $1,600,000,000.''.

(d) NOTICE TO CONGRESS.—Subsection (e) of such section, as so redesignated, is amended by striking ''shall—'' and all that follows and inserting ''shall notify the congressional defense committees not later than 15 days before making any reimbursement under the authority in subsection (a) or providing any support under the authority in subsection (b).''.

(e) REPORTS.—Such section is further amended by adding at the end the following new subsection:

''(f) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a), and any support provided under the authority in subsection (b), during such quarter.''.

(f) EXTENSION OF NOTICE ON REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as amended by section 1217 of the Duncan Hunter National Defense Au-

1 thorization Act for Fiscal Year 2009 (Public Law 110–
2 417; 122 Stat. 4634), is further amended by striking
3 ''September 30, 2010'' and inserting ''September 30,
4 2011''.

5 **SEC. 1206. ONE-YEAR EXTENSION AND EXPANSION OF COM-**
6 **MANDERS' EMERGENCY RESPONSE PRO-**
7 **GRAM.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that—

10 (1) the Commanders' Emergency Response Pro-
11 gram provides United States military commanders in
12 theater a valuable tool for accomplishing the coun-
13 terinsurgency mission in Iraq and Afghanistan by
14 enabling military commanders to fund urgent hu-
15 manitarian relief and reconstruction requirements by
16 carrying out programs that will immediately assist
17 the people of those countries; and

18 (2) United States military commanders utilizing
19 Commanders' Emergency Response Program funds
20 in Afghanistan, and Provincial Reconstruction
21 Teams in Afghanistan using such funds or other
22 United States humanitarian or reconstruction assist-
23 ance, should whenever possible coordinate the fund-
24 ing of projects with local councils, particularly Com-
25 munity Development Councils established under the

Afghanistan National Solidarity Program, and take actions that promote the importance and effectiveness of local and national government entities.

(b) ONE-YEAR EXTENSION OF AUTHORITY.—

(1) AUTHORITY FOR FISCAL YEAR 2010.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as amended by section 1205 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 366) and section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4630), is further amended—

(A) in the subsection heading, by striking ''FISCAL YEARS 2008 AND 2009'' and inserting ''FISCAL YEAR 2010'';

(B) by striking ''each of fiscal years 2008 and 2009'' and inserting ''fiscal year 2010'';

(C) by striking ''for such fiscal year''; and

(D) by striking ''$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009'' and inserting ''$1,400,000,000''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2009.

(c) EXTENSION OF DUE DATE FOR QUARTERLY REPORTS.—Subsection (b)(1) of such section is amended—

(1) by striking ''15 days'' and inserting ''30 days''; and

(2) by striking ''fiscal years 2008 and 2009'' and inserting ''any fiscal year during which the authority under subsection (a) is in effect''.

(d) AUTHORITY TO TRANSFER FUNDS FOR SUPPORT OF AFGHANISTAN NATIONAL SOLIDARITY PROGRAM.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

''(g) AUTHORITY TO TRANSFER FUNDS FOR SUPPORT OF AFGHANISTAN NATIONAL SOLIDARITY PROGRAM.—

''(1) AUTHORITY.—If the Secretary of Defense determines that the use of Commanders' Emergency Response Program funds to support the Afghanistan National Solidarity Program would enhance counter-insurgency operations or stability operations in Af-

ghanistan, the Secretary of Defense may transfer funds, from amounts available for the Commanders' Emergency Response Program for fiscal year 2010, to the Secretary of State for purposes of supporting the Afghanistan National Solidarity Program.

"(2) LIMITATION.—The amount of funds transferrable under paragraph (1) may not exceed $100,000,000.

"(3) CONGRESSIONAL NOTIFICATION.—Not later than 15 days before transferring funds under paragraph (1), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the Secretary's determination pursuant to paragraph (1) and a description of the amount of funds to be transferred under that paragraph.".

(e) TECHNICAL AMENDMENTS.—Subsections (e)(1) and (f)(1) of such section are amended by striking "the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009" and inserting "October 14, 2008,".

SEC. 1207. ONE-YEAR EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

Section 1207(g) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458), as amended by section 1210 of the National

Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369) and section 1207 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 1208. AUTHORITY FOR NON-RECIPROCAL EXCHANGES OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

(a) AUTHORITY TO ENTER INTO NON-RECIPROCAL INTERNATIONAL EXCHANGE AGREEMENTS.—

(1) IN GENERAL.—The Secretary of Defense may enter into non-reciprocal international defense personnel exchange agreements.

(2) INTERNATIONAL DEFENSE PERSONNEL EXCHANGE AGREEMENTS DEFINED.—For purposes of this section, an international defense personnel exchange agreement is an agreement with the government of an ally of the United States or another friendly foreign country for the exchange of military and civilian personnel of the defense ministry of that foreign government.

(b) ASSIGNMENT OF PERSONNEL.—

(1) IN GENERAL.—Pursuant to a non-reciprocal international defense personnel exchange agreement,

personnel of the defense ministry of a foreign government may be assigned to positions in the Department of Defense.

(2) MUTUAL AGREEMENT REQUIRED.—An individual may not be assigned to a position pursuant to a non-reciprocal international defense personnel exchange agreement unless the assignment is acceptable to both governments.

(c) PAYMENT OF PERSONNEL COSTS.—

(1) IN GENERAL.—The foreign government with which the United States has entered into a non-reciprocal international defense personnel exchange agreement shall pay the salary, per diem, cost of living, travel costs, cost of language or other training, and other costs for its personnel in accordance with the applicable laws and regulations of such government.

(2) EXCLUDED COSTS.—Paragraph (1) does not apply to the following costs:

(A) The cost of training programs conducted to familiarize, orient, or certify exchanged personnel regarding unique aspects of the assignments of the exchanged personnel.

(B) Costs incident to the use of facilities of the United States Government in the performance of assigned duties.

(d) PROHIBITED CONDITIONS.—No personnel exchanged pursuant to a non-reciprocal agreement under this section may take or be required to take an oath of allegiance or to hold an official capacity in the government.

(e) DURATION OF AUTHORITY.—The authority under this section shall expire on December 31, 2011.

SEC. 1209. DEFENSE COOPERATION BETWEEN THE UNITED STATES AND IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) As United States forces continue their redeployment from Iraq, the quality of the Iraqi Security Forces and the nature of their training and equipment will play an increasingly important role.

(2) Despite the decrease in violence in Iraq, Iraq continues to face formidable threats to its national security.

(3) There are many benefits to the United States and Iraq resulting from the strategic relationship that exists between the two nations.

(4) Enhancing the capabilities of the Iraqi Security Forces and strengthening the defense cooperation between the United States and Iraq will help ensure that Iraq has the military strength and political support necessary to enhance its internal and regional security.

(b) AVAILABILITY OF PROFESSIONAL MILITARY EDUCATION FOR IRAQ SECURITY FORCES.—The Secretary of Defense shall endeavor to increase the number of positions in professional military education courses, including courses at command and general staff colleges, war colleges, and the service academies, that are made available annually to personnel of the security forces of the Government of Iraq.

SEC. 1210. REPORT ON ALTERNATIVES TO USE OF ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth and assessing various alternatives to the use of acquisition and cross-servicing agreements pursuant to the temporary authority in section 1202 of the John Warner National Defense Authorization

Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as amended by section 1252 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 402), for purposes of lending covered military equipment to military forces of nations as follows:

(1) A nation participating in combined operations with the United States in Iraq and Afghanistan.

(2) A nation participating in combined operations with the United States as part of a peacekeeping operation under the Charter of the United Nations or another international agreement.

(b) COVERED MILITARY EQUIPMENT DEFINED.—In this section, the term ''covered military equipment'' has the meaning given that term in section 1202(d)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007.

SEC. 1211. ENSURING IRAQI SECURITY THROUGH DEFENSE COOPERATION BETWEEN THE UNITED STATES AND IRAQ.

The President may treat an undertaking by the Government of Iraq that is made between the date of the enactment of this Act and December 31, 2011, as a dependable undertaking described in section 22(a) of the Arms Export Control Act (22 U.S.C. 2762(a)) for purposes of

entering into contracts for the procurement of defense articles and defense services as provided for in that section.

SEC. 1212. AVAILABILITY OF APPROPRIATED FUNDS FOR THE STATE PARTNERSHIP PROGRAM.

(a) AVAILABILITY OF APPROPRIATED FUNDS.—The Secretary of Defense may, under regulations prescribed by the Secretary, use funds appropriated to the Department of Defense for fiscal year 2010 to pay the costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting activities under the State Partnership Program—

(1) to support the objectives of the commander of the combatant command for the theater of operations in which such activities are conducted; or

(2) to build international civil-military partnerships and capacity on matters relating to defense and security.

(b) LIMITATIONS.—

(1) APPROVAL BY COMMANDER OF COMBATANT COMMAND AND CHIEF OF MISSION.—Funds shall not be available under subsection (a) for activities conducted under the State Partnership Program in a foreign country unless such activities are jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

(2) PARTICIPATION BY MEMBERS.—Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities conducted under the State Partnership Program in a foreign country unless the member is on active duty in the Armed Forces at the time of such participation.

(c) REIMBURSEMENT.—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

SEC. 1213. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) AUTHORITY.—The President is authorized to transfer defense articles from the stocks of the Department of Defense, and to provide defense services in connection with the transfer of such defense articles, to—

(1) the military and security forces of Iraq to support the efforts of those forces to restore and maintain peace and security in that country; and

(2) the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided under subsection (a) may not exceed $500,000,000.

(2) SOURCE OF TRANSFERRED DEFENSE ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) immediately before the transfer were in use to support operations in Iraq;

(B) were present in Iraq as of the date of enactment of this Act; and

(C) are no longer required by United States forces in Iraq.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided to Iraq or Afghanistan under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations contained in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT.—

(1) IN GENERAL.—The President may not exercise the authority under subsection (a) until 30 days after the Secretary of Defense, with the concurrence of the Secretary of State, provides the appropriate congressional committees a report on the plan for the disposition of equipment and other property of the Department of Defense in Iraq.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of—

(i) the types and quantities of defense articles required by the military and security forces of Iraq to support the efforts of

those military and security forces to restore and maintain peace and security in Iraq; and

(ii) the types and quantities of defense articles required by the military and security forces of Afghanistan to support the efforts of those military and security forces to restore and maintain peace and security in Afghanistan.

(B) A description of the authorities available for addressing the requirements identified in subparagraph (A).

(C) A description of the process for inventorying equipment and property, including defense articles, in Iraq owned by the Department of Defense, including equipment and property owned by the Department of Defense and under the control of contractors in Iraq.

(D) A description of the types of defense articles that the Department of Defense intends to transfer to the military and security forces of Iraq and an estimate of the quantity of such defense articles to be transferred.

(E) A description of the process by which potential requirements for defense articles to be

transferred under the authority provided in subsection (a), other than the requirements of the security forces of Iraq or Afghanistan, are identified and the mechanism for resolving any potential conflicting requirements for such defense articles.

(F) A description of the plan, if any, for reimbursing military departments from which non-excess defense articles are transferred under the authority provided in subsection (a).

(G) An assessment of the efforts by the Government of Iraq to identify the requirements of the military and security forces of Iraq for defense articles to support the efforts of those forces to restore and maintain peace and security in that country.

(H) An assessment of the ability of the Governments of Iraq and Afghanistan to absorb the costs associated with possessing and using the defense articles to be transferred.

(I) A description of the steps taken by the Government of Iraq to procure or acquire defense articles to meet the requirements of the military and security forces of Iraq, including through military sales from the United States.

(e) NOTIFICATION.—

(1) IN GENERAL.—The President may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the President has provided notice of the proposed transfer of defense articles or provision of defense services to the appropriate congressional committees.

(2) CONTENTS.—Such notification shall include—

(A) a description of the amount and type of each defense article to be transferred or defense services to be provided;

(B) a statement describing the current value of such article and the estimated replacement value of such article;

(C) an identification of the military department from which the defense articles being transferred are drawn;

(D) an identification of the element of the military or security force that is the proposed recipient of each defense article to be transferred or defense service to be provided;

(E) an assessment of the impact of the transfer on the national technology and indus-

trial base and, particularly, the impact on opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are to be transferred; and

(F) a certification by the President that—

(i) the Secretary of Defense has determined that—

(I) the defense articles to be transferred are no longer required by United States forces in Iraq;

(II) the proposed transfer of such defense articles will not adversely impact the military preparedness of the United States;

(III) immediately before the transfer, the defense articles to be transferred were being used to support operations in Iraq;

(IV) the defense articles to be transferred were present in Iraq as of the date of enactment of this Act; and

(V) the defense articles to be transferred are required by the military and security forces of Iraq or the

military and security forces of Afghanistan, as applicable, to build their capacity to restore and maintain peace and security in their country;

(ii) the government of the recipient country has agreed to accept and take possession of the defense articles to be transferred and to receive the defense services in connection with that transfer; and

(iii) the proposed transfer of such defense articles and the provision of defense services in connection with such transfer is in the national interest of the United States.

(f) QUARTERLY REPORT.—Not later than 90 days after the date of the report provided under subsection (d), and every 90 days thereafter during fiscal year 2010, the Secretary of Defense shall report to the appropriate congressional committees on the implementation of the authority under subsection (a). The report shall include the replacement value of defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and services provided to Iraq and Afghanistan during the previous 90 days.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) DEFENSE ARTICLES.—The term ''defense articles'' has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term ''defense services'' has the meaning given the term in section 644(f) of such Act (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term ''military and security forces'' means national armies, national air forces, national navies, national guard forces, police forces and border security forces, but does not include non-governmental or irregular forces (such as private militias).

(h) EXPIRATION.—The authority provided under subsection (a) may not be exercised after September 30, 2010.

(i) EXCESS DEFENSE ARTICLES.—

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by Section 516 of the Foreign Assistance Act of 1961.

(2) AGGREGATE VALUE.—The value of excess defense articles transferred to Iraq during fiscal year 2010 pursuant to Section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such Act.

SEC. 1214. CERTIFICATION REQUIREMENT FOR COALITION SUPPORT FUND REIMBURSEMENTS.

Section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634), is amended—

(1) in paragraph (1)(A), by striking ''the Secretary of Defense shall submit'' and inserting ''the

Secretary of Defense, after consultation with the Secretary of State, shall submit''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting each clause, as so redesignated, 6 ems from the left margin;

(B) by striking ''shall include an itemized description'' and inserting the following: ''shall include the following:

''(A) An itemized description''; and

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

''(B) A certification that the reimbursement—

''(i) is consistent with the national security interests of the United States; and

''(ii) will not adversely impact the balance of power in the region.''.

Subtitle B—Reports

SEC. 1221. REPORT ON UNITED STATES ENGAGEMENT WITH IRAN.

(a) IN GENERAL.—Not later than January 31, 2010, the President shall submit to Congress a report on United States engagement with Iran.

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

(1) DIPLOMATIC ENGAGEMENT.—With respect to diplomatic engagement, the following:

(A) A description of areas of mutual interest to the Government of the United States and the Government of the Islamic Republic of Iraq in which cooperation and discussion could be of mutual interest.

(B) A discussion and assessment of the commitment of the Government of the Islamic Republic of Iran to engage in good-faith discussions with the United States to resolve matters of concern through negotiation.

(2) SUPPORT FOR TERRORISM AND EXTREMISM.—With respect to support for terrorism and extremism, an assessment of the extent to which the Government of the Islamic Republic of Iran has supported or provided weapons, training, funding, or any other type of support or assistance for any designated Foreign Terrorist Organization as well as regional militant groups, and specific assessments of the support provided by the Government of the Islamic Republic of Iran, or agencies under that gov-

ernment, for insurgents or other militant groups in Iraq and Afghanistan.

(3) NUCLEAR ACTIVITIES.—With respect to nuclear activities, an assessment of the extent to which the Government of the Islamic Republic of Iran has—

(A) complied with United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1835 (2008), and with any other applicable Resolutions adopted by the United Nations Security Council as of the date of the report;

(B) cooperated with the International Atomic Energy Agency (IAEA), including fulfilling all requests of that Agency for access to information, documentation, locations, and individuals;

(C) ratified and implemented the Additional Protocol to Iran's Safeguards Agreement with the International Atomic Energy Agency, as requested by the Board of Governors of the International Atomic Energy Agency and the United Nations Security Council; and

(D) committed to stop uranium enrichment activities and forego the reprocessing of spent

fuel, the production of heavy water, and the weaponization of fissile materials on a permanent basis.

(4) MISSILE ACTIVITIES.—With respect to missile activities, an assessment of the extent to which the Government of the Islamic Republic of Iran has continued development of its ballistic missile program, including participation in any imports or exports of any items, materials, goods, and technologies related to that program and has complied with United Nations Security Council Resolutions 1696, 1737, 1747, 1803, and 1835, as required by the United Nations Security Council.

(5) SUPPORT TO ILLEGAL NARCOTICS NETWORK IN AFGHANISTAN.—With respect to support to the illegal narcotics network in Afghanistan, an assessment of the extent to which the Government of the Islamic Republic of Iran, or agencies under that government, has or have supported or facilitated the illegal narcotics trade in Afghanistan.

(6) SANCTIONS AGAINST IRAN.—With regard to sanctions against Iran—

(A) a list of all current United States bilateral and multilateral sanctions against Iran;

(B) a description and discussion of United States diplomatic efforts to enforce bilateral and multilateral sanctions against Iran and to strengthen international efforts to enforce such sanctions;

(C) an assessment of the impact and effectiveness of existing bilateral and multilateral sanctions against Iran in achieving United States goals;

(D) a list of all United States and foreign registered entities which the Secretary of State has determined to be in violation of existing United States bilateral or multilateral sanctions against Iran;

(E) a detailed description of United States efforts to enforce sanctions against Iran, including—

(i) a list of all investigations initiated in the 18-month period ending on the date of the enactment of this Act that have resulted in a determination that a violation of sanctions against Iran has occurred; and

(ii) a description of the actions taken by the United States Government pursuant to each such determination; and

(F) a description of bilateral and multilateral sanctions against Iran that are under consideration, an assessment whether such additional sanctions against Iran would be effective, and, if so, a description of the actions being undertaken to pursue such additional sanctions.

(c) SUBMITTAL IN CLASSIFIED FORM.—The report required by subsection (a), or any part of such report, may be submitted in classified form if the President considers it appropriate.

SEC. 1222. REPORT ON CUBA AND CUBA'S RELATIONS WITH OTHER COUNTRIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:

(1) The cooperative agreements and relationships that Cuba has with Iran, North Korea, and other states suspected of nuclear proliferation.

(2) A detailed account of the economic support provided by Venezuela to Cuba and the intelligence and other support that Cuba provides to the government of Hugo Chavez.

(3) A review of the evidence of relationships between the Cuban government or any of its compo-

nents with drug cartels or involvement in other drug trafficking activities.

(4) The status and extent of Cuba's clandestine activities in the United States.

(5) The extent and activities of Cuban support for governments in Venezuela, Bolivia, Ecuador, Central America, and the Caribbean.

(6) The status and extent of Cuba's research and development program for biological weapons production.

(7) The status and extent of Cuba's cyberwarfare program.

SEC. 1223. REPORT ON VENEZUELA.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:

(1) An inventory of all weapons purchases by, and transfers to, the government of Venezuela and Venezuela's transfers to other countries since 1998, particularly purchases and transfers of missiles, ships, submarines, and any other advanced systems. The report shall include an assessment of whether there is accountability of the purchases and transfers with respect to the end-use and diversion of

such materiel to popular militias, other governments, or irregular armed forces.

(2) The mining and shipping of Venezuelan uranium to Iran, North Korea, and other states suspected of nuclear proliferation.

(3) The extent to which Hugo Chavez and other Venezuelan officials and supporters of the Venezuelan government provide political counsel, collaboration, financial ties, refuge, and other forms of support, including military materiel, to the Revolutionary Armed Forces of Colombia (FARC).

(4) The extent to which Hugo Chavez and other Venezuelan officials provide funding, logistical and political support to the Islamist terrorist organization Hezbollah.

(5) Deployment of Venezuelan security or intelligence personnel to Bolivia, including any role such personnel have in suppressing opponents of the government of Bolivia.

(6) Venezuela's clandestine material support for political movements and individuals throughout the Western Hemisphere with the objective of influencing the internal affairs of nations in the Western Hemisphere.

(7) Efforts by Hugo Chavez and other officials or supporters of the Venezuelan government to convert or launder funds that are the property of Venezuelan government agencies, instrumentalities, parastatals, including Petroleos de Venezuela, SA (PDVSA).

(8) Covert payments by Hugo Chavez or officials or supporters of the Venezuelan government to foreign political candidates, government officials, or officials of international organizations for the purpose of influencing the performance of their official duties.

SEC. 1224. REPORT ON MILITARY POWER OF IRAN.

(a) BIENNIAL REPORT.—Not later than March 31, 2010, and in each even-numbered year thereafter until 2020, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, on the current and future military strategy of the Islamic Republic of Iran. The report shall address the current and probable future course of military developments on the Army, Air Force, Navy, and Revolutionary Guard Corps of the Islamic Republic of Iran.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following elements:

(1) As assessment of the grand strategy, security strategy, and military strategy of the Government of the Islamic Republic of Iran, including the following:

(A) The goals of the grand strategy, security strategy, and military strategy.

(B) Aspects of the strategies that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world.

(C) The security situation in the Persian Gulf and the Levant.

(D) Iranian strategy regarding other countries in the Middle East region.

(2) An assessment of the capabilities of the conventional forces of the Government of the Islamic Republic of Iran, including the following:

(A) The size, location, and capabilities of the conventional forces.

(B) A detailed analysis of the conventional forces of the Government of the Islamic Republic of Iran facing United States forces in the region and other countries in the Middle East region.

(C) An estimate of the funding provided for each branch of the conventional forces of the Government of the Islamic Republic of Iran.

(3) An assessment of the unconventional forces of the Government of the Islamic Republic of Iran, including the following:

(A) The size and capability of special operations units, including the Iranian Revolutionary Guard Corps-Quds Force.

(B) The types and amount of support provided to groups designated by the United States as terrorist organizations in particular those forces that have been assessed as willing to carry out terrorist operations on behalf of the Islamic Republic of Iran.

(C) A detailed analysis of the unconventional forces of the Government of the Islamic Republic of Iran and their implications for the United States and other countries in the Middle East region.

(D) An estimate of the amount of funds spent by the Government of the Islamic Republic of Iran to develop and support special operations forces and terrorist groups.

(c) DEFINITIONS.—In this section:

(1) CONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term ''conventional forces of the Government of the Islamic Republic of Iran''—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's strategic missile forces; and

(B) includes Iran's Army, Iran's Air Force, Iran's Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps-Quds Force.

(2) MIDDLE EAST REGION.—The term ''Middle East region'' means—

(A) the countries within the area of responsibility of United States Central Command; and

(B) the countries within the area covered by the Bureau of Near Eastern Affairs of the Department of State.

(3) UNCONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term ''unconventional forces of the Government of the Islamic Republic of Iran''—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps-Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from the Government of Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of the Government of the Islamic Republic of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on the Islamic Republic of Iran.

SEC. 1225. ANNUAL COUNTERTERRORISM STATUS REPORTS.

(a) SHORT TITLE.—This section may be cited as the "Success in Countering Al Qaeda Reporting Requirements Act of 2009".

(b) ANNUAL COUNTERTERRORISM STATUS REPORTS.—

(1) IN GENERAL.—Not later than July 31, 2010, and every July 31 thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its re-

lated affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) a judgment on the adequacy of interagency integration of the counterterrorism programs and activities of the Department of Defense, the United States Special Operations Command, the Central Intelligence Agency, the Department of State, the Department of the Treasury, the Department of Homeland Security, the Department of Justice, and other Federal departments and agencies;

(D) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the National Counterterrorism Center and the goals established in overarching public statements of strategy issued by the executive branch;

(E) a determination of whether the National Counterterrorism Center exercises the authority and has the resources and expertise required to fulfill the interagency strategic and

operational planning role described in section 119(j) of the National Security Act of 1947 (50 U.S.C. 404o), as added by section 1012 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458);

(F) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(G) a specific list of United States counterterrorism efforts, and the specific status and achievements of such efforts, through military,

1 financial, political, intelligence, paramilitary,
2 and law enforcement elements, relating to—
3 (i) bilateral security and training pro-
4 grams;
5 (ii) law enforcement and border secu-
6 rity;
7 (iii) the disruption of terrorist net-
8 works; and
9 (iv) the denial of terrorist safe havens
10 and sanctuaries;
11 (H) a description of United States Govern-
12 ment activities to counter terrorist recruitment
13 and radicalization, including—
14 (i) strategic communications;
15 (ii) public diplomacy;
16 (iii) support for economic development
17 and political reform; and
18 (iv) other efforts aimed at influencing
19 public opinion;
20 (I) United States Government initiatives to
21 eliminate direct and indirect international fi-
22 nancial support for the activities of terrorist
23 groups;
24 (J) a cross-cutting analysis of the budgets
25 of all Federal Government agencies as they re-

1 late to counterterrorism funding to battle Al
2 Qaeda and its related affiliates abroad, includ-
3 ing—
4 (i) the source of such funds; and
5 (ii) the allocation and use of such
6 funds;
7 (K) an analysis of the extent to which spe-
8 cific Federal appropriations—
9 (i) have produced tangible, calculable
10 results in efforts to combat and defeat Al
11 Qaeda, its related affiliates, and its violent
12 ideology; or
13 (ii) contribute to investments that
14 have expected payoffs in the medium- to
15 long-term;
16 (L) statistical assessments, including those
17 developed by the National Counterterrorism
18 Center, on the number of individuals belonging
19 to Al Qaeda and its related affiliates that have
20 been killed, injured, or taken into custody as a
21 result of United States counterterrorism efforts;
22 and
23 (M) a concise summary of the methods
24 used by National Counterterrorism Center and
25 other elements of the United States Govern-

1 ment to assess and evaluate progress in its
2 overall counterterrorism efforts, including the
3 use of specific measures, metrics, and indices.
4 (2) INTERAGENCY COOPERATION.—In pre-
5 paring a report under this subsection, the President
6 shall include relevant information maintained by—
7 (A) the National Counterterrorism Center
8 and the National Counterproliferation Center;
9 (B) Department of Justice, including the
10 Federal Bureau of Investigation;
11 (C) the Department of State;
12 (D) the Department of Defense;
13 (E) the Department of Homeland Security;
14 (F) the Department of the Treasury;
15 (G) the Office of the Director of National
16 Intelligence,
17 (H) the Central Intelligence Agency;
18 (I) the Office of Management and Budget;
19 (J) the United States Agency for Inter-
20 national Development; and
21 (K) any other Federal department that
22 maintains relevant information.
23 (3) REPORT CLASSIFICATION.—Each report re-
24 quired under this subsection shall be—

(A) submitted in an unclassified form, to the maximum extent practicable; and

(B) accompanied by a classified appendix, as appropriate.

SEC. 1226. REPORT ON TAIWAN'S AIR FORCE.

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

(1) According to the Department of Defense's (DoD) 2009 Annual Report on Military Power of the People's Republic of China, the military balance in the Taiwan Strait has been shifting in China's favor since 2000, marked by the sustained deployment of advanced military equipment to the Chinese military regions opposite Taiwan.

(2) Although the DoD's 2002 Report concluded that Taiwan ''has enjoyed dominance of the airspace over the Taiwan Strait for many years,'' the DoD's 2009 Report states this conclusion no longer holds true.

(3) China has based 490 combat aircraft (330 fighters and 160 bombers) within unrefueled operational range of Taiwan, and has the airfield capacity to expand that number by hundreds. In contrast, Taiwan has 390 combat aircraft (all of which are fighters).

(4) Also according to the DoD's 2009 Report, China has continued its build-up of conventional ballistic missiles since 2000, ''building a nascent capacity for conventional short-range ballistic missile (SRBM) strikes against Taiwan into what has become one of China's primary instruments of coercion.'' At this time, China has expanded its SRBM force opposite Taiwan to seven brigades with a total of 1,050 through 1,150 missiles, and is augmenting these forces with conventional medium-range ballistic missiles systems and at least 2 land attack cruise missile variants capable of ground or air launch. Advanced fighters and bombers, combined with enhanced training for nighttime and overwater flights, provide China's People's Liberation Army (PLA) with additional capabilities for regional strike or maritime interdiction operations.

(5) Furthermore, the Report maintains, ''the security situation in the Taiwan Strait is largely a function of dynamic interactions among Mainland China, Taiwan, and the United States. The PLA has developed and deployed military capability to coerce Taiwan or attempt an invasion if necessary. PLA improvements pose new challenges to Taiwan's security, which has historically been based upon the

PLA's inability to project power across the 100 nautical-mile Taiwan Strait, natural geographic advantages of island defense, Taiwan's armed forces' technological superiority, and the possibility of U.S. intervention''.

(6) The Taiwan Relations Act of 1979 requires that, in furtherance of the principle of maintaining peace and stability in the Western Pacific region, the United States shall make available to Taiwan such defense articles and defense services in such quantity ''as may be necessary to enable Taiwan to maintain a sufficient self-defense capability,'' allowing that ''the President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan . . .''.

(b) REPORT TO CONGRESS ON TAIWAN'S CURRENT AIR FORCE AND FUTURE SELF-DEFENSE REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report, in both classified and unclassified form, containing the following:

(1) A thorough and complete assessment of the current state of Taiwan's Air Force, including—

(A) the number and type of aircraft;

(B) the age of aircraft; and

(C) the capability of those aircraft.

(2) An assessment of the effectiveness of the aircraft in the face of a full-scale concerted missile and air campaign by China, in which China uses its most modern surface-to-air missiles currently deployed along its seacoast.

(3) An analysis of the specific weapons systems and platforms that Taiwan would need to provide for it's self-defense and maintain control of its own air space.

(4) Options for the United States to assist Taiwan in achieving those capabilities.

(5) A 5-year plan for fulfilling the obligations of the United States under the Taiwan Relations Act to provide for Taiwan's self-defense and aid Taiwan in maintaining control of its own air space.

SEC. 1227. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

Section 1225 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2424) is amended—

(1) in subsection (a), by striking ''until December 31, 2010, the President shall submit'' and inserting ''(but not later than the first of each May),

the Director of the Office of Management and Budget shall submit''; and

(2) by adding at the end the following:

''(c) PUBLIC AVAILABILITY OF INFORMATION.—The Director of the Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet Web site.''.

Subtitle C—Other Matters

SEC. 1231. SENSE OF CONGRESS ON ESTABLISHMENT OF MEASURES OF PROGRESS TO EVALUATE UNITED STATES STRATEGIC OBJECTIVES IN AFGHANISTAN AND PAKISTAN.

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

(1) The President announced a new strategy for Afghanistan and Pakistan on March 27, 2009, that calls for a commitment of more resources and a significant increase in the number of United States Armed Forces deployed to the region.

(2) It is the obligation of the United States Government to the members of the Armed Forces, and to all Americans, that their sacrifices be met by a clear method for evaluating the progress toward

achieving the objectives in the new strategy of the Administration.

(3) The President stated, with reference to the strategy for Afghanistan and Pakistan, that ''going forward, we will not blindly stay the course. Instead, we will set clear metrics to measure progress and hold ourselves accountable. We'll consistently assess our efforts to train Afghan security forces and our progress in combating insurgents. We will measure the growth of Afghanistan's economy, and its illicit narcotics production. And we will review whether we are using the right tools and tactics to make progress towards accomplishing our goals''.

(4) Since the announcement of the new strategy of the Administration on March 27, 2009, key leaders in the Administration, including in the Department of Defense and Department of State, have testified before Congress that progress measures were needed to evaluate performance toward achieving the strategic objectives of the United States in Afghanistan and Pakistan and that the Administration was undertaking the process of reviewing and developing measures of progress.

(5) Key leaders in the Administration further assured Congress that the Administration would not

only share the measures of progress with Congress, but would also invite review and comment by Congress on proposed measures of progress.

(6) The establishment of both clear objectives and a means to impartially measure success toward those objectives will expound to the American people what the United States and its partners intend to accomplish in and for Afghanistan and Pakistan.

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

(1) the Administration should, through the coordination of the Departments of Defense and State, expeditiously submit to Congress a comprehensive list of measures of progress with regard to United States strategic objectives in Afghanistan and Pakistan;

(2) the comprehensive list under paragraph (1) should include newly-established measures of progress as well as such measures of progress previously established pursuant to section 1230(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) that continue to be relevant to the current United States strategy for Afghanistan and Pakistan;

(3) the Administration should incorporate the comprehensive list under paragraph (1) with each report submitted under sections 1230 and 1232 of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 385, 392) and should review, and if necessary modify, the comprehensive list for each such report; and

(4) upon submittal to Congress of the reports required by sections 1230 and 1232 of the National Defense Authorization Act for Fiscal Year 2008, the Administration should provide an assessment of each measure of progress by—

(A) setting forth the measure of progress being evaluated;

(B) providing data used to evaluate the measure of progress;

(C) providing an evaluation of the performance of the particular measure of progress; and

(D) providing a comprehensive assessment of how the performance of the particular measure of progress hinders or enhances the overall performance toward achieving strategic objectives of the United States in Afghanistan and Pakistan.

SEC. 1232. SENSE OF THE SENATE ON IMPOSING SANCTIONS WITH RESPECT TO THE ISLAMIC REPUBLIC OF IRAN.

(a) FINDINGS.—The Senate makes the following findings:

(1) The illicit nuclear activities of the Government of the Islamic Republic of Iran, combined with its development of unconventional weapons and ballistic missiles and support for international terrorism, represent a grave threat to the security of the United States and United States allies in Europe, the Middle East, and around the world.

(2) The United States and other responsible countries have a vital interest in working together to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability.

(3) As President Barack Obama said, ''Iran obtaining a nuclear weapon would not only be a threat to Israel and a threat to the United States, but would be profoundly destabilizing in the international community as a whole and could set off a nuclear arms race in the Middle East that would be extraordinarily dangerous for all concerned, including for Iran.''.

(4) The International Atomic Energy Agency has repeatedly called attention to the illicit nuclear

activities of the Islamic Republic of Iran, and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of the Islamic Republic of Iran to cease those activities and comply with its obligations under the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'').

(5) The Department of the Treasury has imposed sanctions on several Iranian banks, including Bank Melli, Bank Saderat, Bank Sepah, and Bank Mellat, for their involvement in proliferation activities or support for terrorist groups.

(6) The Central Bank of Iran, the keystone of Iran's financial system and its principal remaining lifeline to the international banking system, has engaged in deceptive financial practices and facilitated such practices among banks involved in proliferation activities or support for terrorist groups, including Bank Sepah and Bank Melli, in order to evade sanctions imposed by the United States and the United Nations.

(7) On April 8, 2009, the United States formally extended an offer to engage in direct diplomacy with the Government of the Islamic Republic of Iran through negotiations with the five permanent members of the United States Security Council and Germany (commonly referred to as the ''P5-plus-1 process''), in the hope of resolving all outstanding disputes between the Islamic Republic of Iran and the United States.

(8) The Government of the Islamic Republic of Iran has yet to make a formal reply to the April 8, 2009, offer of direct diplomacy by the United States or to engage in direct diplomacy with the United States through the P5-plus-1 process.

(9) On July 8, 2009, President Nicolas Sarkozy of France warned that the Group of Eight major powers will give the Islamic Republic of Iran until September 2009 to accept negotiations with respect to its nuclear activities or face tougher sanctions.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Government of the Islamic Republic of Iran should—

(A) seize the historic offer put forward by President Barack Obama to engage in direct diplomacy with the United States;

(B) suspend all enrichment-related and reprocessing activities, including research and development, and work on all heavy-water related projects, including the construction of a research reactor moderated by heavy water, as demanded by multiple resolutions of the United Nations Security Council; and

(C) come into full compliance with the Nuclear Non-Proliferation Treaty, including the additional protocol to the Treaty; and

(2) the President should impose sanctions on the Central Bank of Iran and any other Iranian bank engaged in proliferation activities or support for terrorist groups, as well as any other sanctions the President determines appropriate, if—

(A) the Government of the Islamic Republic of Iran—

(i) has not accepted the offer by the United States to engage in direct diplomacy through the P5-plus-1 process before the Summit of the Group of 20 (G–20) in

Pittsburgh, Pennsylvania, in September 2009; or

(ii) has not suspended all enrichment-related and reprocessing activities and work on all heavy-water related projects within 60 days of the conclusion of that Summit; and

(B) the United Nations Security Council has failed to adopt significant and meaningful additional sanctions on the Government of the Islamic Republic of Iran.

SEC. 1233. SENSE OF THE SENATE ON ENFORCEMENT AND IMPOSITION OF SANCTIONS WITH RESPECT TO NORTH KOREA; REVIEW TO DETERMINE WHETHER NORTH KOREA SHOULD BE RE-LISTED AS A STATE SPONSOR OF TER-RORISM.

(a) FINDINGS.—The Senate makes the following findings:

(1) On April 5, 2009, the Government of North Korea tested an intermediate range ballistic missile in violation of United Nations Security Council Resolutions 1695 (2006) and 1718 (2006).

(2) On April 5, 2009, President Barack Obama issued a statement on North Korea, stating that

"Preventing the proliferation of weapons of mass destruction and their means of delivery is a high priority for my administration", and adding, "North Korea has ignored its international obligations, rejected unequivocal calls for restraint, and further isolated itself from the community of nations".

(3) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from its Yongbyon nuclear facility and ending its participation in the Six Party Talks for the Denuclearization of the Korean Peninsula.

(4) On May 25, 2009, the Government of North Korea conducted a second nuclear test, in disregard of United Nations Security Council Resolution 1718, which was issued in 2006 following the first such test and which demanded that North Korea not conduct any further nuclear tests or launches of a ballistic missile.

(5) The State Department's 2008 Human Rights Report on North Korea, issued on February 25, 2009, found that human rights conditions inside North Korea remained poor, prison conditions are harsh and life-threatening, and citizens were denied

basic freedoms such as freedom of speech, press, assembly, religion, and association.

(6) Pursuant to section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2)(E)), President George W. Bush, on February 7, 2007, notified Congress that the United States Government would oppose the extension of any loan or financial or technical assistance to North Korea by any international financial institution and the prohibition on support for the extension of such loans or assistance remains in effect.

(7) On June 12, 2009, the United Nations Security Council passed Resolution 1874, condemning North Korea's nuclear test, imposing a sweeping embargo on all arms trade with North Korea, and requiring member states not to provide financial support or other financial services that could contribute to North Korea's nuclear-related or missile-related activities or other activities related to weapons of mass destruction.

(8) On July 15, 2009, the Sanctions Committee of the United Nations Security Council, pursuant to United Nations Security Council Resolution 1874, imposed a travel ban on five North Korean individuals and asset freezes on five more North Korean

entities for their involvement in nuclear weapons and ballistic missile development programs, marking the first time the United Nations has imposed a travel ban on North Koreans.

(9) On June 10, 2008, the Government of North Korea issued a statement, subsequently conveyed directly to the United States Government, affirming that North Korea, ''will firmly maintain its consistent stand of opposing all forms of terrorism and any support to it and will fulfill its responsibility and duty in the struggle against terrorism.''.

(10) The June 10, 2008, statement by the Government of North Korea also pledged that North Korea would take ''active part in the international efforts to prevent substance, equipment and technology to be used for the production of nukes and biochemical and radioactive weapons from finding their ways to the terrorists and the organizations that support them''.

(11) On June 26, 2008, President George W. Bush certified that—

(A) the Government of North Korea had not provided any support for international terrorism during the preceding 6-month period; and

(B) the Government of North Korea had provided assurances that it will not support acts of international terrorism in the future.

(12) The President's June 26 certification concluded, based on all available information, that there was "no credible evidence at this time of ongoing support by the DPRK for international terrorism" and that "there is no credible or sustained reporting at this time that supports allegations (including as cited in recent reports by the Congressional Research Service) that the DPRK has provided direct or witting support for Hezbollah, Tamil Tigers, or the Iranian Revolutionary Guard".

(13) The State Department's Country Reports on Terrorism 2008, in a section on North Korea, state, "The Democratic People's Republic of Korea (DPRK) was not known to have sponsored any terrorist acts since the bombing of a Korean Airlines flight in 1987.".

(14) The Country Reports on Terrorism 2008 also state, "A state that directs WMD resources to terrorists, or one from which enabling resources are clandestinely diverted, poses a grave WMD terrorism threat. Although terrorist organizations will continue to seek a WMD capability independent of state pro-

grams, the sophisticated WMD knowledge and resources of a state could enable a terrorist capability. State sponsors of terrorism and all nations that fail to live up to their international counterterrorism and nonproliferation obligations deserve greater scrutiny as potential facilitators of WMD terrorism.''.

(15) On October 11, 2008, the Secretary of State, pursuant to the President's certification, removed North Korea from its list of state sponsors of terrorism, on which North Korea had been placed in 1988.

(b) REPORT ON CONDUCT OF NORTH KOREA.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a detailed report examining the conduct of the Government of North Korea since June 26, 2008, based on all available information, to determine whether North Korea meets the statutory criteria for listing as a state sponsor of terrorism. The report shall—

(1) present any credible evidence of support by the Government of North Korea for acts of terrorism, terrorists, or terrorist organizations;

(2) examine what steps the Government of North Korea has taken to fulfill its June 10, 2008,

pledge to prevent weapons of mass destruction from falling into the hands of terrorists; and

(3) assess the effectiveness of re-listing North Korea as a state sponsor of terrorism as a tool to accomplish the objectives of the United States with respect to North Korea, including completely eliminating North Korea's nuclear weapons programs, preventing North Korean proliferation of weapons of mass destruction, and encouraging North Korea to abide by international norms with respect to human rights.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should—

(A) vigorously enforce United Nations Security Council Resolutions 1718 (2006) and 1874 (2009) and other sanctions in place with respect to North Korea under United States law;

(B) urge all member states of the United Nations to fully implement the sanctions imposed by United Nations Security Council Resolutions 1718 and 1874; and

(C) explore the imposition of additional unilateral and multilateral sanctions against

North Korea in furtherance of United States national security;

(2) the conduct of North Korea constitutes a threat to the northeast Asian region and to international peace and security;

(3) if the United States determines that the Government of North Korea has provided assistance to terrorists or engaged in state sponsored acts of terrorism, the Secretary of State should immediately list North Korea as a state sponsor of terrorism; and

(4) if the United States determines that the Government of North Korea has failed to fulfill its June 10, 2008, pledges, the Secretary of State should immediately list North Korea as a state sponsor of terrorism.

(d) STATE SPONSOR OF TERRORISM DEFINED.—For purposes of this section, the term ''state sponsor of terrorism'' means a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

SEC. 1234. REPORT ON THE PLAN FOR THE UNITED STATES NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS AND SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO START TREATY.

(a) REPORT ON THE PLAN FOR THE UNITED STATES NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act or at the time a follow-on treaty to the Strategic Arms Reduction Treaty (START Treaty) is submitted by the President to the Senate for its advice and consent, whichever is earlier, the President shall submit to the congressional defense and foreign relations committees a report on the plan to enhance the safety, security, and reliability of the United States nuclear weapons stockpile, modernize the nuclear weapons complex, and maintain the delivery platforms for nuclear weapons.

(2) COORDINATION.—The President shall prepare the report required under paragraph (1) in coordination with the Secretary of Defense, the directors of Sandia National Laboratory, Los Alamos National Laboratory, and Lawrence Livermore National Laboratory, the Administrator for the National Nuclear Security Administration, and the Commander of the United States Strategic Command.

(3) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the plan to enhance the safety, security, and reliability of the United States nuclear weapons stockpile.

(B) A description of the plan to modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A description of the plan to maintain delivery platforms for nuclear weapons.

(D) An estimate of budget requirements, including the costs associated with the plans

outlined under subparagraphs (A) through (C), over a 10-year period.

(b) SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO THE START TREATY.—The Senate urges the President to maintain the stated position of the United States that the follow-on treaty to the START Treaty not include any limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States.

SEC. 1235. SENSE OF CONGRESS ON CONTINUED SUPPORT BY THE UNITED STATES FOR A STABLE AND DEMOCRATIC REPUBLIC OF IRAQ.

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

(1) The men and women of the United States Armed Forces who have served or are serving in the Republic of Iraq have done so with the utmost bravery and courage and deserve the respect and gratitude of the people of the United States and the people of Iraq.

(2) The leadership of Generals David Petraeus and Raymond Odierno, as the Commanders of the Multi-National Force Iraq, as well as Ambassador Ryan Crocker, was instrumental in bringing stability and success to Iraq.

(3) The strategy known as the surge was a critical factor contributing to significant security gains and facilitated the economic, political, and social gains that have occurred in Iraq since 2007.

(4) The people of Iraq have begun to develop a stable government and stable society because of the security gains following the surge and the willingness of the people of Iraq to accept the ideals of a free and fair democratic society over the tyranny espoused by Al Qaeda and other terrorist organizations.

(5) The security gains in Iraq must be carefully maintained so that those fragile gains can be solidified and expanded upon, primarily by citizens of Iraq in service to their country, with the support of the United States as appropriate.

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

(1) a stable and democratic Republic of Iraq is in the long-term national security interest of the United States;

(2) the people and the Government of the United States should help the people of Iraq promote the stability of their country and peace in the region; and

(3) the United States should be a long-term strategic partner with the Government and the people of Iraq in support of their efforts to build democracy, good governance, and peace and stability in the region.

SEC. 1236. REPORT ON FEASIBILITY AND DESIRABILITY OF ESTABLISHING GENERAL UNIFORM PROCEDURES AND GUIDELINES FOR THE PROVISION OF MONETARY ASSISTANCE BY THE UNITED STATES TO CIVILIAN FOREIGN NATIONALS FOR LOSSES INCIDENT TO COMBAT ACTIVITIES OF THE ARMED FORCES.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the feasibility and the desirability of establishing general uniform procedures and guidelines for the provision by the United States of monetary assistance to civilian foreign nationals for losses, injuries, or death (hereafter ''harm'') incident to combat activities of the United States Armed Forces during contingency operations.

(b) MATTERS TO BE INCLUDED IN REPORT.—The Secretary shall include in the report the following:

(1) A description of the authorities under laws in effect as of the date of the enactment of this Act for the United States to provide compensation, mon-

etary payments, or other assistance to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(2) A description of the practices in effect as of the date of enactment of this Act for the United States to provide ex gratia, solatia, or other types of condolence payments to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(3) A discussion of the historic practice of the United States to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to combat activities of the United States Armed Forces.

(4) A discussion of the practice of the United States in Operation Enduring Freedom and Operation Iraqi Freedom to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to the combat activities of the United States Armed Forces, including the procedures and guidelines used and an assessment of its effectiveness. This discussion will also include estimates of the total amount of funds disbursed to civilian foreign

nationals who have incurred harm since the inception of Operation Iraqi Freedom and Operation Enduring Freedom. This discussion will also include how such procedures and guidelines compare to the processing of claims filed under the Foreign Claims Act.

(5) A discussion of the positive and negative effects of using different authorities, procedure, and guidelines to provide monetary assistance to civilian foreign nationals, based upon the culture and economic circumstances of the local populace and the operational impact on the military mission. This discussion will also include whether the use of different authorities, procedures, and guidelines has resulted in disparate monetary assistance to civilian foreign nationals who have incurred substantially similar harm, and if so, the frequency and effect of such results.

(6) A discussion of the positive and negative effects of establishing general uniform procedures and guidelines for the provision of such assistance, based upon the goals of timely commencement of a program of monetary assistance, efficient and effective implementation of such program, and consistency in the amount of assistance in relation to the harm in-

curred. This discussion will also include whether the implementation of general procedures and guidelines would create a legally enforceable entitlement to ''compensation'' and, if so, any potential significant operational impact arising from such an entitlement.

(7) Assuming general uniform procedures and guidelines were to be established, a discussion of the following:

(A) Whether such assistance should be limited to specified types of combat activities or operations, e.g., such as during counterinsurgency operations.

(B) Whether such assistance should be contingent upon a formal determination that a particular combat activity/operation is a qualifying activity, and the criteria, if any, for such a determination.

(C) Whether a time limit from the date of loss for providing such assistance should be prescribed.

(D) Whether only monetary or other types of assistance should be authorized, and what types of nonmonetary assistance, if any, should be authorized.

(E) Whether monetary value limits should be placed on the assistance that may be provided, or whether the determination to provide assistance and, if so, the monetary value of such assistance, should be based, in whole or in part, on a legal advisor's assessment of the facts.

(F) Whether a written record of the determination to provide or to not provide such assistance should be maintained and a copy made available to the civilian foreign national.

(G) Whether in the event of a determination to not provide such assistance the civilian foreign national should be afforded the option of a review of the determination by a higher ranking authority.

(c) RECOMMENDATIONS.—The Secretary shall include in the report such recommendations as the Secretary considers appropriate for legislative or administrative action with respect to the matters discussed in the report.

(d) SUBMISSION OF REPORT.—The report shall be submitted not later than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form, but may include a classified annex.

Subtitle D—VOICE Act

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Victims of Iranian Censorship Act''or the ''VOICE Act''.

SEC. 1242. SENSE OF CONGRESS.

It is the sense of Congress that the United States—

(1) respects the sovereignty, proud history, and rich culture of the Iranian people;

(2) respects the universal values of freedom of speech and freedom of the press in Iran and throughout the world;

(3) supports the Iranian people as they take steps to peacefully express their voices, opinions, and aspirations;

(4) supports the Iranian people seeking access to news and other forms of information;

(5) condemns the detainment, imprisonment, and intimidation of all journalists, in Iran and elsewhere throughout the world;

(6) supports journalists who take great risk to report on political events in Iran, including those surrounding the presidential election;

(7) supports the efforts the Voice of America's (VOA) 24-hour television station Persian News Network, and Radio Free Europe / Radio Liberty's

(RFE/RL) Radio Farda 24-hour radio station; British Broadcasting Corporation (BBC) Farsi language programming; Radio Zamaneh; and other independent news outlets to provide information to Iran;

(8) condemns acts of censorship, intimidation, and other restrictions on freedom of the press, freedom of speech, and freedom of expression in Iran and throughout the world;

(9) commends companies which have facilitated the ability of the Iranian people to access and share information, and exercise freedom of speech, freedom of expression, and freedom of assembly through alternative technologies; and

(10) condemns companies which have knowingly impeded the ability of the Iranian people to access and share information and exercise freedom of speech, freedom of expression, and freedom of assembly through electronic media, including through the sale of technology that allows for deep packet inspection or provides the capability to monitor or block Internet access, and gather information about individuals.

SEC. 1243. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to support freedom of the press, freedom of speech, freedom of expression, and freedom of assembly in Iran;

(2) to support the Iranian people as they seek, receive, and impart information and promote ideas in writing, in print, or through any media without interference;

(3) to discourage businesses from aiding efforts to interfere with the ability of the people of Iran to freely access or share information or otherwise infringe upon freedom of speech, freedom of expression, freedom of assembly, and freedom of the press through the Internet or other electronic media, including through the sale of deep packet inspection or other technology to the Government of Iran that provides the capability to monitor or block Internet access, and gather information about individuals; and

(4) to encourage the development of technologies, including Internet Web sites that facilitate the efforts of the Iranian people—

(A) to gain access to and share accurate information and exercise freedom of speech, freedom of expression, freedom of assembly,

and freedom of the press, through the Internet or other electronic media; and

(B) engage in Internet-based education programs and other exchanges between United States citizens and Iranians.

SEC. 1244. AUTHORIZATION OF APPROPRIATIONS.

(a) INTERNATIONAL BROADCASTING OPERATIONS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' International Broadcasting Operations Fund, there is authorized to be appropriated $15,000,000 to expand Farsi language programming and to provide for the dissemination of accurate and independent information to the Iranian people through radio, television, Internet, cellular telephone, short message service, and other communications.

(b) BROADCASTING CAPITAL IMPROVEMENTS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' Broadcasting Capital Improvements Fund, there is authorized to be appropriated $15,000,000 to expand transmissions of Farsi language programs to Iran.

(c) USE OF AMOUNTS.—In pursuit of the objectives described in subsections (a) and (b), amounts in the International Broadcasting Operations Fund and the Capital Improvements Fund may be used to—

(1) develop additional transmission capability for Radio Farda and the Persian News Network to counter ongoing efforts to jam transmissions, including through additional shortwave and medium wave transmissions, satellite, and Internet mechanisms;

(2) develop additional proxy server capability and anti-censorship software to counter efforts to block Radio Farda and Persian News Network Web sites;

(3) develop technologies to counter efforts to block SMS text message exchange over cellular phone networks;

(4) expand program coverage and analysis by Radio Farda and the Persian News Network, including the development of broadcast platforms and programs, on the television, radio and Internet, for enhanced interactivity with and among the people of Iran;

(5) hire, on a permanent or short-term basis, additional staff for Radio Farda and the Persian News Network; and

(6) develop additional Internet-based, Farsi-language television programming, including a Farsi-language, Internet-based news channel.

SEC. 1245. IRANIAN ELECTRONIC EDUCATION, EXCHANGE, AND MEDIA FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Iranian Electronic Education, Exchange, and Media Fund (referred to in this section as the ''Fund''), consisting of amounts appropriated to the Fund pursuant to subsection (f).

(b) ADMINISTRATION.—The Fund shall be administered by the Secretary of State.

(c) OBJECTIVE.—The objective of the Fund shall be to support the development of technologies, including Internet Web sites, that will aid the ability of the Iranian people to—

(1) gain access to and share information;

(2) exercise freedom of speech, freedom of expression, and freedom of assembly through the Internet and other electronic media;

(3) engage in Internet-based education programs and other exchanges between Americans and Iranians; and

(4) counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text exchanges.

(d) USE OF AMOUNTS.—In pursuit of the objective described in subsection (c), amounts in the Fund may be used for grants to United States or foreign universities, nonprofit organizations, or companies for targeted projects that advance the purpose of the Fund, including projects that—

(1) develop Farsi-language versions of existing social-networking Web sites;

(2) develop technologies, including Internet-based applications, to counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text message exchanges;

(3) develop Internet-based, distance learning programs for Iranian students at United States universities; and

(4) promote Internet-based, people-to-people educational, professional, religious, or cultural exchanges and dialogues between United States citizens and Iranians.

(e) TRANSFERS.—Amounts in the Fund may be transferred to the United States Agency for International Development, the Broadcasting Board of Governors, or any other agency of the Federal Government to the extent

that such amounts are used to carry out activities that will further the objective described in subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to the Fund.

SEC. 1246. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 5 years, the President shall submit a report to Congress that provides a detailed description of—

(1) United States-funded international broadcasting efforts in Iran;

(2) efforts by the Government of Iran to block broadcasts sponsored by the United States or other non-Iranian entities;

(3) efforts by the Government of Iran to monitor or block Internet access, and gather information about individuals;

(4) plans by the Broadcasting Board of Governors for the use of the amounts appropriated pursuant to section 1244, including—

(A) the identification of specific programs and platforms to be expanded or created; and

(B) satellite, radio, or Internet-based transmission capacity to be expanded or created;

(5) plans for the use of the Iranian Electronic Education, Exchange, and Media Fund;

(6) a detailed breakdown of amounts obligated and disbursed from the Iranian Electronic Media Fund and an assessment of the impact of such amounts;

(7) the percentage of the Iranian population and of Iranian territory reached by shortwave and medium-wave radio broadcasts by Radio Farda and Voice of America;

(8) the Internet traffic from Iran to Radio Farda and Voice of America Web sites; and

(9) the Internet traffic to proxy servers sponsored by the Broadcasting Board of Governors, and the provisioning of surge capacity.

(b) CLASSIFIED ANNEX.—The report submitted under subsection (a) may include a classified annex.

SEC. 1247. REPORT ON ACTIONS BY NON-IRANIAN COMPANIES.

(a) STUDY.—The President shall direct the appropriate officials to examine claims that non-Iranian companies, including corporations with United States subsidiaries, have provided hardware, software, or other forms of assistance to the Government of Iran that has furthered its efforts to—

(1) filter online political content;

(2) disrupt cell phone and Internet communications; and

(3) monitor the online activities of Iranian citizens.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that contains the results of the study conducted under subsection (a). The report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 1248. HUMAN RIGHTS DOCUMENTATION.

There are authorized to be appropriated $5,000,000 to the Secretary of State to document, collect, and disseminate information about human rights in Iran, including abuses of human rights that have taken place since the Iranian presidential election conducted on June 12, 2009.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction

programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2010 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2010 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2010, 2011, and 2012.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $424,093,000 authorized to be appropriated to the Department of Defense for fiscal year 2010 in section 301(a)(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $73,385,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,800,000.

(3) For nuclear weapons storage security in Russia, $15,090,000.

(4) For nuclear weapons transportation security in Russia, $46,400,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $90,886,000.

(6) For biological threat reduction in the states of the former Soviet Union, $152,132,000.

(7) For chemical weapons destruction, $3,000,000.

(8) For defense and military contacts, $5,000,000.

(9) For new Cooperative Threat Reduction initiatives, $10,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $21,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2010 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be

obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2010 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2010 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a

complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. AUTHORITY TO ENTER INTO AGREEMENTS TO RECEIVE CONTRIBUTIONS FOR BIOLOGICAL THREAT REDUCTION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, enter into one or more agreements with any person (including a foreign government, international organization, multinational entity, or any other entity) that the Secretary of Defense considers appropriate under which the person contributes funds for purposes of the Biological Threat Reduction Program of the Department of Defense.

(b) RETENTION AND USE OF AMOUNTS.—Notwithstanding section 3302 of title 31, United States Code, and subject to subsections (c) and (d), the Secretary of Defense may retain and obligate or expend amounts contributed pursuant to subsection (a) for purposes of the Biological Threat Reduction Program. Amounts so contributed shall be retained in a separate fund established in the Treasury for that purpose and shall be available to be obligated or expended without further appropriation.

(c) RETURN OF AMOUNTS NOT OBLIGATED OR EXPENDED WITHIN THREE YEARS.—If the Secretary of Defense does not obligate or expend an amount contributed pursuant to subsection (a) by the date that is three years after the date on which the contribution was made, the Secretary shall return the amount to the person who made the contribution.

(d) NOTICE TO CONGRESSIONAL DEFENSE COMMITTEES.—

(1) IN GENERAL.—Not later than 30 days after receiving an amount contributed pursuant to subsection (a), the Secretary shall submit to the congressional defense committees a notice—

(A) specifying the value of the contribution and the purpose for which the contribution was made; and

(B) identifying the person who made the contribution.

(2) LIMITATION ON USE OF AMOUNTS.—The Secretary may not obligate or expend an amount contributed pursuant to subsection (a) until the date that is 15 days after the date on which the Secretary submits the notice required by paragraph (1).

(e) ANNUAL REPORT.—Not later than October 31 each year, the Secretary of Defense shall submit to the

1 congressional defense committees a report on amounts
2 contributed pursuant to subsection (a) during the pre-
3 ceding fiscal year. Each such report shall include, for the
4 fiscal year covered by the report, the following:

5 (1) A statement of any amounts contributed
6 pursuant to subsection (a), including, for each such
7 amount, the value of the contribution and the iden-
8 tity of the person who made the contribution.

9 (2) A statement of any amounts so contributed
10 that were obligated or expended by the Secretary, in-
11 cluding, for each such amount, the purposes for
12 which the amount was obligated or expended.

13 (3) A statement of any amounts so contributed
14 that were retained but not obligated or expended, in-
15 cluding, for each such amount, the purposes (if
16 known) for which the Secretary intends to obligate
17 or expend the amount.

18 (f) TERMINATION.—The authority provided under
19 this section shall terminate on December 31, 2015.

SEC. 1304. AUTHORIZATION OF USE OF COOPERATIVE THREAT REDUCTION PROGRAM FUNDS FOR BILATERAL AND MULTILATERAL NONPROLIFERATION AND DISARMAMENT ACTIVITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Defense may obligate or expend not more than 10 percent of the funds authorized to be appropriated or otherwise made available for Cooperative Threat Reduction programs in a fiscal year to provide assistance for or to otherwise carry out bilateral or multilateral activities relating to nonproliferation or disarmament.

(b) NOTIFICATION OF CONGRESSIONAL DEFENSE COMMITTEES.—The Secretary may obligate or expend funds pursuant to subsection (a) if, not less than 15 days before obligating or expending such funds—

(1) the Secretary notifies the congressional defense committees of the intent of the Secretary to obligate or expend such funds; and

(2) the President certifies to the congressional defense committees that obligating or expending such funds is necessary to support the national security objectives of the United States.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $141,388,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,313,616,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the National Defense Sealift Fund in the amount of $1,242,758,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $27,913,863,000, of which—

(1) $26,993,919,000 is for Operation and Maintenance;

(2) $597,802,000 is for Research, Development, Test, and Evaluation; and

(3) $322,142,000 is for Procurement.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,560,760,000, of which—

(1) $1,146,802,000 is for Operation and Maintenance;

(2) $401,269,000 is for Research, Development, Test, and Evaluation; and

(3) $12,689,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,077,784,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $288,444,000, of which—

(1) $286,444,000 is for Operation and Maintenance; and

(2) $2,000,000 is for Procurement.

SEC. 1407. FUNDING TABLE.

The amounts authorized to be appropriated by sections 1401, 1402, 1403, 1404, 1405, and 1406 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4401.

Subtitle B—National Defense Stockpile

SEC. 1411. EXTENSION OF PREVIOUSLY AUTHORIZED DISPOSAL OF COBALT FROM NATIONAL DEFENSE STOCKPILE.

Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4648), is further amended by striking ''during fiscal year 2009'' and inserting ''by the end of fiscal year 2011''.

SEC. 1412. AUTHORIZATION FOR ACTIONS TO CORRECT THE INDUSTRIAL RESOURCE SHORTFALL FOR HIGH-PURITY BERYLLIUM METAL IN AMOUNTS NOT IN EXCESS OF $80,000,000.

With respect to any action taken by the President under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) to correct the industrial resource shortfall for high-purity beryllium metal, the limitation in subsection (a)(6)(C) of such section shall be applied by substituting ''$80,000,000'' for ''$50,000,000''.

Subtitle C—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2010 from the Armed Forces Retirement Home Trust Fund the sum of $134,000,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—OVERSEAS CONTINGENCY OPERATIONS

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2010 to provide additional funding for overseas contingency operations of the Department of Defense in that fiscal year.

SEC. 1502. ARMY PROCUREMENT.

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

(1) For aircraft procurement, $1,636,229,000.

(2) For missile procurement, $531,570,000.

(3) For weapons and tracked combat vehicles procurement, $759,466,000.

(4) For ammunition procurement, $370,635,000.

(5) For other procurement, $6,329,966,000.

(6) For the Joint Improvised Explosive Device Defeat Fund, $2,099,850,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

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

(1) For aircraft procurement, $916,553,000.

(2) For weapons procurement, $73,700,000.

(3) For other procurement, $318,018,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for the Marine Corps in the amount of $1,164,445,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $710,780,000.

SEC. 1504. AIR FORCE PROCUREMENT.

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

(1) For aircraft procurement, $896,441,000.

(2) For missile procurement, $36,625,000.

(3) For ammunition procurement, $256,819,000.

(4) For other procurement, $2,321,549,000.

SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $491,430,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $5,456,000,000.

SEC. 1506. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

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

(1) For the Army, $57,962,000.

(2) For the Navy, $107,180,000.

(3) For the Air Force, $29,286,000.

(4) For Defense-wide activities, $115,826,000.

SEC. 1507. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $52,070,661,000.

(2) For the Navy, $5,650,733,000.

(3) For the Marine Corps, $3,701,600,000.

(4) For the Air Force, $10,026,868,000.

(5) For Defense-wide activities, $7,578,300,000

(6) For the Army Reserve, $204,326,000.

(7) For the Navy Reserve, $68,059,000.

(8) For the Marine Corps Reserve, $86,667,000.

(9) For the Air Force Reserve, $125,925,000.

(10) For the Army National Guard, $321,646,000.

(11) For the Air National Guard, $289,862,000.

(12) For the Afghanistan Security Forces Fund, $7,462,769,000.

(13) For the Iraq Freedom Fund, $115,300,000.

SEC. 1508. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense for military personnel in the amount of $13,586,341,000.

SEC. 1509. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other

activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $396,915,000, for the Defense Working Capital Funds.

SEC. 1510. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,155,235,000 for operation and maintenance.

SEC. 1511. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $324,603,000.

SEC. 1512. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $8,876,000.

SEC. 1513. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1514. FUNDING TABLES.

(a) AMOUNTS FOR PROCUREMENT.—The amounts authorized to be appropriated by sections 1502, 1503, 1504, and 1505 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4102.

(b) AMOUNTS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The amounts authorized to be appropriated by section 1506 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4202.

