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PUBLIC LAW 111–84—OCT. 28, 2009

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Public Law 111–84
111th Congress

An Act

Oct. 28, 2009
[H.R. 2647]

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,

National Defense Authorization Act for Fiscal Year 2010.

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 five divisions as follows:

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10 USC 101 note.

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.

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Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $5,110,352,000.

(2) For missiles, $1,368,109,000.

(3) For weapons and tracked combat vehicles, $2,439,052,000.

(4) For ammunition, $2,058,895,000.

(5) For other procurement, $9,450,863,000.

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, $18,842,112,000.

(2) For weapons, including missiles and torpedoes, $3,446,019,000.

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

(4) For other procurement, $5,610,581,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Marine Corps in the amount of $1,603,738,000.

(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 $814,015,000.

SEC. 103. AIR FORCE.

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

(1) For aircraft, $11,224,371,000.

(2) For ammunition, $822,462,000.
(3) For missiles, $6,037,459,000.
(4) For other procurement, $17,133,668,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2010 for Defense-wide procurement in the amount of $4,090,816,000.

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

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

SEC. 106. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $600,000,000.

SEC. 107. RELATION TO FUNDING TABLE.

The amounts authorized to be appropriated by sections 101, 102, 103, 104, 105, and 106 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.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF FUTURE COMBAT SYSTEMS SPIN OUT EARLY-INFANTRY BRIGADE COMBAT TEAM EQUIPMENT.

(a) LIMITATION ON LOW-RATE INITIAL PRODUCTION QUANTITIES.—Notwithstanding section 2400 of title 10, United States Code, and except as provided in subsection (b), the Secretary of Defense may not procure more than one Future Combat Systems spin out early-infantry brigade combat team equipment set (in this section referred to as a "brigade set") for low-rate initial production.

(b) WAIVER.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the limitation in subsection (a) if—

(1) the Under Secretary submits to Congress written certification that—

(A) the Future Combat Systems spin out early-infantry brigade combat team program (in this section referred to as the "program") requires low-rate initial production in excess of 10 percent of the total number of articles to be produced;

(B) the Director of Defense Research and Engineering has completed a technology readiness assessment of the program;

(C) the Director of Cost Assessment and Program Evaluation has completed an independent cost estimate of the program;

(D) the Under Secretary has approved an acquisition strategy and acquisition program baseline for the program; and

(E) all of the systems constituting the brigade set have been tested in their intended production configuration; and

(2) a period of 30 days has elapsed after the date on which the certification under paragraph (1) is received.

(c) EXCEPTION FOR MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.—The limitation on low-rate initial production in subsection (a) does not apply to the procurement of individual components of a brigade set if the procurement of such components is specifically intended to address an operational need statement requirement (as described in Army Regulation 71–9 or a successor regulation).

Subtitle C—Navy Programs

SEC. 121. LITTORAL COMBAT SHIP PROGRAM.

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy may procure up to ten Littoral Combat Ships and 15 Littoral Combat Ship ship control and weapon systems by entering into a contract using competitive procedures. Such procurement may also include—

(A) materiel and equipment in economic order quantities when cost savings are achievable; and

(B) cost reduction initiatives.

(2) LIABILITY.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at time of termination.

(b) TECHNICAL DATA PACKAGE.—

(1) REQUIREMENT.—As part of the solicitation for proposals for a procurement authorized by subsection (a), the Secretary shall require that an offeror submit a proposal that provides for conveying a complete technical data package as part of a proposal for a Littoral Combat Ship.

(2) RIGHTS OF THE UNITED STATES.—The Secretary shall ensure that the Government's rights in technical data for a Littoral Combat Ship are sufficient to permit the Government to—

(A) conduct a competition for a second shipyard, as soon as practicable; and

(B) transition the Littoral Combat Ship combat systems to Government-furnished equipment to achieve open architecture and foster competition to modernize future systems.

(c) LIMITATION OF COSTS.—

(1) LIMITATION.—Except as provided in subsection (d), and excluding amounts described in paragraph (2), beginning in fiscal year 2011, the total amount obligated or expended for

the procurement of a Littoral Combat Ship awarded to a contractor selected as part of a procurement authorized by subsection (a) may not exceed $480,000,000 per vessel.

(2) EXCLUSION.—The amounts described in this paragraph are amounts associated with the following:

(A) Elements designated by the Secretary of the Navy as a mission package.

(B) Plans.

(C) Technical data packages.

(D) Class design services.

(E) Post-delivery, outfitting, and program support costs.

(d) WAIVER AND ADJUSTMENT OF LIMITATION AMOUNT.—

(1) WAIVER.—The Secretary of the Navy may waive the limitation in subsection (c)(1) with respect to a vessel if—

(A) the Secretary provides supporting data and certifies in writing to the congressional defense committees that—

(i) the total amount obligated or expended for procurement of the vessel–

(I) is in the best interest of the United States; and

(II) is affordable, within the context of the annual naval vessel construction plan required by section 231 of title 10, United States Code; and

(ii) the total amount obligated or expended for procurement of at least one other vessel authorized by subsection (a) has been or is expected to be less than $480,000,000; and

(B) a period of not less than 30 days has expired following the date on which such certification and data are submitted to the congressional defense committees.

(2) ADJUSTMENT.—The Secretary of the Navy may adjust the amount set forth in subsection (c)(1) for Littoral Combat Ship vessels referred to in that subsection by the following:

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

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

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

(i) is expected to decrease the life-cycle cost of the vessel; or

(ii) is required to meet an emerging threat that poses grave harm to national security.

(D) The amounts of increases or decreases in costs required to correct deficiencies that may affect the safety of the vessel and personnel or otherwise preclude the vessel from safe operations and crew certifications.

(e) ANNUAL REPORTS.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for each fiscal year, the Secretary of the Navy shall submit to

the congressional defense committees a report on Littoral Combat Ship vessels. Each such report shall include the following:

(1) The current (as of the date of the report) and projected total basic construction costs, Government-furnished equipment costs, and other program costs associated with each of the Littoral Combat Ships under construction.

(2) Written notice of any adjustment in the amount set forth in subsection (c)(1) made during the preceding fiscal year that the Secretary adjusted under the authority provided in subsection (d)(2).

(3) A summary of investment made by the Government for cost-reduction initiatives and the projected savings or cost avoidance based on those investments.

(4) A summary of investment made by the construction yard to improve efficiency and optimization of construction along with the projected savings or cost avoidance based on those investments.

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

(A) the content of any element of the Littoral Combat Ship class of vessels that is designated as a mission package;

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

(C) the total number of such elements anticipated.

(f) DEFINITIONS.—In this section:

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

(2) The term "technical data package" means a compilation of detailed engineering plans and specifications for construction of the vessels.

(3) The term "total amount obligated or expended for procurement", with respect to a Littoral Combat Ship, means the sum of the costs of basic construction and Government-furnished equipment for the ship.

(g) CONFORMING REPEAL.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157), as amended by section 125 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 29) and section 122 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4376), is repealed.

SEC. 122. TREATMENT OF LITTORAL COMBAT SHIP PROGRAM AS A MAJOR DEFENSE ACQUISITION PROGRAM.

Effective date.

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. 123. REPORT ON STRATEGIC PLAN FOR HOMEPORTING THE LITTORAL COMBAT SHIP.

(a) REPORT REQUIRED.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for fiscal year 2011, 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 on the east coast and west coast of the United States.

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

(1) An analysis of how the homeporting plan would support the requirements of the commanders of the combatant commands, by geographic area of responsibility, for the capabilities delivered by Littoral Combat Ships, including the notional transit times to the various geographic areas of responsibility.

(2) An assessment of the effect that each type of Littoral Combat Ship would have on each port in which such ship could be homeported, including an identification of the infrastructure required to support each such ship with respect to—

(A) the availability of pier space with supporting ship services infrastructure, taking into account the largest fleet size envisioned by the long–term plan for the construction of naval vessels submitted for fiscal year 2011;

(B) the logistical and maintenance support services required in any port chosen for the Littoral Combat Ships; and

(C) any investment in naval station infrastructure required for homeporting Littoral Combat Ships (including a plan for such investment).

(3) With respect to the projected force structure size of the Navy in fiscal year 2020, a graphical depiction of the total planned ships berthing in the pier areas of any naval facility chosen to homeport Littoral Combat Ships, including the identification of the ships berthing plan for the maximum number of ships expected in-port at any one time.

SEC. 124. ADVANCE PROCUREMENT FUNDING.

10 USC 7291 note.

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

(1) Components, parts, or materiel.

(2) Production planning and other related support services that reduce the overall procurement lead time of such vessel.

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

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

Deadlines. 10 USC 7291 note.

SEC. 125. 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 Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) Certification that the Joint Requirements Oversight Council—

(A) has been briefed on the acquisition strategy to procure such surface combatants; and

(B) has concurred that such strategy is the best preferred approach to deliver required capabilities to address future threats, as reflected in the latest assessment by the defense intelligence community.

(3) A verification by, and conclusions of, an independent review panel that, in evaluating the program or programs 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, including vessel manning levels, to accomplish missions.

(D) The differences in cost and schedule arising from the need to accommodate new sensors and weapons in surface combatants to be constructed after fiscal year 2011 to counter the future threats referred to in paragraph (2), 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.

(4) The conclusions of a joint review by the Secretary of the Navy and the Director of the Missile Defense Agency setting forth additional requirements for investment in Aegis ballistic missile defense 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 the 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 an update to the open architecture report to Congress that reflects the Navy's combat systems acquisition plans for the surface combatants to be procured in fiscal year 2012 and fiscal years thereafter. Reports.

(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 Reports.

and Commandant of the Marine Corps, as was the case in the 2006 report.

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

Plan.

(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 technologies and systems designed to achieve significant manpower savings.

(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 competition.

(e) DEFINITIONS.—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, excluding Littoral Combat Ships, under a program currently designated as a future surface combatant program.

SEC. 126. FORD-CLASS AIRCRAFT CARRIER REPORT.

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

(1) With respect to the supplier base—

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

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

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

(3) Loss of expertise associated with ship construction.

(4) The costs of—

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

(B) material and labor;

(C) overhead; and

(D) other ship construction programs, including the costs of existing and future contracts.

SEC. 127. 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 for the Oliver Hazard Perry class frigates, including—

(A) the cost of the program;

(B) a notional schedule for the program; and

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

(2) The strategic plan of the Navy for—

(A) the manner in which the Littoral Combat Ship will fulfill the roles and missions currently performed by the Oliver Hazard Perry class frigates as such frigates are decommissioned; and

(B) the year-by-year planned commissioning of Littoral Combat Ships and planned decommissioning of Oliver Hazard Perry class frigates through the projected service life of the Oliver Hazard Perry class frigates.

(3) An analysis of the necessary procurement rates of Littoral Combat Ships if the extension of the service life of the Oliver Hazard Perry class frigates alleviates capability gaps caused by a delay in the procurement rates of Littoral Combat Ships.

(4) A description of the manner in which the Navy has met the requirements 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. 128. CONDITIONAL MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E, F/A–18F, OR EA–18G AIRCRAFT.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

(1) IN GENERAL.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract for the procurement of F/A–18E, F/A–18F, or EA–18G aircraft.

(2) SUBMISSION OF WRITTEN CERTIFICATION BY SECRETARY OF DEFENSE.—For purposes of paragraph (1), the term "March 1 of the year in which the Secretary requests legislative authority to enter into such contract" in section 2306b(i)(1) of such title shall be deemed to be a reference to March 1, 2010.

(b) CONTRACT REQUIREMENT.—A multiyear contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose.

(c) REPORT OF FINDINGS.—In addition to any reports or certifications required by section 2306b of title 10, United States Code, not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on how the findings and conclusions of the quadrennial defense review under section 118 of such title and the 30-year aviation plan under section 231a of such title have informed the acquisition strategy of the

Secretary with regard to the F/A–18E, F/A–18F, and EA–18G aircraft programs of record.

(d) SUNSET.—

(1) TERMINATION DATE.—Except as provided in paragraph (2), the authority to enter into a multiyear contract under subsection (a) shall terminate on May 1, 2010.

Notification.

(2) EXTENSION.—The Secretary of the Navy may enter into a multiyear contract under subsection (a) until September 30, 2010, if the Secretary notifies the congressional defense committees in writing—

(A) that the administrative processes or other contracting activities necessary for executing this authority cannot be completed before May 1, 2010; and

(B) of the date, on or before September 30, 2010, on which the Secretary plans to enter into such multiyear contract.

Subtitle D—Air Force Programs

SEC. 131. REPORT ON THE PROCUREMENT OF 4.5 GENERATION FIGHTER AIRCRAFT.

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

(1) The number of 4.5 generation fighter aircraft needed to be procured during fiscal years 2011 through 2025 to fulfill the requirement of the Air Force to maintain not less than 2,200 tactical fighter aircraft.

(2) The estimated procurement costs for those aircraft if procured through annual procurement contracts.

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

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

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

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

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

(1) have advanced capabilities, including—

(A) AESA radar;

(B) high capacity data-link; and

(C) enhanced avionics; and

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

SEC. 132. 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) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4373) 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. 133. PRESERVATION AND STORAGE OF UNIQUE TOOLING FOR F–22 FIGHTER AIRCRAFT.

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

(1) ensure that the Secretary preserves and stores required tooling in a manner that—

(A) allows the production of such hardware and end items to be restarted after a period of idleness; and

(B) provides for the long-term sustainment and repair of such hardware and end items;

(2) with respect to the supplier base of such hardware and end items, identify the costs of restarting production; and

(3) identify any contract modifications, additional facilities, or funding that the Secretary determines necessary to carry out the plan.

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

Deadline.
Reports.

SEC. 134. 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 Commander of 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 that is similar to the average rate per year of the five years preceding the date of the report.

(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 Commander of 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.

Deadline.

SEC. 135. REPORT ON E–8C JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM RE-ENGINING.

(a) IN GENERAL.—Not later than 90 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 aircraft (in this section referred to as "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).

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

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

(1) by striking subsection (c);

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

(3) in subsection (b), by striking "subsection (d)" and inserting "subsection (c)".

SEC. 137. 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. 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.— Deadlines.
The Secretary of the Air Force may not retire C–5 aircraft from the active inventory as of the date of the enactment of this Act until the later of the following:

(1) The date that is 90 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 90 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— Certification.

(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 316 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 updated assessment to the assessment of the Under Secretary for Acquisition, Technology, and Logistics certified on February 14, 2008, concerning 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.

SEC. 138. REPORTS ON STRATEGIC AIRLIFT AIRCRAFT.

At least 90 days before the date on which a C–5 aircraft is retired, the Secretary of the Air Force, in consultation with the Director of the Air National Guard, shall submit to the congressional defense committees a report on the proposed force structure and basing of strategic airlift aircraft (as defined in section 8062(g)(2) of title 10, United States Code). Each report shall include the following:

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

(A) the type;

(B) the variant; and

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

(2) A list of each strategic airlift aircraft proposed for retirement, including for each such aircraft—

(A) the type;

(B) the variant; and

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

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

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

(5) Any anticipated reductions in manpower as a result of a proposed retirement listed under paragraph (2).

SEC. 139. STRATEGIC AIRLIFT FORCE STRUCTURE.

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

(1) by striking "2008" and inserting "2009"; and

(2) by striking "299" and inserting "316".

Subtitle E—Joint and Multiservice Matters

SEC. 141. BODY ARMOR PROCUREMENT.

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

(b) PROCUREMENT LINE ITEM.—In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each military department procurement account, a separate, dedicated procurement line item is designated for body armor. 10 USC 221 note.

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

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

SEC. 143. MODIFICATION OF NATURE OF DATA LINK FOR USE 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 standard is replaced 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.
Sec. 202. Relation to funding table.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Extension and enhancement of Global Research Watch Program.
Sec. 212. Permanent authority for the Joint Defense Manufacturing Technology Panel.
Sec. 213. Elimination of report requirements regarding Defense Science and Technology Program.
Sec. 214. Authorization for the Secretary of the Navy to purchase infrastructure and Government purpose rights license associated with the Navy-Marine Corps intranet.

Sec. 215. Limitation on expenditure of funds for Joint Multi-Mission Submersible program.
Sec. 216. Separate program elements required for research and development of individual body armor and associated components.
Sec. 217. Separate procurement and research, development, test, and evaluation line items and program elements for the F-35B and F-35C joint strike fighter aircraft.
Sec. 218. Restriction on obligation of funds for Army tactical ground network program pending receipt of report.
Sec. 219. Programs for ground combat vehicle and self-propelled howitzer capabilities for the Army.
Sec. 220. Guidance on budget justification materials describing funding requested for operation, sustainment, modernization, and personnel of major ranges and test facilities.
Sec. 221. Assessment of technological maturity and integration risk of Army modernization programs.
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Subtitle C—Missile Defense Programs

Sec. 231. Sense of Congress on ballistic missile defense.
Sec. 232. Assessment and plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.
Sec. 233. Continued production of Ground-based Interceptor missile and operation of Missile Field 1 at Fort Greely, Alaska.
Sec. 234. Limitation on availability of funds for acquisition or deployment of missile defenses in Europe.
Sec. 235. Authorization of funds for development and deployment of alternative missile defense systems in Europe.
Sec. 236. Comprehensive plan for test and evaluation of the ballistic missile defense system.
Sec. 237. Study on discrimination capabilities of ballistic missile defense system.
Sec. 238. Ascent phase missile defense strategy and plan.
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Subtitle D—Reports

Sec. 241. Repeal of requirement for biennial joint warfighting science and technology plan.
Sec. 242. Modification of reporting requirement for defense nanotechnology research and development program.
Sec. 243. Comptroller General assessment of coordination of energy storage device requirements, purchases, and investments.
Sec. 244. Annual Comptroller General report on the F–35 Lightning II aircraft acquisition program.
Sec. 245. Report on integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities.
Sec. 246. Report on future research and development of man-portable and vehicle-mounted guided missile systems.
Sec. 247. Report on the development of command and control systems.
Sec. 248. Evaluation of Extended Range Modular Sniper Rifle Systems.

Subtitle E—Other Matters

Sec. 251. Enhancement of duties of Director of Department of Defense Test Resource Management Center with respect to the Major Range and Test Facility Base.
Sec. 252. Establishment of program to enhance participation of historically black colleges and universities and minority-serving institutions in defense research programs.
Sec. 253. Extension of authority to award prizes for advanced technology achievements.
Sec. 254. Authority for National Aeronautics and Space Administration federally funded research and development centers to participate in merit-based technology research and development programs.
Sec. 255. Next generation bomber aircraft.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

(1) For the Army, $10,638,534,000.

(2) For the Navy, $19,607,161,000.

(3) For the Air Force, $28,401,642,000.

(4) For Defense-wide activities, $20,604,271,000, of which $190,770,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. RELATION TO FUNDING TABLE.

The amounts authorized to be appropriated by section 201 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. 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). Certification.

"(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. 212. 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 the 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. 213. ELIMINATION OF REPORT REQUIREMENTS REGARDING DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

Repeal.

Section 212 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 2501 note) is repealed.

SEC. 214. AUTHORIZATION FOR THE SECRETARY OF THE NAVY TO PURCHASE INFRASTRUCTURE AND GOVERNMENT PURPOSE RIGHTS LICENSE ASSOCIATED WITH THE NAVY-MARINE CORPS INTRANET.

(a) PURCHASES AUTHORIZED.—The Secretary of the Navy may enter into one or more contracts for the purchase of infrastructure and Government purpose rights for any or all technical data, computer software, and computer software documentation used or created under the Navy-Marine Corps Intranet multiyear contract, as in effect on the date of the enactment of this Act, if the Secretary determines that such a purchase would be in the best interest of the Department of the Navy.

(b) CONTRACT REQUIREMENTS.—Under a contract entered into under this section, the Secretary may purchase any discrete component or item of technical data, computer software, or computer software documentation of the Navy-Marine Corps Intranet and may obligate the Government only to amounts provided in advance in appropriations Acts specifically for the purpose of the contract. This section shall not apply to any purchases using funds available to the Department of the Navy for any fiscal year that begins before October 1, 2010.

(c) LIMITATION.—A contract entered into under this section may not, in any way, commit the Secretary or the Government to purchase any additional components or other items of technical data, computer software, or computer software documentation in subsequent years.

(d) LIMITATION ON LIABILITY.—A contract entered into under this section shall limit the amount of Government liability under the contract to the amount of appropriations available for such purpose at the time the Secretary enters into the contract or on the date an option is exercised.

(e) PURCHASE BEFORE END OF CONTRACT PERIOD.—Nothing in this section and nothing in any contract entered into under this section shall preclude the Secretary from purchasing the infrastructure and Government purpose rights for all technical data, computer software, and computer software documentation used or created under the Navy-Marine Corps Intranet multiyear contract, as in effect on the date of the enactment of this Act, prior to the end of the contract period, for whatever reason the Secretary determine is appropriate.

SEC. 215. LIMITATION ON EXPENDITURE OF FUNDS FOR JOINT MULTI-MISSION SUBMERSIBLE PROGRAM.

None of the funds authorized to be appropriated by this or any other Act for fiscal year 2010 may be obligated or expended for the Joint Multi-Mission Submersible program to proceed beyond Milestone B approval (as that term is defined in section 2366(e)(7) of title 10, United States Code) until the Secretary of Defense, in consultation with the Director of National Intelligence—

Assessment.

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

(2) submits to the congressional defense committees and the intelligence committees (as that term is defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) the assessment referred to in paragraph (1); and

Certification.

(3) certifies to the congressional defense committees and the intelligence committees that any agreement developed pursuant to the assessment referred to in paragraph (1) represents the most effective and affordable means of delivery for meeting a validated program requirement.

SEC. 216. SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF INDIVIDUAL BODY ARMOR AND ASSOCIATED COMPONENTS.

10 USC 221 note.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the

budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account of each military department a separate, dedicated program element is assigned to the research and development of individual body armor and associated components.

10 USC 221 note.

SEC. 217. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR THE F-35B AND F-35C JOINT STRIKE FIGHTER AIRCRAFT.

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

SEC. 218. RESTRICTION ON OBLIGATION OF FUNDS FOR ARMY TACTICAL GROUND NETWORK PROGRAM PENDING RECEIPT OF REPORT.

(a) LIMITATION ON OBLIGATION OF RESEARCH AND DEVELOPMENT FUNDING.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2010 for research and development for the Army, for the program elements specified in subsection (c), not more than 50 percent may be obligated or expended until 30 days after the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to Congress a report on the acquisition strategy, requirements, and cost estimates for the Army tactical ground network program.

(b) ARMY TACTICAL GROUND NETWORK PROGRAM DEFINED.—For the purposes of subsection (a), the term "Army tactical ground network program" means the new tactical ground network major defense acquisition program derived from the Future Combat Systems Brigade Combat Team program network, and directed to be initiated by the memorandum entitled "Future Combat Systems Brigade Combat Team Acquisition Decision Memorandum", which was signed by the Under Secretary of Defense for Acquisition, Technology, and Logistics on June 23, 2009.

(c) ARMY TACTICAL GROUND NETWORK PROGRAM ELEMENTS SPECIFIED.—The program elements specified in this subsection are the following:

(1) Future Combat Systems of Systems Engineering and Program Management.

(2) Future Combat Systems Sustainment and Training Research and Development.

(3) Any other program element specified by the Secretary of Defense to fund the Army tactical ground network program.

SEC. 219. 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. Deadline. Reports.

(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. 220. GUIDANCE ON BUDGET JUSTIFICATION MATERIALS DESCRIBING FUNDING REQUESTED FOR OPERATION, SUSTAINMENT, MODERNIZATION, AND PERSONNEL OF MAJOR RANGES AND TEST FACILITIES. 10 USC 221 note.

(a) GUIDANCE ON BUDGET JUSTIFICATION MATERIALS.—The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller) and the Director of the Department of Defense Test Resource Management Center, shall issue guidance clarifying and standardizing the information required in budget justification materials describing 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. 221. 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 systems and programs, including the programs as follows:

(1) Ground Combat Vehicle.
(2) Future Combat Systems network hardware and software.
(3) Warfighter Information Network–Tactical, Increment 3.
(4) Appropriate portions of the Joint Tactical Radio System, including Ground Mobile Radios, Handheld, Manpack, Small Form Fit Radios, and Network Enterprise Domain.
(5) Non-Line of Sight Launch System.
(6) Small Unmanned Ground Vehicle.
(7) Class I Unmanned Aerial Vehicle.
(8) Class IV Unmanned Aerial Vehicle.
(9) Multifunction Utility/Logistics Equipment Vehicle.
(10) Tactical Unattended Ground Sensors.
(11) Urban Unattended Ground Sensors.
(12) 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 programs and associated systems and programs covered by the review and assessment required under subsection (a), as determined pursuant to that assessment.

SEC. 222. ASSESSMENT OF ACTIVITIES FOR TECHNOLOGY MODERNIZATION OF THE COMBAT VEHICLE AND ARMORED TACTICAL WHEELED VEHICLE FLEETS.

(a) INDEPENDENT ASSESSMENT OF STRATEGY REQUIRED.—

Deadline.
Contracts.

(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, development, test, and evaluation activities for or applicable to the modernization of the combat vehicle fleet and armored 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 enters into a contract under paragraph (1) with access to such information and resources as are appropriate for the entity to conduct the assessment required by that paragraph.

(b) REPORTS.—

(1) IN GENERAL.—The contract required by subsection (a) shall provide that the entity with which the Secretary enters into a contract under that subsection shall submit to the Secretary and the congressional defense committees—

(A) an interim report on the assessment required by that subsection by not later than July 31, 2010; and

(B) a final report on such assessment by not later than December 31, 2010.

(2) ELEMENTS.—Each of the reports 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 armored tactical wheeled vehicles.

(B) An identification of capability gaps for combat vehicles and armored 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 armored tactical wheeled vehicles, and with particular missions of such vehicles.

(D) Recommendations with respect to actions that could be taken to develop and deploy, during the ten-year period beginning on the date of the submittal of the report, critical technology capabilities to address the capability gaps identified pursuant to subparagraph (B), including an identification of high priority science and technology, research and engineering, and prototyping opportunities.

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

Subtitle C—Missile Defense Programs

SEC. 231. 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 and cost-effective 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 operationally realistic and provide 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. 232. 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 the Secretary of Defense should ensure the reliability, availability, maintainability, and supportability of the Ground-based Midcourse Defense element of the Ballistic Missile Defense system throughout the service life of such element.

(b) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—As part of the quadrennial defense review, the Nuclear Posture 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 requirements for Ground-based Midcourse Defense capabilities against such missile threat.

(C) The capabilities of the Ground-based Midcourse Defense element as of the date of the assessment.

(D) The planned capabilities of the Ground-based Midcourse Defense element, if different from the capabilities under subparagraph (C).

(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. Deadline.

SEC. 233. 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 Director of the Missile Defense Agency

does not allow a break in production of the Ground-based Interceptor missile until the Secretary has—

Review.

(1) completed the Ballistic Missile Defense Review;

Determination.

(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; and

Reports.

(3) submitted to the congressional defense committees a report containing such determination.

(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, is not completely decommissioned until six silos are operationally available in Missile Field 2 at Fort Greely.

Deadline.

(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 number of silos at Missile Field 2 at Fort Greely, Alaska, until the date that is 60 days after the date on which the reports required by subsections (b)(3) and (c)(3) of section 232 are submitted to the congressional defense committees.

10 USC 2431 note.

SEC. 234. LIMITATION ON AVAILABILITY OF FUNDS FOR ACQUISITION OR DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

Reports. Certification.

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2010 or any fiscal year thereafter may be obligated or expended for the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and that such missile defense system has the ability to accomplish the mission.

SEC. 235. AUTHORIZATION OF FUNDS FOR DEVELOPMENT AND DEPLOYMENT OF ALTERNATIVE MISSILE DEFENSE SYSTEMS IN EUROPE.