(c) AMOUNTS FOR OPERATION AND MAINTENANCE.—The amounts authorized to be appropriated by section 1507 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4302.

(d) OTHER AMOUNTS.—The amounts authorized to be appropriated by sections 1509, 1510, 1511, and 1512 shall be available, in accordance with the requirements of

section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4402.

SEC. 1515. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $4,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1516. LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

Funds appropriated pursuant to the authorization of appropriations for the Afghanistan Security Forces Fund in section 1507(12) shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428).

SEC. 1517. AVAILABILITY OF FUNDS IN PAKISTAN COUNTERINSURGENCY FUND.

(a) AVAILABILITY.—

(1) IN GENERAL.—Funds authorized to be appropriated for the Department of State for fiscal year 2010 that are transferred by the Secretary of State to the Secretary of Defense during that fiscal year for the Pakistan Counterinsurgency Fund shall be merged with amounts in the Pakistan Counterinsurgency Fund and available subject to the provisions of this section.

(2) INITIAL ASSESSMENT REQUIRED BEFORE USE OF FUNDS.—Funds available under this section may not be utilized until the Secretary of Defense submits to the appropriate committees of Congress a report setting forth an assessment by the Secretary as to whether the Government of Pakistan is committed to confronting the threat posed by Al

Qaeda, the Taliban, and other militant extremists based on a determination by the Government of Pakistan that—

(A) these groups pose a threat to the national interests of Pakistan; and

(B) confronting the threat posed by these groups is critical to the national interests of Pakistan.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds in the Pakistan Counterinsurgency Fund pursuant to a transfer under subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Pakistan to build the counterinsurgency capability of the Pakistan military forces and the Pakistan Frontier Corps.

(2) TYPES OF ASSISTANCE.—Assistance provided under this subsection may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction and funding.

(3) URGENT HUMANITARIAN RELIEF AND RECONSTRUCTION.—In addition to the assistance referred to in paragraph (2), up to $4,000,000 of the funds in the Pakistan Counterinsurgency Fund pur-

suant to a transfer described in subsection (a) may be used for a program to respond to urgent humanitarian relief and reconstruction requirements that will immediately assist Pakistani people affected by military operations.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFERS AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), funds in the Pakistan Counterinsurgency Fund pursuant to a transfer described in subsection (a) may be transferred by the Secretary of Defense from the Pakistan Counterinsurgency Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes specified in subsection (b):

(A) Operation and maintenance accounts.

(B) Procurement accounts.

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

(D) Defense working capital funds.

(E) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF TRANSFER.—Funds in the Pakistan Counterinsurgency Fund pursuant to a transfer described in subsection (a) may not be transferred under subsection (d)(1) from the Pakistan Counterinsurgency Fund until 15 days after the date on which the Secretary of Defense notifies the appropriate committees of Congress in writing of the details of the proposed transfer.

(f) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter of fiscal years 2010 and 2011, the Secretary of Defense shall submit to the appropriate committees of Congress a report summarizing the details of any obligation or transfer of funds from the Pakistan Counterinsurgency Fund under this section during such fiscal-year quarter.

(g) DURATION OF AUTHORITY.—Amounts transferred to the Pakistan Counterinsurgency Fund as described in subsection (a) are available for obligation or transfer from the Pakistan Counterinsurgency Fund in accordance with this section until September 30, 2011.

(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2010''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all author-

1 izations contained in titles XXI through XXVII for mili-
2 tary construction projects, land acquisition, family housing
3 projects and facilities, and contributions to the North At-
4 lantic Treaty Organization Security Investment Program
5 (and authorizations of appropriations therefor) shall ex-
6 pire on the later of—

7 (1) October 1, 2012; or

8 (2) the date of the enactment of an Act author-
9 izing funds for military construction for fiscal year
10 2013.

11 (b) EXCEPTION.—Subsection (a) shall not apply to
12 authorizations for military construction projects, land ac-
13 quisition, family housing projects and facilities, and con-
14 tributions to the North Atlantic Treaty Organization Se-
15 curity Investment Program (and authorizations of appro-
16 priations therefor), for which appropriated funds have
17 been obligated before the later of—

18 (1) October 1, 2012; or

19 (2) the date of the enactment of an Act author-
20 izing funds for fiscal year 2013 for military con-
21 struction projects, land acquisition, family housing
22 projects and facilities, or contributions to the North
23 Atlantic Treaty Organization Security Investment
24 Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII shall take effect on the later of—

(1) October 1, 2009; or

(2) the date of the enactment of this Act.

SEC. 2004. FUNDING TABLES.

(a) IN GENERAL.—The amounts authorized to be appropriated by sections 2104, 2204, 2304, 2404, 2411, 2502, and 2606 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4501.

(b) BASE CLOSURE AND REALIGNMENT ACTIVITIES.—The amounts authorized to be appropriated by section 2703 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4502.

(c) PROJECTS FUNDED BY AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—The amounts authorized by section 2801 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4503.

(d) OVERSEAS CONTINGENCY OPERATIONS.—The amounts authorized to be appropriated by sections 2901

and 2902 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4504.

SEC. 2005. TECHNICAL CORRECTIONS REGARDING CERTAIN MILITARY CONSTRUCTION PROJECTS, NEW MEXICO.

Notwithstanding the table in section 4501, the amounts available for the following projects at the following installations shall be as follows:

Air Force: Inside the United States

State	Installation	Project Title	Senate Authorized Amount
New Mexico ..	Holloman Air Force Base	Fire-Crash Rescue Station	$0

Special Operations Command

State	Installation	Project Title	Senate Authorized Amount
New Mexico ..	Cannon Air Force Base	SOF AC 130 Loadout Apron Phase 1	$6,000,000

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the

1 United States, and in the amounts, set forth in the fol-
2 lowing table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Richardson	$56,050,000
	Fort Wainwright	$198,000,000
Alabama	Redstone Arsenal	$3,550,000
Arizona	Fort Huachuca	$21,000,000
Arkansas	Pine Bluff Arsenal	$25,000,000
California	Fort Irwin	$9,500,000
Colorado	Fort Carson	$233,400,000
Florida	Eglin Air Force Base	$132,800,000
Georgia	Fort Benning	$295,300,000
	Fort Gillem	$10,800,000
	Fort Stewart/Hunter Army Air Field	$105,967,000
Hawaii	Schofield Barracks	$184,000,000
	Wheeler Army Air Field	$7,500,000
Kansas	Fort Riley	$168,500,000
Kentucky	Fort Knox	$70,000,000
Louisiana	Fort Polk	$49,000,000
Maryland	Aberdeen Proving Ground	$15,500,000
	Fort Detrick	$39,000,000
Missouri	Fort Leonard Wood	$163,000,000
New York	Fort Drum	$84,500,000
North Carolina	Fort Bragg	$113,650,000
	Sunny Point (Military Ocean Terminal)	$28,900,000
Oklahoma	Fort Sill	$90,500,000
	McAlester Army Ammunition Plant	$12,500,000
South Carolina	Fort Jackson	$103,500,00
	Naval Weapons Station, Charleston	$21,800,000
Texas	Fort Bliss	$219,400,000
	Fort Hood	$32,100,000
	Fort Sam Houston	$19,800,000
Utah	Dugway Proving Ground	$25,000,000
Virginia	Fort A.P. Hill	$23,000,000
	Fort Belvoir	$17,900,000
	Fort Eustis	$8,900,000
Washington	Fort Lewis	$9,700,000

3 (b) OUTSIDE THE UNITED STATES.—Using amounts
4 appropriated pursuant to the authorization of appropria-
5 tions in section 2104(a)(2), the Secretary of the Army
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 fol-
9 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield	$106,600,000
Germany	Ansbach	$31,700,000
	Kleber Kaserne	$20,000,000
Japan	Okinawa	$6,000,000
	Sagamihara	$6,000,000
Korea	Camp Humphreys	$50,200,000
Kuwait	Camp Arifjan	$82,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Baumholder	38	$18,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,936,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $219,300,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $4,262,800,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $2,619,217,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $302,500,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $178,029,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $241,236,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $523,418,000.

(6) For the construction of increment 4 of a brigade complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat 41), $102,000,000.

(7) For the construction of increment 3 of a brigade complex operational support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $23,500,000.

(8) For the construction of increment 3 of a brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $22,500,000.

(9) For the construction of increment 3 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $55,400,000.

(10) For the construction of increment 2 of a barracks and dining complex at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4659), $60,000,000.

(11) For the construction of increment 2 of a barracks and dining complex at Fort Stewart/Hunter Army Air Field, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4659), $80,000,000.

(12) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), $10,000,000.

(13) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), $11,000,000.

(14) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), $11,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $25,000,000 (the balance of the amount authorized under section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505) for construction of a brigade complex operations support facility at Vicenza, Italy.

(3) $26,000,000 (the balance of the amount authorized under section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505) for construction of a brigade complex operations support facility at Vicenza, Italy.

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds

for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State/Country	Installation or Location	Project	Amount
Hawaii	Pohakuloa Training Area.	Tactical Vehicle Wash Facility	$9,207,000
	Pohakuloa Training Area.	Battle Area Complex	$33,660,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$28,770,000
California	Mountain Warfare Training Center, Bridgeport.	$4,460,000
	Edwards Air Force Base	$3,007,000
	Marine Corps Air Station, Miramar	$9,280,000
	Marine Corps Base, Pendleton	$775,162,000
	Naval Base Point Loma	$8,730,000
	Marine Corps Recruit Depot, San Diego	$23,590,000
	Marine Air Ground Combat Center Twentynine Palms.	$513,680,000
Florida	Marine Corps Support Facility, Blount Island.	$3,760,000
	Eglin Air Force Base	$50,847,000

Inside the United States—Continued

State	Installation or Location	Amount
	Naval Air Station, Jacksonville	$5,917,000
	Naval Air Station, Whiting Field	$4,120,000
	Naval Station, Mayport	$75,985,000
	Pensacola	$26,161,000
Hawaii	Naval Station Pearl Harbor	$65,542,000
	Marine Corps Base, Hawaii	$5,380,000
Indiana	Naval Support Activity Crane	$13,710,000
Maine	Portsmouth Naval Shipyard	$7,100,000
Nevada	Naval Air Station Fallon	$11,450,000
North Carolina	Marine Corps Air Station, Cherry Point	$22,960,000
	Marine Corps Air Station, New River	$107,090,000
	Marine Corps Base, Camp Lejeune	$673,570,000
Rhode Island	Naval Station, Newport	$56,353,000
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
Virginia	Dahlgren	$3,660,000
	Marine Corps Base, Quantico	$105,240,000
	Naval Amphibious Base, Little Creek	$13,095,000
	Naval Station, Norfolk	$18,139,000
	Norfolk Naval Shipyard	$226,969,000
Washington	Bremerton	$69,064,000
	Spokane	$12,707,000
West Virginia	Naval Security Group, Sugar Grove	$9,650,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$41,526,000
Djibouti	Djibouti	$41,845,000
Guam	Naval Activities, Guam	$286,829,000
Spain	Naval Station, Rota	$26,278,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of ap-

1 propriations in section 2204(a)(5)(A), the Secretary of the
2 Navy may construct or acquire family housing units (in-
3 cluding land acquisition and supporting facilities) at the
4 installations or locations, in the number of units, and in
5 the amounts set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Korea	Pusan	Welcome center/ warehouse.	$4,376.000
Mariana Islands.	Naval Activities, Guam	30	$20,730,000

6 (b) PLANNING AND DESIGN.—Using amounts appro-
7 priated pursuant to the authorization of appropriations in
8 section 2204(a)(5)(A), the Secretary of the Navy may
9 carry out architectural and engineering services and con-
10 struction design activities with respect to the construction
11 or improvement of family housing units in an amount not
12 to exceed $2,771,000.

13 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
14 **UNITS.**

15 Subject to section 2825 of title 10, United States
16 Code, and using amounts appropriated pursuant to the
17 authorization of appropriations in section 2204(a)(5)(A),
18 the Secretary of the Navy may improve existing military
19 family housing units in an amount not to exceed
20 $118,692,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $4,053,880,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,756,105,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $229,445,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,483,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $166,896,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $146,569,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $368,540,000.

(6) For the construction of increment 3 of a submarine drive-in magnetic silencing facility at Naval Base Pearl Harbor, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $8,645,000.

(7) For the construction of increment 6 of the limited area production and storage complex at Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $87,292,000.

(8) For the construction of increment 2 of enclave fencing at Naval Submarine Base, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), as amended by section 2205 of this Act, $67,419,000.

(9) For the construction of the first increment of a ship repair pier replacement at Norfolk Naval Shipyard, Virginia, authorized by section 2201(a), $126,969,000.

(10) For the construction of the first increment of a wharves improvement, Apra Harbor, Guam, authorized by section 2201(b), $83,517,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $100,000,000 (the balance of the amount authorized under section 2202(a) for Ship Repair Pier Replacement at the Norfolk Naval Shipyard, Virginia).

(3) $83,516,000 (the balance of the amount of $167,033,000 authorized under section 2202(b) for wharves improvements, Apra Harbor, Guam).

SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat.

3490) is amended in the item relating to Naval Submarine Base, Bangor, Washington, by striking ''$60,160,000'' and inserting ''$127,163,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b) of that Act (119 Stat. 3492) is amended by adding at the end the following new subparagraph:

''(11) $67,003,000 (the balance of the amount authorized under section 2201(a) for construction of a waterfront security enclave at Naval Submarine Base, Bangor, Washington).''.

(c) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization relating to enclave fencing/parking at Naval Submarine Base, Bangor, Washington (formerly referred to as a project at Naval Submarine Base, Bangor, Washington), as provided in section 2201 of that Act, shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropria-

1 tions in section 2304(1), the Secretary of the Air Force
2 may acquire real property and carry out military construc-
3 tion projects for the installations or locations inside the
4 United States, and in the amounts, set forth in the fol-
5 lowing table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$24,300,000
	Eielson Air Force Base	$13,350,000
	Elmendorf Air Force Base	$15,700,000
Arizona	Davis-Monthan Air Force Base	$41,900,000
Arkansas	Little Rock Air Force Base	$16,200,000
California	Travis Air Force Base	$6,900,000
	Vandenberg Air Force Base	$13,000,000
Colorado	Peterson Air Force Base	$25,100,000
	United States Air Force Academy	$17,500,000
Delaware	Dover Air Force Base	$24,900,000
Florida	Eglin Air Force Base	$59,800,000
	Hurlburt Field	$10,500,000
	MacDill Air Force Base	$38,300,000
	Patrick Air Force Base	$8,400,000
Georgia	Moody Air Force Base	$8,900,000
Hawaii	Wheeler Air Force Base	$15,000,000
Idaho	Mountain Home Air Force Base	$20,000,000
Illinois	Scott Air Force Base	$7,400,000
Louisiana	Barksdale Air Force Base	$12,800,000
Maryland	Andrews Air Force Base	$9,300,000
Nebraska	Offutt Air Force Base	$10,400,000
Nevada	Creech Air Force Base	$2,700,000
New Mexico	Cannon Air Force Base	$15,000,000
	Holloman Air Force Base	$15,500,000
North Carolina	Pope Air Force Base	$7,700,000
North Dakota	Grand Forks Air Force Base	$12,000,000
	Minot Air Force Base	$11,500,000
Ohio	Wright-Patterson Air Force Base	$58,600,000
Oklahoma	Altus Air Force Base	$20,300,000
	Tinker Air Force Base	$13,037,000
	Vance Air Force Base	$10,700,000
South Dakota	Ellsworth Air Force Base	$14,500,000
Texas	Dyess Air Force Base	$4,500,000
	Goodfellow Air Force Base	$44,400,000
	Lackland Air Force Base	$113,879,000
	Sheppard Air Force Base	$11,600,000
Utah	Hill Air Force Base	$21,053,000
Virginia	Langley Air Force Base	$10,000,000
Washington	Fairchild Air Force Base	$11,000,000
Wyoming	Francis E. Warren Air Force Base.	$9,100,000

6 (b) OUTSIDE THE UNITED STATES.—Using amounts
7 appropriated pursuant to the authorization of appropria-
8 tions in section 2304(2), the Secretary of the Air Force

may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$22,000,000
Colombia	Palanquero Air Base	$46,000,000
Germany	Ramstein Air Base	$34,700,000
	Spangdahlem Air Base	$23,500,000
Guam	Andersen Air Force Base	$58,202,000
Qatar	Al Udeid Air Base	$60,000,000
Turkey	Incirlik Air Base	$9,200,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,314,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,787,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,736,421,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $812,115,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $253,602,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $18,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $83,667,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $66,101,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $502,936,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
Delaware	Dover Air Force Base	C-17 Aircrew Life Support	$7,400,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (457 units)	$107,800,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2010, or the date of the enact-

ment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State/Country	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
	Eielson Air Force Base	Purchase Build/Lease Housing (300 Units)	$18,144,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 Units)	$43,353,000

SEC. 2307. TEMPORARY PROHIBITION ON USE OF FUNDS FOR MILITARY CONSTRUCTION IMPROVEMENTS, PALANQUERO AIR BASE, COLOMBIA.

None of the funds authorized to be appropriated in section 2304(2) may be obligated or expended for runway and apron expansion or other military construction improvements at Palanquero Air Base, Colombia, until the Secretary of Defense, in consultation with the Secretary of State, certifies to the congressional defense committees that negotiations between the United States Government and the Government of Colombia have resulted in access rights that will permit United States Southern Command (SOUTHCOM) to perform adequately its mission.

SEC. 2308. CONVEYANCE TO INDIAN TRIBES OF CERTAIN HOUSING UNITS.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE DIRECTOR.—The term ''Executive Director'' means the Executive Director of Walking Shield, Inc.

(2) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian tribe included on the list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C.479a–1).

(b) REQUESTS FOR CONVEYANCE.—

(1) IN GENERAL.—The Executive Director may submit to the Secretary of the Air Force, on behalf of any Indian tribe located in the State of Idaho, Nevada, North Dakota, Oregon, South Dakota, Montana, or Minnesota, a request for conveyance of any relocatable military housing unit located at Grand Forks Air Force Base, Minot Air Force Base, Malmstrom Air Force Base, Ellsworth Air Force Base, or Mountain Home Air Force Base.

(2) CONFLICTS.—The Executive Director shall resolve any conflict among requests of Indian tribes for housing units described in paragraph (1) before submitting a request to the Secretary of the Air Force under this subsection.

(c) CONVEYANCE BY SECRETARY.—Notwithstanding any other provision of law, on receipt of a request under subsection (c)(1), the Secretary of the Air Force may convey to the Indian tribe that is the subject of the request, at no cost to the Air Force and without consideration, any relocatable military housing unit described in subsection (c)(1) that, as determined by the Secretary, is in excess of the needs of the military.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Benning	$2,330,000
	Fort Stewart/Hunter Army Air Field	$22,501,000
North Carolina	Fort Bragg	$3,439,000

Defense Information Systems Agency

State	Installation or Location	Amount
Hawaii	Naval Station Pearl Harbor, Ford Island	$9,633,000

Defense Logistics Agency

State	Installation or Location	Amount
California	El Centro	$11,000,000
	Point Loma Annex	$55,000,000
	Travis Air Force Base, California	$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

State	Installation or Location	Amount
Alabama	Redstone Arsenal	$12,000,000
Virginia	Naval Support Facility, Dahlgren	$24,500,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$203,800,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	$15,722,000
Colorado	Fort Carson	$48,246,000
Florida	Eglin Air Force Base	$3,046,000
	Hurlburt Field	$8,156,000
Georgia	Fort Benning	$3,046,000
Kentucky	Fort Campbell	$32,335,000
New Mexico	Cannon Air Force Base	$58,864,000
North Carolina	Fort Bragg	$101,488,000
	Marine Corps Base, Camp Lejeune	$11,791,000
Virginia	Naval Amphibious Base, Little Creek	$18,669,000
Washington	Fort Lewis	$14,500,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	$25,017,000
	Fort Richardson	$3,518,000
Colorado	Fort Carson	$31,900,000
Georgia	Fort Benning	$17,200,000
	Fort Stewart/Hunter Army Air Field	$22,200,000
Kentucky	Fort Campbell	$8,600,000
Maryland	Fort Detrick	$29,807,000
Missouri	Fort Leonard Wood	$5,570,000

TRICARE Management Activity—Continued

State	Installation or Location	Amount
North Carolina	Fort Bragg	$57,658,000
Oklahoma	Fort Sill	$10,554,000
Texas	Lackland Air Force Base	$470,318,000
	Fort Bliss	$200,575,000
Washington	Fort Lewis	$15,636,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$27,672,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2404(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing tables:

Defense Education Agency

Country	Installation or Location	Amount
Belgium	Brussels	$38,124,000
Germany	Boeblingen	$50,000,000
	Kaiserslautern	$93,545,000
	Wiesbaden Air Base	$5,379,000
United Kingdom	Royal Air Force Lakenheath	$4,509,000

Defense Intelligence Agency

Country	Installation or Location	Amount
Korea	K-16 Airfield	$5,050,000

Defense Logistics Agency

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	$12,500,000
Guam	Naval Air Station, Agana	$4,900,000
Korea	Osan Air Base	$28,000,000
United Kingdom	Royal Air Force Mildenhall	$4,700,000

National Security Agency

Country	Installation or Location	Amount
United Kingdom ...	Royal Air Force Menwith Hill Station	$37,588,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities, Guam	$446,450,000
United Kingdom ...	Royal Air Force Alconbury	$14,227,000

1 **SEC. 2402. FAMILY HOUSING.**

2 Using amounts appropriated pursuant to the author-
3 ization of appropriations in section 2405(a)(7), the Sec-
4 retary of Defense may construct or acquire family housing
5 units (including land acquisition and supporting facilities)
6 at the installation, in the number of units, and in the
7 amount set forth in the following table:

Defense Logistics Agency: Family Housing

Location	Installation	Units	Amount
Pennsylvania	Cumberland Depot	6	$2,859,000

8 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

9 Using amounts appropriated pursuant to the author-
10 ization of appropriations in section 2404(a)(6), the Sec-
11 retary of Defense may carry out energy conservation
12 projects under chapter 173 of title 10, United States
13 Code, in the amount of $123,013,000.

14 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**
15 **FENSE AGENCIES.**

16 (a) IN GENERAL.—Funds are hereby authorized to
17 be appropriated for fiscal years beginning after September

30, 2009, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,290,025,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $969,373,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $298,522,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $36,025,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $137,942,000.

(6) For energy conservation projects authorized by section 2403 of this Act, $123,013,000.

(7) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $49,214,000.

(B) For construction and acquisition of military family housing and facilities, $2,859,000.

(C) For the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $373,225,000.

(D) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,600,000.

(8) For the construction of increment 2 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $92,300,000.

(9) For the construction of increment 3 of a special operations facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $15,967,000.

(10) For the construction of increment 2 of the USAMRICD replacement facility at Aberdeen Prov-

ing Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4689), $111,400,000.

(11) For the construction of increment 4 of the USAMRIID stage I facility at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $108,000,000.

(12) For the construction of fuel storage tanks and pipeline replacement at Souda Bay, Greece, authorized by section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691), $24,000,000.

(13) For the construction of the first increment of the hospital replacement, Guam, authorized by section 2401(b), $200,000,000.

(14) For the construction of the first increment of the Ambulatory Care Center at Lackland Air Force Base, Texas, authorized by section 2401(a), $72,610,000.

(15) For the construction of the first increment of the hospital replacement phase I at Fort Bliss, Texas, authorized by section 2401(a), $62,975,000.

(16) For the construction of increment 2 of the Utah Data Center at Camp Williams, Utah, authorized in the Supplemental Appropriations Act, 2009 (Public Law 111–32), $600,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $200,000,000 (the balance of the amount authorized by section 2401(b) for the hospital replacement, Guam).

(3) $368,390,000 (the balance of the amount authorized by section 2401(a) for the Ambulatory Care Center at Lackland Air Force Base, Texas).

(4) $820,000,000 (the balance of the amount authorized in the Supplemental Appropriations Act,

2009 (Public Law 111–32) for the Utah Data Center, Camp Williams, Utah).

(5) $24,000,000 (the balance of the amount authorized by section 2401(a) for the hospital replacement phase I, Fort Bliss, Texas).

(6) $290,000,000 (the balance of the amount authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4689) for the USAMRIID replacement facility at Aberdeen Proving Ground, Maryland).

(7) $47,000,000 (the balance of the amount authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as modified by section 2401(a) of this Act, for the replacement of fuel storage facilities at Point Loma Annex, California).

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521) is amended in the item relating to Point Loma Annex, California,

by striking "$140,000,000" in the amount column and inserting "$195,000,000".

(b) CONFORMING AMENDMENT.—Section 2403(b)(2) of that Act (122 Stat. 524) is amended by striking "$84,300,000" and inserting "$139,300,000".

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691) is amended in the item relating to Souda Bay, Greece, by striking "$8,000,000" in the amount column and inserting "$32,000,000".

(b) CONFORMING AMENDMENTS.—Section 2403 of that Act (122 Stat. 4692) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "$246,360,000" and inserting "$238,360,000"; and

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

"(11) For construction of the first increment of fuel storage tanks and pipeline replacement at Souda Bay, Greece, $8,000,000."; and

(2) in subsection (b), by adding at the end the following new paragraph:

"(5) $24,000,000 (the balance of the amount authorized for the Defense Logistics Agency under section 2401(b) for fuel storage tanks and pipeline replacement at Souda Bay, Greece).".

SEC. 2407. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in section 2402 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Extension of 2007 Project Authorization

State	Installation or Location	Project	Amount
Virginia	Defense Supply Center, Richmond.	Whole House Renovation.	$484,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction and land acquisition for chemical demilitarization in the total amount of $151,541,000, as follows:

(1) For the construction of phase 11 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $92,500,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Blue Grass Army

Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $59,041,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the

North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $276,314,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Arizona	Camp Navajo	$3,000,000
California	Fresno Yosemite International Airport	$9,900,000
	Los Alamitos	$31,000,000

Army National Guard: Inside the United States—Continued

State	Location	Amount
Georgia	Fort Benning	$15,500,000
Iowa	Johnston	$4,000,000
Idaho	Gowen Field	$16,100,000
Illinois	Milan	$5,600,000
Indiana	Muscatatuck	$10,100,000
Kansas	Salina Army National Guard Aviation Facility	$2,227,000
Massachusetts	Hanscom Air Force Base	$29,000,000
Minnesota	Arden Hills	$6,700,000
	Camp Ripley	$1,710,000
Missouri	Boonville	$1,800,000
Mississippi	Camp Shelby	$16,100,000
	Monticello	$14,350,000
Nebraska	Lincoln	$23,000,000
New Mexico	Santa Fe	$39,000,000
Nevada	Carson City	$2,000,000
	North Las Vegas	$26,000,000
Oregon	Clatsop County, Warrenton	$3,369,000
South Carolina	Eastover	$26,000,000
	Greenville	$40,000,000
South Dakota	Camp Rapid	$9,840,000
Texas	Austin	$22,200,000
Virginia	Fort Pickett	$32,000,000
Vermont	Ethan Allen Firing Range	$1,996,000
West Virginia	St. Albans Armory, St. Albans	$2,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Territory or Commonwealth	Location	Amount
Guam	Barrigada	$30,000,000
Virgin Islands	St. Croix	$20,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Camp Pendleton	$19,500,000
	Los Angeles	$29,000,000
Colorado	Colorado Springs	$13,000,000
Connecticut	Bridgeport	$18,500,000
Florida	Panama City	$7,300,000
	West Palm Beach	$26,000,000
Georgia	Atlanta (Winder)	$14,000,000
Illinois	Chicago (Joliet)	$23,000,000
Minnesota	Fort Snelling (Minneapolis)	$12,000,000
New York	Rochester	$13,600,000
Ohio	Cincinnati	$13,000,000
Pennsylvania	Ashley	$9,800,000
	Harrisburg	$7,600,000
	Newton Square	$20,000,000
	Uniontown	$11,800,000
Texas	Austin	$20,000,000
	Fort Bliss	$9,500,000
	Houston	$24,000,000
	San Antonio (Fort Sam Houston)	$20,000,000
Wisconsin	Fort McCoy	$28,850,000
Puerto Rico	Caguas	$12,400,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Ma-

1 rine Corps Reserve locations, and in the amounts, set forth
2 in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona	Phoenix (Luke Air Force Base)	$10,986,000
California	Alameda	$5,960,000
Illinois	Joliet Army Ammunition Plant	$7,957,000
South Carolina	Charleston	$4,240,000
Virginia	Oceana Naval Air Station	$30,400,000
Texas	San Antonio	$2,210,000

3 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
4 **TION AND LAND ACQUISITION PROJECTS.**

5 Using amounts appropriated pursuant to the author-
6 ization of appropriations in section 2606(3)(A), the Sec-
7 retary of the Air Force may acquire real property and
8 carry out military construction projects for the Air Na-
9 tional Guard locations, and in the amounts, set forth in
10 the following table:

Air National Guard

State	Location	Amount
Arizona	Davis Monthan Air Force Base	$5,600,000
California	Southern California Logistics Airport	$8,400,000
Colorado	Buckley Air National Guard Base	$4,500,000
Connecticut	Bradley National Airport	$9,100,000
Hawaii	Hickam Air Force Base	$33,000,000
Iowa	Des Moines	$4,600,000
Massachusetts	Otis Air National Guard Base	$12,800,000
Maryland	Andrews Air Force Base	$14,000,000
Maine	Bangor International Airport	$28,000,000
Michigan	Alpena	$8,900,000
	Battle Creek Air National Guard Base	$14,000,000
	Selfridge Air National Guard Base	$7,100,000
Minnesota	Minnesota/Saint Paul International Airport	$1,900,000
Missouri	Rosecrans Memorial Airport	$9,300,000
Mississippi	Columbus Air Force Base	$10,000,000
Montana	Malmstrom Air Force Base	$9,600,000
Nebraska	Lincoln	$1,500,000
New Hampshire	Pease Air National Guard Base	$10,000,000
New Jersey	McGuire, Air Force Base	$9,700,000
Nevada	Reno	$10,800,000
Ohio	Mansfield Lahm Airport	$11,400,000
Oklahoma	Will Rogers World Airport	$7,300,000

Air National Guard—Continued

State	Location	Amount
South Carolina	McEntire Joint National Guard Base	$1,300,000
South Dakota	Joe Foss Field	$2,600,000
Tennessee	164th Airlift Wing, Memphis	$9,800,000
Utah	Hill Air Force Base	$5,100,000
Vermont	Burlington International Airport	$6,000,000
Wisconsin	General Mitchell International Airport	$5,000,000
West Virginia	Martinsburg	$19,500,000
Wyoming	Cheyenne Airport	$1,500,000

1 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
2 **TION AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2606(3)(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
8 following table:

Air Force Reserve

State	Location	Amount
Colorado	Schriever Air Force Base	$10,200,000
Mississippi	Keesler Air Force Base	$9,800,000
New York	Niagra Falls Air Reserve Base	$5,700,000
Pennsylvania	Pittsburgh Air Reserve Base	$12,400,000
Texas	Lackland Air Force Base	$1,500,000
Utah	Hill Air Force Base	$3,200,000

9 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD**
10 **AND RESERVE.**

11 Funds are hereby authorized to be appropriated for
12 fiscal years beginning after September 30, 2009, for the
13 costs of acquisition, architectural and engineering services,
14 and construction of facilities for the Guard and Reserve
15 Forces, and for contributions therefor, under chapter

1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $481,773,000; and

(B) for the Army Reserve, $378,712,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $64,124,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $301,361,000; and

(B) for the Air Force Reserve, $45,576,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
California	Fresno	AVCRAD Add/Alt, PH I.	$30,000,000
New Jersey	Lakehurst	Consolidated Logistics Training Facility, PH II.	$20,024,000

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Montana	Townsend	Automated Qualification Training Range.	$2,532,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 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 $396,768,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base

Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $5,934,740,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $7,479,498,000.

SEC. 2704. REPORT ON GLOBAL DEFENSE POSTURE REALIGNMENT AND INTERAGENCY REVIEW.

(a) INTERAGENCY REVIEW OF OVERSEAS MASTER PLANS.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for a fiscal year, the Secretary of Defense shall submit to the

congressional defense committees and the Committee on Foreign relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations. The report shall address the following:

(1) How the plans would support the security commitments undertaken by the United States pursuant to any international security treaty, including, the North Atlantic Treaty, The Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

(2) The impact of such plans on the current security environments in the combatant commands, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

(3) Any comments of the Secretary of Defense resulting from an interagency review of these plans

that includes the Department of State and other Federal departments and agencies that the Secretary of Defense deems necessary for national security.

(b) INTERAGENCY OVERSEAS BASING REPORT.—Section 118 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) INTERAGENCY OVERSEAS BASING REPORT.—Not later than 90 days after submitting a report on a quadrennial defense review under subsection (d), the Secretary shall submit to the congressional defense committees a report detailing how the results of the assessment conducted as part of such review will impact the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States. The report shall include any recommendations for additional closures or realignments of military installations outside of the United States. The report shall include any comments resulting from an interagency review of these plans that includes the Department of State and other relevant Federal departments and agencies.''.

SEC. 2705. SENSE OF THE SENATE ON NEED FOR COMMUNITY ASSISTANCE RELATED TO BASE CLOSURES AND REALIGNMENTS AND FORCE REPOSITIONING.

(a) FINDINGS.—The Senate makes the following findings:

(1) The 2005 round of defense base closures and realignments (BRAC) has resulted in a requirement to dispose of excess Federal property in addition to property determined to be excess as the result of decisions in four previous rounds of base realignments and closures in 1988, 1991, 1993, and 1995.

(2) The Department of Defense has primary responsibility to dispose of Federal property resulting from the closure or realignment of military installations under 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).

(3) The Department of Defense is authorized to dispose of BRAC property using a range of methods including administrative transfer to another Federal agency, public benefit conveyances, homeless housing assistance, economic development conveyances, negotiated sales, or public sales.

(4) The Department of Defense is authorized to convey property to local redevelopment agencies representing communities affected by base closures and realignments for the purpose of economic development.

(5) The Department of Defense is authorized to assess the needs of the local community and the intended use of the property in determining the amount of compensation to be received in exchange for the economic development conveyance.

(6) The Department of Defense is authorized to receive an amount for the economic development conveyance that may range from fair market value to an amount less than fair market, to no cost to the conveyee, depending on the local economic conditions.

(7) The Department of Defense is required to use any monetary proceeds gained from the disposal of BRAC property to fund environmental clean-up, remediation, and compliance actions required to safely dispose of BRAC property.

(8) Any revenue foregone as a result of a decision not to seek fair market value for disposed property must be compensated with appropriated funds

requested by the Department of Defense in annual budget submissions to Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, as the Federal Government implements base closures and realignments, global repositioning, and grow the force initiatives, it is necessary—

(1) to assist local communities coping with the impact of these programs at both closed and active military installations; and

(2) to comprehensively assess the needs and degree of Federal assistance to communities to effectively implement the various initiatives of the Department of Defense while aiding communities to either recover quickly from closures or to accommodate growth associated with troop influxes.

SEC. 2706. RELOCATION OF CERTAIN ARMY RESERVE UNITS IN CONNECTICUT.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 for the purpose of constructing an Army Reserve Center and Maintenance Facility in the vicinity of Newtown, Connecticut, at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SEC. 2707. AUTHORITY TO CONSTRUCT PREVIOUSLY AUTHORIZED ARMED FORCES RESERVE CENTER IN VICINITY OF SPECIFIED LOCATION AT PEASE AIR NATIONAL GUARD BASE, NEW HAMPSHIRE.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4715) for the purpose of constructing an Armed Forces Reserve Center at Pease Air National Guard Base, New Hampshire, to construct instead an Armed Forces Reserve Center in the vicinity of Pease Air National Guard Base at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SEC. 2708. REQUIREMENT FOR MASTER PLAN TO PROVIDE WORLD CLASS MILITARY MEDICAL FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) MASTER PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a comprehensive master plan to provide world class military medical facilities and an integrated system of health care delivery for the National Capital Region that—

(1) addresses—

(A) the unique needs of members of the Armed Forces and retired members of the Armed Forces and their families;

(B) the care, management, and transition of seriously ill and injured members of the Armed Forces and their families;

(C) the missions of the branch or branches of the Armed Forces served; and

(D) performance expectations for the future integrated health care delivery system, including—

(i) information management and information technology support; and

(ii) expansion of support services;

(2) includes the establishment of an integrated process for the joint development of budgets, prioritization of requirements, and the allocation of funds;

(3) designates a single entity within the Department of Defense with the budget and operational authority to respond quickly to and address emerging facility and operational requirements required to provide and operate world class military medical facilities in the National Capital Region;

(4) incorporates all ancillary and support facilities at the National Naval Medical Center, Bethesda, Maryland, including education and research facilities as well as centers of excellence, transportation, and parking structures required to provide a full range of adequate care and services for members of the Armed Forces and their families;

(5) ensures that each facility covered by the plan meets or exceeds Joint Commission hospital design standards as applicable; and

(6) can be used as a model to develop similar master plans for all military medical facilities within the Department of Defense.

(b) MILESTONE SCHEDULE AND COST ESTIMATES.—Not later than 90 days after the development of the master plan required by (a), the Secretary shall submit to the congressional defense committees a report describing—

(1) the schedule for completion of requirements identified in the master plan; and

(2) updated cost estimates to provide world class military medical facilities for the National Capital Region.

(c) DEFINITIONS.—In this section:

(1) NATIONAL CAPITAL REGION.—The term ''National Capital Region'' has the meaning given

the term in section 2674(f) of title 10, United States Code.

(2) WORLD CLASS MILITARY MEDICAL FACILITY.—The term ''world class military medical facility'' has the meaning given the term by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report entitled ''Achieving World Class – An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital'', published in May, 2009.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

SEC. 2801. MILITARY CONSTRUCTION AND LAND ACQUISITION PROJECTS AUTHORIZED BY AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

(a) AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.—Using amounts appropriated by title X of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations

1 inside the United States, and in the amounts, set forth
2 in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Colorado	Fort Carson	$12,500,000
Georgia	Fort Stewart (Hunter Army Airfield)	$8,600,000
Kentucky	Fort Campbell	$43,000,000
North Carolina	Fort Bragg	$11,300,000
New York	Fort Drum	$10,700,000
Texas	Fort Bliss	$57,000,000
	Fort Hood	$12,700,000
Virginia	Fort Belvoir	$14,600,000
	Fort Eustis	$9,600,000

3 (b) AUTHORIZED NAVY CONSTRUCTION AND LAND
4 ACQUISITION PROJECTS.—Using amounts appropriated
5 by title X of the American Recovery and Reinvestment Act
6 of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary
7 of the Navy may acquire real property and carry out mili-
8 tary construction projects for the installations or locations
9 inside the United States, and in the amounts, set forth
10 in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Marine Corps Base Camp Pendleton	$35,052,000
	Naval Air Station Lemoore	$7,793,000
	Naval Base Coronado	$88,576,000
	Naval Base Point Loma	$11,844,000
Florida	Naval Station Mayport	$10,220,000
Hawaii	Marine Corps Base Hawaii	$19,360,000
Maryland	Naval Support Activity Annapolis	$1,994,000
	Naval Surface Warfare Center Carderock	$1,253,000
North Carolina	Marine Corps Air Station New River	$3,039,000
	Marine Corps Base Camp Lejeune	$13,779,000
Tennessee	Naval Support Activity Mid-South	$11,960,000
Virginia	Hampton Roads	$26,098,000
	Naval Station Norfolk	$24,647,000
Washington	Naval Air Station Whidbey Island	$20,054,000
Various	Various Locations	$4,331,000

11 (c) AUTHORIZED AIR FORCE CONSTRUCTION AND
12 LAND ACQUISITION PROJECTS.—Using amounts appro-

1 priated by title X of the American Recovery and Reinvest-
2 ment Act of 2009 (Public Law 111–5; 123 Stat. 191),
3 the Secretary of the Air Force may acquire real property
4 and carry out military construction projects for the instal-
5 lations or locations inside the United States, and in the
6 amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	$53,900,000
Alabama	Birmingham	$2,300,000
Arkansas	Fort Smith	$7,800,000
Colorado	Peterson Air Force Base	$11,200,000
Florida	Hurlburt Field	$11,000,000
Georgia	Moody Air Force Base	$11,400,000
Iowa	Des Moines	$6,000,000
Kansas	Forbes	$4,100,000
Maryland	Andrews Air Force Base	$8,000,000
Mississippi	Keesler Air Force Base	$20,800,000
Montana	Malmstrom Air Force Base	$26,200,000
North Dakota	Minot Air Force Base	$28,300,000
New Jersey	Atlantic City	$4,300,000
New Mexico	Cannon Air Force Base	$12,000,000
Nevada	Nellis Air Force Base	$13,400,000
Pennsylvania	Fort Indian Town Gap	$7,000,000
South Carolina	Shaw Air Force Base	$22,500,00
Texas	Goodfellow Air Force Base	$28,400,000
	Lackland Air Force Base	$6,000,000
Utah	Hill Air Force Base	$15,000,000
	Salt Lake City	$5,100,000
Wisconsin	General Mitchell	$1,100,000
West Virginia	Eastern West Virginia Regional Airport	$4,300,000

7 (d) AUTHORIZED DEFENSE-WIDE CONSTRUCTION
8 AND LAND ACQUISITION PROJECTS.—Using amounts ap-
9 propriated by title X of the American Recovery and Rein-
10 vestment Act of 2009 (Public Law 111–5; 123 Stat. 191),
11 the Secretary of Defense may acquire real property and
12 carry out military construction projects for the installa-
13 tions or locations inside the United States, and in the
14 amounts, set forth in the following table:

Defense-wide: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$563,100,000
Florida	Naval Airt Station Jacksonville	$27,210,000
Texas	Fort Hood	$621,000,000
Various	Various Locations	$118,690,000

1 (e) AUTHORIZED ARMY NATIONAL GUARD AND RE-
2 SERVE PROJECTS.—
3 (1) AUTHORIZED CONSTRUCTION AND LAND AC-
4 QUISITION PROJECTS.—Using amounts appropriated
5 by title X of the American Recovery and Reinvest-
6 ment Act of 2009 (Public Law 111–5; 123 Stat.
7 191), the Secretary of the Army may acquire real
8 property and carry out military construction projects
9 for the Army National Guard and Army Reserve lo-
10 cations, and in the amounts, set forth in the fol-
11 lowing table:

Army National Guard and Reserve: Inside the United States

State	Installation or Location	Amount
California	Mather Air Field	$1,500,000
Nevada	Hawthorne Army Depot	$950,000
North Carolina	Raleigh	$39,500,000
Nebraska	Camp Ashland	$2,900,000
New York	Brooklyn (Fort Hamilton)	$1,500,000
Oregon	Camp Withycombe	$1,300,000
West Virginia	Gassaway	$3,300,000

12 (2) AUTHORIZED FAMILY HOUSING.—Using
13 amounts appropriated by title X of the American
14 Recovery and Reinvestment Act of 2009 (Public
15 Law 111–5; 123 Stat. 191), the Secretary of the
16 Army may construct or acquire family housing units
17 (including land acquisition and supporting facilities)

at the Army National Guard and Army Reserve locations, in the number of units, and in the amounts, set forth in the following table:

Army National Guard and Reserve: Family Housing

State	Installation or Location	Units	Amount
California	Fort Hunter-Liggett	5	$2,370,000
	Sierra Army Depot	1	$707,000
Illinois	Rock Island	2	$930,000
Oklahoma	McAlester Army Depot	6	$2,200,000
Pennsylvania	Letterkenny Army Depot.	3	$1,050,000
	Tobyhanna	2	$1,000,000
Utah	Dugway Proving Grounds.	20	$10,000,000
Virginia	Radford Army Ammunition Plant.	4	$1,300,000
Wisconsin	Fort McCoy	23	$14,000,000

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2811. EXTENSION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AND UNITED STATES AFRICA COMMAND AREAS OF RESPONSIBILITY.

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law

109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), section 2801 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), and section 2806 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4724) is further amended—

(1) in subsection (a), by striking ''2009'' and inserting ''2010''; and

(2) in subsection (c)(2), by inserting ''or fiscal year 2010'' after ''fiscal year 2009''.

SEC. 2812. MODIFICATION OF AUTHORITY FOR SCOPE OF WORK VARIATIONS.

Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''Except as provided in subsection (c)'' and inserting ''(1) Except as provided in subsection (c)'';

(B) by striking ''may be reduced by not more than 25 percent from the amount approved for that project, construction, improvement, or acquisition by Congress.'' and insert-

ing "may be reduced by not more than 25 percent from the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition."; and

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

"(2) The scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may not be increased above the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition."; and

(2) in subsection (c), by striking "limitation on scope reduction in subsection (b)" and inserting "limitation on scope reduction in subsection (b)(1)".

SEC. 2813. MODIFICATION OF CONVEYANCE AUTHORITY AT MILITARY INSTALLATIONS.

(a) LIMITED PURPOSES FOR WHICH REAL PROPERTY MAY BE CONVEYED.—Section 2869 of title 10, United States Code, is amended—

(1) in the section heading, by striking "**to support military construction or limit encroachment**" and inserting "**to limit encroachment**";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "agrees, in exchange for the real property—" and all that follows through "to carry out a military construction project or land acquisition" and inserting "agrees, in exchange for the real property, to carry out a land acquisition";

(ii) by striking "; or" and inserting a period; and

(iii) by striking subparagraph (B); and

(B) by striking paragraph (3);

(3) in subsection (b), by striking "fair market value of the military construction, military family housing, or military unaccompanied housing" both places it appears and inserting "fair market value of the land";

(4) by amending subsection (c) to read as follows:

"(c) LIMITATION ON USE OF CONVEYANCE AUTHORITY AT INSTALLATIONS CLOSED UNDER BASE CLOSURE LAWS.—The authority under subsection (a)(2)(A) to convey property located on a military installation may only be used to the extent the conveyance is consistent with an approved redevelopment plan for such installation."; and

(5) in subsection (d)(2)(A), by striking "military construction project, land acquisition, military family housing, or military unaccompanied housing" both places it appears and inserting "land acquisition".

(b) REQUIREMENT TO DEPOSIT FUNDS IN FOREIGN CURRENCY FLUCTUATIONS, CONSTRUCTION, DEFENSE ACCOUNT.—Subsection (e) of such section is amended by striking "(1) Except as provided in paragraph (2), the Secretary concerned may deposit funds" and all that follows through "funds deposited under paragraph (2) shall be available" in paragraph (3) and inserting "The Secretary concerned shall deposit funds received under subsection (b) in the appropriation 'Foreign Currency Fluctuations, Construction, Defense'. The funds deposited shall be available".

(c) ELIMINATION OF ANNUAL REPORT REQUIREMENT; SUNSET.—Subsection (f) of such section is amended to read as follows:

"(f) SUNSET.—The authority to enter into an agreement under this section shall expire on September 30, 2013.".

(d) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 169 of such title is amended to read as follows:

"2869. Conveyance of property at military installations to limit encroachment.".

SEC. 2814. TWO-YEAR EXTENSION OF AUTHORITY FOR PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

Section 2881a of title 10, United States Code, is amended by striking "2009" and inserting "2011".

Subtitle B—Energy Security

SEC. 2821. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TOWARD INSTALLATION OF SOLAR PANELS AND OTHER RENEWABLE ENERGY PROJECTS ON MILITARY INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that describes and assesses current Department of Defense efforts toward the installation of

solar panels and other renewable energy projects on military installations and facilities.

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

(1) A description and assessment of the status of current Department efforts toward the installation of solar panels and other renewable energy projects on military installations and facilities.

(2) A description of any legislative, administrative, or other impediments to such efforts.

(3) Such recommendations for legislative or administrative action as the Secretary considers appropriate for purposes of—

(A) furthering such efforts; and

(B) achieving the renewable energy goals of the Department by 2025.

(4) Such other matters as the Secretary considers appropriate.

Subtitle C—Land Conveyances

SEC. 2831. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel

of real property, including any improvements thereon, consisting of approximately 2.4 acres at Naval Air Station, Oceana, Virginia, for the purpose of permitting the City to expand services to support the Marine Animal Care Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall provide compensation to the Secretary of the Navy in an amount equal to the fair market value of the real property conveyed under such subsection, as determined by appraisals acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the

conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under this section shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. RELEASE OF REVERSIONARY INTEREST.

The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled ''An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas'', approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp

Joseph T. Robinson, Arkansas, which is comprised of 40.515 acres of land to be acquired by the United States of America and 40.513 acres to be acquired by the City of North Little Rock, Arkansas, and lies in sections 6, 8, and 9 of township 2 North, Range 12 West, Pulaski County, Arkansas.

SEC. 2833. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) CHANGE IN RECIPIENT UNDER EXISTING AUTHORITY.—

(1) IN GENERAL.—Section 2863(a) of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010), as amended by section 2865(a) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–435), is further amended by striking ''West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the 'Foundation')'' and inserting ''South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this section referred to as the 'Authority')''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2863 of the Military Construction Act for Fiscal Year 1998 (division B of Public Law

105–85; 111 Stat. 2010), as amended by section 2865(b) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–435), is further amended—

(A) by striking ''Foundation'' each place it appears in subsections (c) and (e) and inserting ''Authority'';

(B) in subsection (b)(1)—

(i) in subparagraph (B), by striking ''137.56 acres'' and inserting ''120.70 acres''; and

(ii) by striking subparagraphs (C), (D), and (E).

(b) NEW CONVEYANCE AUTHORITY.—

(1) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this subsection referred to as the ''Authority''), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in paragraph (2).

(2) COVERED PROPERTY.—The real property referred to in paragraph (1) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 2.37 acres and comprising the 11000 West Communications Annex.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 6.643 acres and comprising the South Nike Education Annex.

(3) CONDITION.—As a condition of the conveyance under this subsection, the Authority, and any person or entity to which the Authority transfers the property, shall comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(4) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under paragraph (1) is not being used in compliance with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States

shall have the right of immediate entry onto such real property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

(5) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this subsection shall be determined by a survey satisfactory to the Secretary.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the County of Laramie, Wyoming (in this section referred to as the ''County'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres along the southeastern boundary of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries

of the installation and permitting the County to preserve the entire property for healthcare facilities.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of F.E. Warren Air Force Base, that the Secretary considers acceptable.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) NOTICE TO CONGRESS.—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) F.E. Warren Air Force Base, Cheyenne Wyoming, is no longer being used for Department of Defense activities; or

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this

section, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance and implementing the receipt of in-kind consideration. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, LACKLAND AIR FORCE BASE, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to an eligible entity, all right, title, and interest of the United States to not more than 250 acres of real property and associated easements and improvements on Lackland Air Force Base, Texas, in exchange for real property adjacent to or near the installation for the purpose of relocating and consolidating Air Force tenants located on the former Kelly Air Force Base, Texas, onto the main portion of Lackland Air Force Base.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the eligible entity accept the real property in its condition at the time of the conveyance, commonly known as conveyance ''as is'' and not subject to the requirements for covenants in deed under section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

(c) ELIGIBLE ENTITIES.—A conveyance under this section may be made to the City of San Antonio, Texas, or an organization or agency chartered or sponsored by the local or State government.

(d) CONSIDERATION.—As consideration for the conveyance under subsection (a), the eligible entity shall provide the Air Force with real property or real property im-

provements, or a combination of both, of equal value, as determined by the Secretary. If the fair market value of the real property or real property improvements, or combination thereof, is less than the fair market value of the real property to be conveyed by the Air Force, the eligible entity shall provide cash payment to the Air Force, or provide Lackland Air Force Base with in-kind consideration of an amount equal to the difference in the fair market values. Any cash payment received by the Air Force for the conveyance authorized by subsection (a) shall be deposited in the special account described in section 2667(e) of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary may require the eligible entity to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from the eligible entity in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs ac-

tually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the eligible entity.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association

(in this section referred to as the ''Association'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right

of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same pur-

poses, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—The Haines Tank Farm is currently under a remedial investigation (RI) for petroleum, oil and lubricants contamination. Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCES OF CERTAIN PARCELS IN THE CAMP CATLIN AND OHANA NUI AREAS, PEARL HARBOR, HAWAII.

(a) CONVEYANCES AUTHORIZED.—The Secretary of the Navy (''the Secretary'') may convey to any person or entity leasing or licensing real property located at Camp Catlin and Ohana Nui areas, Hawaii, as of the date of the enactment of this Act (''the lessee'') all right, title, and interest of the United States in and to the portion of such property that is respectively leased or licensed by such person or entity for the purpose of continuing the same functions as are being conducted on the property as of the date of the enactment of this Act.

(b) CONSIDERATION.—As consideration for a conveyance under subsection (a), the lessee shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) EXERCISE OF RIGHT TO PURCHASE PROPERTY.—

(1) ACCEPTANCE OF OFFER.—For a period of 180 days beginning on the date the Secretary makes a written offer to convey the property or any portion thereof under subsection (a), the lessee shall have

the exclusive right to accept such offer by providing written notice of acceptance to the Secretary within the specified 180-day time period. If the Secretary's offer is not so accepted within the 180-day period, the offer shall expire.

(2) CONVEYANCE DEADLINE.—If a lessee accepts the offer to convey the property or a portion thereof in accordance with paragraph (1), the conveyance shall take place not later than 2 years after the date of the lessee's written acceptance, provided that the conveyance date may be extended for a reasonable period of time by mutual agreement of the parties, evidenced by a written instrument executed by the parties prior to the end of the 2-year period. If the lessee's lease or license term expires before the conveyance is completed, the Secretary may extend the lease or license term up to the date of conveyance, provided that the lessee shall be required to pay for such extended term at the rate in effect at the time it was declared excess property.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the lessee to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a con-

veyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the lessee in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the lessee.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) as

the Secretary considers appropriate to protect the interests of the United States.

Subtitle D—Other Matters

SEC. 2841. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.

(a) EXPANSION OF INITIATIVE.—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to Congress a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations, including whether the Secretary anticipates meeting the deadline imposed by subsection (a).

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropria-

tions in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations outside the United States set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Various	Various locations	$854,600,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,484,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $854,600,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $75,884,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations outside the United States set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Various	Various locations	$439,500,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $474,500,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $439,500,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $10,051,215,000, to be allocated as follows:

(1) For weapons activities, $6,490,619,000.

(2) For defense nuclear nonproliferation activities, including $705,900,000 for fissile materials disposition, $2,136,709,000.

(3) For naval reactors, $1,003,133,000.

(4) For the Office of the Administrator for Nuclear Security, $420,754,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant project:

Project 10–D–501, Nuclear Facility Risk Reduction (NFRR), Y–12 National Security Complex, Oak Ridge, Tennessee, $12,500,000.

(2) For defense nuclear security, the following new plant project:

Project 10–D–701, Security Improvement Project (SIP), Y–12 National Security Complex, Oak Ridge, Tennessee, $49,000,000.

(3) For naval reactors, the following new plant projects:

Project 10–D–904, Naval Reactors Facility (NRF) infrastructure upgrades, Naval Reactors Facility, Idaho Falls, Idaho, $700,000.

Project 10–D–903, Security upgrades, Knolls Atomic Power Laboratory, Knolls Site and Kesselring Site, Schenectady, New York, $1,500,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,395,831,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for other defense activities in carrying out programs necessary for national security in the amount of $852,468,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $98,400,000.

SEC. 3105. FUNDING TABLE.

The amounts authorized to be appropriated by sections 3101, 3102, 3103, and 3104 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4501.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.

Section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) is amended to read as follows:

"SEC. 4204. NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.

"(a) PROGRAM REQUIRED.—The Secretary of Energy shall, in consultation with the Secretary of Defense, carry out a program to provide for the extension of the effective life of the weapons in the nuclear weapons stockpile without nuclear weapons testing.

"(b) ADMINISTRATIVE RESPONSIBILITY FOR PROGRAM.—

"(1) IN GENERAL.—The program under subsection (a) shall be carried out through the National Nuclear Security Administration.

"(2) INCLUSION OF PROGRAM FUNDS IN BUDGET.—For each budget submitted by the President to Congress under section 1105 of title 31, United States Code, the amounts requested for the program under subsection (a) shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.

"(c) PROGRAM PLAN.—As part of the program under subsection (a), the Secretary of Energy shall develop a long-term plan to extend the effective life of the weapons in the nuclear weapons stockpile without nuclear weapons testing. The plan shall include the following:

"(1) Mechanisms to provide for the manufacture, maintenance, and modernization of each weapon design in the nuclear stockpile, as needed.

"(2) Mechanisms to expedite the collection of information necessary for carrying out the program, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials.

"(3) Mechanisms to ensure the appropriate assignment of roles and missions for each nuclear weapons laboratory and production plant of the Department of Energy, including mechanisms for allo-

cation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel.

"(4) Mechanisms to ensure that each national laboratory of the National Nuclear Security Administration has full and complete access to all weapons data to enable a rigorous peer review process to support the annual assessment of the condition of the nuclear weapons stockpile required under section 4205.

"(5) Mechanisms for allocating funds for activities under the program, including allocations of funds by weapon type and facility.

"(6) An identification of the funds needed, in the current fiscal year and in each of the next 5 fiscal years, to carry out the program.

"(d) ANNUAL UPDATES.—The Secretary of Energy shall update the plan required under subsection (c) annually and shall submit the updated plan to Congress as part of the plan for maintaining the nuclear weapons stockpile submitted to Congress under section 4203(c).

"(e) SENSE OF CONGRESS ON FUNDING OF PROGRAM.—It is the sense of Congress that the President should include in each budget for a fiscal year submitted

to Congress under section 1105 of title 31, United States Code, sufficient funds to carry out in that fiscal year the activities under the program under subsection (a) that are specified in the most current version of the plan required under subsection (c).''.

SEC. 3112. ELIMINATION OF NUCLEAR WEAPONS LIFE EXTENSION PROGRAM FROM EXCEPTION TO REQUIREMENT TO REQUEST FUNDS IN BUDGET OF THE PRESIDENT.

Section 4209 of the Atomic Energy Defense Act (50 U.S.C. 2529) is amended—

(1) in subsection (c), by striking ''necessary—'' and all that follows through the period and inserting ''necessary to address proliferation concerns.''; and

(2) in subsection (d)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 3113. REPEAL OF RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) IN GENERAL.—Section 4204A of the Atomic Energy Defense Act (50 U.S.C. 2524a) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for that Act is amended by striking the item relating to section 4204A.

SEC. 3114. AUTHORIZATION OF USE OF INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS FOR BILATERAL AND MULTILATERAL NONPROLIFERATION AND DISARMAMENT ACTIVITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Energy may obligate or expend not more than 10 percent of the funds authorized to be appropriated or otherwise made available for the International Nuclear Materials Protection and Cooperation program in a fiscal year to provide assistance for or to otherwise carry out bilateral or multilateral activities relating to nonproliferation or disarmament.

(b) NOTIFICATION OF CONGRESSIONAL DEFENSE COMMITTEES.—The Secretary may obligate or expend funds pursuant to subsection (a) if, not less than 15 days before obligating or expending such funds—

(1) the Secretary notifies the congressional defense committees of the intent of the Secretary to obligate or expend such funds; and

(2) the President certifies to the congressional defense committees that obligating or expending such funds is necessary to support the national security objectives of the United States.

SEC. 3115. REPEAL OF PROHIBITION ON FUNDING ACTIVITIES ASSOCIATED WITH INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP.

(a) IN GENERAL.—Section 4301 of the Atomic Energy Defense Act (50 U.S.C. 2561) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by striking the item relating to section 4301.

SEC. 3116. MODIFICATION OF MINOR CONSTRUCTION THRESHOLD FOR PLANT PROJECTS.

Section 4701(3) of the Atomic Energy Defense Act (50 U.S.C. 2741(3)) is amended by striking ''$5,000,000'' and inserting ''$7,000,000''.

SEC. 3117. TWO-YEAR EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2011''.

SEC. 3118. REPEAL OF SUNSET DATE FOR CONSOLIDATION OF COUNTERINTELLIGENCE PROGRAMS OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Section 3117 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2507; 42 U.S.C. 7144b note) is amended by amending subsection (a) to read as follows:

"(a) TRANSFER OF FUNCTIONS.—The functions, personnel, funds, assets, and other resources of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration are transferred to the Secretary of Energy, to be administered (except to any extent otherwise directed by the Secretary) by the Director of the Office of Counterintelligence of the Department of Energy.".

Subtitle C—Other Matters

SEC. 3131. TEN-YEAR PLAN FOR UTILIZATION AND FUNDING OF CERTAIN DEPARTMENT OF ENERGY FACILITIES.

(a) IN GENERAL.—The Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall jointly develop a plan to use and fund, over a ten-year period, the following facilities of the Department of Energy:

(1) The National Ignition Facility at the Lawrence Livermore National Laboratory, California.

(2) The Los Alamos Neutron Science Center at the Los Alamos National Laboratory, New Mexico.

(3) The ''Z'' Machine at the Sandia National Laboratories, New Mexico.

(4) The Microsystems and Engineering Sciences Application (MESA) Facility at the Sandia National Laboratories, New Mexico.

(b) SUBMITTAL OF PLAN.—Not later than 45 days after the date of the enactment of this Act, the Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall submit to the congressional defense committees the plan required by subsection (a).

(c) REQUIREMENT TO SPECIFY SOURCE OF FACILITY FUNDING IN BUDGET REQUESTS.—In any budget request for the Department of Energy for a fiscal year that is submitted to Congress after the date of the enactment of this Act, the Secretary of Energy shall identify for that fiscal year the portion of the funding for each facility specified in subsection (a) that is to be provided by the National Nuclear Security Administration and by the Office of Science of the Department of Energy.

SEC. 3132. REVIEW OF MANAGEMENT AND OPERATION OF CERTAIN NATIONAL LABORATORIES.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall, in consultation with the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, appoint an independent panel of experts to conduct a review of the management and operation of the following:

(1) The Lawrence Livermore National Laboratory, California.

(2) The Los Alamos National Laboratory, New Mexico.

(3) The Sandia National Laboratories, New Mexico.

(b) ADMINISTRATIVE PROVISIONS.—

(1) APPOINTMENT OF CHAIRPERSON.—The Secretary of Energy shall appoint a chairperson of the panel from among the members of the panel.

(2) DESIGNATION OF AGENCY STAFF TO PANEL.—The Secretary of Energy, the Secretary of Defense, and the Director of National Intelligence shall each designate one or more employees of the Department of Energy, the Department of Defense, and the intelligence community, respectively, to serve as liaisons between the panel and the Department of

Energy, the Department of Defense, or the intelligence community, as the case may be.

(3) AGENCY COOPERATION.—The Secretary of Energy shall, in consultation with the Secretary of Defense and the Director of National Intelligence, ensure that the panel receives full and timely cooperation from the Department of Energy, the Department of Defense, and the Director of National Intelligence in conducting the review required under subsection (a).

(4) SUPPORT FROM FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—The Secretary of Energy may use a federally funded research and development center not associated with the Department of Energy to provide support to the panel.

(c) ELEMENTS.—The review required under subsection (a) shall include, with respect to each laboratory specified in such subsection, an evaluation of the following:

(1) The quality of the scientific research being conducted at the laboratory, including research with respect to weapons science, nonproliferation, energy, and basic science.

(2) The quality of the engineering being conducted at the laboratory.

(3) The general operations of the laboratory, including the management of facilities and procedures with respect to safety, security, environmental management and compliance, and human capital.

(4) The financial operations of the laboratory, including contract administration, accounting controls, and management of property and equipment.

(5) The management of work conducted by the laboratory for entities other than the Department of Energy, including academic institutions and other Federal agencies, and interactions between the laboratory and such entities.

(6) The adequacy and effectiveness of the form and scope of current management contracts in implementing the mission of the laboratory.

(7) The effectiveness of the management and oversight of the laboratory by the Department of Energy.

(d) REPORT OF PANEL.—The panel shall submit to the Secretary of Energy a report containing the results of the review and any recommendations of the panel resulting from the review.

(e) TRANSMITTAL TO CONGRESS.—Not later than January 1, 2011, the Secretary of Energy shall transmit to the Committee on Armed Services of the Senate and

the Committee on Armed Services of the House of Representatives the report of the panel submitted under subsection (d) and any comments or recommendations of the Secretary with respect to that report.

SEC. 3133. INCLUSION IN 2010 STOCKPILE STEWARDSHIP PLAN OF CERTAIN INFORMATION RELATING TO STOCKPILE STEWARDSHIP CRITERIA.

(a) IN GENERAL.—The Secretary of Energy shall include in the 2010 stockpile stewardship plan the elements specified in subsection (b).

(b) ELEMENTS.—The elements specified in this subsection are the following:

(1) An update of any information or criteria included in the report on stockpile stewardship criteria submitted under subsection (c) of section 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522).

(2) A description of any additional information identified under paragraph (1) of such subsection (c) or criteria established under subsection (a) of such section 4202 during the period beginning on the date of the submittal of the report under section 3133 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1751; 50 U.S.C. 2523 note) and ending on the date

of the submittal of the 2010 stockpile stewardship plan.

(3) For each science-based tool developed or modified by the Department of Energy during the period described in paragraph (2) to collect information needed to determine that the nuclear weapons stockpile is safe, secure, and reliable—

(A) a description of the relationship of the science-based tool to the collection of such information; and

(B) a description of criteria for assessing the effectiveness of the science-based tool in collecting such information.

(c) 2010 STOCKPILE STEWARDSHIP PLAN DEFINED.—In this section, the term ''2010 stockpile stewardship plan'' means the updated version of the plan for maintaining the nuclear weapons stockpile developed under section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) and required to be submitted to Congress on May 1, 2010, by subsection (c) of such section.

SEC. 3134. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF PROJECTS CARRIED OUT BY THE OFFICE OF ENVIRONMENTAL MANAGEMENT OF THE DEPARTMENT OF ENERGY PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a series of three reviews, as described in subsections (b), (c), and (d), of projects carried out by the Office of Environmental Management of the Department of Energy (in this section referred to as the ''Office'') using American Recovery and Reinvestment Act funds.

(b) PHASE ONE REVIEW.—

(1) IN GENERAL.—Beginning on the date of the enactment of this Act, the Comptroller General shall conduct a review of the following:

(A) The criteria used by the Office to select projects to be carried out using American Recovery and Reinvestment Act funds.

(B) The extent to which lessons learned during previous accelerations of defense environmental cleanup efforts were used in the development of such criteria.

(C) The process used by the Office to estimate costs and develop schedules for such projects.

(D) The process used by the Office for the independent validation of the scope, cost, and schedule for such projects.

(E) The criteria and methodology used by the Office to measure the contribution of each such project toward reducing the overall costs, and meeting the goals, of defense environmental cleanup.

(2) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review conducted under paragraph (1).

(c) PHASE TWO REVIEW.—

(1) IN GENERAL.—The Comptroller General shall conduct a review, during the period described in paragraph (2), of the following:

(A) The implementation of each project carried out using American Recovery and Reinvestment Act funds.

(B) The extent to which each such project is meeting the cost and scheduling goals of the project.

(C) The number of jobs created or maintained through such projects.

(D) The adequacy of contract oversight for such projects.

(E) Any technical problems or other problems in connection with such projects that are identified by the Comptroller General in the course of the review.

(F) Any management and implementation issues or actions, or other systemic issues, identified by the Comptroller General in the course of the review that either hinder or assist the effective management of defense environmental cleanup efforts.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the period—

(A) beginning on the date on which the Comptroller General submits the report required under subsection (b)(2); and

(B) ending on the later of—

(i) the date on which all projects carried out using American Recovery and Re-

investment Act funds have been completed; or

(ii) the date on which all American Recovery and Reinvestment Act funds have been obligated or expended or are no longer available to be obligated or expended.

(3) REPORTS.—The Comptroller General shall submit to the congressional defense committees a report on the status of the review conducted under paragraph (1) not later than 30 days after submitting the report required under subsection (b)(2) and every 120 days thereafter until the end of the period described in paragraph (2).

(d) PHASE THREE REVIEW.—

(1) IN GENERAL.—Beginning on the date on which the Comptroller General submits the last report required under subsection (c)(3), the Comptroller General shall conduct a review of the following:

(A) The implementation of all projects carried out using American Recovery and Reinvestment Act funds, including the number of such projects that were completed, that were not completed, that were completed on budget, that

exceeded the budget for such project, that were completed on schedule, and that exceeded the scheduling goals for such project.

(B) The impact on employment as a result of the completion of such projects.

(C) Any lessons learned as a result of accelerating such projects.

(D) The extent to which the achievement of the overall goals of defense environmental cleanup were accelerated, and the overall costs of defense environmental cleanup were reduced, as a result of such projects.

(E) Any other issues the Comptroller General considers appropriate with respect to such projects.

(2) REPORT.—Not later than 90 days after submitting the last report required under subsection (c)(3), the Comptroller General shall submit to the congressional defense committees a report containing the results of the review conducted under paragraph (1).

(e) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS DEFINED.—In this section, the term ''American Recovery and Reinvestment Act funds'' means funds made available for the Office of Environmental Management

under the heading "DEFENSE ENVIRONMENTAL CLEAN-UP" under the heading "ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES" under the heading "DEPARTMENT OF ENERGY" under title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 140).

SEC. 3135. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR CERTAIN DEPARTMENT OF ENERGY PENSION OBLIGATIONS.

The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) specific identification, as a budgetary line item, of the amounts required to meet the pension obligations of the Department of Energy for contractor employees at each facility of the Department of Energy operated using amounts authorized to be appropriated for the Department of Energy.

SEC. 3136. EXPANSION OF AUTHORITY OF OMBUDSMAN OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15) is amended—

(1) in subsection (c), by inserting ''and subtitle B'' after ''this subtitle'' each place it appears;

(2) in subsection (d), by inserting ''and subtitle B'' after ''this subtitle'';

(3) in subsection (e), by inserting ''and subtitle B'' after ''this subtitle'' each place it appears;

(4) by redesignating subsection (g) as subsection (h); and

(5) by inserting after subsection (f) the following new subsection:

''(g) NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH OMBUDSMAN.—In carrying out the duties of the Ombudsman under this section, the Ombudsman shall work with the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B.''.

(b) CONSTRUCTION.—Except as specifically provided in subsection (g) of section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (a) of this section, nothing in the amendments made by such subsection (a) shall be construed to alter or affect the duties and functions of the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to

individuals making claims under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l et seq.).

SEC. 3137. COMPTROLLER GENERAL STUDY OF STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the stockpile stewardship program established under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) to determine if the program was functioning, as of December 2008, as envisioned when the program was established.

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

(1) An assessment of whether the capabilities determined to be necessary to maintain the nuclear weapons stockpile without nuclear testing have been implemented and the extent to which such capabilities are functioning.

(2) A review and description of the agreements governing use, management, and support of the capabilities developed for the stockpile stewardship program and an assessment of enforcement of, and compliance with, those agreements.

(3) An assessment of plans for surveillance and testing of nuclear weapons in the stockpile and the extent of the compliance with such plans.

(4) An assessment of—

(A) the condition of the infrastructure at the plants and laboratories of the nuclear weapons complex;

(B) the value of nuclear weapons facilities built after 1992;

(C) any plans that are in place to maintain, improve, or replace such infrastructure;

(D) whether there is a validated requirement for all planned infrastructure replacement projects; and

(E) the projected costs for each such project and the timeline for completion of each such project.

(5) An assessment of the efforts to ensure and maintain the intellectual and technical capability of the nuclear weapons complex to support the nuclear weapons stockpile.

(6) Recommendations for the stockpile stewardship program going forward.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall

submit to the congressional defense committees a report containing the results of the study required by subsection (a).

SEC. 3138. SENSE OF THE SENATE ON PRODUCTION OF MOLYBDENUM–99.

(a) FINDINGS.—The Senate makes the following findings:

(1) There are fewer than five reactors around the world currently capable of producing molybdenum–99 (Mo–99) and there are no such reactors in the United States that can provide a reliable supply of Mo–99 to meet medical needs.

(2) Since November 2007, there have been major disruptions in the global availability of Mo–99, including at facilities in Canada and the Netherlands, which have led to shortages of Mo–99-based medical products in the United States and around the world.

(3) Ensuring a reliable supply of medical radioisotopes, including Mo–99, is of great importance to the public health.

(4) It is also a national security priority of the United States, and specifically of the Department of Energy, to encourage the production of low-enriched

uranium-based radioisotopes in order to promote a more peaceful international nuclear order.

(5) The National Academy of Sciences has identified a need to establish a reliable capability in the United States for the production of Mo–99 and its derivatives for medical purposes using low-enriched uranium.

(6) There also exists a capable industrial base in the United States that can support the development of Mo–99 production facilities and can conduct the processing and distribution of radiopharmaceutical products for use in medical tests worldwide.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) radioisotopes and radiopharmaceuticals, including Mo–99 and its derivatives, are essential components of medical tests that help diagnose and treat life-threatening diseases affecting millions of people each year; and

(2) the Secretary of Energy should continue and expand a program to meet the need identified by the National Academy of Sciences to ensure a source of Mo–99 and its derivatives for use in medical tests to help ensure the health security of the United States and around the world and promote

peaceful nuclear industries through the use of low-enriched uranium.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2010, $26,086,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—MARITIME ADMINISTRATION

SEC. 3301. MARITIME ADMINISTRATION.

Section 109 of title 49, United States Code, is amended to read as follows:

"§ 109. Maritime Administration

''(a) ORGANIZATION.—The Maritime Administration is an administration in the Department of Transportation.

''(b) MARITIME ADMINISTRATOR.—The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

1 "(c) DEPUTY MARITIME ADMINISTRATOR.—The
2 Maritime Administrator shall have a Deputy Maritime Ad-
3 ministrator, who is appointed in the competitive service
4 by the Secretary, after consultation with the Adminis-
5 trator. The Deputy Administrator shall carry out the du-
6 ties prescribed by the Administrator. The Deputy Admin-
7 istrator shall be Acting Administrator during the absence
8 or disability of the Administrator and, unless the Sec-
9 retary designates another individual, during a vacancy in
10 the office of Administrator.

11 "(d) DUTIES AND POWERS VESTED IN SEC-
12 RETARY.—All duties and powers of the Maritime Adminis-
13 tration are vested in the Secretary.

14 "(e) REGIONAL OFFICES.—The Maritime Adminis-
15 tration shall have regional offices for the Atlantic, Gulf,
16 Great Lakes, and Pacific port ranges, and may have other
17 regional offices as necessary. The Secretary shall appoint
18 a qualified individual as Director of each regional office.
19 The Secretary shall carry out appropriate activities and
20 programs of the Maritime Administration through the re-
21 gional offices.

22 "(f) INTERAGENCY AND INDUSTRY RELATIONS.—
23 The Secretary shall establish and maintain liaison with
24 other agencies, and with representative trade organiza-
25 tions throughout the United States, concerned with the

1 transportation of commodities by water in the export and
2 import foreign commerce of the United States, for the pur-
3 pose of securing preference to vessels of the United States
4 for the transportation of those commodities.

5 "(g) DETAILING OFFICERS FROM ARMED FORCES.—
6 To assist the Secretary in carrying out duties and powers
7 relating to the Maritime Administration, not more than
8 five officers of the armed forces may be detailed to the
9 Secretary at any one time, in addition to details author-
10 ized by any other law. During the period of a detail, the
11 Secretary shall pay the officer an amount that, when
12 added to the officer's pay and allowances as an officer in
13 the armed forces, make the officer's total pay and allow-
14 ances equal to the amount that would be paid to an indi-
15 vidual performing work the Secretary considers to be of
16 similar importance, difficulty, and responsibility as that
17 performed by the officer during the detail.

18 "(h) CONTRACTS AND AUDITS.—

19 "(1) CONTRACTS.—In the same manner that a
20 private corporation may make a contract within the
21 scope of its authority under its charter, the Sec-
22 retary may make contracts for the United States
23 Government and disburse amounts to—

"(A) carry out the Secretary's duties and powers under this section and subtitle V of title 46; and

"(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

"(2) AUDITS.—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to carry out the duties and powers of the Secretary relating to the Maritime Administration.

"(2) LIMITATIONS.—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

"(A) acquisition, construction, or reconstruction of vessels;

"(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

"(C) costs of national defense features;

"(D) payments of obligations incurred for operating-differential subsidies;

"(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

"(F) the Vessel Operations Revolving Fund;

"(G) National Defense Reserve Fleet expenses;

"(H) expenses necessary to carry out part B of subtitle V of title 46; and

"(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.

"(3) TRAINING VESSELS.—Amounts may not be appropriated for the purchase or construction of

training vessels for State maritime academies unless the Secretary has approved a plan for sharing training vessels between State maritime academies.''.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of

this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supercede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY						
	AIRCRAFT						
	FIXED WING						
001	JOINT CARGO AIRCRAFT (JCA)						
002	UTILITY F/W AIRCRAFT						
003	MQ–1 UAV	24	401,364	–12	–200,000	12	201,364
	Avoid forward funding of production				[–200,000]		
004	RQ–11 (RAVEN)	618	35,008			618	35,008
004A	C–12A						
	ROTARY WING						
006	ARMED RECONNAISSANCE HELICOPTER						
007	ADVANCE PROCUREMENT (CY)						
008	HELICOPTER, LIGHT UTILITY (LUH)	54	326,040			54	326,040
009	AH–64 APACHE BLOCK III	8	161,280			8	161,280
010	ADVANCE PROCUREMENT (CY)		57,890				57,890
011	UH–60 BLACKHAWK (MYP)	79	1,258,374			79	1,258,374
012	ADVANCE PROCUREMENT (CY)		98,740				98,740
013	CH–47 HELICOPTER	35	860,087		22,000	35	882,087
	Multiyear procurement execution				[22,000]		

014	ADVANCE PROCUREMENT (CY)	50,676		50,676
015	HELICOPTER NEW TRAINING	19,639		19,639
	MODIFICATION OF AIRCRAFT			
016	MQ–1 PAYLOAD—UAS	87,424		87,424
017	MQ–1 WEAPONIZATION—UAS	14,832		14,832
018	GUARDRAIL MODS (MIP)	61,517		61,517
019	MULTI SENSOR ABN RECON (MIP)	21,457		21,457
020	AH–64 MODS	426,415	5,500	431,915
	Fuselage manufacturing		[5,500]	
021	ADVANCE PROCUREMENT (CY)			
022	CH–47 CARGO HELICOPTER MODS (MYP)	102,876	–22,000	80,876
	Multiyear procurement execution		[–22,000]	
023	ADVANCE PROCUREMENT (CY)			
024	UTILITY/CARGO AIRPLANE MODS	39,547		39,547
025	AIRCRAFT LONG RANGE MODS	823		823
026	UTILITY HELICOPTER MODS	66,682	20,400	87,082
	UH–60A to UH–60L conversion		[20,400]	
027	KIOWA WARRIOR	140,768		140,768
028	AIRBORNE AVIONICS	241,287		241,287
029	GATM ROLLUP	103,142		103,142
030	RQ–7 UAV MODS	283,012		283,012
030A	C–12A			
	SPARES AND REPAIR PARTS			
031	SPARE PARTS (AIR)	7,083		7,083
	SUPPORT EQUIPMENT AND FACILITIES			
	GROUND SUPPORT AVIONICS			
032	AIRCRAFT SURVIVABILITY EQUIPMENT	25,975		25,975
033	ASE INFRARED CM	186,356		186,356
	OTHER SUPPORT			
034	AVIONICS SUPPORT EQUIPMENT	4,933		4,933
035	COMMON GROUND EQUIPMENT	87,682		87,682
036	AIRCREW INTEGRATED SYSTEMS	52,725	3,000	55,725
	Air warrior ensemble—generation III		[3,000]	
037	AIR TRAFFIC CONTROL	76,999		76,999

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
038	INDUSTRIAL FACILITIES		1,533				1,533
039	LAUNCHER, 2.75 ROCKET		2,716				2,716
040	AIRBORNE COMMUNICATIONS		11,109				11,109
	TOTAL—AIRCRAFT PROCUREMENT, ARMY		**5,315,991**		**–171,100**		**5,144,891**
	MISSILE PROCUREMENT, ARMY						
	OTHER MISSILES						
	SURFACE-TO-AIR MISSILE SYSTEM						
001	PATRIOT SYSTEM SUMMARY	59	348,351			59	348,351
002	PATRIOT/MEADS CAP SYSTEM SUMMARY		16,406				16,406
003	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:	13	72,920			13	72,920
004	ADVANCE PROCUREMENT (CY)						
	AIR-TO-SURFACE MISSILE SYSTEM						
005	HELLFIRE SYS SUMMARY	240	31,154			240	31,154
	ANTI-TANK/ASSAULT MISSILE SYSTEM						
006	JAVELIN (AAWS–M) SYSTEM SUMMARY	470	148,649			470	148,649
007	TOW 2 SYSTEM SUMMARY	1165	108,066			1165	108,066
008	GUIDED MLRS ROCKET (GMLRS)	2628	293,617			2628	293,617
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	2064	15,663			2064	15,663
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS)	46	209,061			46	209,061
011	ARMY TACTICAL MSL SYS (ATACMS)—SYS SUM						
	MODIFICATIONS						
012	PATRIOT MODS		44,775		5,000		49,775
	Command & control modifications				[5,000]		
013	ITAS/TOW MODS		6,983				6,983
014	MLRS MODS		3,662				3,662
015	HIMARS MODIFICATIONS		38,690				38,690

016	HELLFIRE MODIFICATIONS		10		10
	SPARES AND REPAIR PARTS				
017	SPARES AND REPAIR PARTS		22,338		22,338
	SUPPORT EQUIPMENT AND FACILITIES				
018	AIR DEFENSE TARGETS		4,188		4,188
019	ITEMS LESS THAN $5.0M (MISSILES)		1,178		1,178
020	PRODUCTION BASE SUPPORT		4,398		4,398
	TOTAL—MISSILE PROCUREMENT, ARMY		**1,370,109**	**5,000**	**1,375,109**
	PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES				
	TRACKED COMBAT VEHICLES				
001	BRADLEY PROGRAM				
002	BRADLEY TRAINING DEVICES (MOD)				
003	ABRAMS TANK TRAINING DEVICES				
004	STRYKER VEHICLE		388,596		388,596
005	FUTURE COMBAT SYSTEMS: (FCS)				
006	ADVANCE PROCUREMENT (CY)				
007	FCS SPIN OUTS		285,920		285,920
008	ADVANCE PROCUREMENT (CY)		42,001		42,001
	MODIFICATION OF TRACKED COMBAT VEHICLES				
009	FIST VEHICLE (MOD)		34,192		34,192
010	BRADLEY PROGRAM (MOD)		526,356		526,356
011	HOWITZER, MED SP FT 155MM M109A6 (MOD)		96,503		96,503
012	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	12	96,814	12	96,814
013	ARMORED BREACHER VEHICLE		63,250		63,250
014	JOINT ASSAULT BRIDGE		70,637		70,637
015	M1 ABRAMS TANK (MOD)		183,829		183,829
016	ABRAMS UPGRADE PROGRAM	22	185,611	22	185,611
	SUPPORT EQUIPMENT & FACILITIES				
017	ITEMS LESS THAN $5.0M (TCV–WTCV)				
018	PRODUCTION BASE SUPPORT (TCV–WTCV)		6,601		6,601
	WEAPONS AND OTHER COMBAT VEHICLES				
019	HOWITZER, LIGHT, TOWED, 105MM, M119	70	95,631	70	95,631

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
020	M240 MEDIUM MACHINE GUN (7.62MM)	2010	32,919			2010	32,919
021	MACHINE GUN, CAL .50 M2 ROLL	4825	84,588			4825	84,588
022	LIGHTWEIGHT .50 CALIBER MACHINE GUN		977				977
023	M249 SAW MACHINE GUN (5.56MM)	1550	7,535			1550	7,535
024	MK–19 GRENADE MACHINE GUN (40MM)	349	7,700			349	7,700
025	MORTAR SYSTEMS	315	14,779			315	14,779
026	M107, CAL. 50, SNIPER RIFLE		224				224
027	XM320 GRENADE LAUNCHER MODULE (GLM)	4740	16,023			4740	16,023
028	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	448	6,223			448	6,223
029	M4 CARBINE	12000	20,500			12000	20,500
030	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	3738	6,945			3738	6,945
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO						
032	HANDGUN	5000	3,389			5000	3,389
033	HOWITZER LT WT 155MM (T)	17	49,572			17	49,572
	MOD OF WEAPONS AND OTHER COMBAT VEH						
034	MK–19 GRENADE MACHINE GUN MODS		8,164				8,164
035	M4 CARBINE MODS		31,472				31,472
036	M2 50 CAL MACHINE GUN MODS		7,738				7,738
037	M249 SAW MACHINE GUN MODS		7,833				7,833
038	M240 MEDIUM MACHINE GUN MODS		17,964				17,964
039	PHALANX MODS						
040	M119 MODIFICATIONS		25,306				25,306
041	M16 RIFLE MODS		4,186				4,186
041A	M14 7.62 RIFLE MODS						
042	MODIFICATIONS LESS THAN $5.0M (WOCV–WTCV)		6,164				6,164
	SUPPORT EQUIPMENT & FACILITIES						
043	ITEMS LESS THAN $5.0M (WOCV–WTCV)		551				551
044	PRODUCTION BASE SUPPORT (WOCV–WTCV)		9,855				9,855

045	INDUSTRIAL PREPAREDNESS	392		392
046	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	5,012		5,012
	TOTAL—PROCUREMENT OF WTCV, ARMY	**2,451,952**		**2,451,952**
	PROCUREMENT OF AMMUNITION, ARMY			
	AMMUNITION			
	SMALL/MEDIUM CALIBER AMMUNITION			
001	CTG, 5.56MM, ALL TYPES	207,752		207,752
002	CTG, 7.62MM, ALL TYPES	77,602		77,602
003	CTG, HANDGUN, ALL TYPES	5,120		5,120
004	CTG, .50 CAL, ALL TYPES	162,342		162,342
005	CTG, 25MM, ALL TYPES	17,054		17,054
006	CTG, 30MM, ALL TYPES	96,572		96,572
007	CTG, 40MM, ALL TYPES	172,675		172,675
	MORTAR AMMUNITION			
008	60MM MORTAR, ALL TYPES	23,607	3,000	26,607
	Additional ammunition		[3,000]	
009	81MM MORTAR, ALL TYPES	28,719		28,719
010	CTG, MORTAR, 120MM, ALL TYPES	104,961		104,961
	TANK AMMUNITION			
011	CTG TANK 105MM: ALL TYPES	7,741		7,741
012	CTG, TANK, 120MM, ALL TYPES	113,483		113,483
	ARTILLERY AMMUNITION			
013	CTG, ARTY, 75MM: ALL TYPES	5,229		5,229
014	CTG, ARTY, 105MM: ALL TYPES	90,726		90,726
015	CTG, ARTY, 155MM, ALL TYPES	54,546		54,546
016	PROJ 155MM EXTENDED RANGE XM982	62,292		62,292
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T	33,441		33,441
	ARTILLERY FUZES			
018	ARTILLERY FUZES, ALL TYPES	19,870		19,870
	MINES			
019	MINES, ALL TYPES	815		815
020	MINE, CLEARING CHARGE, ALL TYPES			

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
021	ANTIPERSONNEL LANDMINE ALTERNATIVES		56,387				56,387
022	INTELLIGENT MUNITIONS SYSTEM (IMS), ALL TYPES		19,507				19,507
	ROCKETS						
023	SHOULDER LAUNCHED MUNITIONS, ALL TYPES		45,302				45,302
024	ROCKET, HYDRA 70, ALL TYPES		99,904				99,904
	OTHER AMMUNITION						
025	DEMOLITION MUNITIONS, ALL TYPES		18,793				18,793
026	GRENADES, ALL TYPES		49,910				49,910
027	SIGNALS, ALL TYPES		83,094				83,094
028	SIMULATORS, ALL TYPES		12,081				12,081
	MISCELLANEOUS						
029	AMMO COMPONENTS, ALL TYPES		17,968				17,968
030	NON-LETHAL AMMUNITION, ALL TYPES		7,378				7,378
031	CAD/PAD ALL TYPES		3,353				3,353
032	ITEMS LESS THAN $5 MILLION		8,826				8,826
033	AMMUNITION PECULIAR EQUIPMENT		11,187				11,187
034	FIRST DESTINATION TRANSPORTATION (AMMO)		14,354				14,354
035	CLOSEOUT LIABILITIES		99				99
	AMMUNITION PRODUCTION BASE SUPPORT						
	PRODUCTION BASE SUPPORT						
036	PROVISION OF INDUSTRIAL FACILITIES		151,943		5,000		156,943
	Bomb line modernization				[5,000]		
037	LAYAWAY OF INDUSTRIAL FACILITIES		9,529				9,529
038	MAINTENANCE OF INACTIVE FACILITIES		8,772				8,772
039	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL		145,777				145,777
040	ARMS INITIATIVE		3,184				3,184
	TOTAL—PROCUREMENT OF AMMUNITION, ARMY		**2,051,895**		**8,000**		**2,059,895**

	OTHER PROCUREMENT, ARMY					
	TACTICAL AND SUPPORT VEHICLES					
	TACTICAL VEHICLES					
001	TACTICAL TRAILERS/DOLLY SETS	8037	95,893		8037	95,893
002	SEMITRAILERS, FLATBED:	290	20,870		290	20,870
003	SEMITRAILERS, TANKERS	70	13,217		70	13,217
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	1770	281,123		1770	281,123
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	3889	1,158,522		3889	1,158,522
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN		17,575			17,575
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)		812,918			812,918
008	PLS ESP		18,973			18,973
009	ARMORED SECURITY VEHICLES (ASV)	150	136,605		150	136,605
010	MINE PROTECTION VEHICLE FAMILY		402,517	–90,000		312,517
	Reassessment of program requirement			[–90,000]		
011	FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP)					
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	310	74,703		310	74,703
013	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV P		180,793			180,793
014	HMMWV RECAPITALIZATION PROGRAM		2,904			2,904
015	MODIFICATION OF IN–SVC EQUIP		10,314			10,314
016	ITEMS LESS THAN $5.0M (TAC VEH)		298			298
017	TOWING DEVICE–FIFTH WHEEL		414			414
	NON-TACTICAL VEHICLES					
018	HEAVY ARMORED SEDAN		1,980			1,980
019	PASSENGER CARRYING VEHICLES		269			269
020	NONTACTICAL VEHICLES, OTHER		3,052			3,052
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT					
	COMM-JOINT COMMUNICATIONS					
021	COMBAT IDENTIFICATION PROGRAM					
022	JOINT COMBAT IDENTIFICATION MARKING SYSTEM		11,868			11,868
023	WIN–T—GROUND FORCES TACTICAL NETWORK		544,202			544,202
024	JCSE EQUIPMENT (USREDCOM)		4,868			4,868
	COMM—SATELLITE COMMUNICATIONS					
025	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS (S		145,108			145,108

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
026	SHF TERM		90,918				90,918
027	SAT TERM, EMUT (SPACE)		653				653
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)		72,735				72,735
029	SMART–T (SPACE)		61,116				61,116
030	SCAMP (SPACE)		1,834				1,834
031	GLOBAL BRDCST SVC—GBS		6,849				6,849
032	MOD OF IN–SVC EQUIP (TAC SAT)		2,862				2,862
	COMM—COMBAT SUPPORT COMM						
032A	MOD–IN–SERVICE PROFILER						
	COMM—C3 SYSTEM						
033	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)		22,996				22,996
	COMM—COMBAT COMMUNICATIONS						
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)		1,705				1,705
035	JOINT TACTICAL RADIO SYSTEM		90,204		–55,200		35,004
	Testing delays in JTRS GMR				[–55,200]		
036	RADIO TERMINAL SET, MIDS LVT(2)		8,549				8,549
037	SINCGARS FAMILY		6,812				6,812
038	AMC CRITICAL ITEMS—OPA2						
038A	SINCGARS—GROUND						
039	MULTI-PURPOSE INFORMATIONS OPERATIONS SYSEMS		6,164				6,164
040	BRIDGE TO FUTURE NETWORKS						
041	COMMS–ELEC EQUIP FIELDING						
042	SPIDER APLA REMOTE CONTROL UNIT		21,820				21,820
043	IMS REMOTE CONTROL UNIT		9,256				9,256
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS		4,646				4,646
045	COMBAT SURVIVOR EVADER LOCATOR (CSEL)		2,367				2,367
046	RADIO, IMPROVED HF (COTS) FAMILY		6,555				6,555
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)		18,583				18,583

	COMM—INTELLIGENCE COMM			
048	CI AUTOMATION ARCHITECTURE (MIP)	1,414		1,414
	INFORMATION SECURITY			
049	TSEC—ARMY KEY MGT SYS (AKMS)	29,525		29,525
050	INFORMATION SYSTEM SECURITY PROGRAM–ISSP	33,189		33,189
	COMM—LONG HAUL COMMUNICATIONS			
051	TERRESTRIAL TRANSMISSION	1,890		1,890
052	BASE SUPPORT COMMUNICATIONS	25,525		25,525
053	ELECTROMAG COMP PROG (EMCP)			
054	WW TECH CON IMP PROG (WWTCIP)	31,256		31,256
	COMM—BASE COMMUNICATIONS			
055	INFORMATION SYSTEMS	216,057		216,057
056	DEFENSE MESSAGE SYSTEM (DMS)	6,203		6,203
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM (	147,111		147,111
058	PENTAGON INFORMATION MGT AND TELECOM	39,906		39,906
	ELECT EQUIP—TACT INT REL ACT (TIARA)			
061	ALL SOURCE ANALYSIS SYS (ASAS) (MIP)			
062	JTT/CIBS–M (MIP)	3,279		3,279
063	PROPHET GROUND (MIP)	64,498		64,498
064	TACTICAL UNMANNED AERIAL SYS (TUAS) MIP			
065	SMALL UNMANNED AERIAL SYSTEM (SUAS)			
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)			
067	DRUG INTERDICTION PROGRAM (DIP) (TIARA)			
068	TACTICAL EXPLOITATION SYSTEM (MIP)			
069	DCGS–A (MIP)	85,354		85,354
070	JOINT TACTICAL GROUND STATION (JTAGS)	6,703	–6,700	3
	Program reduction		[–6,700]	
071	TROJAN (MIP)	26,659		26,659
072	MOD OF IN–SVC EQUIP (INTEL SPT) (MIP)	7,021		7,021
073	CI HUMINT AUTO REPRTING AND COLL (CHARCS) (MIP)	4,509		4,509
074	SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM	6,420		6,420
075	ITEMS LESS THAN $5.0M (MIP)	17,053		17,053
	ELECT EQUIP—ELECTRONIC WARFARE (EW)			
076	LIGHTWEIGHT COUNTER MORTAR RADAR	31,661		31,661

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
077	WARLOCK						
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES		1,284				1,284
079	CI MODERNIZATION (MIP)		1,221				1,221
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)						
080	SENTINEL MODS		25,863				25,863
081	SENSE THROUGH THE WALL (STTW)		25,352				25,352
082	NIGHT VISION DEVICES		366,820		–100,000		266,820
	Contractor production delays in ENVG line				[–100,000]		
083	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM		133,836				133,836
084	NIGHT VISION, THERMAL WPN SIGHT		313,237				313,237
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF		9,179				9,179
086	RADIATION MONITORING SYSTEMS		2,198				2,198
087	COUNTER–ROCKET, ARTILLERY & MORTAR (C–RAM)						
088	BASE EXPEDITIONARY TARGETING AND SURV SYS						
089	ARTILLERY ACCURACY EQUIP		5,838				5,838
090	MOD OF IN-SVC EQUIP (MMS)						
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE		1,178				1,178
092	PROFILER		4,766				4,766
093	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)		2,801				2,801
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)		271,979				271,979
095	JOINT BATTLE COMMAND—PLATFORM (JBC–P)		17,242				17,242
096	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD		59,080				59,080
097	COMPUTER BALLISTICS: LHMBC XM32						
098	MORTAR FIRE CONTROL SYSTEM		15,520				15,520
099	COUNTERFIRE RADARS		194,665				194,665
100	INTEGRATED MET SYS SENSORS (IMETS)—MIP						
101	ENHANCED SENSOR & MONITORING SYSTEM		1,944				1,944
	ELECT EQUIP—TACTICAL C2 SYSTEMS						

102	TACTICAL OPERATIONS CENTERS	29,934	29,934
103	FIRE SUPPORT C2 FAMILY	39,042	39,042
104	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC	31,968	31,968
105	FAAD C2	8,289	8,289
106	AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD	62,439	62,439
107	KNIGHT FAMILY	80,831	80,831
108	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,778	1,778
109	AUTOMATIC IDENTIFICATION TECHNOLOGY	31,542	31,542
110	TC AIMS II	11,124	11,124
111	JOINT NETWORK MANAGEMENT SYSTEM (JNMS)		
112	TACTICAL INTERNET MANAGER		
113	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	53,898	53,898
114	MANEUVER CONTROL SYSTEM (MCS)	77,646	77,646
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	46,861	46,861
116	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	11,118	11,118
117	MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM)	926	926
	ELECT EQUIP—AUTOMATION		
118	GENERAL FUND ENTERPRISE BUSINESS SYSTEM	85,801	85,801
119	ARMY TRAINING MODERNIZATION	12,823	12,823
120	AUTOMATED DATA PROCESSING EQUIP	254,723	254,723
121	CSS COMMUNICATIONS	33,749	33,749
122	RESERVE COMPONENT AUTOMATION SYS (RCAS)	39,675	39,675
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
123	AFRTS		
124	ITEMS LESS THAN $5.0M (A/V)	2,709	2,709
125	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	5,172	5,172
	ELECT EQUIP—MODS TACTICAL SYS/EQ		
126	WEAPONIZATION OF UNMANNED AERIAL SYSTEM (UAS)		
	ELECT EQUIP—SUPPORT		
127	ITEMS UNDER $5M (SSE)		
128	PRODUCTION BASE SUPPORT (C–E)	518	518
	CLASSIFIED PROGRAMS	2,522	2,522
	OTHER SUPPORT EQUIPMENT		
	CHEMICAL DEFENSIVE EQUIPMENT		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
129	PROTECTIVE SYSTEMS		2,081				2,081
130	CBRN SOLDIER PROTECTION		108,334				108,334
131	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)		7,135				7,135
	BRIDGING EQUIPMENT						
132	TACTICAL BRIDGING		58,509				58,509
133	TACTICAL BRIDGE, FLOAT–RIBBON		135,015				135,015
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT						
134	HANDHELD STANDOFF MINEFIELD DETECTION SYS–HST		42,264				42,264
135	GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS		56,123		7,000		63,123
	FIDO explosives detector				[7,000]		
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)		49,333				49,333
137	< $5M, COUNTERMINE EQUIPMENT		3,479				3,479
138	AERIAL DETECTION		11,200				11,200
	COMBAT SERVICE SUPPORT EQUIPMENT						
139	HEATERS AND ECU'S		11,924				11,924
140	LAUNDRIES, SHOWERS AND LATRINES						
141	SOLDIER ENHANCEMENT		4,071				4,071
142	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)						
142A	LAND WARRIOR						
143	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)		6,981				6,981
144	GROUND SOLDIER SYSTEM		1,809				1,809
145	MOUNTED SOLDIER SYSTEM		1,085				1,085
146	FORCE PROVIDER						
147	FIELD FEEDING EQUIPMENT		57,872				57,872
148	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM		66,381				66,381
149	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM:		16,585				16,585
150	ITEMS LESS THAN $5M (ENG SPT)		25,531				25,531
	PETROLEUM EQUIPMENT						

151	QUALITY SURVEILLANCE EQUIPMENT			
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	84,019		84,019
	WATER EQUIPMENT			
153	WATER PURIFICATION SYSTEMS	7,173		7,173
	MEDICAL EQUIPMENT			
154	COMBAT SUPPORT MEDICAL	33,694	8,300	41,994
	Combat casualty care equipment upgrade program		[8,300]	
	MAINTENANCE EQUIPMENT			
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	137,002		137,002
156	ITEMS LESS THAN $5.0M (MAINT EQ)	812		812
	CONSTRUCTION EQUIPMENT			
157	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	50,897		50,897
158	SKID STEER LOADER (SSL) FAMILY OF SYSTEM	18,387		18,387
159	SCRAPERS, EARTHMOVING			
160	DISTR, WATER, SP MIN 2500G SEC/NON–SEC			
161	MISSION MODULES—ENGINEERING	44,420		44,420
162	LOADERS	20,824		20,824
163	HYDRAULIC EXCAVATOR	18,785		18,785
164	TRACTOR, FULL TRACKED	50,102		50,102
165	CRANES			
166	PLANT, ASPHALT MIXING	12,915		12,915
167	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS	36,451		36,451
168	CONST EQUIP ESP	8,391		8,391
169	ITEMS LESS THAN $5.0M (CONST EQUIP)	12,562		12,562
	RAIL FLOAT CONTAINERIZATION EQUIPMENT			
170	JOINT HIGH SPEED VESSEL (JHSV)	183,666		183,666
171	HARBORMASTER COMMAND AND CONTROL CENTER (HCCC)	10,962		10,962
172	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	6,785		6,785
	GENERATORS			
173	GENERATORS AND ASSOCIATED EQUIP	146,067		146,067
	MATERIAL HANDLING EQUIPMENT			
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH)	41,239		41,239
175	ALL TERRAIN LIFTING ARMY SYSTEM	44,898		44,898
	TRAINING EQUIPMENT			

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
176	COMBAT TRAINING CENTERS SUPPORT		22,967				22,967
177	TRAINING DEVICES, NONSYSTEM		261,348		22,440		283,788
	Operator driving simulator				[5,000]		
	Immersive group simulation virtual training system				[5,500]		
	Joint fires & effects training systems (JFETS)				[5,000]		
	Urban training instrumentation				[2,000]		
	Virtual interactive combat environment (VICE)				[4,940]		
178	CLOSE COMBAT TACTICAL TRAINER		65,155				65,155
179	AVIATION COMBINED ARMS TACTICAL TRAINER (AVCA		12,794				12,794
180	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING		7,870				7,870
	TEST MEASURE AND DIG EQUIPMENT (TMD)						
181	CALIBRATION SETS EQUIPMENT		16,844				16,844
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)		101,320				101,320
183	TEST EQUIPMENT MODERNIZATION (TEMOD)		15,526				15,526
	OTHER SUPPORT EQUIPMENT						
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT		21,770				21,770
185	PHYSICAL SECURITY SYSTEMS (OPA3)		49,758				49,758
186	BASE LEVEL COM'L EQUIPMENT		1,303				1,303
187	MODIFICATION OF IN–SVC EQUIPMENT (OPA–3)		53,884				53,884
188	PRODUCTION BASE SUPPORT (OTH)		3,050				3,050
189	BUILDING, PRE-FAB, RELOCATABLE						
190	SPECIAL EQUIPMENT FOR USER TESTING		45,516				45,516
191	AMC CRITICAL ITEMS OPA3		12,232				12,232
192	MA8975		4,492				4,492
	SPARES AND REPAIR PARTS						
	OPA2						
193	INITIAL SPARES—C&E		25,867				25,867
194	WIN–T INCREMENT 2 SPARES		9,758				9,758

194a	Procurement of computer services/systems				–75,000		–75,000
	Eliminate redundant activities				[–75,000]		
	TOTAL—OTHER PROCUREMENT, ARMY		**9,907,151**		**–289,160**		**9,617,991**
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND						
	NETWORK ATTACK						
001	ATTACK THE NETWORK		203,100		–203,100		
	Transfer to OCO				[–203,100]		
	JIEDDO DEVICE DEFEAT						
002	DEFEAT THE DEVICE		199,100		–199,100		
	Transfer to OCO				[–199,100]		
	FORCE TRAINING						
003	TRAIN THE FORCE		41,100		–41,100		
	Transfer to OCO				[–41,100]		
	STAFF AND INFRASTRUCTURE						
004	OPERATIONS		121,550		–121,550		
	Transfer to OCO				[–121,550]		
	TOTAL—JOINT IED DEFEAT FUND		**564,850**		**–564,850**		
	AIRCRAFT PROCUREMENT, NAVY						
	COMBAT AIRCRAFT						
001	AV–8B (V/STOL) HARRIER						
002	EA–18G	22	1,611,837			22	1,611,837
003	ADVANCE PROCUREMENT (CY)		20,559				20,559
004	F/A–18E/F (FIGHTER) HORNET	9	1,009,537	9	560,000	18	1,569,537
	Additional aircraft				[560,000]		
005	ADVANCE PROCUREMENT (CY)		51,431				51,431
006	JOINT STRIKE FIGHTER	20	3,997,048			20	3,997,048
007	ADVANCE PROCUREMENT (CY)		481,000				481,000
008	V–22 (MEDIUM LIFT)	30	2,215,829			30	2,215,829
009	ADVANCE PROCUREMENT (CY)		84,342				84,342
010	UH–1Y/AH–1Z	28	709,801	–10	–282,900	18	426,901

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	Maintain production at FY 09 level				[–282,900]		
011	ADVANCE PROCUREMENT (CY)		70,550				70,550
012	MH–60S (MYP)	18	414,145			18	414,145
013	ADVANCE PROCUREMENT (CY)		78,830				78,830
014	MH–60R	24	811,781			24	811,781
015	ADVANCE PROCUREMENT (CY)		131,504				131,504
016	P–8A POSEIDON	6	1,664,525			6	1,664,525
017	ADVANCE PROCUREMENT (CY)		160,526				160,526
018	E–2D ADV HAWKEYE	2	511,245			2	511,245
019	ADVANCE PROCUREMENT (CY)		94,924				94,924
	AIRLIFT AIRCRAFT						
020	C–40A	1	74,381			1	74,381
	TRAINER AIRCRAFT						
021	T–45TS (TRAINER) GOSHAWK						
022	JPATS	38	266,539			38	266,539
	OTHER AIRCRAFT						
023	KC–130J						
024	ADVANCE PROCUREMENT (CY)						
025	RQ–7 UAV	11	56,797			11	56,797
026	MQ–8 UAV	5	77,616			5	77,616
027	OTHER SUPPORT AIRCRAFT						
	MODIFICATION OF AIRCRAFT						
028	EA–6 SERIES		39,977				39,977
029	AV–8 SERIES		35,668				35,668
030	F–18 SERIES		484,129				484,129
031	H–46 SERIES		35,325				35,325
032	AH–1W SERIES		66,461				66,461
033	H–53 SERIES		68,197				68,197

034	SH–60 SERIES	82,253	82,253
035	H–1 SERIES	20,040	20,040
036	EP–3 SERIES	92,530	92,530
037	P–3 SERIES	485,171	485,171
038	S–3 SERIES		
039	E–2 SERIES	22,853	22,853
040	TRAINER A/C SERIES	20,907	20,907
041	C–2A	21,343	21,343
042	C–130 SERIES	22,449	22,449
043	FEWSG	9,486	9,486
044	CARGO/TRANSPORT A/C SERIES	19,429	19,429
045	E–6 SERIES	102,646	102,646
046	EXECUTIVE HELICOPTERS SERIES	42,456	42,456
047	SPECIAL PROJECT AIRCRAFT	14,869	14,869
048	T–45 SERIES	51,484	51,484
049	POWER PLANT CHANGES	26,395	26,395
050	JPATS SERIES	4,922	4,922
051	AVIATION LIFE SUPPORT MODS	5,594	5,594
052	COMMON ECM EQUIPMENT	47,419	47,419
053	COMMON AVIONICS CHANGES	151,112	151,112
054	COMMON DEFENSIVE WEAPON SYSTEM		
055	ID SYSTEMS	24,125	24,125
056	V–22 (TILT/ROTOR ACFT) OSPREY	24,502	24,502
	AIRCRAFT SPARES AND REPAIR PARTS		
057	SPARES AND REPAIR PARTS	1,264,012	1,264,012
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
058	COMMON GROUND EQUIPMENT	363,588	363,588
059	AIRCRAFT INDUSTRIAL FACILITIES	11,075	11,075
060	WAR CONSUMABLES	55,406	55,406
061	OTHER PRODUCTION CHARGES	23,861	23,861
062	SPECIAL SUPPORT EQUIPMENT	42,147	42,147
063	FIRST DESTINATION TRANSPORTATION	1,734	1,734
064	CANCELLED ACCOUNT ADJUSTMENTS		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	TOTAL—AIRCRAFT PROCUREMENT, NAVY		**18,378,312**		**277,100**		**18,655,412**
	WEAPONS PROCUREMENT, NAVY						
	BALLISTIC MISSILES						
	MODIFICATION OF MISSILES						
001	TRIDENT II MODS	24	1,060,504			24	1,060,504
	SUPPORT EQUIPMENT & FACILITIES						
002	MISSILE INDUSTRIAL FACILITIES		3,447				3,447
	OTHER MISSILES						
	STRATEGIC MISSILES						
003	TOMAHAWK	196	283,055			196	283,055
	TACTICAL MISSILES						
004	AMRAAM	79	145,506			79	145,506
005	SIDEWINDER	161	56,845			161	56,845
006	JSOW	430	145,336			430	145,336
007	SLAM–ER						
008	STANDARD MISSILE	62	249,233			62	249,233
009	RAM	90	74,784			90	74,784
010	HELLFIRE	818	59,411			818	59,411
011	AERIAL TARGETS		47,003				47,003
012	OTHER MISSILE SUPPORT		3,928				3,928
	MODIFICATION OF MISSILES						
013	ESSM	50	51,388			50	51,388
014	HARM MODS		47,973				47,973
015	STANDARD MISSILES MODS		81,451				81,451
	SUPPORT EQUIPMENT & FACILITIES						
016	WEAPONS INDUSTRIAL FACILITIES		3,211		30,000		33,211
	Accelerate facility restoration program				[30,000]		

017	FLEET SATELLITE COMM FOLLOW-ON	1	487,280		1	487,280
018	ADVANCE PROCUREMENT (CY)		28,847	32,000		60,847
	MUOS UHF augmentation—transfer from PE 33109N (RDN 192)			[32,000]		
	ORDNANCE SUPPORT EQUIPMENT					
019	ORDNANCE SUPPORT EQUIPMENT		48,883			48,883
	TORPEDOES AND RELATED EQUIPMENT					
	TORPEDOES AND RELATED EQUIP.					
020	SSTD					
021	ASW TARGETS		9,288			9,288
	MOD OF TORPEDOES AND RELATED EQUIP					
022	MK–46 TORPEDO MODS		94,159			94,159
023	MK–48 TORPEDO ADCAP MODS		61,608			61,608
024	QUICKSTRIKE MINE		4,680			4,680
	SUPPORT EQUIPMENT					
025	TORPEDO SUPPORT EQUIPMENT		39,869			39,869
026	ASW RANGE SUPPORT		10,044			10,044
	DESTINATION TRANSPORTATION					
027	FIRST DESTINATION TRANSPORTATION		3,434			3,434
	OTHER WEAPONS					
	GUNS AND GUN MOUNTS					
028	SMALL ARMS AND WEAPONS		12,742			12,742
	MODIFICATION OF GUNS AND GUN MOUNTS					
029	CIWS MODS		158,896			158,896
030	COAST GUARD WEAPONS		21,157			21,157
031	GUN MOUNT MODS		30,761			30,761
032	LCS MODULE WEAPONS					
033	CRUISER MODERNIZATION WEAPONS		51,227			51,227
034	AIRBORNE MINE NEUTRALIZATION SYSTEMS		12,309			12,309
	OTHER					
035	MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM					
036	CANCELLED ACCOUNT ADJUSTMENTS					
	SPARES AND REPAIR PARTS					
037	SPARES AND REPAIR PARTS		65,196			65,196

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	TOTAL—WEAPONS PROCUREMENT, NAVY		**3,453,455**		**62,000**		**3,515,455**
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS						
	PROC AMMO, NAVY						
	NAVY AMMUNITION						
001	GENERAL PURPOSE BOMBS		75,227				75,227
002	JDAM		1,968				1,968
003	AIRBORNE ROCKETS, ALL TYPES		38,643				38,643
004	MACHINE GUN AMMUNITION		19,622				19,622
005	PRACTICE BOMBS		33,803				33,803
006	CARTRIDGES & CART ACTUATED DEVICES		50,600				50,600
007	AIR EXPENDABLE COUNTERMEASURES		79,102				79,102
008	JATOS		3,230				3,230
009	5 INCH/54 GUN AMMUNITION		27,483				27,483
010	INTERMEDIATE CALIBER GUN AMMUNITION		25,974				25,974
011	OTHER SHIP GUN AMMUNITION		35,934				35,934
012	SMALL ARMS & LANDING PARTY AMMO		43,490				43,490
013	PYROTECHNIC AND DEMOLITION		10,623				10,623
014	AMMUNITION LESS THAN $5 MILLION		3,214				3,214
	PROC AMMO, MC						
	MARINE CORPS AMMUNITION						
015	SMALL ARMS AMMUNITION		87,781				87,781
016	LINEAR CHARGES, ALL TYPES		23,582				23,582
017	40 MM, ALL TYPES		57,291				57,291
018	60MM, ALL TYPES		22,037				22,037
019	81MM, ALL TYPES		54,869				54,869
020	120MM, ALL TYPES		29,579				29,579
021	CTG 25MM, ALL TYPES		2,259				2,259

022	GRENADES, ALL TYPES		10,694		10,694
023	ROCKETS, ALL TYPES		13,948		13,948
024	ARTILLERY, ALL TYPES		57,948		57,948
025	EXPEDITIONARY FIGHTING VEHICLE				
026	DEMOLITION MUNITIONS, ALL TYPES		14,886		14,886
027	FUZE, ALL TYPES		575		575
028	NON LETHALS		3,034		3,034
029	AMMO MODERNIZATION		8,886		8,886
030	ITEMS LESS THAN $5 MILLION		4,393		4,393
	TOTAL—PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS.		**840,675**		**840,675**
	SHIPBUILDING AND CONVERSION, NAVY				
	OTHER WARSHIPS				
001	CARRIER REPLACEMENT PROGRAM		739,269		739,269
002	ADVANCE PROCUREMENT (CY)		484,432		484,432
003	VIRGINIA CLASS SUBMARINE	1	1,964,317	1	1,964,317
004	ADVANCE PROCUREMENT (CY)		1,959,725		1,959,725
005	CVN REFUELING OVERHAULS		1,563,602		1,563,602
006	ADVANCE PROCUREMENT (CY)		211,820		211,820
007	SSBN ERO				
008	ADVANCE PROCUREMENT (CY)				
009	DDG 1000		1,084,161		1,084,161
010	ADVANCE PROCUREMENT (CY)				
011	DDG–51	1	1,912,267	1	1,912,267
012	ADVANCE PROCUREMENT (CY)		328,996		328,996
013	LITTORAL COMBAT SHIP	3	1,380,000	3	1,380,000
	AMPHIBIOUS SHIPS				
014	LPD–17		872,392		872,392
015	ADVANCE PROCUREMENT (CY)		184,555		184,555
016	LHA REPLACEMENT				
017	ADVANCE PROCUREMENT (CY)				
018	INTRATHEATER CONNECTOR	1	177,956	1	177,956

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST						
019	OUTFITTING		391,238				391,238
020	SERVICE CRAFT		3,694				3,694
021	LCAC SLEP	3	63,857			3	63,857
022	COMPLETION OF PY SHIPBUILDING PROGRAMS		454,586				454,586
	TOTAL—SHIPBUILDING AND CONVERSION, NAVY		**13,776,867**				**13,776,867**
	OTHER PROCUREMENT, NAVY						
	SHIPS SUPPORT EQUIPMENT						
	SHIP PROPULSION EQUIPMENT						
001	LM–2500 GAS TURBINE		8,014				8,014
002	ALLISON 501K GAS TURBINE		9,162				9,162
003	OTHER PROPULSION EQUIPMENT						
	NAVIGATION EQUIPMENT						
004	OTHER NAVIGATION EQUIPMENT		34,743				34,743
	PERISCOPES						
005	SUB PERISCOPES & IMAGING EQUIP		75,127				75,127
	OTHER SHIPBOARD EQUIPMENT						
006	DDG MOD		142,262				142,262
007	FIREFIGHTING EQUIPMENT		11,423		4,000		15,423
	Smart valves for fire suppression				[4,000]		
008	COMMAND AND CONTROL SWITCHBOARD		4,383				4,383
009	POLLUTION CONTROL EQUIPMENT		24,992				24,992
010	SUBMARINE SUPPORT EQUIPMENT		16,867				16,867
011	VIRGINIA CLASS SUPPORT EQUIPMENT		103,153				103,153
012	SUBMARINE BATTERIES		51,482				51,482
013	STRATEGIC PLATFORM SUPPORT EQUIP		15,672				15,672

014	DSSP EQUIPMENT	10,641		10,641
015	CG MODERNIZATION	315,323		315,323
016	LCAC	6,642		6,642
017	MINESWEEPING EQUIPMENT			
018	UNDERWATER EOD PROGRAMS	19,232		19,232
019	ITEMS LESS THAN $5 MILLION	127,554		127,554
020	CHEMICAL WARFARE DETECTORS	8,899		8,899
021	SUBMARINE LIFE SUPPORT SYSTEM	14,721		14,721
	REACTOR PLANT EQUIPMENT			
022	REACTOR POWER UNITS			
023	REACTOR COMPONENTS	262,354		262,354
	OCEAN ENGINEERING			
024	DIVING AND SALVAGE EQUIPMENT	5,304		5,304
	SMALL BOATS			
025	STANDARD BOATS	35,318		35,318
	TRAINING EQUIPMENT			
026	OTHER SHIPS TRAINING EQUIPMENT	15,113		15,113
	PRODUCTION FACILITIES EQUIPMENT			
027	OPERATING FORCES IPE	47,172		47,172
	OTHER SHIP SUPPORT			
028	NUCLEAR ALTERATIONS	136,683		136,683
029	LCS MODULES	137,259		137,259
	LOGISTIC SUPPORT			
030	LSD MIDLIFE	117,856		117,856
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT			
	SHIP RADARS			
031	RADAR SUPPORT	9,968		9,968
032	SPQ–9B RADAR	13,476		13,476
033	AN/SQQ–89 SURF ASW COMBAT SYSTEM	111,093		111,093
034	SSN ACOUSTICS	299,962	4,000	303,962
	TB–33 thinline towed array		[4,000]	
035	UNDERSEA WARFARE SUPPORT EQUIPMENT	38,705		38,705
036	SONAR SWITCHES AND TRANSDUCERS	13,537		13,537
	ASW ELECTRONIC EQUIPMENT			

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
037	SUBMARINE ACOUSTIC WARFARE SYSTEM		20,681				20,681
038	SSTD		2,184				2,184
039	FIXED SURVEILLANCE SYSTEM		63,017				63,017
040	SURTASS		24,108				24,108
041	TACTICAL SUPPORT CENTER		22,464				22,464
	ELECTRONIC WARFARE EQUIPMENT						
042	AN/SLQ–32		34,264				34,264
	RECONNAISSANCE EQUIPMENT						
043	SHIPBOARD IW EXPLOIT		105,883				105,883
	SUBMARINE SURVEILLANCE EQUIPMENT						
044	SUBMARINE SUPPORT EQUIPMENT PROG		98,645				98,645
	OTHER SHIP ELECTRONIC EQUIPMENT						
045	NAVY TACTICAL DATA SYSTEM						
046	COOPERATIVE ENGAGEMENT CAPABILITY		30,522				30,522
047	GCCS–M EQUIPMENT		13,594				13,594
048	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)		35,933				35,933
049	ATDLS		7,314				7,314
050	MINESWEEPING SYSTEM REPLACEMENT		79,091				79,091
051	SHALLOW WATER MCM		7,835				7,835
052	NAVSTAR GPS RECEIVERS (SPACE)		10,845				10,845
053	ARMED FORCES RADIO AND TV		3,333				3,333
054	STRATEGIC PLATFORM SUPPORT EQUIP		4,149				4,149
	TRAINING EQUIPMENT						
055	OTHER TRAINING EQUIPMENT		36,784				36,784
	AVIATION ELECTRONIC EQUIPMENT						
056	MATCALS		17,468				17,468
057	SHIPBOARD AIR TRAFFIC CONTROL		7,970				7,970
058	AUTOMATIC CARRIER LANDING SYSTEM		18,878				18,878

059	NATIONAL AIR SPACE SYSTEM	28,988	28,988
060	AIR STATION SUPPORT EQUIPMENT	8,203	8,203
061	MICROWAVE LANDING SYSTEM	10,526	10,526
062	ID SYSTEMS	38,682	38,682
063	TAC A/C MISSION PLANNING SYS (TAMPS)	9,102	9,102
	OTHER SHORE ELECTRONIC EQUIPMENT		
064	DEPLOYABLE JOINT COMMAND AND CONT	8,719	8,719
065	TADIX–B	793	793
066	GCCS–M EQUIPMENT TACTICAL/MOBILE	11,820	11,820
067	COMMON IMAGERY GROUND SURFACE SYSTEMS	27,632	27,632
068	CANES	1,181	1,181
069	RADIAC	5,990	5,990
070	GPETE	3,737	3,737
071	INTEG COMBAT SYSTEM TEST FACILITY	4,423	4,423
072	EMI CONTROL INSTRUMENTATION	4,778	4,778
073	ITEMS LESS THAN $5 MILLION	65,760	65,760
	SHIPBOARD COMMUNICATIONS		
074	SHIPBOARD TACTICAL COMMUNICATIONS		
075	PORTABLE RADIOS		
076	SHIP COMMUNICATIONS AUTOMATION	310,605	310,605
077	AN/URC–82 RADIO	4,913	4,913
078	COMMUNICATIONS ITEMS UNDER $5M	25,314	25,314
	SUBMARINE COMMUNICATIONS		
079	SUBMARINE BROADCAST SUPPORT	105	105
080	SUBMARINE COMMUNICATION EQUIPMENT	48,729	48,729
	SATELLITE COMMUNICATIONS		
081	SATELLITE COMMUNICATIONS SYSTEMS	50,172	50,172
082	NAVY MULTIBAND TERMINAL (NMT)	72,496	72,496
	SHORE COMMUNICATIONS		
083	JCS COMMUNICATIONS EQUIPMENT	2,322	2,322
084	ELECTRICAL POWER SYSTEMS	1,293	1,293
085	NAVAL SHORE COMMUNICATIONS	2,542	2,542
	CRYPTOGRAPHIC EQUIPMENT		
086	INFO SYSTEMS SECURITY PROGRAM (ISSP)	119,054	119,054

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
087	CRYPTOLOGIC COMMUNICATIONS EQUIP		16,839				16,839
	OTHER ELECTRONIC SUPPORT						
088	COAST GUARD EQUIPMENT		18,892				18,892
	DRUG INTERDICTION SUPPORT						
089	OTHER DRUG INTERDICTION SUPPORT						
	AVIATION SUPPORT EQUIPMENT						
	SONOBUOYS						
090	SONOBUOYS—ALL TYPES		91,976				91,976
	AIRCRAFT SUPPORT EQUIPMENT						
091	WEAPONS RANGE SUPPORT EQUIPMENT		75,329				75,329
092	EXPEDITIONARY AIRFIELDS		8,343				8,343
093	AIRCRAFT REARMING EQUIPMENT		12,850				12,850
094	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT		48,670				48,670
095	METEOROLOGICAL EQUIPMENT		21,458				21,458
096	OTHER PHOTOGRAPHIC EQUIPMENT		1,582				1,582
097	AVIATION LIFE SUPPORT		27,367				27,367
098	AIRBORNE MINE COUNTERMEASURES		55,408				55,408
099	LAMPS MK III SHIPBOARD EQUIPMENT		23,694				23,694
100	PORTABLE ELECTRONIC MAINTENANCE AIDS		9,710				9,710
101	OTHER AVIATION SUPPORT EQUIPMENT		16,541				16,541
	ORDNANCE SUPPORT EQUIPMENT						
	SHIP GUN SYSTEM EQUIPMENT						
102	NAVAL FIRES CONTROL SYSTEM		1,391				1,391
103	GUN FIRE CONTROL EQUIPMENT		7,891				7,891
	SHIP MISSILE SYSTEMS EQUIPMENT						
104	NATO SEASPARROW		13,556				13,556
105	RAM GMLS		7,762				7,762
106	SHIP SELF DEFENSE SYSTEM		34,079				34,079

107	AEGIS SUPPORT EQUIPMENT	108,886	108,886
108	TOMAHAWK SUPPORT EQUIPMENT	88,475	88,475
109	VERTICAL LAUNCH SYSTEMS	5,513	5,513
	FBM SUPPORT EQUIPMENT		
110	STRATEGIC MISSILE SYSTEMS EQUIP	155,579	155,579
	ASW SUPPORT EQUIPMENT		
111	SSN COMBAT CONTROL SYSTEMS	118,528	118,528
112	SUBMARINE ASW SUPPORT EQUIPMENT	5,200	5,200
113	SURFACE ASW SUPPORT EQUIPMENT	13,646	13,646
114	ASW RANGE SUPPORT EQUIPMENT	7,256	7,256
	OTHER ORDNANCE SUPPORT EQUIPMENT		
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	54,069	54,069
116	ITEMS LESS THAN $5 MILLION	3,478	3,478
	OTHER EXPENDABLE ORDNANCE		
117	ANTI-SHIP MISSILE DECOY SYSTEM	37,128	37,128
118	SURFACE TRAINING DEVICE MODS	7,430	7,430
119	SUBMARINE TRAINING DEVICE MODS	25,271	25,271
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
120	PASSENGER CARRYING VEHICLES	4,139	4,139
121	GENERAL PURPOSE TRUCKS	1,731	1,731
122	CONSTRUCTION & MAINTENANCE EQUIP	12,931	12,931
123	FIRE FIGHTING EQUIPMENT	12,976	12,976
124	TACTICAL VEHICLES	25,352	25,352
125	AMPHIBIOUS EQUIPMENT	2,950	2,950
126	POLLUTION CONTROL EQUIPMENT	5,097	5,097
127	ITEMS UNDER $5 MILLION	23,787	23,787
128	PHYSICAL SECURITY VEHICLES	1,115	1,115
	SUPPLY SUPPORT EQUIPMENT		
129	MATERIALS HANDLING EQUIPMENT	17,153	17,153
130	OTHER SUPPLY SUPPORT EQUIPMENT	6,368	6,368
131	FIRST DESTINATION TRANSPORTATION	6,217	6,217
132	SPECIAL PURPOSE SUPPLY SYSTEMS	71,597	71,597
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT		
	TRAINING DEVICES		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
133	TRAINING SUPPORT EQUIPMENT		12,944				12,944
	COMMAND SUPPORT EQUIPMENT						
134	COMMAND SUPPORT EQUIPMENT		55,267		1,000		56,267
	National small unit center of excellence				[–3,000]		
	Man overboard indicators				[4,000]		
135	EDUCATION SUPPORT EQUIPMENT		2,084				2,084
136	MEDICAL SUPPORT EQUIPMENT		5,517				5,517
137	NAVAL MIP SUPPORT EQUIPMENT		1,537				1,537
139	OPERATING FORCES SUPPORT EQUIPMENT		12,250				12,250
140	C4ISR EQUIPMENT		5,324				5,324
141	ENVIRONMENTAL SUPPORT EQUIPMENT		18,183				18,183
142	PHYSICAL SECURITY EQUIPMENT		128,921				128,921
143	ENTERPRISE INFORMATION TECHNOLOGY		79,747				79,747
	OTHER						
144	CANCELLED ACCOUNT ADJUSTMENTS						
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		19,463				19,463
	SPARES AND REPAIR PARTS						
145	SPARES AND REPAIR PARTS		247,796				247,796
145a	Procurement of computer services/systems				–75,000		–75,000
	Eliminate redundant activities				[–75,000]		
	TOTAL—OTHER PROCUREMENT, NAVY		**5,661,176**		**–66,000**		**5,595,176**
	PROCUREMENT, MARINE CORPS						
	WEAPONS AND COMBAT VEHICLES						
	TRACKED COMBAT VEHICLES						
001	AAV7A1 PIP		9,127				9,127

002	LAV PIP		34,969		34,969
003	IMPROVED RECOVERY VEHICLE (IRV)				
004	M1A1 FIREPOWER ENHANCEMENTS				
	ARTILLERY AND OTHER WEAPONS				
005	EXPEDITIONARY FIRE SUPPORT SYSTEM	20	19,591	20	19,591
006	155MM LIGHTWEIGHT TOWED HOWITZER		7,420		7,420
007	HIGH MOBILITY ARTILLERY ROCKET SYSTEM		71,476		71,476
008	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION		25,949		25,949
	WEAPONS				
009	MODULAR WEAPON SYSTEM				
	OTHER SUPPORT				
010	MODIFICATION KITS		33,990		33,990
011	WEAPONS ENHANCEMENT PROGRAM		22,238		22,238
	GUIDED MISSILES AND EQUIPMENT				
	GUIDED MISSILES				
012	GROUND BASED AIR DEFENSE		11,387		11,387
013	JAVELIN				
014	FOLLOW ON TO SMAW		25,333		25,333
015	ANTI-ARMOR WEAPONS SYSTEM–HEAVY (AAWS–H)		71,225		71,225
	OTHER SUPPORT				
016	MODIFICATION KITS		2,114		2,114
	COMMUNICATIONS & ELECTRONICS EQUIPMENT				
	COMMAND AND CONTROL SYSTEMS				
017	UNIT OPERATIONS CENTER		19,832		19,832
	REPAIR AND TEST EQUIPMENT				
018	REPAIR AND TEST EQUIPMENT		31,087		31,087
	OTHER SUPPORT (TEL)				
019	COMBAT SUPPORT SYSTEM		11,368		11,368
020	MODIFICATION KITS				
	COMMAND AND CONTROL SYSTEM (NON–TEL)				
021	ITEMS UNDER $5 MILLION (COMM & ELEC)		3,531		3,531
022	AIR OPERATIONS C2 SYSTEMS		45,084		45,084
	RADAR + EQUIPMENT (NON–TEL)				
023	RADAR SYSTEMS		7,428		7,428