(a) AUTHORIZATION OF FUNDS FOR ALTERNATIVE EUROPEAN MISSILE DEFENSE SYSTEMS.—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, $309,000,000 shall be available for research, development, test, and evaluation, procurement, or deployment of alternative missile defense systems or their subsystems 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—

(1) 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;

(2) 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

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

(b) CONSTRUCTION.—Except as provided in subsection (a), nothing in this section shall be construed as limiting or preventing the Secretary of Defense from pursuing the development or deployment of operationally-effective and cost-effective ballistic missile defense systems in Europe.

(c) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—Not later than 60 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 to conduct an independent assessment evaluating the operational-effectiveness and cost-effectiveness of the alternative missile defense architecture announced by the President on September 17, 2009.

Deadline. Contracts.

(2) REPORT.—Not later than June 1, 2010, the Secretary shall submit to the congressional defense committees a report on the independent assessment conducted under paragraph (1).

SEC. 236. 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 respect 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, 2010, 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 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. 237. STUDY ON DISCRIMINATION CAPABILITIES OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) STUDY.—The Secretary of Defense shall enter into an arrangement with the JASON Defense Advisory Panel under which JASON shall carry out a study on the discrimination capabilities and limitations of the ballistic missile defense system of the United States, including such discrimination capabilities that exist or are planned as of the date of the study.

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

(c) FORM.—The report under subsection (b) may be submitted in classified form, but shall contain an unclassified summary.

SEC. 238. ASCENT PHASE MISSILE DEFENSE STRATEGY AND PLAN.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a strategy and plan for ascent phase missile defense.

(b) MATTERS INCLUDED.—The report required by subsection (a) shall include each of the following:

(1) A description of the programs and activities, as of the date of the submission of the report, contained in the program of record of the Missile Defense Agency that provide or are planned to provide a capability to intercept ballistic missiles in their ascent phase.

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

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

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

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

(D) a comprehensive plan for development of and investment in such capabilities, including an identification of specific program and technology investments to be made in such capabilities;

(E) a description of how, and to what extent, ascent phase missile defense can leverage the capabilities and investments made in boost phase, midcourse, and any other layer or elements of the ballistic missile defense system;

(F) a description of the benefits and limitations associated with ascent phase missile defense; and

(G) any other information the Secretary determines necessary.

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

SEC. 239. 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—Reports

SEC. 241. 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. 242. 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. 243. COMPTROLLER GENERAL ASSESSMENT OF COORDINATION OF ENERGY STORAGE DEVICE REQUIREMENTS, PURCHASES, AND INVESTMENTS.

(a) ASSESSMENT REQUIRED.—The Comptroller General shall conduct an assessment of the degree to which requirements, technology goals, and research and procurement investments in energy storage technologies are coordinated within and among the military departments, appropriate Defense Agencies, and other elements of the Department of Defense. In carrying out such assessment, the Comptroller General shall—

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

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

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

(4) assess the process used to develop requirements for the development and procurement of energy storage devices;

(5) assess the coordination of the activities of the Department of Defense and the Department of Energy with respect to the research, development, procurement, and use of energy storage devices;

(6) assess the coordination of Department of Defense-wide activities in energy storage device research, development, procurement, and use;

(7) assess the process used to standardize the form, fit, and function of energy storage devices, and make recommendations with respect to how the Department should improve that process; and

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

(b) REPORT.—Not later than December 31, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings and recommendations of the Comptroller General with respect to the assessment conducted under subsection (a).

(c) COORDINATION.—In carrying out subsection (a), the Comptroller General shall coordinate with the Secretary of Energy and the heads of other appropriate Federal agencies.

SEC. 244. ANNUAL COMPTROLLER GENERAL REPORT ON THE F–35 LIGHTNING II AIRCRAFT ACQUISITION PROGRAM.

(a) ANNUAL GAO REVIEW.—The Comptroller General shall conduct an annual review of the F–35 Lightning II aircraft acquisition

program and shall, not later than March 15 of each of 2010 through 2015, submit to the congressional defense committees a report on the results of the most recent review.

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

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

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

(3) Aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

SEC. 245. REPORT ON INTEGRATION OF DEPARTMENT OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.

Of the amounts authorized to be appropriated in this Act for program element 11815F for advanced strategic programs, not more than 50 percent of such amounts may be obligated or expended until the date that is 30 days after the date on which the Under Secretary of Defense for Intelligence submits the report required under section 923(d)(1) of the National Defense Authorization Act for 2004 (Public Law 108–136; 117 Stat. 1576), including the elements of the report described in subparagraphs (D), (E), and (F) of such section 923(d)(1).

SEC. 246. REPORT ON FUTURE RESEARCH AND DEVELOPMENT OF MAN-PORTABLE AND VEHICLE-MOUNTED GUIDED MISSILE SYSTEMS.

(a) REPORT.—Not later than February 15, 2010, the Secretary of the Army shall submit to Congress a report on future research and development of man-portable and vehicle-mounted guided missile systems to replace the current Javelin and TOW systems. Such report shall include—

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

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

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

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

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

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

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

(8) an analysis of the ability of the industrial base to support development and production of current and future Javelin and TOW systems.

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

SEC. 247. REPORT ON THE DEVELOPMENT OF COMMAND AND CONTROL SYSTEMS.

(a) REPORT REQUIRED.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report detailing the plans for the consolidation of the Net-Enabled Command Capability system (hereinafter in this section referred to as the "NECC system") with the Global Command and Control System family of systems (hereinafter in this section referred to as the "GCCS family of systems").

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

(1) A description of the level of investment needed to develop, sustain, and modernize the GCCS family of systems in order to meet military requirements.

(2) A description of the actions needed to convert the GCCS family of systems to a services-oriented architecture, including a timeline and milestones.

(3) An identification of the components, including modules and other technologies, developed under the NECC systems that can be implemented in the GCCS family of systems.

(4) An identification of gaps in required capabilities not resident in the GCCS family of systems or provided by the NECC system.

(5) An identification of any science and technology efforts or developing commercial capabilities that might address capability gaps identified pursuant to paragraph (4).

(6) A description of the developmental and operational test plans for the GCCS family of systems, and resources programmed to support such plans.

(7) A description of the GCCS family of systems management and governance plan structure, including—

(A) organizations involved in program planning and execution;

(B) the delegation of authorities for programmatic and technical issues in the development of the GCCS family of systems, including architecture design and control, and funding; and

(C) the role of the command and control capabilities portfolio manager and the Office of Secretary of Defense oversight agencies.

(8) Such other elements as the Secretary of Defense considers appropriate.

(c) COORDINATION.—The report required by subsection (a) shall be developed jointly by the Vice-Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Networks and Information

Integration, the commander of the United States Joint Forces Command, the Director of Operational Test and Evaluation, and the Director of the Defense Information Systems Agency.

(d) INTERIM REPORT.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees an interim report on the activities carried out to prepare the report required by subsection (a) and the preliminary findings and recommendations of the Secretary with respect to the plans for the consolidation of the NECC system with the GCCS family of systems based on such activities.

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

SEC. 248. 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 with capabilities that include—

(1) extending the effective range of snipers;

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

(3) closing documented capability gaps.

(b) 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 Services 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.

Subtitle E—Other Matters

SEC. 251. 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 departments 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 such records and data of the Department of Defense (including the appropriate records and data of each military department and Defense Agency) that are necessary in order to carry out the duties of the Director under this section.".

SEC. 252. ESTABLISHMENT OF PROGRAM TO ENHANCE PARTICIPATION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS IN DEFENSE RESEARCH PROGRAMS.

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

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

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

"(b) PROGRAM OBJECTIVE.—The objective of the program established under subsection (a) is to enhance defense-related research and education at covered educational institutions. Such objective shall be accomplished through initiatives designed to—

"(1) enhance the research and educational capabilities of such institutions in areas of importance to national defense, as determined by the Secretary;

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

"(3) increase the number of graduates from such institutions engaged in disciplines important to the national security functions of the Department of Defense, as determined by the Secretary; and

"(4) encourage research and educational collaborations between such institutions and other institutions of higher education, Government defense organizations, and the defense industry.

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

"(1) Support for research, development, testing, evaluation, or educational enhancements in areas important to national defense through the competitive awarding of grants, cooperative agreements, contracts, scholarships, fellowships, or the acquisition of research equipment or instrumentation.

"(2) Support to assist in the attraction and retention of faculty in scientific disciplines important to the national security functions of the Department of Defense.

"(3) Establishing partnerships between such institutions and defense laboratories, Government defense organizations, the defense industry, and other institutions of higher education in research, development, testing, and evaluation in areas important to the national security functions of the Department of Defense.

"(4) Other such non-monetary assistance as the Secretary finds appropriate to enhance defense-related research, development, testing, and evaluation activities at such institutions.

"(d) PRIORITY FOR FUNDING.—The Secretary of Defense may establish procedures under which the Secretary may give priority in providing funding under this section to institutions that have not otherwise received a significant amount of funding from the Department of Defense for research, development, testing, and evaluation programs supporting the national security functions of the Department.

"(e) DEFINITION OF COVERED EDUCATIONAL INSTITUTION.—In this section the term 'covered educational institution' means—

"(1) an institution of higher education eligible for assistance under title III or IV of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.); or

"(2) an accredited postsecondary minority institution.".

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

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

SEC. 253. EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

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

SEC. 254. AUTHORITY FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS TO PARTICIPATE IN MERIT-BASED TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAMS.

15 USC 3715 note.

Section 217(f)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat 2695), as amended by section 3136 of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), is amended—

(1) in subparagraph (A) by inserting ", of the National Aeronautics and Space Administration," after "the Department of Defense"; and

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

"(C) A federally funded research and development center of the National Aeronautics and Space Administration that functions primarily as a research laboratory may respond to broad agency announcements under programs authorized by the Federal Government for the purpose of promoting the research, development, demonstration, or transfer of technology in a manner consistent with the terms and conditions of such program.".

SEC. 255. 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 of Defense Robert 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.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Relation to funding table.

Subtitle B—Environmental Provisions

Sec. 311. Clarification of requirement for use of available funds for Department of Defense participation in conservation banking programs.
Sec. 312. Reauthorization of title I of Sikes Act.
Sec. 313. Authority of Secretary of a military department to enter into interagency agreements for land management on Department of Defense installations.
Sec. 314. Reauthorization of pilot program for invasive species management for military installations in Guam.
Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.
Sec. 316. Procurement and use of munitions.
Sec. 317. Prohibition on disposing of waste in open-air burn pits.

Sec. 318. Military munitions response sites.

Subtitle C—Workplace and Depot Issues

Sec. 321. Public-private competition required before conversion of any Department of Defense function performed by civilian employees to contractor performance.
Sec. 322. Time limitation on duration of public-private competitions.
Sec. 323. Policy regarding installation of major modifications and upgrades.
Sec. 324. Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
Sec. 325. Temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by a contractor.
Sec. 326. Requirement for debriefings related to conversion of functions from performance by Federal employees to performance by a contractor.
Sec. 327. Amendments to bid protest procedures by Federal employees and agency officials in conversions of functions from performance by Federal employees to performance by a contractor.
Sec. 328. Improvement of inventory management practices.
Sec. 329. Modification of date for submittal to Congress of annual report on funding for public and private performance of depot-level maintenance and repair workloads.

Subtitle D—Energy Security

Sec. 331. Authorization of appropriations for Director of Operational Energy.
Sec. 332. Extension and expansion of reporting requirements regarding Department of Defense energy efficiency programs.
Sec. 333. Report on implementation of Comptroller General recommendations on fuel demand management at forward-deployed locations.
Sec. 334. Report on use of renewable fuels to meet energy requirements of Department of Defense.
Sec. 335. Energy security on Department of Defense installations.

Subtitle E—Reports

Sec. 341. Annual report on procurement of military working dogs.
Sec. 342. Plan for managing vegetative encroachment at training ranges.
Sec. 343. Comptroller General report on the sustainment strategy for the AV-8B Harrier aircraft.
Sec. 344. Study on Army modularity.

Subtitle F—Other Matters

Sec. 351. Authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes.
Sec. 352. Policy on ground combat and camouflage utility uniforms.
Sec. 353. Condition-based maintenance demonstration programs.
Sec. 354. Extension of arsenal support program initiative.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

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

(1) For the Army, $31,263,332,000.
(2) For the Navy, $35,041,274,000.
(3) For the Marine Corps, $5,543,223,000.
(4) For the Air Force, $34,527,149,000.
(5) For Defense-wide activities, $28,327,396,000.
(6) For the Army Reserve, $2,620,196,000.
(7) For the Naval 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, $6,262,184,000.

(11) For the Air National Guard, $5,885,761,000.

(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, $11,000,000.

(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.

SEC. 302. RELATION TO FUNDING TABLE.

The amounts authorized to be appropriated by section 301 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. CLARIFICATION OF REQUIREMENT FOR USE OF AVAILABLE FUNDS FOR DEPARTMENT OF DEFENSE PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

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

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

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

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

"(d) SOURCE OF FUNDS.—Amounts available from any of the following shall be available for activities under this section:

"(1) Operation and maintenance.

"(2) Military construction.

"(3) Research, development, test, and evaluation.

"(4) The Support for United States Relocation to Guam Account established under section 2824 of the Military Construction Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4730; 10 U.S.C. 2687 note).".

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

(a) REAUTHORIZATION.—Section 108 of the Sikes Act (16 U.S.C. 670f) is amended by striking "fiscal years 2004 through 2008" each place it appears and inserting "fiscal years 2009 through 2014".

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

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

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

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

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

(1) in subsection (a)—

(A) by inserting after "and individuals" the following: ", and into interagency agreements with the heads of other Federal departments and agencies,"; and

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

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

(3) in subsection (c), by inserting "and interagency agreements" after "Cooperative agreements".

(b) CLERICAL AMENDMENTS.—The heading for such section is amended by inserting "**AND INTERAGENCY**" after "**COOPERATIVE**".

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

Section 101(g)(1) of the Sikes Act (16 U.S.C. 670a(g)(1)) is amended by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2014".

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

(a) AUTHORITY TO REIMBURSE.—

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

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

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in an interagency agreement entered into by the Department of the Army and the Environmental 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(18) of this Act 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.

SEC. 316. PROCUREMENT AND USE OF MUNITIONS.

The Secretary of Defense shall—

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

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

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

SEC. 317. PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS. 10 USC 2701 note.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations prohibiting the disposal of covered waste in open-air burn pits during contingency operations except in circumstances in which the Secretary determines that no alternative disposal method is feasible. Such regulations shall apply to contingency operations that are ongoing as of the date of the enactment of this Act, including Operation Iraqi Freedom and Operation Enduring Freedom, and to contingency operations that begin after the date of the enactment of this Act. Deadline. Determination. Applicability.

(2) NOTIFICATION.—In determining that no alternative disposal method is feasible for an open-air burn pit pursuant to regulations prescribed under paragraph (1), the Secretary shall—

(A) not later than 30 days after such determination is made, submit to the Committees on Armed Services of the Senate and House of Representatives notice of such determination, including the circumstances, reasoning, and methodology that led to such determination; and Deadline.

(B) after notice is given under subparagraph (A), for each subsequent 180-day-period during which covered waste is disposed of in the open-air burn pit covered by such notice, submit to the Committees on Armed Services of the Senate and House of Representatives the justifications of the Secretary for continuing to operate such open-air burn pit. Time periods. Submission.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of open-air burn pits by the United States Armed Forces. Such report shall include—

(1) an explanation of the situations and circumstances under which open-air burn pits are used to dispose of waste during military exercises and operations worldwide;

(2) a detailed description of the types of waste authorized to be burned in open-air burn pits;

(3) a plan through which the Secretary intends to develop and implement alternatives to the use of open-air burn pits;

(4) a copy of the regulations required to be prescribed by subsection (a);

(5) the health and environmental compliance standards the Secretary has established for military and contractor operations in Iraq and Afghanistan with regard to solid waste disposal, including an assessment of whether those standards are being met;

(6) a description of the environmental, health, and operational impacts of open-pit burning of plastics and the feasibility of including plastics in the regulations prescribed pursuant to subsection (a); and

(7) an assessment of the ability of existing medical surveillance programs to identify and track exposures to toxic substances that result from open-air burn pits, including recommendations for such changes to such programs as would be required to more accurately identify and track such exposures.

(c) DEFINITIONS.—In this section:

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

(2) The term "covered waste" includes—

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

(B) medical waste; and

(C) other waste as designated by the Secretary.

SEC. 318. MILITARY MUNITIONS RESPONSE SITES.

(a) INFORMATION SHARING.—Section 2710(a)(2)(B) of title 10, United States Code, is amended by inserting ", including the county, where applicable," after "political subdivisions of the State".

(b) MILITARY MUNITIONS RESPONSE PROGRAM AND INSTALLATION RESTORATION PROGRAM.—As part of the annual budget submission of the Secretary of Defense to Congress, the Secretary shall include the funding levels requested for the Military Munitions Response Program and the Installation Restoration Program.

Subtitle C—Workplace and Depot Issues

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

(a) REQUIREMENT.—Paragraph (1) of section 2461(a) 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".

10 USC 2461 note.

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

SEC. 322. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, as amended by section 321, is further amended by adding at the end the following new paragraph:

"(5)(A) Except as provided in subparagraph (B), the duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A-76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 24 months, commencing on the date on which the preliminary planning for the public-private competition begins and ending on the date on which a performance decision is rendered with respect to the function.

"(B)(i) The Secretary of Defense may specify an alternative period of time for a public-private competition, which may not exceed 33 months, if the Secretary—

"(I) determines that the competition is of such complexity that it cannot be completed within 24 months; and

Determination.

"(II) submits to Congress, as part of the formal congressional notification of a public-private competition pursuant to subsection (c), written notification that explains the basis of such determination.

Notification.

"(ii) The notification under clause (i)(II) shall also address each of the following:

"(I) Any efforts of the Secretary to break up the study geographically or functionally.

"(II) The Secretary's justification for undertaking a public-private competition instead of using internal reengineering alternatives.

"(III) The cost savings that the Secretary expects to achieve as a result of the public-private competition.

"(iii) If the Secretary specifies an alternative time period under this subparagraph, the alternative time period shall be binding on the Department in the same manner and to the same extent as the limitation provided in subparagraph (A).

"(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 the filing of a protest before the Government Accountability Office or a complaint in the United States Court of Federal Claims up until the day the decision or recommendation of either authority becomes final. In the case of a protest before the Government Accountability Office, the recommendation becomes final after the period of time for filing a request for reconsideration, or if a request for reconsideration is filed, on the day the Government Accountability Office issues a decision on the reconsideration.

"(D) If a protest with respect to a public-private competition before the Government Accountability Office or the United States Court of Federal Claims is sustained, and the recommendation is final as described in subparagraph (C), and if such protest and recommendation result in an unforeseen delay in implementing a final performance decision, the Secretary of Defense may terminate the public-private competition or extend the period of time specified for the public-private competition under subparagraph (A) or subparagraph (B). If the Secretary decides not to terminate a competition, the Secretary shall submit to Congress written notice

Notice.

of such decision. Any such notification shall include a justification for the Secretary's decision and a new time limitation for the competition, which shall not exceed 12 months from the final decision and shall be binding on the Department.

"(E) For the purposes of this paragraph, preliminary planning with respect to a public-private competition, begins on the date on which the Department of Defense obligates funds for the acquisition of contract support, or formally assigns Department of Defense personnel, 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.

Notice. Public information. Web posting.

"(F) To effectively establish the date that is the first day of preliminary planning for a public-private competition, the head of a military department shall submit to Congress written notice of such date and shall provide public notice by announcing such date on an appropriate Internet website. Such date is the first day of preliminary planning for a public-private competition for the purpose of computing the duration of the public private competition for purposes of this section.

Deadline. Reports.

"(G) The Secretary of Defense shall submit to the congressional defense committees an annual report on the use, during the year covered by the report, of alternative time periods for public-private competitions under this section, and the explanations of the Secretary for such alternative time periods."

10 USC 2461 note.

(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 initiated on or after the date of the enactment of this Act.

Deadlines. Reports.

(c) COMPTROLLER GENERAL REVIEWS.—Not later than two years after the date of the enactment of this Act, and three years thereafter, the Comptroller General shall submit to the congressional defense committees a report on the use by the Secretary of Defense of the alternative time period authority under section 2461(a)(5)(B) of title 10, United States Code, and the appropriateness and thoroughness of the explanations of the Secretary for such use.

SEC. 323. POLICY REGARDING INSTALLATION OF MAJOR MODIFICATIONS AND UPGRADES.

It is the Sense of Congress that no changes should be made to—

(1) the policy of the Department of Defense that in the annual allocation of depot-level maintenance and repair required under section 2466 of title 10, United States Code, the installation of major modifications and upgrades are considered to be part of the definition of depot-level maintenance; and

(2) the interpretation and application of that policy as of the date of the enactment of this Act.

SEC. 324. 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— 10 USC 4544 note.

(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. 325. TEMPORARY SUSPENSION OF PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

(a) TEMPORARY SUSPENSION.—During the period beginning on the date of the enactment of this Act and ending on the date that is 30 days after the date on which the Secretary of Defense submits to the congressional defense committees the certification required under subsection (d), no study or competition regarding a public-private competition for the conversion to performance by a contractor for any function performed by Department of Defense civilian employees may be begun or announced pursuant to 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A-76. Time period.

(b) REVIEW AND REPORT TO CONGRESS.—During fiscal year 2010, the Secretary of Defense, acting through the Under Secretary of Defense for Personnel Readiness, in consultation with the Under Secretary for Acquisition, Technology, and Logistics and the Comptroller of the Department of Defense, shall undertake a comprehensive review of the policies of the Department of Defense with respect to the conduct of public-private competitions. The Secretary shall submit to the congressional defense committees a report on such review not earlier than June 15, 2010. The review, at a minimum, shall address—

(1) the status of the compliance of the Department with the requirement of 2461(a)(1) of title 10, United States Code, as amended by section 321 of this Act;

(2) actions taken by the Secretary to address issues raised in the report of the Department of Defense Inspector General numbered D-2009-034 and dated December 15, 2008;

(3) the reliability of systems in effect as of the date of the enactment of this Act to provide comprehensive and reliable data to track and assess the cost and quality of the performance of functions that have been subjected to a public-private competition;

(4) the appropriateness of the cost differential in effect as of the date of the enactment of this Act for determining the quantifiable costs and the current overhead rates applied with respect to such functions; and

(5) the adequacy of the policies of the Department of Defense in implementing the requirements of section 2461(a)(4) of title 10, United States Code.

Deadline. Assessment. Reports.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date on which the report required under subsection (b) is submitted to the congressional defense committees, the Comptroller General shall conduct an assessment of the review required under paragraph (b) and shall submit to the congressional defense committees a report on the findings of such assessment and any conclusions or recommendations of the Comptroller General based on such assessment.

Federal Register, publication.

(d) CERTIFICATION REQUIRED.—The Secretary of Defense shall publish in the Federal Register and submit to the congressional defense committees certification that—

(1) the review required by subsection (b) has been completed, and that the 90-day period during which the assessment of the Comptroller General is to be completed under subsection (c) has expired;

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

(3) the Secretary of each military department and the head of each Defense Agency responsible for activities in the inventory has initiated the review and planning activities of subsection (e) of such section; and

(4) the Secretary of Defense has submitted budget information on contract services in compliance with the requirements of section 236 of title 10, United States Code.

31 USC 501 note.

SEC. 326. REQUIREMENT FOR DEBRIEFINGS RELATED TO CONVERSION OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

The Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation to allow for debriefings of Federal employee representatives designated pursuant to 3551(2)(B) of title 31, United States Code, to the same extent and under the same circumstances as any offeror, in the case of a conversion of any function from performance by Federal employees to performance by a contractor. Such debriefings will conform to the requirements of section 2305(b)(6)(A) of title 10, United States Code, section 303B(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(f)), and subparts 15.505 and 15.506 (as

in effect on the date of the enactment of this Act) of the Federal Acquisition Regulation.

SEC. 327. AMENDMENTS TO BID PROTEST PROCEDURES BY FEDERAL EMPLOYEES AND AGENCY OFFICIALS IN CONVERSIONS OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

(a) PROTEST JURISDICTION OF THE COMPTROLLER GENERAL.—Section 3551(1) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

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

(b) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Clause (i) of paragraph (2)(B) of section 3551 of title 31, United States Code, is amended to read as follows:

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

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

(1) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

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

(3) in subparagraph (G), as redesignated by paragraph (1), by striking ", and (E)" and inserting ", (E), and (F)".

(d) APPLICABILITY.—The amendments made by this section shall apply— 31 USC 3551 note.

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

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

SEC. 328. IMPROVEMENT OF INVENTORY MANAGEMENT PRACTICES. 10 USC 2458 note.

(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. Deadline.

(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 storage 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 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. 329. 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 Security

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

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

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

(a) NEW REPORTING REQUIREMENTS.—Section 2925(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting after "(Public Law 109-58)," the following: "section 2911(e) of this title, section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b),";

(2) by redesignating paragraphs (2) through (6) as paragraphs (4) through (8), respectively;

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

"(2) A table detailing funding, by account, for all energy projects funded through appropriations.

"(3) A table listing all energy projects financed through third party financing mechanisms (including energy savings performance contracts, enhanced use leases, utility energy service contracts, utility privatization agreements, and other contractual mechanisms), the duration of each such mechanism, an estimate of the financial obligation incurred through the duration of each such mechanism, and the estimated payback period for each such mechanism."; and

(4) by adding at the end the following new paragraphs:

"(9) 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.

"(10) 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 2925(a) of title 10, United States Code, 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, as so amended, the following:

Determination.

(1) A determination of whether the tools that exist as of the date of the enactment of this Act, including the Energy Conservation Investment Program and the Energy Savings Performance Contracts 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) 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.

(3) 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.

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

(5) An assessment of the feasibility of meeting the Department's renewable energy goals with on-base renewable energy production rather than with renewable energy credits.

(6) An analysis of the percentage of new construction projects subject to the Department's current building construction sustainable design standards (Leadership in Energy and Environmental Design standards) that include a renewable energy component, and a determination as to whether the criteria of the Department's design standards, as in effect on the date of the enactment of this Act, are consistent with the overall goals, including renewable energy goals, of the Secretary.

(7) The feasibility and cost of developing net-zero energy installations and a detailed assessment, by installation, of power production (including renewable energy) measured against energy consumption.

(8) A determination of whether a dedicated funding mechanism for renewable energy projects for stand-alone facilities, including National Guard and Reserve centers, would encourage greater use of renewable energy sources both at existing facilities and in new construction.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which the Secretary of Defense submits the supplemental report required under subsection (b), the Comptroller General shall review the supplemental report and submit to Congress a report on such review. The Comptroller General may conduct such independent analysis of any issues covered by such supplemental report, as necessary in furtherance of the requirements of this section.

SEC. 333. REPORT ON IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON FUEL DEMAND MANAGEMENT AT FORWARD-DEPLOYED LOCATIONS.

Not later than February 1, 2010, the Director of Operational Energy Plans and Programs of the Department of Defense (or, in the event that no individual has been confirmed as the Director, the Secretary of Defense) shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any specific actions that have been taken to implement the following three recommendations made by the Comptroller General:

(1) The recommendation that each of the combatant commanders establish requirements for managing fuel demand at forward-deployed locations within their respective areas of responsibility.

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

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

SEC. 334. REPORT ON USE OF RENEWABLE FUELS TO MEET ENERGY REQUIREMENTS OF DEPARTMENT OF DEFENSE.

Not later than February 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use and potential use of renewable fuels in meeting the energy requirements of the Department of Defense. Such report shall include each of the following:

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

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

SEC. 335. ENERGY SECURITY ON DEPARTMENT OF DEFENSE INSTALLATIONS.

10 USC 2911 note.

(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.

Deadline.

(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.

(D) An estimate of and consideration for the costs to the Department associated with implementation of the strategy.

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

Subtitle E—Reports

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

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

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

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

"(c) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter for each of the following five years, the Secretary, acting through the Executive Agent, shall submit to the congressional defense committees a report on the procurement of military working dogs for the fiscal year preceding the fiscal year during which the report is submitted. Such a report may be combined with the report required under section 2583(f) of title 10, United States Code, for the same fiscal year as the fiscal year covered by the report under this subsection. Each report under this subsection shall include the following for the fiscal year covered by the report:

"(1) The number of military working dogs procured, by source, by each military department or Defense Agency.

"(2) The cost of procuring military working dogs incurred by each military department or Defense Agency.

"(3) An explanation for any significant difference in the cost of procuring military working dogs from different sources.".

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

Reports.

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 that includes the following:

(1) 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.

(2) An identification of the particular installations and training areas at which vegetation and overgrowth negatively impact the use of training space.

(3) A plan to address training constraints caused by vegetation and overgrowth.

SEC. 343. COMPTROLLER GENERAL REPORT ON THE SUSTAINMENT STRATEGY FOR THE AV-8B HARRIER AIRCRAFT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the sustainment strategy for the AV-8B Harrier aircraft.

(b) MATTERS COVERED.—The report under subsection (a) shall include, at a minimum, each of the following:

(1) An assessment of the AV-8B Integrated Maintenance Concept, including the acquisition strategy developed to conduct planned maintenance interval events.

(2) An evaluation of the process and criteria established to determine the assignment of non-core workload.

(3) An examination of the role of the single process owner in distribution of non-core workload, standardization of workload processes, facilitation of public-private partnering, implementation of lessons learned, and execution of contracting authority.

(4) An evaluation of the execution of responsibilities by the single process owner to reduce planned maintenance interval turn-around time, to reduce cost, to improve material availability, and to ensure necessary logistics and engineering functions are in place to meet objective goals.

SEC. 344. 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 for the conduct of a study on the current and planned modularity structures of the Army to determine each of the following: Contracts.

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

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

(C) The tactical, operational, and strategic risk associated with the heavy, medium, and light modular combat brigades and functional support and sustainment 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 historical experience of the Army with separate brigade structures.

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

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

(D) Lessons learned from Operation Iraqi Freedom and Operation Enduring Freedom, including an identification and analysis of how modular brigades or formations were task organized and employed that may have differed from the original modular concept and how that confirmed or modified the original designs.

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

(F) The deployability, employability, and sustainability of modular formations compared to the corresponding pre-modular designs of such formations.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(A) the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study; and

(B) the separate and independent comments of the Secretary of the Army on the findings contained in the study.

(2) CLASSIFIED ANNEX.—The report shall be in unclassified form, but may contain a classified annex.

Subtitle F—Other Matters

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

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

Time period.

"(3) During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, for military airlift services provided to any element of the Federal Government outside the Department of Defense in circumstances other than those specified in paragraphs (1) and (2), but only if the Secretary of Defense determines that the provision of such services will promote the improved use of airlift capacity without any negative effect on the national security objectives or the national security interests contained within the United States commercial air industry.".

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

(1) how the authority was used;

(2) the frequency with which the authority was used;

(3) the Secretary's rationale for the use of the authority; and

(4) for which agencies the authority was used.

10 USC 771 note prec.

SEC. 352. POLICY ON GROUND COMBAT AND CAMOUFLAGE UTILITY UNIFORMS.

(a) ESTABLISHMENT OF POLICY.—It is the policy of the United States that the design and fielding of all future ground combat and camouflage utility uniforms of the Armed Forces may uniquely reflect the identity of the individual military services, as long as such ground combat and camouflage utility uniforms, to the maximum extent practicable—

(1) provide members of every military service an equivalent level of performance, functionality, and protection commensurate with their respective assigned combat missions;

(2) minimize risk to the individual soldier, sailor, airman, or marine operating in the joint battlespace; and

(3) provide interoperability with other components of individual war fighter systems, including body armor and other individual protective systems.

(b) COMPTROLLER GENERAL ASSESSMENT.—The Comptroller General shall conduct an assessment of the ground combat uniforms and camouflage utility uniforms currently in use in the Department of Defense. The assessment shall examine, at a minimum, each of the following:

(1) The overall performance of each uniform in various anticipated combat environments and theaters of operations.

(2) Whether the uniform design of each uniform conforms adequately and is interoperable with currently issued personal protective gear and body armor.

(3) Costs associated with the design, development, production, procurement, and fielding of existing service-specific ground combat and camouflage utility uniforms.

(4) Challenges and risks associated with fielding members of the Armed Forces into combat theaters in unique or service-specific ground combat or camouflage utility uniforms, including the tactical risk to the individuals serving in individual augmentee, in-lieu of force, or joint duty assignments of use of different ground combat uniforms in a combat environment.

(5) Implications of the use of patents and other proprietary measures that may preclude sharing of technology, advanced uniform design, camouflage techniques, and fire retardence.

(6) Logistical requirements to field and support forces in varying combat or utility uniforms.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees the results of the assessment conducted under subsection (b).

(d) REQUIREMENT FOR JOINT CRITERIA.—In support of the policy established in subsection (a), the Secretaries of the military departments, consistent with the authority set out in subtitles B, C, and D of title 10, United States Code, shall establish joint criteria for future ground combat uniforms by not later than 270 days after the Comptroller General submits the report required under subsection (c). The joint criteria shall take into account the findings and recommendations of such report and ensure that new technologies, advanced materials, and other advances in ground combat uniform design may be shared between the military services and are not precluded from being adapted for use by any military service due to military service-unique proprietary arrangements. Deadline.

SEC. 353. CONDITION-BASED MAINTENANCE DEMONSTRATION PROGRAMS.

(a) TACTICAL WHEELED VEHICLES PROGRAM.—The Secretary of the Army may conduct a 12-month condition-based maintenance demonstration program on selected vehicle systems that include on-board diagnostic systems suitable to such a demonstration program.

(b) SURFACE COMBATANT SHIP PROGRAM.—The Secretary of the Navy may conduct a 12-month demonstration program on selected systems or components of surface combatant ships that include

integral diagnostic systems suitable to such a demonstration program.

(c) ISSUES TO BE ADDRESSED.—The demonstration programs described in subsections (a) and (b) shall address, with respect to each vehicle, system, or component for which the program is conducted—

(1) the top 10 maintenance issues;

(2) non-evidence of failures; and

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

(d) OPEN ARCHITECTURE.—The design, system integration, and operations of the demonstration programs described in subsections (a) and (b) shall be conducted with an open architecture designed to—

(1) facilitate interface with industry standard computer languages, common software systems, diagnostics tools, reference models, diagnostics reasoners, electronic libraries, and user interfaces for multiple ship and vehicle types; and

(2) promote competition and ensure the best overall value to the Department of Defense.

(e) REPORT.—Not later than October 1, 2010, the Secretary of the Army and the Secretary of the Navy shall jointly submit to the congressional defense committees a report containing the assessments of each of the Secretaries with respect to whether the respective military department could reduce maintenance costs and improve operational readiness by implementing condition-based maintenance for the current and future tactical wheeled vehicle fleets and Navy surface combatants.

SEC. 354. 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 further amended—

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

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

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

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

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2010 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Submittal of options for creation of Trainees, Transients, Holdees, and Students account for the Army National Guard.
Sec. 417. Report on requirements of the National Guard for non-dual status technicians.

Sec. 418. Expansion of authority of Secretaries of the military departments to increase certain end strengths to include Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

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

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

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

(1) The Army, 562,400.
(2) The Navy, 328,800.
(3) The Marine Corps, 202,100.
(4) The Air Force, 331,700.

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

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

"(1) For the Army, 547,400.
"(2) For the Navy, 328,800.
"(3) For the Marine Corps, 202,100.
"(4) For the Air Force, 331,700.".

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

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

(1) AUTHORITY.—For each of fiscal years 2011 and 2012, the Secretary of Defense may, as the 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 increases may be made in Army active-duty end strengths under paragraph (1) are—

(A) to support operational missions; and

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

(3) FISCAL-YEAR 2010 BASELINE.—In this subsection, the term "fiscal-year 2010 baseline", means the active-duty end strength authorized for the Army in section 401(1).

(4) ACTIVE-DUTY END STRENGTH.—In this subsection, the term "active-duty end strength" means the strength for active-duty personnel of one the Armed Forces as of the last day of a fiscal year.

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

(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority under subsection (a) is in addition to the authority to

vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) BUDGET TREATMENT.—If the Secretary of Defense determines under subsection (a) that an increase in the Army active-duty end strength for a fiscal year is necessary, then the budget for the Department of Defense for that fiscal year as submitted to the President shall include the amounts necessary for funding that active-duty end strength in excess of the fiscal year 2010 active-duty end strength authorized for the Army under section 401(1).

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

(1) The Army National Guard of the United States, 358,200.
(2) The Army Reserve, 205,000.
(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) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

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

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

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

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2010, the following 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. SUBMITTAL OF OPTIONS FOR CREATION OF TRAINEES, TRANSIENTS, HOLDEES, AND STUDENTS 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 evaluating options, and including a recommendation, for the creation of a Trainees, Transients, Holdees, and Students Account within the Army National Guard.

(b) ELEMENTS.—The report required by subsection (a) shall address, at a minimum, the following:

(1) The timelines, cost, force structure changes, and end strength changes associated with each option specified in the report.

(2) The force structure and end strength changes and growth of the Army National Guard needed to support the account referred to in subsection (a).

(3) An assessment of how the creation of such an account may affect plans under the Grow the Force initiative.

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

SEC. 417. 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.

(4) A description of the demands of the National Guard for non-dual status technicians under the current operational tempo, and a description of the current and anticipated demands of the National Guard for non-dual status technicians as a result of the National Guard moving from a reserve force to an operational force.

(5) An assessment whether an increase in the limit on the number of non-dual status technicians for the National Guard is advisable.

(6) Such specific recommendations, including recommendations for legislative action, as the Secretary of Defense considers appropriate regarding future requirements and numbers of non-dual status technicians that are required to manage and support the National Guard.

(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.

SEC. 418. EXPANSION OF AUTHORITY OF SECRETARIES OF THE MILITARY DEPARTMENTS TO INCREASE CERTAIN END STRENGTHS TO INCLUDE SELECTED RESERVE END STRENGTHS.

Subsection (g) of section 115 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 Secretary, by a number equal to not more than 2 percent of such authorized end strength.

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

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2010 a total of $136,016,281,000.

(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.

SEC. 422. REPEAL OF DELAYED ONE-TIME SHIFT OF MILITARY RETIREMENT PAYMENTS.

(a) REPEAL.—Section 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4581) is repealed.

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

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Grade of Legal Counsel to the Chairman of the Joint Chiefs of Staff.
Sec. 502. Modification of limitations on general and flag officers on active duty.
Sec. 503. Revisions to annual reporting requirement on joint officer management.
Sec. 504. Extension of temporary increase in maximum number of days leave members may accumulate and carryover.

Sec. 505. Computation of retirement eligibility for enlisted members of the Navy who complete the Seaman to Admiral (STA–21) officer candidate program.
Sec. 506. Independent review of judge advocate requirements of the Department of the Navy.

Subtitle B—General Service Authorities

Sec. 511. Continuation on active duty of reserve component members during physical disability evaluation following mobilization and deployment.
Sec. 512. Medical examination required before administrative separation of members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury.
Sec. 513. Legal assistance for additional reserve component members.
Sec. 514. Limitation on scheduling of mobilization or pre-mobilization training for Reserve units when certain suspension of training is likely.
Sec. 515. Evaluation of test of utility of test preparation guides and education programs in improving qualifications of recruits for the Armed Forces.
Sec. 516. Report on presence in the Armed Forces of members associated or affiliated with groups engaged in prohibited activities.

Subtitle C—Education and Training

Sec. 521. Detail of commissioned officers as students at schools of psychology.
Sec. 522. Appointment of persons enrolled in Advanced Course of the Army Reserve Officers' Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.
Sec. 523. Expansion of criteria for appointment as member of the Board of Regents of the Uniformed Services University of the Health Sciences.
Sec. 524. Use of Armed Forces Health Professions Scholarship and Financial Assistance program to increase number of health professionals with skills to assist in providing mental health care.
Sec. 525. Department of Defense undergraduate nurse training program.
Sec. 526. Increase in number of private sector civilians authorized for admission to National Defense University.
Sec. 527. Appointments to military service academies from nominations made by Delegate from the Commonwealth of the Northern Mariana Islands.
Sec. 528. Athletic association for the Air Force Academy.
Sec. 529. Language training centers for members of the Armed Forces and civilian employees of the Department of Defense.

Subtitle D—Defense Dependents' Education

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.
Sec. 532. Impact aid for children with severe disabilities.
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.
Sec. 534. Authority to extend eligibility for enrollment in Department of Defense elementary and secondary schools to certain additional categories of dependents.
Sec. 535. Permanent authority for enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.
Sec. 536. Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid.
Sec. 537. Study on options for educational opportunities for dependent children of members of the Armed Forces when public schools attended by such children are determined to need improvement.
Sec. 538. Comptroller General audit of assistance to local educational agencies for dependent children of members of the Armed Forces.
Sec. 539. Sense of Congress on the Interstate Compact on Educational Opportunity for Military Children.

Subtitle E—Missing or Deceased Persons

Sec. 541. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing in conflicts occurring before enactment of new system for accounting for missing persons.
Sec. 542. Policy and procedures on media access and attendance by family members at ceremonies for the dignified transfer of remains of members of the Armed Forces who die overseas.

Sec. 543. Report on expansion of authority of a member to designate persons to direct disposition of the remains of a deceased member.
Sec. 544. Sense of Congress on the recovery of the remains of members of the Armed Forces who were killed during World War II in the battle of Tarawa Atoll.

Subtitle F—Decorations and Awards

Sec. 551. Authorization and request for award of Medal of Honor to Anthony T. Kaho'ohanohano for acts of valor during the Korean War.
Sec. 552. Authorization and request for award of Distinguished-Service Cross to Jack T. Stewart for acts of valor during the Vietnam War.
Sec. 553. Authorization and request for award of Distinguished-Service Cross to William T. Miles, Jr., for acts of valor during the Korean War.

Subtitle G—Military Family Readiness Matters

Sec. 561. Establishment of online resources to provide information about benefits and services available to members of the Armed Forces and their families.
Sec. 562. Additional members on Department of Defense Military Family Readiness Council.
Sec. 563. Support for military families with special needs.
Sec. 564. Pilot program to secure internships for military spouses with Federal agencies.
Sec. 565. Family and medical leave for family of servicemembers.
Sec. 566. Deadline for report on sexual assault in the Armed Forces by Defense Task Force on Sexual Assault in the Military Services.
Sec. 567. Improved prevention and response to allegations of sexual assault involving members of the Armed Forces.
Sec. 568. Comptroller General report on progress made in implementing recommendations to reduce domestic violence in military families.
Sec. 569. Report on impact of domestic violence on military families.
Sec. 570. Report on international intrafamilial abduction of children of members of the Armed Forces.
Sec. 571. Assessment of impact of deployment of members of the Armed Forces on their dependent children.
Sec. 572. Report on child custody litigation involving service of members of the Armed Forces.
Sec. 573. Comptroller General report on child care assistance for members of the Armed Forces.

Subtitle H—Military Voting

Sec. 575. Short title.
Sec. 576. Clarification regarding delegation of State responsibilities to local jurisdictions.
Sec. 577. 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.
Sec. 578. Establishment of procedures for States to transmit blank absentee ballots by mail and electronically to absent uniformed services voters and overseas voters.
Sec. 579. Ensuring absent uniformed services voters and overseas voters have time to vote.
Sec. 580. Procedures for collection and delivery of marked absentee ballots of absent overseas uniformed services voters.
Sec. 581. Federal write-in absentee ballot.
Sec. 582. 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.
Sec. 583. Federal Voting Assistance Program Improvements.
Sec. 584. Development of standards for reporting and storing certain data.
Sec. 585. Repeal of provisions relating to use of single application for all subsequent elections.
Sec. 586. Reporting requirements.
Sec. 587. Annual report on enforcement.
Sec. 588. Requirements payments.
Sec. 589. Technology pilot program.

Subtitle I—Other Matters

Sec. 591. Clarification of performance policies for military musical units and musicians.
Sec. 592. Navy grants for purposes of Naval Sea Cadet Corps.

Sec. 593. Modification of matching fund requirements under National Guard Youth Challenge Program.
Sec. 594. Expansion of Military Leadership Diversity Commission to include reserve component representatives.
Sec. 595. Expansion of suicide prevention and community healing and response training under the Yellow Ribbon Reintegration Program.
Sec. 596. Comprehensive plan on prevention, diagnosis, and treatment of substance use disorders and disposition of substance abuse offenders in the Armed Forces.
Sec. 597. Reports on Yellow Ribbon Reintegration Program and other reintegration programs.
Sec. 598. Reports on progress in completion of certain incident information management tools.

Subtitle A—Officer Personnel Policy

SEC. 501. 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".

10 USC 156 note.

(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. 502. MODIFICATION OF LIMITATIONS ON GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) REPORT ON STATUTES EXCLUDING CERTAIN OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES FROM LIMITATIONS ON AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—Not later than April 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report setting forth the following:

(1) An assessment of the provisions of title 10, United States Code, that exclude commissioned officers of the Armed Forces on active duty in general officer and flag officer grades from the limitations on the authorized strengths of general and flag officers, including—

(A) a list of each such provision; and

(B) for each such provision—

(i) a statement whether such provision is redundant or necessary in light of recent legislation on such provision or related provisions; and

(ii) an assessment of the impact of the repeal of such provision on the Department of Defense.

(2) A specific, comprehensive description of the legislative actions, including technical and conforming changes, necessary to conform sections 525, 526, and 528 of title 10, United States Code (and any other applicable provisions of such title), with the assessment required by paragraph (1) with a view towards increasing the transparency and comprehensiveness on the number of general and flag officers serving on active duty.

(3) An assessment of the following:

(A) Whether the authorized numbers of general and flag officers in an active status under section 12004(a) of title 10, United States Code, are adequate to provide

the reserve components with a sufficient number of general and flag officers in an active status in order to meet increased authorizations for active duty service.

(B) Whether such numbers of general and flag officers provide the general and flag officers of the reserve components with appropriate opportunities for joint responsibility and joint officer development while simultaneously meeting reserve active-status requirements

(C) Whether legislative action with respect to section 12004(a) of title 10, United States Code, is necessary to achieve the purposes specified in subparagraphs (A) and (B) and, if so, a specific, comprehensive description of such legislative actions.

(4) An assessment of the following:

(A) Whether the requirements for general and flag officer positions resulting from recommendations for statutory authority to specify the grade of the Chief of the Navy Dental Corps, the Chief and Deputy Chief of Chaplains in the Air Force, the Chief of the Army Medical Specialist Corps, and to establish the position of Vice Chief of the National Guard Bureau, are necessary in light of recent legislative modifications of applicable provisions of law.

(B) The impact on the Department of each provision.

(C) If supported, the necessary technical and conforming changes that may be necessary to conform sections 535, 526, 528, and 12004 of title 10, United States Code, to increase the transparency and comprehensiveness of the number of general and flag officers on active duty or in an active status.

(b) 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:

Time periods.

"(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 department 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).".

(c) 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".

(d) 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)(1) The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for a period in excess of 365 days, but not to exceed three years, except that the number of officers from each reserve component who are covered by this subsection and is not serving in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed 5 per component, unless authorized by the Secretary of Defense

"(2) The exception in paragraph (1) does apply to the position of Chief of the National Guard Bureau.

Applicability.

"(3) Not later than 30 days after authorizing a number of reserve component general or flag officers in excess of the number specified in paragraph (1), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of such authorization, and shall include with such notice a statement of the reason for such authorization.".

Deadline. Notification.

(e) 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".

(f) 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 (5); 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.

Deadline. Notification.

"(4) Not later than 30 days after determining to raise or lower a number specified in paragraph (2), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of such determination.".

(g) 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 active duty for a period in excess of 365 days but not to exceed three years, except that the number of such officers from each reserve component who are covered by this paragraph and not serving in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed 5 per component, unless authorized by the Secretary of Defense."; 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.

Time periods.

"(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. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers on active duty from each armed force may be covered by an extension under this sentence at the same time.".

(h) EXCLUSION OF RESERVE OFFICERS DEPARTING FROM JOINT OR OTHER ACTIVE DUTY ASSIGNMENTS.—Section 12004 of such title is amended by adding at the end the following new subsection:

"(f) The limitations in subsection (a) do not apply to an officer released from a joint duty assignment or other non-joint active duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty or other active duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers in an active status from each reserve component may be covered by an extension under this sentence at the same time.".

(i) 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.

(j) 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. 503. REVISIONS TO ANNUAL REPORTING REQUIREMENT ON JOINT OFFICER MANAGEMENT.

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

(1) in paragraph (1)—

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

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

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

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

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

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

(5) by inserting after paragraph (8), as so redesignated, the following new paragraph:

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

"(A) The Joint Forces Staff College.

"(B) The National Defense University.

"(C) Senior Service Schools."; and

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

SEC. 504. EXTENSION OF TEMPORARY INCREASE IN MAXIMUM NUMBER OF DAYS LEAVE MEMBERS MAY ACCUMULATE AND CARRYOVER.

Section 701(d) of title 10, United States Code, is amended by striking "December 31, 2010" and inserting "September 30, 2013".

SEC. 505. COMPUTATION OF RETIREMENT ELIGIBILITY FOR ENLISTED MEMBERS OF THE NAVY WHO COMPLETE THE SEAMAN TO ADMIRAL (STA–21) OFFICER CANDIDATE PROGRAM.

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

"(c) TIME SPENT IN SEAMAN TO ADMIRAL PROGRAM.—The months of active service in pursuit of a baccalaureate-level degree under the Seaman to Admiral (STA–21) program of the Navy of officer candidates selected for the program on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010 shall be excluded in computing the years of service of an officer who was appointed to the grade of ensign in the Navy upon completion of the program to determine the eligibility of the officer for retirement, unless the officer becomes subject

to involuntary separation or retirement due to physical disability. Such active service shall be counted in computing the years of active service of the officer for all other purposes.".

SEC. 506. 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 Armed Forces, or the current responsibilities of 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) DEADLINE FOR APPOINTMENTS.—All original appointments to the panel shall be made not later than 180 days after the date of the enactment of this Act.

(6) MEETINGS.—The panel shall meet at the call of the chair.

Deadline.

(7) FIRST MEETING.—The chair shall call the first meeting of the panel not later than 60 days after the date of the appointment of all the members of the panel.

(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) POWERS OF PANEL.—

(1) HEARINGS.—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers appropriate to carry out its duties under this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the chair of the panel, any department or agency of the Federal Government may provide information that the panel considers necessary to carry out it duties under this section.

(d) 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 B—General Service Authorities

SEC. 511. 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.

Expiration date.

"(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. 512. MEDICAL EXAMINATION REQUIRED BEFORE ADMINISTRATIVE SEPARATION OF MEMBERS DIAGNOSED WITH OR REASONABLY ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.

(a) MEDICAL EXAMINATION REQUIRED.—

(1) IN GENERAL.—Chapter 59 of title 10, United States Code, is amended by inserting after section 1176 the following new section:

"§ 1177. Members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury: medical examination required before administrative separation

Regulations.

"(a) MEDICAL EXAMINATION REQUIRED.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department shall ensure that a member of the armed forces under the jurisdiction of the Secretary who has been deployed overseas in support of a contingency operation during the previous 24 months, and who is diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing post-traumatic stress disorder or traumatic brain injury or who otherwise reasonably alleges, based on the service of the member while deployed, the influence of

such a condition, receives a medical examination to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury.

"(2) A member covered by paragraph (1) shall not be administratively separated under conditions other than honorable until the results of the medical examination have been reviewed by appropriate authorities responsible for evaluating, reviewing, and approving the separation case, as determined by the Secretary concerned.

"(3) In a case involving post-traumatic stress disorder, the medical examination shall be performed by a clinical psychologist or psychiatrist. In cases involving traumatic brain injury, the medical examination may be performed by a physician, clinical psychologist, psychiatrist, or other health care professional, as appropriate.

"(b) PURPOSE OF MEDICAL EXAMINATION.—The medical examination required by subsection (a) shall assess whether the effects of post-traumatic stress disorder or traumatic brain injury constitute matters in extenuation that relate to the basis for administrative separation under conditions other than honorable or the overall characterization of service of the member as other than honorable.

"(c) INAPPLICABILITY TO PROCEEDINGS UNDER UNIFORM CODE OF MILITARY JUSTICE.—The medical examination and procedures required by this section do not apply to courts-martial or other proceedings conducted pursuant to the Uniform Code of Military Justice.".

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

"1177. Members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury: medical examination required before administrative separation.".

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

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

"(2) In the case of a former member described in paragraph (1) or a former member whose application for relief is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale or as justification for priority consideration, the Secretary concerned shall expedite a final decision and shall accord such cases sufficient priority to achieve an expedited resolution. In determining the priority of cases, the Secretary concerned shall weigh the medical and humanitarian circumstances of all cases and accord higher priority to cases not involving post-traumatic stress disorder or traumatic brain injury only when the individual cases are considered more compelling.".

(c) REPORT REQUIRED.—Not later than 240 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 containing the detailed procedures and policies used by the Secretaries of the military department to implement the amendments made by this section, including—

(1) the list of officials identified by the Secretaries as required to review physical examinations to determine the possible influence of post-traumatic stress disorder or traumatic brain injury on the behavior of members before their separation under other than honorable conditions;

(2) the procedures adopted by the Secretaries to ensure that appropriate physical examinations required by the amendments are conducted;

(3) the procedures adopted by the Secretaries to ensure that the medical reviews required by the amendments are conducted; and

(4) the procedures adopted by the Secretaries to ensure that requests for review of discharges based on matters related to post-traumatic stress disorder or traumatic brain injury are considered in a timely manner by boards that include appropriate medical personnel, as required by the amendments.

SEC. 513. LEGAL ASSISTANCE FOR ADDITIONAL RESERVE COMPONENT MEMBERS.

Section 1044(a)(4) of title 10, United States Code, is amended by striking "the Secretary of Defense), for a period of time, prescribed by the Secretary of Defense," and inserting "the Secretary), for a period of time (prescribed by the Secretary)".

10 USC 10101 note.

SEC. 514. LIMITATION ON SCHEDULING OF MOBILIZATION OR PRE-MOBILIZATION TRAINING FOR RESERVE UNITS WHEN CERTAIN SUSPENSION OF TRAINING IS LIKELY.

(a) LIMITATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of a military department shall avoid scheduling mobilization training or pre-mobilization training for a unit of a reserve component of the Armed Forces at a temporary duty location that is outside the normal commuting distance of the unit (as determined pursuant to the regulations prescribed by the Secretary of Defense under subsection (c)) if a suspension of training at such temporary duty location of at least five days is anticipated to occur during any portion of such mobilization or pre-mobilization training.

(2) WAIVER.—The Secretary of a military department may waive the applicability of the limitation in paragraph (1) to a unit of a reserve component if the Secretary determines that the waiver is in the national security interests of the United States.

Termination date.

(3) NOTICE TO CONGRESS.—Until December 31, 2014, the Secretary of the military department concerned shall submit written notice of each waiver issued under paragraph (2) to the congressional defense committees. Notice of such waiver shall be so submitted at the time of the issuance of such waiver.

Termination date.

(b) NOTICE OF OTHER SUSPENSIONS OF TRAINING.—Until December 31, 2014, in the event of a suspension of training (other than an anticipated suspension of training described in subsection

(a)(1)) of at least five days at a temporary duty location at which one or more units of the reserve components on active duty are engaged in mobilization training or pre-mobilization training, the Secretary of the military department having jurisdiction over such unit or units shall submit written notice of the suspension to the congressional defense committees. Notice of such suspension of training shall be so submitted at the time of such suspension of training.

(c) REGULATIONS.—The Secretaries of the military departments shall administer this section in accordance with regulations prescribed by the Secretary of Defense. Such regulations shall apply uniformly among the military departments.

SEC. 515. EVALUATION OF TEST OF UTILITY OF TEST PREPARATION GUIDES AND EDUCATION PROGRAMS IN IMPROVING QUALIFICATIONS OF RECRUITS FOR THE ARMED FORCES.