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	INTELL/COMM EQUIPMENT (NON–TEL)						
024	FIRE SUPPORT SYSTEM		2,580				2,580
025	INTELLIGENCE SUPPORT EQUIPMENT		37,581				37,581
026	RQ–11 UAV	517	42,403			517	42,403
	OTHER COMM/ELEC EQUIPMENT (NON–TEL)						
027	NIGHT VISION EQUIPMENT		10,360				10,360
	OTHER SUPPORT (NON–TEL)						
028	COMMON COMPUTER RESOURCES		115,263				115,263
029	COMMAND POST SYSTEMS		49,820				49,820
030	RADIO SYSTEMS		61,954				61,954
031	COMM SWITCHING & CONTROL SYSTEMS		98,254				98,254
032	COMM & ELEC INFRASTRUCTURE SUPPORT		15,531				15,531
	SUPPORT VEHICLES						
	ADMINISTRATIVE VEHICLES						
033	COMMERCIAL PASSENGER VEHICLES		1,265				1,265
034	COMMERCIAL CARGO VEHICLES		13,610				13,610
035	**TACTICAL VEHICLES**	54	9,796			54	9,796
036	MOTOR TRANSPORT MODIFICATIONS		6,111				6,111
037	MEDIUM TACTICAL VEHICLE REPLACEMENT		10,792				10,792
038	LOGISTICS VEHICLE SYSTEM REP	495	217,390			495	217,390
039	FAMILY OF TACTICAL TRAILERS		26,497				26,497
040	TRAILERS		18,122				18,122
	OTHER SUPPORT						
041	ITEMS LESS THAN $5 MILLION		5,948				5,948
	ENGINEER AND OTHER EQUIPMENT						
042	ENVIRONMENTAL CONTROL EQUIP ASSORT		5,121				5,121
043	BULK LIQUID EQUIPMENT		13,035				13,035
044	TACTICAL FUEL SYSTEMS		35,059				35,059

045	POWER EQUIPMENT ASSORTED		21,033				21,033
046	AMPHIBIOUS SUPPORT EQUIPMENT		39,876				39,876
047	EOD SYSTEMS		93,335				93,335
	MATERIALS HANDLING EQUIPMENT						
048	PHYSICAL SECURITY EQUIPMENT		12,169				12,169
049	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)		11,825				11,825
050	MATERIAL HANDLING EQUIP		41,430				41,430
051	FIRST DESTINATION TRANSPORTATION		5,301				5,301
	GENERAL PROPERTY						
052	FIELD MEDICAL EQUIPMENT		6,811				6,811
053	TRAINING DEVICES		14,854				14,854
054	CONTAINER FAMILY		3,770				3,770
055	FAMILY OF CONSTRUCTION EQUIPMENT		37,735				37,735
056	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	52	10,360			52	10,360
057	BRIDGE BOATS						
058	RAPID DEPLOYABLE KITCHEN		2,159				2,159
	OTHER SUPPORT						
059	ITEMS LESS THAN $5 MILLION		8,792				8,792
	SPARES AND REPAIR PARTS						
060	SPARES AND REPAIR PARTS		41,547				41,547
	TOTAL—PROCUREMENT, MARINE CORPS		**1,600,638**				**1,600,638**
	AIRCRAFT PROCUREMENT, AIR FORCE						
	COMBAT AIRCRAFT						
	TACTICAL FORCES						
001	F–35	10	2,048,830			10	2,048,830
002	ADVANCE PROCUREMENT (CY)		300,600				300,600
003	F–22A		95,163	7	1,717,735	7	1,812,898
	Use FY 09 funds to offset FY 10 requirements				[–32,265]		
	Purchase additional aircraft				[1,750,000]		
	Unneeded production shutdown costs				[–64,000]		
	Other program requirements				[64,000]		
004	ADVANCE PROCUREMENT (CY)						

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	AIRLIFT AIRCRAFT						
	TACTICAL AIRLIFT						
005	C–17A (MYP)		88,510				88,510
	OTHER AIRLIFT						
006	C–130J	3	285,632			3	285,632
007	ADVANCE PROCUREMENT (CY)		108,000				108,000
008	HC/MC–130 RECAP	9	879,231			9	879,231
009	ADVANCE PROCUREMENT (CY)		137,360				137,360
010	JOINT CARGO AIRCRAFT	8	319,050			8	319,050
	TRAINER AIRCRAFT						
	UPT TRAINERS						
011	USAFA POWERED FLIGHT PROGRAM	13	4,144			13	4,144
	OPERATIONAL TRAINERS						
012	JPATS		15,711				15,711
	OTHER AIRCRAFT						
	HELICOPTERS						
013	V22 OSPREY	5	437,272			5	437,272
014	ADVANCE PROCUREMENT (CY)		13,835				13,835
	MISSION SUPPORT AIRCRAFT						
015	C–29A FLIGHT INSPECTION ACFT						
016	C–12 A						
017	C–40	3	154,044			3	154,044
018	CIVIL AIR PATROL A/C		2,426				2,426
	OTHER AIRCRAFT						
020	TARGET DRONES		78,511				78,511
021	C–37A	1	66,400			1	66,400
022	GLOBAL HAWK	5	554,775		–50,000	5	504,775
	Reduction due to program delays				[–50,000]		

023	ADVANCE PROCUREMENT (CY)		113,049			113,049
024	MQ–1					
025	MQ–9	24	489,469	–19,900	24	469,569
	Gorgon Stare			[–19,900]		
	CLASSIFIED PROGRAMS					
999	CLASSIFIED PROGRAMS		3,608			3,608
	MODIFICATION OF IN–SERVICE AIRCRAFT					
	STRATEGIC AIRCRAFT					
026	B–2A		283,955			283,955
027	ADVANCE PROCUREMENT (CY)					
028	B–1B		107,558			107,558
029	B–52		78,788			78,788
	TACTICAL AIRCRAFT					
030	A–10		252,488			252,488
031	F–15		92,921			92,921
032	F–16		224,642			224,642
033	F–22A		350,735	–350,735		
	Use FY 09 funds to offset FY 10 requirements			[–350,735]		
	AIRLIFT AIRCRAFT					
034	C–5		606,993			606,993
035	ADVANCE PROCUREMENT (CY)		108,300			108,300
036	C–9C		10			10
037	C–17A		469,731			469,731
038	C–21		562			562
039	C–32A		10,644			10,644
040	C–37A		4,336			4,336
	TRAINER AIRCRAFT					
041	GLIDER MODS		119			119
042	T–6		33,074			33,074
043	T–1		35			35
044	T–38		75,274			75,274
045	T–43					
	OTHER AIRCRAFT					
046	KC–10A (ATCA)		9,441			9,441

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
047	C–12		472				472
048	MC–12W		63,000				63,000
049	C–20 MODS		734				734
050	VC–25A MOD		15,610				15,610
051	C–40		9,162				9,162
052	C–130		354,421		–209,500		144,921
	Use FY 08 & FY 09 resources to fund AMP production				[–209,500]		
053	C130J MODS		13,627				13,627
054	C–135		150,425				150,425
055	COMPASS CALL MODS		29,187				29,187
056	DARP		107,859				107,859
057	E–3		79,263				79,263
058	E–4		73,058				73,058
059	E–8		225,973				225,973
060	H–1		18,280				18,280
061	H–60		14,201				14,201
062	GLOBAL HAWK MODS		134,864				134,864
063	HC/MC–130 MODIFICATIONS		1,964				1,964
064	OTHER AIRCRAFT		103,274		24,000		127,274
	Litening ATP upgrade kits				[24,000]		
065	MQ–1 MODS		123,889				123,889
066	MQ–9 MODS		48,837				48,837
067	CV–22 MODS		24,429				24,429
	AIRCRAFT SPARES + REPAIR PARTS						
068	INITIAL SPARES/REPAIR PARTS		418,604				418,604
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES						
	COMMON SUPPORT EQUIP						
069	AIRCRAFT REPLACEMENT SUPPORT EQUIP		105,820				105,820

	POST PRODUCTION SUPPORT			
070	B–1	3,929		3,929
071	B–2A			
072	B–2A	24,481		24,481
073	C–5	2,259		2,259
074	C–5	11,787		11,787
075	KC–10A (ATCA)	4,125		4,125
076	C–17A	91,400		91,400
077	C–130	28,092		28,092
078	EC–130J	5,283		5,283
079	F–15	15,744		15,744
080	F–16	19,951		19,951
081	OTHER AIRCRAFT	51,980		51,980
082	T–1			
	INDUSTRIAL PREPAREDNESS			
083	INDUSTRIAL RESPONSIVENESS	25,529		25,529
	WAR CONSUMABLES			
084	WAR CONSUMABLES	134,427		134,427
	OTHER PRODUCTION CHARGES			
085	OTHER PRODUCTION CHARGES	490,344		490,344
	OTHER PRODUCTION CHARGES—SOF			
087	CANCELLED ACCT ADJUSTMENTS			
	DARP			
088	DARP	15,323		15,323
	CLASSIFIED PROGRAMS			
999	CLASSIFIED PROGRAMS	19,443		19,443
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE	**11,966,276**	**1,111,600**	**13,077,876**
	PROCUREMENT OF AMMUNITION, AIR FORCE			
	PROCUREMENT OF AMMO, AIR FORCE			
	ROCKETS			
001	ROCKETS	43,461		43,461
	CARTRIDGES			

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
002	CARTRIDGES		123,886				123,886
	BOMBS						
003	PRACTICE BOMBS		52,459				52,459
004	GENERAL PURPOSE BOMBS		225,145				225,145
005	JOINT DIRECT ATTACK MUNITION	3592	103,041			3592	103,041
	FLARE, IR MJU–7B						
006	CAD/PAD		40,522				40,522
007	EXPLOSIVE ORDINANCE DISPOSAL (EOD)		3,302				3,302
008	SPARES AND REPAIR PARTS		4,582				4,582
009	MODIFICATIONS		1,289				1,289
010	ITEMS LESS THAN $5,000,000		5,061				5,061
	FUZES						
011	FLARES		152,515				152,515
012	FUZES		61,037				61,037
	WEAPONS						
	SMALL ARMS						
013	SMALL ARMS		6,162				6,162
	TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE		**822,462**				**822,462**
	MISSILE PROCUREMENT, AIR FORCE						
	BALLISTIC MISSILES						
	MISSILE REPLACEMENT EQUIPMENT–BALLISTIC						
001	MISSILE REPLACEMENT EQ–BALLISTIC		58,139				58,139
	OTHER MISSILES						
	TACTICAL						
002	JASSM		52,666				52,666
003	SIDEWINDER (AIM–9X)	219	78,753			219	78,753

004	AMRAAM	196	291,827		196	291,827
005	PREDITOR HELLFIRE MISSILE	792	79,699		792	79,699
006	SMALL DIAMETER BOMB	2340	134,801		2340	134,801
	INDUSTRIAL FACILITIES					
007	INDUSTR'L PREPAREDNS/POL PREVENTION		841			841
	MODIFICATION OF IN–SERVICE MISSILES					
	CLASS IV					
008	ADVANCED CRUISE MISSILE		32			32
009	MM III MODIFICATIONS		199,484			199,484
010	AGM–65D MAVERICK		258			258
011	AGM–88A HARM		30,280			30,280
012	AIR LAUNCH CRUISE MISSILE (ALCM)					
	SPARES AND REPAIR PARTS					
	MISSILE SPARES + REPAIR PARTS					
013	INITIAL SPARES/REPAIR PARTS		70,185			70,185
	OTHER SUPPORT					
	SPACE PROGRAMS					
014	ADVANCED EHF	1	1,843,475		1	1,843,475
015	ADVANCE PROCUREMENT (CY)					
016	WIDEBAND GAPFILLER SATELLITES (SPACE)		201,671			201,671
017	ADVANCE PROCUREMENT (CY)		62,380			62,380
018	SPACEBORNE EQUIP (COMSEC)		9,871			9,871
019	GLOBAL POSITIONING (SPACE)		53,140			53,140
020	ADVANCE PROCUREMENT (CY)					
021	NUDET DETECTION SYSTEM					
022	DEF METEOROLOGICAL SAT PROG (SPACE)		97,764			97,764
023	TITAN SPACE BOOSTERS (SPACE)					
024	EVOLVED EXPENDABLE LAUNCH VEH (SPACE)	5	1,295,325	–193,000	5	1,102,325
	EELV reduction for GPS IF8			[–88,000]		
	EELV reduction for AFSPC4			[–105,000]		
025	MEDIUM LAUNCH VEHICLE (SPACE)					
026	SBIR HIGH (SPACE)	1	307,456		1	307,456
027	ADVANCE PROCUREMENT (CY)		159,000			159,000
028	NATL POLAR-ORBITING OP ENV SATELLITE		3,900			3,900

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	SPECIAL PROGRAMS						
029	DEFENSE SPACE RECONN PROGRAM		105,152				105,152
031	SPECIAL UPDATE PROGRAMS		311,070				311,070
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		853,559				853,559
	TOTAL—MISSILE PROCUREMENT, AIR FORCE		**6,300,728**		**–193,000**		**6,107,728**
	OTHER PROCUREMENT, AIR FORCE						
	VEHICULAR EQUIPMENT						
	CARGO + UTILITY VEHICLES						
002	MEDIUM TACTICAL VEHICLE		25,922				25,922
003	CAP VEHICLES		897				897
	SPECIAL PURPOSE VEHICLES						
004	SECURITY AND TACTICAL VEHICLES		44,603				44,603
	FIRE FIGHTING EQUIPMENT						
005	FIRE FIGHTING/CRASH RESCUE VEHICLES		27,760				27,760
	MATERIALS HANDLING EQUIPMENT						
006	HALVERSEN LOADER				12,000		12,000
	Procure additional loaders				[12,000]		
	BASE MAINTENANCE SUPPORT						
007	RUNWAY SNOW REMOV AND CLEANING EQU		24,884				24,884
008	ITEMS LESS THAN $5,000,000 (VEHICLES)		57,243				57,243
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		18,163				18,163
	ELECTRONICS AND TELECOMMUNICATIONS						
	COMM SECURITY EQUIPMENT (COMSEC)						
009	COMSEC EQUIPMENT		209,249				209,249

010	MODIFICATIONS (COMSEC)	1,570		1,570
	INTELLIGENCE PROGRAMS			
011	INTELLIGENCE TRAINING EQUIPMENT	4,230		4,230
012	INTELLIGENCE COMM EQUIPMENT	21,965		21,965
	ELECTRONICS PROGRAMS			
013	AIR TRAFFIC CONTROL & LANDING SYS	22,591		22,591
014	NATIONAL AIRSPACE SYSTEM	47,670		47,670
015	THEATER AIR CONTROL SYS IMPROVEMEN	56,776		56,776
016	WEATHER OBSERVATION FORECAST	19,357		19,357
017	STRATEGIC COMMAND AND CONTROL	35,116		35,116
018	CHEYENNE MOUNTAIN COMPLEX	28,608		28,608
019	DRUG INTERDICTION SPT	452		452
	SPCL COMM–ELECTRONICS PROJECTS			
020	GENERAL INFORMATION TECHNOLOGY	111,282		111,282
021	AF GLOBAL COMMAND & CONTROL SYS	15,499		15,499
022	MOBILITY COMMAND AND CONTROL	8,610		8,610
023	AIR FORCE PHYSICAL SECURITY SYSTEM	137,293		137,293
024	COMBAT TRAINING RANGES	40,633	6,200	46,833
	Unmanned modular threat emitter (UMTE)		[3,000]	
	Joint threat emitter (JTE)		[3,200]	
025	C3 COUNTERMEASURES	8,177		8,177
026	GCSS–AF FOS	81,579		81,579
027	THEATER BATTLE MGT C2 SYSTEM	29,687		29,687
028	AIR & SPACE OPERATIONS CTR–WPN SYS	54,093		54,093
	AIR FORCE COMMUNICATIONS			
029	BASE INFO INFRASTRUCTURE	433,859		433,859
030	USCENTCOM	38,958		38,958
031	AUTOMATED TELECOMMUNICATIONS PRG			
	DISA PROGRAMS			
032	SPACE BASED IR SENSOR PGM SPACE	34,440		34,440
033	NAVSTAR GPS SPACE	6,415		6,415
034	NUDET DETECTION SYS SPACE	15,436		15,436
035	AF SATELLITE CONTROL NETWORK SPACE	58,865		58,865
036	SPACELIFT RANGE SYSTEM SPACE	100,275		100,275

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
037	MILSATCOM SPACE		110,575		9,000		119,575
	Application software assurance				[9,000]		
038	SPACE MODS SPACE		30,594				30,594
039	COUNTERSPACE SYSTEM		29,793				29,793
	ORGANIZATION AND BASE						
040	TACTICAL C–E EQUIPMENT		240,890				240,890
041	COMBAT SURVIVOR EVADER LOCATER		35,029				35,029
042	RADIO EQUIPMENT		15,536				15,536
043	TV EQUIPMENT (AFRTV)						
044	CCTV/AUDIOVISUAL EQUIPMENT		12,961				12,961
045	BASE COMM INFRASTRUCTURE		121,049				121,049
	MODIFICATIONS						
046	COMM ELECT MODS		64,087				64,087
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP						
	PERSONAL SAFETY & RESCUE EQUIP						
047	NIGHT VISION GOGGLES		28,226				28,226
048	ITEMS LESS THAN $5,000,000 (SAFETY)		17,223				17,223
	DEPOT PLANT + MTRLS HANDLING EQ						
049	MECHANIZED MATERIAL HANDLING EQUIP		15,449				15,449
	BASE SUPPORT EQUIPMENT						
050	BASE PROCURED EQUIPMENT		14,300				14,300
051	CONTINGENCY OPERATIONS		22,973				22,973
052	PRODUCTIVITY CAPITAL INVESTMENT		3,020				3,020
053	MOBILITY EQUIPMENT		32,855				32,855
054	ITEMS LESS THAN $5,000,000 (BASE S)		8,195				8,195
	SPECIAL SUPPORT PROJECTS						
056	DARP RC135		23,132				23,132
057	DISTRIBUTED GROUND SYSTEMS		293,640				293,640

059	SPECIAL UPDATE PROGRAM	471,234		471,234
060	DEFENSE SPACE RECONNAISSANCE PROG.	30,041		30,041
	CLASSIFIED PROGRAMS			
999	CLASSIFIED PROGRAMS	13,830,722		13,830,722
	SPARES AND REPAIR PARTS			
061	SPARES AND REPAIR PARTS	19,460		19,460
061a	Procurement of computer services/systems		–75,000	–75,000
	Eliminate redundant activities		[–75,000]	
	TOTAL—OTHER PROCUREMENT, AIR FORCE	**17,293,141**	**–47,800**	**17,245,341**
	MINE RESISTANT AMBUSH PROT VEH FUND			
	MINE RESISTANT AMBUSH PROT VEH FUND			
	MINE RESISTANT AMBUSH PROT VEH FUND		1,200,000	1,200,000
	Additional MRAP vehicles to meet new requirement		[1,200,000]	
	TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND		**1,200,000**	**1,200,000**
	PROCUREMENT, DEFENSE-WIDE			
	MAJOR EQUIPMENT			
	MAJOR EQUIPMENT, AFIS			
001	MAJOR EQUIPMENT, AFIS			
	MAJOR EQUIPMENT, BTA			
002	MAJOR EQUIPMENT, BTA	8,858		8,858
	MAJOR EQUIPMENT, DCAA			
003	ITEMS LESS THAN $5 MILLION	1,489		1,489
	MAJOR EQUIPMENT, DCMA			
004	MAJOR EQUIPMENT	2,012		2,012
	MAJOR EQUIPMENT, DHRA			
005	PERSONNEL ADMINISTRATION	10,431		10,431
	MAJOR EQUIPMENT, DISA			
017	INTERDICTION SUPPORT			
018	INFORMATION SYSTEMS SECURITY	13,449		13,449

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
019	GLOBAL COMMAND AND CONTROL SYSTEM		7,053				7,053
020	GLOBAL COMBAT SUPPORT SYSTEM		2,820				2,820
021	TELEPORT PROGRAM		68,037				68,037
022	ITEMS LESS THAN $5 MILLION		196,232				196,232
023	NET CENTRIC ENTERPRISE SERVICES (NCES)		3,051				3,051
024	DEFENSE INFORMATION SYSTEM NETWORK (DISN)		89,725				89,725
025	PUBLIC KEY INFRASTRUCTURE		1,780				1,780
026	JOINT COMMAND AND CONTROL PROGRAM		2,835				2,835
027	CYBER SECURITY INITIATIVE		18,188				18,188
	MAJOR EQUIPMENT, DLA						
028	MAJOR EQUIPMENT		7,728				7,728
	MAJOR EQUIPMENT, DMACT						
029	MAJOR EQUIPMENT	4	10,149			4	10,149
	MAJOR EQUIPMENT, DODEA						
030	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS		1,463				1,463
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY						
031	EQUIPMENT						
032	VEHICLES		50				50
033	OTHER MAJOR EQUIPMENT		7,447				7,447
	MAJOR EQUIPMENT, DTSA						
034	MAJOR EQUIPMENT		436				436
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY						
035	THAAD SYSTEM		420,300				420,300
036	SM–3		168,723				168,723
	MAJOR EQUIPMENT, NSA						
044	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)		4,013				4,013
	MAJOR EQUIPMENT, OSD						

047	MAJOR EQUIPMENT, OSD		111,487			111,487
	MAJOR EQUIPMENT, TJS					
048	MAJOR EQUIPMENT, TJS		12,065			12,065
	MAJOR EQUIPMENT, WHS					
049	WHS MOTOR VEHICLES					
050	MAJOR EQUIPMENT, WHS		26,945			26,945
	CLASSIFIED PROGRAMS					
999	CLASSIFIED PROGRAMS		818,766			818,766
	SPECIAL OPERATIONS COMMAND					
	AVIATION PROGRAMS					
051	ROTARY WING UPGRADES AND SUSTAINMENT		101,936			101,936
052	MH–47 SERVICE LIFE EXTENSION PROGRAM		22,958			22,958
053	MH–60 SOF MODERNIZATION PROGRAM		146,820			146,820
054	NON-STANDARD AVIATION	9	227,552		9	227,552
055	UNMANNED VEHICLES					
056	SOF TANKER RECAPITALIZATION		34,200			34,200
057	SOF U–28		2,518			2,518
058	MC–130H, COMBAT TALON II					
059	CV–22 SOF MOD	5	114,553		5	114,553
060	MQ–1 UAV		10,930			10,930
061	MQ–9 UAV		12,671			12,671
062	STUASL0	9	12,223		9	12,223
063	C–130 MODIFICATIONS		59,950	85,000		144,950
	MC–130W multi-mission modifications			[85,000]		
064	AIRCRAFT SUPPORT		973			973
	SHIPBUILDING					
065	ADVANCED SEAL DELIVERY SYSTEM (ASDS)		5,236			5,236
066	MK8 MOD1 SEAL DELIVERY VEHICLE		1,463			1,463
	AMMUNITION PROGRAMS					
067	SOF ORDNANCE REPLENISHMENT		61,360			61,360
068	SOF ORDNANCE ACQUISITION		26,791			26,791
	OTHER PROCUREMENT PROGRAMS					
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS		55,080			55,080
070	SOF INTELLIGENCE SYSTEMS		72,811			72,811

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
071	SMALL ARMS AND WEAPONS		35,235		5,000		40,235
	Advanced lightweight grenade launcher				[5,000]		
072	MARITIME EQUIPMENT MODIFICATIONS		791				791
073	SPEC APPLICATION FOR CONT						
074	SOF COMBATANT CRAFT SYSTEMS		6,156				6,156
075	SPARES AND REPAIR PARTS		2,010				2,010
076	TACTICAL VEHICLES		18,821				18,821
077	MISSION TRAINING AND PREPARATION SYSTEMS		17,265				17,265
078	COMBAT MISSION REQUIREMENTS		20,000				20,000
079	MILCON COLLATERAL EQUIPMENT		6,835				6,835
081	SOF AUTOMATION SYSTEMS		60,836				60,836
082	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES		12,401				12,401
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE		26,070				26,070
084	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS		550				550
085	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS		33,741		15,400		49,141
	Special operations visual augmentation systems				[15,400]		
086	SOF TACTICAL RADIO SYSTEMS		53,034		31,300		84,334
	Special operations forces multi-band inter/intra team radio				[31,300]		
087	SOF MARITIME EQUIPMENT		2,777				2,777
088	DRUG INTERDICTION						
089	MISCELLANEOUS EQUIPMENT		7,576				7,576
090	SOF OPERATIONAL ENHANCEMENTS		273,998				273,998
091	PSYOP EQUIPMENT		43,081				43,081
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		5,573				5,573
	CHEMICAL/BIOLOGICAL DEFENSE						
	CBDP						
092	Installation Force Protection		65,590				65,590

093	Individual Force Protection	92,004	4,000	96,004
	M53 joint chemical biological protection mask		[4,000]	
094	Decontamination	22,008		22,008
095	Joint Bio Defense Program (Medical)	12,740		12,740
096	Collective Protection	27,938		27,938
097	Contamination Avoidance	151,765		151,765
097a	Procurement of computer services/systems		–75,000	–75,000
	Eliminate redundant activities		[–75,000]	
	TOTAL—PROCUREMENT, DEFENSE-WIDE	**3,984,352**	**65,700**	**4,050,052**
	RAPID ACQUISITION FUND			
001	JOINT RAPID ACQUISITION CELL	79,300		79,300
	TOTAL—RAPID ACQUISITION FUND	**79,300**		**79,300**
	Total Procurement	**105,819,330**	**1,397,490**	**107,216,820**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY						
	AIRCRAFT						
	FIXED WING						
003	MQ–1 UAV	12	250,000			12	250,000
004	RQ–11 (RAVEN)	86	44,640			86	44,640
004A	C–12A	6	45,000			6	45,000
	ROTARY WING						
011	UH–60 BLACKHAWK (MYP)	4	74,340			4	74,340
013	CH–47 HELICOPTER	4	141,200			4	141,200
	MODIFICATION OF AIRCRAFT						
018	GUARDRAIL MODS (MIP)		50,210				50,210
019	MULTI SENSOR ABN RECON (MIP)		54,000				54,000
020	AH–64 MODS	4	315,300			4	315,300
026	UTILITY HELICOPTER MODS		2,500				2,500
027	KIOWA WARRIOR	6	94,335			6	94,335
030	RQ–7 UAV MODS		326,400				326,400
030A	C–12A		60,000				60,000
	SPARES AND REPAIR PARTS						
031	SPARE PARTS (AIR)		18,200				18,200
	SUPPORT EQUIPMENT AND FACILITIES						
	GROUND SUPPORT AVIONICS						
033	ASE INFRARED CM		111,600				111,600
	OTHER SUPPORT						

035	COMMON GROUND EQUIPMENT		23,704		23,704
036	AIRCREW INTEGRATED SYSTEMS		24,800		24,800
	TOTAL—AIRCRAFT PROCUREMENT, ARMY		**1,636,229**		**1,636,229**
	MISSILE PROCUREMENT, ARMY				
	OTHER MISSILES				
	AIR-TO-SURFACE MISSILE SYSTEM				
005	HELLFIRE SYS SUMMARY	2133	219,700	2133	219,700
	ANTI-TANK/ASSAULT MISSILE SYSTEM				
006	JAVELIN (AAWS-M) SYSTEM SUMMARY	864	140,979	864	140,979
007	TOW 2 SYSTEM SUMMARY	1294	59,200	1294	59,200
008	GUIDED MLRS ROCKET (GMLRS)	678	60,600	678	60,600
	MODIFICATIONS				
014	MLRS MODS		18,772		18,772
015	HIMARS MODIFICATIONS		32,319		32,319
	TOTAL—MISSILE PROCUREMENT, ARMY		**531,570**		**531,570**
	PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES				
	MODIFICATION OF TRACKED COMBAT VEHICLES				
009	FIST VEHICLE (MOD)		36,000		36,000
010	BRADLEY PROGRAM (MOD)		243,600		243,600
011	HOWITZER, MED SP FT 155MM M109A6 (MOD)		37,620		37,620
	WEAPONS AND OTHER COMBAT VEHICLES				
027	XM320 GRENADE LAUNCHER MODULE (GLM)	3643	13,900	3643	13,900
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO	1000	235,000	1000	235,000
033	HOWITZER LT WT 155MM (T)	36	107,996	36	107,996
	MOD OF WEAPONS AND OTHER COMBAT VEH				
036	M2 50 CAL MACHINE GUN MODS		27,600		27,600
037	M249 SAW MACHINE GUN MODS		20,900		20,900
038	M240 MEDIUM MACHINE GUN MODS		4,800		4,800
040	M119 MODIFICATIONS		21,250		21,250
041A	M14 7.62 RIFLE MODS		5,800		5,800

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	SUPPORT EQUIPMENT & FACILITIES						
043	ITEMS LESS THAN $5.0M (WOCV–WTCV)		5,000				5,000
	TOTAL—PROCUREMENT OF WTCV, ARMY		**759,466**				**759,466**
	PROCUREMENT OF AMMUNITION, ARMY						
	AMMUNITION						
	SMALL/MEDIUM CALIBER AMMUNITION						
001	CTG, 5.56MM, ALL TYPES		22,000				22,000
002	CTG, 7.62MM, ALL TYPES		8,300				8,300
003	CTG, HANDGUN, ALL TYPES		500				500
004	CTG, .50 CAL, ALL TYPES		26,500				26,500
006	CTG, 30MM, ALL TYPES		530				530
	MORTAR AMMUNITION						
008	60MM MORTAR, ALL TYPES		20,000				20,000
	ARTILLERY AMMUNITION						
014	CTG, ARTY, 105MM: ALL TYPES		9,200				9,200
016	PROJ 155MM EXTENDED RANGE XM982		52,200				52,200
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T		10,000				10,000
	ARTILLERY FUZES						
018	ARTILLERY FUZES, ALL TYPES		7,800				7,800
	MINES						
019	MINES, ALL TYPES		5,000				5,000
020	MINE, CLEARING CHARGE, ALL TYPES		7,000				7,000
	ROCKETS						
024	ROCKET, HYDRA 70, ALL TYPES		169,505				169,505
	OTHER AMMUNITION						
027	SIGNALS, ALL TYPES		100				100

	MISCELLANEOUS					
030	NON-LETHAL AMMUNITION, ALL TYPES		32,000			32,000
	TOTAL—PROCUREMENT OF AMMUNITION, ARMY		**370,635**			**370,635**
	OTHER PROCUREMENT, ARMY					
	TACTICAL AND SUPPORT VEHICLES					
	TACTICAL VEHICLES					
001	TACTICAL TRAILERS/DOLLY SETS	185	1,948		185	1,948
002	SEMITRAILERS, FLATBED	670	40,403		670	40,403
003	SEMITRAILERS, TANKERS	44	8,651		44	8,651
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	8444	1,251,038		8444	1,251,038
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	1643	461,657		1643	461,657
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)		623,230			623,230
009	ARMORED SECURITY VEHICLES (ASV)		13,206			13,206
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	259	62,654		259	62,654
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT					
	COMM-JOINT COMMUNICATIONS					
023	WIN–T—GROUND FORCES TACTICAL NETWORK		13,500			13,500
	COMM—SATELLITE COMMUNICATIONS					
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)		53,486			53,486
029	SMART–T (SPACE)		26,000			26,000
032	MOD OF IN–SVC EQUIP (TAC SAT)		23,900			23,900
	COMM—COMBAT SUPPORT COMM					
032A	MOD–IN–SERVICE PROFILER		6,070			6,070
	COMM—COMBAT COMMUNICATIONS					
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)		239			239
037	SINCGARS FAMILY		128,180	–75,000		53,180
	Unjustified program growth			[–75,000]		
038	AMC CRITICAL ITEMS—OPA2		100,000			100,000
046	RADIO, IMPROVED HF (COTS) FAMILY		11,286			11,286
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)		18			18
	INFORMATION SECURITY					
050	INFORMATION SYSTEM SECURITY PROGRAM–ISSP		32,095			32,095

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	COMM—BASE COMMUNICATIONS						
055	INFORMATION SYSTEMS		330,342				330,342
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(		227,733				227,733
	ELECT EQUIP—TACT INT REL ACT (TIARA)						
062	JTT/CIBS-M (MIP)		1,660				1,660
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)		265				265
069	DCGS–A (MIP)		167,100				167,100
073	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP)		34,208				34,208
075	ITEMS LESS THAN $5.0M (MIP)		5,064				5,064
	ELECT EQUIP—ELECTRONIC WARFARE (EW)						
076	LIGHTWEIGHT COUNTER MORTAR RADAR		58,590				58,590
077	WARLOCK		164,435				164,435
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES		126,030				126,030
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)						
082	NIGHT VISION DEVICES		93,183				93,183
084	NIGHT VISION, THERMAL WPN SIGHT		25,000				25,000
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF		15,000				15,000
087	COUNTER–ROCKET, ARTILLERY & MORTAR (C–RAM)		150,400				150,400
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE		1,900				1,900
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)		242,999		179,000		421,999
	Unfunded requirement				[179,000]		
095	JOINT BATTLE COMMAND—PLATFORM (JBC–P)						
096	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD		97,020				97,020
097	COMPUTER BALLISTICS: LHMBC XM32		3,780				3,780
099	COUNTERFIRE RADARS		26,000				26,000
	ELECT EQUIP—TACTICAL C2 SYSTEMS						
103	FIRE SUPPORT C2 FAMILY		14,840				14,840
104	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC		16				16

107	KNIGHT FAMILY	178,500	178,500
113	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	58,900	58,900
114	MANEUVER CONTROL SYSTEM (MCS)	5,000	5,000
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	1,440	1,440
	ELECT EQUIP—SUPPORT		
	CLASSIFIED PROGRAMS	760	760
	OTHER SUPPORT EQUIPMENT		
	CHEMICAL DEFENSIVE EQUIPMENT		
129	PROTECTIVE SYSTEMS	44,460	44,460
130	CBRN SOLDIER PROTECTION	38,811	38,811
	BRIDGING EQUIPMENT		
133	TACTICAL BRIDGE, FLOAT-RIBBON	13,525	13,525
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	10,800	10,800
	COMBAT SERVICE SUPPORT EQUIPMENT		
140	LAUNDRIES, SHOWERS AND LATRINES	21,561	21,561
142	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)	1,955	1,955
146	FORCE PROVIDER	245,382	245,382
147	FIELD FEEDING EQUIPMENT	4,011	4,011
150	ITEMS LESS THAN $5M (ENG SPT)	4,987	4,987
	PETROLEUM EQUIPMENT		
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	58,554	58,554
	WATER EQUIPMENT		
153	WATER PURIFICATION SYSTEMS	3,017	3,017
	MEDICAL EQUIPMENT		
154	COMBAT SUPPORT MEDICAL	11,386	11,386
	MAINTENANCE EQUIPMENT		
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	12,365	12,365
156	ITEMS LESS THAN $5.0M (MAINT EQ)	546	546
	CONSTRUCTION EQUIPMENT		
162	LOADERS	1,100	1,100
163	HYDRAULIC EXCAVATOR	290	290
166	PLANT, ASPHALT MIXING	2,500	2,500
167	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS	16,500	16,500
169	ITEMS LESS THAN $5.0M (CONST EQUIP)	360	360

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	RAIL FLOAT CONTAINERIZATION EQUIPMENT						
172	ITEMS LESS THAN $5.0M (FLOAT/RAIL)		3,550				3,550
	GENERATORS						
173	GENERATORS AND ASSOCIATED EQUIP		62,210				62,210
	MATERIAL HANDLING EQUIPMENT						
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH)		54,360				54,360
175	ALL TERRAIN LIFTING ARMY SYSTEM		49,319				49,319
	TRAINING EQUIPMENT						
176	COMBAT TRAINING CENTERS SUPPORT		60,200				60,200
177	TRAINING DEVICES, NONSYSTEM		28,200				28,200
	TEST MEASURE AND DIG EQUIPMENT (TMD)						
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)		1,524				1,524
183	TEST EQUIPMENT MODERNIZATION (TEMOD)		3,817				3,817
	OTHER SUPPORT EQUIPMENT						
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT		27,000				27,000
187	MODIFICATION OF IN–SVC EQUIPMENT (OPA–3)		555,950				555,950
	TOTAL—OTHER PROCUREMENT, ARMY		**6,225,966**		**104,000**		**6,329,966**
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND						
	NETWORK ATTACK						
001	ATTACK THE NETWORK		812,000		203,100		1,015,100
	Transfer from base budget				[203,100]		
	JIEDDO DEVICE DEFEAT						
002	DEFEAT THE DEVICE		536,000		199,100		735,100
	Transfer from base budget				[199,100]		
	FORCE TRAINING						
003	TRAIN THE FORCE		187,000		41,100		228,100

	Transfer from base budget			[41,100]	
	STAFF AND INFRASTRUCTURE				
004	OPERATIONS			121,550	121,550
	Transfer from base budget			[121,550]	
	TOTAL—JOINT IED DEFEAT FUND		**1,535,000**	**564,850**	**2,099,850**
	AIRCRAFT PROCUREMENT, NAVY				
	COMBAT AIRCRAFT				
010	UH–1Y/AH–1Z	2	55,006	2	55,006
	MODIFICATION OF AIRCRAFT				
028	EA–6 SERIES		45,000		45,000
029	AV–8 SERIES		28,296		28,296
030	F–18 SERIES		96,000		96,000
031	H–46 SERIES		17,485		17,485
033	H–53 SERIES		164,730		164,730
034	SH–60 SERIES		11,192		11,192
035	H–1 SERIES		11,217		11,217
037	P–3 SERIES		74,900		74,900
039	E–2 SERIES		17,200		17,200
041	C–2A		14,100		14,100
042	C–130 SERIES		52,324		52,324
049	POWER PLANT CHANGES		4,456		4,456
052	COMMON ECM EQUIPMENT		263,382		263,382
054	COMMON DEFENSIVE WEAPON SYSTEM		5,500		5,500
056	V–22 (TILT/ROTOR ACFT) OSPREY		53,500		53,500
	AIRCRAFT SPARES AND REPAIR PARTS				
057	SPARES AND REPAIR PARTS		2,265		2,265
	TOTAL—AIRCRAFT PROCUREMENT, NAVY		**916,553**		**916,553**
	WEAPONS PROCUREMENT, NAVY				
	OTHER MISSILES				
	TACTICAL MISSILES				

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
010	HELLFIRE	782	73,700			782	73,700
	TOTAL—WEAPONS PROCUREMENT, NAVY		**73,700**				**73,700**
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS						
	PROC AMMO, NAVY						
	NAVY AMMUNITION						
001	GENERAL PURPOSE BOMBS		40,500				40,500
003	AIRBORNE ROCKETS, ALL TYPES		42,510				42,510
004	MACHINE GUN AMMUNITION		109,200				109,200
007	AIR EXPENDABLE COUNTERMEASURES		5,501				5,501
009	5 INCH/54 GUN AMMUNITION		352				352
011	OTHER SHIP GUN AMMUNITION		2,835				2,835
012	SMALL ARMS & LANDING PARTY AMMO		14,229				14,229
013	PYROTECHNIC AND DEMOLITION		1,442				1,442
	PROC AMMO, MC						
	MARINE CORPS AMMUNITION						
015	SMALL ARMS AMMUNITION		16,930				16,930
016	LINEAR CHARGES, ALL TYPES		5,881				5,881
017	40 MM, ALL TYPES		104,824				104,824
018	60MM, ALL TYPES		43,623				43,623
019	81MM, ALL TYPES		103,647				103,647
020	120MM, ALL TYPES		62,265				62,265
021	CTG 25MM, ALL TYPES		563				563
022	GRENADES, ALL TYPES		6,074				6,074
023	ROCKETS, ALL TYPES		8,117				8,117
024	ARTILLERY, ALL TYPES		81,975				81,975
026	DEMOLITION MUNITIONS, ALL TYPES		9,241				9,241

027	FUZE, ALL TYPES	51,071	51,071
	TOTAL—PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS.	**710,780**	**710,780**
	OTHER PROCUREMENT, NAVY		
	SHIPS SUPPORT EQUIPMENT		
	OTHER SHIPBOARD EQUIPMENT		
018	UNDERWATER EOD PROGRAMS	12,040	12,040
	SMALL BOATS		
025	STANDARD BOATS	13,000	13,000
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
	AVIATION ELECTRONIC EQUIPMENT		
056	MATCALS	400	400
	SHIPBOARD COMMUNICATIONS		
076	SHIP COMMUNICATIONS AUTOMATION	1,500	1,500
	AVIATION SUPPORT EQUIPMENT		
	AIRCRAFT SUPPORT EQUIPMENT		
092	EXPEDITIONARY AIRFIELDS	37,345	37,345
097	AVIATION LIFE SUPPORT	17,883	17,883
	ORDNANCE SUPPORT EQUIPMENT		
	OTHER ORDNANCE SUPPORT EQUIPMENT		
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	43,650	43,650
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
120	PASSENGER CARRYING VEHICLES	25	25
121	GENERAL PURPOSE TRUCKS	93	93
122	CONSTRUCTION & MAINTENANCE EQUIP	11,167	11,167
124	TACTICAL VEHICLES	54,008	54,008
127	ITEMS UNDER $5 MILLION	10,842	10,842
128	PHYSICAL SECURITY VEHICLES	1,130	1,130
	SUPPLY SUPPORT EQUIPMENT		
129	MATERIALS HANDLING EQUIPMENT	25	25
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT		

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	COMMAND SUPPORT EQUIPMENT						
134	COMMAND SUPPORT EQUIPMENT		4,000				4,000
139	OPERATING FORCES SUPPORT EQUIPMENT		15,452				15,452
140	C4ISR EQUIPMENT		3,100				3,100
142	PHYSICAL SECURITY EQUIPMENT		89,521				89,521
	SPARES AND REPAIR PARTS						
145	SPARES AND REPAIR PARTS		2,837				2,837
	TOTAL—OTHER PROCUREMENT, NAVY		**318,018**				**318,018**
	PROCUREMENT, MARINE CORPS						
	WEAPONS AND COMBAT VEHICLES						
	TRACKED COMBAT VEHICLES						
002	LAV PIP		58,229				58,229
	ARTILLERY AND OTHER WEAPONS						
006	155MM LIGHTWEIGHT TOWED HOWITZER	18	54,000			18	54,000
008	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION		3,351				3,351
	OTHER SUPPORT						
010	MODIFICATION KITS		20,183				20,183
011	WEAPONS ENHANCEMENT PROGRAM		9,151				9,151
	GUIDED MISSILES AND EQUIPMENT						
	OTHER SUPPORT						
016	MODIFICATION KITS		8,506				8,506
	COMMUNICATIONS & ELECTRONICS EQUIPMENT						
	REPAIR AND TEST EQUIPMENT						
018	REPAIR AND TEST EQUIPMENT		11,741				11,741
	OTHER SUPPORT (TEL)						
019	COMBAT SUPPORT SYSTEM		462				462

	COMMAND AND CONTROL SYSTEM (NON-TEL)		
021	ITEMS UNDER $5 MILLION (COMM & ELEC)	4,153	4,153
022	AIR OPERATIONS C2 SYSTEMS	3,096	3,096
	RADAR + EQUIPMENT (NON-TEL)		
023	RADAR SYSTEMS	3,417	3,417
	INTELL/COMM EQUIPMENT (NON-TEL)		
024	FIRE SUPPORT SYSTEM	521	521
025	INTELLIGENCE SUPPORT EQUIPMENT	37,547	37,547
026	RQ–11 UAV	13,000	13,000
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
027	NIGHT VISION EQUIPMENT	12,570	12,570
	OTHER SUPPORT (NON-TEL)		
028	COMMON COMPUTER RESOURCES	23,105	23,105
029	COMMAND POST SYSTEMS	23,041	23,041
030	RADIO SYSTEMS	32,497	32,497
031	COMM SWITCHING & CONTROL SYSTEMS	2,044	2,044
032	COMM & ELEC INFRASTRUCTURE SUPPORT	64	64
	SUPPORT VEHICLES		
035	**TACTICAL VEHICLES**	205,036	205,036
036	MOTOR TRANSPORT MODIFICATIONS	10,177	10,177
037	MEDIUM TACTICAL VEHICLE REPLACEMENT	131,044	131,044
038	LOGISTICS VEHICLE SYSTEM REP	59,219	59,219
039	FAMILY OF TACTICAL TRAILERS	13,388	13,388
	ENGINEER AND OTHER EQUIPMENT		
042	ENVIRONMENTAL CONTROL EQUIP ASSORT	5,119	5,119
043	BULK LIQUID EQUIPMENT	4,549	4,549
044	TACTICAL FUEL SYSTEMS	33,421	33,421
045	POWER EQUIPMENT ASSORTED	24,860	24,860
047	EOD SYSTEMS	47,697	47,697
	MATERIALS HANDLING EQUIPMENT		
048	PHYSICAL SECURITY EQUIPMENT	19,720	19,720
050	MATERIAL HANDLING EQUIP	56,875	56,875
	GENERAL PROPERTY		
053	TRAINING DEVICES	157,734	157,734

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
055	FAMILY OF CONSTRUCTION EQUIPMENT		35,818				35,818
058	RAPID DEPLOYABLE KITCHEN		55				55
	OTHER SUPPORT						
059	ITEMS LESS THAN $5 MILLION		39,055				39,055
	TOTAL—PROCUREMENT, MARINE CORPS		**1,164,445**				**1,164,445**
	AIRCRAFT PROCUREMENT, AIR FORCE						
	AIRLIFT AIRCRAFT						
	OTHER AIRLIFT						
006	C–130J		72,000				72,000
	MODIFICATION OF IN-SERVICE AIRCRAFT						
	STRATEGIC AIRCRAFT						
028	B–1B		20,500				20,500
	TACTICAL AIRCRAFT						
030	A–10		10,000				10,000
032	F–16		20,025				20,025
	AIRLIFT AIRCRAFT						
034	C–5		57,400				57,400
037	C–17A		132,300				132,300
	OTHER AIRCRAFT						
052	C–130		210,800				210,800
054	C–135		16,916				16,916
056	DARP		10,300				10,300
063	HC/MC–130 MODIFICATIONS		7,000				7,000
064	OTHER AIRCRAFT		90,000				90,000
065	MQ–1 MODS		65,000				65,000
066	MQ–9 MODS		99,200		–40,000		59,200

	Reflect USAF decision to change sensor payload			[–40,000]		
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES					
	POST PRODUCTION SUPPORT					
076	C–17A		11,000			11,000
	OTHER PRODUCTION CHARGES					
085	OTHER PRODUCTION CHARGES		114,000			114,000
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE		**936,441**	**–40,000**		**896,441**
	PROCUREMENT OF AMMUNITION, AIR FORCE					
	PROCUREMENT OF AMMO, AIR FORCE					
	ROCKETS					
001	ROCKETS		3,488			3,488
	CARTRIDGES					
002	CARTRIDGES		39,236			39,236
	BOMBS					
004	GENERAL PURPOSE BOMBS		34,085			34,085
005	JOINT DIRECT ATTACK MUNITION	3860	97,978		3860	97,978
	FLARE, IR MJU–7B					
007	EXPLOSIVE ORDINANCE DISPOSAL (EOD)		4,800			4,800
	FUZES					
011	FLARES		41,000			41,000
012	FUZES		14,595			14,595
	WEAPONS					
	SMALL ARMS					
013	SMALL ARMS		21,637			21,637
	TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE		**256,819**			**256,819**
	MISSILE PROCUREMENT, AIR FORCE					
	OTHER MISSILES					
	TACTICAL					
005	PREDITOR HELLFIRE MISSILE	385	29,325		385	29,325
006	SMALL DIAMETER BOMB	100	7,300		100	7,300

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	TOTAL—MISSILE PROCUREMENT, AIR FORCE		**36,625**				**36,625**
	OTHER PROCUREMENT, AIR FORCE						
	VEHICULAR EQUIPMENT						
	CARGO + UTILITY VEHICLES						
002	MEDIUM TACTICAL VEHICLE		3,364				3,364
	SPECIAL PURPOSE VEHICLES						
004	SECURITY AND TACTICAL VEHICLES		11,337				11,337
	FIRE FIGHTING EQUIPMENT						
005	FIRE FIGHTING/CRASH RESCUE VEHICLES		8,626				8,626
	ELECTRONICS AND TELECOMMUNICATIONS						
	SPCL COMM-ELECTRONICS PROJECTS						
023	AIR FORCE PHYSICAL SECURITY SYSTEM		1,600				1,600
	DISA PROGRAMS						
037	MILSATCOM SPACE		714				714
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP						
	PERSONAL SAFETY & RESCUE EQUIP						
047	NIGHT VISION GOGGLES		14,528				14,528
048	ITEMS LESS THAN $5,000,000 (SAFETY)		4,900				4,900
	BASE SUPPORT EQUIPMENT						
051	CONTINGENCY OPERATIONS		11,300				11,300
	SPECIAL SUPPORT PROJECTS						
060	DEFENSE SPACE RECONNAISSANCE PROG.		34,400				34,400
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		2,230,780				2,230,780
	TOTAL—OTHER PROCUREMENT, AIR FORCE		**2,321,549**				**2,321,549**

	MINE RESISTANT AMBUSH PROT VEH FUND				
	MINE RESISTANT AMBUSH PROT VEH FUND				
	MINE RESISTANT AMBUSH PROT VEH FUND		5,456,000		5,456,000
	TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND		**5,456,000**		**5,456,000**
	PROCUREMENT, DEFENSE-WIDE				
	MAJOR EQUIPMENT				
	MAJOR EQUIPMENT, DISA				
019	GLOBAL COMMAND AND CONTROL SYSTEM		1,500		1,500
021	TELEPORT PROGRAM		7,411		7,411
	CLASSIFIED PROGRAMS				
999	CLASSIFIED PROGRAMS		304,794		304,794
	SPECIAL OPERATIONS COMMAND				
	AVIATION PROGRAMS				
052	MH–47 SERVICE LIFE EXTENSION PROGRAM		5,900		5,900
057	SOF U–28		3,000		3,000
060	MQ–1 UAV		1,450		1,450
062	STUASL0	9	12,000	9	12,000
063	C–130 MODIFICATIONS		19,500		19,500
	AMMUNITION PROGRAMS				
067	SOF ORDNANCE REPLENISHMENT		51,156		51,156
068	SOF ORDNANCE ACQUISITION		17,560		17,560
	OTHER PROCUREMENT PROGRAMS				
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS		2,000		2,000
070	SOF INTELLIGENCE SYSTEMS		23,260		23,260
071	SMALL ARMS AND WEAPONS		3,800		3,800
076	TACTICAL VEHICLES		6,865		6,865
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE		11,000		11,000
086	SOF TACTICAL RADIO SYSTEMS		5,448		5,448
090	SOF OPERATIONAL ENHANCEMENTS		11,900		11,900
	CLASSIFIED PROGRAMS				

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
999	CLASSIFIED PROGRAMS		2,886				2,886
	TOTAL—PROCUREMENT, DEFENSE-WIDE		**491,430**				**491,430**
	Total Procurement		**23,741,226**		**628,850**		**24,370,076**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY			
		BASIC RESEARCH			
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	19,671		19,671
002	0601102A	DEFENSE RESEARCH SCIENCES	173,024	5,500	178,524
		Ballistic materials research		[3,500]	
		Military operating environments research		[2,000]	
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	88,421	4,000	92,421
		Nanocomposite materials research		[2,000]	
		Open source intelligence research		[2,000]	
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	96,144	7,700	103,844
		Advanced nanomaterials design		[2,000]	
		Electrolyte research for batteries		[1,000]	
		Immersive simulation research		[1,200]	
		Materials processing research		[2,000]	
		Structural modeling and analysis		[1,500]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		SUBTOTAL, BASIC RESEARCH, ARMY	**377,260**	**17,200**	**394,460**
		APPLIED RESEARCH			
005	0602105A	MATERIALS TECHNOLOGY	27,206	23,000	50,206
		Advanced manufacturing technologies		[2,000]	
		Advanced renewable jet fuels		[4,000]	
		Applied composite materials research		[3,000]	
		High strength fibers for ballistic armor applications		[3,000]	
		Moldable fabric armor		[2,500]	
		Nanosensor manufacturing research		[4,000]	
		Smart materials and structures		[4,500]	
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	50,641	2,500	53,141
		Nanoelectronic memory, sensor and energy devices		[2,500]	
007	0602122A	TRACTOR HIP	14,324		14,324
008	0602211A	AVIATION TECHNOLOGY	41,332	2,000	43,332
		Manned-unmanned aerial system teaming technologies		[2,000]	
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	16,119		16,119
010	0602303A	MISSILE TECHNOLOGY	50,716		50,716
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	19,678		19,678
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	17,473	2,000	19,473
		Cognitive modeling and simulation research		[2,000]	
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	55,937	63,000	118,937
		Advanced composite materials research		[4,000]	
		Army vehicle modernization research		[25,000]	
		Composite vehicle shelters		[2,500]	
		Fuel cell APU systems		[3,000]	
		Hybrid electric vehicle reliability research		[2,000]	
		Materials research for alternative energy and transportation		[1,500]	
		Tactical metal fabrication program		[3,000]	

		Tribology research		[2,000]	
		Vehicle systems engineering and integration activities		[20,000]	
014	0602618A	BALLISTICS TECHNOLOGY	61,843	26,000	87,843
		Army vehicle survivability research		[25,000]	
		Electromagnetic gun		[–2,000]	
		Reactive armor research		[3,000]	
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	5,293		5,293
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	7,674		7,674
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	41,085	9,000	50,085
		Acoustic gun detection systems		[2,000]	
		Acoustic research		[3,000]	
		UGV weaponization		[4,000]	
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	61,404	6,000	67,404
		Hybrid battery systems		[2,500]	
		Hybrid portable power program		[3,500]	
019	0602709A	NIGHT VISION TECHNOLOGY	26,893		26,893
020	0602712A	COUNTERMINE SYSTEMS	18,945		18,945
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	18,605		18,605
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	15,902		15,902
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	24,833		24,833
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	5,639		5,639
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	54,818	8,500	63,318
		Ballistic materials for force protection		[3,000]	
		Critical infrastructure monitoring and protection research		[3,500]	
		Geosciences research		[2,000]	
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	18,701		18,701
027	0602786A	WARFIGHTER TECHNOLOGY	27,109	8,500	35,609
		Airbeam shelter protection systems		[3,000]	
		Enhanced ballistic protection research		[3,000]	
		Thermal resistant fiber research		[2,500]	
028	0602787A	MEDICAL TECHNOLOGY	99,027	26,500	125,527
		Bioengineering research		[2,500]	
		Biomechanics research		[3,500]	
		Blast protection for ground soldiers		[2,000]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		Blast wave modeling		[3,000]	
		Dengue fever research		[2,000]	
		Hemorrhage research		[3,000]	
		Malaria vaccine development		[2,500]	
		Nanomaterials for biological processes		[2,000]	
		Neurotrauma research		[3,500]	
		Secondary trauma research		[2,500]	
		SUBTOTAL, APPLIED RESEARCH, ARMY	**781,197**	**177,000**	**958,197**
		ADVANCED TECHNOLOGY DEVELOPMENT			
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	37,574		37,574
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	72,940	38,000	110,940
		Biosensor controller systems development		[2,000]	
		Body temperature conditioner systems		[2,500]	
		Gulf War illness research		[12,000]	
		Integrated medical technology program		[7,500]	
		Lower limb prosthetics research		[2,000]	
		Prosthetics technology transition		[8,000]	
		Regenerative medical research		[4,000]	
031	0603003A	AVIATION ADVANCED TECHNOLOGY	60,097	19,750	79,847
		Advanced Affordable Turbine Engine Program		[4,000]	
		Advanced ultrasonic inspections		[2,000]	
		Aviation weapons technology integration		[2,000]	
		Full authority digital engine control systems		[5,000]	
		Heavy fuel UAV propulsion systems		[3,000]	
		Integration facility enterprise resource planning system		[3,750]	
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	66,410	–4,500	61,910
		Electromagnetic gun		[–11,500]	

		Lightweight advanced metals program		[3,000]	
		Nanotechnology manufacturing research		[4,000]	
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	89,586	183,100	272,686
		Advanced APU development		[6,000]	
		Advanced battery development program		[20,000]	
		Advanced lithium ion battery systems		[3,000]	
		Advanced suspension systems for heavy vehicles		[3,500]	
		Advanced thermal management systems		[5,500]	
		Alternative energy research		[20,000]	
		Applied power management controls		[3,000]	
		Army vehicle modernization technologies		[50,000]	
		Dynamometer facility upgrade		[4,000]	
		Electric drive advanced tactical wheeled armored vehicle system		[5,500]	
		Fuel cell unmanned robotic system		[4,500]	
		Ground robotics reliability research		[2,000]	
		Heavy fuel engines for unmanned ground vehicles		[2,500]	
		Hybrid blast protected vehicle technologies		[4,000]	
		Hybrid engine development program		[8,000]	
		Hybrid truck development		[4,000]	
		Hydraulic hybrid vehicles for the tactical wheeled fleet		[3,000]	
		Next generation superchargers for military engines		[3,000]	
		Silicon carbide electronics for ground vehicles		[2,500]	
		Simulations for vehicle reliability and performance		[2,000]	
		Smart plug-in hybrid electric vehicle program		[4,100]	
		Threat cue research		[2,000]	
		Tire development for JLTV program		[1,500]	
		Unmanned ground vehicle initiative		[12,000]	
		Vehicle autonomy research		[1,500]	
		Vehicle prognostics technologies		[4,000]	
		Water analysis technologies		[2,000]	
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	8,667		8,667
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	7,410		7,410
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,458		50,458
037	0603009A	TRACTOR HIKE	11,328		11,328

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	19,415	7,000	26,415
		Combat medic training systems		[2,500]	
		Joint Fires & Effects Trainer System enhancements		[4,500]	
039	0603020A	TRACTOR ROSE	14,569		14,569
040	0603103A	EXPLOSIVES DEMILITARIZATION TECHNOLOGY			
041	0603105A	MILITARY HIV RESEARCH	6,657		6,657
042	0603125A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	11,989	3,500	15,489
		Mid-sized unmanned ground vehicle		[3,500]	
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY	19,192	2,000	21,192
		Laser systems for light aircraft missile defense		[2,000]	
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	63,951	3,000	66,951
		Discriminatory imaging research		[3,000]	
045	0603322A	TRACTOR CAGE	12,154		12,154
046	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	30,317		30,317
047	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	8,996		8,996
048	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	40,329	5,000	45,329
		Bradley third generation FLIR		[5,000]	
049	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	15,706		15,706
050	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	5,911	8,500	14,411
		Permafrost tunnel		[500]	
		Photovoltaic technology development		[8,000]	
051	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	41,561	4,000	45,561
		Wideband digital airborne electronic sensing array		[4,000]	
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, ARMY	**695,217**	**269,350**	**964,567**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
052	0603024A	UNIQUE ITEM IDENTIFICATION (UID)			
053	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (NON SPACE)	14,683		14,683

054	0603308A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	117,471		117,471
055	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	209,531	12,500	222,031
		Adaptive robotic technology		[3,500]	
		Advanced electronics integration		[4,000]	
		Advanced environmental controls		[5,000]	
056	0603460A	JOINT AIR-TO-GROUND MISSILE (JAGM)			
057	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	17,536		17,536
058	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ADV DEV	4,920		4,920
059	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	33,934		33,934
060	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	90,299	50,000	140,299
		Advanced Tank Armament Systems		[50,000]	
061	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	31,752		31,752
062	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	18,228		18,228
063	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT			
064	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY	4,770		4,770
065	0603782A	WARFIGHTER INFORMATION NETWORK—TACTICAL	180,673		180,673
066	0603790A	NATO RESEARCH AND DEVELOPMENT	5,048		5,048
067	0603801A	AVIATION—ADV DEV	8,537	50,000	58,537
		Joint Future Theater Lift		[50,000]	
068	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	56,373	–10,000	46,373
		Premature JLTV program growth		[–10,000]	
069	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS	9,868		9,868
070	0603807A	MEDICAL SYSTEMS—ADV DEV	31,275		31,275
071	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	71,832		71,832
072	0603850A	INTEGRATED BROADCAST SERVICE	1,476		1,476
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, ARMY	**908,206**	**102,500**	**1,010,706**
		SYSTEM DEVELOPMENT & DEMONSTRATION			
073	0604201A	AIRCRAFT AVIONICS	92,977		92,977
074	0604220A	ARMED, DEPLOYABLE HELOS	65,515		65,515
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	248,463		248,463
076	0604321A	ALL SOURCE ANALYSIS SYSTEM	13,107		13,107
077	0604328A	TRACTOR CAGE	16,286		16,286

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
078	0604601A	INFANTRY SUPPORT WEAPONS	74,814	8,000	82,814
		Lightweight caliber .50 machine gun		[5,000]	
		Next generation helmet ballistic materials technology		[3,000]	
079	0604604A	MEDIUM TACTICAL VEHICLES	5,683	10,000	15,683
		Medium tactical vehicle development		[10,000]	
080	0604609A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—SDD	978		978
081	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	7,477	10,000	17,477
		Heavy tactical vehicle development		[10,000]	
082	0604633A	AIR TRAFFIC CONTROL	7,578		7,578
083	0604646A	NON-LINE OF SIGHT LAUNCH SYSTEM	88,660		88,660
084	0604647A	NON-LINE OF SIGHT CANNON	58,216	–58,216	
		Excess termination costs		[–58,216]	
085	0604660A	FCS MANNED GRD VEHICLES & COMMON GRD VEHICLE	368,557	–323,557	45,000
		Excess termination costs		[–323,557]	
086	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	1,067,191		1,067,191
087	0604662A	FCS RECONNAISSANCE (UAV) PLATFORMS	68,701		68,701
088	0604663A	FCS UNMANNED GROUND VEHICLES	125,616		125,616
089	0604664A	FCS UNATTENDED GROUND SENSORS	26,919		26,919
090	0604665A	FCS SUSTAINMENT & TRAINING R&D	749,182		749,182
091	0604666A	SPIN OUT TECHNOLOGY/CAPABILITY INSERTION			
092	0604710A	NIGHT VISION SYSTEMS—SDD	55,410		55,410
093	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,092		2,092
094	0604715A	NON-SYSTEM TRAINING DEVICES—SDD	30,209	3,000	33,209
		Urban training development		[3,000]	
095	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—SDD	28,936		28,936
096	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	33,213		33,213
097	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	15,320		15,320
098	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD	15,727		15,727
099	0604778A	POSITIONING SYSTEMS DEVELOPMENT (SPACE)	9,446		9,446

100	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	26,243		26,243
101	0604783A	JOINT NETWORK MANAGEMENT SYSTEM			
102	0604802A	WEAPONS AND MUNITIONS—SDD	34,878	7,500	42,378
		Common guidance control module		[7,500]	
103	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—SDD	36,018		36,018
104	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD	88,995		88,995
105	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—SDD	33,893		33,893
106	0604808A	LANDMINE WARFARE/BARRIER—SDD	82,260		82,260
107	0604814A	ARTILLERY MUNITIONS	42,452		42,452
108	0604817A	COMBAT IDENTIFICATION	20,070		20,070
109	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	90,864		90,864
110	0604820A	RADAR DEVELOPMENT			
111	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	6,002		6,002
112	0604823A	FIREFINDER	20,333		20,333
113	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	19,786		19,786
114	0604854A	ARTILLERY SYSTEMS	23,318	58,216	81,534
		Accelerate Paladin integration management		[58,216]	
115	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	569,182		569,182
116	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,140		7,140
117	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	35,309		35,309
118	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	127,439		127,439
119	0605625A	MANNED GROUND VEHICLE	100,000		100,000
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY	**4,640,455**	**–285,057**	**4,355,398**
		RDT&E MANAGEMENT SUPPORT			
120	0604256A	THREAT SIMULATOR DEVELOPMENT	22,222		22,222
121	0604258A	TARGET SYSTEMS DEVELOPMENT	13,615		13,615
122	0604759A	MAJOR T&E INVESTMENT	51,846		51,846
123	0605103A	RAND ARROYO CENTER	16,305		16,305
124	0605301A	ARMY KWAJALEIN ATOLL	163,514		163,514
125	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	23,445		23,445
126	0605502A	SMALL BUSINESS INNOVATIVE RESEARCH			
127	0605601A	ARMY TEST RANGES AND FACILITIES	354,693	25,600	380,293

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		Program increase		[25,600]	
128	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	72,911	10,000	82,911
		Common regional operational systems		[3,000]	
		Data fusion systems		[2,500]	
		Dugway field test improvements		[4,500]	
129	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	45,016		45,016
130	0605605A	DOD HIGH ENERGY LASER TEST FACILITY	2,891	6,000	8,891
		Program increase		[6,000]	
131	0605606A	AIRCRAFT CERTIFICATION	3,766		3,766
132	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	8,391		8,391
133	0605706A	MATERIEL SYSTEMS ANALYSIS	19,969		19,969
134	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,432		5,432
135	0605712A	SUPPORT OF OPERATIONAL TESTING	77,877		77,877
136	0605716A	ARMY EVALUATION CENTER	66,309		66,309
137	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	5,357		5,357
138	0605801A	PROGRAMWIDE ACTIVITIES	77,823		77,823
139	0605803A	TECHNICAL INFORMATION ACTIVITIES	51,620		51,620
140	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	45,053	2,200	47,253
		3D woven preform technology for Army munitions		[2,200]	
141	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	5,191		5,191
142	0605898A	MANAGEMENT HQ—R&D	15,866		15,866
143	0909999A	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, ARMY	**1,149,112**	**43,800**	**1,192,912**
		OPERATIONAL SYSTEMS DEVELOPMENT			
144	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	27,693		27,693
145	0603820A	WEAPONS CAPABILITY MODIFICATIONS UAV			
146	0102419A	AEROSTAT JOINT PROJECT OFFICE	360,076	–20,000	340,076

		Program delay reduction		[–20,000]	
147	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	23,727		23,727
148	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	190,301		190,301
149	0203740A	MANEUVER CONTROL SYSTEM	21,394		21,394
150	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	209,401		209,401
151	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	792		792
152	0203758A	DIGITIZATION	10,692		10,692
153	0203759A	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)			
154	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	39,273		39,273
155	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS		5,000	5,000
		TOW LBS		[5,000]	
156	0203808A	TRACTOR CARD	20,035		20,035
157	0208010A	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI–TAC)			
158	0208053A	JOINT TACTICAL GROUND SYSTEM	13,258	–13,258	
		Joint Tactical Ground System		[–13,258]	
159	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	3,082		3,082
160	0301359A	SPECIAL ARMY PROGRAM	[ ]		[ ]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	2,144	5,000	7,144
		Collection management tools		[5,000]	
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	74,355		74,355
163	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	144,733		144,733
164	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	40,097		40,097
165	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	12,034		12,034
166	0303158A	JOINT COMMAND AND CONTROL PROGRAM (JC2)	20,365		20,365
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	202,521	86,000	288,521
		A160 Afghanistan deployment		[86,000]	
168	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	188,414		188,414
169	0305287A	BASE EXPED TARGETING SURVEILLANCE SYS—COMBINED			
170	0307207A	AERIAL COMMON SENSOR (ACS)	210,035		210,035
171	0702239A	AVIONICS COMPONENT IMPROVEMENT PROGRAM			
172	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	68,466	37,250	105,716
		Combat vehicle manufacturing technology		[30,000]	
		Manufacturing metrology research		[2,750]	
		Smart machine platform initiative		[2,000]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		Weapon systems repair technologies		[2,500]	
999	9999999	OTHER PROGRAMS	3,883		3,883
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY	**1,886,771**	**99,992**	**1,986,763**
		TOTAL, RDT&E ARMY	**10,438,218**	**424,785**	**10,863,003**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY			
		BASIC RESEARCH			
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	99,472	2,000	101,472
		Blast and impact resistant structures		[2,000]	
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,076	1,000	19,076
		S&T educational outreach		[1,000]	
003	0601153N	DEFENSE RESEARCH SCIENCES	413,743	2,000	415,743
		Nanoscale research program		[2,000]	
		SUBTOTAL, BASIC RESEARCH, NAVY	**531,291**	**5,000**	**536,291**
		APPLIED RESEARCH			
004	0602114N	POWER PROJECTION APPLIED RESEARCH	59,787	3,000	62,787
		Energetics research		[3,000]	
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	91,400	32,000	123,400
		Alternative energy research		[20,000]	
		Energy systems integration research		[4,000]	
		Port security technologies		[3,500]	
		Reconfigurable shipboard power systems		[2,500]	
		SOF combatant research		[2,000]	

006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	39,308		39,308
007	0602234N	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY			
008	0602235N	COMMON PICTURE APPLIED RESEARCH	83,163		83,163
009	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	104,169	5,000	109,169
		Anti-reverse engineering technologies		[1,000]	
		Asset lifecycle program		[4,000]	
010	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	64,816	3,000	67,816
		Photonic digital radar systems		[3,000]	
011	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	48,750	5,500	54,250
		Advanced UUV research		[3,500]	
		Laser underwater imaging and communications research		[2,000]	
012	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,008		6,008
013	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	55,694	3,750	59,444
		Littoral glider systems		[3,000]	
		Quiet power technologies		[750]	
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	40,880	2,000	42,880
		Electromagnetic signature assessment system		[2,000]	
		SUBTOTAL, APPLIED RESEARCH, NAVY	**593,975**	**54,250**	**648,225**
		ADVANCED TECHNOLOGY DEVELOPMENT			
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	107,969	4,000	111,969
		Mobile target tracking technologies		[4,000]	
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	66,035	8,000	74,035
		Advanced coatings for aviation components		[3,000]	
		Single generator operations lithium ion battery		[5,000]	
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY	108,394	–59,100	49,294
		High-integrity GPS		[–59,100]	
018	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	86,239		86,239
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	65,827		65,827
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	107,363	9,500	116,863
		Acoustic combat sensors		[7,500]	
		Unmanned vehicle conversion kits		[2,000]	
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	10,998		10,998

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	18,609		18,609
023	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	68,037		68,037
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	52,643		52,643
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	28,782		28,782
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, NAVY	**720,896**	**–37,600**	**683,296**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	116,082	1,400	117,482
		Semi-submersible for UUV sensor developments		[1,400]	
027	0603216N	AVIATION SURVIVABILITY	6,505		6,505
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	6,032		6,032
029	0603254N	ASW SYSTEMS DEVELOPMENT	16,585	4,000	20,585
		Sonobuoy wave energy module		[4,000]	
030	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	7,713		7,713
031	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,677		1,677
032	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	76,739		76,739
033	0603506N	SURFACE SHIP TORPEDO DEFENSE	57,538		57,538
034	0603512N	CARRIER SYSTEMS DEVELOPMENT	173,594		173,594
035	0603513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	1,691	9,300	10,991
		DDG–51 hybrid propulsion system		[9,300]	
036	0603525N	PILOT FISH	79,194		79,194
037	0603527N	RETRACT LARCH	99,757		99,757
038	0603536N	RETRACT JUNIPER	120,752		120,752
039	0603542N	RADIOLOGICAL CONTROL	1,372		1,372
040	0603553N	SURFACE ASW	21,995		21,995
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	551,836		551,836
042	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,172		10,172
043	0603563N	SHIP CONCEPT ADVANCED DESIGN	22,541	5,820	28,361

		Remote monitoring & troubleshooting project		[5,820]	
044	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	28,135		28,135
045	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	259,887		259,887
046	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	5,599		5,599
047	0603576N	CHALK EAGLE	443,555		443,555
048	0603581N	LITTORAL COMBAT SHIP (LCS)	360,518		360,518
049	0603582N	COMBAT SYSTEM INTEGRATION	22,558		22,558
050	0603609N	CONVENTIONAL MUNITIONS	3,458		3,458
051	0603611M	MARINE CORPS ASSAULT VEHICLES	293,466		293,466
052	0603612M	USMC MINE COUNTERMEASURES SYSTEMS—ADV DEV			
053	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	73,798	–7,500	66,298
		Model-based management decision tools		[4,500]	
		Premature JLTV program growth		[–12,000]	
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	21,054		21,054
055	0603658N	COOPERATIVE ENGAGEMENT	56,586		56,586
056	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	17,328		17,328
057	0603721N	ENVIRONMENTAL PROTECTION	20,661		20,661
058	0603724N	NAVY ENERGY PROGRAM	8,476	1,774	10,250
		Fuel cell and hydrogen generation technologies		[2,500]	
		Molten carbonate fuel cell demonstrator		[3,000]	
		Solar heat reflective film development		[4,750]	
		Unjustified request		[–8,476]	
059	0603725N	FACILITIES IMPROVEMENT	4,002		4,002
060	0603734N	CHALK CORAL	70,772		70,772
061	0603739N	NAVY LOGISTIC PRODUCTIVITY	4,301	5,000	9,301
		Highly integrated optical interconnects for advanced air vehicles		[4,000]	
		RFID technology exploitation		[1,000]	
062	0603746N	RETRACT MAPLE	210,237		210,237
063	0603748N	LINK PLUMERIA	69,313		69,313
064	0603751N	RETRACT ELM	152,151		152,151
065	0603755N	SHIP SELF DEFENSE	6,960		6,960
066	0603764N	LINK EVERGREEN	123,660		123,660
067	0603787N	SPECIAL PROCESSES	54,115		54,115
068	0603790N	NATO RESEARCH AND DEVELOPMENT	10,194		10,194

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
069	0603795N	LAND ATTACK TECHNOLOGY	1,238		1,238
070	0603851M	NONLETHAL WEAPONS	46,971		46,971
071	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS	150,304		150,304
072	0603879N	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE)	52,716		52,716
073	0603889N	COUNTERDRUG RDT&E PROJECTS			
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	5,003		5,003
075	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	63,702		63,702
076	0604450N	JOINT AIR-TO-GROUND MISSILE (JAGM)			
077	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW)	67,843		67,843
078	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	40,926		40,926
079	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT	42,533		42,533
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY	**4,163,795**	**19,794**	**4,183,589**
		SYSTEM DEVELOPMENT & DEMONSTRATION			
080	0604212N	OTHER HELO DEVELOPMENT	54,092		54,092
081	0604214N	AV–8B AIRCRAFT—ENG DEV	20,886		20,886
082	0604215N	STANDARDS DEVELOPMENT	53,540		53,540
083	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	81,953		81,953
084	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	7,485		7,485
085	0604221N	P–3 MODERNIZATION PROGRAM	3,659		3,659
086	0604230N	WARFARE SUPPORT SYSTEM	6,307		6,307
087	0604231N	TACTICAL COMMAND SYSTEM	86,462		86,462
088	0604234N	ADVANCED HAWKEYE	364,557		364,557
089	0604245N	H–1 UPGRADES	32,830		32,830
090	0604261N	ACOUSTIC SEARCH SENSORS	56,369		56,369
091	0604262N	V–22A	89,512		89,512
092	0604264N	AIR CREW SYSTEMS DEVELOPMENT	14,265		14,265
093	0604269N	EA–18	55,446		55,446

094	0604270N	ELECTRONIC WARFARE DEVELOPMENT	97,635		97,635
095	0604273N	VH–71A EXECUTIVE HELO DEVELOPMENT	85,240		85,240
096	0604274N	NEXT GENERATION JAMMER (NGJ)	127,970		127,970
097	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS–NAVY)	876,374		876,374
098	0604300N	SC–21 TOTAL SHIP SYSTEM ENGINEERING			
099	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	178,459		178,459
100	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	5,304		5,304
101	0604329N	SMALL DIAMETER BOMB (SDB)	43,902		43,902
102	0604366N	STANDARD MISSILE IMPROVEMENTS	182,197		182,197
103	0604373N	AIRBORNE MCM	48,712		48,712
104	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	11,727		11,727
105	0604501N	ADVANCED ABOVE WATER SENSORS	236,078	50,000	286,078
		Mobile maritime sensor technology development		[50,000]	
106	0604503N	SSN–688 AND TRIDENT MODERNIZATION	122,733	5,000	127,733
		SSN Communications		[5,000]	
107	0604504N	AIR CONTROL	6,533		6,533
108	0604512N	SHIPBOARD AVIATION SYSTEMS	80,623		80,623
109	0604518N	COMBAT INFORMATION CENTER CONVERSION	13,305		13,305
110	0604558N	NEW DESIGN SSN	154,756	11,000	165,756
		Common command & control system module		[9,000]	
		Mold-in-place coating development		[2,000]	
111	0604561N	SSN–21 DEVELOPMENTS			
112	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	59,703	13,000	72,703
		Artificial Intelligence-based combat system kernel		[5,000]	
		Submarine environment for evaluation & development		[4,000]	
		Weapon acquisition & firing system		[4,000]	
113	0604567N	SHIP CONTRACT DESIGN/LIVE FIRE T&E	89,988	2,000	91,988
		Automated fiber optic manufacturing		[2,000]	
114	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,620		4,620
115	0604601N	MINE DEVELOPMENT	2,249		2,249
116	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	21,105		21,105
117	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,327		10,327
118	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	5,898		5,898
119	0604727N	JOINT STANDOFF WEAPON SYSTEMS	10,022		10,022

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
120	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	35,459	5,000	40,459
		AUSV		[5,000]	
121	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	34,236	12,000	46,236
		Phalanx Next Generation		[12,000]	
122	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	88,895	9,000	97,895
		NULKA decoy R&D		[9,000]	
123	0604761N	INTELLIGENCE ENGINEERING	14,438		14,438
124	0604771N	MEDICAL DEVELOPMENT	9,888	10,500	20,388
		Composite tissue transplantation research		[2,000]	
		Custom body implant development		[2,000]	
		Multivalent dengue vaccine program		[3,500]	
		Orthopedic surgery instrumentation		[3,000]	
125	0604777N	NAVIGATION/ID SYSTEM	63,184		63,184
126	0604784N	DISTRIBUTED SURVEILLANCE SYSTEM			
127	0604800N	JOINT STRIKE FIGHTER (JSF)	1,741,296	141,450	1,882,746
		F136 development		[219,450]	
		Excess management reserves		[–78,000]	
128	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	9,868		9,868
129	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	69,026	12,000	81,026
		Information systems research		[7,000]	
		Integrated network-centric technology systems		[5,000]	
130	0605212N	CH–53K RDTE	554,827		554,827
131	0605430N	C/KC–130 AVIONICS MODERNIZATION PROGRAM (AMP)			
132	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	81,434		81,434
133	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	1,162,417		1,162,417
134	0204201N	CG(X)	150,022		150,022
135	0204202N	DDG–1000	539,053		539,053
136	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	19,016		19,016

		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY	**7,975,882**	**270,950**	**8,246,832**
		RDT&E MANAGEMENT SUPPORT			
137	0604256N	THREAT SIMULATOR DEVELOPMENT	25,534		25,534
138	0604258N	TARGET SYSTEMS DEVELOPMENT	79,603		79,603
139	0604759N	MAJOR T&E INVESTMENT	44,844	5,000	49,844
		Aviation enterprise interoperability upgrades		[5,000]	
140	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	11,422		11,422
141	0605154N	CENTER FOR NAVAL ANALYSES	49,821		49,821
142	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH			
143	0605804N	TECHNICAL INFORMATION SERVICES	735		735
144	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	60,590		60,590
145	0605856N	STRATEGIC TECHNICAL SUPPORT	3,633		3,633
146	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	70,942		70,942
147	0605862N	RDT&E INSTRUMENTATION MODERNIZATION			
148	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	193,353		193,353
149	0605864N	TEST AND EVALUATION SUPPORT	380,733		380,733
150	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	12,010		12,010
151	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	2,703		2,703
152	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	20,921		20,921
153	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	19,004		19,004
154	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,464		2,464
155	0804758N	SERVICE SUPPORT TO JFCOM, JNTC	4,197		4,197
156	0909999N	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, NAVY	**982,509**	**5,000**	**987,509**
		OPERATIONAL SYSTEMS DEVELOPMENT			
158	0604227N	HARPOON MODIFICATIONS			
159	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT.	311,204		311,204
160	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	74,939	1,170	76,109
		LINAC		[1,170]	
161	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	34,479		34,479

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
162	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	7,211		7,211
163	0101402N	NAVY STRATEGIC COMMUNICATIONS	43,982		43,982
164	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	39,125		39,125
165	0204136N	F/A–18 SQUADRONS	127,733		127,733
166	0204152N	E–2 SQUADRONS	63,058		63,058
167	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	37,431		37,431
168	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	13,238		13,238
169	0204311N	INTEGRATED SURVEILLANCE SYSTEM	24,835		24,835
170	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	2,324		2,324
171	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	49,293		49,293
172	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,609		1,609
173	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	37,524		37,524
174	0205601N	HARM IMPROVEMENT	30,045		30,045
175	0205604N	TACTICAL DATA LINKS	25,003		25,003
176	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	41,803		41,803
177	0205632N	MK–48 ADCAP	28,438		28,438
178	0205633N	AVIATION IMPROVEMENTS	135,840		135,840
179	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	3,716		3,716
180	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	72,031		72,031
181	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	287,348		287,348
182	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	120,379	8,200	128,579
		Expandable rigid wall composite shelters		[1,300]	
		Marine personnel carrier support system		[3,000]	
		Ultrasonic armor consolidation		[3,900]	
183	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	17,057	1,000	18,057
		High performance capabilities for military vehicles		[1,000]	
184	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	30,167		30,167
185	0207161N	TACTICAL AIM MISSILES	2,298		2,298
186	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	3,604		3,604

187	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	8,431		8,431
188	0301303N	MARITIME INTELLIGENCE	[ ]		[ ]
189	0301323N	COLLECTION MANAGEMENT	[ ]		[ ]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE	[ ]		[ ]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP	[ ]		[ ]
192	0303109N	SATELLITE COMMUNICATIONS (SPACE)	474,009	–32,000	442,009
		MUOS program transfer to WPN		[–32,000]	
193	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	45,513		45,513
194	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	24,226	3,500	27,726
		Policy decision point for Consolidated Afloat Networks and Enterprise Services		[3,500]	
195	0303158M	JOINT COMMAND AND CONTROL PROGRAM (JC2)	2,453		2,453
196	0303158N	JOINT COMMAND AND CONTROL PROGRAM (JC2)	4,139		4,139
197	0305149N	COBRA JUDY	62,061		62,061
198	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS—SPACE (METOC)	28,094		28,094
199	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	4,600		4,600
200	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,971		8,971
201	0305205N	ENDURANCE UNMANNED AERIAL VEHICLES			
202	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS	46,208		46,208
203	0305207N	MANNED RECONNAISSANCE SYSTEMS	22,599		22,599
204	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	18,079		18,079
205	0305220N	RQ–4 UAV	465,839		465,839
206	0305231N	MQ–8 UAV	25,639		25,639
207	0305232M	RQ–11 UAV	553		553
208	0305233N	RQ–7 UAV	986		986
209	0305234M	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	18,763		18,763
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	23,594		23,594
211	0307207N	AERIAL COMMON SENSOR (ACS)			
212	0307217N	EP–3E REPLACEMENT (EPX)	11,976		11,976
213	0308601N	MODELING AND SIMULATION SUPPORT	8,028		8,028
214	0702207N	DEPOT MAINTENANCE (NON–IF)	14,675		14,675
215	0702239N	AVIONICS COMPONENT IMPROVEMENT PROGRAM	2,725		2,725
216	0708011N	INDUSTRIAL PREPAREDNESS	56,691	7,500	64,191
		Integrated manufacturing enterprise		[5,000]	
		Life extension of weapon system structures research		[2,500]	

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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
217	0708730N	MARITIME TECHNOLOGY (MARITECH)		20,000	20,000
		National Shipbuilding Research Program		[20,000]	
999	9999999	OTHER PROGRAMS	1,258,018		1,258,018
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&E	**4,302,584**	**9,370**	**4,311,954**
		TOTAL, RDT&E NAVY	**19,270,932**	**326,764**	**19,597,696**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE			
		BASIC RESEARCH			
001	0601102F	DEFENSE RESEARCH SCIENCES	321,028	2,500	323,528
		Coal transformation research		[1,000]	
		Nanotechnology for portable power research		[1,500]	
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	132,249	13,500	145,749
		Cybersecurity for control networks research		[4,000]	
		End-user software safeguard research		[2,000]	
		Informatics research		[1,500]	
		Information security research		[4,000]	
		Integrated design and manufacturing research		[2,000]	
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	12,834		12,834
004	0301555F	CLASSIFIED PROGRAMS	[ ]		[ ]
005	0301556F	SPECIAL PROGRAM	[ ]		[ ]
		SUBTOTAL, BASIC RESEARCH, AIR FORCE	**466,111**	**16,000**	**482,111**
		APPLIED RESEARCH			
006	0602015F	MEDICAL DEVELOPMENT			

007	0602102F	MATERIALS	127,957	19,750	147,707
		Advanced aerospace heat exchangers		[3,000]	
		Aircraft active corrosion protection systems		[2,000]	
		Energy and automation technologies		[4,000]	
		Energy efficiency, recovery, and generation systems		[4,000]	
		Health monitoring sensors for aerospace components		[2,000]	
		Intelligent manufacturing research		[1,000]	
		Light alloy aerospace and automotive parts development		[1,000]	
		Mid-infrared laser source research		[2,750]	
008	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	127,129	2,500	129,629
		Unmanned aerial system collaboration technologies		[2,500]	
009	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	85,122		85,122
010	0602203F	AEROSPACE PROPULSION	196,529	18,000	214,529
		Hybrid bearing development		[1,000]	
		Integrated electrical starter/generator systems		[2,500]	
		Lithium battery manufacturing		[5,000]	
		Lithium ion technologies for aviation batteries		[2,000]	
		Scramjet research		[3,500]	
		Thermally efficient engine pumping system		[4,000]	
011	0602204F	AEROSPACE SENSORS	121,768		121,768
012	0602601F	SPACE TECHNOLOGY	104,148	9,500	113,648
		Reconfigurable electronics research		[2,000]	
		Seismic research program		[7,500]	
013	0602602F	CONVENTIONAL MUNITIONS	58,289		58,289
014	0602605F	DIRECTED ENERGY TECHNOLOGY	105,677	–5,750	99,927
		Chemical laser technology		[–5,750]	
015	0602702F	COMMAND CONTROL AND COMMUNICATIONS			
016	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	115,278		115,278
017	0602890F	HIGH ENERGY LASER RESEARCH	52,754	–4,100	48,654
		Advanced deformable mirrors for high energy laser weapons		[2,000]	
		Chemical laser technology		[–6,100]	
		SUBTOTAL, APPLIED RESEARCH, AIR FORCE	**1,094,651**	**39,900**	**1,134,551**

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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		ADVANCED TECHNOLOGY DEVELOPMENT			
018	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	37,901	14,000	51,901
		Metals Affordability Initiative		[7,000]	
		Sewage-derived biofuels program		[5,000]	
		Sonic infrared imaging technology development		[2,000]	
019	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	2,955		2,955
020	0603203F	ADVANCED AEROSPACE SENSORS	51,482	4,000	55,482
		Reconfigurable secure computing technologies		[4,000]	
021	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	76,844		76,844
022	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	175,676	39,500	215,176
		Alternative energy research		[20,000]	
		Long range supersonic engine for high speed strike		[10,000]	
		Scalable UAV engines		[3,500]	
		Silicon carbide power electronics research		[6,000]	
023	0603231F	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY			
024	0603270F	ELECTRONIC COMBAT TECHNOLOGY	31,021		31,021
025	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	83,909		83,909
026	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	5,813		5,813
027	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	24,565		24,565
028	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	14,356		14,356
029	0603605F	ADVANCED WEAPONS TECHNOLOGY	30,056		30,056
030	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	39,913	3,250	43,163
		Next generation casting initiative		[3,250]	
031	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	39,708	2,500	42,208
		Optical interconnects research		[2,500]	
032	0603789F	C3I ADVANCED DEVELOPMENT			
033	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	3,831		3,831
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE	**618,030**	**63,250**	**681,280**

		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
034	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,009		5,009
035	0603287F	PHYSICAL SECURITY EQUIPMENT	3,623		3,623
036	0603421F	NAVSTAR GLOBAL POSITIONING SYSTEM III			
037	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT			
038	0603430F	ADVANCED EHF MILSATCOM (SPACE)	464,335		464,335
039	0603432F	POLAR MILSATCOM (SPACE)	253,150		253,150
040	0603438F	SPACE CONTROL TECHNOLOGY	97,701	12,500	110,201
		Space protection program		[6,500]	
		Space situational awareness		[6,000]	
041	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	27,252		27,252
042	0603790F	NATO RESEARCH AND DEVELOPMENT	4,351		4,351
043	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	632		632
044	0603845F	TRANSFORMATIONAL SATCOM (TSAT)			
045	0603850F	INTEGRATED BROADCAST SERVICE	20,739		20,739
046	0603851F	INTERCONTINENTAL BALLISTIC MISSILE	66,079	–5,000	61,079
		Program decrease		[–5,000]	
047	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	70,956		70,956
048	0603859F	POLLUTION PREVENTION	2,896		2,896
049	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS	23,174		23,174
050	0604015F	NEXT GENERATION BOMBER			
051	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	22,612		22,612
052	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	20,891		20,891
053	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE	6,882		6,882
054	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	35,533		35,533
055	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	18,778		18,778
056	0604796F	ALTERNATIVE FUELS	89,020		89,020
057	0604830F	AUTOMATED AIR-TO-AIR REFUELING	43,158		43,158
058	0604856F	COMMON AERO VEHICLE (CAV)			
059	0604857F	OPERATIONALLY RESPONSIVE SPACE	112,861	170,000	282,861
		ORS smallsat imaging prototyping		[115,000]	
		ORS–1		[40,000]	
		RSLV		[15,000]	

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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
060	0604858F	TECH TRANSITION PROGRAM	9,611		9,611
061	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS).	396,641	80,000	476,641
		Program increase		[80,000]	
061a	604xxxxF	NEXT GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT		53,000	53,000
		IRIS		[3,000]	
		Next generation MILSATCOM technology development		[50,000]	
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, AIR FORCE.	**1,795,884**	**310,500**	**2,106,384**
		SYSTEM DEVELOPMENT & DEMONSTRATION			
062	0603840F	GLOBAL BROADCAST SERVICE (GBS)	31,124		31,124
063	0604222F	NUCLEAR WEAPONS SUPPORT	37,860		37,860
064	0604226F	B–1B		2,000	2,000
		B–1B AESA radar		[2,000]	
065	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,227		6,227
066	0604240F	B–2 ADVANCED TECHNOLOGY BOMBER			
067	0604261F	PERSONNEL RECOVERY SYSTEMS			
068	0604270F	ELECTRONIC WARFARE DEVELOPMENT	97,275		97,275
069	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	88,444		88,444
070	0604287F	PHYSICAL SECURITY EQUIPMENT	50		50
071	0604329F	SMALL DIAMETER BOMB (SDB)	153,815		153,815
072	0604421F	COUNTERSPACE SYSTEMS	64,248		64,248
073	0604425F	SPACE SITUATION AWARENESS SYSTEMS	308,134		308,134
074	0604429F	AIRBORNE ELECTRONIC ATTACK	11,107		11,107
075	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	512,642	15,000	527,642
		HEO ground and data exploitation		[15,000]	

076	0604443F	THIRD GENERATION INFRARED SURVEILLANCE (3GIRS)	143,169		143,169
077	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	18,671		18,671
078	0604604F	SUBMUNITIONS	1,784		1,784
079	0604617F	AGILE COMBAT SUPPORT	11,261		11,261
080	0604706F	LIFE SUPPORT SYSTEMS	10,711		10,711
081	0604735F	COMBAT TRAINING RANGES	29,718		29,718
082	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	10		10
083	0604750F	INTELLIGENCE EQUIPMENT	1,495		1,495
084	0604800F	JOINT STRIKE FIGHTER (JSF)	1,858,055	141,450	1,999,505
		F136 development		[219,450]	
		Excess management reserves		[–78,000]	
085	0604851F	INTERCONTINENTAL BALLISTIC MISSILE	60,010		60,010
086	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	26,545	12,000	38,545
		EELV metric tracking		[12,000]	
087	0605011F	RDT&E FOR AGING AIRCRAFT			
088	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	439,615		439,615
089	0605277F	CSAR–X RDT&E	89,975	–89,975	
		Use available prior year funds		[–89,975]	
090	0605278F	HC/MC–130 RECAP RDT&E	20,582		20,582
091	0605452F	JOINT SIAP EXECUTIVE PROGRAM OFFICE	34,877		34,877
092	0207434F	LINK–16 SUPPORT AND SUSTAINMENT			
093	0207450F	E–10 SQUADRONS			
094	0207451F	SINGLE INTEGRATED AIR PICTURE (SIAP)	13,466		13,466
095	0207701F	FULL COMBAT MISSION TRAINING	99,807		99,807
096	0305176F	COMBAT SURVIVOR EVADER LOCATOR			
097	0401138F	JOINT CARGO AIRCRAFT (JCA)	9,353		9,353
098	0401318F	CV–22	19,640		19,640
099	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	20,056		20,056
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, AIR FORCE	**4,219,726**	**80,475**	**4,300,201**
		RDT&E MANAGEMENT SUPPORT			
100	0604256F	THREAT SIMULATOR DEVELOPMENT	27,789		27,789
101	0604759F	MAJOR T&E INVESTMENT	60,824	5,000	65,824

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		Holloman High Speed Test Track		[5,000]	
102	0605101F	RAND PROJECT AIR FORCE	27,501		27,501
103	0605502F	SMALL BUSINESS INNOVATION RESEARCH			
104	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	25,833		25,833
105	0605807F	TEST AND EVALUATION SUPPORT	736,488	20,000	756,488
		Program increase		[20,000]	
106	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	14,637		14,637
107	0605864F	SPACE TEST PROGRAM (STP)	47,215		47,215
108	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT	52,409		52,409
109	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	29,683		29,683
110	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	18,947		18,947
111	0804731F	GENERAL SKILL TRAINING	1,450		1,450
112	0909999F	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
113	1001004F	INTERNATIONAL ACTIVITIES	3,748		3,748
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, AIR FORCE	**1,046,524**	**25,000**	**1,071,524**
		OPERATIONAL SYSTEMS DEVELOPMENT			
114	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM	9,513		9,513
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	47,276		47,276
116	0605798F	ANALYSIS SUPPORT GROUP	[ ]		[ ]
117	0101113F	B–52 SQUADRONS	93,930		93,930
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	3,652		3,652
119	0101126F	B–1B SQUADRONS	148,025		148,025
120	0101127F	B–2 SQUADRONS	415,414		415,414
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	33,836		33,836
122	0101314F	NIGHT FIST—USSTRATCOM	5,328		5,328
123	0101815F	ADVANCED STRATEGIC PROGRAMS	[ ]		[ ]
124	0102325F	ATMOSPHERIC EARLY WARNING SYSTEM	9,832		9,832

125	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	25,734		25,734
126	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	18		18
127	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND	11,996		11,996
128	0205219F	MQ–9 UAV	39,245		39,245
129	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	14,747		14,747
130	0207131F	A–10 SQUADRONS	9,697		9,697
131	0207133F	F–16 SQUADRONS	141,020		141,020
132	0207134F	F–15E SQUADRONS	311,167		311,167
133	0207136F	MANNED DESTRUCTIVE SUPPRESSION	10,748		10,748
134	0207138F	F–22A SQUADRONS	569,345		569,345
135	0207161F	TACTICAL AIM MISSILES	5,915		5,915
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	49,971		49,971
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	2,529		2,529
138	0207227F	COMBAT RESCUE—PARARESCUE	2,950		2,950
139	0207247F	AF TENCAP	11,643		11,643
140	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	2,950		2,950
141	0207253F	COMPASS CALL	13,019		13,019
142	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	166,563		166,563
143	0207277F	CSAF INNOVATION PROGRAM	4,621		4,621
144	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	29,494		29,494
145	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	99,405		99,405
146	0207412F	CONTROL AND REPORTING CENTER (CRC)	52,508		52,508
147	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	176,040		176,040
148	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS			
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	63,782		63,782
150	0207424F	EVALUATION AND ANALYSIS PROGRAM	[ ]		[ ]
151	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	1,475		1,475
152	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	19,067		19,067
153	0207445F	FIGHTER TACTICAL DATA LINK	72,106		72,106
154	0207446F	BOMBER TACTICAL DATA LINK			
155	0207448F	C2ISR TACTICAL DATA LINK	1,667		1,667
156	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	26,792		26,792
157	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	140,670	92,000	232,670
		MP-RTIP integration & test on JSTARS aircraft		[92,000]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
158	0207590F	SEEK EAGLE	22,071		22,071
159	0207601F	USAF MODELING AND SIMULATION	27,245		27,245
160	0207605F	WARGAMING AND SIMULATION CENTERS	7,018		7,018
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES	6,740		6,740
162	0208006F	MISSION PLANNING SYSTEMS	91,995		91,995
163	0208021F	INFORMATION WARFARE SUPPORT	12,271		12,271
164	0208161F	SPECIAL EVALUATION SYSTEM	[ ]		[ ]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER	[ ]		[ ]
166	0301314F	COBRA BALL	[ ]		[ ]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION	[ ]		[ ]
168	0301324F	FOREST GREEN	[ ]		[ ]
169	0301386F	GDIP COLLECTION MANAGEMENT	[ ]		[ ]
170	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	26,107		26,107
171	0303112F	AIR FORCE COMMUNICATIONS (AIRCOM)			
172	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	72,694		72,694
173	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	196,621		196,621
174	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	3,375		3,375
175	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	3,149		3,149
176	0303158F	JOINT COMMAND AND CONTROL PROGRAM (JC2)	3,087		3,087
177	0303601F	MILSATCOM TERMINALS	257,693		257,693
179	0304260F	AIRBORNE SIGINT ENTERPRISE	176,989		176,989
180	0304311F	SELECTED ACTIVITIES	[ ]		[ ]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI)	[ ]		[ ]
182	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	6,028		6,028
183	0305103F	CYBER SECURITY INITIATIVE	2,065		2,065
184	0305110F	SATELLITE CONTROL NETWORK (SPACE)	20,991		20,991
185	0305111F	WEATHER SERVICE	33,531		33,531
186	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	9,006		9,006
187	0305116F	AERIAL TARGETS	54,807		54,807

188	0305124F	SPECIAL APPLICATIONS PROGRAM	[ ]		[ ]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
190	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	742		742
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION	[ ]		[ ]
192	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	39		39
194	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	137,692		137,692
195	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	52,039		52,039
196	0305172F	COMBINED ADVANCED APPLICATIONS	[ ]		[ ]
197	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,599		3,599
198	0305174F	SPACE WARFARE CENTER	3,009		3,009
199	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	9,957		9,957
200	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	1,240		1,240
201	0305202F	DRAGON U–2			
202	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	73,736	–35,000	38,736
		ISIS		[–35,000]	
203	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	143,892	–46,000	97,892
		GORGON STARE		[–46,000]	
204	0305207F	MANNED RECONNAISSANCE SYSTEMS	12,846		12,846
205	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	82,765		82,765
206	0305219F	MQ–1 PREDATOR A UAV	18,101	4,000	22,101
		Sense and avoid		[4,000]	
207	0305220F	RQ–4 UAV	317,316		317,316
208	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	8,160		8,160
209	0305265F	GPS III SPACE SEGMENT	815,095		815,095
210	0305614F	JSPOC MISSION SYSTEM	131,271	6,000	137,271
		Karnac		[6,000]	
211	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	5,267		5,267
212	0305906F	NCMC—TW/AA SYSTEM			
213	0305913F	NUDET DETECTION SYSTEM (SPACE)	84,021		84,021
214	0305924F	NATIONAL SECURITY SPACE OFFICE	10,634		10,634
215	0305940F	SPACE SITUATION AWARENESS OPERATIONS	54,648		54,648
216	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT	30,076		30,076
217	0308699F	SHARED EARLY WARNING (SEW)	3,082		3,082
218	0401115F	C–130 AIRLIFT SQUADRON	201,250		201,250

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
219	0401119F	C–5 AIRLIFT SQUADRONS (IF)	95,266		95,266
220	0401130F	C–17 AIRCRAFT (IF)	161,855		161,855
221	0401132F	C–130J PROGRAM	30,019		30,019
222	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	31,784		31,784
223	0401218F	KC–135S	10,297		10,297
224	0401219F	KC–10S	35,586		35,586
225	0401221F	KC–135 TANKER REPLACEMENT			
226	0401314F	OPERATIONAL SUPPORT AIRLIFT	4,916		4,916
227	0401839F	AIR MOBILITY TACTICAL DATA LINK			
228	0408011F	SPECIAL TACTICS/COMBAT CONTROL	8,222		8,222
229	0702207F	DEPOT MAINTENANCE (NON–IF)	1,508		1,508
230	0702976F	FACILITIES RESTORATION & MODERNIZATION—LOGISTICS			
231	0708011F	INDUSTRIAL PREPAREDNESS			
232	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	246,483		246,483
233	0708611F	SUPPORT SYSTEMS DEVELOPMENT	6,288		6,288
234	0804743F	OTHER FLIGHT TRAINING	805		805
235	0804757F	JOINT NATIONAL TRAINING CENTER	3,220		3,220
236	0804772F	TRAINING DEVELOPMENTS	1,769		1,769
237	0808716F	OTHER PERSONNEL ACTIVITIES	116		116
238	0901202F	JOINT PERSONNEL RECOVERY AGENCY	6,376	5,000	11,376
		Biometric signature and passive physiological monitoring		[5,000]	
239	0901212F	SERVICE-WIDE SUPPORT (NOT OTHERWISE ACCOUNTED FOR)			
240	0901218F	CIVILIAN COMPENSATION PROGRAM	8,174		8,174
241	0901220F	PERSONNEL ADMINISTRATION	10,492		10,492
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	55,991		55,991
999	9999999	OTHER PROGRAMS	11,955,084	140,000	12,095,084
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE	**18,751,901**	**166,000**	**18,917,901**

		TOTAL, RDT&E AIR FORCE	**27,992,827**	**701,125**	**28,693,952**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE			
		BASIC RESEARCH			
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	48,544		48,544
002	0601101E	DEFENSE RESEARCH SCIENCES	226,125		226,125
003	0601111D8Z	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH			
004	0601114D8Z	DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH		8,000	8,000
		Program Increase		[8,000]	
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	89,980		89,980
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	58,974	2,000	60,974
		In-vitro models for bio-defense vaccines		[2,000]	
		SUBTOTAL, BASIC RESEARCH, DEFENSE-WIDE	**423,623**	**10,000**	**433,623**
		APPLIED RESEARCH			
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	22,669		22,669
008	0602227D8Z	MEDICAL FREE ELECTRON LASER			
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE	15,164		15,164
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	34,034		34,034
011	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	282,749	–12,000	270,749
		Content distribution		[–4,500]	
		CORONET		[–7,500]	
012	0602304E	COGNITIVE COMPUTING SYSTEMS	142,840	–25,000	117,840
		Cognitive networking		[–25,000]	
013	0602383E	BIOLOGICAL WARFARE DEFENSE	40,587		40,587
014	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	209,072	13,878	222,950
		Chemical and biological infrared detector		[3,000]	
		Biological decontamination research		[1,000]	
		Funding for meritorious unfunded TMTI projects		[9,878]	
015	0602663D8Z	JOINT DATA MANAGEMENT ADVANCED DEVELOPMENT	4,940		4,940
016	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH	9,446		9,446

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
017	0602702E	TACTICAL TECHNOLOGY	276,075	–13,000	263,075
		EXACTO		[–10,000]	
		Submersible aircraft		[–3,000]	
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	268,859		268,859
019	0602716E	ELECTRONICS TECHNOLOGY	223,841		223,841
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	219,130	2,000	221,130
		Blast mitigation and protection		[2,000]	
021	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	27,384		27,384
022	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT			
		SUBTOTAL, APPLIED RESEARCH, DEFENSE-WIDE	**1,776,790**	**–34,122**	**1,742,668**
		ADVANCED TECHNOLOGY DEVELOPMENT			
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,538		23,538
024	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	43,808		43,808
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	81,868	6,000	87,868
		Impact and blast loading laboratory testing program		[2,500]	
		Reconnaissance and data exploitation systems		[3,500]	
026	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT	233,203		233,203
027	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	109,760		109,760
028	0603200D8Z	JOINT ADVANCED CONCEPTS	7,817	3,000	10,817
		Joint Future Theater Lift joint advanced concepts		[3,000]	
029	0603225D8Z	JOINT DOD–DOE MUNITIONS TECHNOLOGY DEVELOPMENT	23,276		23,276
030	0603286E	ADVANCED AEROSPACE SYSTEMS	338,360	–106,000	232,360
		Disc-rotor compound helicopter		[–5,000]	
		Endurance UAS programs		[–90,000]	
		Heliplane		[–4,000]	
		Triple target terminator		[–7,000]	
031	0603287E	SPACE PROGRAMS AND TECHNOLOGY	200,612		200,612

032	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	282,235		282,235
033	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	10,838		10,838
034	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	198,352	–25,000	173,352
		JCTD new starts		[–25,000]	
035	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	28,212		28,212
036	0603663D8Z	JOINT DATA MANAGEMENT RESEARCH	4,935		4,935
037	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY	10,993		10,993
038	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT.	11,480		11,480
039	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	14,638	10,000	24,638
		High performance defense manufacturing technology		[10,000]	
040	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,110	2,000	11,110
		Robotics training systems		[2,000]	
041	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	19,043	41,250	60,293
		Alternative energy research		[20,000]	
		Biofuels program		[4,000]	
		Biomass conversion research		[2,500]	
		Fuel cell manufacturing research		[3,750]	
		Renewable power for forward operating bases		[3,000]	
		Vehicle fuel cell and hydrogen logistics program		[8,000]	
042	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	29,356		29,356
043	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	69,175		69,175
044	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	26,310		26,310
045	0603727D8Z	JOINT WARFIGHTING PROGRAM	11,135		11,135
046	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	205,912		205,912
047	0603745D8Z	SYNTHETIC APERTURE RADAR (SAR) COHERENT CHANGE DETECTION (CDD)	4,864		4,864
048	0603750D8Z	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS			
049	0603755D8Z	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	221,286	3,000	224,286
		Computational design of novel materials		[3,000]	
050	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	293,476	–10,000	283,476
		Deep Green		[–10,000]	
051	0603764E	LAND WARFARE TECHNOLOGY			
052	0603765E	CLASSIFIED DARPA PROGRAMS	186,526		186,526
053	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	135,941		135,941

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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
054	0603767E	SENSOR TECHNOLOGY	243,056	–7,500	235,556
		SUDS		[–7,500]	
055	0603768E	GUIDANCE TECHNOLOGY	37,040		37,040
056	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	13,822		13,822
057	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	31,298		31,298
058	0603805S	DUAL USE TECHNOLOGY			
059	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,984	–13,200	94,784
		Quick Reaction Fund		[–15,000]	
		Special warfare domain awareness		[1,800]	
060	0603828D8Z	JOINT EXPERIMENTATION	124,480	–5,000	119,480
		Space control and GPS experimentation		[–5,000]	
061	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE	38,505		38,505
062	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	95,734		95,734
063	0603942D8Z	TECHNOLOGY TRANSFER	2,219		2,219
064	0909999D8Z	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
065	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	31,675	1,600	33,275
		Lithium ion battery safety research		[1,600]	
066	1160422BB	AVIATION ENGINEERING ANALYSIS	3,544		3,544
067	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY	4,988		4,988
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, DEFENSE-WIDE	**3,570,404**	**–99,850**	**3,470,554**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P	36,019		36,019
069	0603228D8Z	PHYSICAL SECURITY EQUIPMENT			
070	0603527D8Z	RETRACT LARCH	21,718		21,718
071	0603709D8Z	JOINT ROBOTICS PROGRAM	11,803		11,803
072	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	17,771		17,771
073	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	31,613		31,613

074	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	719,465		719,465
075	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	982,922		982,922
076	0603883C	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT	186,697		186,697
077	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	205,952	2,000	207,952
		Real-time non-specific viral agent detector		[2,000]	
078	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	636,856	5,000	641,856
		Airborne infrared surveillance technology		[5,000]	
079	0603886C	BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR			
080	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS	966,752		966,752
081	0603890C	BMD ENABLING PROGRAMS	369,145		369,145
082	0603891C	SPECIAL PROGRAMS—MDA	301,566		301,566
083	0603892C	AEGIS BMD	1,690,758	–30,000	1,660,758
		Excess to execution		[–30,000]	
084	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	180,000		180,000
085	0603894C	MULTIPLE KILL VEHICLE			
086	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	12,549		12,549
087	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATION.	340,014		340,014
088	0603897C	BALLISTIC MISSILE DEFENSE HERCULES	48,186		48,186
089	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	60,921		60,921
090	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	86,949		86,949
091	0603906C	REGARDING TRENCH	6,164		6,164
092	0603907C	SEA BASED X-BAND RADAR (SBX)	174,576		174,576
093	0603908C	BMD EUROPEAN INTERCEPTOR SITE			
094	0603909C	BMD EUROPEAN MIDCOURSE RADAR			
095	0603911C	BMD EUROPEAN CAPABILITY	50,504		50,504
096	0603912C	BMD EUROPEAN COMMUNICATIONS SUPPORT			
097	0603913C	ISRAELI COOPERATIVE PROGRAMS	119,634	25,000	144,634
		Short-range ballistic missile defense		[25,000]	
098	0603920D8Z	HUMANITARIAN DEMINING	14,687		14,687
099	0603923D8Z	COALITION WARFARE	13,885		13,885
100	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	4,887	3,500	8,387
		Corrosion control research		[3,500]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
101	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	55,289		55,289
102	0604648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	18,577		18,577
103	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING.	7,006		7,006
104	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	19,744	50,000	69,744
		Systems engineering and prototyping program		[50,000]	
105	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	16,972		16,972
106	0605017D8Z	REDUCTION OF TOTAL OWNERSHIP COST	24,647		24,647
107	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,949		3,949
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, DEFENSE-WIDE.	**7,438,177**	**55,500**	**7,493,677**
		SYSTEM DEVELOPMENT & DEMONSTRATION			
108	0604051D8Z	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)	28,862		28,862
109	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	7,628		7,628
110	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	166,913		166,913
111	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	332,895		332,895
112	0604709D8Z	JOINT ROBOTICS PROGRAM	5,127		5,127
113	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS–JPO)	39,911		39,911
114	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	20,633		20,633
115	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	8,735		8,735
116	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	11,705		11,705
117	0605018BTA	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS)	70,000		70,000
118	0605020BTA	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES	197,008		197,008
119	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	395		395
120	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	5,000		5,000

121	0605140D8Z	TRUSTED FOUNDRY	41,223		41,223
122	0605648D8Z	DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM	4,267		4,267
123	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	18,431		18,431
124	0303158K	JOINT COMMAND AND CONTROL PROGRAM (JC2)	49,047		49,047
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, DEFENSE-WIDE	**1,007,780**		**1,007,780**
		RDT&E MANAGEMENT SUPPORT			
125	0807708D8Z	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII–SOC) STAFF OFFICE.	1,609		1,609
126	0603757D8Z	TRAINING TRANSFORMATION (T2)			
127	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	13,121		13,121
128	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	15,247		15,247
129	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	145,052	4,000	149,052
		SAM hardware simulators		[4,000]	
130	0604943D8Z	THERMAL VICAR	9,045		9,045
131	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	9,455		9,455
132	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	44,760		44,760
133	0605110D8Z	USD (A&T)—CRITICAL TECHNOLOGY SUPPORT	4,914		4,914
134	0605117D8Z	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	94,921		94,921
135	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	96,909		96,909
136	0605128D8Z	CLASSIFIED PROGRAM USD(P)			
137	0605130D8Z	FOREIGN COMPARATIVE TESTING	35,054		35,054
138	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	6,474		6,474
139	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	14,916		14,916
140	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	5,888		5,888
141	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	106,477		106,477
142	0605502BR	SMALL BUSINESS INNOVATION RESEARCH			
143	0605502C	SMALL BUSINESS INNOVATIVE RESEARCH—MDA			
144	0605502D8Z	SMALL BUSINESS INNOVATIVE RESEARCH			
145	0605502E	SMALL BUSINESS INNOVATIVE RESEARCH			
146	0605502S	SMALL BUSINESS INNOVATIVE RESEARCH			
147	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTRATION	2,163	3,000	5,163
		Anti-tamper software systems		[3,000]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
148	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	11,005		11,005
149	0605798S	DEFENSE TECHNOLOGY ANALYSIS			
150	0605799D8Z	FORCE TRANSFORMATION DIRECTORATE	19,981		19,981
151	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	54,411		54,411
152	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	19,554		19,554
153	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	23,512		23,512
154	0605897E	DARPA AGENCY RELOCATION	45,000		45,000
155	0605898E	MANAGEMENT HQ—R&D	51,055		51,055
156	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	5,929		5,929
157	0606301D8Z	AVIATION SAFETY TECHNOLOGIES	8,000		8,000
158	0204571J	JOINT STAFF ANALYTICAL SUPPORT	1,250		1,250
159	0301555G	CLASSIFIED PROGRAMS	[ ]		[ ]
160	0301556G	SPECIAL PROGRAM	[ ]		[ ]
161	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	30,604		30,604
162	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION	4,667		4,667
163	0305103E	CYBER SECURITY INITIATIVE	50,000	–19,600	30,400
		Program decrease		[–19,600]	
164	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	20,648		20,648
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	[ ]		[ ]
166	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT	829		829
167	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)	34,306		34,306
168	0901585C	PENTAGON RESERVATION	19,709		19,709
169	0901598C	MANAGEMENT HQ—MDA	57,403		57,403
170	0901598D8W	IT SOFTWARE DEV INITIATIVES	980		980
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, DEFENSE-WIDE	**1,064,848**	**–12,600**	**1,052,248**
		OPERATIONAL SYSTEMS DEVELOPMENT			
171	0604130V	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS)	1,384		1,384

172	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	2,001		2,001
173	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS)	292		292
174	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	6,198		6,198
175	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY	46,214		46,214
176	0204571J	JOINT STAFF ANALYTICAL SUPPORT			
177	0208043J	CLASSIFIED PROGRAMS	2,179		2,179
178	0208045K	C4I INTEROPERABILITY	74,786		74,786
180	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	10,767		10,767
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]		[ ]
182	0301318BB	HUMINT (CONTROLLED)	[ ]		[ ]
183	0301371G	CYBER SECURITY INITIATIVE—CCP	[ ]		[ ]
184	0301372L	CYBER SECURITY INITIATIVE—GDIP	[ ]		[ ]
185	0301555BZ	CLASSIFIED PROGRAMS	[ ]		[ ]
186	0301556BZ	SPECIAL PROGRAM	[ ]		[ ]
187	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	548		548
188	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	17,655		17,655
189	0303126K	LONG-HAUL COMMUNICATIONS—DCS	9,406		9,406
190	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	9,830		9,830
191	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	8,116		8,116
192	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	41,002		41,002
193	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	13,477		13,477
194	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	408,316	1,800	410,116
		Software assurance courseware		[1,800]	
195	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM			
196	0303148K	DISA MISSION SUPPORT OPERATIONS	1,205		1,205
197	0303149J	C4I FOR THE WARRIOR	4,098		4,098
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	23,761		23,761
199	0303153K	JOINT SPECTRUM CENTER	18,944		18,944
200	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	1,782		1,782
201	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE	942		942
202	0303610K	TELEPORT PROGRAM	5,239		5,239
203	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	16,381		16,381
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP)	[ ]		[ ]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
206	0305103D8Z	CYBER SECURITY INITIATIVE	993		993
207	0305103G	CYBER SECURITY INITIATIVE	[ ]		[ ]
208	0305103K	CYBER SECURITY INITIATIVE	10,080		10,080
209	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	12,725		12,725
210	0305127BZ	FOREIGN COUNTERINTELLIGENCE ACTIVITIES			
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES	[ ]		[ ]
215	0305186D8Z	POLICY R&D PROGRAMS	6,948	–6,000	948
		Program reduction		[–6,000]	
216	0305193L	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)			
217	0305199D8Z	NET CENTRICITY	1,479		1,479
218	0305202G	DRAGON U–2	[ ]		[ ]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS	[ ]		[ ]
220	0305207G	MANNED RECONNAISSANCE SYSTEMS			
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	1,407		1,407
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
224	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,158		3,158
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
226	0305219BB	MQ–1 PREDATOR A UAV	2,067		2,067
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10)	[ ]		[ ]
228	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,963		2,963
229	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY ASSESSMENT, ADVANCEMENT AND INTEGRATION.	1,389		1,389
230	0305866L	DIA SUPPORT TO SOUTHCOM INTELLIGENCE ACTIVITIES			
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS			

232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT	[ ]		[ ]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES	[ ]	[4,000]	[ ]
		Technology applications for security enhancement		[4,000]	
235	0305889G	COUNTERDRUG INTELLIGENCE SUPPORT			
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV	[ ]		[ ]
237	0307207G	AERIAL COMMON SENSOR (ACS)	[ ]		[ ]
238	0708011S	INDUSTRIAL PREPAREDNESS	20,514	40,000	60,514
		Advanced microcircuit emulation		[4,500]	
		Castings for improved defense readiness		[3,000]	
		Industrial Base Innovation Fund		[30,000]	
		Insensitive munitions manufacturing		[2,500]	
239	0708012S	LOGISTICS SUPPORT ACTIVITIES	2,798		2,798
240	0902298J	MANAGEMENT HEADQUARTERS (JCS)	8,303		8,303
241	1001018D8Z	NATO AGS	74,485		74,485
242	1105219BB	MQ–9 UAV	4,380		4,380
243	1130435BB	STORM			
244	1160279BB	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG			
245	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	82,621		82,621
246	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	6,182		6,182
247	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	21,273	5,000	26,273
		Long endurance unattended ground sensor technologies		[5,000]	
248	1160408BB	SOF OPERATIONAL ENHANCEMENTS	60,310		60,310
249	1160421BB	SPECIAL OPERATIONS CV–22 DEVELOPMENT	12,687		12,687
250	1160423BB	JOINT MULTI-MISSION SUBMERSIBLE	43,412		43,412
251	1160425BB	SPECIAL OPERATIONS AIRCRAFT DEFENSIVE SYSTEMS			
252	1160426BB	OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT	1,321		1,321
253	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	3,192		3,192
254	1160428BB	UNMANNED VEHICLES (UV)			
255	1160429BB	MC130J SOF TANKER RECAPITALIZATION	5,957		5,957
256	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS	733		733
257	1160476BB	SOF TACTICAL RADIO SYSTEMS	2,368		2,368
258	1160477BB	SOF WEAPONS SYSTEMS	1,081		1,081
259	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	597		597
260	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	3,369		3,369

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
261	1160480BB	SOF TACTICAL VEHICLES	1,973		1,973
262	1160482BB	SOF ROTARY WING AVIATION	18,863		18,863
263	1160483BB	SOF UNDERWATER SYSTEMS	3,452		3,452
264	1160484BB	SOF SURFACE CRAFT	12,250		12,250
265	1160488BB	SOF PSYOP	9,887		9,887
266	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,944		4,944
267	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,547		11,547
999	9999999	OTHER PROGRAMS	4,273,689	4,000	4,277,689
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE	**5,459,920**	**44,800**	**5,504,720**
		DARPA execution adjustment		–150,000	–150,000
		Total, RDT&E Defense-Wide	**20,741,542**	**–186,272**	**20,555,270**
		OPERATIONAL TEST & EVALUATION, DEFENSE			
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	58,647		58,647
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	12,285		12,285
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	119,838		119,838
		Total, Operational Test & Evaluation, Defense	**190,770**		**190,770**
		TOTAL RDT&E	**78,634,289**	**1,266,402**	**79,900,691**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY			
		SYSTEM DEVELOPMENT & DEMONSTRATION			
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	18,598		18,598
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY	**18,598**		**18,598**
		OPERATIONAL SYSTEMS DEVELOPMENT			
160	0301359A	SPECIAL ARMY PROGRAM	[ ]		[ ]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	7,644		7,644
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	2,220		2,220
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	29,500		29,500
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY	**39,364**		**39,364**
		TOTAL, RDT&E ARMY	**57,962**		**57,962**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY			
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
027	0603216N	AVIATION SURVIVABILITY	8,000		8,000
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	9,000		9,000
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY	**17,000**		**17,000**
		OPERATIONAL SYSTEMS DEVELOPMENT			
188	0301303N	MARITIME INTELLIGENCE	[ ]		[ ]
189	0301323N	COLLECTION MANAGEMENT	[ ]		[ ]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE	[ ]		[ ]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP	[ ]		[ ]
203	0305207N	MANNED RECONNAISSANCE SYSTEMS	51,900		51,900
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	6,000		6,000
999	9999999	OTHER PROGRAMS	32,280		32,280
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&E	**90,180**		**90,180**
		TOTAL, RDT&E NAVY	**107,180**		**107,180**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE			
		BASIC RESEARCH			
004	0301555F	CLASSIFIED PROGRAMS	[ ]		[ ]
005	0301556F	SPECIAL PROGRAM	[ ]		[ ]
		SUBTOTAL, BASIC RESEARCH, AIR FORCE			
		OPERATIONAL SYSTEMS DEVELOPMENT			
116	0605798F	ANALYSIS SUPPORT GROUP	[ ]		[ ]

123	0101815F	ADVANCED STRATEGIC PROGRAMS	[ ]	[ ]
128	0205219F	MQ–9 UAV	1,400	1,400
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	9,375	9,375
150	0207424F	EVALUATION AND ANALYSIS PROGRAM	[ ]	[ ]
164	0208161F	SPECIAL EVALUATION SYSTEM	[ ]	[ ]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER	[ ]	[ ]
166	0301314F	COBRA BALL	[ ]	[ ]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION	[ ]	[ ]
168	0301324F	FOREST GREEN	[ ]	[ ]
169	0301386F	GDIP COLLECTION MANAGEMENT	[ ]	[ ]
180	0304311F	SELECTED ACTIVITIES	[ ]	[ ]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI)	[ ]	[ ]
188	0305124F	SPECIAL APPLICATIONS PROGRAM	[ ]	[ ]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]	[ ]
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION	[ ]	[ ]
196	0305172F	COMBINED ADVANCED APPLICATIONS	[ ]	[ ]
206	0305219F	MQ–1 PREDATOR A UAV	1,400	1,400
999	9999999	OTHER PROGRAMS	17,111	17,111
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE	**29,286**	**29,286**
		TOTAL, RDT&E AIR FORCE	**29,286**	**29,286**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE		
		RDT&E MANAGEMENT SUPPORT		
159	0301555G	CLASSIFIED PROGRAMS	[ ]	[ ]
160	0301556G	SPECIAL PROGRAM	[ ]	[ ]
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	[ ]	[ ]
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, DEFENSE-WIDE		
		OPERATIONAL SYSTEMS DEVELOPMENT		

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]		[ ]
182	0301318BB	HUMINT (CONTROLLED)	[ ]		[ ]
183	0301371G	CYBER SECURITY INITIATIVE—CCP	[ ]		[ ]
184	0301372L	CYBER SECURITY INITIATIVE—GDIP	[ ]		[ ]
185	0301555BZ	CLASSIFIED PROGRAMS	[ ]		[ ]
186	0301556BZ	SPECIAL PROGRAM	[ ]		[ ]
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	2,750		2,750
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP)	[ ]		[ ]
207	0305103G	CYBER SECURITY INITIATIVE	[ ]		[ ]
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES	[ ]		[ ]
218	0305202G	DRAGON U–2	[ ]		[ ]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS	[ ]		[ ]
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
226	0305219BB	MQ–1 PREDATOR A UAV	[ ]		[ ]
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10)	[ ]		[ ]
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS	[ ]		[ ]
232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT	[ ]		[ ]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES	[ ]		[ ]
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV	[ ]		[ ]
237	0307207G	AERIAL COMMON SENSOR (ACS)	[ ]		[ ]
999	9999999	OTHER PROGRAMS	113,076		113,076
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE	**115,826**		**115,826**

Total, RDT&E Defense-Wide	**115,826**	**115,826**
TOTAL RDT&E	**310,254**	**310,254**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		Operation and Maintenance, Army			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2020	010	MANEUVER UNITS	1,020,490		1,020,490
2020	020	MODULAR SUPPORT BRIGADES	105,178		105,178
2020	030	ECHELONS ABOVE BRIGADE	708,038		708,038
2020	040	THEATER LEVEL ASSETS	718,233		718,233
2020	050	LAND FORCES OPERATIONS SUPPORT	1,379,529		1,379,529
2020	060	AVIATION ASSETS	850,750		850,750
		LAND FORCES READINESS			
2020	070	FORCE READINESS OPERATIONS SUPPORT	2,088,233	8,000	2,096,233
		Generation III extended cold weather clothing system		[8,000]	
2020	080	LAND FORCES SYSTEMS READINESS	633,704		633,704
2020	090	LAND FORCES DEPOT MAINTENANCE	692,601		692,601
		LAND FORCES READINESS SUPPORT			
2020	100	BASE OPERATIONS SUPPORT	7,586,455		7,586,455

2020	110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,221,446		2,221,446
2020	120	MANAGEMENT AND OPERATIONAL HQ	333,119		333,119
2020	130	COMBATANT COMMANDERS CORE OPERATIONS	123,163		123,163
2020	170	COMBATANT COMMANDERS ANCILLARY MISSIONS	460,159		460,159
		TOTAL, BA 01: OPERATING FORCES	**18,921,098**	**8,000**	**18,929,098**
		BUDGET ACTIVITY 02: MOBILIZATION			
		MOBILITY OPERATIONS			
2020	180	STRATEGIC MOBILITY	228,376		228,376
2020	190	ARMY PREPOSITIONING STOCKS	98,129		98,129
2020	200	INDUSTRIAL PREPAREDNESS	5,705		5,705
		TOTAL, BA 02: MOBILIZATION	**332,210**		**332,210**
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
2020	210	OFFICER ACQUISITION	125,615		125,615
2020	220	RECRUIT TRAINING	87,488		87,488
2020	230	ONE STATION UNIT TRAINING	59,302		59,302
2020	240	SENIOR RESERVE OFFICERS TRAINING CORPS	449,397		449,397
		BASIC SKILL/ADVANCE TRAINING			
2020	250	SPECIALIZED SKILL TRAINING	970,777		970,777
		Rule of law increase		[500]	
2020	260	FLIGHT TRAINING	843,893		843,893
2020	270	PROFESSIONAL DEVELOPMENT EDUCATION	166,812		166,812
2020	280	TRAINING SUPPORT	702,031		702,031
		RECRUITING/OTHER TRAINING			
2020	290	RECRUITING AND ADVERTISING	541,852		541,852
2020	300	EXAMINING	147,915		147,915

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
2020	310	OFF-DUTY AND VOLUNTARY EDUCATION	238,353		238,353
2020	320	CIVILIAN EDUCATION AND TRAINING	217,386		217,386
2020	330	JUNIOR ROTC	156,904		156,904
		TOTAL, BA 03: TRAINING AND RECRUITING	**4,707,725**		**4,707,725**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SECURITY PROGRAMS			
2020	340	SECURITY PROGRAMS	1,017,055		1,017,055
		LOGISTICS OPERATIONS			
2020	350	SERVICEWIDE TRANSPORTATION	540,249		540,249
2020	360	CENTRAL SUPPLY ACTIVITIES	614,093		614,093
2020	370	LOGISTIC SUPPORT ACTIVITIES	481,318		481,318
2020	380	AMMUNITION MANAGEMENT	434,661		434,661
		SERVICEWIDE SUPPORT			
2020	390	ADMINISTRATION	776,866		776,866
2020	400	SERVICEWIDE COMMUNICATIONS	1,166,491		1,166,491
2020	410	MANPOWER MANAGEMENT	289,383		289,383
2020	420	OTHER PERSONNEL SUPPORT	221,779		221,779
2020	430	OTHER SERVICE SUPPORT	993,852		993,852
2020	440	ARMY CLAIMS ACTIVITIES	215,168		215,168
2020	450	REAL ESTATE MANAGEMENT	118,785		118,785
		SUPPORT OF OTHER NATIONS			
2020	460	SUPPORT OF NATO OPERATIONS	430,449		430,449
2020	470	MISC. SUPPORT OF OTHER NATIONS	13,700		13,700