Section 546(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2215) is amended—

(1) in the second sentence, by striking "in training and unit settings" and inserting "during training and unit assignments"; and

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

SEC. 516. REPORT ON PRESENCE IN THE ARMED FORCES OF MEMBERS ASSOCIATED OR AFFILIATED WITH GROUPS ENGAGED IN PROHIBITED ACTIVITIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Attorney General, submit to the Committees on Armed Service of the Senate and the House of Representatives a report on the following:

(1) Any active participation by members of the Armed Forces in prohibited activities (as defined by subsection 3.5.8 of Department of Defense Directive 1325.6).

(2) The policies of the Department of Defense to prevent individuals who are active participants in such activities from enlisting in the Armed Forces.

Subtitle C—Education and Training

SEC. 521. 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 2004a the following new section:

"§ 2004b. 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 selected 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 2004a the following new item:

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

SEC. 522. APPOINTMENT OF PERSONS ENROLLED IN ADVANCED COURSE OF THE ARMY RESERVE OFFICERS' TRAINING CORPS AT MILITARY JUNIOR COLLEGES AS CADETS IN ARMY RESERVE OR ARMY NATIONAL GUARD OF THE UNITED STATES.

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

(1) by striking "17 cadets" and inserting "22 cadets";

(2) by striking "17 members" and inserting "22 members"; and

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

SEC. 523. 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, or public policy".

SEC. 524. USE OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM TO INCREASE NUMBER OF HEALTH PROFESSIONALS WITH SKILLS TO ASSIST IN PROVIDING MENTAL HEALTH CARE.

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

(1) by inserting "(1)" after "(a)";

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

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

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

"(A) Social work.

"(B) Clinical psychology.

"(C) Psychiatry.

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

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

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

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

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

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

SEC. 525. DEPARTMENT OF DEFENSE UNDERGRADUATE NURSE TRAINING PROGRAM.

(a) REVISION OF CURRENT SCHOOL OF NURSING AUTHORIZATIONS.—

(1) REPEAL OF ESTABLISHMENT WITHIN UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.—Section 2117 of title 10, United States Code, is repealed.

(2) ESTABLISHMENT AS DEPARTMENT OF DEFENSE SCHOOL.—Chapter 108 of such title is amended by adding at the end the following new section:

"§ 2169. School of Nursing: establishment

"(a) ESTABLISHMENT AUTHORIZED.—The Secretary of Defense may establish a School of Nursing.

"(b) DEGREE GRANTING AUTHORITY.—The School of Nursing may include a program that awards a bachelor of science in nursing.

"(c) PHASED DEVELOPMENT.—The Secretary of Defense may develop the School of Nursing in phases as determined appropriate by the Secretary.".

(3) CLERICAL AMENDMENTS.—

(A) CHAPTER 104.—The table of sections at the beginning of chapter 104 of such title is amended by striking the item relating to section 2117.

(B) CHAPTER 108.—The table of sections at the beginning of chapter 108 of such title is amended by adding at the end the following new item:

"2169. School of Nursing: establishment.".

(b) AUTHORITY TO ESTABLISH UNDERGRADUATE NURSE TRAINING PROGRAM.—

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

"§ 2016. Undergraduate nurse training program: establishment through agreement with academic institution

"(a) ESTABLISHMENT AUTHORIZED.—(1) To increase the number of nurses in the armed forces, the Secretary of Defense may enter into an agreement with one or more academic institutions to establish and operate an undergraduate program (in this section referred to as a 'undergraduate nurse training program') under which participants will earn a nursing degree and serve as a member of the armed forces.

"(2) The Secretary of Defense may authorize the participation of members of the other uniformed services in the undergraduate nurse training program if the Secretary of Defense and the Secretary of Health and Human Services jointly determine the participation of such members in the program will facilitate an increase in the number of nurses in the other uniformed services.

"(b) GRADUATION RATES.—An undergraduate nurse training program shall have the capacity to graduate 25 students with

a bachelor of science degree in the first class of the program, 50 in the second class, and 100 annually thereafter.

"(c) ELEMENTS.—An undergraduate nurse training program shall have the following elements:

"(1) It shall involve an academic partnership with one or more academic institutions with existing accredited schools of nursing.

"(2) It shall recruit as participants qualified individuals with at least two years of appropriate academic preparation, as determined by the Secretary of Defense.

"(d) LOCATION OF PROGRAMS.—An academic institution selected to operate an undergraduate nurse training program shall establish the program at or near a military installation. A military installation at or near which an undergraduate nurse training program is established must—

"(1) be one of the ten largest military installations in the United States, in terms of the number of active duty personnel assigned to the installation and family members residing on or in the vicinity of the installations; and

"(2) have a military treatment facility with inpatient capability designated as a medical center located on the installation or within 10 miles of the installation.

"(e) LIMITATION ON FACULTY.—An agreement entered into under subsection (a) shall not require members of the armed forces who are nurses to serve as faculty members for an undergraduate nurse training program.

"(f) MILITARY SERVICE COMMITMENT.—The Secretary of Defense shall encourage members of the armed forces to apply to participate in an undergraduate nurse training program. Graduates of the program shall incur a military service obligation in a regular or reserve component, as determined by the Secretary.".

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

"2016. Undergraduate nurse training program: establishment through agreement with academic institution.".

(c) UNDERGRADUATE NURSE TRAINING PROGRAM PLAN.—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 plan to establish an undergraduate nurse training program in the Department of Defense in accordance with the authority provided by section 2169 of title 10, United States Code, as added by subsection (a), section 2016 of such title, as added by subsection (b), or any other authority available to the Secretary.

Deadline.
10 USC 2016 note.

(d) PILOT PROGRAM.—

(1) PILOT PROGRAM REQUIRED.—The plan required by subsection (c) shall provide for the establishment of a pilot program to increase the number of nurses serving in the Armed Forces.

(2) IMPLEMENTATION AND DURATION.—The pilot program shall begin not later than July 1, 2011, and be of not less than five years in duration.

(3) GRADUATION RATES.—The pilot program shall achieve graduation rates at least equal to the rates required for the undergraduate nurse training program authorized by section

2016 of title 10, United States Code, as added by subsection (b).

(4) IMPLEMENTATION REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the pilot program, including a description of the program selected to be undertaken, the program's goals, and any additional legal authorities that may be needed to undertake the program.

(5) PROGRESS REPORTS.—Not later than 90 days after the end of each academic year of the pilot program, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report specifying the number of nurses accessed into the Armed Forces through the program and the number of students accepted for the upcoming academic year.

(6) FINAL REPORT.—Not later than one year before the end of the pilot program, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report specifying the number of nurses accessed through the program, evaluating the overall effectiveness of the program, and containing the Secretary's recommendations regarding whether the program should be extended.

(e) EFFECT ON OTHER NURSING PROGRAMS.—Notwithstanding the development of undergraduate nurse training programs under the amendments made by this section and subsection (d), the Secretary of Defense shall ensure that graduate degree programs in nursing, including advanced practice nursing, continue.

(f) EFFECT ON OTHER RECRUITMENT EFFORTS.—Nothing in this section shall be construed as limiting or terminating any current or future program of the Department of Defense related to the recruitment, accession, training, or retention of nurses.

SEC. 526. INCREASE IN NUMBER OF PRIVATE SECTOR CIVILIANS AUTHORIZED FOR ADMISSION TO NATIONAL DEFENSE UNIVERSITY.

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

SEC. 527. APPOINTMENTS TO MILITARY SERVICE ACADEMIES FROM NOMINATIONS MADE BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a)(10) of title 10, United States Code, is amended by striking "One cadet" and inserting "Two cadets".

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(10) of such title is amended by striking "One" and inserting "Two".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(10) of such title is amended by striking "One cadet" and inserting "Two cadets".

10 USC 4342 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy beginning with the first class of candidates nominated for appointment to these military service academies after the date of the enactment of this Act.

SEC. 528. ATHLETIC ASSOCIATION FOR THE AIR FORCE ACADEMY.

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

"§ 9362. Support of athletic programs

"(a) CORPORATION FOR SUPPORT AUTHORIZED.—(1) The Secretary of the Air Force may, in accordance with the laws of the State of incorporation, establish a corporation (in this section referred to as the 'corporation') to support the athletic programs of the Academy. 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) 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) The members of the board of directors of the corporation shall serve without compensation as members of the board, except for reasonable travel and other related expenses for attendance at meetings of the board.

"(2) 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 of the corporation, but such personnel shall not hold more than one-third of the directorships.

"(d) TRANSFERS FROM NONAPPROPRIATED FUND OPERATION.—The Secretary of the Air Force may, subject 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 Academy or corporate events related to the athletic programs of the Academy.

"(f) LEASES.—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 athletic programs of the Academy. Funds received from any such lease may be retained and spent by the Secretary to support athletic programs of the Academy.

"(g) COOPERATIVE AGREEMENTS.—The Secretary of the Air Force may enter into cooperative agreements (as described in section 6305 of title 31) with the corporation for purposes related to the athletic programs of the Academy.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by adding at the end the following new item:

"9362. Support of athletic programs.".

10 USC 2001 note prec.

SEC. 529. LANGUAGE TRAINING CENTERS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to establish language training centers at accredited universities, senior military colleges, or other similar institutions of higher education for purposes of accelerating the development of foundational expertise in critical and strategic languages and regional area studies (as defined by the Secretary of Defense for purposes of this section) for members of the Armed Forces, including members of the reserve components and candidates of the Reserve Officers' Training Corps programs, and civilian employees of the Department of Defense.

(b) ELEMENTS.—Each language training center established under the program authorized by subsection (a) shall include the following:

(1) Programs to provide that members of the Armed Forces or civilian employees of the Department of Defense who graduate from the institution of higher education concerned include members or employees, as the case may be, who are skilled in the languages and area studies covered by the program from beginning through advanced skill levels.

(2) Programs of language proficiency training for such members and civilian employees at the institution of higher education concerned in critical and strategic languages tailored to meet operational readiness requirements.

(3) Alternative language training delivery systems and modalities to meet language and regional area study requirements for such members and employees whether prior to deployment, during deployment, or post-deployment.

(4) Programs on critical and strategic languages under the program that can be incorporated into Reserve Officers' Training Corps programs to facilitate the development of language skills in such languages among future officers of the Armed Forces.

(5) Training and education programs to expand the pool of qualified instructors and educators on critical and strategic languages and regional area studies under the program for the Armed Forces.

(6) Programs to facilitate and encourage the recruitment of native and heritage speakers of critical and strategic languages under the program into the Armed Forces and the civilian workforce of the Department of Defense and to support the Civilian Linguist Reserve Corps.

(c) PARTNERSHIPS WITH OTHER SCHOOLS.—Any language training center established under the program authorized by subsection (a) may enter into a partnership with one or more local educational agencies to facilitate the development of skills in critical and strategic languages under the program among students attending the elementary and secondary schools of such agencies who may pursue a military career.

(d) COORDINATION.—The Secretary of Defense shall ensure that the language training centers established under the program authorized by subsection (a) are aligned with those of the National Security Education Program, the Defense Language Institute, and other appropriate Department of Defense programs to facilitate and encourage the recruitment of native and heritage speakers of critical and strategic languages under the program into the Armed Forces and the civilian workforce of the Department of Defense and to support the Civilian Linguist Reserve Corps.

(e) REPORT.—Not later than one year after the date of the establishment of the program authorized by subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on the program. The report shall include the following:

(1) A description of each language training center established under the program.

(2) An assessment of the cost-effectiveness of the program in providing foundational expertise in critical and strategic languages and regional area studies in support of the Defense Language Transformation Roadmap.

(3) An assessment of the progress made by each language training center in providing capabilities in critical and strategic languages under the program to members of the Armed Forces and Department of Defense employees.

(4) A recommendation whether the program should be continued and, if so, recommendations as to any modifications of the program that the Secretary considers appropriate.

Subtitle D—Defense Dependents' Education

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(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, $14,000,000 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 by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 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 striking "September 30, 2010" and inserting "September 30, 2012".

SEC. 534. 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 a Department of Defense 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.".

SEC. 535. PERMANENT AUTHORITY FOR ENROLLMENT IN DEFENSE DEPENDENTS' EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.

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

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

SEC. 536. DETERMINATION OF NUMBER OF WEIGHTED STUDENT UNITS FOR LOCAL EDUCATIONAL AGENCIES FOR RECEIPT OF BASIC SUPPORT PAYMENTS UNDER IMPACT AID.

Section 8003(a)(2)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(2)(C)(i)) is amended by striking "6,500" and inserting "5,000".

SEC. 537. STUDY ON OPTIONS FOR EDUCATIONAL OPPORTUNITIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES WHEN PUBLIC SCHOOLS ATTENDED BY SUCH CHILDREN ARE DETERMINED TO NEED IMPROVEMENT.

(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 section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(2) OPTIONS.—The options to be considered under the study required by paragraph (1) may include the following:

(A) Education programs offered through the Internet, including programs that are provided by the Department of Defense through the Internet.

(B) Charter schools.

(C) Such other public school 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 of 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 other alternative educational programs 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 and Secretary of Education consider 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, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Education and Labor of the House of Representatives a report on the study required by subsection (a). 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, in consultation with the Secretary of Education, considers appropriate in light of the results of the study.

SEC. 538. 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 the following:

(1) Assistance provided under the following:

(A) Section 551 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4468).

(B) Section 571 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 119).

(C) Section 572 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2225).

(D) Section 574 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2226; 20 U.S.C. 7703b note).

(E) Section 575 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2227; 10 U.S.C. 1788 note).

(F) Section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(G) Section 574 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3273).

(H) Section 558 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1916).

(I) Section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (118 Stat. 1917).

(J) Section 536 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1474).

(K) Clauses (i) and (ii) of section 8003(b)(2)(H) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(H)).

(L) Section 341 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2514).

(M) Section 344 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (116 Stat. 2515).

(N) Section 351 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1063).

(O) 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).

(P) Section 364 of the National Defense Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–78)

(2) Payments made under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–77; 20 U.S.C. 7703a).

(c) REPORT.—Not later than one year 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 audit required by subsection (a).

SEC. 539. SENSE OF CONGRESS ON THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

It is the sense of Congress to—

(1) express strong support and commendation for all the 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.

Subtitle E—Missing or Deceased Persons

SEC. 541. ADDITIONAL REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING IN CONFLICTS OCCURRING BEFORE ENACTMENT OF NEW SYSTEM FOR ACCOUNTING FOR MISSING PERSONS.

(a) IMPOSITION OF ADDITIONAL REQUIREMENTS.—Section 1509 of title 10, United States Code, is amended to read as follows:

"§ 1509. Program to resolve preenactment missing person cases

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

"(1) World War II during the period beginning on December 7, 1941, and ending on December 31, 1946, including members of the armed forces who were lost during flight operations in the Pacific theater of operations covered by section 576 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 1501 note).

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

"(3) The Korean War during the period beginning on June 27, 1950, and ending on January 31, 1955.

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

"(5) The Persian Gulf War during the period beginning on August 2, 1990, and ending on February 28, 1991.

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

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

"(2) For purposes of paragraph (1), the term 'POW/MIA accounting community' means:

"(A) The Defense Prisoner of War/Missing Personnel Office (DPMO).

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

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

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

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

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

"(c) TREATMENT AS MISSING PERSONS.—Each unaccounted for person covered by subsection (a) shall be considered to be a missing person for purposes of the applicability of other provisions of this chapter to the person.

"(d) ESTABLISHMENT OF PERSONNEL FILES.—(1) The Secretary of Defense shall ensure that a personnel file is established and maintained for each person covered by subsection (a) if the Secretary— Records.

"(A) possesses any information relevant to the status of the person; or

"(B) receives any new information regarding the missing person as provided in subsection (e).

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

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

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

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

"(A) the information is treated under paragraph (2) of subsection (c) of section 1505 of this title, relating to addition

of the information to the personnel file of a person and notification requirements, in the same manner as information received under paragraph (1) under such subsection; and

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

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

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

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

"(f) COORDINATION REQUIREMENTS.—(1) In establishing and carrying out the program, the Secretary of Defense shall coordinate with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the commanders of the combatant commands.

"(2) In carrying out the program, the Secretary of Defense shall establish close coordination with the Department of State, the Central Intelligence Agency, and the National Security Council to enhance the ability of the Department of Defense POW/MIA accounting community to account for persons covered by subsection (a).".

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

"1509. Program to resolve preenactment missing person cases.".

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

10 USC 1509 note.

(d) IMPLEMENTATION.—

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

(2) ACCOUNTING FOR GOAL.—In implementing the program, the Secretary of Defense, in coordination with the officials specified in subsection (f)(1) of section 1509 of title 10, United States Code, shall provide such funds, personnel, and resources as the Secretary considers appropriate to increase significantly the capability and capacity of the Department of Defense, the Armed Forces, and commanders of the combatant commands to account for missing persons so that, beginning with fiscal year 2015, the POW/MIA accounting community has sufficient

resources to ensure that at least 200 missing persons are accounted for under the program annually.

(3) DEFINITIONS.—In this subsection:

(A) The term "accounted for" has the meaning given such term in section 1513(3)(B) of title 10, United States Code.

(B) The term "POW/MIA accounting community" has the meaning given such term in section 1509(b)(2) of such title.

SEC. 542. POLICY AND PROCEDURES ON MEDIA ACCESS AND ATTENDANCE BY FAMILY MEMBERS AT CEREMONIES FOR THE DIGNIFIED TRANSFER OF REMAINS OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS.

(a) DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON MEDIA ACCESS AT CEREMONIES FOR DIGNIFIED TRANSFER OF REMAINS OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS.— 10 USC 1482 note.

(1) POLICY REQUIRED.—Not later than April 1, 2010, the Secretary of Defense shall prescribe a policy guaranteeing media access at ceremonies for the dignified transfer of remains of members of the Armed Forces who die while located or serving overseas (in this section referred to as "military decedents") when approved by the primary next of kin of such military decedents. Deadline.

(2) PROCEDURES.—The policy developed under paragraph (1) shall include procedures to be followed by the military departments in conducting appropriate ceremonies for the dignified transfer of remains of military decedents. The procedures shall be uniform across the military departments except to the extent necessary to reflect the traditional practices or customs of a particular military department.

(3) ELEMENTS.—The policy developed under paragraph (1) shall include, but not be limited to, the following:

(A) Provision for access by media representatives to transfers described in paragraph (1) if approved in advance by the primary next of kin of the military decedent or their designee.

(B) Procedures for designating with certainty who is authorized to make the decision to approve media access at transfer ceremonies described in that paragraph under reasonable, foreseeable circumstances.

(C) Conditions for coverage that media representatives must comply with during such transfer ceremonies, and procedures for ensuring agreement in advance by media representatives with the conditions for coverage prescribed by military authorities.

(D) Procedures for the waiver by the primary next of kin or other designees of Departmental polices relating to delays in release of casualty information to the media and general public, when such waiver is required.

(b) TRANSPORTATION TO TRANSFER CEREMONIES.—

(1) PROVISION OF TRANSPORTATION REQUIRED.—Section 411f of title 37, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

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

"(e) TRANSPORTATION TO TRANSFER CEREMONIES OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS.—(1) The Secretary of the military department concerned may provide round trip transportation to ceremonies for the transfer of a member of the armed forces who dies while located or serving overseas to the following:

"(A) The primary next of kin of the member.

"(B) Two family members (other than primary next of kin) of the member.

"(C) One or more additional family members of the member, at the discretion of the Secretary.

"(2)(A) For purposes of this subsection, the primary next of kin of a member of the armed forces shall be the eligible relatives of the member specified in subparagraphs (A) through (D) of subsection (c)(1).

"(B) The Secretaries of the military departments shall prescribe in regulations the family members of a member of the armed forces who shall constitute family members for purposes of subparagraphs (B) and (C) of paragraph (1). The Secretary of Defense shall ensure that such regulations are uniform across the military departments.

"(3) Transportation shall be provided under this subsection by means of Invitational Travel Authorizations.

"(4) The Secretary of a military department may, upon the request of the primary next of kin covered by paragraph (1)(A) and at the discretion of the Secretary, provide for the accompaniment of such next of kin in travel under this subsection by a casualty assistance officer or family liaison officer of the military department who shall act as an escort in such accompaniment.".

(2) CONFORMING AND CLERICAL AMENDMENTS.—

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

"§ 411f. Travel and transportation allowances: transportation for survivors of deceased member to attend member's burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 411f and inserting the following new item:

"411f. Travel and transportation allowances: transportation for survivors of deceased member to attend member's burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies.".

37 USC 411f note.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 543. REPORT ON EXPANSION OF AUTHORITY OF A MEMBER TO DESIGNATE PERSONS TO DIRECT DISPOSITION OF THE REMAINS OF A DECEASED MEMBER.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a

report evaluating the potential effects of expanding the list of persons under section 1482(c) of title 10, United States Code, who may be designated by a member of the Armed Forces as the person authorized to direct disposition of the remains of the member if the member is deceased to include persons who are not family members of members of the Armed Forces.

SEC. 544. SENSE OF CONGRESS ON THE RECOVERY OF THE REMAINS OF MEMBERS OF THE ARMED FORCES WHO WERE KILLED DURING WORLD WAR II IN THE BATTLE OF TARAWA ATOLL.

Congress—

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

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

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

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

Subtitle F—Decorations and Awards

SEC. 551. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO ANTHONY T. KAHO'OHANOHANO FOR ACTS OF VALOR DURING THE KOREAN WAR.

President.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to former Private First Class Anthony T. Kaho'ohanohano for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Private First Class Anthony T. Kaho'ohanohano of Company H of the 17th Infantry Regiment of the 7th Infantry Division on September 1, 1951, during the Korean War for which he was originally awarded the Distinguished-Service Cross.

SEC. 552. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JACK T. STEWART FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of such title to former Captain

Jack T. Stewart of the United States Army for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Captain Jack T. Stewart as commander of a two-platoon Special Forces Mike Force element in combat with two battalions of the North Vietnamese Army on March 24, 1967, during the Vietnam War.

SEC. 553. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO WILLIAM T. MILES, JR., FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of such title to former Sergeant First Class William T. Miles, Jr., of the United States Army for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Sergeant First Class William T. Miles, Jr,. as a member of United States Special Forces from June 18, 1951, to July 6, 1951, during the Korean War, when he fought a delaying action against enemy forces in order to allow other members of his squad to escape an ambush.

Subtitle G—Military Family Readiness Matters

10 USC 1781 note.

SEC. 561. ESTABLISHMENT OF ONLINE RESOURCES TO PROVIDE INFORMATION ABOUT BENEFITS AND SERVICES AVAILABLE TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) INTERNET OUTREACH WEBSITE.—

(1) ESTABLISHMENT.—The Secretary of Defense shall establish an Internet website or other online resources for the purpose of providing comprehensive information to members of the Armed Forces and their families about the benefits and services described in subsection (b) that are available to members of the Armed Forces and their families.

(2) CONTACT INFORMATION.—The online resources shall provide contact information, both telephone and e-mail, that a member of the Armed Forces or dependent of the member can use to get specific information about benefits and services that may be available for the member or dependent.

(b) COVERED BENEFITS AND SERVICES.—The information provided through the online resources established pursuant to subsection (a) shall include information regarding the following benefits and services that may be available to a member of the Armed Forces and dependents of the member:

(1) Financial compensation, including financial counseling.

(2) Health care and life insurance programs.

(3) Death benefits.

(4) Entitlements and survivor benefits for dependents, including offsets in the receipt of such benefits under the Survivor Benefit Plan and in connection with the receipt of dependency and indemnity compensation.

(5) Educational assistance benefits, including limitations on and the transferability of such assistance.

(6) Housing assistance benefits, including counseling.

(7) Relocation planning and preparation.

(8) Maintaining military records.

(9) Legal assistance.

(10) Quality of life programs.

(11) Family and community programs.

(12) Employment assistance upon separation or retirement of a member or for the spouse of the member.

(13) Reserve component service for members completing service in a regular component.

(14) Disability benefits, including offsets in connection with the receipt of such benefits.

(15) Benefits and services provided under laws administered by the Secretary of Veterans Affairs.

(16) Such other benefits and services as the Secretary of Defense considers appropriate.

(c) DISSEMINATION OF INFORMATION ON AVAILABILITY ON ONLINE RESOURCES.—The Secretaries of the military departments shall use public service announcements, publications, and such other announcements through the general media as the Secretaries consider appropriate to inform members of the Armed Forces and their families and the general public about the information available through the online resources established pursuant to subsection (a).

(d) IMPLEMENTATION 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 quality and scope of the online resources established pursuant to subsection (a) to provide information about benefits and services for members of the Armed Forces and their families.

SEC. 562. ADDITIONAL MEMBERS ON DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

(a) RESERVE COMPONENT REPRESENTATION.—Paragraph (1) of section 1781a(b) 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 Army National Guard or Air National Guard, who shall be appointed by the Secretary of Defense; and

"(ii) one representative from the Army Reserve, Navy Reserve, Marine Corps Reserve, or Air Force Reserve, who shall be appointed by the Secretary of Defense."; and

(3) in subparagraph (E), as redesignated by paragraph (1), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(b) TERM; ROTATION AMONG RESERVE COMPONENTS.—Paragraph (2) of such section is amended—

(1) by striking "paragraph (1)(C)" and inserting "subparagraphs (C) and (D) of paragraph (1)"; and

(2) by adding at the end the following new sentences: "Representation on the Council required by clause (i) of paragraph (1)(C) shall rotate between the Army National Guard and Air National Guard. Representation required by clause (ii) of such paragraph shall rotate among the reserve components specified in such clause.".

SEC. 563. SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1781b the following new section:

"§ 1781c. Office of Community Support for Military Families With Special Needs

"(a) ESTABLISHMENT.—There is in the Office of the Under Secretary of Defense for Personnel and Readiness the Office of Community Support for Military Families With Special Needs (in this section referred to as the 'Office').

"(b) PURPOSE.—The purpose of the Office is to enhance and improve Department of Defense support around the world for military families with special needs (whether medical or educational needs) through the development of appropriate policies, enhancement and dissemination of appropriate information throughout the Department of Defense, support for such families in obtaining referrals for services and in obtaining service, and oversight of the activities of the military departments in support of such families.

"(c) DIRECTOR.—(1) The head of the Office shall be the Director of the Office of Community Support for Military Families With Special Needs, who shall be appointed by the Secretary of Defense from among civilian employees of the Department of Defense who are members of the Senior Executive Service or members of the armed forces in a general or flag grade.

"(2) The Director shall be subject to the supervision, direction, and control of the Under Secretary of Defense for Personnel and Readiness in the discharge of the responsibilities of the Office, and shall report directly to the Under Secretary regarding the discharge of such responsibilities.

"(d) RESPONSIBILITIES.—The Office shall have the responsibilities as follows:

"(1) To develop and implement a comprehensive policy on support for military families with special needs as required by subsection (e).

"(2) To establish and oversee the programs required by subsection (f).

"(3) To identify gaps in services available through the Department of Defense for military families with special needs.

"(4) To develop plans to address gaps identified under paragraph (3) through appropriate mechanisms, such as enhancing resources and training and ensuring the provision of special assistance to military families with special needs and military parents of individuals with special needs

(including through the provision of training and seminars to members of the armed forces).

"(5) To monitor the programs of the military departments for the assignment of members of the armed forces who are members of military families with special needs, and the programs for the support of such military families, and to advise the Secretary of Defense on the adequacy of such programs in conjunction with the preparation of future-years defense programs and other budgeting and planning activities of the Department of Defense.

"(6) To monitor the availability and accessibility of programs provided by other Federal, State, local, and non-governmental agencies to military families with special needs.

"(7) To carry out such other matters with respect to the programs and activities of the Department of Defense regarding military families with special needs as the Under Secretary of Defense for Personnel and Readiness shall specify.

"(e) POLICY.—(1) The Office shall develop, and update from time to time, a uniform policy for the Department of Defense regarding military families with special needs. The policy shall apply with respect to members of the armed forces without regard to their location, whether within or outside the continental United States.

"(2) The policy developed under this subsection shall include elements regarding the following:

"(A) The assignment of members of the armed forces who are members of military families with special needs.

"(B) Support for military families with special needs.