		Unobligated balances		[–350,000]	–350,000
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**7,313,849**	**–350,000**	**6,963,849**
2020		**Total Operation and Maintenance, Army**	**31,274,882**	**–342,000**	**30,932,882**
		Operation and Maintenance, Navy			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
1804	010	MISSION AND OTHER FLIGHT OPERATIONS	3,814,000		3,814,000
1804	020	FLEET AIR TRAINING	120,868		120,868
1804	030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	52,259		52,259
1804	040	AIR OPERATIONS AND SAFETY SUPPORT	121,649		121,649
1804	050	AIR SYSTEMS SUPPORT	485,321		485,321
1804	060	AIRCRAFT DEPOT MAINTENANCE	1,057,747	195,000	1,252,747
		Aviation depot maintenance increase		[195,000]	
1804	070	AIRCRAFT DEPOT OPERATIONS SUPPORT	32,083		32,083
		SHIP OPERATIONS			
1804	080	MISSION AND OTHER SHIP OPERATIONS	3,320,222		3,320,222
1804	090	SHIP OPERATIONS SUPPORT & TRAINING	699,581		699,581
1804	100	SHIP DEPOT MAINTENANCE	4,296,544	768,850	5,065,394
		Ship depot maintenance increase		[200,000]	
		Transfer to Base		[568,850]	
1804	110	SHIP DEPOT OPERATIONS SUPPORT	1,170,785		1,170,785
		COMBAT OPERATIONS/SUPPORT			
1804	120	COMBAT COMMUNICATIONS	601,595		601,595
1804	130	ELECTRONIC WARFARE	86,019		86,019
1804	140	SPACE SYSTEMS AND SURVEILLANCE	167,050		167,050

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
1804	150	WARFARE TACTICS	407,674		407,674
1804	160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	315,228		315,228
1804	170	COMBAT SUPPORT FORCES	758,789		758,789
1804	180	EQUIPMENT MAINTENANCE	186,794		186,794
1804	190	DEPOT OPERATIONS SUPPORT	3,305		3,305
1804	200	COMBATANT COMMANDERS CORE OPERATIONS	167,789		167,789
1804	210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	259,188	–7,000	252,188
		Reduction for National Program for Small Unit Excellence		[–7,000]	
		WEAPONS SUPPORT			
1804	220	CRUISE MISSILE	131,895		131,895
1804	230	FLEET BALLISTIC MISSILE	1,145,020		1,145,020
1804	240	IN-SERVICE WEAPONS SYSTEMS SUPPORT	64,731		64,731
1804	250	WEAPONS MAINTENANCE	448,777	12,000	460,777
		Gun depot overhauls		[12,000]	
1804	260	OTHER WEAPON SYSTEMS SUPPORT	326,535		326,535
		BASE SUPPORT			
1804	270	ENTERPRISE INFORMATION	1,095,587		1,095,587
1804	280	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,746,418		1,746,418
1804	290	BASE OPERATING SUPPORT	4,058,046		4,058,046
		TOTAL, BA 01: OPERATING FORCES	**27,141,499**	**968,850**	**28,110,349**
		BUDGET ACTIVITY 02: MOBILIZATION			
		READY RESERVE AND PREPOSITIONING FORCES			
1804	300	SHIP PREPOSITIONING AND SURGE	407,977		407,977

		ACTIVATIONS/INACTIVATIONS			
1804	310	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,491		7,491
1804	320	SHIP ACTIVATIONS/INACTIVATIONS	192,401		192,401
		MOBILIZATION PREPAREDNESS			
1804	330	FLEET HOSPITAL PROGRAM	24,546		24,546
1804	340	INDUSTRIAL READINESS	2,409		2,409
1804	350	COAST GUARD SUPPORT	25,727		25,727
		TOTAL, BA 02: MOBILIZATION	**660,551**		**660,551**
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
1804	360	OFFICER ACQUISITION	145,027		145,027
1804	370	RECRUIT TRAINING	11,011		11,011
1804	380	RESERVE OFFICERS TRAINING CORPS	127,490		127,490
		BASIC SKILLS AND ADVANCED TRAINING			
1804	390	SPECIALIZED SKILL TRAINING	477,383	850	478,233
		Naval strike air warfare center training		[850]	
1804	400	FLIGHT TRAINING	1,268,846		1,268,846
1804	410	PROFESSIONAL DEVELOPMENT EDUCATION	161,922		161,922
1804	420	TRAINING SUPPORT	158,685		158,685
		RECRUITING, AND OTHER TRAINING AND EDUCATION			
1804	430	RECRUITING AND ADVERTISING	276,564		276,564
1804	440	OFF-DUTY AND VOLUNTARY EDUCATION	154,979		154,979
1804	450	CIVILIAN EDUCATION AND TRAINING	101,556		101,556
1804	460	JUNIOR ROTC	49,161		49,161
		TOTAL, BA 03: TRAINING AND RECRUITING	**2,932,624**	**850**	**2,933,474**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		SERVICEWIDE SUPPORT			
1804	470	ADMINISTRATION	768,048		768,048
1804	480	EXTERNAL RELATIONS	6,171		6,171
1804	490	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	114,675		114,675
1804	500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	182,115		182,115
1804	510	OTHER PERSONNEL SUPPORT	298,729		298,729
1804	520	SERVICEWIDE COMMUNICATIONS	408,744		408,744
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT			
1804	540	SERVICEWIDE TRANSPORTATION	246,989		246,989
1804	560	PLANNING, ENGINEERING AND DESIGN	244,337		244,337
1804	570	ACQUISITION AND PROGRAM MANAGEMENT	778,501		778,501
1804	580	HULL, MECHANICAL AND ELECTRICAL SUPPORT	60,223		60,223
1804	590	COMBAT/WEAPONS SYSTEMS	17,328		17,328
1804	600	SPACE AND ELECTRONIC WARFARE SYSTEMS	79,065		79,065
		INVESTIGATIONS AND SECURITY PROGRAMS			
1804	610	NAVAL INVESTIGATIVE SERVICE	515,989		515,989
		SUPPORT OF OTHER NATIONS			
1804	670	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,918		5,918
		OTHER PROGRAMS			
1804	999	OTHER PROGRAMS	608,840		608,840
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**4,335,672**		**4,335,672**
		Unobligated balances		[–150,000]	**–150,000**

1804		**Total Operation and Maintenance, Navy**	**35,070,346**	**819,700**	**35,890,046**
1804		**Operation and Maintenance, Marine Corps**			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1106	010	OPERATIONAL FORCES	730,931	11,000	741,931
		Advanced load bearing equipment		[3,000]	
		Family of shelter and tents		[3,000]	
		Cold weather layering system		[5,000]	
1106	020	FIELD LOGISTICS	591,020		591,020
1106	030	DEPOT MAINTENANCE	80,971		80,971
		USMC PREPOSITIONING			
1106	050	MARITIME PREPOSITIONING	72,182		72,182
1106	060	NORWAY PREPOSITIONING	5,090		5,090
		BASE SUPPORT			
1106	080	SUSTAINMENT, RESTORATION, & MODERNIZATION	666,330		666,330
1106	090	BASE OPERATING SUPPORT	2,250,191		2,250,191
		TOTAL, BA 01: OPERATING FORCES	**4,396,715**	**11,000**	**4,407,715**
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
1106	100	RECRUIT TRAINING	16,129		16,129
1106	110	OFFICER ACQUISITION	418		418
		BASIC SKILLS AND ADVANCED TRAINING			

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
1106	120	SPECIALIZED SKILL TRAINING	67,336		67,336
1106	130	FLIGHT TRAINING	369		369
1106	140	PROFESSIONAL DEVELOPMENT EDUCATION	28,112		28,112
1106	150	TRAINING SUPPORT	330,885		330,885
		RECRUITING AND OTHER TRAINING EDUCATION			
1106	160	RECRUITING AND ADVERTISING	240,832		240,832
1106	170	OFF-DUTY AND VOLUNTARY EDUCATION	64,254		64,254
1106	180	JUNIOR ROTC	19,305		19,305
		TOTAL, BA 03: TRAINING AND RECRUITING	**767,640**		**767,640**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1106	210	SPECIAL SUPPORT	299,065		299,065
1106	220	SERVICEWIDE TRANSPORTATION	28,924		28,924
1106	230	ADMINISTRATION	43,879		43,879
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**371,868**		**371,868**
1106		**Total Operation and Maintenance, Marine Corps**	**5,536,223**	**11,000**	**5,547,223**
1106					
1106					
		Operation and Maintenance, Air Force			
		BUDGET ACTIVITY 01: OPERATING FORCES			

		AIR OPERATIONS			
3400	010	PRIMARY COMBAT FORCES	4,017,156		4,017,156
3400	020	COMBAT ENHANCEMENT FORCES	2,754,563		2,754,563
3400	030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,414,913		1,414,913
3400	050	DEPOT MAINTENANCE	2,389,738		2,389,738
3400	060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,420,083		1,420,083
3400	070	BASE SUPPORT	2,859,943	3,500	2,863,443
		Mission essential airfield operations equipment		[3,500]	
		COMBAT RELATED OPERATIONS			
3400	080	GLOBAL C3I AND EARLY WARNING	1,411,813		1,411,813
3400	090	OTHER COMBAT OPS SPT PROGRAMS	880,353	3,000	883,353
		National security space institute		[3,000]	
3400	110	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	552,148	–13,000	539,148
		Program decrease for Gorgon Stare		[–13,000]	
		SPACE OPERATIONS			
3400	120	LAUNCH FACILITIES	356,367		356,367
3400	130	SPACE CONTROL SYSTEMS	725,646		725,646
		COCOM			
3400	140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	608,796		608,796
3400	150	COMBATANT COMMANDERS CORE OPERATIONS	216,073		216,073
		TOTAL, BA 01: OPERATING FORCES	**19,607,592**	**–6,500**	**19,601,092**
		BUDGET ACTIVITY 02: MOBILIZATION			
		MOBILITY OPERATIONS			
3400	160	AIRLIFT OPERATIONS	2,932,080		2,932,080
3400	170	MOBILIZATION PREPAREDNESS	211,858		211,858
3400	180	DEPOT MAINTENANCE	332,226		332,226
3400	190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	362,954		362,954
3400	200	BASE SUPPORT	657,830		657,830

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		TOTAL, BA 02: MOBILIZATION	**4,496,948**		**4,496,948**
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
3400	210	OFFICER ACQUISITION	120,870		120,870
3400	220	RECRUIT TRAINING	18,135		18,135
3400	230	RESERVE OFFICERS TRAINING CORPS (ROTC)	88,414		88,414
3400	240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	372,788		372,788
3400	250	BASE SUPPORT	685,029		685,029
		BASIC SKILLS AND ADVANCED TRAINING			
3400	260	SPECIALIZED SKILL TRAINING	514,048		514,048
3400	270	FLIGHT TRAINING	833,005		833,005
3400	280	PROFESSIONAL DEVELOPMENT EDUCATION	215,676		215,676
3400	290	TRAINING SUPPORT	118,877		118,877
3400	300	DEPOT MAINTENANCE	576		576
		RECRUITING, AND OTHER TRAINING AND EDUCATION			
3400	320	RECRUITING AND ADVERTISING	152,983		152,983
3400	330	EXAMINING	5,584		5,584
3400	340	OFF-DUTY AND VOLUNTARY EDUCATION	188,198		188,198
3400	350	CIVILIAN EDUCATION AND TRAINING	174,151		174,151
3400	360	JUNIOR ROTC	67,549		67,549
		TOTAL, BA 03: TRAINING AND RECRUITING	**3,555,883**		**3,555,883**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			

		LOGISTICS OPERATIONS			
3400	370	LOGISTICS OPERATIONS	1,055,672		1,055,672
3400	380	TECHNICAL SUPPORT ACTIVITIES	735,036		735,036
3400	400	DEPOT MAINTENANCE	15,411		15,411
3400	410	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	359,562		359,562
3400	420	BASE SUPPORT	1,410,097		1,410,097
		SERVICEWIDE ACTIVITIES			
3400	430	ADMINISTRATION	646,080		646,080
3400	440	SERVICEWIDE COMMUNICATIONS	581,951		581,951
3400	450	OTHER SERVICEWIDE ACTIVITIES	1,062,803		1,062,803
3400	460	CIVIL AIR PATROL	22,433		22,433
		SECURITY PROGRAMS			
3400	470	SECURITY PROGRAMS	1,148,704		1,148,704
		SUPPORT TO OTHER NATIONS			
3400	480	INTERNATIONAL SUPPORT	49,987		49,987
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**7,087,736**		**7,087,736**
		Overstatement of civilian pay		[–538,100]	–538,100
		Unobligated balances		[–150,000]	–150,000
3400		**Total Operation and Maintenance, Air Force**	**34,748,159**	**–694,600**	**34,053,559**

3400

Operation and Maintenance, Defense-wide

BUDGET ACTIVITY 1: OPERATING FORCES

DEFENSEWIDE ACTIVITIES

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
0100	010	JOINT CHIEFS OF STAFF	457,169		457,169
0100	020	SPECIAL OPERATIONS COMMAND	3,611,492		3,611,492
		TOTAL, BUDGET ACTIVITY 1:	**4,068,661**		**4,068,661**
		BUDGET ACTIVITY 3: TRAINING AND RECRUITING			
		DEFENSEWIDE ACTIVITIES			
0100	030	DEFENSE ACQUISITION UNIVERSITY	115,497		115,497
		RECRUITING AND OTHER TRAINING EDUCATION			
0100	040	NATIONAL DEFENSE UNIVERSITY	103,408		103,408
		TOTAL, BUDGET ACTIVITY 3:	**218,905**		**218,905**
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
		DEFENSEWIDE ACTIVITIES			
0100	060	CIVIL MILITARY PROGRAMS	132,231		132,231
0100	090	DEFENSE BUSINESS TRANSFORMATION AGENCY	139,579		139,579
0100	100	DEFENSE CONTRACT AUDIT AGENCY	458,316		458,316
0100	120	DEFENSE HUMAN RESOURCES ACTIVITY	665,743		665,743
0100	130	DEFENSE INFORMATION SYSTEMS AGENCY	1,322,163		1,322,163
0100	150	DEFENSE LEGAL SERVICES	42,532		42,532
0100	160	DEFENSE LOGISTICS AGENCY	405,873		405,873
0100	170	DEFENSE MEDIA ACTIVITY	253,667		253,667
0100	180	DEFENSE POW/MIA OFFICE	20,679		20,679
0100	190	DEFENSE TECHNOLOGY SECURITY AGENCY	34,325		34,325
0100	200	DEFENSE THREAT REDUCTION AGENCY	385,453		385,453

0100	210	DEPARTMENT OF DEFENSE EDUCATION AGENCY	2,302,116	5,000	2,307,116
		Family support for military children with autism		[5,000]	
0100	220	DEFENSE CONTRACT MANAGEMENT AGENCY	1,058,721		1,058,721
0100	230	DEFENSE SECURITY COOPERATION AGENCY	721,756		721,756
0100	240	DEFENSE SECURITY SERVICE	497,857		497,857
0100	260	OFFICE OF ECONOMIC ADJUSTMENT	37,166		37,166
0100	270	OFFICE OF THE SECRETARY OF DEFENSE	1,955,985	35,000	1,990,985
		Readiness and environmental protection initiative		[25,000]	
		Director of operational energy plans and programs		[5,000]	
		Acceleration of Defense Readiness Reporting System		[5,000]	
0100	280	WASHINGTON HEADQUARTERS SERVICE	589,309		589,309
		OTHER PROGRAMS			
0100	999	OTHER PROGRAMS	13,046,209		13,046,209
		TOTAL, BUDGET ACTIVITY 4:	**24,069,680**	**40,000**	**24,109,680**
		Impact aid		[30,000]	30,000
		Impact aid for children with severe disabilities		[5,000]	5,000
		Special assistance to local education agencies		[10,000]	10,000
		Undistributed Bulk Fuel Adjustment		[–596,249]	–596,249
		Decrease for software licenses		[–50,000]	–50,000
		Unobligated balances		[–150,000]	–150,000
0100		**Total Operation and Maintenance, Defense-Wide**	**28,357,246**	**–711,249**	**27,645,997**
0100					
0100					
0100					
		Operation and Maintenance, Army Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2080	010	MANEUVER UNITS	1,403		1,403

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
2080	020	MODULAR SUPPORT BRIGADES	12,707		12,707
2080	030	ECHELONS ABOVE BRIGADE	468,288		468,288
2080	040	THEATER LEVEL ASSETS	152,439		152,439
2080	050	LAND FORCES OPERATIONS SUPPORT	520,420		520,420
2080	060	AVIATION ASSETS	61,063		61,063
		LAND FORCES READINESS			
2080	070	FORCE READINESS OPERATIONS SUPPORT	290,443		290,443
2080	080	LAND FORCES SYSTEMS READINESS	106,569	3,600	110,169
		Mobile corrosion protection		[3,600]	
2080	090	LAND FORCES DEPOT MAINTENANCE	94,499		94,499
		LAND FORCES READINESS SUPPORT			
2080	100	BASE OPERATIONS SUPPORT	522,310		522,310
2080	110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	234,748		234,748
		TOTAL, BA 01: OPERATING FORCES	**2,464,889**	**3,600**	**2,468,489**
		LOGISTICS OPERATIONS			
2080	130	SERVICEWIDE TRANSPORTATION	9,291		9,291
		SERVICEWIDE SUPPORT			
2080	140	ADMINISTRATION	72,075		72,075
2080	150	SERVICEWIDE COMMUNICATIONS	3,635		3,635
2080	160	MANPOWER MANAGEMENT	9,104		9,104
2080	170	RECRUITING AND ADVERTISING	61,202		61,202
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**155,307**		**155,307**

2080		**Total Operation and Maintenance, Army Reserve**	**2,620,196**	**3,600**	**2,623,796**
2080					
2080		**Operation and Maintenance, Navy Reserve**			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
1806	010	MISSION AND OTHER FLIGHT OPERATIONS	570,319		570,319
1806	020	INTERMEDIATE MAINTENANCE	16,596		16,596
1806	030	AIR OPERATIONS AND SAFETY SUPPORT	3,171		3,171
1806	040	AIRCRAFT DEPOT MAINTENANCE	125,004		125,004
1806	050	AIRCRAFT DEPOT OPERATIONS SUPPORT	397		397
		SHIP OPERATIONS			
1806	060	MISSION AND OTHER SHIP OPERATIONS	55,873		55,873
1806	070	SHIP OPERATIONS SUPPORT & TRAINING	592		592
1806	080	SHIP DEPOT MAINTENANCE	41,899		41,899
		COMBAT OPERATIONS SUPPORT			
1806	090	COMBAT COMMUNICATIONS	15,241		15,241
1806	100	COMBAT SUPPORT FORCES	142,924		142,924
		WEAPONS SUPPORT			
1806	110	WEAPONS MAINTENANCE	5,494		5,494
		BASE SUPPORT			
1806	120	ENTERPRISE INFORMATION	83,611		83,611
1806	130	SUSTAINMENT, RESTORATION AND MODERNIZATION	69,853		69,853
1806	140	BASE OPERATING SUPPORT	124,757		124,757
		TOTAL, BA 01: OPERATING FORCES	**1,255,731**		**1,255,731**

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1806	150	ADMINISTRATION	3,323		3,323
1806	160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	13,897		13,897
1806	170	SERVICEWIDE COMMUNICATIONS	1,957		1,957
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT			
1806	190	ACQUISITION AND PROGRAM MANAGEMENT	3,593		3,593
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**22,770**		**22,770**
1806		**Total Operation and Maintenance, Navy Reserve**	**1,278,501**		**1,278,501**
1806					
1806					
		Operation and Maintenance, Marine Corps Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1107	010	OPERATING FORCES	61,117		61,117
1107	020	DEPOT MAINTENANCE	13,217		13,217
1107	030	TRAINING SUPPORT	29,373		29,373
		BASE SUPPORT			
1107	040	SUSTAINMENT, RESTORATION AND MODERNIZATION	25,466		25,466
1107	050	BASE OPERATING SUPPORT	73,899		73,899

		TOTAL, BA 01: OPERATING FORCES	**203,072**	**203,072**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
		SERVICEWIDE ACTIVITIES		
1107	060	SPECIAL SUPPORT	5,639	5,639
1107	070	SERVICEWIDE TRANSPORTATION	818	818
1107	080	ADMINISTRATION	10,642	10,642
1107	090	RECRUITING AND ADVERTISING	8,754	8,754
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**25,853**	**25,853**
1107		**Total Operation and Maintenance, Marine Corps Reserve**	**228,925**	**228,925**
1107				
1107				
		Operation and Maintenance, Air Force Reserve		
		BUDGET ACTIVITY 01: OPERATING FORCES		
		AIR OPERATIONS		
3740	010	PRIMARY COMBAT FORCES	2,049,303	2,049,303
3740	020	MISSION SUPPORT OPERATIONS	121,417	121,417
3740	030	DEPOT MAINTENANCE	441,958	441,958
3740	040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	78,763	78,763
3740	050	BASE SUPPORT	258,091	258,091
		TOTAL, BA 01: OPERATING FORCES	**2,949,532**	**2,949,532**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
		SERVICEWIDE ACTIVITIES		
3740	060	ADMINISTRATION	77,476	77,476
3740	070	RECRUITING AND ADVERTISING	24,553	24,553

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
3740	080	MILITARY MANPOWER AND PERS MGMT (ARPC)	20,838		20,838
3740	090	OTHER PERS SUPPORT (DISABILITY COMP)	6,121		6,121
3740	100	AUDIOVISUAL	708		708
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**129,696**		**129,696**
3740		**Total Operation and Maintenance, Air Force Reserve**	**3,079,228**		**3,079,228**
3740					
3740					
		Operation and Maintenance, Army National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2065	010	MANEUVER UNITS	876,269		876,269
2065	020	MODULAR SUPPORT BRIGADES	173,843		173,843
2065	030	ECHELONS ABOVE BRIGADE	615,160		615,160
2065	040	THEATER LEVEL ASSETS	253,997		253,997
2065	050	LAND FORCES OPERATIONS SUPPORT	34,441		34,441
2065	060	AVIATION ASSETS	819,031		819,031
		LAND FORCES READINESS			
2065	070	FORCE READINESS OPERATIONS SUPPORT	436,799		436,799
2065	080	LAND FORCES SYSTEMS READINESS	99,757	3,600	103,357
		Mobile corrosion protection		[3,600]	
2065	090	LAND FORCES DEPOT MAINTENANCE	379,646		379,646
		LAND FORCES READINESS SUPPORT			

2065	100	BASE OPERATIONS SUPPORT	798,343		798,343
2065	110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	580,171		580,171
2065	120	MANAGEMENT AND OPERATIONAL HQ	573,452		573,452
		TOTAL, BA 01: OPERATING FORCES	**5,640,909**	**3,600**	**5,644,509**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
2065	140	ADMINISTRATION	119,186		119,186
2065	150	SERVICEWIDE COMMUNICATIONS	48,020		48,020
2065	160	MANPOWER MANAGEMENT	7,920		7,920
2065	170	RECRUITING AND ADVERTISING	440,999		440,999
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**616,125**		**616,125**
2065		**Total Operation and Maintenance, Army National Guard**	**6,257,034**	**3,600**	**6,260,634**
2065					
2065					
		Operation and Maintenance, Air National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3840	010	AIRCRAFT OPERATIONS	3,347,685	2,700	3,350,385
		Controlled humidity protection		[2,700]	
3840	020	MISSION SUPPORT OPERATIONS	779,917		779,917
3840	030	DEPOT MAINTENANCE	780,347		780,347
3840	040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	302,949		302,949
3840	050	BASE SUPPORT	606,916		606,916
		TOTAL, BA 01: OPERATING FORCES	**5,817,814**	**2,700**	**5,820,514**

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE ACTIVITIES			
3840	060	ADMINISTRATION	35,174		35,174
3840	070	RECRUITING AND ADVERTISING	32,773		32,773
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**67,947**		**67,947**
3840		**Total Operation and Maintenance, Air National Guard**	**5,885,761**	**2,700**	**5,888,461**
3840					
		MISCELLANEOUS APPROPRIATIONS			
0104	010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,932		13,932
0111	010	ACQUISITION WORKFORCE DEVELOPMENT FUND	100,000		100,000
0819	010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	109,869		109,869
0134	010	COOPERATIVE THREAT REDUCTION	404,093	20,000	424,093
		Program increase		[20,000]	
0810	020	ENVIRONMENTAL RESTORATION, ARMY	415,864		415,864
0810	030	ENVIRONMENTAL RESTORATION, NAVY	285,869		285,869
0810	040	ENVIRONMENTAL RESTORATION, AIR FORCE	494,276		494,276
0810	050	ENVIRONMENTAL RESTORATION, DEFENSE	11,100		11,100
0811	060	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	267,700		267,700
0118	070	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	5,000		5,000
		TOTAL, MISCELLANEOUS APPROPRIATIONS	**2,107,703**	**20,000**	**2,127,703**
		TOTAL TITLE III—OPERATION AND MAINTENANCE	**156,444,204**	**–887,249**	**155,556,955**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		Operation and Maintenance, Army			
		BUDGET ACTIVITY 01: OPERATING FORCES			
2020	140	ADDITIONAL ACTIVITIES	36,330,899		36,330,899
2020	150	COMMANDERS EMERGENCY RESPONSE PROGRAM	1,500,000	–100,000	1,400,000
		Program decrease		[–100,000]	
2020	160	RESET	7,867,551		7,867,551
		TOTAL, BA 01: OPERATING FORCES	**45,698,450**	**–100,000**	**45,598,450**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SECURITY PROGRAMS			
2020	340	SECURITY PROGRAMS	1,426,309		1,426,309
		LOGISTICS OPERATIONS			
2020	350	SERVICEWIDE TRANSPORTATION	5,045,902		5,045,902
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**6,472,211**		**6,472,211**

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
2020		**Total Operation and Maintenance, Army**	**52,170,661**	**–100,000**	**52,070,661**
		Operation and Maintenance, Navy			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
1804	010	MISSION AND OTHER FLIGHT OPERATIONS	1,138,398		1,138,398
1804	020	FLEET AIR TRAINING	2,640		2,640
1804	030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,212		1,212
1804	040	AIR OPERATIONS AND SAFETY SUPPORT	26,815		26,815
1804	050	AIR SYSTEMS SUPPORT	44,532		44,532
1804	060	AIRCRAFT DEPOT MAINTENANCE	158,559		158,559
		SHIP OPERATIONS			
1804	080	MISSION AND OTHER SHIP OPERATIONS	651,209		651,209
1804	090	SHIP OPERATIONS SUPPORT & TRAINING	22,489		22,489
1804	100	SHIP DEPOT MAINTENANCE	1,001,037	–568,850	432,187
		Transfer from OCO		[–568,850]	
		COMBAT OPERATIONS/SUPPORT			
1804	120	COMBAT COMMUNICATIONS	20,704		20,704
1804	150	WARFARE TACTICS	15,918		15,918
1804	160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	16,889		16,889
1804	170	COMBAT SUPPORT FORCES	1,891,799		1,891,799
1804	180	EQUIPMENT MAINTENANCE	306		306
1804	200	COMBATANT COMMANDERS CORE OPERATIONS	6,929		6,929
1804	210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	7,344		7,344

		WEAPONS SUPPORT			
1804	240	IN-SERVICE WEAPONS SYSTEMS SUPPORT	68,759		68,759
1804	250	WEAPONS MAINTENANCE	82,496		82,496
1804	260	OTHER WEAPON SYSTEMS SUPPORT	16,902		16,902
		BASE SUPPORT			
1804	280	SUSTAINMENT, RESTORATION AND MODERNIZATION	7,629		7,629
1804	290	BASE OPERATING SUPPORT	338,604		338,604
		TOTAL, BA 01: OPERATING FORCES	**5,521,170**	**–568,850**	**4,952,320**
		BUDGET ACTIVITY 02: MOBILIZATION			
		READY RESERVE AND PREPOSITIONING FORCES			
1804	300	SHIP PREPOSITIONING AND SURGE	27,290		27,290
		MOBILIZATION PREPAREDNESS			
1804	330	FLEET HOSPITAL PROGRAM	4,336		4,336
1804	350	COAST GUARD SUPPORT	245,039		245,039
		TOTAL, BA 02: MOBILIZATION	**276,665**		**276,665**
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		BASIC SKILLS AND ADVANCED TRAINING			
1804	390	SPECIALIZED SKILL TRAINING	97,995		97,995
1804	420	TRAINING SUPPORT	5,463		5,463
		TOTAL, BA 03: TRAINING AND RECRUITING	**103,458**		**103,458**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
1804	470	ADMINISTRATION	3,899		3,899
1804	480	EXTERNAL RELATIONS	463		463
1804	500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	563		563
1804	510	OTHER PERSONNEL SUPPORT	2,525		2,525
1804	520	SERVICEWIDE COMMUNICATIONS	23,557		23,557
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT			
1804	540	SERVICEWIDE TRANSPORTATION	223,890		223,890
1804	570	ACQUISITION AND PROGRAM MANAGEMENT	642		642
		INVESTIGATIONS AND SECURITY PROGRAMS			
1804	610	NAVAL INVESTIGATIVE SERVICE	37,452		37,452
		OTHER PROGRAMS			
1804	999	OTHER PROGRAMS	25,299		25,299
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**318,290**		**318,290**
1804		**Total Operation and Maintenance, Navy**	**6,219,583**	**–568,850**	**5,650,733**
1804		**Operation and Maintenance, Marine Corps**			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1106	010	OPERATIONAL FORCES	2,048,844		2,048,844
1106	020	FIELD LOGISTICS	486,014		486,014
1106	030	DEPOT MAINTENANCE	554,000		554,000

		USMC PREPOSITIONING		
1106	060	NORWAY PREPOSITIONING	950	950
		BASE SUPPORT		
1106	090	BASE OPERATING SUPPORT	121,700	121,700
		TOTAL, BA 01: OPERATING FORCES	**3,211,508**	**3,211,508**
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
		BASIC SKILLS AND ADVANCED TRAINING		
1106	120	SPECIALIZED SKILL TRAINING	6,303	6,303
1106	140	PROFESSIONAL DEVELOPMENT EDUCATION	923	923
1106	150	TRAINING SUPPORT	205,625	205,625
		TOTAL, BA 03: TRAINING AND RECRUITING	**212,851**	**212,851**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
		SERVICEWIDE SUPPORT		
1106	210	SPECIAL SUPPORT	2,576	2,576
1106	220	SERVICEWIDE TRANSPORTATION	269,415	269,415
1106	230	ADMINISTRATION	5,250	5,250
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**277,241**	**277,241**
1106		**Total Operation and Maintenance, Marine Corps**	**3,701,600**	**3,701,600**
1106				
1106				
		Operation and Maintenance, Air Force		
		BUDGET ACTIVITY 01: OPERATING FORCES		

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		AIR OPERATIONS			
3400	010	PRIMARY COMBAT FORCES	1,582,431		1,582,431
3400	020	COMBAT ENHANCEMENT FORCES	1,460,018		1,460,018
3400	030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	109,255		109,255
3400	050	DEPOT MAINTENANCE	304,540		304,540
3400	060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	121,881		121,881
3400	070	BASE SUPPORT	1,394,809		1,394,809
		COMBAT RELATED OPERATIONS			
3400	080	GLOBAL C3I AND EARLY WARNING	130,885		130,885
3400	090	OTHER COMBAT OPS SPT PROGRAMS	407,554		407,554
		SPACE OPERATIONS			
3400	130	SPACE CONTROL SYSTEMS	38,677		38,677
		COCOM			
3400	140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	157,000		157,000
		TOTAL, BA 01: OPERATING FORCES	**5,707,050**		**5,707,050**
		BUDGET ACTIVITY 02: MOBILIZATION			
		MOBILITY OPERATIONS			
3400	160	AIRLIFT OPERATIONS	3,171,148		3,171,148
3400	170	MOBILIZATION PREPAREDNESS	169,659		169,659
3400	180	DEPOT MAINTENANCE	167,070		167,070
3400	190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	942		942
3400	200	BASE SUPPORT	45,998		45,998

		TOTAL, BA 02: MOBILIZATION	**3,554,817**	**3,554,817**
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
		ACCESSION TRAINING		
3400	240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,019	1,019
3400	250	BASE SUPPORT	19,361	19,361
		BASIC SKILLS AND ADVANCED TRAINING		
3400	260	SPECIALIZED SKILL TRAINING	48,442	48,442
3400	270	FLIGHT TRAINING	291	291
3400	280	PROFESSIONAL DEVELOPMENT EDUCATION	1,500	1,500
3400	290	TRAINING SUPPORT	1,427	1,427
		TOTAL, BA 03: TRAINING AND RECRUITING	**72,040**	**72,040**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
		LOGISTICS OPERATIONS		
3400	370	LOGISTICS OPERATIONS	328,009	328,009
3400	420	BASE SUPPORT	35,322	35,322
		SERVICEWIDE ACTIVITIES		
3400	430	ADMINISTRATION	9,000	9,000
3400	440	SERVICEWIDE COMMUNICATIONS	178,470	178,470
		SECURITY PROGRAMS		
3400	470	SECURITY PROGRAMS	142,160	142,160
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**692,961**	**692,961**
3400		**Total Operation and Maintenance, Air Force**	**10,026,868**	**10,026,868**

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
3400					
		Operation and Maintenance, Defense-wide			
		BUDGET ACTIVITY 1: OPERATING FORCES			
		DEFENSEWIDE ACTIVITIES			
0100	010	JOINT CHIEFS OF STAFF	25,000		25,000
0100	020	SPECIAL OPERATIONS COMMAND	2,519,935		2,519,935
		TOTAL, BUDGET ACTIVITY 1:	**2,544,935**		**2,544,935**
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
		DEFENSEWIDE ACTIVITIES			
0100	100	DEFENSE CONTRACT AUDIT AGENCY	13,908		13,908
0100	130	DEFENSE INFORMATION SYSTEMS AGENCY	245,117		245,117
0100	150	DEFENSE LEGAL SERVICES	115,000		115,000
0100	170	DEFENSE MEDIA ACTIVITY	13,364		13,364
0100	200	DEFENSE THREAT REDUCTION AGENCY	2,018		2,018
0100	210	DEPARTMENT OF DEFENSE EDUCATION AGENCY	553,600		553,600
0100	220	DEFENSE CONTRACT MANAGEMENT AGENCY	63,130		63,130
0100	230	DEFENSE SECURITY COOPERATION AGENCY	1,950,000		1,950,000
0100	270	OFFICE OF THE SECRETARY OF DEFENSE	79,047		79,047
		OTHER PROGRAMS			
0100	999	OTHER PROGRAMS	1,998,181		1,998,181
		TOTAL, BUDGET ACTIVITY 4:	**5,033,365**		**5,033,365**

0100		**Total Operation and Maintenance, Defense-Wide**	**7,578,300**	**7,578,300**
0100				
0100				
0100				
		Operation and Maintenance, Army Reserve		
		BUDGET ACTIVITY 01: OPERATING FORCES		
		LAND FORCES		
2080	030	ECHELONS ABOVE BRIGADE	86,881	86,881
2080	050	LAND FORCES OPERATIONS SUPPORT	40,675	40,675
		LAND FORCES READINESS		
2080	070	FORCE READINESS OPERATIONS SUPPORT	21,270	21,270
2080	080	LAND FORCES SYSTEMS READINESS	17,500	17,500
		LAND FORCES READINESS SUPPORT		
2080	100	BASE OPERATIONS SUPPORT	38,000	38,000
		TOTAL, BA 01: OPERATING FORCES	**204,326**	**204,326**
2080		**Total Operation and Maintenance, Army Reserve**	**204,326**	**204,326**
2080				
2080				
		Operation and Maintenance, Navy Reserve		
		BUDGET ACTIVITY 01: OPERATING FORCES		
		AIR OPERATIONS		
1806	010	MISSION AND OTHER FLIGHT OPERATIONS	26,673	26,673
1806	020	INTERMEDIATE MAINTENANCE	400	400
1806	040	AIRCRAFT DEPOT MAINTENANCE	3,600	3,600

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		SHIP OPERATIONS			
1806	060	MISSION AND OTHER SHIP OPERATIONS	7,416		7,416
1806	080	SHIP DEPOT MAINTENANCE	8,917		8,917
		COMBAT OPERATIONS SUPPORT			
1806	090	COMBAT COMMUNICATIONS	3,147		3,147
1806	100	COMBAT SUPPORT FORCES	13,428		13,428
		BASE SUPPORT			
1806	140	BASE OPERATING SUPPORT	4,478		4,478
		TOTAL, BA 01: OPERATING FORCES	**68,059**		**68,059**
1806		**Total Operation and Maintenance, Navy Reserve**	**68,059**		**68,059**
1806					
1806					
		Operation and Maintenance, Marine Corps Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1107	010	OPERATING FORCES	77,849		77,849
		BASE SUPPORT			
1107	050	BASE OPERATING SUPPORT	8,818		8,818
		TOTAL, BA 01: OPERATING FORCES	**86,667**		**86,667**

1107		**Total Operation and Maintenance, Marine Corps Reserve**	**86,667**	**86,667**
1107				
1107				
		Operation and Maintenance, Air Force Reserve		
		BUDGET ACTIVITY 01: OPERATING FORCES		
		AIR OPERATIONS		
3740	010	PRIMARY COMBAT FORCES	3,618	3,618
3740	020	MISSION SUPPORT OPERATIONS	7,276	7,276
3740	030	DEPOT MAINTENANCE	114,531	114,531
3740	050	BASE SUPPORT	500	500
		TOTAL, BA 01: OPERATING FORCES	**125,925**	**125,925**
3740		**Total Operation and Maintenance, Air Force Reserve**	**125,925**	**125,925**
3740				
3740				
		Operation and Maintenance, Army National Guard		
		BUDGET ACTIVITY 01: OPERATING FORCES		
		LAND FORCES		
2065	010	MANEUVER UNITS	89,666	89,666
2065	020	MODULAR SUPPORT BRIGADES	1,196	1,196
2065	030	ECHELONS ABOVE BRIGADE	18,360	18,360
2065	040	THEATER LEVEL ASSETS	380	380
2065	060	AVIATION ASSETS	59,357	59,357
		LAND FORCES READINESS		
2065	070	FORCE READINESS OPERATIONS SUPPORT	94,458	94,458

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		LAND FORCES READINESS SUPPORT			
2065	100	BASE OPERATIONS SUPPORT	22,536		22,536
2065	120	MANAGEMENT AND OPERATIONAL HQ	35,693		35,693
2065	130	ADDITIONAL ACTIVITIES			
		TOTAL, BA 01: OPERATING FORCES	**321,646**		**321,646**
2065		**Total Operation and Maintenance, Army National Guard**	**321,646**		**321,646**
2065					
2065					
		Operation and Maintenance, Air National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3840	010	AIRCRAFT OPERATIONS	103,259		103,259
3840	020	MISSION SUPPORT OPERATIONS	51,300		51,300
3840	030	DEPOT MAINTENANCE	135,303		135,303
		TOTAL, BA 01: OPERATING FORCES	**289,862**		**289,862**
3840		**Total Operation and Maintenance, Air National Guard**	**289,862**		**289,862**
3840					
3840					
		Afghanistan Security Forces Fund			

2091	010	INFRASTRUCTURE	868,320		868,320
2091	020	EQUIPMENT AND TRANSPORTATION	1,615,192		1,615,192
2091	030	TRAINING AND OPERATIONS	272,998		272,998
2091	040	SUSTAINMENT	1,945,887		1,945,887
2091	060	INFRASTRUCTURE	605,584		605,584
2091	070	EQUIPMENT AND TRANSPORTATION	279,186		279,186
2091	080	TRAINING AND OPERATIONS	648,217		648,217
2091	090	SUSTAINMENT	1,219,966		1,219,966
2091	120	SUSTAINMENT	5,919		5,919
2091	130	TRAINING AND OPERATIONS	1,500		1,500
2091		**TOTAL, Afghanistan Security Forces Fund**	**7,462,769**		**7,462,769**
		Pakistan Counterinsurgency Capability Fund			
2095		INFRASTRUCTURE	41,970	[–41,970]	
2095		EQUIPMENT/TRANSPORTATION	397,907	[–397,907]	
2095		TRAINING AND OPERATIONS	67,953	[–67,953]	
2095		INFRASTRUCTURE	73,000	[–73,000]	
2095		EQUIPMENT/TRANSPORTATION	107,000	[–107,000]	
2095		TRAINING AND OPERATIONS	8,170	[–8,170]	
2095		HUMANITARIAN ASSISTANCE	4,000	[–4,000]	
2095		**TOTAL, Pakistan Counterinsurgency Capability Fund**	**700,000**	**–700,000**	
		MISCELLANEOUS APPROPRIATIONS			
0141	080	IRAQ FREEDOM FUND	115,300		115,300
		TOTAL, MISCELLANEOUS APPROPRIATIONS	**115,300**		**115,300**
		TOTAL TITLE III—OPERATION AND MAINTENANCE	**89,071,566**	**–1,368,850**	**87,702,716**

TITLE XLIV—OTHER AUTHORIZATIONS

SEC. 4401. OTHER AUTHORIZATIONS.

OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Item	FY 2010 Request	Senate Change	Senate Authorized
REVOLVING AND MANAGEMENT FUNDS			
DEFENSE WORKING CAPITAL FUNDS			
Defense Working Capital Funds	141,388		141,388
Defense Commissary Agency	1,313,616		1,313,616
NATIONAL DEFENSE SEALIFT FUND			
National Defense Sealift Fund	1,642,758	–400,000	1,242,758
T–AKE Program Reduction		[–400,000]	
DEFENSE COALITION SUPPORT FUND			
Defense Coalition Support Fund	22,000	–22,000	
Total Revolving and Management Funds	**3,119,762**	**–422,000**	**2,697,762**
MILITARY PROGRAMS			
DEFENSE HEALTH PROGRAM			
DEFENSE HEALTH PROGRAM—O&M	26,967,919	26,000	26,993,919
TRICARE Continuation Pending MEDICARE Eligibility		[4,000]	

Reimbursement for exceptional travel under TRICARE		[10,000]	
TRICARE eligibility for Retired Reservists under the age of 60		[10,000]	
Expansion of survivor eligibility for the TRICARE dental program		[2,000]	
DEFENSE HEALTH PROGRAM—R&D	613,102	–15,300	597,802
Program Reduction (PE 67100HP)		[–10,000]	
Cancer Center of Excellence (PE 63115HP)		[–5,300]	
DEFENSE HEALTH PROGRAM—PROCUREMENT	322,142		322,142
Total Defense Health Program	**27,903,163**	**10,700**	**27,913,863**
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION			
CHEM DEMILITARIZATION—O&M	1,146,802		1,146,802
CHEM DEMILITARIZATION—RDT&E	401,269		401,269
CHEM DEMILITARIZATION—PROC	12,689		12,689
Total Chemical Agents and Munitions Destruction	**1,560,760**		**1,560,760**
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES			
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	1,058,984	18,800	1,077,784
High Priority National Guard Counterdrug Programs		[30,000]	
Mobile Sensor Barrier		[5,000]	
United States European Command (EUCOM) Counternarcotics Support (Project Code (PC) 9205)		[–8,000]	
EUCOM Headquarters Support (PC2346)		[–800]	
EUCOM Interagency Fusion Centers (PC2365)		[–1,000]	
Relocatable Over-the Horizon-Radar (PC3217)		[–5,000]	
U.S. Special Operations Command Support to Combatant Commanders (PC6505)		[–200]	
EUCOM Counternarcotics Reserve Support (PC9215)		[–1,200]	
Total Drug Interdiction and Counter-Drug Activities	**1,058,984**	**18,800**	**1,077,784**
OFFICE OF THE INSPECTOR GENERAL			
OFFICE OF THE INSPECTOR GENERAL—O&M	271,444	15,000	286,444
Second year growth plan		[15,000]	
OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT	1,000	1,000	2,000
Second year growth plan		[1,000]	
Total Office of the Inspector General	**272,444**	**16,000**	**288,444**

OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Item	FY 2010 Request	Senate Change	Senate Authorized
TOTAL OTHER AUTHORIZATIONS	**33,915,113**	**–376,500**	**33,538,613**
Memorandum: Civil Program (non-defense)			
Armed Forces Retirement Home (Budget Function 600)	134,000		134,000

SEC. 4402. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2010 Request	Senate Change	Senate Authorized
REVOLVING AND MANAGEMENT FUNDS			
DEFENSE WORKING CAPITAL FUNDS			
Defense Working Capital Funds	396,915		396,915
Total Revolving and Management Funds	**396,915**		**396,915**
MILITARY PROGRAMS			
DEFENSE HEALTH PROGRAM			
DEFENSE HEALTH PROGRAM—O&M	1,155,235		1,155,235
Total Defense Health Program	**1,155,235**		**1,155,235**
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES			
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	324,603		324,603
Total Drug Interdiction and Counter-Drug Activities	**324,603**		**324,603**
OFFICE OF THE INSPECTOR GENERAL			
OFFICE OF THE INSPECTOR GENERAL—O&M	8,876		8,876
Total Office of the Inspector General	**8,876**		**8,876**
TOTAL OTHER AUTHORIZATIONS	**1,885,629**		**1,885,629**

TITLE XLV—MILITARY CONSTRUCTION

SEC. 4501. MILITARY CONSTRUCTION.

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Air Force	AK	CLEAR AFS	POWER PLANT FACILITY	24,300		24,300
Air Force	AK	EIELSON AFB	ARCTIC UTILIDORS—PHASE 11		9,900	9,900
Air Force	AK	EIELSON AFB	TAXIWAY LIGHTING		3,450	3,450
Air Force	AK	ELMENDORF AFB	RED FLAG ALASKA ADD/ALTER OPERATIONS CENTER	3,100		3,100
Air Force	AK	ELMENDORF AFB	F–22 WEAPONS LOAD TRAINING FACILITY	12,600		12,600
Def-Wide	AK	ELMENDORF AFB	AEROMEDICAL SERVICES/MENTAL HEALTH CLINIC	25,017		25,017
Army	AK	FORT RICHARDSON	AIRBORNE SUSTAINMENT TRAINING COMPLEX	6,100		6,100
Army	AK	FORT RICHARDSON	TRAINING AIDS CENTER	2,050		2,050
Army	AK	FORT RICHARDSON	WARRIOR IN TRANSITION COMPLEX	43,000		43,000
Army	AK	FORT RICHARDSON	COMBAT PISTOL RANGE		4,900	4,900
Def-Wide	AK	FORT RICHARDSON	HEALTH CLINIC	3,518		3,518
Army	AK	FORT WAINWRIGHT	RAILHEAD COMPLEX	26,000		26,000
Army	AK	FORT WAINWRIGHT	AVIATION UNIT OPERATIONS COMPLEX	19,000		19,000
Army	AK	FORT WAINWRIGHT	AVIATION TASK FORCE COMPLEX, PH 1	125,000		125,000
Army	AK	FORT WAINWRIGHT	WARRIOR IN TRANSITION COMPLEX	28,000		28,000
ARNG	AL	FORT MC CLELLAN	URBAN ASSAULT COURSE	3,000		3,000
Army	AL	REDSTONE ARSENAL	GATE 7 ACCESS CONTROL POINT		3,550	3,550
Def-Wide	AL	REDSTONE ARSENAL	MISSILE AND SPACE INTEL CENTER EOE COMPLEX		12,000	12,000
Air Force	AR	LITTLE ROCK AFB	C–130 FLIGHT SIMULATOR ADDITION	5,800		5,800
Air Force	AR	LITTLE ROCK AFB	SECURITY FORCES OPERATIONS FACILITY		10,400	10,400
Army	AR	PINE BLUFF ARSENAL	FUSE & DETONATOR MAGAZINE, DEPOT LEVEL	25,000		25,000

ARNG	AZ	CAMP NAVAJO	COMBAT PISTOL QUALIFICATION COURSE	3,000	3,000
Air Guard	AZ	DAVIS-MONTHAN AFB	TFI–PREDATOR BEDDOWN–FOC	5,600	5,600
Air Force	AZ	DAVIS-MONTHAN AFB	DORMITORY (144 RM)	20,000	20,000
Air Force	AZ	DAVIS-MONTHAN AFB	CSAR HC–130J SIMULATOR FACILITY	8,400	8,400
Air Force	AZ	DAVIS-MONTHAN AFB	CSAR HC–130J RQS OPERATIONS FACILITY	8,700	8,700
Air Force	AZ	DAVIS-MONTHAN AFB	CSAR HC–130J INFRASTRUCTURE	4,800	4,800
Army	AZ	FORT HUACHUCA	UAV ER/MPER/MP	15,000	15,000
Army	AZ	FORT HUACHUCA	BATTALION HEADQUARTERS UAV	6,000	6,000
Naval Res	AZ	PHOENIX	RESERVE CENTER MOVE TO LUKE AFB, NOSC PHOENIX	10,986	10,986
Navy	AZ	YUMA	AIRCRAFT MAINTENANCE HANGAR (PHASE 1)	27,050	27,050
Navy	AZ	YUMA	AIRFIELD ELEC. DIST. AND CONTOL	1,720	1,720
Naval Res	CA	ALAMEDA	RESERVE TRAINING CENTER—ALAMEDA, CA	5,960	5,960
Navy	CA	BRIDGEPORT	FIRE STATION—RENOVATION—MWTC	4,460	4,460
Navy	CA	CAMP PENDLETON	ANGLICO OPERATIONS COMPLEX	25,190	25,190
Navy	CA	CAMP PENDLETON	RECON BN OPERATIONS COMPLEX	77,660	77,660
Navy	CA	CAMP PENDLETON	COMM/ELEC MAINTENANCE FACILITY	13,170	13,170
Navy	CA	CAMP PENDLETON	EXPANSION OF SRTTP TO 7.5 MGD	55,180	55,180
Navy	CA	CAMP PENDLETON	NORTH REGION TERTIARY TREATMENT PLANT (PH 1)	142,330	142,330
Navy	CA	CAMP PENDLETON	GAS/ELECTRICAL UPGRADES	51,040	51,040
Navy	CA	CAMP PENDLETON	RECRUIT BARRACKS—SCHOOL OF INFANTRY	53,320	53,320
Navy	CA	CAMP PENDLETON	ENLISTED DINING FACILITY	32,300	32,300
Navy	CA	CAMP PENDLETON	RECRUIT BARRACKS—FIELD/K–SPAN	23,200	23,200
Navy	CA	CAMP PENDLETON	COMMUNICATIONS UPGRADES	79,492	79,492
Navy	CA	CAMP PENDLETON	ELECTRICAL DISTRIBUTION SYSTEM	76,950	76,950
Navy	CA	CAMP PENDLETON	OPERATIONS ACCESS POINTS	12,740	12,740
Navy	CA	CAMP PENDLETON	ENLISTED DINING FACILITY—EDSON RANGE	37,670	37,670
Navy	CA	CAMP PENDLETON	BEQ	39,610	39,610
Navy	CA	CAMP PENDLETON	RECRUIT MARKSMANSHIP TRAINING FACILITY	13,730	13,730
Navy	CA	CAMP PENDLETON	EXPAND COMBAT AIRCRAFT LOADING APRON	12,240	12,240
Navy	CA	CAMP PENDLETON	AVIATION TRANSMITTER/RECEIVER SITE	13,560	13,560
Navy	CA	CAMP PENDLETON	WFTBN SUPPORT FACILITIES	15,780	15,780
USAR	CA	CAMP PENDLETON	ARMY RESERVE CENTER	19,500	19,500
Def-Wide	CA	CORONADO	SOF CLOSE QUARTERS COMBAT TRAINING FACILITY	15,722	15,722
Navy	CA	EDWARDS AIR FORCE BASE	EDWARDS RAMP EXTENSION	3,007	3,007

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Def-Wide	CA	EL CENTRO	AIRCRAFT DIRECT FUELING STATION	11,000		11,000
Army	CA	FORT IRWIN	MOUT ASSAULT COURSE, PH 4	9,500		9,500
ARNG	CA	FRESNO YOSEMITE IAP	144th SQUADRON OPERATIONS FACILITY		9,900	9,900
ARNG	CA	LOS ALAMITOS	READINESS CENTER PH1	31,000		31,000
USAR	CA	LOS ANGELES	ARMY RESERVE CENTER	29,000		29,000
Navy	CA	MIRAMAR	AIRCRAFT PARKING APRON MODIFICATION	9,280		9,280
Def-Wide	CA	POINT LOMA ANNEX	REPLACE FUEL STORAGE FAC INCR 2	92,300		92,300
Navy	CA	POINT LOMA ANNEX	PUBLIC WORKS SHOPS CONSOLIDATION	8,730		8,730
Navy	CA	SAN DIEGO	MESSHALL EXPANSION	23,590		23,590
Air Guard	CA	SOCAL LOGISTICS AIRPORT	TFI–PREDATOR BEDDOWN–FTU/LRE SITE	8,400		8,400
Air Force	CA	TRAVIS AFB	CONSTRUCT KC–10 CARGO LOAD TRAINING FACILITY	6,900		6,900
Def-Wide	CA	TRAVIS AFB	REPLACE FUEL DISTRIBUTION SYSTEM	15,357		15,357
Navy	CA	TWENTYNINE PALMS	STATION COMM FACILITY AND INFRASTRUCTURE	49,040		49,040
Navy	CA	TWENTYNINE PALMS	SUB-STATION AND ELECTRICAL UPGRADES	31,310		31,310
Navy	CA	TWENTYNINE PALMS	ELEC. INFRA. UPGRADE—34.5KV TO 115KV	46,220		46,220
Navy	CA	TWENTYNINE PALMS	ELEC. POWER PLANT/CO-GEN/GAS TURBINE—N	53,260		53,260
Navy	CA	TWENTYNINE PALMS	WATER IMPROVEMENTS AND STORAGE TANK	30,610		30,610
Navy	CA	TWENTYNINE PALMS	SEWAGE SYSTEM IMP. AND LIFT STATION	5,800		5,800
Navy	CA	TWENTYNINE PALMS	HTHW/CHILLED WATER SYSTEM	25,790		25,790
Navy	CA	TWENTYNINE PALMS	NATURAL GAS SYSTEM EXTENSION	19,990		19,990
Navy	CA	TWENTYNINE PALMS	INDUSTRIAL WASTE WATER PRETREATMENT SYS.	3,330		3,330
Navy	CA	TWENTYNINE PALMS	LAYDOWN SITE WORK—NORTH MAINSIDE	21,740		21,740
Navy	CA	TWENTYNINE PALMS	SECONDARY ELEC. DIST.—NORTH MAINSIDE	31,720		31,720
Navy	CA	TWENTYNINE PALMS	CONSTRUCT ROADS—NORTH MAINSIDE	29,360		29,360
Navy	CA	TWENTYNINE PALMS	MAINT. SHOP—WHEELED	16,040		16,040
Navy	CA	TWENTYNINE PALMS	MAINT. SUNSHADES—WHEELED	12,580		12,580
Navy	CA	TWENTYNINE PALMS	COMM/ELECT MAINT/STORAGE	12,660		12,660
Navy	CA	TWENTYNINE PALMS	DINING FACILITY—NORTH MAINSIDE	17,200		17,200
Navy	CA	TWENTYNINE PALMS	BEQ	37,290		37,290

Navy	CA	TWENTYNINE PALMS	MAINT. SHOP—TRACKED	19,780		19,780
Navy	CA	TWENTYNINE PALMS	BEQ	37,290		37,290
Navy	CA	TWENTYNINE PALMS	CONSOLIDATED ARMORY—TANKS	12,670		12,670
Air Force	CA	VANDENBERG AFB	CHILD DEVELOPMENT CENTER	13,000		13,000
Air Guard	CO	BUCKLEY ANG BASE	ADD/ALTER WEAPONS RELEASE		4,500	4,500
USAR	CO	COLORADO SPRINGS	ARMY RESERVE CENTER/LAND	13,000		13,000
Army	CO	FORT CARSON	TRAINING AIDS CENTER	18,500		18,500
Army	CO	FORT CARSON	BRIGADE COMPLEX	69,000		69,000
Army	CO	FORT CARSON	BRIGADE COMPLEX, PH 1	102,000	–102,000	
Army	CO	FORT CARSON	RAILROAD TRACKS	14,000		14,000
Army	CO	FORT CARSON	WARRIOR IN TRANSITION (WT) COMPLEX	56,000		56,000
Army	CO	FORT CARSON	AUTOMATED QUALIFICATION TRAINING RANGE	11,000		11,000
Army	CO	FORT CARSON	MODIFIED RECORD FIRE RANGE	4,450	–4,450	
Army	CO	FORT CARSON	AUTOMATED MULTIPURPOSE MACHINE GUN RANGE	7,400		7,400
Army	CO	FORT CARSON	SCOUT/RECCE GUNNERY COMPLEX	16,000		16,000
Army	CO	FORT CARSON	URBAN ASSAULT COURSE	3,100	–3,100	
Army	CO	FORT CARSON	CONVOY LIVE FIRE RANGE	6,500		6,500
Army	CO	FORT CARSON	COMMISSARY	35,000		35,000
Army	CO	FORT CARSON	BARRACKS & DINING, INCREMENT 2	60,000		60,000
Def-Wide	CO	FORT CARSON	HEALTH AND DENTAL CLINIC	52,773	–20,873	31,900
Def-Wide	CO	FORT CARSON	SOF BATTALION OPS COMPLEX	45,200		45,200
Def-Wide	CO	FORT CARSON	SOF MILITARY WORKING DOG FACILITY	3,046		3,046
Air Force	CO	PETERSON AFB	C–130 SQUAD OPS/AMU (TFI)	5,200		5,200
Air Force	CO	PETERSON AFB	NATIONAL SECURITY SPACE INSTITUTE	19,900		19,900
Chem Demil	CO	PUEBLO DEPOT	AMMUNITION DEMILITARIZATION FACILITY, PH XI	92,500		92,500
AF Reserve	CO	SCHRIEVER AFB	WING HEADQUARTERS	10,200		10,200
Air Force	CO	U.S. AIR FORCE ACADEMY	ADD TO CADET FITNESS CENTER	17,500		17,500
Air Guard	CT	BRADLEY NATL AP	CNAF BEDDOWN UPGRADE FACILITIES		9,100	9,100
USAR	CT	BRIDGEPORT	ARMY RESERVE CENTER/LAND	18,500		18,500
Air Force	DE	DOVER AFB	C–5 CARGO AIRCRAFT MAINT TRAINING FACILITY P1	5,300		5,300
Air Force	DE	DOVER AFB	CONSOL COMM FAC	12,100		12,100
Air Force	DE	DOVER AFB	CHAPEL CENTER		7,500	7,500
Navy	FL	BLOUNT ISLAND	PORT OPERATIONS FACILITY	3,760		3,760
Air Force	FL	EGLIN AFB	F–35 DUKE CONTROL TOWER	3,420		3,420

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Air Force	FL	EGLIN AFB	CONSTRUCT DORMITORY (96 RM)	11,000		11,000
Air Force	FL	EGLIN AFB	F–35 POL OPS FACILITY	3,180		3,180
Air Force	FL	EGLIN AFB	F–35 HYDRANT REFUELING SYSTEM PHASE 1	8,100		8,100
Air Force	FL	EGLIN AFB	F–35 PARALLEL TAXIWAY LADDER	1,440		1,440
Air Force	FL	EGLIN AFB	F–35 JPS FLIGHTLINE FILLSTANDS	5,400		5,400
Air Force	FL	EGLIN AFB	F–35 JP–8 WEST SIDE BULK FUEL TANK UPGRADES	960		960
Air Force	FL	EGLIN AFB	F–35 LIVE ORDINANCE LOAD FACILITY	9,900		9,900
Air Force	FL	EGLIN AFB	F–35 A/C PARKING APRON	16,400		16,400
Army	FL	EGLIN AFB	OPERATIONS COMPLEX, PH 3	80,000		80,000
Army	FL	EGLIN AFB	INDOOR FIRING RANGE	8,900		8,900
Army	FL	EGLIN AFB	LIVE FIRE EXERCISE SHOOTHOUSE	8,000		8,000
Army	FL	EGLIN AFB	LIVE FIRE EXERCISE BREACH FACILITY	4,950		4,950
Army	FL	EGLIN AFB	NON-STANDARD SMALL ARMS RANGE	3,400		3,400
Army	FL	EGLIN AFB	GRENADE LAUNCHER RANGE	1,600		1,600
Army	FL	EGLIN AFB	HAND GRENADE QUALIFICATION COURSE	1,400		1,400
Army	FL	EGLIN AFB	URBAN ASSAULT COURSE	2,700		2,700
Army	FL	EGLIN AFB	ANTI-ARMOR, TRACKING & LIVE FIRE RANGE	3,400		3,400
Army	FL	EGLIN AFB	AUTOMATED QUALIFICATION/TRAINING RANGE	12,000		12,000
Army	FL	EGLIN AFB	LIGHT DEMOLITION RANGE	2,200		2,200
Army	FL	EGLIN AFB	BASIC 10M–25M FIRING RANGE (ZERO)	3,050		3,050
Def-Wide	FL	EGLIN AFB	SOF MILITARY WORKING DOG FACILITY	3,046		3,046
Navy	FL	EGLIN AFB	F–35 HYDRANT REFUELING SYS, PH 1	6,208		6,208
Navy	FL	EGLIN AFB	F–35 PARALLEL TAXIWAY LADDER	931		931
Navy	FL	EGLIN AFB	F–35 A/C PARKING APRON	11,252		11,252
Navy	FL	EGLIN AFB	BACHELOR ENLISTED QUARTERS, EOD SCHOOL, PHASE	26,287		26,287
Navy	FL	EGLIN AFB	F–35 JP8 WEST SIDE BULK TANK UPGRADES	621		621
Navy	FL	EGLIN AFB	F–35 POL OPERATIONS FACILITY (EGLIN)	2,056		2,056
Navy	FL	EGLIN AFB	F–35 JP8 FLIGHTLINE FILLSTANDS (EGLIN)	3,492		3,492
Army	FL	EGLIN AFB (CAMP RUDDER)	ELEVATED WATER STORAGE TANK		1,200	1,200

Air Force	FL	HURLBURT FIELD	REFUELING VEHICLE MAINTENANCE FACILITY	2,200		2,200
Air Force	FL	HURLBURT FIELD	ELECTRICAL DISTRIBUTION SUBSTATION	8,300		8,300
Def-Wide	FL	HURLBURT FIELD	SOF SIMULATOR FACILITY FOR MC–130 (RECAP)	8,156		8,156
Navy	FL	JACKSONVILLE	P–8/MMA FACILITIES MODIFICATION	5,917		5,917
Def-Wide	FL	JACKSONVILLE IAP	REPLACE JET FUEL STORAGE COMPLEX	11,500		11,500
Air Force	FL	MACDILL AFB	DORMITORY (120 ROOM)	16,000		16,000
Air Force	FL	MACDILL AFB	CHILD DEVELOPMENT CENTER	7,000		7,000
Air Force	FL	MACDILL AFB	CENTCOM COMMANDANT FACILITY	15,300		15,300
Navy	FL	MAYPORT	WHARF CHARLIE REPAIR	29,682		29,682
Navy	FL	MAYPORT	CHANNEL DREDGING	46,303		46,303
Army	FL	MIAMI DORAL	SOUTHCOM HEADQUARTERS, INCR 3	55,400		55,400
USAR	FL	PANAMA CITY	ARMY RESERVE CENTER/LAND	7,300		7,300
Air Force	FL	PATRICK AFB	COMBAT WEAPONS TRAINING FACILITY		8,400	8,400
Navy	FL	PENSACOLA	CORRY "A" SCHOOL BACHELOR ENLISTED QUARTERS R	22,950		22,950
Navy	FL	PENSACOLA	SIMULATOR ADDITION FOR UMFO PROGRAM	3,211		3,211
USAR	FL	WEST PALM BEACH	ARMY RESERVE CENTER/LAND	26,000		26,000
Navy	FL	WHITING FIELD	T–6B JPATS TRNG. OPS PARALOFT FACILITY	4,120		4,120
USAR	GA	ATLANTA	ARMY RESERVE CENTER/LAND	14,000		14,000
Army	GA	FORT BENNING	COMBINED ARMS COLLECTIVE TRAINING FACILITY	10,800		10,800
Army	GA	FORT BENNING	FIRE AND MOVEMENT RANGE	2,800		2,800
Army	GA	FORT BENNING	BATTLE LAB	30,000		30,000
Army	GA	FORT BENNING	TRAINING AREA TANK TRAILS	9,700		9,700
Army	GA	FORT BENNING	TRAINING BATTALION COMPLEX	38,000		38,000
Army	GA	FORT BENNING	DINING FACILITY	15,000		15,000
Army	GA	FORT BENNING	WARRIOR IN TRANSITION (WT) COMPLEX	53,000		53,000
Army	GA	FORT BENNING	TRAINING BATTALION COMPLEX, PH 1	31,000		31,000
Army	GA	FORT BENNING	TRAINING BATTALION COMPLEX, PH 1	31,000		31,000
Army	GA	FORT BENNING	TRAINEE BARRACKS COMPLEX, PH 1	74,000		74,000
ARNG	GA	FORT BENNING	READINESS CENTER	15,500		15,500
Def-Wide	GA	FORT BENNING	BLOOD DONOR CENTER REPLACEMENT	12,313		12,313
Def-Wide	GA	FORT BENNING	DENTAL CLINIC	4,887		4,887
Def-Wide	GA	FORT BENNING	SOF EXPAND BATTALION HEADQUARTERS	3,046		3,046
Def-Wide	GA	FORT BENNING	WILSON ES CONSTRUCT GYMNASIUM	2,330		2,330
Army	GA	FORT GILLEM	FORENSIC LAB	10,800		10,800

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Army	GA	FORT STEWART	BRIGADE COMPLEX	93,000	–45,000	48,000
Army	GA	FORT STEWART	AUTOMATED SNIPER FIELD FIRE RANGE	3,400	–3,400	
Army	GA	FORT STEWART	WARRIOR IN TRANSITION (WT) COMPLEX	49,000		49,000
Army	GA	FORT STEWART	BARRACKS & DINING, INCREMENT 2	80,000		80,000
Def-Wide	GA	FORT STEWART	HEALTH AND DENTAL CLINIC	26,386	–4,186	22,200
Def-Wide	GA	FORT STEWART	NEW ELEMENTARY SCHOOL	22,502	–22,502	
Def-Wide	GA	FORT STEWART	NEW ELEMENTARY SCHOOL	22,501		22,501
Army	GA	HUNTER ARMY AIRFIELD	AVIATION READINESS CENTER		8,967	8,967
Air Force	GA	MOODY AFB	RESCUE OPNS/MAINT HQ FAC		8,900	8,900
Def-Wide	HI	FORD ISLAND	PACIFIC OPERATIONS FACILITY UPGRADE	9,633		9,633
Air Guard	HI	HICKAM AFB	TFI—F–22 LO/COMPOSITE REPAIR FACILITY	26,000		26,000
Air Guard	HI	HICKAM AFB	TFI—F–22 PARKING APRON AND TAXIWAYS	7,000		7,000
Navy	HI	NAVSTA PEARL HARBOR	PRODUCTION SERVICES SUPPORT FACILITY		30,360	30,360
Navy	HI	OAHU	RANGE, 1000—PUULOA	5,380		5,380
Navy	HI	PEARL HARBOR	PACFLT SUB DRIVE-IN MAG SILENCING FAC (INCR3)	8,645		8,645
Navy	HI	PEARL HARBOR	APCSS CONF & TECH LEARNING CENTER	12,775		12,775
Navy	HI	PEARL HARBOR	MISSILE MAGAZINES (5), WEST LOCH	22,407		22,407
Army	HI	SCHOFIELD BARRACKS	VEHICLE MAINTENANCE SHOP	63,000		63,000
Army	HI	SCHOFIELD BARRACKS	VEHICLE MAINTENANCE SHOP	36,000		36,000
Army	HI	SCHOFIELD BARRACKS	WARRIOR IN TRANSITION (WT) BARRACKS	55,000		55,000
Army	HI	SCHOFIELD BARRACKS	WARRIOR IN TRANSITION COMPLEX	30,000		30,000
Air Force	HI	WHEELER AFB	CONSTRUCT ASOC COMPLEX	15,000		15,000
Army	HI	WHEELER AFB	REGIONAL SATCOM INFORMATION CENTER	7,500		7,500
Air Guard	IA	DES MOINES	DES MOINES ALT SECURITY FORCES FAC		4,600	4,600
ARNG	IA	JOHNSTON	US PROPERTY AND FISCAL OFFICE		4,000	4,000
ARNG	ID	GOWEN FIELD	COMBINED ARMS COLLECTIVE TRAINING FACILITY	16,100		16,100
Air Force	ID	MOUNTAIN HOME AFB	LOGISTICS READINESS CENTER	20,000		20,000
USAR	IL	CHICAGO	ARMY RESERVE CENTER	23,000		23,000
Naval Res	IL	JOLIET ARMY AMMO PLANT	RESERVE TRAINING CENTER—JOLIET, IL	7,957		7,957

ARNG	IL	MILAN	READINESS CENTER		5,600	5,600
Air Force	IL	SCOTT AIR FORCE BASE	AEROMEDICAL EVAC FACILITY		7,400	7,400
ARNG	IN	MUSCATATUCK	COMBINED ARMS COLLECTIVE TRAINING FACILITY PH	10,100		10,100
Navy	IN	NAVAL SUP ACT CRANE	STRATEGIC WEAPONS SYSTEMS ENG FACILITY		13,710	13,710
Army	KS	FORT RILEY	TRAINING AIDS CENTER	15,500		15,500
Army	KS	FORT RILEY	ADVANCED WASTE WATER TREATMENT PLANT	28,000		28,000
Army	KS	FORT RILEY	IGLOO STORAGE, INSTALLATION	7,200		7,200
Army	KS	FORT RILEY	BRIGADE COMPLEX	49,000		49,000
Army	KS	FORT RILEY	BATTALION COMPLEX	59,000		59,000
Army	KS	FORT RILEY	LAND VEHICLE FUELING FACILITY	3,700		3,700
Army	KS	FORT RILEY	ESTES ROAD ACCESS CONTROL POINT		6,100	6,100
ARNG	KS	SALINA ARNG AV FAC	TAXIWAY ALTERATIONS		2,227	2,227
Chem Demil	KY	BLUE GRASS ARMY DEPOT	AMMUNITION DEMILITARIZATION PH X	54,041	5,000	59,041
Army	KY	FORT CAMPBELL	INSTALLATION CHAPEL CENTER		14,400	14,400
Army	KY	FORT CAMPBELL	5TH SFG LANGUAGE SUSTAINMENT TRNG FAC		5,800	5,800
Def-Wide	KY	FORT CAMPBELL	HEALTH CLINIC	8,600		8,600
Def-Wide	KY	FORT CAMPBELL	SOF BATTALION OPERATIONS COMPLEX	29,289		29,289
Def-Wide	KY	FORT CAMPBELL	SOF MILITARY WORKING DOG FACILITY	3,046		3,046
Army	KY	FORT KNOX	WARRIOR IN TRANSITION (WT) COMPLEX	70,000		70,000
Air Force	LA	BARKSDALE AFB	PHASE FIVE RAMP REPLACEMENT—AIRCRAFT APRON		12,800	12,800
Army	LA	FORT POLK	WARRIOR IN TRANSITION (WT) COMPLEX	32,000		32,000
Army	LA	FORT POLK	LAND PURCHASES AND CONDEMNATION	17,000		17,000
ARNG	MA	HANSCOM AFB	ARMED FORCES RESERVE CENTER (JFHQ)	29,000		29,000
Air Guard	MA	OTIS ANGB	COMPOSITE OPERATIONS AND TRAINING FACILITY		12,800	12,800
Army	MD	ABERDEEN PG	ANALYTICAL CHEM WING—ADVANCED CHEM LAB		15,500	15,500
Def-Wide	MD	ABERDEEN PG	USAMRICD REPLACEMENT, INC II	111,400		111,400
Air Force	MD	ANDREWS AFB	REPLACE MUNITIONS STORAGE AREA	9,300		9,300
Air Guard	MD	ANDREWS AFB	RPL MUNITIONS MAINTENANCE AND STORAGE COMPLEX.	14,000		14,000
Army	MD	FORT DETRICK	SATELLITE COMMUNICATIONS CENTER	18,000		18,000
Army	MD	FORT DETRICK	SATELLITE COMMUNICATIONS FACILITY	21,000		21,000
Def-Wide	MD	FORT DETRICK	BOUNDARY GATE AT NALIN POND	10,750		10,750
Def-Wide	MD	FORT DETRICK	EMERGENCY SERVICE CENTER	16,125		16,125
Def-Wide	MD	FORT DETRICK	USAMRIID STAGE I, INC IV	108,000		108,000

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Def-Wide	MD	FORT DETRICK	NIBC TRUCK INSPECTION STATION & ROAD	2,932		2,932
Def-Wide	MD	FORT MEADE	SOUTH CAMPUS UTILITY PLANT PH 2	175,900		175,900
Def-Wide	MD	FORT MEADE	NSAW CAMPUS CHILLED WATER BACKUP	19,100		19,100
Def-Wide	MD	FORT MEADE	MISSION SUPPORT—PSAT	8,800		8,800
Air Guard	ME	BANGOR IAP	REPLACE AIRCRAFT MAINT HANGAR/SHOPS	28,000		28,000
Navy	ME	PORTSMOUTH NAV SHP	GATE 2 SECURITY IMPROVEMENTS		7,100	7,100
Air Guard	MI	ALPENA CRTC	REPLACE TROOP QUARTERS		8,900	8,900
Air Guard	MI	BATTLE CREEK ANG BASE	CNAF BED DOWN FACILITIES		14,000	14,000
Air Guard	MI	SELFRIDGE ANG BASE	A–10 SQUAD OPERATIONS FACILITY		7,100	7,100
ARNG	MN	ARDEN HILLS	READINESS CENTER PH2	6,700		6,700
ARNG	MN	CAMP RIPLEY	URBAN ASSAULT COURSE	1,710		1,710
Def-Wide	MN	DULUTH IAP	JET FUEL STOARGE COMPLEX	15,000		15,000
USAR	MN	FORT SNELLING	ARMY RESERVE CENTER	12,000		12,000
Air Guard	MN	MINN/ST. PAUL IAP 133RD AW BASE	MINNESOTA STARBASE FACILITY ALTERATION		1,900	1,900
ARNG	MO	BOONVILLE	READINESS CENTER ADD/ALT	1,800		1,800
Army	MO	FORT LEONARD WOOD	AUTOMATED-AIDED INSTRUCTION FACILITY	27,000		27,000
Army	MO	FORT LEONARD WOOD	WHEELED VEHICLE DRIVERS COURSE	17,500		17,500
Army	MO	FORT LEONARD WOOD	WARRIOR IN TRANSITION COMPLEX	19,500		19,500
Army	MO	FORT LEONARD WOOD	TRANSIENT ADVANCED TRAINEE BARRACKS, PH 1	99,000		99,000
Def-Wide	MO	FORT LEONARD WOOD	DENTAL CLINIC ADDITION	5,570		5,570
Air Guard	MO	ROSECRANS MEM AP	REPLACE FIRE/CRASH RESCUE STATION PHASE II		9,300	9,300
ARNG	MS	CAMP SHELBY	COMBINED ARMS COLLECTIVE TNG FAC ADD/ALT	16,100		16,100
Air Guard	MS	COLUMBUS AFB	AIRCRAFT MAINTENANCE ADMINISTRATION FACILITY		10,000	10,000
AF Reserve	MS	KEESLER AFB	AERIAL PORT SQUADRON FACILITY	9,800		9,800
ARNG	MS	MONTICELLO	MONTICELLO NATIONAL GUARD READINESS CENTER		14,350	14,350
Air Guard	MT	MALMSTROM AFB	UPGRADE WEAPONS STORAGE AREA		9,600	9,600
Def-Wide	NC	CAMP LEJEUNE	SOF ACADEMIC INSTRUCTION FACILITY EXPANSION	11,791		11,791
Navy	NC	CAMP LEJEUNE	MAINTENANCE/OPS COMPLEX	52,390		52,390

Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	34,160		34,160
Navy	NC	CAMP LEJUNE	UTILITY EXPANSION—COURTHOUSE BAY	56,280		56,280
Navy	NC	CAMP LEJUNE	SOI—EAST FACILITIES—CAMP GEIGER	56,940		56,940
Navy	NC	CAMP LEJUNE	FIELD TRAINING FAC.—DEVIL DOG—SOI	37,170		37,170
Navy	NC	CAMP LEJUNE	ROAD NETWORK—WALLACE CREEK	15,130		15,130
Navy	NC	CAMP LEJUNE	MP WORKING DOG KENNEL—RELOCATION	8,370		8,370
Navy	NC	CAMP LEJUNE	CONSOLIDATED INFO TECH/TELECOM COMPLEX	46,120		46,120
Navy	NC	CAMP LEJUNE	NEW BASE ENTRY POINT AND ROAD (PHASE 1)	79,150		79,150
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	43,480		43,480
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	44,390		44,390
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	44,390		44,390
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	42,110		42,110
Navy	NC	CAMP LEJUNE	PRE-TRIAL DETAINEE FACILITY	18,580		18,580
Navy	NC	CAMP LEJUNE	PHYSICAL FITNESS CENTER	39,760		39,760
Navy	NC	CAMP LEJUNE	4TH INFANTRY BATTALION OPS COMPLEX	55,150		55,150
Navy	NC	CHERRY POINT MCAS	ORDNANCE MAGAZINES	12,360		12,360
Navy	NC	CHERRY POINT MCAS	EMS/FIRE VEHICLE FACILITY	10,600		10,600
Army	NC	FORT BRAGG	VEHICLE MAINTENANCE SHOP	19,500		19,500
Army	NC	FORT BRAGG	SIMULATIONS CENTER	50,000		50,000
Army	NC	FORT BRAGG	VEHICLE MAINTENANCE SHOP	17,500		17,500
Army	NC	FORT BRAGG	COMPANY OPERATIONS FACILITY	3,300		3,300
Army	NC	FORT BRAGG	TRANSIENT TRAINING BARRACKS COMPLEX	16,500		16,500
Army	NC	FORT BRAGG	AUTOMATED SNIPER FIELD FIRE RANGE		2,500	2,500
Army	NC	FORT BRAGG	AUTOMATED MULTIPURPOSE MACHINE GUN	4,350		4,350
Def-Wide	NC	FORT BRAGG	CONSOLIDATED HEALTH CLINIC	26,386		26,386
Def-Wide	NC	FORT BRAGG	HEALTH CLINIC	31,272		31,272
Def-Wide	NC	FORT BRAGG	SPECIAL OPS PREP & CONDITIONING COURSE	24,600		24,600
Def-Wide	NC	FORT BRAGG	SOF BATTALION & COMPANY HQ	15,500		15,500
Def-Wide	NC	FORT BRAGG	SOF OPERATIONS SUPPORT ADDITION	13,756		13,756
Def-Wide	NC	FORT BRAGG	SOF MILITARY WORKING DOG FACILITY	1,125		1,125
Def-Wide	NC	FORT BRAGG	SOF BATTALION HEADQUARTERS FACILITY	13,000		13,000
Def-Wide	NC	FORT BRAGG	SOF OPERATIONS ADDITION NORTH	27,513		27,513
Def-Wide	NC	FORT BRAGG	SOF TUAV HANGAR	2,948		2,948
Def-Wide	NC	FORT BRAGG	SOF MILITARY WORKING DOG FACILITY	3,046		3,046

MILITARY CONSTRUCTION
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Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Def-Wide	NC	FORT BRAGG	ALBRITTON JHS ADDITION	3,439		3,439
Navy	NC	NEW RIVER	APRON EXPANSION (PHASE 2)	35,600		35,600
Navy	NC	NEW RIVER	VMMT–204 MAINTENANCE HANGAR—PHASE 3	28,210		28,210
Navy	NC	NEW RIVER	PARALLEL TAXIWAY	17,870		17,870
Navy	NC	NEW RIVER	TACTICAL SUPPORT VAN PAD ADDITION	5,490		5,490
Navy	NC	NEW RIVER	GYMNASIUM/OUTDOOR POOL	19,920		19,920
Air Force	NC	POPE AFB	POPE AFB AIR TRAFFIC CONTROL TOWER		7,700	7,700
Army	NC	SUNNY POINT MOT	TOWERS	3,900		3,900
Army	NC	SUNNY POINT MOT	LIGHTNING PROTECTION SYSTEM	25,000		25,000
Air Force	ND	GRAND FORKS AFB	CONSOLIDATED SECURITY FORCES FACILITY		12,000	12,000
Air Force	ND	MINOT AFB	MUNITIONS TRAILER STORAGE FACILITY	1,500		1,500
Air Force	ND	MINOT AFB	MISSILE PROCEDURES TRNG OPERATIONS	10,000		10,000
ARNG	NE	LINCOLN	ARMED FORCES RESERVE CENTER (JFHQ)	23,000		23,000
Air Guard	NE	LINCOLN MAP	JOINT FORCES OPERATIONS CENTER—ANG SHARE	1,500		1,500
Air Force	NE	OFFUTT AIR FORCE BASE	STRATCOM GATE		10,400	10,400
Air Guard	NH	PEASE ANGB	REPLACE SQUADRON OPERATIONS FACILITIES		10,000	10,000
Air Guard	NJ	108TH AIR REFUEL WNG, MCGUIRE AFB	BASE CIVIL ENGINEERING COMPLEX		9,700	9,700
Air Force	NM	CANNON AFB	WB—CONSOLIDATED COMMUNICATION FAC	15,000		15,000
Def-Wide	NM	CANNON AFB	SOF FUEL CELL HANGAR (MC–130)	41,269		41,269
Def-Wide	NM	CANNON AFB	SOF AMU ADDITION (CV–22)	11,595		11,595
Air Force	NM	HOLLOMAN AFB	F–22A CONSOLIDATED MUNITIONS MAINT (TFI)	5,500		5,500
Air Force	NM	HOLLOMAN AFB	FIRE-CRASH RESCUE STATION		10,400	10,400
Air Force	NM	KIRTLAND AFB	MC–130J SIMULATOR FACILITY	8,000		8,000
Air Force	NM	KIRTLAND AFB	HC–130J SIMULATOR FACILITY	8,700		8,700
ARNG	NM	SANTA FE	ARMY AVIATION SUPPORT FACILITY	39,000		39,000
ARNG	NV	CARSON CITY	NATIONAL GUARD ENERGY SUSTAINABLE PROJECTS		2,000	2,000
Air Force	NV	CREECH AFB	UAS AT/FP SECURITY UPDATES	2,700		2,700
Navy	NV	NAV AIR STA FALLON	WARRIOR PHYSICAL TRAINING FACILITY		11,450	11,450

ARNG	NV	NORTH LAS VEGAS	READINESS CENTER	26,000		26,000
Air Guard	NV	RENO, NV	NV ANG FIRE STATION REPLACEMENT		10,800	10,800
Army	NY	FORT DRUM	WATER SYSTEM EXPANSION	6,500		6,500
Army	NY	FORT DRUM	BARRACKS	57,000		57,000
Army	NY	FORT DRUM	WARRIOR IN TRANSITION COMPLEX	21,000		21,000
AF Reserve	NY	NIAGRA FALLS ARB	INDOOR SMALL ARMS RANGE		5,700	5,700
USAR	NY	ROCHESTER	ARMY RESERVE CENTER/LAND	13,600		13,600
USAR	OH	CINCINNATI	ARMY RESERVE CENTER/LAND	13,000		13,000
Air Guard	OH	MANSFIELD LAHM AIRPORT	TFI—RED HORSE SQUADRON BEDDOWN	11,400		11,400
Air Force	OH	WRIGHT-PATTERSON AFB	INFO TECH COMPLEX PH 1	27,000		27,000
Air Force	OH	WRIGHT-PATTERSON AFB	CONVERSION FOR ADVANCED POWER RESEARCH LAB	21,000		21,000
Air Force	OH	WRIGHT-PATTERSON AFB	REPLACE WEST RAMP, PHASE II		10,600	10,600
Air Force	OK	ALTUS AFB	REPAIR TAXIWAYS	20,300		20,300
Def-Wide	OK	ALTUS AFB	REPLACE UPLOAD FACILITY	2,700		2,700
Army	OK	FORT SILL	AUTOMATED INFANTRY SQUAD BATTLE COURSE	3,500		3,500
Army	OK	FORT SILL	BARRACKS	65,000		65,000
Army	OK	FORT SILL	WARRIOR IN TRANSITION COMPLEX	22,000		22,000
Def-Wide	OK	FORT SILL	DENTAL CLINIC	10,554		10,554
Army	OK	MCALESTER	HIGH EXPLOSIVE MAGAZINE, DEPOT LEVEL	1,300		1,300
Army	OK	MCALESTER	GENERAL PURPOSE STORAGE BUILDING	11,200		11,200
Air Force	OK	TINKER AFB	BUILDING 3001 HANGER DOOR	13,037		13,037
Air Force	OK	VANCE, AIR FORCE BASE	CONTROL TOWER		10,700	10,700
Air Guard	OK	WILL ROGERS AP	TFI—AIR SUPT OPERS SQDN (ASOS) BEDDN	7,300		7,300
ARNG	OR	CLATSOP CTNY, WARRENTON	CAMP RILEA INFRASTRUCTURE (WATER SUPPLY)		3,369	3,369
USAR	PA	ASHLEY	ARMY RESERVE CENTER	9,800		9,800
FH Con DW	PA	DEF DISTRO DEPOT	DEF DISTRIBUTION DEPOT NEW CUMBERLAND	2,859		2,859
USAR	PA	HARRISBURG	ARMY RESERVE CENTER	7,600		7,600
USAR	PA	NEWTON SQUARE	ARMY RESERVE CENTER/LAND	20,000		20,000
AF Reserve	PA	PITTSBURGH AIR RES BASE	VISITING QUARTERS PHASE 1		12,400	12,400
USAR	PA	UNIONTOWN	ARMY RESERVE CENTER/LAND	11,800		11,800
Navy	RI	NEWPORT	OFFICER TRAINING COMMAND QUARTERS	45,803		45,803
Navy	RI	NEWPORT	VISITING QUARTERS PHASE 1		10,550	10,550
Air Guard	SC	AIR NATIONAL GUARD	JOINT FORCE HQ BUILDING MCENTIRE		1,300	1,300

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Navy	SC	BEAUFORT	WIDEBODY AIRCRAFT FUEL LANE	1,280		1,280
Naval Res	SC	CHARLESTON	RESERVE VEHICLE MAINTENANCE FACILITY	4,240		4,240
Army	SC	CHARLESTON NWS	STAGING AREA	4,100		4,100
Army	SC	CHARLESTON NWS	RAILROAD TRACKS	12,000		12,000
Army	SC	CHARLESTON NWS	PIER AND LOADING/UNLOADING RAMPS	5,700		5,700
ARNG	SC	EASTOVER	ARMY AVIATION SUPPORT FACILITY ADD/ALT	26,000		26,000
Army	SC	FORT JACKSON	ADVANCED SKILLS TRAINEE BARRACKS	32,000		32,000
Army	SC	FORT JACKSON	MODIFIED RECORD FIRE RANGE	3,600		3,600
Army	SC	FORT JACKSON	TRAINING BATTALION COMPLEX	66,000		66,000
Army	SC	FORT JACKSON	INFILTRATION COURSE	1,900		1,900
ARNG	SC	GREENVILLE	ARMY AVIATION SUPPORT FACILITY	40,000		40,000
Navy	SC	PARRIS ISLAND	ELECTRICAL SUBSTATION AND IMPROVEMENTS	6,972		6,972
ARNG	SD	CAMP RAPID	JOINT FORCE HQ READINESS CENTER SUPPLEMENT		7,890	7,890
ARNG	SD	CAMP RAPID	TROOP MEDICAL CLINIC ADDITION AND ALTERATION		1,950	1,950
Air Force	SD	ELLSWORTH AFB	ADD/ALTER DEPLOYMENT CENTER		14,500	14,500
Air Guard	SD	JOE FOSS FIELD	ADD AND ALTER MUNITIONS MAINTENANCE COMPLEX		1,300	1,300
Air Guard	SD	JOE FOSS FIELD	ABOVE GROUND MULTI-CUBICLE MAGAZINE STORAGE		1,300	1,300
Air Guard	TN	164 AIRLIFT WING, MEM	164TH AIRLIFT WING ANG ENG MAINT TRNG FAC		9,800	9,800
ARNG	TX	AUSTIN	ARMED FORCES RESERVE CENTER	16,500		16,500
ARNG	TX	AUSTIN	FIELD MAINTENANCE SHOP, JOINT	5,700		5,700
USAR	TX	AUSTIN	ARMED FORCES RESERVE CENTER/AMSA	20,000		20,000
Navy	TX	CORPUS CHRISTI	OPERATIONAL FACILITIES FOR T–6	19,764		19,764
Air Force	TX	DYESS AFB	C–130J ALTER HANGAR	4,500		4,500
Army	TX	FORT BLISS	VEHICLE MAINTENANCE SHOP	16,000		16,000
Army	TX	FORT BLISS	BRIGADE STAGING AREA COMPLEX	14,800		14,800
Army	TX	FORT BLISS	DIGITAL MULTIPURPOSE RANGE COMPLEX	45,000		45,000
Army	TX	FORT BLISS	FIRE AND MILITARY POLICE STATIONS	16,500		16,500
Army	TX	FORT BLISS	AIRCRAFT FUEL STORAGE	10,800		10,800
Army	TX	FORT BLISS	VEHICLE MAINTENANCE SHOP	20,000		20,000

Army	TX	FORT BLISS	AUTOMATED SNIPER FIELD FIRE RANGE	4,250		4,250
Army	TX	FORT BLISS	KNOWN DISTANCE RANGE	4,750		4,750
Army	TX	FORT BLISS	AUTOMATED MULTIPURPOSE MACHINE GUN RANGE	6,900		6,900
Army	TX	FORT BLISS	SCOUT/RECCE GUNNERY COMPLEX	17,000		17,000
Army	TX	FORT BLISS	LIGHT DEMOLITION RANGE	2,400		2,400
Army	TX	FORT BLISS	AUTOMATED INFANTRY PLATOON BATTLE COURSE	7,000		7,000
Army	TX	FORT BLISS	SIMULATION CENTER	23,000		23,000
Army	TX	FORT BLISS	VEHICLE MAINTENANCE & COMPANY OPS FAC	31,000		31,000
Def-Wide	TX	FORT BLISS	HEALTH AND DENTAL CLINIC	30,295	–5,695	24,600
Def-Wide	TX	FORT BLISS	HOSPITAL REPLACEMENT PHASE 1 (INCR 1)	86,975	–24,000	62,975
USAR	TX	FORT BLISS	ARMY RESERVE CENTER	9,500		9,500
Army	TX	FORT HOOD	VEHICLE MAINTENANCE SHOP	23,000		23,000
Army	TX	FORT HOOD	URBAN ASSAULT COURSE	2,400		2,400
Army	TX	FORT HOOD	AUTOMATED MULTIPURPOSE MACHINE GUN RANGE	6,700		6,700
Def-Wide	TX	FORT HOOD	ALTER FUEL PUMP HOUSE AND FILL STAND	3,000		3,000
Army	TX	FORT SAM HOUSTON	ACCESS CONTROL POINT AND ROAD IMPROVEMENTS	10,800		10,800
Army	TX	FORT SAM HOUSTON	GENERAL INSTRUCTION BUILDING	9,000		9,000
Air Force	TX	GOODFELLOW AFB	JOINT INTEL TECH TRNG FAC, PH 1 (TFI)	18,400		18,400
Air Force	TX	GOODFELLOW AFB	STUDENT DORMITORY (100 RM)	14,000		14,000
Air Force	TX	GOODFELLOW AFB	CONSOLIDATED LEARNING CENTER		12,000	12,000
USAR	TX	HOUSTON	ARMY RESERVE CENTER/LAND	24,000		24,000
AF Reserve	TX	LACKLAND AFB	C–5 GROUND TRAINING SCHOOLHOUSE ADDITION	1,500		1,500
Air Force	TX	LACKLAND AFB	EVASION, CONDUCT AFTER CAPTURE TRNG	4,879		4,879
Air Force	TX	LACKLAND AFB	RECRUIT DORMITORY 2, PHASE 2	77,000		77,000
Air Force	TX	LACKLAND AFB	BMT SATELLITE CLASSROOM/DINING FAC	32,000		32,000
Def-Wide	TX	LACKLAND AFB	DENTAL CLINIC REPLACEMENT	29,318		29,318
Def-Wide	TX	LACKLAND AFB	AMBULATORY CARE CENTER, PHASE 1 (INCR 1)	72,610		72,610
Naval Res	TX	SAN ANTONIO	RESERVE TRAINING CENTER	2,210		2,210
USAR	TX	SAN ANTONIO	ARMY RESERVE CENTER	20,000		20,000
Air Force	TX	SHEPPARD AFB	ENJJPT OPERATIONS COMPLEX, PHASE 1		11,600	11,600
Def-Wide	UT	CAMP WILLIAMS	IC CNCI DATA CENTER 1 (INCR 2)	800,000	–200,000	600,000
Army	UT	DUGWAY PROVING GROUND	WATER TREATMENT SYSTEMS	25,000		25,000
AF Reserve	UT	HILL AFB	RESERVE SQUAD OPS/AMU FACILITY	3,200		3,200
Air Force	UT	HILL AFB	F–22A RADAR CROSS SECTION TESTING FAC	21,053		21,053

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Air Guard	UT	HILL AFB	PCC APRON NORTHWEST END TAXIWAY		5,100	5,100
Def-Wide	VA	DAHLGREN	AEGIS BMD FACILITY EXPANSION	24,500		24,500
Navy	VA	DAHLGREN	ELECTROMAGNETIC RESEARCH AND ENG FACILITY		3,660	3,660
Def-Wide	VA	DAM NECK	SOF OPERATIONS FACILITY INC III	15,967		15,967
Army	VA	FORT A.P. HILL	AUTOMATED INFANTRY PLATOON BATTLE COURSE	4,900		4,900
Army	VA	FORT A.P. HILL	FIELD TRAINING AREA	9,000		9,000
Army	VA	FORT A.P. HILL	TRAINING AIDS CENTER	9,100		9,100
Army	VA	FORT BELVOIR	FLIGHT CONTROL TOWER	8,400		8,400
Army	VA	FORT BELVOIR	ROAD AND ACCESS CONTROL POINT	9,500		9,500
Army	VA	FORT BELVOIR	ROAD AND INFRASTRUCTURE IMPROVEMENTS	20,000	–20,000	
ARNG	VA	FORT PICKETT	REGIONAL TRAINING INSTITUTE PH2	32,000		32,000
Army	VA	FT. EUSTIS	UPGRADE MARSHALLING AREA		8,900	8,900
Air Force	VA	LANGLEY AFB	WEST & LASALLE GATES FORCE PROTECTION/ACCESS	10,000		10,000
Def-Wide	VA	LITTLE CREEK	SOF SUPPORT ACTIVITY OPERATION FACILITY	18,669		18,669
Navy	VA	LITTLE CREEK	NAVAL CONSTRUCTION DIVISION OPERATIONS FAC	13,095		13,095
Navy	VA	NORFOLK	E–2D TRAINER FACILITY	11,737		11,737
Navy	VA	NORFOLK	FACILITY UPGRADES FOR E–2D PROGRAM	6,402		6,402
Naval Res	VA	OCEANA	C–40 HANGAR	30,400		30,400
Def-Wide	VA	PENTAGON	PENTAGON ELECTRICAL UPGRADE	19,272		19,272
Def-Wide	VA	PENTAGON	SECONDARY UNINTERRUPTIBLE POWER RAVEN ROCK	8,400		8,400
Navy	VA	PORTSMOUTH	SHIP REPAIR PIER REPLACEMENT (INCR 1)	226,969	–100,000	126,969
Navy	VA	QUANTICO	STUDENT QUARTERS—TBS (PHASE 4)	32,060		32,060
Navy	VA	QUANTICO	BATTALION TRAINING FACILITY—MSGBN	10,340		10,340
Navy	VA	QUANTICO	MC INFORMATION OPERATIONS CENTER—MCIOC	29,620		29,620
Navy	VA	QUANTICO	AIRCRAFT TRAINER	3,170		3,170
Navy	VA	QUANTICO	DINING FACILITY—TBS	14,780		14,780
Navy	VA	QUANTICO	SOUTH MAINSIDE ELECTRICAL SUBSTATION	15,270		15,270
Air Guard	VT	BURLINGTON IAP	FIRE CRASH AND RESCUE STATION ADDITION		6,000	6,000
ARNG	VT	ETHAN ALLEN RANGE	BOQ ADDITIONS AND IMPROVEMENTS		1,996	1,996

Navy	WA	BANGOR	LIMITED AREA PRODUCTION/STRG CMPLX (INC 6)	87,292		87,292
Navy	WA	BREMERTON	ENCLAVE FENCING/PARKING, SILVERDALE WA (INCR 2)	67,419		67,419
Navy	WA	BREMERTON	CVN MAINTENANCE PIER REPLACEMENT (INC 2)	69,064		69,064
Air Force	WA	FAIRCHILD AFB	SERE FORCE SUPPORT COMPLEX, PHASE I		11,000	11,000
Def-Wide	WA	FAIRCHILD AFB	REPLACE FUEL DISTRIBUTION SYSTEM	7,500		7,500
Army	WA	FORT LEWIS	LIVE FIRE EXERCISE SHOOTHOUSE	2,550		2,550
Army	WA	FORT LEWIS	ANIMAL BUILDING	3,050		3,050
Army	WA	FORT LEWIS	BRIGADE COMPLEX, INC 4	102,000		102,000
Army	WA	FORT LEWIS	MODIFIED RECORD FIRE RANGE	4,100		4,100
Def-Wide	WA	FORT LEWIS	HEALTH AND DENTAL CLINIC	15,636		15,636
Def-Wide	WA	FORT LEWIS	SOF SUPPORT COMPANY FACILITY	14,500		14,500
Navy	WA	SPOKANE	JNT PERS RECOVERY AGENCY SPECIALIZED SERE TRA	12,707		12,707
USAR	WI	FORT MCCOY	COMBINED ARMS COLLECTIVE TRAINING FACILITY	25,000		25,000
USAR	WI	FORT MCCOY	RANGE UTILITY UPGRADE		3,850	3,850
Air Guard	WI	GENERAL MITCHELL IAP	UPGRADE CORROSION CONTROL HANGAR		5,000	5,000
Navy	WV	NAVAL SECTY GRP ACT, SUGAR GROVE	EMERGENCY SERVICES CENTER		9,560	9,560
Air Guard	WV	SHEPHERD AB, MARTINSBURG	C–5 TAXIWAY UPGRADES		19,500	19,500
ARNG	WV	ST. ALBANS ARMORY	LIFE SAFETY UPGRADE		2,000	2,000
Air Guard	WY	CHEYENNE AIRPORT	SQUADRON OPERATIONS		1,500	1,500
Air Force	WY	F. E. WARREN AFB	ADAL MISSILE SERVICE COMPLEX	9,100		9,100
BRAC 05	ZU	UNSPECIFIED WORLDWIDE	BASE REALIGNMENT AND CLOSURE 2005	7,479,498		7,479,498
BRAC IV	ZU	UNSPECIFIED WORLDWIDE	BASE REALIGNMENT AND CLOSURE IV	396,768		396,768
Air Force	AF	BAGRAM AIR BASE	PASSENGER TERMINAL	22,000		22,000
Army	AF	BAGRAM AIR BASE	FUEL SYSTEM PH 6	12,000		12,000
Army	AF	BAGRAM AIR BASE	FUEL SYSTEM PH 7	5,000		5,000
Army	AF	BAGRAM AIR BASE	COALITION OPERATION CENTER	49,000		49,000
Army	AF	BAGRAM AIR BASE	APS COMPOUND	38,000		38,000
Army	AF	BAGRAM AIR BASE	AVIATION SUPPORT FACILITY	2,600		2,600
Army	AF	BAGRAM AIR BASE	BARRACKS	18,500	–18,500	
Army	AF	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY	38,000	–38,000	
Army	AF	BAGRAM AIR BASE	PERIMETER FENCE AND GUARD TOWERS	7,000	–7,000	
Def-Wide	BE	BRUSSELS	REPLACE ELEMENTARY SCHOOL (SHAPE) PHASE 1	38,124		38,124

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Navy	BI	SW ASIA	WATERFRONT DEVELOPMENT PHASE 2	41,526		41,526
Air Force	CM	PALANQUERO AB	PALANQUERO AB DEVELOPMENT	46,000		46,000
Navy	DJ	CAMP LEMONIER	INTERIOR PAVED ROADS PHASE A	7,275		7,275
Navy	DJ	CAMP LEMONIER	AMMO SUPPLY POINT	21,689		21,689
Navy	DJ	CAMP LEMONIER	SECURITY FENCING I	8,109		8,109
Navy	DJ	CAMP LEMONIER	FIRE STATION	4,772		4,772
Def-Wide	GB	GUANTANAMO BAY	REPLACE FUEL STORAGE TANKS	12,500		12,500
Def-Wide	GE	BOEBLINGEN	NEW ELEMENTARY SCHOOL		50,000	50,000
Def-Wide	GR	SOUDA BAY	FUEL STORAGE TANKS & PIPELINE RPL	24,000		24,000
Def-Wide	GU	AGANA NAVAL AIR STATION	REPLACE GAS CYLINDER STORAGE FACILITY	4,900		4,900
Air Force	GU	ANDERSEN AFB	STRIKE FOL ELECTRICAL INFRASTRUCTURE	33,750		33,750
Air Force	GU	ANDERSEN AFB	NW FIELD ATFP PERIMETER FENCE AND ROAD	4,752		4,752
Air Force	GU	ANDERSEN AFB	COMMANDO WARRIOR OPERATIONS FAC	4,200		4,200
Air Force	GU	ANDERSEN AFB	NW FIELD COMBAT SPT VEHICLE MAINT FAC	15,500		15,500
ARNG	GU	BARRIGADA	READINESS CENTER	30,000		30,000
Army	GY	ANSBACH	BARRACKS	17,500		17,500
Army	GY	ANSBACH	BARRACKS	14,200		14,200
FH Con Army	GY	BAUMHOLDER	FAMILY HOUSING REPLACEMENT CONSTRU (138 UNITS)	18,000		18,000
Def-Wide	GY	KAISERLAUTERN AB	KAISERSLAUTERN COMPLEX—PHASE 1	19,380		19,380
Def-Wide	GY	KAISERLAUTERN AB	KAISERSLAUTERN HS REPLACE SCHOOL	74,165		74,165
Army	GY	KLEBER KASERNE	BARRACKS	20,000		20,000
Army	GY	LANDSTUHL	WARRIOR IN TRANSITION (WT) COMPLEX	25,000	–25,000	
Air Force	GY	RAMSTEIN AB	CONSTRUCT AGE MAINT COMPLEX	11,500		11,500
Air Force	GY	RAMSTEIN AB	CONTINGENCY RESPONSE GROUP COMMAND	23,200		23,200
Air Force	GY	SPANGDAHLEM AB	FITNESS CTR	23,500		23,500
Def-Wide	GY	WEISBADEN	WIESBADEN HS NEW CAFETERIA AND KITCHEN	5,379		5,379
FH Con Army	GY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2	10,000		10,000
FH Con Army	GY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2	11,000		11,000
FH Con Army	GY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2	11,000		11,000

Air Force	IT	SIGONELLA	GLOBAL HAWK AIRCRAFT MAINT AND OPS COMPLEX	31,300	–31,300	
Army	IT	VICENZA	BDE COMPLEX—OPERATIONS SPT FAC, INCR 3	23,500		23,500
Army	IT	VICENZA	BDE COMPLEX—BARRACKS/COMMUNITY, INCR 3	22,500		22,500
Army	JA	OKINAWA	TRAINING AIDS CENTER	6,000		6,000
Army	JA	SAGAMIHARA	TRAINING AIDS CENTER	6,000		6,000
Army	KR	CAMP HUMPHREYS	VEHICLE MAINTENANCE SHOP	19,000		19,000
Army	KR	CAMP HUMPHREYS	VEHICLE MAINTENANCE SHOP	18,000		18,000
Army	KR	CAMP HUMPHREYS	FIRE STATIONS	13,200		13,200
Def-Wide	KR	K–16 AIRFIELD	CONVERT WAREHOUSES	5,050		5,050
Def-Wide	KR	OSAN AB	REPLACE HYDRANT FUEL SYSTEM	28,000		28,000
FH Con Navy	KR	PUSAN	CONSTR CHINHAE WELCOME CTR/WAREHOUSE	4,376		4,376
Army	KU	CAMP ARIFJAN	APS WAREHOUSES	82,000		82,000
Def-Wide	ML	GUAM	HOSPITAL REPLACEMENT (INCR 1)	259,156	–59,156	200,000
FH Con Navy	ML	GUAM	REPLACE GUAM N. TIPALAO PH III	20,730		20,730
Navy	ML	GUAM	CONSOLIDATED SLC TRAINING & CSS–15 HQ FAC	45,309		45,309
Navy	ML	GUAM	MILITARY WORKING DOG RELOCATION, APRA HARBOR	27,070	–17,070	10,000
Navy	ML	GUAM	DEFENSE ACCESS ROAD IMPROVEMENTS	48,860		48,860
Navy	ML	GUAM	AAFB NORTH RAMP UTILITIES (PHASE 1)	21,500	–21,500	
Navy	ML	GUAM	AAFB NORTH RAMP PARKING (PHASE 1)	88,797	–88,797	
Navy	ML	GUAM	APRA HARBOR WHARVES IMP. (INCR 1)	167,033	–83,516	83,517
Navy	ML	GUAM	TORPEDO EXERCISE SUPPORT BUILDING	15,627		15,627
Air Force	OM	AL MUSANNAH AB	WAR RESERVE MATERIAL COMPOUND	47,000	–47,000	
Air Force	OM	AL MUSANNAH AB	AIRLIFT RAMP AND FUEL FACILITIES	69,000	–69,000	
USAR	PR	CAGUAS	ARMY RESERVE CENTER/LAND	12,400		12,400
Air Force	QA	AL UDEID, QATAR	BLATCHFORD-PRESTON COMPLEX PH II	60,000		60,000
Navy	SP	ROTA	RECEPTION AIRFIELD FACILITIES	26,278		26,278
Air Force	TK	INCIRLIK AB	CONSTRUCT CONSOLIDATED COMMUNITY CTR	9,200		9,200
Def-Wide	UK	MENWITH HILL STATION	MHS PSC CONSTRUCTION	37,588		37,588
Def-Wide	UK	RAF MILDENHALL	CONNECT FUEL TANK DISTRIBUTION PIPE LN	4,700		4,700
Def-Wide	UK	RAF ALCONBURY	MEDICAL/DENTAL CLINIC REPLACEMENT	14,227		14,227
Def-Wide	UK	RAF LAKENHEATH	LIBERTY IS—GYMNASIUM	4,509		4,509
ARNG	VI	ST. CROIX	REGIONAL TRAINING INSTITUTE PH1	20,000		20,000
Air Force	ZC	CLASSIFIED LOCATION	CLASSIFIED PLANNING & DESIGN	3,000		3,000
NSIP	ZU	NSIP	NATO SECURITY INVESTMENT PROGRAM	276,314		276,314

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
AF Reserve	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	1,976		1,976
Air Force	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	18,000		18,000
Air Force	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN	79,363		79,363
Air Guard	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	9,000		9,000
Air Guard	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN	10,061		10,061
Army	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION FY10	23,000		23,000
Army	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN FY10	153,029		153,029
Army	ZU	UNSPECIFIED WORLDWIDE	HOST NATION SUPPORT FY10	25,000		25,000
ARNG	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	10,300		10,300
ARNG	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	23,981		23,981
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	3,575		3,575
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	4,525		4,525
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	6,800		6,800
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	3,717		3,717
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	2,000		2,000
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	10,534		10,534
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	JEP EXERCISE RELATED CONSTRUCTION	7,861		7,861
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	ENERGY CONSERVATION IMPROVEMENT PROGRAM	90,000	33,013	123,013
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	CONTINGENCY CONSTRUCTION	10,000		10,000
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	3,000		3,000
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	35,579		35,579
FH Con AF	ZU	UNSPECIFIED WORLDWIDE	CONSTRUCTION IMPROVMENTS	61,737		61,737
FH Con AF	ZU	UNSPECIFIED WORLDWIDE	CLASSIFIED PROJECT	50		50
FH Con AF	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN	4,314		4,314
FH Con Army	ZU	UNSPECIFIED WORLDWIDE	CONSTRUCTION IMPROVEMENTS (2428 UNITS)	219,300		219,300
FH Con Army	ZU	UNSPECIFIED WORLDWIDE	FAMILY HOUSING P&D	3,936		3,936
FH Con Navy	ZU	UNSPECIFIED WORLDWIDE	IMPROVEMENTS	118,692		118,692
FH Con Navy	ZU	UNSPECIFIED WORLDWIDE	DESIGN	2,771		2,771
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	81,686		81,686

FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	1,557	1,557
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	51,334	51,334
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	20,183	20,183
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	39,182	39,182
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	1,543	1,543
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	LEASING ACCOUNT	548	548
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	LEASING	102,858	102,858
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE ACCOUNT	1,911	1,911
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE (RPMA & RPMC)	148,318	148,318
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	HOUSING PRIVATIZATION	53,816	53,816
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	81,650	81,650
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	OPERATIONS	87,263	87,263
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	1,177	1,177
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	LEASING	205,685	205,685
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	115,854	115,854
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	PRIVATIZATION SUPPORT COSTS	31,789	31,789
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	RECISSION (PUBLIC LAW 110–5)		
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	OPERATIONS	35	35
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	LEASING	10,108	10,108
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	69	69
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	4,426	4,426
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	LEASING	33,579	33,579
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	274	274
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	19	19
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	29	29
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	309	309
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	366	366
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	53,956	53,956
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	14,624	14,624
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	60,278	60,278
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	457	457
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	16,462	16,462
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	LEASING	101,432	101,432
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	94,184	94,184

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	PRIVATIZATION SUPPORT COSTS	27,147		27,147
FHIF	ZU	UNSPECIFIED WORLDWIDE	FAMILY HOUSING IMPROVEMENT FUND	2,600		2,600
HOAP	ZU	UNSPECIFIED WORLDWIDE	HOMEOWNERS ASSISTANCE PROGRAM	23,225	350,000	373,225
Naval Res	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	2,371		2,371
Navy	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTR	12,483		12,483
Navy	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	166,896		166,896
USAR	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	3,600		3,600
USAR	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	22,262		22,262
AF Reserve	ZU	VARIOUS WORLDWIDE	MINOR CONSTRUCTION	800		800
Def-Wide	ZU	VARIOUS WORLDWIDE	PLANNING AND DESIGN	72,974		72,974
Def-Wide	ZU	VARIOUS WORLDWIDE	UNSPECIFIED MINOR CONST	6,022		6,022
Def-Wide	ZU	VARIOUS WORLDWIDE	PLANNING AND DESIGN	4,425		4,425
Def-Wide	ZU	VARIOUS WORLDWIDE	PLANNING AND DESIGN	8,855		8,855
Def-Wide	ZU	VARIOUS WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	4,100		4,100
			TOTAL FY2010 AUTHORIZATIONS	**22,946,036**	**–22,843**	**22,923,193**
			Prior Year Savings		**–112,500**	
			GRAND TOTAL	**22,946,036**	**–135,343**	**22,810,693**

SEC. 4502. 2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING.

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	Commission Recom-mendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Army	11	Anniston (Pelham Range)	AL	Armed Forces Reserve Center	8,000	8,000
Army	11	Birmingham	AL	Armed Forces Reserve Center	10,000	10,000
Army	11	Mobile	AL	Armed Forces Reserve Center	20,430	20,430
Defense Wide	134	Redstone Arsenal	AL	Von Braun Complex		27,800
Army	11	Tuscaloosa	AL	Armed Forces Reserve Center	18,000	18,000
Army	13	Camden	AR	Armed Forces Reserve Center	9,800	9,800
Army	13	El Dorado	AR	Armed Forces Reserve Center	14,000	14,000
Army	13	Hot Springs	AR	Armed Forces Reserve Center	14,600	14,600
Army	13	Pine Bluff	AR	Armed Forces Reserve Center	15,500	15,500
Army	12	Marana	AZ	Armed Forces Reserve Center	31,000	31,000
Navy	57	Barstow	CA	Industrial Machine Shop Facility	14,131	14,130
Navy	184	China Lake	CA	Shipboard Shock Test Facility	3,160	3,160
Navy	184	China Lake	CA	Weapons Dynamics RDT&E Center	5,970	5,970
Army	15	Middletown	CT	Armed Forces Reserve Center, Incr 2	37,000	37,000
Navy	149	Washington	DC	Navy Systems Management Activity Relocation (INCR II of II)	71,929	71,929
Navy	149	Washington	DC	Renovate 3rd Floor Buildging 176, Washington Navy Yard	750	750
Army	04	Eglin AFB	FL	Special Forces Complex, Incr 2	8,000	8,000
Air Force	125	Eglin AFB	FL	BRAC F–35 Live Ordnance Load Area (LOLA)	6,624	6,624
Air Force	4B, 125	Eglin AFB	FL	CE Facility	2,000	2,000
Air Force	125	Eglin AFB	FL	F–35 (JSF) Duke Field Control Tower	2,280	2,280
Air Force	4B, 125	Eglin AFB	FL	Fitness Facility	2,750	2,750
Air Force	125	Eglin AFB	FL	STOVL Simulated Carrier Practice Landing Deck	27,690	27,690
Air Force	125	Eglin AFB	FL	School Age Facility	2,600	2,600
Air Force	125	Eglin AFB	FL	Security Forces Facility	890	890
Air Force	125	Eglin AFB	FL	Taxiway Extension	13,000	13,000

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	Commission Recom-mendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Air Force	125	Eglin AFB	FL	Traffic Management Cargo Processing Facility	900	900
Army	9	Benning	GA	AAFES Troop Store	1,950	1,950
Army	17	Benning	GA	Armed Forces Reserve Center	18,000	18,000
Army	2	Benning	GA	Equipment Concentration Site	43,000	43,000
Army	9	Benning	GA	General Instruction Complex 2, Incr 2	58,000	58,000
Army	9	Benning	GA	Maneuver Ctr HQ & CDI Bldg Expansion	42,000	42,000
Army	9	Benning	GA	Medical Facility, Incr 2	77,000	77,000
Army	21	Cedar Rapids	IA	Armed Forces Reserve Center	42,000	42,000
Army	21	Iowa AAP	IA	Armed Forces Reserve Center	27,000	27,000
Army	21	Muscatine	IA	Armed Forces Reserve Center	8,800	8,800
Army	2	Rock Island	IL	Army Headquarters Building Renovation	20,000	20,000
Army	43	Campbell	KY	Armed Forces Reserve Center	5,900	5,900
Army	2	Campbell	KY	Headquarters Building, Group	14,800	14,800
Army	55	Knox	KY	Armed Forces Reserve Center	2,300	2,300
Army	5	Aberdeen PG	MD	C4ISR, Phase 2, Incr 2	156,000	156,000
Defense Wide	169	Bethesda (WRNMMC)	MD	Medical Center Addition—Increment 3	108,850	108,850
Defense Wide	169	Bethesda (WRNMMC)	MD	Traffic Mitigation Increment 1	18,400	18,400
Defense Wide	169	Bethesda (WRNMMC)	MD	Site Utility Infrastructure Upgrade for NICoE		6,500
Army	174	Detrick	MD	Joint Bio-Med RDA Management Center	8,300	8,300
Army	169	Forest Glenn	MD	Museum	12,200	12,200
Defense Wide	140	Fort Meade	MD	Construct DISA Building	131,662	131,662
Army	141	Fort Meade	MD	Defense Media Activity, Incr 2	17,000	17,000
Navy	65	Brunswick	ME	Marine Corps Reserve Center	12,960	12,960
Army	176	Detroit Arsenal	MI	Administrative Office Buildings, Incr 2		21,384
Army	176	Detroit Arsenal	MI	Weapons Systems Support and Training	8,300	8,300
Army	26	Ft. Custer (Augusta)	MI	Armed Forces Reserve Center	18,500	18,500
Air Force	95	Selfridge ANGB	MI	A10 Arm/Disarm Apron	1,350	1,350
Air Force	95	Selfridge ANGB	MI	Repair Munitions Admin Building 891	3,100	3,100

Air Force	95	Selfridge ANGB	MI	Upgrade Munitions Maintenance Shop	1,650	1,650
Air Force	95	Selfridge ANGB	MI	Upgrade Munitions Missile Maintenance Bays	2,350	2,350
Army	28	Kirksville	MO	Armed Forces Reserve Center	6,600	6,600
Army	29	Great Falls	MT	Armed Forces Reserve Center	7,600	7,600
Army	3	Bragg	NC	Band Training Facility	4,200	4,200
Army	3	Bragg	NC	Headquarters Bldg, FORSCOM/USARC, Incr 3	124,000	124,000
Army	35	Wilmington	NC	Armed Forces Reserve Center	17,500	17,500
Army	36	Fargo	ND	Armed Forces Reserve Center	11,200	11,200
Army	30	Columbus	NE	Armed Forces Reserve Center	9,300	9,300
Army	30	McCook	NE	Armed Forces Reserve Center	7,900	7,900
Army	32	Camden	NJ	Armed Forces Reserve Center	21,000	21,000
Army	05	West Point	NY	US Military Academy Prep School, Incr 2		98,000
Army	37	Columbus	OH	Armed Forces Reserve Center, Incr 2		30,218
Navy	73	Akron	OH	Armed Forces Reserve Center	13,840	13,840
Army	126	Sill	OK	Joint Fires & Effects Simulator Building	28,000	28,000
Air Force	92	Will Rogers World APT	OK	Relocate Global Air Traffic Operation Program Office	1,200	1,200
Army	40	Allentown	PA	Armed Forces Reserve Center	15,000	15,000
Army	150	Tobyhanna	PA	Electronics Maintenance Shop, Depot Level	3,200	3,200
Air Force	68	Willow Grove ARS	PA	Establish Enclave	4,000	4,000
Army	42	Bristol	RI	Armed Forces Reserve Center	17,500	17,500
Navy	181	Charleston	SC	SPAWAR Data Center	9,670	9,670
Navy	138	Goose Creek	SC	Consolidated Brig Addition	9,790	9,790
Army	3	Shaw AFB	SC	Headquarters Building, Third US Army, Incr 2	55,000	55,000
Army	43	Chattanooga	TN	Armed Forces Reserve Center	8,900	8,900
Army	10	Bliss	TX	Brigade Combat Team Complex #3, Incr 3	110,000	110,000
Army	10	Bliss	TX	Combat Aviation Brigade Complex, Incr 3	94,000	94,000
Army	10	Bliss	TX	Hospital Add/Alt, WBAMC	24,000	24,000
Army	10	Bliss	TX	Hospital Replacement	89,000	89,000
Army	10	Bliss	TX	Tactical Equipment Maintenance Facility 2	104,000	104,000
Army	44	Brownsville	TX	Armed Forces Reserve Center	15,000	15,000
Army	44	Huntsville	TX	Armed Forces Reserve Center	16,000	16,000
Army	44	Kingsville	TX	Armed Forces Reserve Center	17,500	17,500
Air Force	146	Lackland AFB	TX	Joint Base San Antonio Headquarters Facility	8,500	8,500
Army	44	Lufkin	TX	Armed Forces Reserve Center	15,500	15,500

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	Commission Recom-mendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Air Force	128	Randolph AFB	TX	Renovate Building 38	2,050	2,050
Army	44	Red River	TX	Armed Forces Reserve Center	14,200	14,200
Defense Wide	172	Fort Sam Houston	TX	San Antonio Military Medical Center (North) Incr 3		163,750
Army	148	Sam Houston	TX	Add/Alt Building 2270	18,000	18,000
Army	148	Sam Houston	TX	Housing, Enlisted Permanent Party	10,800	10,800
Army	148	Sam Houston	TX	IMCOM Campus Area Infrastructure	11,000	11,000
Army	148	Sam Houston	TX	Headquarters Bldg, IMCOM	48,000	48,000
Army	132	Belvoir	VA	Infrastructure Support, Incr 3	13,000	13,000
Army	168	Belvoir	VA	Infrastructure Support, Incr 3	39,400	39,400
Army	169	Belvoir	VA	NARMC HQ Building	17,500	17,500
Defense Wide	168	Fort Belvoir	VA	NGA Headquarters Facility		168,749
Defense Wide	169	Fort Belvoir	VA	Hospital Replacement—Increment 4	140,750	140,750
Defense Wide	169	Fort Belvoir	VA	Dental Clinic	12,600	12,600
Defense Wide	133	Fort Belvoir	VA	Office Complex Increment 3		360,533
Army	8	Eustis	VA	Bldg 705 Renv (AAA & 902d MI)	1,600	1,600
Army	8	Eustis	VA	Headquarters Bldg, IMCOM Eastern Region	5,700	5,700
Army	8	Eustis	VA	Headquarters Building, TRADOC, Incr 2	34,300	34,300
Army	8	Eustis	VA	Joint Task Force—Civil Support	19,000	19,000
Army	3	Eustis	VA	Renovation for ACA and NETCOM	4,800	4,800
Army	121	Lee	VA	AAFES Troop Store	1,850	1,850
Army	133	Lee	VA	Administrative Building (DCMA)	28,000	28,000
Army	121	Lee	VA	Combat Service Support School, Ph 1, Incr 4		30,000
Army	121	Lee	VA	Combat Service Support School, Ph 2, Incr 3	137,000	137,000
Army	121	Lee	VA	Combat Service Support School, Ph 3, Incr 2	145,000	145,000
Army	121	Lee	VA	Consolidated Troop Med/Dntl Clinic	20,000	20,000
Army	122	Lee	VA	HQs, Transportation Management Detachment	1,200	1,200
Army	121	Lee	VA	USMC Training Facilities	25,000	25,000
Navy	149	Arlington	VA	Crystal Park 5 to Arlington Service Center	33,660	33,660

Navy	138	Chesapeake	VA	Joint Regional Correctional Facility (INCR II of II)		47,560
Navy	181	Norfolk	VA	Building 1558 Renovations for SPAWAR	2,510	2,510
Army	47	Elkins	WV	Armed Forces Reserve Center	22,000	22,000
Army	47	Fairmont	WV	Armed Forces Reserve Center	21,000	21,000
Army	47	Spencer-Ripley	WV	Armed Forces Reserve Center	19,540	19,540
Army	PM	Various	WW	Planning and Design	26,100	26,100
Army		Various	Various	Environmental	147,693	147,693
Navy		Various	Various	Environmental	16,529	16,529
Air Force		Various	Various	Environmental	19,454	19,454
Army		Various	Various	Operation and Maintenance	1,169,334	1,169,334
Navy		Various	Various	Operation and Maintenance	322,495	322,495
Air Force		Various	Various	Operation and Maintenance	288,459	288,459
Defense Wide		Various	Various	Operation and Maintenance	836,715	836,715
Navy		Various	Various	MilPers PCS	6,504	6,504
Air Force		Various	Various	MilPers PCS	3,970	3,970
Army		Various	Various	Other	311,138	311,138
Navy		Various	Various	Other	20,115	20,115
Air Force		Various	Various	Other	23,443	23,443
Defense Wide		Various	Various	Other	412,320	412,320
				Subtotal BRAC 2005 FY 2010, Army		4,081,037
				Subtotal BRAC 2005 FY 2010, Navy		591,572
				Subtotal BRAC 2005 FY 2010, Air Force		418,260
				Subtotal BRAC 2005 FY 2010, Defense Wide		2,388,629
				Total BRAC 2005 FY 2010 All Categories	**5,934,740**	**7,479,498**
Army		Various	Various	Base Realignment and Closure IV, Army		98,723
Navy		Various	Various	Base Realignment and Closure IV, Navy		168,000
Air Force		Various	Various	Base Realignment and Closure IV, Air Force		127,364
Defense Wide		Various	Various	Base Realignment and Closure IV, Defense Wide		2,681
				Total BRAC IV for FY 2010		**396,768**

SEC. 4503. AMERICAN RECOVERY AND REINVESTMENT ACT MILITARY CONSTRUCTION.