"(3) In addressing the assignment of members of the armed forces under paragraph (2)(A), the policy developed under this subsection shall, in a manner consistent with the needs of the armed forces and responsive to the career development of members of the armed forces on active duty, provide for such members each of the following:

"(A) Assignment to locations where care and support for family members with special needs are available.

"(B) Stabilization of assignment for a minimum of 4 years.

"(4) In addressing support for military families under paragraph (2)(B), the policy developed under this subsection shall provide the following:

"(A) Procedures to identify members of the armed forces who are members of military families with special needs.

"(B) Mechanisms to ensure timely and accurate evaluations of members of such families who have special needs.

"(C) Procedures to facilitate the enrollment of such members of the armed forces and their families in programs of the military department for the support of military families with special needs.

"(D) Procedures to ensure the coordination of Department of Defense health care programs and support programs for military families with special needs, and the coordination of such programs with other Federal, State, local, and non-governmental health care programs and support programs intended to serve such families.

"(E) Requirements for resources (including staffing) to ensure the availability through the Department of Defense

of appropriate numbers of case managers to provide individualized support for military families with special needs.

"(F) Requirements regarding the development and continuous updating of an individualized services plan (medical and educational) for each military family with special needs.

"(G) Requirements for record keeping, reporting, and continuous monitoring of available resources and family needs under individualized services support plans for military families with special needs, including the establishment and maintenance of a central or various regional databases for such purposes.

"(f) PROGRAMS.—(1) The Office shall establish, maintain, and oversee a program to provide information and referral services on special needs matters to military families with special needs on a continuous basis regardless of the location of the member's assignment. The program shall provide for timely access by members of such military families to individual case managers and counselors on matters relating to special needs.

"(2) The Office shall establish, maintain, and oversee a program of outreach on special needs matters for military families with special needs. The program shall—

"(A) assist military families in identifying whether or not they have a member with special needs; and

"(B) provide military families with special needs with information on the services, support, and assistance available through the Department of Defense regarding such members with special needs, including information on enrollment in programs of the military departments for such services, support, and assistance.

"(3)(A) The Office shall provide support to the Secretary of each military department in the establishment and sustainment by such Secretary of a program for the support of military families with special needs under the jurisdiction of such Secretary. Each program shall be consistent with the policy developed by the Office under subsection (e).

"(B) Each program under this paragraph shall provide for appropriate numbers of case managers for the development and oversight of individualized services plans for educational and medical support for military families with special needs.

"(C) Services under a program under this paragraph may be provided by contract or other arrangements with non-Department of Defense entities qualified to provide such services.

"(g) RESOURCES.—The Secretary of Defense shall assign to the Office such resources, including personnel, as the Secretary considers necessary for the discharge of the responsibilities of the Office, including a sufficient number of members of the armed forces to ensure appropriate representation by the military departments in the personnel of the Office.

"(h) REPORTS.—(1) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the activities of the Office.

"(2) Each report under this subsection shall include the following:

"(A) A description of any gaps in services available through the Department of Defense for military families with special needs that were identified under subsection (d)(3).

"(B) A description of the actions being taken, or planned, to address such gaps, including any plans developed under subsection (d)(4).

"(C) Such recommendations for legislative action as the Secretary considers appropriate to provide for the continuous improvement of support and services for military families with special needs.

"(i) MILITARY FAMILY WITH SPECIAL NEEDS.—For purposes of this section, a military family with special needs is any military family with one or more members who has a medical or educational special need (as defined by the Secretary in regulations for purposes of this section), including a condition covered by the Extended Health Care Option Program under section 1079f of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title is amended by inserting after the item relating to section 1781b the following new item:

"1781c. Office of Community Support for Military Families With Special Needs.".

(3) REPEAL OF SUPERSEDED AUTHORITY.—Section 587 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 133; 10 U.S.C. 1781 note) is repealed.

(b) FOUNDATION FOR SUPPORT OF MILITARY FAMILIES WITH SPECIAL NEEDS.— 10 USC 1781c note.

(1) ESTABLISHMENT AUTHORIZED.—The Secretary of Defense may establish a foundation for the provision of assistance to the Department of Defense in providing support to military families with special needs.

(2) PURPOSES.—The purposes of the foundation shall be to assist the Department of Defense as follows:

(A) In conducting outreach to identify military families with special needs.

(B) In developing programs to support and provide services to military families with special needs.

(C) In developing educational curricula for the training of professional and paraprofessional personnel providing support and services on special needs to military families with special needs.

(D) In conducting research on the following:

(i) The unique factors associated with a military career (including deployments of members of the Armed Forces) and their effects on families and individuals with special needs.

(ii) Evidence-based therapeutic and medical services for members of military families with special needs, including research in conjunction with non-Department of Defense entities such as the National Institutes of Health.

(E) In providing vocational education and training for adolescent and adult members of military families with special needs.

(F) In carrying out other initiatives to contribute to improved support for military families with special needs.

(3) DEPARTMENT OF DEFENSE FUNDING.—The Secretary may provide the foundation such financial support as the Secretary considers appropriate, including the provision to the foundation of appropriated funds and non-appropriated funds available to the Department of Defense.

(4) ANNUAL REPORT.—The foundation shall submit to the Secretary, and to the congressional defense committees, each year a report on its activities under this subsection during the preceding year. Each report shall include, for the year covered by such report, the following:

(A) A description of the programs and activities of the foundation.

(B) The budget of the foundation, including the sources of any funds provided to the foundation.

(5) MILITARY FAMILY WITH SPECIAL NEEDS DEFINED.—In this subsection, the term "military family with special needs" has the meaning given such term in section 1781c(i) of title 10, United States Code (as added by subsection (a)).

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated for the Department of Defense for fiscal year 2010 for support of military families with special needs, there is hereby authorized to be appropriated to the Department of Defense for fiscal year 2010 for military personnel, $50,000,000 for purposes of carrying out this section and the amendments made by this section. Of such amount, not less than $40,000,000 shall be allocated to the military departments for the execution of programs and activities in carrying out this section and the amendments made by this section in fiscal year 2010.

10 USC 1784 note.

SEC. 564. PILOT PROGRAM TO SECURE INTERNSHIPS FOR MILITARY SPOUSES WITH FEDERAL AGENCIES.

(a) COST-REIMBURSEMENT AGREEMENTS WITH FEDERAL AGENCIES.—The Secretary of Defense may enter into an agreement with the head of an executive department or agency that has an established internship program to reimburse the department or agency for authorized costs associated with the first year of employment of an eligible military spouse who is selected to participate in the internship program of the department or agency.

(b) ELIGIBLE MILITARY SPOUSES.—

(1) ELIGIBILITY.—Except as provided in paragraph (2), any person who is married to a member of the Armed Forces on active duty is eligible for selection to participate in an internship program under a reimbursement agreement entered into under subsection (a).

(2) EXCLUSIONS.—Reimbursement may not be provided with respect to the following persons:

(A) A person who is legally separated from a member of the Armed Forces under court order or statute of any State, the District of Columbia, or possession of the United States when the person begins the internship.

(B) A person who is also a member of the Armed Forces on active duty.

(C) A person who is a retired member of the Armed Forces.

(c) FUNDING SOURCE.—Amounts authorized to be appropriated for operation and maintenance, for Defense-wide activities, shall be available to carry out this section.

(d) DEFINITIONS.—In this section:

(1) The term "authorized costs" includes the costs of the salary, benefits and allowances, and training for an eligible military spouse during the first year of the participation of the military spouse in an internship program pursuant to an agreement under subsection (a).

(2) The term "internship" means a professional, analytical, or administrative position in the Federal Government that operates under a developmental program leading to career advancement.

(e) TERMINATION OF AGREEMENT AUTHORITY.—No agreement may be entered into under subsection (a) after September 30, 2011. Authorized costs incurred after that date may be reimbursed under an agreement entered into before that date in the case of eligible military spouses who begin their internship by that date.

(f) REPORTING REQUIREMENT.—Not later than January 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report that provides information on how many eligible military spouses received internships pursuant to agreements entered into under subsection (a) and the types of internship positions they occupied. The report shall specify the number of interns who subsequently obtained permanent employment with the department or agency administering the internship program or with another department or agency. The Secretary shall include a recommendation regarding whether, given the investment of Department of Defense funds, the authority to enter into agreements should be extended, modified, or terminated.

SEC. 565. FAMILY AND MEDICAL LEAVE FOR FAMILY OF SERVICEMEMBERS.

(a) GENERAL REQUIREMENTS FOR LEAVE.—

(1) DEFINITION OF COVERED ACTIVE DUTY.—

(A) DEFINITION.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended—

(i) by striking paragraph (14) and inserting the following:

"(14) COVERED ACTIVE DUTY.—The term 'covered active duty' means—

"(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

"(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code."; and

(ii) by striking paragraph (15) and redesignating paragraphs (16) through (19) as paragraphs (15) through (18), respectively.

(B) LEAVE.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(i) in subsection (a)(1)(E)—

(I) by striking "active duty" each place it appears and inserting "covered active duty"; and

(II) by striking "in support of a contingency operation"; and

(ii) in subsection (e)(3)—

(I) in the paragraph heading, by striking "ACTIVE DUTY" and inserting "COVERED ACTIVE DUTY";

(II) by striking "active duty" each place it appears and inserting "covered active duty"; and

(III) by striking "in support of a contingency operation".

(C) CONFORMING AMENDMENT.—Section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)) is amended, in the subsection heading, by striking "ACTIVE DUTY" each place it appears and inserting "COVERED ACTIVE DUTY".

(2) DEFINITION OF COVERED SERVICEMEMBER.—Paragraph (15) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) (as redesignated by paragraph (1)(A)(ii)) is amended to read as follows:

"(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means—

"(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

"(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.".

(3) DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is further amended by striking paragraph (18) (as redesignated by paragraph (1)(A)(ii)) and inserting the following:

"(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness'—

"(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

"(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (15)(B), means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed

Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

"(19) VETERAN.—The term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.".

(4) TECHNICAL AMENDMENT.—Section 102(e)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(e)(2)(A)) is amended by striking "or parent" and inserting "parent, or covered servicemember".

(5) REGULATIONS.—In prescribing regulations to carry out the amendments made by this subsection, the Secretary of Labor shall consult with the Secretary of Defense and the Secretary of Veterans Affairs, as applicable.

29 USC 2611 note.

(b) LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) EXIGENCY LEAVE FOR SERVICEMEMBERS ON COVERED ACTIVE DUTY.—

(A) DEFINITION.—Section 6381(7) of title 5, United States Code, is amended to read as follows:

"(7) the term 'covered active duty' means—

"(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

"(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;".

(B) LEAVE.—Section 6382 of title 5, United States Code, is amended—

(i) in subsection (a)(1), by adding at the end the following:

"(E) Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.";

(ii) in subsection (b)(1), by inserting after the second sentence the following: "Subject to subsection (e)(3) and section 6383(f), leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.";

(iii) in subsection (d), by striking "or (D)" and inserting "(D), or (E)"; and

(iv) in subsection (e), by adding at the end the following:

"(3) In any case in which the necessity for leave under subsection (a)(1)(E) is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on covered active duty, or because of notification of an impending call or order to covered active duty, the employee shall provide such notice to the employer as is reasonable and practicable.".

(C) CERTIFICATION.—Section 6383(f) of title 5, United States Code, is amended by striking "section 6382(a)(3)" and inserting "paragraph (1)(E) or (3) of section 6382(a)".

(2) DEFINITION OF COVERED SERVICEMEMBER.—Paragraph (8) of section 6381 of title 5, United States Code, is amended to read as follows:

"(8) the term 'covered servicemember' means—

"(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

"(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy;".

(3) DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.—Section 6381 of title 5, United States Code, is further amended—

(A) in paragraph (10), by striking "and" at the end; and

(B) by striking paragraph (11) and inserting the following:

"(11) the term 'serious injury or illness'—

"(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

"(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (8)(B), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran; and

"(12) the term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.".

(4) TECHNICAL AMENDMENT.—Section 6382(e)(2)(A) of title 5, United States Code, is amended by striking "or parent" and inserting "parent, or covered servicemember".

5 USC 6381 note.

(5) REGULATIONS.—In prescribing regulations to carry out the amendments made by this subsection, the Office of Personnel Management shall consult with the Secretary of Defense and the Secretary of Veterans Affairs, as applicable.

SEC. 566. 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. 567. IMPROVED PREVENTION AND RESPONSE TO ALLEGATIONS OF SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) PREVENTION AND RESPONSE PLAN.—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 revised plan for the implementation of policies aimed at preventing and responding effectively to sexual assaults involving members of the Armed Forces. The revised implementation plan shall include, at a minimum, the following elements: Deadline.

(1) New initiatives aimed at reducing the number of sexual assaults, including timelines for implementation of such initiatives.

(2) Requirements for monitoring and reporting on progress in implementation of such initiatives and methods to measure the effectiveness of plans that implement the policies of the Department of Defense regarding sexual assaults involving members of the Armed Forces.

(3) Training programs for judge advocates, criminal investigators, commanders, prospective commanding officers, senior enlisted members, and personnel with less than six months of active-duty service.

(4) Information about the status of implementation, funding requirements and budgetary implications, and overall utility of data reporting systems on incidents of sexual assault involving members of the Armed Forces.

(5) Actions taken to implement recommendations of the Defense Task Force on Sexual Assault in the Military Services established pursuant to section 576 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 4331 note).

(6) Information about the funding needed to fully implement initiatives aimed at preventing and responding to sexual assault involving members of the Armed Forces.

(b) SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS.—

(1) CAPABILITY TO CONDUCT TIMELY SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS IN COMBAT ZONES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the protocols and capabilities of the Armed Forces to conduct timely and effective sexual assault medical forensic examinations in combat zones. The report shall include, at a minimum, the following: Deadline. Reports.

(A) The current availability of sexual assault medical forensic examination protocols, trained personnel, and requisite equipment in combat zones.

(B) An assessment of the barriers to providing timely sexual assault medical forensic examinations to victims of sexual assault at all echelons of care in combat zones.

(C) Recommendations regarding improved capability to conduct timely and effective sexual assault medical forensic examinations in combat zones.

Deadline. Reports.

(2) TRICARE COVERAGE FOR FORENSIC MEDICAL EXAMINATIONS FOLLOWING SEXUAL ASSAULTS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the progress made in implementing section 1079(a)(17) of title 10, United States Code, as added by section 701 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2279).

10 USC 113 note.

(c) MILITARY PROTECTIVE ORDERS.—

(1) REQUIREMENT FOR DATA COLLECTION.—

(A) IN GENERAL.—Pursuant to regulations prescribed by the Secretary of Defense, information shall be collected on—

(i) whether a military protective order was issued that involved either the victim or alleged perpetrator of a sexual assault; and

(ii) whether military protective orders involving members of the Armed Forces were violated in the course of substantiated incidents of sexual assaults against members of the Armed Forces.

(B) SUBMISSION OF DATA.—The data required to be collected under this subsection shall be included in the annual report submitted to Congress on sexual assaults involving members of the Armed Forces.

Deadline. Reports.

(2) INFORMATION TO MEMBERS.—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 explaining the measures being taken to ensure that, when a military protective order has been issued, the member of the Armed Forces who is protected by the order is informed, in a timely manner, of the member's option to request transfer from the command to which the member is assigned.

(d) COMPTROLLER GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a review of the capability of each of the Armed Forces to timely and effectively investigate and adjudicate allegations of sexual assault against members of the Armed Forces. The Comptroller General shall determine whether existing policies and implementation plans of the Department of Defense, and the resources devoted for this purpose, are adequate or negatively affect the ability of each of the Armed Forces to facilitate the prevention, investigation, and adjudication of such allegations under the Uniform Code of Military Justice.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall refer to and incorporate the recommendations of the Defense Task Force on Sexual Assault in the Military

Services regarding investigation and adjudication of sexual assault, and include a review of the following:

(A) The procedures required by each of the Armed Forces for responding to allegations of sexual assault (including guidance to commanding officers, standard operating and reporting procedures, and related matters), and the personnel (including judge advocates) and budgetary resources available to each of the Armed Forces to respond to allegations of sexual assault.

(B) The scope and effectiveness of personnel training methods regarding investigation and adjudication of sexual assault cases.

(C) The capability to investigate and adjudicate sexual assault cases in combat zones.

(D) An assessment whether the existing policies of the Department of Defense aimed at preventing and responding to incidents of sexual assault are adequate.

SEC. 568. COMPTROLLER GENERAL REPORT ON PROGRESS MADE IN IMPLEMENTING RECOMMENDATIONS TO REDUCE DOMESTIC VIOLENCE IN MILITARY FAMILIES.

Review.

(a) ASSESSMENT.—The Comptroller General shall review and assess the progress made by the Department of Defense in implementing the recommendations contained in the report by the Comptroller General entitled "Military Personnel: Progress Made in Implementing Recommendations to reduce Domestic Violence, but Further Management Action Needed" (GAO–06–540).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review and assessment under subsection (a).

SEC. 569. REPORT ON IMPACT OF DOMESTIC VIOLENCE ON MILITARY FAMILIES.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing—

(1) an assessment of the impact of domestic violence in families of members of the Armed Forces on the children of such families; and

(2) information on progress being made to ensure that children of families of members of the Armed Forces receive adequate care and services when such children are exposed to domestic violence.

SEC. 570. REPORT ON INTERNATIONAL INTRAFAMILIAL ABDUCTION OF CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the total number of children abducted from and returned to members of the Armed Forces in international intrafamilial abductions during the years 2007 through 2009, as such number was included in the numbers and elements of the annual Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction with respect to such years.

(b) ELEMENTS.—The report shall include an assessment of the following:

(1) The current availability of, and the additional need for, assistance (including general information, psychological counseling, financial assistance, leave for travel, and legal services) provided by the military departments to left-behind members of the Armed Forces involved in international intrafamilial child abductions for the purpose of obtaining the return of their abducted children and ensuring the military readiness of such members of the Armed Forces.

(2) The measures taken by the Department of Defense and the military departments, including any written policy guidelines, to prevent the abduction of children of members of the Armed Forces.

(3) The means by which members of the Armed Forces are educated on the risks of international intrafamilial child abduction, particularly when they first arrive at a military installation overseas or when the Armed Forces receive notice that a member is considering marriage or divorce overseas.

SEC. 571. ASSESSMENT OF IMPACT OF DEPLOYMENT OF MEMBERS OF THE ARMED FORCES ON THEIR DEPENDENT CHILDREN.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall undertake a comprehensive assessment of the impacts of military deployment on the dependent children of deployed members of the Armed Forces.

(2) CONSIDERATION OF SEPARATE CATEGORIES OF CHILDREN.—In conducting the assessment under paragraph (1), the Secretary shall separately address each of the following categories of dependent children of deployed members:

(A) Preschool-age children.

(B) Elementary-school age children.

(C) Teenage or adolescent children.

(3) CONSIDERATION OF SEPARATE CATEGORIES OF MEMBERS.—In conducting the assessment under paragraph (1), the Secretary shall separately address children of deployed members in the following circumstances:

(A) Two-parent families with only one parent in the Armed Forces.

(B) Members who are single parents.

(C) Parents who are both members and subject to dual deployments.

(b) ELEMENTS.—The assessment undertaken under subsection (a) shall specifically address the following:

(1) The impact that separation due to the deployment of a military parent or parents has on children.

(2) The impact that multiple deployments of a military parent or parents have on children.

(3) The impact that the return from deployment of a severely wounded or injured military parent or parents has on children.

(4) The impact that the death of a military parent or parents in connection with a deployment has on children.

(5) The impact that deployment of a military parent or parents has on children with preexisting psychological conditions, such as anxiety and depression.

(6) 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.

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

(c) 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 containing the results of the assessment undertaken under subsection (a), including the findings and recommendations of the Secretary as a result of the assessment.

SEC. 572. REPORT ON CHILD CUSTODY LITIGATION INVOLVING SERVICE OF MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than March 31, 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 of 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. 573. COMPTROLLER GENERAL REPORT ON CHILD CARE ASSISTANCE FOR MEMBERS 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 Representatives a report on financial assistance for child care provided by the Department of Defense to members of the Armed Forces (including 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 Armed Forces (including 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) The number of qualified families that do not receive any financial assistance for child care made available by the Department of Defense.

(10) Any other matters the Comptroller General determines relevant to the improvement of financial assistance to expand access for child care made available by the Department of Defense to members of the Armed Forces (including members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation).

Subtitle H—Military Voting

Military and Overseas Voter Empowerment Act.
42 USC 1971 note.

SEC. 575. SHORT TITLE.

This subtitle may be cited as the "Military and Overseas Voter Empowerment Act".

SEC. 576. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES TO LOCAL JURISDICTIONS.

42 USC 1973ff–1 note.

Nothing in the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) may be construed to prohibit a State from delegating its responsibilities in carrying out the requirements of such Act, including any requirements imposed as a result of the provisions of and amendments made by this Act, to jurisdictions in the State.

SEC. 577. 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 the voter prefers that such voter registration application or absentee ballot application 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.

Public information.

"(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.".

42 USC 1973ff–1 note.

(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. 578. 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 577, 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:

"(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

"(1) IN GENERAL.—Each State shall establish procedures—

"(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

"(B) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such blank absentee ballot be transmitted by mail or electronically.

"(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

"(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.

42 USC 1973ff–1 note.

SEC. 579. 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 sections 577 and 578, 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—

Deadlines.

"(A) except as provided in subsection (g), in the case in which 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 in which 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.—

Waiver authority.

"(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.— Deadlines.

"(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 request 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) and sections 577 and 578, 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.".

42 USC 1973ff–1 note.

(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. 580. 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:

42 USC 1973ff–2a.

"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 cooperation 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 sections 577, 578, and 579, 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)) 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.".

42 USC 1973ff note.

(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. 581. 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 "general, 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".

42 USC 1973ff note.

(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.—

Deadline. Procedures.

"(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. 582. 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) 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.

42 USC 1973ff–1 note.

SEC. 583. 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 580(a), is amended by inserting after section 103A the following new section:

42 USC 1973ff–2b.

"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 580, 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).".

42 USC 1973ff note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

(b) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1566 the following new section:

"§ 1566a. Voting assistance: voter assistance offices

Deadline.

"(a) DESIGNATION OF OFFICES ON MILITARY INSTALLATIONS AS VOTER ASSISTANCE OFFICES.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010 and under regulations prescribed by the Secretary of Defense under subsection (f), the Secretaries of the military

departments shall designate offices on installations under their jurisdiction to provide absent uniformed services voters, particularly those individuals described in subsection (b), and their family members with the following:

"(1) Information on voter registration procedures and absentee ballot procedures (including the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

"(2) Information and assistance, if requested, including access to the Internet where practicable, to register to vote in an election for Federal office.

"(3) Information and assistance, if requested, including access to the Internet where practicable, to update the individual's voter registration information, including instructions for absent uniformed services voters to change their address by submitting the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act to the appropriate State election official.

"(4) Information and assistance, if requested, to request an absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

"(b) COVERED INDIVIDUALS.—The individuals described in this subsection are absent uniformed services voters who—

"(1) are undergoing a permanent change of duty station;

"(2) are deploying overseas for at least six months;

"(3) are returning from an overseas deployment of at least six months; or

"(4) otherwise request assistance related to voter registration.

"(c) TIMING OF PROVISION OF ASSISTANCE.—The regulations prescribed by the Secretary of Defense under subsection (f) shall ensure, to the maximum extent practicable and consistent with military necessity, that the assistance provided under subsection (a) is provided to a covered individual described in subsection (b)—

"(1) if described in subsection (b)(1), as part of the administrative in-processing of the covered individual upon arrival at the new duty station of the covered individual;

"(2) if described in subsection (b)(2), as part of the administrative out-processing of the covered individual in preparation for deployment from the home duty station of the covered individual;

"(3) if described in subsection (b)(3), as part of the administrative in-processing of the covered individual upon return to the home duty station of the covered individual; or

"(4) if described in subsection (b)(4), at the time the covered individual requests such assistance.

"(d) OUTREACH.—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 subsection (a), including—

"(1) the availability of information and voter registration assistance at offices designated under subsection (a); and

"(2) the time, location, and manner in which an absent uniformed services voter may utilize such assistance.

"(e) AUTHORITY TO DESIGNATE VOTING ASSISTANCE OFFICES AS VOTER REGISTRATION AGENCY ON MILITARY INSTALLATIONS.—The Secretary of Defense may authorize the Secretaries of the

military departments to designate offices on military installations as voter registration agencies under section 7(a)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–5(a)(2)) for all purposes of such Act. Any office so designated shall discharge the requirements of this section, under the regulations prescribed by the Secretary of Defense under subsection (f).

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations relating to the administration of the requirements of this section. The regulations shall be prescribed before the regularly scheduled general election for Federal office held in November 2010, and shall be implemented for such general election for Federal office and for each succeeding election for Federal office.

"(g) DEFINITIONS.—In this section:

"(1) The term 'absent uniformed services voter' has the meaning given that term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1)).

"(2) The term 'Federal office' has the meaning given that term in section 107(3) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(3)).

"(3) The term 'Presidential designee' means the official designated by the President under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of such title is amended by inserting after the item relating to section 1566 the following new item:

"1566a. Voting assistance: voter assistance offices.".

SEC. 584. 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 sections 580 and 583, 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 sections 577, 578, 579, and 580, 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.

42 USC 1973ff note.

SEC. 585. 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—

42 USC 1973ff.

(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. 586. 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.

42 USC 1973ff–4a.

"(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 1566a of title 10, United States Code.

"(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 uniformed 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 1566a of title 10, United States Code, 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. 587. ANNUAL REPORT ON ENFORCEMENT.

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–4) is amended— 42 USC 1973ff–4.

(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. 588. 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(a)(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) CONDITIONS FOR RECEIPT OF FUNDS.—

(1) INCLUSION OF COMPLIANCE IN STATE PLAN.—

(A) IN GENERAL.—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 will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.".

(B) CONFORMING AMENDMENT.—Section 253(b)(1)(A) of such Act (42 U.S.C. 15403(b)(1)(A)) is amended by striking "section 254" and inserting "section 254(a) (or, for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4), contains the element described in paragraph (14) of such section)".

(2) WAIVER OF PLAN FOR APPLICATION OF ADMINISTRATIVE COMPLAINT PROCEDURES.—Section 253(b)(2) of such Act (42 U.S.C. 15403(b)(2)) is amended—

(A) by striking "(2) The State" and inserting "(2)(A) Subject to subparagraph (B), the State"; and

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

"(B) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4).".

(3) SPECIAL RULE FOR PROVISION OF 5 PERCENT MATCH.—Section 253(b)(5) of such Act (42 U.S.C. 15403(b)(5)) is amended—

(A) by striking "(5) The State" and inserting "(5)(A) Subject to subparagraph (B), the State"; and

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

"(B) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4) for fiscal year 2010, except that if the State does not appropriate funds in accordance with subparagraph (A) prior to the last day of fiscal year 2011, the State shall repay to the Commission the requirements payment which is appropriated pursuant to such authorization.".

(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).".

42 USC 1973ff–7.

SEC. 589. 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 provide the Presidential designee with best practices or standards in accordance with electronic absentee voting guidelines established under the first sentence of section 1604(a)(2) of the National Defense 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) to support the pilot program or programs.

(2) REPORT.—In the case in which 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.

Subtitle I—Other Matters

SEC. 591. 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 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. 592. NAVY GRANTS FOR PURPOSES OF NAVAL SEA CADET CORPS.

(a) GRANTS AUTHORIZED.—Chapter 647 of title 10, United States Code, is amended by inserting after section 7541a the following new section:

"§ 7541b. Authority to make grants for purposes of Naval Sea Cadet Corps

"Subject to the availability of funds for this purpose, the Secretary of the Navy may make grants to support the purposes of Naval Sea Cadet Corps, a federally chartered corporation under chapter 1541 of title 36.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 647 of such title is amended by inserting after the item relating to section 7541a the following new item:

"7541b. Authority to make grants for purposes of Naval Sea Cadet Corps.".

SEC. 593. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) AUTHORITY TO INCREASE DOD SHARE OF PROGRAM.—Section 509(d)(1) of title 32, United States Code, is amended by striking "60 percent of the costs" and inserting "75 percent of the costs".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date. 32 USC 509 note.

SEC. 594. EXPANSION OF MILITARY LEADERSHIP DIVERSITY COMMISSION TO INCLUDE RESERVE COMPONENT REPRESENTATIVES.

Section 596(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4476) is amended by striking subparagraphs (C), (D), (E) and inserting the following new subparagraphs:

"(C) An active commissioned officer from each of the Army, Navy, Air Force, and Marine Corps, an active commissioned officer from the National Guard, and an active commissioned officer from the Reserves, each of whom serves or has served in a leadership position with either a military department command or combatant command.

"(D) A retired general or flag officer from each of the Army, Navy, Air Force, and Marine Corps, a retired general or flag officer from the National Guard, and a retired general or flag officer from the Reserves.

"(E) A retired noncommissioned officer from each of the Army, Navy, Air Force, and Marine Corps, a retired noncommissioned officer from the National Guard, and a retired noncommissioned officer from the Reserves.".

SEC. 595. 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. 596. COMPREHENSIVE PLAN ON PREVENTION, DIAGNOSIS, AND TREATMENT OF SUBSTANCE USE DISORDERS AND DISPOSITION OF SUBSTANCE ABUSE OFFENDERS IN THE ARMED FORCES.

10 USC 1071 note.

(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, in consultation with the Secretaries of the military departments, shall conduct a comprehensive review of the following:

Deadline.

(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 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 care, and access to care, for substance abuse 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 for substance abuse.

(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 among members of the reserve components, and the appropriate disposition, including disciplinary action and administrative separation, of members of the reserve components for substance abuse.

(H) The adequacy of the prevention, diagnosis, and treatment of substance use disorders in dependents 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: Deadline.

(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 dependents.

(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 dependents.

(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 dependents of a core of evidence-based practices across the spectrum of medical and non-medial services and treatments for substance use disorders, including the reestablishment of regional long-term inpatient substance abuse treatment programs. The Secretary may use contracted services for not longer than three years after the date of the enactment of this Act to perform such inpatient substance abuse treatment until the Department of Defense reestablishes this capability within the military health care system.

(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 dependents.

(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 drugs, and nonmedical use and abuse of prescription drugs.

(B) HEALTHCARE PROFESSIONALS.—Instructions on—

(i) appropriate training of healthcare professionals in the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces;

(ii) appropriate staffing levels for healthcare professionals at military medical treatment facilities for the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces; and

(iii) such uniform training and credentialing requirements for physician and nonphysician healthcare professionals in the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces as the Secretary considers appropriate.

(C) SERVICES FOR DEPENDENTS.—Instructions on the availability of services for substance use disorders for dependents of members of the Armed Forces, including instructions on making such services available to 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 members of the Armed Forces for substance abuse.

(G) CONSIDERATION OF GENDER.—Instructions on gender specific requirements, if appropriate, in the prevention, diagnosis, treatment, and management of substance use disorders 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 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 dependents regarding substance use disorders.

(ii) Enhanced and improved identification and diagnosis of substance use disorders in members of the Armed Forces and their dependents.

(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 modifications 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). Reports.

(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 management of substance use disorders in members of the Armed Forces.

(B) The adequacy of the availability of and access to care for substance use disorders in military medical treatment facilities and under the TRICARE program.

(C) The adequacy and appropriateness of current credentials and other requirements for physician and non-physician healthcare professionals treating members of the Armed Forces with substance use disorders.

(D) The advisable ratio of physician and non-physician care providers for substance use disorders to members of the Armed Forces with such disorders.

(E) The adequacy of the availability of and access to care for substance use disorders for members of the reserve components of the Armed Forces when compared with the availability of and access to care for substance use disorders for members of the regular components of the Armed Forces.

(F) The adequacy of the prevention, diagnosis, treatment, and management of substance use disorders programs for dependents of members of the Armed Forces, whether such dependents 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. 597. REPORTS ON YELLOW RIBBON REINTEGRATION PROGRAM AND OTHER REINTEGRATION PROGRAMS.

(a) REPORT ON REINTEGRATION PROGRAMS GENERALLY.—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 members of the National Guard and Reserves and their families.

(b) ADDITIONAL ELEMENTS OF ANNUAL REPORTS ON YELLOW RIBBON REINTEGRATION PROGRAM.—The annual reports on the Yellow Ribbon Reintegration Program under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 122; 10 U.S.C. 10101 note) that are submitted under subsection (e)(4) of such section after the date of the enactment of this Act shall include the following:

(1) In the first such annual report submitted after the date of the enactment of this Act—

(A) a description and assessment of the implementation of the Yellow Ribbon Reintegration Program in fiscal year 2009, including—

(i) an assessment of best practices from pilot programs offered by various States to provide services to supplement the services available through the Yellow Ribbon Reintegration Program; and

(ii) an assessment of the feasibility of incorporating such practices into the Yellow Ribbon Reintegration Program; and

(B) current plans for the further implementation of the Yellow Ribbon Reintegration Program during fiscal year 2010.

(2) A list of the accounts (including accounts of the military departments and accounts for the Office of the Secretary of Defense) from which funds for the Yellow Ribbon Reintegration Program were derived during the most recent fiscal year, and an explanation why such accounts were the source of funding for programs and activities under the Yellow Ribbon Reintegration Program.

(3) An assessment of the extent to which funding for the Yellow Ribbon Reintegration Program during the most recent fiscal year supported robust joint programs that provided reintegration and support services to members of the National Guard and Reserves and their families regardless of Armed Force with which served.

(4) An assessment of the extent to which programs and activities under the Yellow Ribbon Reintegration Program during the preceding year were coordinating closely with appropriate programs and activities of the Department of Veterans Affairs.

(5) A description of current strategies to mitigate difficulties in sustaining attendance at events under the Yellow Ribbon Reintegration Program, and an explanation why funds, if any, that are available for the Yellow Ribbon Reintegration Program but remain unexpended have not been used for the Yellow Ribbon Reintegration Program.

SEC. 598. REPORTS ON PROGRESS IN COMPLETION OF CERTAIN INCIDENT INFORMATION MANAGEMENT TOOLS. 10 USC 113 note.

Not later than 120 days after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the progress of the Secretary with respect to the completion of the following:

(1) The Defense Incident-Based Reporting System.

(2) The Defense Sexual Assault Incident Database.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2010 increase in military basic pay.
Sec. 602. Increase in maximum monthly amount of supplemental subsistence allowance for low-income members with dependents.
Sec. 603. Special compensation for members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living.
Sec. 604. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.
Sec. 605. Report on housing standards and housing surveys used to determine basic allowance for housing.
Sec. 606. Comptroller General comparative assessment of military and private-sector pay and benefits.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 616. One-year extension of authorities relating to payment of referral bonuses.
Sec. 617. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.
Sec. 618. Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay.
Sec. 619. Additional assignment pay or special duty pay authorized for members agreeing to serve in Afghanistan for extended periods.
Sec. 620. Temporary authority for monthly special pay for members of the Armed Forces subject to continuing active duty or service under stop-loss authorities.
Sec. 621. Army authority to provide additional recruitment incentives.
Sec. 622. Report on recruitment and retention of members of the Air Force in nuclear career fields.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Travel and transportation for survivors of deceased members of the uniformed services to attend memorial ceremonies.
Sec. 632. Travel and transportation allowances for designated individuals of wounded, ill, or injured members of the uniformed services for duration of inpatient treatment.
Sec. 633. Authorized travel and transportation allowances for non-medical attendants for very seriously and seriously wounded, ill, or injured members.
Sec. 634. Reimbursement of travel expenses of members of the Armed Forces on active duty and their dependents for travel for specialty care under exceptional circumstances.
Sec. 635. Report on adequacy of weight allowances for transportation of baggage and household effects for members of the uniformed services.

Subtitle D—Disability, Retired Pay, and Survivor Benefits

Sec. 641. Transition assistance for reserve component members injured while on active duty.
Sec. 642. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
Sec. 643. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.
Sec. 644. Report on re-determination process for permanently incapacitated dependents of retired and deceased members of the Armed Forces.
Sec. 645. Treatment as active service for retired pay purposes of service as member of Alaska Territorial Guard during World War II.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Limitation on Department of Defense entities offering personal information services to members and their dependents.
Sec. 652. Report on impact of purchasing from local distributors all alcoholic beverages for resale on military installations on Guam.

Subtitle F—Other Matters

Sec. 661. Limitations on collection of overpayments of pay and allowances erroneously paid to members.
Sec. 662. Sense of Congress on airfares for members of the Armed Forces.
Sec. 663. Sense of Congress on establishment of flexible spending arrangements for the uniformed services.
Sec. 664. Sense of Congress regarding support for compensation, retirement, and other military personnel programs.

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC PAY.

37 USC 1009 note.

(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.

Effective date.

(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. 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".

37 USC 402a note.

(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.—

I22 (1) IN GENERAL.—Not later than September 1, 2010, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall 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 and Nutrition Act of 2008 (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 and to notify their commanding officer if they are accepted for participation in the supplemental nutrition assistance program.

(D) A method for accurately determining the total number of members of the Armed Forces who are participating in the supplemental nutrition assistance program.

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

SEC. 603. SPECIAL COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES WITH CATASTROPHIC 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 catastrophic injuries or illnesses requiring assistance in everyday living

"(a) MONTHLY COMPENSATION AUTHORIZED.—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 a catastrophic injury or illness that was incurred or aggravated in the line of duty;

"(2) 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;

"(3) in the absence of the provision of such assistance, would require hospitalization, nursing home care, or other residential institutional care; and

"(4) 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.

Criteria.

"(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 value of the aid and attendance care necessary to assist the member in performing the personal functions required in everyday living, to be determined regardless of the sources of the care (other than the source identified in subparagraph (A)) actually being provided to the member.

"(d) DURATION.—The eligibility of a member to receive special monthly compensation under subsection (a) expires on the earlier of the following:

"(1) The last day of the month during which a 90-day period ends that begins on the date of the separation or retirement of the member.

"(2) The last day of the month during which the member dies.

"(3) The last day of the month during which the member is determined to be no longer afflicted with the catastrophic injury or illness referred to in subsection (b)(1).

"(4) The last day of the month preceding the month during which the member begins receiving compensation under section 1114(r)(2) of title 38.

"(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.—(1) 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. Web posting.

"(2) The Secretary of Defense shall ensure that a member eligible to receive special monthly compensation under this section is aware that the member's eligibility for such compensation will expire pursuant to subsection (d)(1) after the end of the 90-day period that begins on the date of the separation or retirement of the member even though the member has not begun to receive compensation under section 1114(r)(2) of title 38 before the end of such period.

"(g) CATASTROPHIC INJURY OR ILLNESS DEFINED.—In this section, the term 'catastrophic injury or illness' means a permanent, severely disabling injury, disorder, or illness that the Secretary concerned determines compromises the ability of the afflicted person to carry out the activities of daily living to such a degree that the person requires—

"(1) personal or mechanical assistance to leave home or bed; or

"(2) constant supervision to avoid physical harm to self or others.

"(h) 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 such compensation.

(E) A summary of the types of injuries, disorders, and illnesses of members of the uniformed 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 catastrophic injuries or illnesses requiring assistance in everyday living.".

SEC. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

Regulations.

(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) 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.

(e) 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.

(f) 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.

(g) DURATION.—

(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.

SEC. 605. REPORT ON HOUSING STANDARDS AND HOUSING SURVEYS USED TO DETERMINE BASIC ALLOWANCE FOR HOUSING.

(a) REPORT REQUIRED.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing the following reviews:

(1) A review of the housing standards used to determine the monthly rates of basic allowance for housing under section 403 of title 37, United States Code.

(2) A review of the process and schedule for conducting surveys used to establish locality rates in housing areas to determine such monthly rates of basic allowance for housing.

(b) ELEMENTS OF HOUSING STANDARDS REVIEW.—In conducting the reviews under subsection (a), the Secretary shall consider whether the housing standards and survey process are suitable in terms of—

(1) recognizing the societal needs and expectations of families in the United States;

(2) providing for an appropriate quality of life for members of the Armed Forces in all grades;

(3) recognizing the appropriate rewards and prestige associated with promotion to higher military grades throughout the rank structure; and

(4) reflecting the most current housing cost data available.

(c) INCLUSION OF RECOMMENDED CHANGES.—The report required by subsection (a) shall include—

(1) such recommended changes to the housing standards, including an estimate of the cost of each recommended change, as the Secretary considers appropriate; and

(2) such recommended changes to improve the survey process, including ensuring that the housing cost data used to establish the rates is the most current data available, as the Secretary considers appropriate.

SEC. 606. COMPTROLLER GENERAL COMPARATIVE ASSESSMENT OF MILITARY AND PRIVATE-SECTOR PAY AND BENEFITS.

(a) STUDY REQUIRED.—The Comptroller General 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 to assess how the differences in pay and benefits effect recruiting and retention of members of the Armed Forces.

(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 with similar job responsibilities and working conditions as officers and enlisted personnel of the Armed Forces, including pay, bonuses, employee options, fringe benefits, retirement benefits, individual retirement investment benefits, flexible 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 attract and retain quality individuals to serve in the Armed Forces.

(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.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2009" and inserting "December 31, 2010":

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking "December 31, 2009" and inserting "December 31, 2010":

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking "December 31, 2009" and inserting "December 31, 2010":

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking "December 31, 2009" and inserting "December 31, 2010":

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2009" and inserting "December 31, 2010":

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(j), relating to skill incentive pay or proficiency bonus.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of chapter 5 of title 37, United States Code, are amended by striking "December 31, 2009" and inserting "December 31, 2010":

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking "December 31, 2009" and inserting "December 31, 2010":

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

SEC. 617. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS TO RECONCILE CONFLICTING AMENDMENTS REGARDING CONTINUED PAYMENT OF BONUSES AND SIMILAR BENEFITS FOR CERTAIN MEMBERS.

(a) TECHNICAL CORRECTIONS TO RECONCILE CONFLICTING AMENDMENTS.—Section 303a(e) of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

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

(3) in paragraph (5), as so redesignated, by striking "paragraph (3)(B)" and inserting "paragraph (4)(B)";

(4) by redesignating paragraph (2), as added by section 651(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (3); and

(5) by redesignating the second subparagraph (B) of paragraph (1), originally added as paragraph (2) by section 2(a)(3) of the Hubbard Act (Public Law 110–317; 122 Stat. 3526) and erroneously designated as subparagraph (B) by section 651(a)(3) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (2).

(b) INCLUSION OF HUBBARD ACT AMENDMENT IN CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—Section 373(b) of such title is amended—

(1) in paragraph (2), by striking the paragraph heading and inserting "SPECIAL RULE FOR DECEASED AND DISABLED MEMBERS.—"; and

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

"(3) SPECIAL RULE FOR MEMBERS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a member of the uniformed services receives a sole survivorship discharge, the Secretary concerned—

"(i) shall not require repayment by the member of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

"(ii) may grant an exception to the requirement to terminate the payment of any unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

Definition.

"(B) In this paragraph, the term 'sole survivorship discharge' means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

"(i) the father or mother or one or more siblings—

"(I) served in the Armed Forces; and

"(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

"(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.".

SEC. 618. PRORATION OF CERTAIN SPECIAL AND INCENTIVE PAYS TO REFLECT TIME DURING WHICH A MEMBER SATISFIES ELIGIBILITY REQUIREMENTS FOR THE SPECIAL OR INCENTIVE PAY.

(a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.—Section 310 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "AND SPECIAL PAY AMOUNT" in the subsection heading; and

(B) by striking "at the rate of $225 for any month" in the matter preceding paragraph (1) and inserting "under subsection (b) for any month or portion of a month";

(2) in subsection (c), by striking paragraph (3);

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

(4) by inserting after subsection (a) the following new subsection:

"(b) SPECIAL PAY AMOUNT; PRORATION.—(1) The special pay authorized by subsection (a) may not exceed $225 a month.

"(2) Except as provided in subsection (c), if a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of special pay under subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.".

(b) HAZARDOUS DUTY PAY.—Section 351 of such title is amended—

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

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

"(c) METHOD OF PAYMENT; PRORATION.—

"(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

"(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.".

(c) ASSIGNMENT OR SPECIAL DUTY PAY.—Section 352(b)(1) of such title is amended by adding at the end the following new sentence: "If paid monthly, the Secretary concerned may prorate the monthly amount of the assignment or special duty pay for a member who does not satisfy the eligibility requirement for an entire month to reflect the duration of the member's actual qualifying service during the month.".

(d) SKILL INCENTIVE PAY.—Section 353 of such title is amended—

(1) by striking subsection (f) and redesignating subsections (g) through (j) as subsections (f) through (i), respectively; and

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph:

"(1) SKILL INCENTIVE PAY.—(A) Skill incentive pay under subsection (a) may not exceed $1,000 a month.

"(B) If a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of skill incentive pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month. A member of a reserve component entitled to compensation under section 206 of this title who is authorized skill incentive pay under subsection (a) may be paid an amount of such pay that is proportionate to the compensation received

by the member under section 206 of this title for inactive-duty training.".

SEC. 619. ADDITIONAL ASSIGNMENT PAY OR SPECIAL DUTY PAY AUTHORIZED FOR MEMBERS AGREEING TO SERVE IN AFGHANISTAN FOR EXTENDED PERIODS. 37 USC 352 note.

(a) AUTHORITY TO PROVIDE ADDITIONAL ASSIGNMENT PAY OR SPECIAL DUTY PAY.—The Secretary of Defense may provide assignment pay or special duty pay under section 352 of title 37, United States Code, in excess of the maximum amount of monthly or lump sum assignment or special duty pay authorized under subsection (b) of such section, to members of the Armed Forces (particularly members who achieve language proficiency at levels and in languages specified by the Secretary of Defense) who agree to serve on active duty in Afghanistan for a minimum of three years. The assignment period required by the agreement shall provide for reasonable periods of leave.

(b) REPORTING REQUIREMENTS.—The Secretary shall submit to Congress an annual report on the use of the authority provided under subsection (a) during the preceding year, including—

(1) the number of members of the Armed Forces receiving assignment pay or special duty pay under section 352 of title 37, United States Code, in excess of the maximum amount otherwise authorized under such section; and

(2) an assessment of the impact of the use of such authority on the effectiveness and efficiency in achieving the United States mission in Afghanistan.

(c) DURATION OF AUTHORITY.—The authority provided by subsection (a) to offer additional assignment pay or special duty pay under section 352 of title 37, United States Code, expires on December 31, 2012. The expiration of such authority shall not affect the terms or duration of any agreement entered into before that date to provide additional assignment pay or special duty pay under such section.

SEC. 620. TEMPORARY AUTHORITY FOR MONTHLY SPECIAL PAY FOR MEMBERS OF THE ARMED FORCES SUBJECT TO CONTINUING ACTIVE DUTY OR SERVICE UNDER STOP-LOSS AUTHORITIES. 37 USC 301 note.

(a) SPECIAL PAY AUTHORIZED.—The Secretary of the military department concerned may pay monthly special pay to any member of the Army, Navy, Air Force, or Marine Corps (including a member of a reserve component thereof) for any month, or portion of a month, in which the member serves on active duty in the Armed Forces, or has the member's eligibility for retirement from the Armed Forces suspended, as described in subsection (b).

(b) ELIGIBILITY REQUIREMENTS.—A member of the Armed Forces referred to in subsection (a) is eligible to receive special pay under this section if the member, at any time during the period beginning on October 1, 2009, and ending on June 30, 2011, serves on active duty 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") that authorizes the President to extend an enlistment or period of obligated service, or suspend eligibility for retirement, of a member of the Armed Time period.

Forces in time of war or 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.

10 USC 503 note.

SEC. 621. ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

(a) EXTENSION OF AUTHORITY.—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) DURATION 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, 2012.

"(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.".

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (e) of such section is amended by inserting "at the same time" after "provided".

SEC. 622. 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 and officer retention 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) A description of the steps the Air Force has taken, including the use of retention bonuses or assignment incentive pay, to improve recruiting and reenlistment of enlisted personnel and accession and retention of officers 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, retention, and assignment by the

Air Force of skilled personnel in the positions described in paragraph (1).

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

Subtitle C—Travel and Transportation Allowances

SEC. 631. 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)".

SEC. 632. 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:

"(4) In the case of a designated individual who is also a member of the uniformed services, that member may be provided travel and transportation under this section in the same manner as a designated individual who is not a member.".

(b) DEFINITION OF DESIGNATED INDIVIDUAL.—

(1) IN GENERAL.—Paragraph (1) of subsection (b) of such section is amended by striking "the term" and all that follows and inserting "the term 'designated individual', with respect to a member, means—

"(A) an individual designated by the member for the purposes of this section; or

"(B) in the case of a member who has not made a designation under subparagraph (A) and, as determined by the attending physician or surgeon, is not able to make such a designation, an individual who, as designated by the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member, is someone with a personal relationship to the member whose presence may aid and support the health and welfare of the member during the duration of 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 subsection (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 411k 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 attendant or that designation transfers to another individual, in which case during the transfer period three roundtrips 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)".

37 USC 411h note.

(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. 633. AUTHORIZED TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR VERY SERIOUSLY AND SERIOUSLY WOUNDED, ILL, OR INJURED MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

"§ 411k. Travel and transportation allowances: non-medical attendants for members who are determined to be very seriously or seriously wounded, ill, or injured

Regulations.

"(a) ALLOWANCE FOR NON-MEDICAL ATTENDANT.—Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for a qualified non-medical attendant for a covered member of the uniformed services described in subsection (c) if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of such an attendant may contribute to the member's health and welfare.

"(b) QUALIFIED NON-MEDICAL ATTENDANT.—For purposes of this section, a qualified non-medical attendant, with respect to a covered member, is an individual who—

"(1) is designated by the member to be a non-medical attendant for the member for purposes of this section; and

"(2) is determined by the attending physician or surgeon and the commander or head of the military medical facility to be appropriate to serve as a non-medical attendant for the member and whose presence may contribute to the health and welfare of the member.

"(c) COVERED MEMBERS.—A member of the uniformed services covered by this section is a member who—

"(1) as a result of a wound, illness, or injury, has been determined by the attending physician or surgeon to be in the category known as 'very seriously wounded, ill, or injured' or 'seriously wounded, ill, or injured'; and

"(2) is hospitalized for treatment of the wound, illness, or injury or requires continuing outpatient treatment for the wound, illness, or injury.

"(d) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) for a qualified non-medical attendant for a member is round-trip transportation between the home of the attendant and the location at which the member is receiving treatment and may include transportation, while accompanying the member, to any other location to which the member is subsequently transferred for further treatment. A designated non-medical attendant under this section may not also be a designated individual for travel and transportation allowances section 411h(a) of this title.

"(2) The transportation authorized by subsection (a) includes any travel necessary to obtain treatment for the member at the location to which the member is permanently assigned.

"(3) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

"(4) The transportation authorized by subsection (a) may be provided by any of the following means:

"(A) Transportation in-kind.

"(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

"(C) Reimbursement for the commercial cost of transportation.

"(5) An allowance payable under this subsection may be paid in advance.

"(6) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 411j the following new item:

"411k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.".

(b) APPLICABILITY.—No reimbursement may be provided under section 411k of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before the date of the enactment of this Act.

37 USC 411k note.

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. REPORT ON ADEQUACY OF WEIGHT ALLOWANCES FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) REPORT REQUIRED.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) a review of the weight allowances provided for the transportation of baggage and household goods under section 406(b)(1)(C) of title 37, United States Code; and

(2) such recommended changes to the weight allowance, including an estimate of the cost of each recommended change, as the Secretary considers appropriate.

(b) ELEMENTS OF REVIEW.—The Secretary shall consider whether the weight allowances reviewed under subsection (a) are suitable in terms of—

(1) recognizing the societal needs and expectations of families in the United States;

(2) providing for an appropriate quality of life for members of the Armed Forces in all grades; and

(3) recognizing the appropriate rewards and prestige associated with promotion to higher military grade, with particular attention to mid-grade and senior noncommissioned officer ranks.

Subtitle D—Disability, Retired Pay, and Survivor Benefits

SEC. 641. TRANSITION ASSISTANCE FOR RESERVE COMPONENT MEMBERS INJURED WHILE ON ACTIVE DUTY.

(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 for reserve component members injured while on active duty

"(a) PROVISION OF CERTAIN INFORMATION.—Before a member of a reserve component described in subsection (b) is demobilized or separated from the armed forces, the Secretary of the military department concerned shall provide to the member the following information:

"(1) Information on the availability of care and administrative processing through community based warrior transition units.

"(2) Information on the location of the community based warrior transition unit located nearest to the permanent place of residence of the member.

"(b) COVERED MEMBERS.—Subsection (a) applies to members of a reserve component who are injured while on active duty in the armed forces.". Applicability.

(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 for reserve component members injured while on active duty.".

SEC. 642. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION OF RETIRED PAY.—Section 12739 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) If a member of the Retired Reserve is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to the recomputation under this section of the retired pay of the member.

"(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

"(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

"(B) completes at least one year of service in such position; and

"(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.".

(b) ADJUSTMENT OF RETIRED GRADE.—Section 12771 of such title is amended—

(1) by striking "Unless" and inserting "(a) GRADE ON TRANSFER.—Unless"; and

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

"(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE STATUS.—(1) If a member of the Retired Reserve who is a commissioned officer is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to an adjustment in the retired grade of the member in the manner provided in section 1370(d) of this title.

"(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

"(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

"(B) completes at least one year of service in such position; and

"(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.".

SEC. 643. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) ELECTION AUTHORITY; REQUIREMENTS.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

"(a) AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.—(1) Notwithstanding the requirement in paragraph (4) of section 12731(a) of this title that a person may not receive retired pay under this chapter when the person is entitled, under any other provision of law, to retired pay or retainer pay, a person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if the person—

"(A) satisfies the requirements specified in paragraphs (1) and (2) of such section for entitlement to retired pay under this chapter;

"(B) served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters); and

"(C) completed not less than two years of satisfactory service (as determined by the Secretary concerned) in such active status (excluding any period of active service).

"(2) The Secretary concerned may reduce the minimum two-year service requirement specified in paragraph (1)(C) in the case of a person who—

"(A) completed at least one year of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

"(B) failed to complete the minimum years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.".

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and".

(c) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking "attains 60 years of age" and inserting "attains the eligibility age applicable to the person under section 12731(f) of this title"; and

(2) in paragraph (2)(A), by striking "attains 60 years of age" and inserting "attains the eligibility age applicable to the person under such section".

(d) RETIRED PAY BASE.—

(1) MEMBERS BECOMING MEMBERS BEFORE SEPTEMBER 8, 1980.—Section 1406(b)(2) of such title is amended by inserting after "when retired pay is granted" the following: "(or, in the case of a person entitled to retired pay by reason of an election under section 12741(a) of this title, at rates applicable on the date the person completes the service required under such section 12741(a))".

(2) MEMBERS BECOMING MEMBERS AFTER SEPTEMBER 7, 1980.—Section 1407(d)(4) of such title is amended by inserting after "became entitled to retired pay" the following: "or, in the case of a member or former member entitled to retired pay by reason of an election under section 12741(a) of this title, before the member or former member completes the service required under such section 12741(a),".

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 12741 of such title is amended to read as follows:

"§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

"12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.".

SEC. 644. REPORT ON RE-DETERMINATION PROCESS FOR PERMANENTLY INCAPACITATED DEPENDENTS OF RETIRED AND DECEASED MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—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.

(b) ELEMENTS.—The report required by subsection (a) 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.

10 USC 1401 note.

SEC. 645. 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.

Effective date.

(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.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Contracts.

SEC. 651. LIMITATION ON DEPARTMENT OF DEFENSE ENTITIES OFFERING PERSONAL INFORMATION SERVICES TO MEMBERS AND THEIR DEPENDENTS.

(a) IMPOSITION OF LIMITATION.—Subchapter III of chapter 147 of title 10, United States Code, is amended by inserting after section 2492 the following new section:

"§ 2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services

"(a) LIMITATION.—(1) Notwithstanding section 2492 of this title, the Secretary of Defense may not authorize a Department of Defense entity to offer or provide personal information services directly to users using Department resources, personnel, or equipment, or compete for contracts to provide such personal information services directly to users, if users will be charged a fee for the personal information services to recover the cost incurred to provide the services or to earn a profit.