AMERICAN RECOVERY AND REINVESTMENT ACT MILITARY CONSTRUCTION
(In Thousands of Dollars)

State	Account	Installation	Project Title	Senate Authorized
AK	Air Force	Eielson AFB	Replace Military Family Housing—Phase 4 (Current Mission) (76 units)	53,900
AL	Air Force	Birmingham	Mobility Processing	2,300
AR	Air Force	Fort Smith	Replace Civil Engineering Complex	7,800
CA	Defense Wide	Camp Pendleton	Hospital Replacement	563,100
CA	ARNG	Fort Hunter-Liggett	Family Housing New Construction (1 Unit)	620
CA	ARNG	Fort Hunter-Liggett	Family Housing Replacement Construction (4 units)	1,750
CA	Navy	Marine Corps Base Camp Pendleton	Child Development Center	15,420
CA	Navy	Marine Corps Base Camp Pendleton	Photovoltaic System	10,731
CA	Navy	Marine Corps Base Camp Pendleton	Repair Bachelor Enlisted Quarters	8,901
CA	ARNG	Mather Air Field	Resurface Airfield Pavement	1,500
CA	Navy	Naval Air Station Lemoore	Expand Child Development Center	7,793
CA	Navy	Naval Base Coronado	Child Care Center 24/7	2,301
CA	Navy	Naval Base Coronado	Bachelor Enlisted Quarters	86,275
CA	Navy	Naval Base Point Loma	Child Development Center	11,844
CA	ARNG	Sierra AD	Family Housing Replacement Construction (1 unit)	707
CO	Army	Fort Carson	Child Development Center	12,500
CO	Air Force	Peterson AFB	Construct Child Development Center	11,200
FL	Air Force	Hurlburt Field	Child Development Center	11,000
FL	Defense Wide	Naval Airt Station Jacksonville	Hospital Alteration	27,210
FL	Navy	Naval Station Mayport	Child Development Center	10,220
GA	Army	Fort Stewart (Hunter AAF)	Child Youth Services Center	8,600
GA	Air Force	Moody AFB	Child Development Center	11,400
HI	Navy	Marine Corps Base Hawaii	Child Development Center	19,360
IA	Air Force	Des Moines	Replace Communication Facility	6,000
IL	ARNG	Rock Island	Family Housing New Construction (2 Units)	930

KS	Air Force	Forbes	Add/Alter Fire Station	4,100
KY	Army	Fort Campbell	Warrior in Transition (WT) Complex	43,000
MD	Air Force	Andrews AFB	ANGRC Operations Center	8,000
MD	Navy	Naval Support Activity Annapolis	Replace Steam Generation Plant	1,994
MD	Navy	Naval Surface Warfare Center Carderock	Replace Underground Steam Lines	1,253
MS	Air Force	Keesler AFB	Dormitory (144 Rm)	20,800
MT	Air Force	Malmstrom AFB	Repair Structural Foundations In Minuteman Village (179 units)	26,200
NC	Army	Fort Bragg	Child Development Center	11,300
NC	Navy	Marine Corps Air Station New River	Repair Bachelor Enlisted Quarters	3,039
NC	Navy	Marine Corps Base Camp Lejeune	Facility and Photovoltaic Energy Upgrades	13,779
NC	ARNG	Raleigh	AFRC Raleigh (JFHQ–NC)	39,500
ND	Air Force	Minot AFB	Dormitory (168 Rm)	28,300
NE	ARNG	Camp Ashland	Dining Facility Add/Alt	2,900
NJ	Air Force	Atlantic City	Construct N&S Arm/Disarm Aprons	4,300
NM	Air Force	Cannon AFB	Child Development Center	12,000
NV	ARNG	Hawthorne AD	Family Housing Improvement (new water main)	950
NV	Air Force	Nellis AFB	Child Development Center	13,400
NY	ARNG	Brooklyn (Ft. Hamilton)	Ready Building (WMD CST)	1,500
NY	Army	Fort Drum	Child Development Center	10,700
OK	ARNG	McAlester AD	Family Housing Replacement Construction (6 units)	2,200
OR	ARNG	Camp Withycombe	Storm Sewer	1,300
PA	Air Force	Fort Indian Town Gap	Replace Troop Training Qtrs	7,000
PA	ARNG	Letterkenny AD	Family Housing New Construction (3 units)	1,050
PA	ARNG	Tobyhanna	Family Housing Replacement Construction (2 units)	1,000
SC	Air Force	Shaw AFB	Dormitory (144 Rm)	22,500
TN	Navy	Naval Support Activity Mid-South	Child Development Center	11,960
TX	Army	Fort Bliss	Warrior in Transition (WT) Complex	57,000
TX	Army	Fort Hood	Child Development Center	12,700
TX	Defense Wide	Fort Hood	Hospital Replacement Phase 1	621,000
TX	Air Force	Goodfellow AFB	Student Dormitory (200 Rm)	28,400
TX	Air Force	Lackland AFB	Add/Alter Child Development Center	6,000
UT	ARNG	Dugway Proving Grounds	Family Housing Replacement Construction (20 units)	10,000
UT	Air Force	Hill AFB	Child Development Center	15,000
UT	Air Force	Salt Lake City	Fire Station, Phase 2	5,100

AMERICAN RECOVERY AND REINVESTMENT ACT MILITARY CONSTRUCTION
(In Thousands of Dollars)

State	Account	Installation	Project Title	Senate Authorized
VA	Army	Fort Belvoir	Child Development Center	14,600
VA	Army	Fort Eustis	Child Development Center	9,600
VA	Navy	Hampton Roads	Install Photovoltaic Systems	26,098
VA	Navy	Naval Station Norfolk	Repair Steam Lines	1,054
VA	Navy	Naval Station Norfolk	Steam Plant Area Decentralization	23,593
VA	ARNG	Radford AAP	Family Housing Replacement Construction (4 units)	1,300
WA	Navy	Naval Air Station Whidbey Island	Replace Water Distribution System	20,054
WI	ARNG	Fort McCoy	Family Housing New Construction (23 units)	14,000
WI	Air Force	General Mitchell	Security Forces CATM/CATS	1,100
WV	Air Force	Eastern West Virginia Regional Airport	C–5 Avionics Shop	4,300
WV	ARNG	Gassaway	Readiness Center Add/Alt	3,300
	Defense Wide	Various Locations	Planning and Design (P&D)	118,690
	Navy	Various Locations	P&D—DoN Child Development Center Projects	1,102
	Navy	Various Locations	P&D—DoN Energy Projects	1,444
	Navy	Various Locations	P&D—DoN Bachelor Enlisted Quarter Projects	1,785

SEC. 4504. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country	Location	Project	Authorization	Authorized for Appropriation
AF	AF	WOLVERINE	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	WOLVERINE	DINING FACILITY	2,200	2,200
ARMY	AF	WOLVERINE	FUEL SYSTEM, PH 1	5,800	5,800
ARMY	AF	WOLVERINE	WASTE MANAGEMENT COMPLEX	6,900	6,900
AF	AF	TOMBSTONE/BASTION	STRATEGIC AIRLIFT APRON EXPANSION	32,000	32,000
AF	AF	TOMBSTONE/BASTION	CAS APRON EXPANSION	40,000	40,000
AF	AF	TOMBSTONE/BASTION	ISR APRON	41,000	41,000
AF	AF	TOMBSTONE/BASTION	SECURE RSOI FACILITY	10,000	10,000
AF	AF	TOMBSTONE/BASTION	CARGO HANDLING AREA	18,000	18,000
AF	AF	TOMBSTONE/BASTION	AVIATION OPERATIONS & MAINTENANCE FACS	8,900	8,900
AF	AF	TOMBSTONE/BASTION	EXPEDITIONARY FIGHTER SHELTER	6,300	6,300
ARMY	AF	TOMBSTONE/BASTION	BASIC LOAD AMMUNITION HOLDING AREA	7,500	7,500
ARMY	AF	TOMBSTONE/BASTION	DINING FACILITY	8,900	8,900
ARMY	AF	TOMBSTONE/BASTION	ENTRY CONTROL POINT AND ACCESS ROADS	14,200	14,200
ARMY	AF	TOMBSTONE/BASTION	FUEL SYSTEM, PH 2	14,200	14,200
ARMY	AF	TOMBSTONE/BASTION	ROADS	4,300	4,300
ARMY	AF	TOMBSTONE/BASTION	LEVEL 3 MEDICAL FACILITY	16,500	16,500
ARMY	AF	TOMBSTONE/BASTION	WATER SUPPLY AND DISTRIBUTION SYSTEM	6,200	6,200
AF	AF	TARIN KOWT	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	TARIN KOWT	DINING FACILITY	4,350	4,350
ARMY	AF	TARIN KOWT	FUEL SYSTEM PHASE 2	11,800	11,800
ARMY	AF	TARIN KOWT	WASTE MANAGEMENT AREA	6,800	6,800
ARMY	AF	TARIN KOWT	AMMUNITION SUPPLY POINT	35,000	35,000
ARMY	AF	SHARANA	ROTARY WING PARKING	32,000	32,000
ARMY	AF	SHARANA	AMMUNITION SUPPLY POINT	14,000	14,000

MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country	Location	Project	Authorization	Authorized for Appropriation
ARMY	AF	SHARANA	AIRCRAFT MAINTENANCE FACILITIES	12,200	12,200
ARMY	AF	SHARANA	ELECTRICAL DISTRIBUTION GRID	2,600	2,600
AF	AF	SHANK	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	SHANK	DINING FACILITY	4,350	4,350
ARMY	AF	SHANK	ELECTRICAL DISTRIBUTION GRID	4,600	4,600
ARMY	AF	SHANK	WASTE MANAGEMENT COMPLEX	8,100	8,100
ARMY	AF	SHANK	WATER DISTRIBUTION SYSTEM	2,650	2,650
ARMY	AF	SHANK	TROOP HOUSING PHASE 2		
ARMY	AF	SALERNO	WASTE MANAGEMENT COMPLEX	5,500	5,500
ARMY	AF	SALERNO	ELECTRICAL DISTRIBUTION GRID	2,600	2,600
ARMY	AF	SALERNO	FUEL SYSTEM, PH 1	12,800	12,800
ARMY	AF	SALERNO	DINING FACILITY	4,300	4,300
ARMY	AF	SALERNO	RUNWAY UPGRADE	25,000	25,000
ARMY	AF	METHAR-LAM	WASTE MANAGEMENT AREA	4,150	4,150
ARMY	AF	MAYWAND	DINING FACILITY	6,600	6,600
ARMY	AF	MAYWAND	WASTE MANAGEMENT AREA	5,600	5,600
AF	AF	KANDAHAR	SECURE RSOI FACILITY	9,700	9,700
AF	AF	KANDAHAR	TACTICAL AIRLFIT APRON	29,000	29,000
AF	AF	KANDAHAR	REFUELER APRON/RELOCATE HCP	66,000	66,000
AF	AF	KANDAHAR	CAS APRON EXPANSION	25,000	25,000
AF	AF	KANDAHAR	ISR APRON EXPANSION	40,000	40,000
AF	AF	KANDAHAR	AVIATION OPERATIONS & MAINTENANCE FACILITIES	10,500	10,500
AF	AF	KANDAHAR	EXPEDITIONARY FIGHTER SHELTER	6,400	6,400
AF	AF	KANDAHAR	CARGO HELICOPTER APRON	32,000	32,000
AF	AF	KANDAHAR	RELOCATE NORTH AIRFIELD ROAD	16,000	16,000
ARMY	AF	KANDAHAR	TROOP HOUSING PHASE 2		
ARMY	AF	KANDAHAR	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	KANDAHAR	TANKER TRUCK OFFLOAD FACILITY	23,000	23,000

ARMY	AF	KANDAHAR	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	KANDAHAR	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	KANDAHAR	SOUTHPARK ROADS	11,000	11,000
ARMY	AF	KANDAHAR	WASTE MANAGEMENT COMPLEX	10,000	10,000
ARMY	AF	KANDAHAR	WAREHOUSE	20,000	20,000
ARMY	AF	KANDAHAR	THEATER VEHICLE MAINTENANCE FACILITY	55,000	55,000
ARMY	AF	KABUL	USFOR–A HEADQUARTERS & HOUSING	98,000	98,000
ARMY	AF	KABUL	CAMP PHOENIX WEST EXPANSION	39,000	39,000
ARMY	AF	JOYCE	DINING FACILITY	2,100	2,100
ARMY	AF	JOYCE	WASTE MANAGEMENT AREA	5,600	5,600
ARMY	AF	JALALABAD	DINING FACILITY	4,350	4,350
ARMY	AF	JALALABAD	AMMUNITION SUPPLY POINT	35,000	35,000
ARMY	AF	JALALABAD	CONTINGENCY HOUSING		
ARMY	AF	JALALABAD	PERIMETER FENCING	2,050	2,050
ARMY	AF	GHAZNI	WASTE MANAGEMENT COMPLEX	5,500	5,500
ARMY	AF	GARDEZ	TACTICAL RUNWAY	28,000	28,000
ARMY	AF	GARDEZ	DINING FACILITY	2,200	2,200
ARMY	AF	GARDEZ	CONTINGENCY HOUSING		
ARMY	AF	GARDEZ	FUEL SYSTEM, PH 1	6,000	6,000
ARMY	AF	FRONTENAC	DINING FACILITY	2,200	2,200
ARMY	AF	FRONTENAC	CONTINGENCY HOUSING		
AF	AF	DWYER	CONTINGENCY HOUSING PHASE 1		
AF	AF	DWYER	CONTINGENCY HOUSING PHASE 2		
AF	AF	DWYER	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	DWYER	FUEL SYSTEM, PH 1	5,800	5,800
ARMY	AF	DWYER	WASTE MANAGEMENT COMPLEX	6,900	6,900
ARMY	AF	DWYER	DINING FACILITY	2,200	2,200
ARMY	AF	BOSTICK	WASTE MANAGEMENT AREA	5,500	5,500
ARMY	AF	BLESSING	WASTE MANAGEMENT AREA	5,600	5,600
AF	AF	BAGRAM AIR BASE	CARGO TERMINAL	13,800	13,800
AF	AF	BAGRAM AIR BASE	AVIATION OPERATIONS & MAINTENANCE FACILITIES	8,900	8,900
AF	AF	BAGRAM AIR BASE	EXPEDITIONARY FIGHTER SHELTER	6,400	6,400
ARMY	AF	BAGRAM AIR BASE	TROOP HOUSING PHASE 3		
ARMY	AF	BAGRAM AIR BASE	DRAINAGE SYSTEM, PH 2	21,000	21,000

MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country	Location	Project	Authorization	Authorized for Appropriation
ARMY	AF	BAGRAM AIR BASE	BARRACKS	18,500	18,500
ARMY	AF	BAGRAM AIR BASE	PERIMETER FENCE AND GUARD TOWERS	7,000	7,000
ARMY	AF	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY	38,000	38,000
ARMY	AF	BAGRAM AIR BASE	ACCESS ROADS	21,000	21,000
ARMY	AF	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	BAGRAM AIR BASE	MEDLOG WAREHOUSE	3,350	3,350
ARMY	AF	ASADABAD	WASTE MANAGEMENT AREA	5,500	5,500
ARMY	AF	ALTIMUR	DINING FACILITY	2,150	2,150
ARMY	AF	ALTIMUR	WASTE MANAGEMENT AREA	5,600	5,600
ARMY	AF	AIRBORNE	DINING FACILITY	2,200	2,200
ARMY	AF	AIRBORNE	WASTE MANAGEMENT AREA	5,600	5,600
ARMY	BE	MONS	NATO SOF OPERATIONAL SUPPORT, TRAINING	20,000	20,000
AF	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN		35,000
ARMY	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	20,000	20,000
ARMY	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN		75,884
NSA	ZU	UNSPECIFIED WORLDWIDE	CLASSIFIED PROJECT		
NSA	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN		
			Grand Total Military Construction	**1,294,100**	**1,404,984**

TITLE XLVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Electricity Delivery & Energy Reliability			
Electricity Delivery & Energy Reliability			
Infrastructure security & energy restoration	6,188	–6,188	
Weapons Activities			
Directed stockpile work			
Life extension programs			
W76 Life extension program	209,196		209,196
Total, Life extension programs	**209,196**		**209,196**
Stockpile systems			
B61 Stockpile systems	124,456		124,456
W76 Stockpile systems	65,497		65,497
W78 Stockpile systems	50,741		50,741
W80 Stockpile systems	19,064		19,064
B83 Stockpile systems	35,682		35,682

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
W87 Stockpile systems	51,817		51,817
W88 Stockpile systems	43,043		43,043
Total, Stockpile systems	**390,300**		**390,300**
Weapons dismantlement and disposition			
Operation and maintenance	84,100	15,000	99,100
Total, Weapons dismantlement and disposition	**84,100**	**15,000**	**99,100**
Stockpile services			
Production support	301,484		301,484
Research and development support	37,071		37,071
R&D certification and safety	143,076	30,000	173,076
Management, technology, and production	200,223		200,223
Plutonium infrastructure sustainment	149,201		149,201
Total, Stockpile services	**831,055**	**30,000**	**861,055**
Total, Directed stockpile work	**1,514,651**	**45,000**	**1,559,651**
Campaigns:			
Science campaign			
Advanced certification	19,400	5,000	24,400
Primary assessment technologies	80,181		80,181
Dynamic materials properties	86,617		86,617
Academic alliances	30,251		30,251
Advanced radiography	22,328		22,328
Secondary assessment technologies	77,913		77,913
Total, Science campaign	**316,690**	**5,000**	**321,690**
Engineering campaign			
Enhanced surety	42,000	5,000	47,000

Weapon systems engineering assessment technology	18,000		18,000
Nuclear survivability	21,000		21,000
Enhanced surveillance	69,000	10,000	79,000
Total, Engineering campaign	**150,000**	**15,000**	**165,000**
Inertial confinement fusion ignition and high yeild campaign			
Ignition	106,734		106,734
NIF diagnostics, cryogenics and experimental support	72,252		72,252
Pulsed power inertial confinement fusion	5,000		5,000
Joint program in high energy density laboratory plasmas	4,000		4,000
Facility operations and target production	248,929	6,500	255,429
Omega operations		[6,500]	
Total, Inertial confinement fusion and high yield campaign	**436,915**	**6,500**	**443,415**
Advanced simulation and computing campaign			
Operation and maintenance	556,125	9,000	565,125
Readiness Campaign			
Stockpile readiness	5,746		5,746
High explosives and weapon operations	4,608		4,608
Nonnuclear readiness	12,701		12,701
Tritium readiness	68,246	–20,000	48,246
Advanced design and production technologies	8,699		8,699
Total, Readiness campaign	**100,000**	**–20,000**	**80,000**
Total, Campaigns	**1,559,730**	**15,500**	**1,575,230**
Readiness in technical base and facilities (RTBF)			
Operation of facilities			
Operation of facilities	1,342,303		1,342,303
Total, Operation of facilities	**1,342,303**		**1,342,303**
Program readiness	73,021		73,021
Material recycle and recovery	69,542		69,542
Containers	23,392		23,392

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Storage	24,708		24,708
Subtotal, Readiness in technical base and facilities (RTBF)	**1,532,966**		**1,532,966**
Construction:			
10–D–501, Nuclear facilities risk reduction Y–12 National Security Complex, Oakridge, TN	12,500		12,500
99–D–141, Pit disassembly and conversion facility, Savannah River Site, Aiken, SC	30,321		30,321
09–D–007, LANSCE-Refurbishment, Los Alamos National Laboratory, NM		30,000	30,000
08–D–801, High pressure fire loop (HPFL), Pantex, TX	31,910		31,910
06–D–140, Project engineering design (PED), various locations	70,678		70,678
06–D–402, NTS replace fire stations 1 & 2 Nevada Test Site, NV	1,473		1,473
04–D–125, Chemistry and metallurgy facility replacement, Los Alamos National Laboratory, Los Alamos, NM	55,000	–20,000	35,000
04–D–128, TA–18 Criticality experiments facility (CEF), Los Alamos National Laboratory, Nevada Test Site, NV	1,500		1,500
Total, Construction	**203,382**	**10,000**	**213,382**
Total, Readiness in technical base and facilities	**1,736,348**	**10,000**	**1,746,348**
Secure transportation asset			
Operation and equipment	138,772		138,772
Program direction	96,143		96,143
Total, Secure transportation asset	**234,915**		**234,915**
Nuclear counterterrorism incident response	**221,936**	**5,688**	**227,624**
National technical forensics		[5,688]	
Facilities and infrastructure recapitalization program			
Operation and maintenance	144,959		144,959
Construction:			
07–D–253, TA 1 heating systems modernization (HSM) Sandia National Laboratory, NM	9,963		9,963
Total, Construction	**9,963**		**9,963**
Total, Facilities and infrastructure recapitalization program	**154,922**		**154,922**

Site stewardship			
Environmental projects and operations	41,288		41,288
Nuclear materials integration	20,000		20,000
Stewardship planning	29,086		29,086
Total, Site stewardship	**90,374**		**90,374**
Safeguards and security			
Defense nuclear security			
Operation and maintenance	700,044		700,044
Construction:			
10–D–701, Security improvements project Y–12 National Security Complex, Oak Ridge, TN	49,000		49,000
Total, Construction	**49,000**		**49,000**
Total, Defense nuclear security	**749,044**		**749,044**
Cyber security	122,511		122,511
Total, Safeguards and security	**871,555**		**871,555**
Support to intelligence		**30,000**	**30,000**
Total, Weapons Activities	**6,384,431**	**106,188**	**6,490,619**
Defense Nuclear Nonproliferation			
Nonproliferation and verification research and development			
Operation and maintenance	297,300	50,000	347,300
Nonproliferation and international security	207,202	–14,000	193,202
Nuclear noncompliance verification		[–12,000]	
Global initiatives for proliferation prevention		[–2,000]	
International nuclear materials protection and cooperation	552,300		552,300

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Elimination of weapons-grade plutonium production program	24,507		24,507
Fissile materials disposition			
U.S. surplus fissile materials disposition			
Operation and maintenance			
U.S. plutonium disposition	90,896		90,896
U.S. uranium disposition	34,691	–2,000	32,691
Supporting activities	1,075		1,075
Total, Operation and maintenance	**126,662**	**–2,000**	**124,662**
Construction:			
99–D–143, Mixed oxide fuel fabrication facility, Savannah River Site, SC	504,238		504,238
99–D–141–02, Waste solidification building, Savannah River Site, SC	70,000		70,000
Total, Construction	**574,238**		**574,238**
Total, U.S. surplus fissile materials disposition	**700,900**	**–2,000**	**698,900**
Russian surplus materials disposition	1,000	6,000	7,000
Total, Fissile materials disposition	**701,900**	**4,000**	**705,900**
Global threat reduction initiative	353,500	–40,000	313,500
Gap nuclear material		[–40,000]	
Subtotal, Defense Nuclear Nonproliferation	**2,136,709**		**2,136,709**
Total, Defense Nuclear Nonproliferation	**2,136,709**		**2,136,709**
Naval Reactors			
Naval reactors development			
Operation and maintenance			
Operation and maintenance	935,533		935,533
Total, Operation and maintenance	**935,533**		**935,533**
Construction:			

10–D–903, KAPL Security upgrades, Schnectady, NY	1,500	1,500
10–D–904, NRF infrastructure upgrades, ID	700	700
09–D–190, PED, Infrastructure upgrades, KAPL, Schnectady, NY	1,000	1,000
09–D–902, NRF Production Support Complex, ID	6,400	6,400
08–D–190, NRF Project engineering and design Expended Core Facility M–290 receiving/discharge station, ID	9,500	9,500
07–D–190, Materials research and technology complex, BAPL, Pittsburgh, PA	11,700	11,700
Total, Construction	**30,800**	**30,800**
Total, Naval reactors development	**966,333**	**966,333**
Program direction	36,800	36,800
Total, Naval Reactors	**1,003,133**	**1,003,133**
Office Of The Administrator		
Office of the administrator	431,074	431,074
Use of prior year balances	–10,320	–10,320
Total, Office Of The Administrator	**420,754**	**420,754**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	8,225	8,225
Miamisburg	33,243	33,243
Total, Closure sites	**41,468**	**41,468**
Hanford site:		
2012 accelerated completions		
Nuclear facility D&D river corridor closure project	327,955	327,955
Nuclear material stabilization and disposition PFP	118,087	118,087
SNF stabilization and disposition	55,325	55,325
Total, 2012 accelerated completions	**501,367**	**501,367**
2035 accelerated completions		
Nuclear facility D&D—remainder of Hanford	70,250	70,250
Richland community and regulatory support	21,940	21,940
Soil and water remediation—groundwater vadose zone	176,766	176,766
Solid waste stabilization and disposition 200 area	132,757	132,757

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Total, 2035 accelerated completions	**401,713**		**401,713**
Total, Hanford site	**903,080**		**903,080**
Idaho National Laboratory:			
SNF stabilization and disposition—2012	14,768		14,768
Solid waste stabilization and disposition	137,000		137,000
Radioactive liquid tank waste stabilization and disposition	95,800		95,800
Construction:			
06–D–401, Sodium bearing waste treatment project, Idaho	83,700		83,700
Soil and water remediation—2012	71,000		71,000
Idaho community and regulatory support	3,900		3,900
Total, Idaho National Laboratory	**406,168**		**406,168**
NNSA sites			
Lawrence Livermore National Laboratory	910		910
NNSA Service Center/SPRU	17,938		17,938
Nevada	65,674		65,674
California site support	238		238
Sandia National Laboratories	2,864		2,864
Los Alamos National Laboratory	189,000		189,000
Total, NNSA sites and Nevada off-sites	**276,624**		**276,624**
Oak Ridge Reservation:			
Building 3019	38,900		38,900
Nuclear facility D & D ORNL	38,900		38,900
Nuclear facility D & D Y–12	34,000		34,000
Nuclear facility D & D E. Tennessee technology park	100		100
OR reservation community and regulatory support	6,253		6,253
Solid waste stabilization and disposition—2012	35,615		35,615

Total, Oak Ridge Reservation	**153,768**	**153,768**
Office of River Protection:		
Waste treatment and immobilization plant		
Construction:		
01–D–416 Waste treatment and immobilization plant		
01–D–16A Low activity waste facility	100,000	100,000
01–D–16B Analytical laboratory	55,000	55,000
01–D–16C Balance of facilities	50,000	50,000
01–D–16D High level waste facility	160,000	160,000
01–D–16E Pretreatment facility	325,000	325,000
Total, Waste treatment and immobilization plant	**690,000**	**690,000**
Tank farm activities		
Rad liquid tank waste stabilization and disposition	408,000	408,000
Total, Office of River protection	**1,098,000**	**1,098,000**
Savannah River Site:		
Nuclear material stabilization and disposition		
Nuclear material stabilization and disposition	385,310	385,310
Construction:		
08–D–414 Project engineering and design Plutonium Vitrification Facility, VL	6,315	6,315
Total, Nuclear material stabilization and disposition	**391,625**	**391,625**
2035 accelerated completions		
SR community and regulatory support	18,300	18,300
Spent nuclear fuel stabilization and disposition	38,768	38,768
Total, 2035 accelerated completions	**57,068**	**57,068**
Tank farm activities		
Radioactive liquid tank waste stabilization and disposition	527,138	527,138
Construction:		
05–D–405, Salt waste processing facility, Savannah River Site, SC	234,118	234,118
Total, Tank farm activities	**761,256**	**761,256**

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Total, Savannah River Site	**1,209,949**		**1,209,949**
Waste Isolation Pilot Plant			
Waste isolation pilot plant	144,902		144,902
Central characterization project	13,730		13,730
Transportation	33,851		33,851
Community and regulatory support	27,854		27,854
Total, Waste Isolation Pilot Plant	**220,337**		**220,337**
Program direction	355,000		355,000
Program support	34,000		34,000
Safeguards and Security:			
Waste Isolation Pilot Project	4,644		4,644
Oak Ridge Reservation	32,400		32,400
West Valley	1,859		1,859
Paducah	8,190		8,190
Portsmouth	17,509		17,509
Richland/Hanford Site	82,771		82,771
Savannah River Site	132,064		132,064
Total, Safeguards and Security	**279,437**		**279,437**
Technology development	55,000		55,000
Uranium enrichment D&D fund contribution	463,000		463,000
General reduction		–100,000	–100,000
Subtotal, Defense environmental cleanup	**5,495,831**	**–100,000**	**5,395,831**
Total, Defense Environmental Cleanup	**5,495,831**	**–100,000**	**5,395,831**

Other Defense Activities		
Health, safety and security		
Health, safety and security	337,757	337,757
Program direction	112,125	112,125
Total, Health, safety and security	**449,882**	**449,882**
Office of Legacy Management		
Legacy management	177,618	177,618
Program direction	12,184	12,184
Total, Office of Legacy Management	**189,802**	**189,802**
Nuclear energy		
Infrastructure		
Idaho facilities management		
INL infrastructure operation and maintenance	83,358	83,358
Total, Infrastructure	**83,358**	**83,358**
Total, Nuclear energy	**83,358**	**83,358**
Defense related administrative support	122,982	122,982
Office of hearings and appeals	6,444	6,444
Total, Other Defense Activities	**852,468**	**852,468**
Defense Nuclear Waste Disposal		
Defense nuclear waste disposal	98,400	98,400
Total, Department of Energy	**16,397,914**	**16,397,914**

DIVISION E—MATTHEW SHEPARD HATE CRIMES PREVENTION ACT

SEC. 4701. SHORT TITLE.

This division may be cited as the ''Matthew Shepard Hate Crimes Prevention Act''.

SEC. 4702. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just

the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to

the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct ''races''. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

SEC. 4703. DEFINITION OF HATE CRIME.

In this division—

(1) the term ''crime of violence'' has the meaning given that term in section 16, title 18, United States Code;

(2) the term ''hate crime'' has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term ''local'' means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

SEC. 4704. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecu-

torial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this subsection,

the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State, local, and tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State, local, and tribal law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(6) REPORT.—Not later than December 31, 2010, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2010 and 2011.

SEC. 4705. GRANT PROGRAM.

(a) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 4706. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2010, 2011, and 2012 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 4707 of this division.

SEC. 4707. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

''(a) IN GENERAL.—

''(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual

orientation, gender identity or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

title, or both, and shall be subject to the penalty of death in accordance with chapter 228 (if death results from the offense), if—

"(i) death results from the offense; or

"(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a fire-

arm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, and shall be subject to the penalty of death in accordance with chapter 228 (if death results from the offense), if—

"(I) death results from the offense; or

"(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the cir-

cumstances described in this subparagraph are that—

"(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

"(I) across a State line or national border; or

"(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

"(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

"(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

"(iv) the conduct described in subparagraph (A)—

"(I) interferes with commercial or other economic activity in which

the victim is engaged at the time of the conduct; or

"(II) otherwise affects interstate or foreign commerce.

"(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE UNITED STATES.—Whoever, within the special maritime or territorial jurisdiction of the United States, commits an offense described in paragraph (1) or (2) shall be subject to the same penalties as prescribed in those paragraphs.

"(b) CERTIFICATION REQUIREMENT.—

"(1) IN GENERAL.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or his designee, that—

"(A) the State does not have jurisdiction;

"(B) the State has requested that the Federal Government assume jurisdiction;

"(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

"(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

"(c) DEFINITIONS.—In this section—

"(1) the term "bodily injury" has the meaning given such term in section 1365(h)(4) of this title, but does not include solely emotional or psychological harm to the victim;

"(2) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

"(3) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

"(4) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"249. Hate crime acts.".

SEC. 4708. STATISTICS.

(a) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ''gender and gender identity,'' after ''race,''.

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting '', including data about crimes committed by, and crimes directed against, juveniles'' after ''data acquired under this section''.

SEC. 4709. SEVERABILITY.

If any provision of this division, an amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this division, the amendments made by this division, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 4710. RULE OF CONSTRUCTION.

For purposes of construing this division and the amendments made by this division the following shall apply:

(1) RELEVANT EVIDENCE.—Courts may consider relevant evidence of speech, beliefs, or expressive conduct to the extent that such evidence is offered to prove an element of a charged offense or is

otherwise admissible under the Federal Rules of Evidence. Nothing in this division is intended to affect the existing rules of evidence.

(2) VIOLENT ACTS.—This division applies to violent acts motivated by actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of a victim.

SEC. 4711. CONSTRUCTION AND APPLICATION.

Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes on any rights under the first amendment to the Constitution of the United States, or substantially burdens any exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, association, if such exercise of religion, speech, expression, or association was not intended to—

(1) plan or prepare for an act of physical violence; or

(2) incite an imminent act of physical violence against another.

(3) FREE EXPRESSION.—Nothing in this division shall be construed to allow prosecution based solely upon an individual's expression of racial, religious, political, or other beliefs or solely upon an in-

dividual's membership in a group advocating or espousing such beliefs.

(4) FIRST AMENDMENT.—Nothing in this division, or an amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

(5) CONSTITUTIONAL PROTECTIONS.—Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

SEC. 4712. LIMITATION ON PROSECUTIONS.

(a) IN GENERAL.—All prosecutions under section 249 of title 18, United States Code, as added by this Act, shall be undertaken pursuant to guideline, issued by the Attorney General—

(1) to guide the exercise of the discretion of Federal prosecutors and the Attorney General in their decisions whether to seek death sentences

under such section when the crime results in a loss of life; and

(2) that identify with particularity the the type facts of such cases that will support the classification of individual cases in term of their culpability and death eligibility as low, medium, and high.

(b) REQUIREMENTS FOR DEATH PENALTY.—If the Government seeks a death sentence in crime under section 249 of title 18, United States Code, as added by this Act, that results in a loss of life—

(1) the Attorney General shall certify with particularity in the information or indictment how the facts of the case support the Government's judgment that the case is properly classified among the cases involving a hate crime that resulted in a victim's death;

(2) the Attorney General shall document in a filing to the court—

(A) the facts of the crime (including date of offense and arrest and location of the offense), charges, convictions, and sentences of all state and Federal hate crimes (committed before or after the effective date of this legislation) that resulted in a loss of life and were

known to the Assistant United States Attorney or the Attorney General; and

(B) the actual or perceived race, color, national origin, ethnicity, religion, gender, sexual orientation, gender identity, or disability of the defendant and all victims; and

(3)(A) the court, either at the close of the guilt trial or at the close of the penalty trial, shall conduct a proportionality review in which it shall examine whether the prosecutorial death seeking and death sentencing rates in comparable cases in Federal prosecutions are both greater than 50 percent; and

(B) if the United States fails to satisfy the test under subparagraph (A), by a preponderance of the evidence, the court shall dismiss the Government's action seeking a death sentence in the case.

SEC. 4713. GUIDELINES FOR HATE-CRIMES OFFENSES.

Section 249(a) of title 18, United States Code, as added by section _____ of this Act, is amended by adding at the end the following:

"(4) GUIDELINES.—All prosecutions conducted by the United States under this section shall be undertaken pursuant to guidelines issued by the Attorney General, or the designee of the Attorney Gen-

eral, to be included in the United States Attorneys' Manual that shall establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person.''.

SEC. 4714. ATTACKS ON UNITED STATES SERVICEMEN.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following:

''§ 1389. Prohibition on attacks on United States servicemen on account of service

''(a) IN GENERAL.—Whoever knowingly assaults or batters a United States serviceman or an immediate family member of a United States serviceman, or who knowingly destroys or injures the property of such serviceman or immediate family member, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

''(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is not more than $500, be fined under this title in an amount not less than $500 nor more than $10,000 and imprisoned not more than 2 years;

"(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than $500, be fined under this title in an amount not less than $1000 nor more than $100,000 and imprisoned not more than 5 years; and

"(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less than $2500 and imprisoned not less than 6 months nor more than 10 years.

"(b) EXCEPTION.—This section shall not apply to conduct by a person who is subject to the Uniform Code of Military Justice.

"(c) DEFINITIONS.—In this section—

"(1) the term 'Armed Forces' has the meaning given that term in section 1388;

"(2) the term 'immediate family member' has the meaning given that term in section 115; and

"(3) the term 'United States serviceman'—

"(A) means a member of the Armed Forces; and

"(B) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the

Armed Forces of that member of the Armed Forces.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 67 of title 18, United States Code, is amended by adding at the end the following:

''1389. Prohibition on attacks on United States servicemen on account of service.''.

DIVISION F—SBIR/STTR REAUTHORIZATION

SEC. 5001. SHORT TITLE.

This division may be cited as the ''SBIR/STTR Reauthorization Act of 2009''.

SEC. 5002. DEFINITIONS.

In this division—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms ''extramural budget'', ''Federal agency'', ''Small Business Innovation Research Program'', ''SBIR'', ''Small Business Technology Transfer Program'', and ''STTR'' have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term ''small business concern'' has the same meaning as under section 3 of the Small Business Act (15 U.S.C. 632).

TITLE LI—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 5101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2017''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2009'' and inserting ''2017''.

SEC. 5102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

"(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

"(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

"(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.".

SEC. 5103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "Each" and inserting "Except as provided in paragraph (2)(C), each";

(B) in subparagraph (B), by striking "and" at the end; and

(C) by striking subparagraph (C) and inserting the following:

"(C) not less than 2.5 percent of such budget in each of fiscal years 2009 and 2010;

"(D) not less than 2.6 percent of such budget in fiscal year 2011;

"(E) not less than 2.7 percent of such budget in fiscal year 2012;

"(F) not less than 2.8 percent of such budget in fiscal year 2013;

"(G) not less than 2.9 percent of such budget in fiscal year 2014;

"(H) not less than 3.0 percent of such budget in fiscal year 2015;

"(I) not less than 3.1 percent of such budget in fiscal year 2016;

"(J) not less than 3.2 percent of such budget in fiscal year 2017;

"(K) not less than 3.3 percent of such budget in fiscal year 2018;

"(L) not less than 3.4 percent of such budget in fiscal year 2019; and

"(M) not less than 3.5 percent of such budget in fiscal year 2020 and each fiscal year thereafter,"; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking ''A Federal agency'' and inserting the following:

''(A) IN GENERAL.—A Federal agency''; and

(C) by adding at the end the following:

''(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

''(i) may not be used for new Phase I or Phase II awards; and

''(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.''.

SEC. 5104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''thereafter.'' and inserting ''through fiscal year 2010;''; and

(3) by adding at the end the following:

''(iii) 0.4 percent for fiscal years 2011 and 2012;

''(iv) 0.5 percent for fiscal years 2013 and 2014; and

''(v) 0.6 percent for fiscal year 2015 and each fiscal year thereafter.''.

SEC. 5105. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(c) TRIENNIAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D)—

(A) by striking ''5 years'' and inserting ''3 years''; and

(B) by striking ''and programmatic considerations''; and

(2) in subsection (p)(2)(B)(ix) by striking ''greater or lesser amounts to be awarded at the discretion of the awarding agency,'' and inserting ''an adjustment for inflation of such amounts once every 3 years,''.

(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(aa) LIMITATION ON CERTAIN AWARDS.—

''(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

''(2) MAINTAINANCE OF INFORMATION.—Participating agencies shall maintain information on

awards exceeding the guidelines established under this section, including—

"(A) the amount of each award;

"(B) a justification for exceeding the award amount;

"(C) the identity and location of each award recipient; and

"(D) whether a recipient has received any venture capital investment and, if so, whether the recipient is majority-owned and controlled by multiple venture capital companies.

"(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.".

SEC. 5106. AGENCY AND PROGRAM COLLABORATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

"(bb) SUBSEQUENT PHASES.—

"(1) AGENCY COLLABORATION.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

"(2) SBIR AND STTR COLLABORATION.—A small business concern which received an award under this section under the SBIR program or the STTR program may receive an award under this section for a subsequent phase in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).".

SEC. 5107. ELIMINATION OF PHASE II INVITATIONS.

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking ''to further'' and inserting: ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further''; and

(2) in paragraph (6)(B), by striking ''to further develop proposed ideas to'' and inserting ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 638) is amended—

(1) in section 9—

(A) in subsection (e)—

(i) in paragraph (8), by striking ''and'' at the end;

(ii) in paragraph (9)—

(I) by striking ''the second or the third phase'' and inserting ''Phase II or Phase III''; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(10) the term 'Phase I' means—

"(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

"(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

"(11) the term 'Phase II' means—

"(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

"(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

"(12) the term 'Phase III' means—

"(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

"(B) with respect to the STTR program, the third phase described in paragraph (6)(C).";

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking "phase two" and inserting "Phase II";

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking ''the third phase'' each place it appears and inserting ''Phase III''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(II) in subparagraph (D)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(III) in subparagraph (F), by striking ''the third phase'' and inserting ''Phase III'';

(IV) in subparagraph (G)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(V) in subparagraph (H)—

(aa) by striking ''the first phase'' and inserting ''Phase I'';

(bb) by striking ''second phase'' each place it appears and inserting ''Phase II''; and

(cc) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''the first phase (as described in subsection (e)(4)(A))'' and inserting ''Phase I'';

(bb) by striking ''the second phase (as described in subsection (e)(4)(B))'' and inserting ''Phase II''; and

(cc) by striking ''the third phase (as described in subsection (e)(4)(C))'' and inserting ''Phase III''; and

(II) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II'';

(C) in subsection (k)—

(i) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(ii) by striking ''second phase'' each place it appears and inserting ''Phase II'';

(D) in subsection (l)(2)—

(i) by striking ''the first phase'' and inserting ''Phase I''; and

(ii) by striking ''the second phase'' and inserting ''Phase II'';

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II''; and

(ii) in subparagraph (C), by striking ''third phase'' and inserting ''Phase III'';

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking ''the second phase'' and inserting ''Phase II''; and

(bb) by striking ''the third phase'' and inserting ''Phase III''; and

(II) in clause (ix)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(ii) in paragraph (3)—

(I) by striking ''the first phase (as described in subsection (e)(6)(A))'' and inserting ''Phase I'';

(II) by striking ''the second phase (as described in subsection (e)(6)(B))'' and inserting ''Phase II''; and

(III) by striking ''the third phase (as described in subsection (e)(6)(A))'' and inserting ''Phase III''; (G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''FIRST PHASE'' and inserting ''PHASE I''; and

(II) by striking ''first phase'' and inserting ''Phase I''; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ''SECOND PHASE'' and inserting ''PHASE II''; and

(II) by striking ''second phase'' and inserting ''Phase II'';

(H) in subsection (r)—

(i) in the subsection heading, by striking ''THIRD PHASE'' and inserting ''PHASE III'';

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking ''for the second phase'' and inserting ''for Phase II'';

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(cc) by striking ''second phase period'' and inserting ''Phase II period''; and

(II) in the second sentence—

(aa) by striking ''second phase'' and inserting ''Phase II''; and

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (2), by striking ''third phase'' and inserting ''Phase III''; and

(I) in subsection (u)(2)(B), by striking ''the first phase'' and inserting ''Phase I'';

(2) in section 34—

(A) in subsection (c)(2)(B)(ii), by striking ''first phase and second phase SBIR awards'' and inserting ''Phase I and Phase II SBIR awards (as defined in section 9(e))''; and

(B) in subsection (e)(2)(A)—

(i) in clause (i), by striking ''first phase awards'' and all that follows and inserting ''Phase I awards (as defined in section 9(e));''; and

(ii) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(3) in section 35(c)(2)(B)(vii), by striking ''third phase'' and inserting ''Phase III''.

SEC. 5108. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

"(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—

"(1) AUTHORITY AND DETERMINATION.—

"(A) IN GENERAL.—Upon a written determination provided not later than 30 days in advance to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives—

"(i) the Director of the National Institutes of Health may award not more than 18 percent of the SBIR funds of the National Institutes of Health allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based

procedures that are open to all eligible small business concerns; and

"(ii) the head of any other Federal agency participating in the SBIR program may award not more than 8 percent of the SBIR funds of the Federal agency allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are majority owned by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns.

"(B) DETERMINATION.—A written determination made under subparagraph (A) shall explain how the use of the authority under that subparagraph will induce additional venture capital funding of small business innovations, substantially contribute to the mission of the funding Federal agency, demonstrate a need for public research, and otherwise fulfill the capital

needs of small business concerns for additional financing for the SBIR project.

"(2) QUALIFICATION REQUIREMENTS.—The Administrator shall establish requirements relating to the affiliation by small business concerns with venture capital companies, which may not exclude a United States small business concern from participation in the program under paragraph (1) on the basis that the small business concern is owned in majority part by, or controlled by, more than 1 United States venture capital company, so long as no single venture capital company owns more than 49 percent of the small business concern.

"(3) REGISTRATION.—A small business concern that is majority owned and controlled by multiple venture capital companies and qualified for participation in the program authorized under paragraph (1) shall—

"(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

"(B) indicate whether the small business concern is registered under subparagraph (A) in any SBIR proposal.

"(4) COMPLIANCE.—A Federal agency described in paragraph (1) shall collect data regarding the number and dollar amounts of phase I, phase II, and all other categories of awards under the SBIR program, and the Administrator shall report on the data and the compliance of each such Federal agency with the maximum amounts under paragraph (1) as part of the annual report by the Administration under subsection (b)(7).

"(5) ENFORCEMENT.—If a Federal agency awards more than the amount authorized under paragraph (1) for a purpose described in paragraph (1), the amount awarded in excess of the amount authorized under paragraph (1) shall be transferred to the funds for general SBIR programs from the non-SBIR research and development funds of the Federal agency within 60 days of the date on which the Federal agency awarded more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(t) VENTURE CAPITAL COMPANY.—In this Act, the term 'venture capital company' means an entity described

in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).''.

(c) ASSISTANCE FOR DETERMINING AFFILIATES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration (with a direct link displayed on the homepage of the website of the Administration or the SBIR website of the Administration)—

(1) a clear explanation of the SBIR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(2) contact information for officers or employees of the Administration who—

(A) upon request, shall review an issue relating to the rules described in paragraph (1); and

(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.

SEC. 5109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

"(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.".

SEC. 5110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

"(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

"(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

"(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

"(B) has entered into a cooperative research and development agreement (as defined

in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

''(2) PROHIBITION.—No Federal agency shall—

''(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

''(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

''(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

"(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

"(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

"(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.".

SEC. 5111. NOTICE REQUIREMENT.

The head of any Federal agency involved in a case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.

TITLE LII—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 5201. RURAL AND STATE OUTREACH.

(a) OUTREACH.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

"(s) OUTREACH.—

"(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State—

"(A) for which the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than $5,000,000; and

"(B) that certifies to the Administrator that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

"(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for each of fiscal years 2010 through 2014, the Administrator may expend with eligible States not more than $5,000,000 in each such fiscal year in order to in-

crease the participation of small business concerns located in those States in the programs under this section.

"(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

"(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and

"(B) shall not exceed $100,000.

"(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

"(A) the establishment of quantifiable performance goals, including goals relating to—

"(i) the number of program awards under this section made to small business concerns in the State; and

"(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

"(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

"(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.".

(b) FEDERAL AND STATE PROGRAM EXTENSION.—Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (h), by striking "2001 through 2005" each place it appears and inserting "2010 through 2014"; and

(2) in subsection (i), by striking "2005" and inserting "2014".

(c) MATCHING REQUIREMENTS.—Section 34(e)(2) of the Small Business Act (15 U.S.C. 657d(e)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "50 cents" and inserting "35 cents"; and

(B) in clause (iii), by striking ''75 cents'' and inserting ''50 cents'';

(2) in subparagraph (B), by striking ''50 cents'' and inserting ''35 cents'';

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(4) by inserting after subparagraph (B) the following:

''(C) RURAL AREAS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.

''(ii) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in subparagraph (A)(i), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 15 cents for

each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.

"(iii) DEFINITION OF RURAL AREA.—In this subparagraph, the term 'rural area' has the meaning given that term in section 1393(a)(2)) of the Internal Revenue Code of 1986.".

SEC. 5202. SBIR–STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish a SBIR–STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section referred to as "STEM college students"), by providing a SBIR bonus grant.

(b) ELIGIBLE ENTITIES DEFINED.—In this section the term "eligible entity" means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

(c) AWARDS.—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR–STEM Workforce Development Grant Pilot Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2011;

(2) $1,000,000 for fiscal year 2012;

(3) $1,000,000 for fiscal year 2013;

(4) $1,000,000 for fiscal year 2014; and

(5) $1,000,000 for fiscal year 2015.

SEC. 5203. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—

(1) in subparagraph (A), by striking "$4,000" and inserting "$5,000";

(2) in subparagraph (B)—

(A) by striking ", with funds available from their SBIR awards,"; and

(B) by striking "$4,000 per year" and inserting "$5,000 per year, which shall be in addition to the amount of the recipient's award"; and

(3) by adding at the end the following:

"(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

"(D) LIMITATION.—A Federal agency may not—

"(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

"(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.".

SEC. 5204. COMMERCIALIZATION PROGRAM AT DEPARTMENT OF DEFENSE.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)), as amended by section 834 of this Act, is amended—

(1) in paragraph (1), by adding at the end the following: "The authority to create and administer a Commercialization Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).";

(2) by redesignating paragraph (5) as paragraph (7); and

(3) by inserting after paragraph (4) the following:

"(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

"(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

"(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

"(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

"(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

"(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

"(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Program and efforts to transition these tech-

nologies into programs of record or fielded systems.''.

SEC. 5205. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

''(ee) PILOT PROGRAM.—

''(1) AUTHORIZATION.—The head of each covered Federal agency may set aside not more than 10 percent of the SBIR and STTR funds of such agency for further technology development, testing, and evaluation of SBIR and STTR Phase II technologies.

''(2) APPLICATION BY FEDERAL AGENCY.—

''(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless such agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development

or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

"(B) DETERMINATION.—The Administrator shall—

"(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

"(ii) publish the determination in the Federal Register; and

"(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

"(3) MAXIMUM AMOUNT OF AWARD.—The head of a Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

"(4) MATCHING.—The head of a Federal agency may not make an award under a pilot program for SBIR or STTR Phase II technology that will be acquired by the Federal Government unless new private, Federal non-SBIR, or Federal non-STTR funding that at least matches the award from the Federal agency is provided for the SBIR or STTR Phase II technology.

"(5) ELIGIBILITY FOR AWARD.—The head of a Federal agency may make an award under a pilot program to any applicant that is eligible to receive a Phase III award related to technology developed in Phase II of an SBIR or STTR project.

"(6) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

"(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

"(8) DEFINITIONS.—In this section—

"(A) the term 'covered Federal agency'—

"(i) means a Federal agency participating in the SBIR program or the STTR program; and

"(ii) does not include the Department of Defense; and

"(B) the term 'pilot program' means the program established under paragraph (1).".

SEC. 5206. NANOTECHNOLOGY INITIATIVE.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

"(ff) NANOTECHNOLOGY INITIATIVE.—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to such program.".

(b) SUNSET.—Effective October 1, 2014, subsection (ff) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 5207. ACCELERATING CURES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

"SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

"(a) NIH CURES PILOT.—

"(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the 'advisory board') to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the 'NIH') institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The advisory board shall consist of—

"(i) the Director of the NIH;

"(ii) the Director of the SBIR program of the NIH;

"(iii) senior NIH agency managers, selected by the Director of NIH;

"(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

"(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

"(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

"(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

"(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academies of Science entitled 'An Assessment of the Small Business Innovation Research Program at the NIH'.

"(c) PILOT PROGRAM.—

1 "(1) IN GENERAL.—The Director of the SBIR
2 program of the NIH may initiate a pilot program,
3 under a formal mechanism for designing, imple-
4 menting, and evaluating pilot programs, to spur in-
5 novation and to test new strategies that may en-
6 hance the development of cures and therapies.
7 "(2) CONSIDERATIONS.—The Director of the
8 SBIR program of the NIH may consider conducting
9 a pilot program to include individuals with success-
10 ful SBIR program experience in study sections, hir-
11 ing individuals with small business development ex-
12 perience for staff positions, separating the commer-
13 cial and scientific review processes, and examining
14 the impact of the trend toward larger awards on the
15 overall program.
16 "(d) REPORT TO CONGRESS.—The Director of the
17 NIH shall submit an annual report to Congress and the
18 advisory board on the activities of the SBIR program of
19 the NIH under this section.
20 "(e) SBIR GRANTS AND CONTRACTS.—
21 "(1) IN GENERAL.—In awarding grants and
22 contracts under the SBIR program of the NIH each
23 SBIR program manager shall place an emphasis on
24 applications that identify products and services that

may enhance the development of cures and therapies.

"(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

"(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 6 months.

"(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).

"(g) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009.".

TITLE LIII—OVERSIGHT AND EVALUATION

SEC. 5301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section __102 of this division, is amended—

(1) in paragraph (7)—

(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—

''(A) the data'';

(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9); and

''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority owned and controlled by multiple venture capital firms) under each of the SBIR and STTR programs;

"(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

"(D) general information about the implementation and compliance with the allocation of funds required under subsection (cc) for firms majority owned and controlled by multiple venture capital firms under each of the SBIR and STTR programs;

"(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR and the STTR Policy Directives filed by the Administrator with Federal agencies; and

"(F) a description"; and

(2) by inserting after paragraph (7) the following:

"(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;".

SEC. 5302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(3) by inserting after paragraph (7) the following:

"(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

"(A) whether an awardee—

"(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

"(I) the amount of venture capital that the awardee has received as of the date of the award; and

"(II) the amount of additional capital that the awardee has invested in the SBIR technology;

"(ii) has an investor that—

"(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

"(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

"(iii) is owned by a woman or has a woman as a principal investigator;

"(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

"(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

"(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

"(vii) is located in a State described in subsection (u)(3); and

"(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;"; and

(4) in paragraph (10), as so redesignated, by adding "and" at the end.

SEC. 5303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (9) and inserting the following:

"(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

"(A) whether an applicant or awardee—

"(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

"(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

"(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

"(ii) has an investor that—

"(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

"(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

"(iii) is owned by a woman or has a woman as a principal investigator;

"(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

"(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

"(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

"(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

"(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;";

(2) in paragraph (14), by adding "and" at the end;

(3) by striking paragraph (15); and

(4) by redesignating paragraph (16) as paragraph (15).

SEC. 5304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

''(i) has venture capital and, if so, whether the small business concern is registered as majority owned and controlled by multiple venture capital companies as required under subsection (cc)(3);

''(ii) is owned by a woman or has a woman as a principal investigator;

''(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

"(iv) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

"(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

SEC. 5305. GOVERNMENT DATABASE.

Section 9(k)(2) of the Small Business Act (15 U.S.C. 638(k)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following:

"(C) includes, for each awardee—

"(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

"(ii) whether the awardee has venture capital, and, if so—

"(I) the amount of venture capital as of the date of the award;

"(II) the percentage of ownership of the awardee held by a venture capital firm, including whether the awardee is majority owned and controlled by multiple venture capital firms; and

"(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

"(iii) the names and locations of any affiliates of the awardee;

"(iv) the number of employees of the awardee;

"(v) the number of employees of the affiliates of the awardee; and

"(vi) the names of, and the percentage of ownership of the awardee held by—

"(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

"(II) any person that is not an individual and is not organized under

the laws of a State or the United States;''; and

(3) in subparagraph (D), as so redesignated—

(A) in clause (ii), by striking ''and'' at the end; and

(B) by adding at the end, the following:

''(iv) whether the applicant was majority owned and controlled by multiple venture capital firms; and

''(v) the number of employees of the applicant;''.

SEC. 5306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of

Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 5307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

"(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

"(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2) not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter.

"(2) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1)

and containing the recommendations described in paragraph (1).''.

SEC. 5308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

''(gg) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

''(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

''(2) the name of the small business concern or individual receiving the Phase III award; and

''(3) the dollar amount of the Phase III award.''.

SEC. 5309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the tech-

nologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

TITLE LIV—POLICY DIRECTIVES

SEC. 5401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this division and the amendments made by this division.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

SEC. 5402. PRIORITIES FOR CERTAIN RESEARCH INITIATIVES.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(hh) RESEARCH INITIATIVES.—To the extent that such projects relate to the mission of the Federal agency, each Federal agency participating in the SBIR program or STTR program shall encourage the submission of applications for support of projects relating to security, energy, transportation, or improving the security and quality of the water supply of the United States to such program.''.

(b) SUNSET.—Effective October 1, 2014, section 9(hh) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 5403. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

"(ii) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

"(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

"(A) are science-based and statistically driven;

"(B) reflect the mission of the Federal agency; and

"(C) include factors relating to the economic impact of the programs.

"(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

"(A) the SBIR program and the STTR program of the Federal agency; and

"(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

"(3) REPORT.—

"(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

"(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

"(C) DEFINITION.—In this paragraph, the term 'appropriate committees of Congress' means—

"(i) the Committee on Small Business and Entrepreneurship of the Senate; and

"(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.".

SEC. 5404. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

"(jj) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.".

DIVISION G—MARITIME ADMINISTRATION AUTHORIZATION

TITLE LX—MARITIME ADMINISTRATION

SEC. 6001. SHORT TITLE.

This title may be cited as the ``Maritime Administration Authorization Act of 2010''.

SEC. 6002. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EXPENSES, AND CONTRACTING AUTHORITY.

Section 109 of title 49, United States Code, is amended—

(1) by striking the headline for subsection (h) and inserting the following:

"(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—".

(2) by striking the heading for paragraph (1) of subsection (h) and inserting the following:

"(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—".

(3) by striking ''make contracts'' in subsection (h)(1) and inserting ''make contracts and cooperative agreements''

(4) by striking ''section and'' in subsection (h)(1)(A) and inserting ''section,'';

(5) by striking ''title 46;'' in subsection (h)(1)(A) and insert ''title 46, and all other Maritime Administration programs;''; and

(6) by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following:

''(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent..''.

SEC. 6003. USE OF FUNDING FOR DOT MARITIME HERITAGE PROPERTY.

Section 6(a)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)) is amended by striking subparagraph (C) and inserting the following:

''(C) The remainder, whether collected before or after the date of enactment of the Maritime Administration Authorization Act of 2010, shall be available to the Secretary to carry out the Program, as provided in subsection (b) of this section or, if otherwise determined by the

Maritime Administrator, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.''.

SEC. 6004. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE MERCHANT MARINE ACADEMY.

The Maritime Administration may use appropriated funds to make a lump-sum payment at a rate of pay that existed on the date of termination or day before conversion to the Civil Service for any unused annual leave accrued by a non-appropriated fund instrumentality employee who was terminated if determined ineligible for conversion, or converted to the Civil Service as a United States Merchant Marine Academy employee during fiscal year 2009.

SEC. 6005. PERMANENT AUTHORITY TO HIRE ADJUNCT PROFESSORS AT THE MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

"§ 51317. Adjunct professors

''(a) IN GENERAL.—The Maritime Administrator may, subject to the availability of appropriations, contract with individuals as personal services contractors to provide services as adjunct professors at the United States Mer-

chant Marine Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.''.

(b) CONTRACT REQUIREMENTS.—Each contract under this section—

''(1) shall be approved by the Maritime Administrator; and

''(1) shall be for a duration, including options, of not to exceed one year unless the Maritime Administration finds that exceptional circumstances justify an extension, which may not exceed one additional year.

''(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contracts under this section, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under subsection (a).

''(d) EXISTING CONTRACTS.—Any contract entered into before the date of enactment of the Maritime Administration Authorization Act of 2010 for the services of an adjunct professor at the Academy shall remain in effect for the trimester (or trimesters) for which the services were contracted.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

"51317. Adjunct professors.".

(2) Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (46 U.S.C. 53101 note) is repealed.

SEC. 6006. USE OF MIDSHIPMAN FEES.

Section 51314 of title 46, United States Code, is amended—

(1) by striking "1994." in subsection (b) and inserting "1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and U.S. Coast Guard license fees."; and

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

"(c) USE AND ACCOUNTING.—

"(1) USE.—Midshipman fees collected by the Academy shall be credited to the Maritime Administration's Operations and Training appropriations, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be returned to the midshipmen through a mechanism approved by the Maritime Administrator.

"(3) ACCOUNTING.—The Maritime Administration shall maintain a separate and detailed accounting of fee revenue and all associated expenses.".

SEC. 6007. CONSTRUCTION OF VESSELS IN THE UNITED STATES POLICY.

Section 50101(a)(4) of title 46, United States Code, is amended by inserting ``constructed in the United States after "vessels".

SEC. 6008. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

Section 50302 of title 46, United States Code, is amended by adding at the end thereof the following:

"(c) PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation, through the Maritime Administration, shall establish a port infrastructure development program for the improvement of port facilities.

"(2) AUTHORITY OF THE ADMINISTRATOR.—In order to carry out any program established under paragraph (1), the Maritime Administrator may—

"(A) receive funds provided for the program from non-Federal and private entities that have a specific agreement or contract with

the Maritime Administration to further the purposes of this subsection;

"(B) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to relieve port congestion, to increase port security, or to provide greater access to port facilities;

"(C) seek to coordinate all reviews or requirements with appropriate local, State, and Federal agencies; and

"(D) provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction.

"(3) PORT INFRASTRUCTURE DEVELOPMENT FUND.—

"(A) ESTABLISHMENT.—There is a Port Infrastructure Development Fund for use by the Administrator in carrying out the port infrastructure development program. The Fund shall be available to the Administrator

"(i) to administer and carry out the program;

"(ii) to receive non-Federal and private funds from entities which have specific agreements or contracts with the Administrator; and

"(iii) to make refunds for projects that will not be completed.

"(B) CREDITS.—There shall be deposited into the Fund

"(i) funds from non-Federal and private entities which have agreements or contracts with the Administrator and which shall remain in the Fund until expended; and

"(ii) such amounts as may be appropriated or transferred to the Fund under this subsection.

"(C) TRANSFERS.—Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the program shall be transferred to the Fund and administered by the Administrator.

"(D) ADMINISTRATIVE EXPENSES.—Administrative and related expenses for the program for any fiscal year may not exceed 3 per-

cent of the amount available to the program for that fiscal year.

"(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the program, taking into account amounts received under subparagraph (A)(ii)..".

SEC. 6009. REEFS FOR MARINE LIFE CONSERVATION PROGRAM.

(a) IN GENERAL.—Section 3 of Public Law 92–09402 (16 U.S.C. 1220) is amended by adding at the end thereof the following:

"(d) Any territory, possession, or Commonwealth of the United States, and any foreign country, may apply to the Secretary for an obsolete vessel to be used for an artificial reef under this section. The application process and reefing of any such obsolete vessel shall be performed in a manner consistent with the process jointly developed by the Secretary of Transportation and the Administrator of the Environmental Protection Agency under section 3504(b) of Public Law 107–09314 (16 U.S.C. 1220 note).".

(b) LIMITATION.—Section 7 of Public Law 92–09402 (16 U.S.C. 1220c–091) is amended by adding at the end thereof the following:

''(d) LIMITATION.—The Secretary may not provide assistance under this section to a foreign country to which an obsolete ship is transferred under this Act.''.

SEC. 6010. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509(b) of title 46, United States Code, is amended by striking ''paid before the start of each academic year,'' and inserting ''paid,''

SEC. 6011. UNITED STATES MERCHANT MARINE ACADEMY GRADUATE PROGRAM RECEIPT, DISBURSEMENT, AND ACCOUNTING FOR NON-APPROPRIATED FUNDS.

Section 51309(b) of title 46, United States Code, is amended by inserting after ''body.'' the following: ''Non-appropriated funds received for this purpose shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purpose of such receipts. The Superintendent shall maintain a separate and detailed accounting of non-appropriated fund receipts and all associated expenses.''.

SEC. 6012. AMERICA'S SHORT SEA TRANSPORTATION GRANTS FOR THE DEVELOPMENT OF MARINE HIGHWAYS.

(a) IN GENERAL.—Chapter 556 of title 46, United States Code, is amended by redesignating sections 55602 through 55605 as sections 55603 through 55606 and by inserting after section 55601 the following:

"§ 55602. Short sea transportation grant program".

''(a) IN GENERAL.—The Secretary of Transportation shall establish and implement a short sea transportation grant program.

''(b) PURPOSE.—The purposes of the program are to make grants to States and other public entities and sponsors of short sea transportation projects designated by the Secretary—

''(1) to facilitate and support marine transportation initiatives at the State and local levels to facilitate commerce, mitigate landside congestion, reduce the transportation energy consumption, reduce harmful emissions, improve safety, assist in environmental mitigation efforts, and improve transportation system resiliency; and

''(2) to provide capital funding to address short sea transportation infrastructure and freight transportation needs for ports, vessels, and intermodal cargo facilities.

1 "(c) ELIGIBLE PROJECTS.—To be eligible for a grant
2 under the program, a project—
3 "(1) shall be designed to help relieve conges-
4 tion, improve transportation safety, facilitate domes-
5 tic and international trade, or encourage public-pri-
6 vate partnerships; and
7 "(2) may include development, modification,
8 and construction of marine and intermodal cargo fa-
9 cilities, vessels, port infrastructure and cargo han-
10 dling equipment, and transfer facilities at ports.
11 "(d) SELECTION PROCESS.—
12 "(1) APPLICATIONS.—A State or other public
13 entity, or the sponsor of any short sea transpor-
14 tation project designated by the Secretary under the
15 America's Marine Highway Program (MARAD
16 Docket No. 2008–090096; 73 FR 59530), may sub-
17 mit an application to Secretary for a grant under
18 the short sea transportation grant program. The ap-
19 plication shall contain such information and assur-
20 ances as the Secretary may require.
21 "(2) PRIORITY.—In selecting projects for
22 grants, the Secretary shall give priority to projects
23 that are consistent with the objectives of the short
24 sea transportation initiative and America's Marine
25 Highway Program that will—

"(A) mitigate landside congestion;

"(B) provide the greatest public benefit in energy savings, reduced emissions, improved system resiliency, and improved safety;

"(C) include and demonstrate the greatest environmental responsibility; and

"(D) provide savings as an alternative to or means to avoid highway or rail transportation infrastructure construction and maintenance.

"(e) USE OF GRANT FUNDS.—Funds made available to a recipient of a grant under this section shall be used by the recipient for the project described in the application of the recipient approved by the Secretary.".

(b) CLERICAL AMENDMENT.—The table of contents for chapter 556 of title 46, United States Code, is amended—

(1) by redesignating the items relating to sections 55602 through 55605 as relating to section 55603 through 55606; and

(2) by inserting after the item relating to section 55601 the following:

"55602. Short sea transportation grant program.".

SEC. 6013. EXPANSION OF THE MARINE VIEW SYSTEM.

(a) DEFINITIONS.—In this section:

(1) MARINE TRANSPORTATION SYSTEM.—The term ''marine transportation system'' means the navigable water transportation system of the United States, including the vessels, ports (and intermodal connections thereto), and shipyards and other vessel repair facilities that are components of that system.

(2) MARINE VIEW SYSTEM.—The term ''Marine View system'' means the information system of the Maritime Administration known as Marine View.

(b) FINDINGS.—Congress finds the following:

(1) Information regarding the marine transportation system is comprised of information from the Government of the United States and from commercial sources.

(2) Marine transportation system information includes information regarding waterways, bridges, locks, dams, and all intermodal components that are dependent on maritime transportation and accurate information regarding marine transportation is critical to the health of the United States economy.

(3) Numerous challenges face the marine transportation system, including projected growth in cargo volumes, international competition, complexity, cooperation, and the need for improved efficiency.

(4) There are deficiencies in the current information environment of the marine transportation system, including the inability to model the entire marine transportation system to address capacity planning, disaster planning, and disaster recovery.

(5) The current information environment of the marine transportation system contains multiple unique systems that are duplicative, not integrated, not able to be shared, not secure, or that have little structured privacy protections, not protected from loss or destruction, and will not be available when needed.

(6) There is a lack of system-wide information views in the marine transportation system.

(7) The Administrator of the Maritime Administration is uniquely positioned to develop and execute the role of marine transportation system information advocate, to serve as the focal point for marine transportation system information management, and to provide a robust information infrastructure to identify, collect, secure, protect, store, and deliver critical information regarding the marine transportation system.

(c) PURPOSES.—The purposes of this section are—

(1) to expand the Marine View system; and

(2) to provide support for the strategic requirements of the marine transportation system and its contribution to the economic viability of the United States.

(d) EXPANSION OF MARINE VIEW SYSTEM.—To accomplish the purposes of this section, the Secretary of Transportation shall expand the Marine View system so that such system is able to identify, collect, integrate, secure, protect, store, and securely distribute throughout the marine transportation system information that—

(1) provides access to many disparate marine transportation system data sources;

(2) enables a system-wide view of the marine transportation system;

(3) fosters partnerships between the Government of the United States and private entities;

(4) facilitates accurate and efficient modeling of the entire marine transportation system environment;

(5) monitors and tracks threats to the marine transportation system, including areas of severe weather or reported piracy; and

(6) provides vessel tracking and rerouting, as appropriate, to ensure that the economic viability of the United States waterways is maintained.

(e) AGREEMENTS AND CONTRACTS.—The Administrator of the Maritime Administration may enter into cooperative agreements, partnerships, contracts, or other agreements with industry or other Federal agencies to carry out this section.

SEC. 6014. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation, for the use of the Maritime Administration, for fiscal year 2010 the following amounts:

(1) For expenses necessary for operations and training activities, $122,900,000, of which—

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(3) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note).

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–09402, $15,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $48,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $4,000,000.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available, as provided in appropriations Acts, until expended.

Passed the Senate July 23, 2009.

Attest:

Secretary.

111TH CONGRESS
1ST SESSION

S. 1390

AN ACT

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