"(2) The limitation in paragraph (1) shall not be construed to prohibit or preclude the use of Department resources, personnel,

or equipment to administer or facilitate personal information services contracts with private contractors.

"(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply if the Secretary of Defense determines that—

"(1) a private sector vendor is not available to provide the personal information services at specific locations;

"(2) the interests of the user population would be best served by allowing the Government to provide such services; or

"(3) circumstances (as specified by the Secretary for purposes of this section) are such that the provision of such services by a Department entity is in the best interest of the Government or military users in general.

"(c) PERSONAL INFORMATION SERVICES DEFINED.—In this section, the term 'personal information services' means the provision of Internet, telephone, or television services to consumers.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after section 2492 the following new item:

"2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services.".

(c) EFFECT ON EXISTING CONTRACTS.—Section 2492a of title 10, United States Code, as added by subsection (a), does not affect the validity or terms of any contract for the provision of personal information services entered into before the date of the enactment of this Act.

10 USC 2492a note.

SEC. 652. REPORT ON IMPACT OF PURCHASING FROM LOCAL DISTRIBUTORS ALL ALCOHOLIC BEVERAGES FOR RESALE ON MILITARY INSTALLATIONS ON GUAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the impact of reimposing the requirement, effective for fiscal year 2008 pursuant to section 8073 of the Department of Defense Appropriations Act, 2008 (division A of Public Law 110–116; 121 Stat. 1331) but not extended for fiscal year 2009, that all alcoholic beverages intended for resale on military installations on Guam be purchased from local sources.

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

(1) The concerns of nonappropriated funds activities over the one-year imposition of the local-purchase requirement and the impact the requirement had on alcohol resale prices.

(2) The stated justification for any change in the price of alcoholic beverages for resale on military installations on Guam.

(3) The actions of the nonappropriated fund activities in complying with the local purchase requirements for resale of alcoholic beverages and their purchase of such affected products before and after the effective date of the provision of law referred to in subsection (a).

(4) The extent to which nonappropriated funds activities on military installations on Guam are implementing the applicable Department of Defense instruction and the methods used to determine the resale price of alcoholic beverages.

Subtitle F—Other Matters

SEC. 661. LIMITATIONS ON COLLECTION OF OVERPAYMENTS OF PAY AND ALLOWANCES ERRONEOUSLY PAID TO MEMBERS.

(a) MAXIMUM MONTHLY PERCENTAGE OF MEMBER'S PAY AUTHORIZED FOR DEDUCTION.—Paragraph (3) of subsection (c) of section 1007 of title 37, United States Code, is amended by striking "20 percent" and inserting "15 percent".

(b) REQUESTS FOR DELAY IN REPAYMENT.—Such paragraph is further amended—

(1) by inserting "(A)" after "(3)"; and

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

"(B) In all cases described in subparagraph (A), the Secretary concerned shall provide a reasonable opportunity for the member to request a delay in the imposition of the repayment requirement to recover the indebtedness. Before beginning collection efforts, the Secretary concerned shall consider the reasons provided by the member for the requested delay, including the financial ability of the member to repay the indebtedness, and the hardship that immediate collection would impose on the member and the member's dependents.".

(c) DELAY IN INSTITUTING COLLECTIONS FROM WOUNDED OR INJURED MEMBERS.—Paragraph (4) of such subsection is amended to read as follows:

"(4)(A) If a member of the uniformed services, through no fault of the member, incurs a wound, injury, or illness while in the line of duty in a combat operation or combat zone designated by the President or the Secretary of Defense, any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member's pay until—

Notification.

"(i) the member is notified of the overpayment; and

Time periods.

"(ii) the later of the following occurs:

"(I) The end of the 180-day period beginning on the date of the completion of the tour of duty of the member in the combat operation or combat zone.

"(II) The end of the 90-day period beginning on the date of the reassignment of the member from a military treatment facility or other medical unit outside of the theater of operations.

"(B) Subparagraph (A) shall not apply if the member, after receiving notification of the overpayment, requests or consents to initiation at an earlier date of the collection of the overpayment of the pay or allowances.".

37 USC 1007 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to an overpayment of pay or allowances made to a member of the uniformed services after the date of the enactment of this Act.

SEC. 662. SENSE OF CONGRESS ON AIRFARES FOR MEMBERS OF THE ARMED FORCES.

It is the sense of Congress that—

(1) all United States commercial air 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;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members 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. 663. 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. 664. SENSE OF CONGRESS REGARDING SUPPORT FOR COMPENSATION, RETIREMENT, AND OTHER MILITARY PERSONNEL PROGRAMS.

It is the sense of Congress that members of the Armed Forces and their families and survivors and military retirees deserve ongoing recognition and support for their service and sacrifices on behalf of the United States, and Congress will continue to be vigilant in identifying appropriate direct spending offsets that can be used to address shortcomings within those military personnel programs that incur mandatory spending obligations.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
Sec. 702. Health care for members of the reserve components.
Sec. 703. 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.
Sec. 704. Expansion of survivor eligibility under TRICARE dental program.
Sec. 705. TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.
Sec. 706. Constructive eligibility for TRICARE benefits of certain persons otherwise ineligible under retroactive determination of entitlement to Medicare part A hospital insurance benefits.
Sec. 707. Notification of certain individuals regarding options for enrollment under Medicare part B.
Sec. 708. Mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.
Sec. 709. Temporary TRICARE inpatient fee modification.

Subtitle B—Health Care Administration

Sec. 711. Comprehensive policy on pain management by the military health care system.
Sec. 712. Administration and prescription of psychotropic medications for members of the Armed Forces before and during deployment.
Sec. 713. Cooperative health care agreements between military installations and non-military health care systems.
Sec. 714. Plan to increase the mental health capabilities of the Department of Defense.
Sec. 715. Department of Defense study on management of medications for physically and psychologically wounded members of the Armed Forces.
Sec. 716. Limitation on obligation of funds under defense health program information technology programs.

Subtitle C—Other Matters

Sec. 721. Study and plan to improve military health care.
Sec. 722. Study, plan, and pilot for the mental health care needs of dependent children of members of the Armed Forces.
Sec. 723. Clinical trial on cognitive rehabilitative therapy for members and former members of the Armed Forces.
Sec. 724. Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces.
Sec. 725. Chiropractic clinical trials.
Sec. 726. Independent study on post-traumatic stress disorder efforts.
Sec. 727. Report on implementation of requirements on the relationship between the TRICARE program and employer-sponsored group health plans.
Sec. 728. Report on stipends for members of reserve components for health care for certain dependents.

Subtitle A—Improvements to Health Benefits

SEC. 701. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

Subsection (a) of section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is amended—

(1) by striking "during the period beginning on" and inserting "on or after"; and

(2) by striking ", and ending on September 30, 2012".

SEC. 702. HEALTH CARE FOR MEMBERS OF THE RESERVE COMPONENTS.

Section 1074(d)(1)(B) of title 10, United States Code, is amended by striking "90 days" and inserting "180 days".

SEC. 703. 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.";

(4) in paragraph (4), as redesignated by paragraph (2) of this section, by striking "paragraph (6)" and inserting "paragraph (7)"; and

(5) in subparagraph (A) of paragraph (6), as redesignated by paragraph (2) of this section, by striking "paragraph (4)" and inserting "paragraph (5)".

SEC. 704. EXPANSION OF SURVIVOR ELIGIBILITY UNDER TRICARE DENTAL PROGRAM.

Paragraph (3) of section 1076a(k) of title 10, United States Code, is amended to read as follows:

Time periods.

"(3) Such term does not include a dependent by reason of paragraph (2) after the end of the three-year period beginning on the date of the member's death, except that, in the case of a dependent of the deceased who is described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continued eligibility shall be the longer of the following periods beginning on such date:

"(A) Three years.

"(B) The period ending on the date on which such dependent attains 21 years of age.

"(C) In the case of such dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of such dependent's support, the period ending on the earlier of the following dates:

"(i) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary.

"(ii) The date on which such dependent attains 23 years of age.".

SEC. 705. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

"§ 1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

"(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

"(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

"(b) TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE STANDARD COVERAGE.—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE Standard coverage at age 60 under section 1086 of this title.

"(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under this section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

"(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

"(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all members of the reserve components covered under this section.

Applicability.

"(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

Procedures.

"(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

"(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year

in which collected, and shall be available under subsection (b) of such section for such fiscal year.

"(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

"(f) DEFINITIONS.—In this section:

"(1) The term 'immediate family', with respect to a member of a reserve component, means all of the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

"(2) The term 'TRICARE Standard' means—

"(A) medical care to which a dependent described in section 1076(b)(1) of this title is entitled; and

"(B) health benefits contracted for under the authority of section 1086(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076d the following new item:

"1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.".

(c) EFFECTIVE DATE.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.

10 USC 1076e note.

SEC. 706. 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

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) If a person referred to in subsection (c) and described by paragraph (2)(B) is subject to a retroactive determination by the Social Security Administration of entitlement to hospital insurance benefits described in paragraph (1), the person shall, during the period described in subparagraph (B), be deemed for purposes of health benefits under this section—

"(i) not to have been covered by paragraph (1); and

"(ii) not to have been subject to the requirements of section 1079(j)(1) of this title, whether through the operation of such section or subsection (g) of this section.

"(B) The period described in this subparagraph with respect to a person covered by subparagraph (A) is the period that—

"(i) begins on the date that eligibility of the person for hospital insurance benefits referred to in paragraph (1) is effective under the retroactive determination of eligibility with respect to the person 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. 707. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1110a. Notification of certain individuals regarding options for enrollment under Medicare part B

"(a) IN GENERAL.—(1) As soon as practicable, the Secretary of Defense shall notify each individual described in subsection (b)—

"(A) that the individual is no longer eligible for health care benefits under the TRICARE program under this chapter; and

"(B) of options available for enrollment of the individual in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.).

"(2) In carrying out this subsection, the Secretary of Defense shall—

Procedures.

"(A) establish procedures for identifying individuals described in subsection (b); and

Consultation.

"(B) consult with the Secretary of Health and Human Services to accurately identify and notify such individuals.

"(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who is—

"(1) a covered beneficiary;

"(2) entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c) under section 226(b) or section 226A of such Act (42 U.S.C. 426(b) and 426–1); and

"(3) eligible to enroll in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1110 the following new item:

"1110a. Notification of certain individuals regarding options for enrollment under Medicare part B.".

10 USC 1074f note.

SEC. 708. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

(a) MENTAL HEALTH ASSESSMENTS.—

Deadline. Guidance. Time periods.

(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. Deadline.

(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, suicidal tendencies, and other behavioral health conditions 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 conditions.

(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. 709. TEMPORARY TRICARE INPATIENT FEE MODIFICATION.

Section 1086(b)(3) of title 10, United States Code, is amended by striking "September 30, 2009" and inserting "September 30, 2010".

Subtitle B—Health Care Administration

10 USC 1071 note.

SEC. 711. COMPREHENSIVE POLICY ON PAIN MANAGEMENT BY THE MILITARY HEALTH CARE SYSTEM.

Deadline.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than March 31, 2011, the Secretary of Defense shall develop 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 of Defense.

(3) The consistent application of pain assessments throughout the Department of Defense.

(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. 712. ADMINISTRATION AND PRESCRIPTION OF PSYCHOTROPIC MEDICATIONS FOR MEMBERS OF THE ARMED FORCES BEFORE AND DURING DEPLOYMENT.

10 USC 1074f note.

(a) REPORT REQUIRED.—Not later than October 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of policy guidance dated November 7, 2006, regarding deployment-limiting psychiatric conditions and medications.

(b) POLICY REQUIRED.—Not later than October 1, 2010, the Secretary shall establish and implement a policy for the use of

Deadline.

psychotropic medications for deployed members of the Armed Forces. The policy shall, at a minimum, address the following:

(1) The circumstances or diagnosed conditions for which such medications may be administered or prescribed.

(2) The medical personnel who may administer or prescribe such medications.

(3) The method in which the administration or prescription of such medications will be documented in the medical records of members of the Armed Forces.

(4) The exam, treatment, or other care that is required following the administration or prescription of such medications.

10 USC 1073 note.

SEC. 713. COOPERATIVE HEALTH CARE AGREEMENTS BETWEEN MILITARY INSTALLATIONS AND NON-MILITARY HEALTH CARE SYSTEMS.

(a) AUTHORITY.—The Secretary of Defense may establish cooperative health care agreements between military installations and local or regional health care systems.

(b) REQUIREMENTS.—In establishing an agreement under subsection (a), the Secretary shall—

Consultation.

(1) consult with—

(A) the Secretary of the military department concerned;

(B) representatives from the military installation selected for the agreement, including the TRICARE managed care support contractor with responsibility for such installation; and

(C) Federal, State, and local government officials;

(2) identify and analyze health care services available in the area in which the military installation is located, including such services available at a military medical treatment facility or in the private sector (or a combination thereof);

Determination.

(3) determine the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector; and

Determination.

(4) determine the opportunities for and barriers to coordinating and leveraging the use of existing health care resources, including such resources of Federal, State, local, and private entities.

(c) ANNUAL REPORTS.—Not later than December 31 of each year an agreement entered into under this section is in effect, the Secretary shall submit to the congressional defense committees a report on each such agreement. Each report shall include, at a minimum, the following:

(1) A description of the agreement.

(2) Any cost avoidance, savings, or increases as a result of the agreement.

(3) A recommendation for continuing or ending the agreement.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the provision of health care services at military medical treatment facilities or other facilities of the Department of Defense to individuals who are not otherwise entitled or eligible for such services under chapter 55 of title 10, United States Code.

SEC. 714. PLAN TO INCREASE THE MENTAL HEALTH CAPABILITIES OF THE DEPARTMENT OF DEFENSE.

10 USC 1071 note.

Deadline.

(a) INCREASED AUTHORIZATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall increase the number of active duty mental health personnel authorized for the department under the jurisdiction of the Secretary in an amount equal to the sum of the following amounts:

(1) The greater of—

(A) the amount identified on personnel authorization documents as required but not authorized to be filled; or

(B) the amount that is 25 percent of the amount identified on personnel authorization documents as authorized.

(2) The amount required to fulfill the requirements of section 708, as determined by the Secretary concerned.

(b) REPORT AND PLAN ON THE REQUIRED NUMBER OF MENTAL HEALTH PERSONNEL.—

(1) IN GENERAL.—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 appropriate number of mental health personnel required to meet the mental health care needs of members of the Armed Forces, retired members, and dependents. The report shall include, at a minimum, the following:

(A) An evaluation of the recommendation titled "Ensure an Adequate Supply of Uniformed Providers" made by the Department of Defense Task Force on Mental Health established by section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348).

(B) The criteria and models used to determine the appropriate number of mental health personnel.

(C) The plan under paragraph (2).

(2) PLAN.—The Secretary shall develop and implement a plan to significantly increase the number of military and civilian mental health personnel of the Department of Defense by September 30, 2013. The plan 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 mental health professions.

(B) The offering of accession and retention bonuses for psychologists pursuant to 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 psychology for training leading to a doctoral degree in clinical psychology or social work.

(F) The reassignment of military mental health personnel from administrative positions to clinical positions in support of military units.

(G) The offering of civilian hiring incentives and bonuses and the use of direct hiring authority to increase the number of mental health personnel of the Department of Defense.

(H) Such other mechanisms to increase the number of mental health personnel of the Department of Defense as the Secretary considers appropriate.

(c) REPORT ON ADDITIONAL OFFICER OR ENLISTED MILITARY SPECIALTIES FOR MENTAL HEALTH.—

(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 mental health specialities for officers or enlisted members of the Armed Forces 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 mental health specialities for officers or enlisted members of the Armed Forces.

(B) For each military specialty recommended to be established under subparagraph (A)—

(i) a description of the qualifications required for such speciality, which 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. 715. 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 the risks associated with the administration 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 associated with the administration 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 the Federal 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 associated with the administration 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. 716. LIMITATION ON OBLIGATION OF FUNDS UNDER DEFENSE HEALTH PROGRAM INFORMATION TECHNOLOGY PROGRAMS.

(a) LIMITATION.—Of each amount described in subsection (c), not more than 50 percent of the amount remaining unobligated as of the date of the enactment of this Act may be obligated until 30 days after the Deputy Secretary of Defense, acting in the capacity of Chief Management Officer of the Department of Defense pursuant to section 132 of title 10, United States Code, submits to the congressional defense committees a report in accordance with subsection (b). Deadline.

(b) REPORT.—The report required under subsection (a) shall be on improvements to the governance and execution of health information management and information technology programs planned and programmed to electronically support clinical medical care within the military health system. Such report shall include each of the following:

(1) An assessment of the capability of the enterprise architecture to achieve optimal clinical practices and health care outcomes.

(2) For each health information management and information technology program covered by the report, an identification and assessment of the risks associated with achieving the timelines and goals of the program.

(3) A plan of action to mitigate the risks identified under paragraph (2).

(4) An assessment of the appropriateness of the health information management and information technology technical architecture and whether that architecture leverages the current best practices of industry, including the ability to meet the interoperability standards required by section 1635 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note), as amended by section 252 of the Duncan Hunter National Defense Authorization Act for Fiscal Year for 2009 (Public Law 110-417; 122 Stat. 4400).

(5) An assessment, in coordination with the Secretary of Veterans Affairs, of—

(A) the capability of the Department of Defense of meeting the requirements for joint interoperability with the Department of Veterans Affairs, as required by such section 1635; and

(B) the progress the Secretary of Defense and the Secretary of Veterans Affairs have made on the establishment of a joint virtual lifetime electronic record for members of the Armed Forces.

(6) A plan to take corrective actions that are necessary to remedy shortfalls identified as a result of the assessments under this subsection.

(7) An assessment of the estimated resources required in future years to achieve optimal information technology support for health care clinical practice and quality and compliance with the requirements of such section 1635.

(8) An analysis of the methods by which the Office of the Assistant Secretary of Defense for Health Affairs procures health information management and information technology goods and services, and of the appropriateness of the application of legal and acquisition authorities.

(9) An analysis of the capabilities of the Office of the Assistant Secretary of Defense for Health Affairs to carry out necessary governance, management, and development functions of health information management and information technology systems, including—

(A) the recommendations of the Assistant Secretary for improvements to the Office or alternative organizational structures for the Office; and

(B) alternative organizations within the Department of Defense with equal or greater management capabilities for health information management and information technology.

(10) A recommendation as to whether health information management and information technology systems of the Department of Defense should be included in and subject to the requirements of section 2222 of title 10, United States Code.

(c) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—Amounts described in this section are the following amounts authorized to be appropriated for the Department of Defense for fiscal year 2010:

(1) Of the amounts authorized to be appropriated for operation and maintenance for the Defense Health Program (DHP IM/IT Support Program), $116,200,000.

(2) Of the amounts authorized to be appropriated for procurement for the Defense Health Program, $144,600,000.

(3) Of the amounts authorized to be appropriated for information technology development (program element 65013), $124,400,000.

Deadline. Assessment.

(d) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after the Deputy Secretary submits the report required under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees the results of an assessment carried out by the Comptroller General of the report and plan of action to achieve Department goals and mitigate risk in the management and execution of health information management and information technology programs.

Subtitle C—Other Matters

SEC. 721. STUDY AND PLAN TO IMPROVE MILITARY HEALTH CARE. 10 USC 1071 note.

(a) STUDY AND REPORT REQUIRED.—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 health care needs of dependents (as defined in section 1072(2) of title 10, United States Code). The report shall include, at a minimum, the following:

(1) With respect to both the direct care system and the purchased care system, an analysis of the type of health care facility in which dependents seek care.

(2) The 10 most common medical conditions for which dependents seek care.

(3) The availability of and access to health care providers to treat the conditions identified under paragraph (2), both in the direct care system and the purchased care system.

(4) Any shortfalls in the ability of dependents to obtain required health care services.

(5) Recommendations on how to improve access to care for dependents.

(6) With respect to dependents accompanying a member stationed at a military installation outside of the United States, the need for and availability of mental health care services.

(b) ENHANCED MILITARY HEALTH SYSTEM AND IMPROVED TRICARE.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the other administering Secretaries, shall undertake actions to enhance the capability of the military health system and improve the TRICARE program.

(2) ELEMENTS.—In undertaking actions to enhance the capability of the military health system and improve the TRICARE program under paragraph (1), the Secretary shall consider the following actions:

(A) Actions to guarantee the availability of care within established access standards for eligible beneficiaries, based on the results of the study required by subsection (a).

(B) 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 (Public Law 104-201; 110 Stat. 2593; 10 U.S.C. 1073 note)).

(C) Actions using medical technology to speed and simplify referrals for specialty care.

(D) Actions to improve regional or national staffing capabilities in order to enhance support provided to military medical treatment facilities facing staff shortages.

(E) Actions to improve health care access for members of the reserve components and their families, including such access with respect to mental health care and consideration of access issues for members and their families located in rural areas.

(F) Actions to ensure consistency throughout the TRICARE program to comply with access standards, which

are applicable to both commanders of military treatment facilities and managed care support contractors.

(G) Actions to create new budgeting and resource allocation methodologies to fully support and incentivize care provided by military treatment facilities.

(H) Actions regarding additional financing options for health care provided by civilian providers.

(I) Actions to reduce administrative costs.

(J) Actions to control the cost of health care and pharmaceuticals.

(K) Actions to audit the Defense Enrollment Eligibility Reporting System to improve system checks on the eligibility of TRICARE beneficiaries.

(L) Actions, including a comprehensive plan, for the enhanced availability of prevention and wellness care.

(M) Actions using technology to improve direct communication with beneficiaries regarding health and preventive care.

(N) Actions to create performance metrics by which to measure improvement in the TRICARE program.

(O) Such other actions as the Secretary, in consultation with the other administering Secretaries, considers appropriate.

(c) QUALITY ASSURANCE.—In undertaking actions under this section, the Secretary of Defense and the other administering Secretaries shall continue or enhance the current level of quality health care provided by the Department of Defense and the military departments with no adverse impact to cost, access, or care.

(d) 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.

(e) REPORTS REQUIRED.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees an initial report on the progress made in undertaking actions under this section and future plans for improvement of the military health system.

(2) REPORT REQUIRED WITH FISCAL YEAR 2012 BUDGET PROPOSAL.—Together with the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2012 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) Updates on the progress made in undertaking actions under this section.

(B) Future plans for improvement of the military health system.

(C) An explanation of how the budget submission may reflect such progress and plans.

(3) PERIODIC REPORTS.—The Secretary shall, on a periodic basis, submit to the congressional defense committees a report on the progress being made in the improvement of the TRICARE program under this section.

(4) 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 improvement of the TRICARE program.

(B) Such recommendations for administrative or legislative action as the Secretary considers appropriate to expedite and enhance the improvement of the TRICARE program.

(f) 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. 722. STUDY, PLAN, AND PILOT FOR THE MENTAL HEALTH CARE NEEDS OF DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

10 USC 1077 note.

(a) REPORT AND PLAN ON THE 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.

Review.

(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 intended 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 of 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 Education Activity 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.

(b) COMPREHENSIVE PLAN FOR IMPROVEMENTS IN ACCESS TO CARE AND COUNSELING.—The Secretary shall develop and implement 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 subsection (a) shall provide the basis for the development of the plan.

(c) PILOT PROGRAM.—

(1) ELEMENTS.—The Secretary of the Army shall carry out a pilot program on the mental health care needs of military children and adolescents. In carrying out the pilot program, the Secretary shall establish a center to—

(A) develop teams to train primary care managers in mental health evaluations and treatment of common psychiatric disorders affecting children and adolescents;

(B) develop strategies to reduce barriers to accessing behavioral health services and encourage better use of the programs and services by children and adolescents; and

(C) expand the evaluation of mental health care using common indicators, including—

(i) psychiatric hospitalization rates;

(ii) non-psychiatric hospitalization rates; and

(iii) mental health relative value units.

(2) REPORTS.—

(A) Not later than 90 days after establishing the pilot program, the Secretary of the Army shall submit to the congressional defense committees a report describing the—

(i) structure and mission of the program; and

(ii) the resources allocated to the program.

(B) Not later than September 30, 2012, the Secretary of the Army shall submit to the congressional defense committees a report that addresses the elements described under paragraph (1).

SEC. 723. CLINICAL TRIAL ON COGNITIVE REHABILITATIVE THERAPY FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.

(a) CLINICAL TRIAL REQUIRED.—The Secretary of Defense shall provide for a clinical trial to assess the efficacy of cognitive rehabilitative therapy 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 described in this subsection is a member or former member of the Armed Forces who—

(1) has been diagnosed with a traumatic brain injury (TBI) incurred in the line of duty in Operation Iraqi Freedom or Operation Enduring Freedom; and

(2) is referred by a qualified physician, as determined by the Secretary, for cognitive rehabilitative therapy.

(c) FUNDING.—

(1) IN GENERAL.—The trial required by subsection (a) shall be funded as a medical research project using amounts authorized to be appropriated for Defense Health Program for research and development.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—Amounts in the Department of Defense Medicare-Eligible Retiree Health Care Fund under chapter 56 of title 10, United States Code, may not be used to carry out the provisions of this section.

(d) REPORTS.—

(1) REPORT ON PLAN AND DESIGN FOR TRIAL.—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 plan for the conduct of the trial required by subsection (a), including a description of the proposed design of the trial.

(2) FINAL REPORT.—Not later than one year after the completion of the trial required by subsection (a), the Secretary shall submit to the congressional defense committees a report setting forth, at a minimum, the following:

(A) An assessment of the efficacy of cognitive rehabilitative therapy in treating traumatic brain injury in members and former members of the Armed Forces described in subsection (b).

(B) Such recommendations as the Secretary considers appropriate on means to provide increased access to safe, effective, and quality cognitive rehabilitative therapy services for such members and former members, including recommendations regarding the following:

(i) Procedures for access of such members and former members to cognitive rehabilitative therapy services, including appropriate treatment plans and outcome measures.

(ii) Qualifications and supervisory requirements for licensed and certified health care professionals in the provision of such services to such members and former members.

(iii) A methodology for reimbursing providers of such services in the provision of such services to such members and former members.

(C) The recommendation of the Secretary as to the advisability of including cognitive rehabilitative therapy as a benefit under the TRICARE program.

SEC. 724. 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 continuous improvement of such policies and programs.

(3) RELATION TO SENIOR OVERSIGHT COMMITTEE.—The Secretary shall ensure that the Task Force is independent of the Senior Oversight Committee (as defined in section 726(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4509)).

(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 Forces or civilian personnel) who are appointed to the Task Force.

(E) Persons who have experience in—

(i) medical care and coordination for wounded, ill, and injured members of the Armed Forces;

(ii) medical case management;

(iii) non-medical case management;

(iv) the disability evaluation process for members of the Armed Forces;

(v) veterans benefits;

(vi) treatment of traumatic brain injury and post-traumatic stress disorder;

(vii) family support;

(viii) medical research;

(ix) vocational rehabilitation; or

(x) disability benefits.

(F) At least one family member of a wounded, ill, or injured member of the Armed Forces or veteran who has experience working with wounded, ill, and injured members of the Armed Forces or their families.

(3) INDIVIDUALS APPOINTED FROM WITHIN DEPARTMENT OF DEFENSE.—At least one of the individuals 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) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date on which all members of the Task Force have been appointed, and each year thereafter for the life of the Task Force, the Task Force shall submit to the Secretary of Defense a report on the activities of the Task Force and the activities of the Department of Defense and the military departments to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces. 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 best practices and 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) A plan for the activities of the Task Force in the year following the year covered by the report.

(D) 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 reports, 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 use 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 reports, the Task Force shall review and assess the following:

(A) Case management, including the numbers and types of medical and non-medical 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) 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.

(C) The establishment and effectiveness of performance and accountability standards for warrior transition units and programs.

(D) The availability of services for traumatic brain injury and post traumatic stress disorder.

(E) 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.

(F) 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 (title XVI of Public Law 110–181; 122 Stat. 460; 10 U.S.C. 1071 note).

(G) 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.

(H) The support available to family caregivers of recovering wounded, ill, and injured members of the Armed Forces.

(I) The legal support available to recovering wounded, ill, and injured members of the Armed Forces and their families.

(J) The availability of vocational training for recovering wounded, ill, and injured members of the Armed Forces seeking to transition to civilian life.

(K) The effectiveness of any measures under pilot programs to improve or enhance the military disability evaluation system.

(L) 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.

(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) Interagency matters affecting recovering wounded, ill, and injured members of the Armed Forces in their transition to civilian life.

(O) 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.

(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 a report required by paragraph (1), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the report and the Secretary's evaluation of the report.

(d) PLAN REQUIRED.—Not later than six months after the receipt of a report under subsection (c), 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 included in the report. Deadline.

(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 on the date that is five years after the date of the enactment of this Act.

SEC. 725. CHIROPRACTIC CLINICAL TRIALS.

(a) CLINICAL TRIALS REQUIRED.—The Secretary of Defense shall provide for the clinical trials described under subsection (b) to be conducted by the National Institutes of Health or an independent academic institution as the Secretary shall select for the purposes of conducting each trial.

(b) CLINICAL TRIALS DESCRIBED.—

(1) CONTROLLED TRIALS.—The clinical trials required by subsection (a) shall include controlled trials that, at a minimum, compare the outcomes of chiropractic treatment, used either exclusively or as an adjunct to other treatments, with conventional treatment on the following topics:

(A) Pain management.

(B) Orthopedic injuries or disorders that do not require surgery.

(C) Smoking cessation.

(2) INTERVENTIONAL TRIALS.—The clinical trials required by subsection (a) shall include interventional trials that, at a minimum, cover the following topics:

(A) The effect of chiropractic treatment on the reflexes and reaction times of special operation forces.

(B) The effect of chiropractic treatment on strength, balance, and injury prevention for members of the Armed Forces with combat specialties operating in a combat theater.

(c) SCHEDULE.—

(1) FIRST TRIAL.—The first clinical trial required by subsection (a) shall begin not later than one year after the date of the enactment of this Act.

(2) FINAL TRIAL.—The final clinical trial required by subsection (a) shall begin not later than two years after the date of the enactment of this Act.

(d) TRIAL PARTICIPANTS.—A participant of a clinical trial required by subsection (a) shall be a member of the Armed Forces on active duty.

(e) CHIROPRACTIC PROVIDERS.—Chiropractic treatment provided during a clinical trial required by subsection (a) shall be provided by a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Columbia, or a territory or possession of the United States, subject to credentialing requirements prescribed by the Secretary.

(f) REPORTS.—

(1) TRIAL PROTOCOL REPORTS.—Not later than 30 days before each clinical trial required by subsection (a) is scheduled to begin, the Secretary shall submit to the congressional defense committees a report on the protocol of such clinical trial.

(2) FINAL REPORTS.—Not later than one year after the completion of each clinical trial required by subsection (a), the Secretary shall submit to the congressional defense committees a report on such clinical trial, including any recommendations regarding chiropractic treatment for covered beneficiaries (as such term is defined in section 1072(5) of title 10, United States Code).

SEC. 726. INDEPENDENT STUDY ON POST-TRAUMATIC STRESS DISORDER EFFORTS.

(a) STUDY REQUIRED.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall provide for a study on the treatment of post-traumatic stress disorder to be conducted by the Institute of Medicine of the National Academy of Sciences or such other independent entity as the Secretary shall select for purposes of the study.

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

(1) A list of each operative program and method available for the prevention, screening, diagnosis, treatment, or rehabilitation of post-traumatic stress disorder, including—

(A) the rates of success for each such program or method (including an operational definition of the term "success" and a discussion of the process used to quantify such rates);

(B) based on the incidence of actual diagnoses, an estimate of the number of members of the Armed Forces and veterans diagnosed by the Department of Defense or the Department of Veterans Affairs as having post-traumatic stress disorder and the number of such veterans who have been successfully treated; and

(C) any collaborative efforts between the Department of Defense and the Department of Veterans Affairs to prevent, screen, diagnose, treat, or rehabilitate post-traumatic stress disorder.

(2) The status of studies and clinical trials involving innovative treatments of post-traumatic stress disorder that are conducted by the Department of Defense, the Department of Veterans Affairs, or the private sector, including—

(A) efforts to identify physiological markers of post-traumatic stress disorder;

(B) with respect to efforts to determine causation of post-traumatic stress disorder, brain imaging studies and the correlation between brain region physiology and post-traumatic stress disorder diagnoses and the results (including any interim results) of such efforts;

(C) the effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals;

(D) the effectiveness of administering pharmaceutical agents before, during, or after a traumatic event in the prevention and treatment of post-traumatic stress disorder; and

(E) identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(3) A description of each treatment program for post-traumatic stress disorder, including a comparison of the methods of treatment by each program, at the following locations:

(A) Fort Hood, Texas.

(B) Fort Bliss, Texas.

(C) Fort Campbell, Tennessee.

(D) Other locations the entity conducting the study considers appropriate.

(4) The respective current and projected future annual expenditures by the Department of Defense and the Department of Veterans Affairs for the treatment and rehabilitation of post-traumatic stress disorder.

(5) A description of gender-specific and racial and ethnic group-specific mental health treatment and services available for members of the Armed Forces, including—

(A) the availability of such treatment and services;

(B) the access to such treatment and services;

(C) the need for such treatment and services; and

(D) the efficacy and adequacy of such treatment and services.

(6) A description of areas for expanded future research with respect to post-traumatic stress disorder.

(7) Any other matters the Secretary of Defense and Secretary of Veterans Affairs consider relevant with respect to the purposes of obtaining a comprehensive scientific assessment of—

(A) the incidence of post-traumatic stress disorder among members of the Armed Forces and veterans;

(B) the availability and effectiveness of various treatment programs and methods available for post-traumatic stress disorder;

(C) the current and future projected costs of such treatment programs and methods; or

(D) additional areas of needed research.

(8) Any other matters the entity conducting the study considers relevant.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than July 1, 2012, the entity conducting the study required by subsection (a) shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the appropriate committees a report on the study.

(2) RESPONSE.—Not later than January 1, 2013, the Secretary of Defense and the Secretary of Veterans Affairs shall each submit to the appropriate committees a response to the report submitted under paragraph (1), including any recommendations on the treatment of post-traumatic stress disorder based on such report.

(d) UPDATED REPORTS REQUIRED.—

(1) UPDATED REPORT.—Not later than July 1, 2014, the entity conducting the study required by subsection (a) shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the appropriate committees an update of the report required by subsection (c).

(2) UPDATED RESPONSE.—Not later than January 1, 2015, the Secretary of Defense and the Secretary of Veterans Affairs shall each submit to the appropriate committees a response to the updated report submitted under paragraph (1), including any recommendations on the treatment of post-traumatic stress disorder based on such updated report.

(e) APPROPRIATE COMMITTEES DEFINED.—In this section, the term "appropriate committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 727. 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 Secretary of Defense 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 Secretary 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 Secretary 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 Secretary 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 Secretary considers appropriate.

SEC. 728. REPORT ON STIPENDS FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on stipends paid under section 704 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188; 10 U.S.C. 1076 note). The report shall include—

(1) the number of stipends paid;

(2) the amount of the average stipend; and

(3) the number of members who received such stipends.

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

Subtitle A—Acquisition Policy and Management

Sec. 801. Temporary authority to acquire products and services produced in countries along a major route of supply to Afghanistan; report.
Sec. 802. Assessment of improvements in service contracting.
Sec. 803. Display of annual budget requirements for procurement of contract services and related clarifying technical amendments.
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Sec. 805. Life-cycle management and product support.
Sec. 806. Treatment of non-defense agency procurements under joint programs with intelligence community.
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Sec. 811. Justification and approval of sole-source contracts.
Sec. 812. Revision of Defense Supplement relating to payment of costs prior to definitization.
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Sec. 815. Clarification of uniform suspension and debarment requirement.
Sec. 816. Extension of authority for use of simplified acquisition procedures for certain commercial items.
Sec. 817. Reporting requirements for programs that qualify as both major automated information system programs and major defense acquisition programs.
Sec. 818. Small arms production industrial base matters.
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Subtitle C—Contractor Matters

Sec. 821. Authority for Government support contractors to have access to technical data belonging to prime contractors.
Sec. 822. Extension and enhancement of authorities on the Commission on Wartime Contracting in Iraq and Afghanistan.
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Sec. 831. Enhancement of expedited hiring authority for defense acquisition workforce positions.
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Subtitle E—Other Matters

Sec. 841. Reports to Congress on full deployment decisions for major automated information system programs.
Sec. 842. Authorization to take actions to correct the industrial resource shortfall for high-purity beryllium metal.
Sec. 843. Report on rare earth materials in the defense supply chain.
Sec. 844. Comptroller General report on structure and management of subcontractors under contracts for major weapon systems.
Sec. 845. Study of the use of factors other than cost or price as the predominate factors in evaluating competitive proposals for defense procurement contracts.

Sec. 846. Repeal of requirements relating to the military system essential item breakout list.
Sec. 847. Extension of SBIR and STTR programs of the Department of Defense.
Sec. 848. Extension of authority for small business innovation research Commercialization Pilot Program.

Subtitle A—Acquisition Policy and Management

SEC. 801. TEMPORARY AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN; REPORT.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military or stability operations in Afghanistan for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from one or more countries along a major route of supply to Afghanistan; or

(2) a preference is provided for products or services that are from one or more countries along a major route of supply to Afghanistan.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used—

(A) in the country that is the source of the product or service;

(B) in the course of efforts by the United States and the NATO International Security Assistance Force to ship goods to Afghanistan in support of military or stability operations in Afghanistan; or

(C) by the military forces, police, or other security personnel of Afghanistan;

(2) it is in the national security interest of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(A) to reduce overall United States transportation costs and risks in shipping goods in support of military or stability operations in Afghanistan;

(B) to encourage countries along a major route of supply to Afghanistan to cooperate in expanding supply routes through their territory in support of military or stability operations in Afghanistan; or

(C) to help develop more robust and enduring routes of supply to Afghanistan; and

(3) limiting competition or providing a preference as described in subsection (a) will not adversely affect—

(A) military or stability operations in Afghanistan; or

(B) the United States industrial base.

(c) PRODUCTS AND SERVICES FROM A COUNTRY ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.—For the purposes of this section:

(1) A product is from a country along a major route of supply to Afghanistan if it is mined, produced, or manufactured in a covered country.

(2) A service is from a country along a major route of supply to Afghanistan if it is performed in a covered country by citizens or permanent resident aliens of a covered country.

(d) COVERED COUNTRY DEFINED.—In this section, the term "covered country" means Georgia, Kyrgyzstan, Pakistan, Armenia, Azerbaijan, Kazakhstan, Tajikistan, Uzbekistan, or Turkmenistan.

(e) CONSTRUCTION WITH OTHER AUTHORITY.—The authority provided in subsection (a) is in addition to the authority set forth in section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266; 10 U.S.C. 2302 note).

(f) TERMINATION OF AUTHORITY.—The Secretary of Defense may not exercise the authority provided in subsection (a) on or after the date occurring three years after the date of the enactment of this Act.

(g) REPORT ON AUTHORITY.—Not later than April 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided in subsection (a). The report shall address, at a minimum, the following:

(1) The number of determinations made by the Secretary pursuant to subsection (b).

(2) A description of the products and services acquired using the authority.

(3) The extent to which the use of the authority has met the objectives of subparagraph (A), (B), or (C) of subsection (b)(2).

(4) A list of the countries providing products or services as a result of a determination made pursuant to subsection (b).

(5) Any recommended modifications to the authority.

SEC. 802. ASSESSMENT OF IMPROVEMENTS IN SERVICE CONTRACTING.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall direct the Defense Science Board to conduct an independent assessment of improvements in the procurement and oversight of services by the Department of Defense.

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

(1) An assessment of the quality and completeness of guidance relating to the procurement of services, including implementation of statutory and regulatory authorities and requirements.

(2) A determination of the extent to which best practices are being developed for setting requirements and developing statements of work.

(3) An assessment of the contracting approaches and contract types used for the procurement of services and whether such contracting approaches and contract types best serve the interests of the Department of Defense.

(4) A determination of whether effective standards to measure performance have been developed.

(5) An assessment of the effectiveness of peer reviews within the Department of Defense of contracts for services and whether such reviews are being conducted at the appropriate dollar threshold.

(6) An assessment of the management structure for the procurement of services, including how the military departments and Defense Agencies have implemented section 2330 of title 10, United States Code.

(7) A determination of whether the performance savings goals required by section 802 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2330 note) are being achieved.

(8) An assessment of the effectiveness of the Acquisition Center of Excellence for Services established pursuant to section 1431(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 117 Stat. 1671; 41 U.S.C. 405 note) and the feasibility of creating similar centers of excellence in the military departments.

(9) An assessment of the quality and sufficiency of the acquisition workforce for the procurement and oversight of services.

(10) Such other related matters as the Under Secretary considers appropriate.

(c) REPORT.—Not later than March 10, 2010, the Under Secretary shall submit to the congressional defense committees a report on the results of the assessment, including such comments and recommendations as the Under Secretary considers appropriate.

SEC. 803. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR PROCUREMENT OF CONTRACT SERVICES AND RELATED CLARIFYING TECHNICAL AMENDMENTS.

(a) CODIFICATION OF REQUIREMENT FOR SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 234 the following new section:

"§ 235. Procurement of contract services: specification of amounts requested in budget

"(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall include the information described in subsection (b) with respect to the procurement of contract services.

"(b) INFORMATION PROVIDED.—For each budget account, the materials submitted shall clearly and separately identify—

"(1) the amount requested for the procurement of contract services for each Department of Defense component, installation, or activity; and

"(2) the number of full-time contractor employees (or the equivalent of full-time in the case of part-time contractor employees) projected and justified for each Department of Defense component, installation, or activity based on the inventory of contracts for services required by subsection (c) of section 2330a of this title and the review required by subsection (e) of such section.

"(c) CONTRACT SERVICES DEFINED.—In this section, the term 'contract services'—

"(1) means services from contractors; but

"(2) excludes services relating to research and development and services relating to military construction.".

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

"235. Procurement of contract services: specification of amounts requested in budget.".

(3) REPEAL OF SUPERSEDED PROVISION.—Section 806 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 221 note) is repealed.

(b) CLARIFICATION OF CONTRACT SERVICES REVIEW AND PLANNING REQUIREMENTS.—Section 2330a(e) of title 10, United States Code, is amended in paragraph (4) by inserting after "plan" the following: ", including an enforcement mechanism and approval process,".

(c) COMPTROLLER GENERAL REPORT ON INVENTORY.—Not later than 180 days after the date on which the Secretary of Defense submits to Congress the inventory required by section 2330a(c) of title 10, United States Code, in each of 2010, 2011 and 2012, 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 inventory so submitted, with such findings and recommendations as the Comptroller General considers appropriate.

10 USC 2225 note.

SEC. 804. IMPLEMENTATION OF NEW ACQUISITION PROCESS FOR INFORMATION TECHNOLOGY SYSTEMS.

(a) NEW ACQUISITION PROCESS REQUIRED.—The Secretary of Defense shall develop and implement a new acquisition process for information technology systems. The acquisition process developed and implemented pursuant to this subsection shall, to the extent determined appropriate by the Secretary—

(1) be based on the recommendations in chapter 6 of the March 2009 report of the Defense Science Board Task Force on Department of Defense Policies and Procedures for the Acquisition of Information Technology; and

(2) be designed to include—

(A) early and continual involvement of the user;

(B) multiple, rapidly executed increments or releases of capability;

(C) early, successive prototyping to support an evolutionary approach; and

(D) a modular, open-systems approach.

(b) REPORT TO CONGRESS.—Not later than 270 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 on the new acquisition process developed pursuant to subsection (a). The report required by this subsection shall, at a minimum—

(1) describe the new acquisition process;

(2) provide an explanation for any decision by the Secretary to deviate from the criteria established for such process in paragraphs (1) and (2) of subsection (a);

(3) provide a schedule for the implementation of the new acquisition process;

(4) identify the categories of information technology acquisitions to which such process will apply; and

(5) include the Secretary's recommendations for any legislation that may be required to implement the new acquisition process.

SEC. 805. LIFE-CYCLE MANAGEMENT AND PRODUCT SUPPORT.

10 USC 2302 note. Deadline.

(a) GUIDANCE ON LIFE-CYCLE MANAGEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue comprehensive guidance on life-cycle management and the development and implementation of product support strategies for major weapon systems. The guidance issued pursuant to this subsection shall—

(1) maximize competition and make the best possible use of available Department of Defense and industry resources at the system, subsystem, and component levels; and

(2) maximize value to the Department of Defense by providing the best possible product support outcomes at the lowest operations and support cost.

(b) PRODUCT SUPPORT MANAGERS.—

(1) REQUIREMENT.—The Secretary of Defense shall require that each major weapon system be supported by a product support manager in accordance with this subsection.

(2) RESPONSIBILITIES.—A product support manager for a major weapon system shall—

(A) develop and implement a comprehensive product support strategy for the weapon system;

(B) conduct appropriate cost analyses to validate the product support strategy, including cost-benefit analyses as outlined in Office of Management and Budget Circular A–94;

(C) assure achievement of desired product support outcomes through development and implementation of appropriate product support arrangements;

(D) adjust performance requirements and resource allocations across product support integrators and product support providers as necessary to optimize implementation of the product support strategy;

(E) periodically review product support arrangements between the product support integrators and product support providers to ensure the arrangements are consistent with the overall product support strategy; and

(F) prior to each change in the product support strategy or every five years, whichever occurs first, revalidate any business-case analysis performed in support of the product support strategy.

(c) GOVERNMENT PERFORMANCE OF PRODUCT SUPPORT MANAGER FUNCTION.—Section 820(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2330) is amended—

10 USC 1701 note.

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5) and (6), respectively; and

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

"(3) Product support manager.".

(d) DEFINITIONS.—In this section:

(1) The term "product support" means the package of support functions required to field and maintain the readiness

and operational capability of major weapon systems, subsystems, and components, including all functions related to weapon system readiness.

(2) The term "product support arrangement" means a contract, task order, or any type of other contractual arrangement, or any type of agreement or non-contractual arrangement within the Federal Government, for the performance of sustainment or logistics support required for major weapon systems, subsystems, or components. The term includes arrangements for any of the following:

(A) Performance-based logistics.
(B) Sustainment support.
(C) Contractor logistics support.
(D) Life-cycle product support.
(E) Weapon systems product support.

(3) The term "product support integrator" means an entity within the Federal Government or outside the Federal Government charged with integrating all sources of product support, both private and public, defined within the scope of a product support arrangement.

(4) The term "product support provider" means an entity that provides product support functions. The term includes an entity within the Department of Defense, an entity within the private sector, or a partnership between such entities.

(5) The term "major weapon system" has the meaning given that term in section 2302d of title 10, United States Code.

SEC. 806. TREATMENT OF NON-DEFENSE AGENCY PROCUREMENTS UNDER JOINT PROGRAMS WITH INTELLIGENCE COMMUNITY.

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 WITH INTELLIGENCE COMMUNITY.—For purposes of this subsection, a contract entered into by a non-defense agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) 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 procurement of property or services for the Department of Defense through a non-defense agency.".

10 USC 113 note.

SEC. 807. POLICY AND REQUIREMENTS TO ENSURE THE SAFETY OF FACILITIES, INFRASTRUCTURE, AND EQUIPMENT FOR MILITARY OPERATIONS.

(a) POLICY.—It shall be the policy of the Department of Defense that facilities, infrastructure, and equipment that are intended for use by military or civilian personnel of the Department in current or future military operations should be inspected for safety and habitability prior to such use, and that such facilities should be brought into compliance with generally accepted standards for the safety and health of personnel to the maximum extent practicable and consistent with the requirements of military operations and the best interests of the Department of Defense, to minimize the safety and health risk posed to such personnel.

(b) REQUIREMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall— Deadline.

(1) 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 complies with the policy established in subsection (a);

(2) ensure that contracts entered into prior to the date that is 60 days after the date of the enactment of this Act comply with such policy to the maximum extent practicable;

(3) define the term "generally accepted standards" with respect to fire protection, structural integrity, electrical systems, plumbing, water treatment, waste disposal, and telecommunications networks for the purposes of this section; and

(4) provide such exceptions and limitations as may be needed to ensure that this section can be implemented in a manner that is consistent with the requirements of military operations and the best interests of the Department of Defense.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitation

SEC. 811. JUSTIFICATION AND APPROVAL OF SOLE-SOURCE CONTRACTS. 41 USC 421 note.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to provide that the head of an agency may not award a sole-source contract in a covered procurement for an amount exceeding $20,000,000 unless— Deadline.

(1) the contracting officer for the contract justifies the use of a sole-source contract in writing;

(2) the justification is approved by the appropriate official designated to approve contract awards for dollar amounts that are comparable to the amount of the sole-source contract; and

(3) the justification and related information are made public as provided in sections 2304(f)(1)(C) and 2304(l) of title 10, United States Code, or sections 303(f)(1)(C) and 303(j) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(C) and 253(j)), as applicable.

(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 agency concerned.

(4) A determination that the anticipated cost of the contract will be fair and reasonable.

(5) Such other matters as the head of the agency concerned shall specify for purposes of this section.

(c) DEFINITIONS.—In this section:

(1) COVERED PROCUREMENT.—The term "covered procurement" means either of the following:

(A) A procurement described in section 2304(f)(2)(D)(ii) of title 10, United States Code.

(B) A procurement described in section 303(f)(2)(D)(ii) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(2)(D)(ii)).

(2) HEAD OF AN AGENCY.—The term "head of an agency"—

(A) in the case of a covered procurement as defined in paragraph (1)(A), has the meaning provided in section 2302(1) of title 10, United States Code; and

(B) in the case of a covered procurement as defined in paragraph (1)(B), has the meaning provided the term "agency head" in section 309(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(a)).

(3) APPROPRIATE OFFICIAL.—The term "appropriate official" means—

(A) in the case of a covered procurement as defined in paragraph (1)(A), an official designated in section 2304(f)(1)(B) of title 10, United States Code; and

(B) in the case of a covered procurement as defined in paragraph (1)(B), an official designated in section 303(f)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B)).

10 USC 2326 note.

SEC. 812. REVISION OF DEFENSE SUPPLEMENT RELATING TO PAYMENT OF COSTS PRIOR TO DEFINITIZATION.

Deadline.

(a) REVISION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to ensure that any limitations described in subsection (b) are applicable to all categories of undefinitized contractual actions (including undefinitized task orders and delivery orders).

(b) LIMITATIONS.—The limitations referred to in subsection (a) are any limitations on the reimbursement of costs and the payment of profits or fees with respect to costs incurred before the definitization of an undefinitized contractual action of the Department of Defense, including—

(1) such limitations as described in part 52.216-26 of the Federal Acquisition Regulation; and

(2) any such limitations implementing the requirements of section 809 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2326 note).

SEC. 813. REVISIONS TO DEFINITIONS RELATING TO CONTRACTS IN IRAQ AND AFGHANISTAN.

(a) REVISIONS TO DEFINITION OF CONTRACT IN IRAQ OR AFGHANISTAN.—Section 864(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 258; 10 U.S.C. 2302 note) is amended—

(1) by striking "or a task order or delivery order at any tier issued under such a contract" and inserting "a task order or delivery order at any tier issued under such a contract, a grant, or a cooperative agreement";

(2) by striking in the parenthetical "or task order or delivery order" and inserting "task order, delivery order, grant, or cooperative agreement";

(3) by striking "or task or delivery order" after the parenthetical and inserting "task order, delivery order, grant, or cooperative agreement"; and

(4) by striking "14 days" and inserting "30 days".

(b) REVISION TO DEFINITION OF COVERED CONTRACT.—Section 864(a)(3) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period and inserting a semicolon at the end of subparagraph (C); and

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

"(D) a grant for the performance of services in an area of combat operations, as designated by the Secretary of Defense under subsection (c) of section 862; or

"(E) a cooperative agreement for the performance of services in such an area of combat operations.".

(c) REVISION TO DEFINITION OF CONTRACTOR.—Paragraph (4) of section 864(a) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended to read as follows:

"(4) CONTRACTOR.—The term 'contractor', with respect to a covered contract, means—

"(A) in the case of a covered contract that is a contract, subcontract, task order, or delivery order, the contractor or subcontractor carrying out the covered contract;

"(B) in the case of a covered contract that is a grant, the grantee; and

"(C) in the case of a covered contract that is a cooperative agreement, the recipient.".

(d) REVISION IN VALUE OF CONTRACTS COVERED BY CERTAIN REPORT.—Section 1248(c)(1)(B) of such Act (Public Law 110–181; 122 Stat. 400) is amended by striking "$25,000" and inserting "$100,000". 8 USC 1157 note.

SEC. 814. AMENDMENT TO NOTIFICATION REQUIREMENTS FOR AWARDS OF SINGLE SOURCE TASK OR DELIVERY ORDERS.

(a) CONGRESSIONAL DEFENSE COMMITTEES.—Subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, is amended to read as follows:

"(B) The head of the agency shall notify the congressional defense committees within 30 days after any determination under clause (i), (ii), (iii), or (iv) of subparagraph (A).". Deadline.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES.—In the case of a task or delivery order contract awarded with respect to intelligence activities of the Department of Defense, any notification provided under subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, as amended by subsection (a), shall also be provided at the same time as notification is provided to the congressional defense committees under that subparagraph— 10 USC 2304a note.

(1) to the Permanent Select Committee on Intelligence of the House of Representatives insofar as such task or delivery order contract relates to tactical intelligence and intelligence-related activities of the Department; and

(2) to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives insofar as such task or delivery order contract relates to intelligence and intelligence-related activities

of the Department other than those specified in paragraph (1).

SEC. 815. CLARIFICATION OF UNIFORM SUSPENSION AND DEBARMENT REQUIREMENT.

Section 2455(c)(1) of the Federal Acquisition Streamlining Act of 1994 (31 U.S.C. 6101 note) is amended by adding at the end the following: "Such term includes subcontracts at any tier, other than subcontracts for commercially available off-the-shelf items (as defined in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))), except that in the case of a contract for commercial items, such term includes only first-tier subcontracts.".

SEC. 816. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.

Section 4202 of the Clinger–Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) as amended by section 822 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 226) is amended in subsection (e) by striking "2010" and inserting "2012".

SEC. 817. 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.".

10 USC 2445d note.

(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. 818. 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—

(1) by striking "In this section" and inserting "(1) Subject to paragraph (2), in this section"; and

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

"(2) After March 31, 2010, the Secretary of Defense may eliminate, modify, or add to the firms included in the small arms production industrial base, as defined in paragraph (1), as he determines appropriate to best ensure the competitive development, production, and maintenance of small arms for the Department 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 on current and future Department requirements and competitive manufacturing capability and capacity— Deadline. Determination.

(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) REPORTS.—

(A) 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.

(B) The Secretary of Defense shall notify the congressional defense committees not later than 30 days after making any modification to the list maintained pursuant to subsection (c) of section 2473 of title 10, United States Code, or the list under subsection (d) of such section.

SEC. 819. CONTRACT AUTHORITY FOR ADVANCED COMPONENT DEVELOPMENT OR PROTOTYPE UNITS. 10 USC 2302 note.

(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a general solicitation referred to in section 2302(2)(B) of title 10, United States Code, may contain a contract line item or contract option for—

(1) the provision of advanced component development or prototype of technology developed under the contract; or

(2) the delivery of initial or additional prototype items if the item or a prototype thereof is created as the result of work performed under the contract.

(b) LIMITATIONS.—

(1) MINIMAL AMOUNT.—A contract line item or contract option described in subsection (a)(2) shall require the delivery of the minimal amount of initial or additional prototype items to allow for the timely competitive solicitation and award of a follow-on development or production contract for those items.

(2) TERM.—A contract line item or contract option described in subsection (a) shall be for a term of not more than 12 months.

(3) DOLLAR VALUE OF WORK.—The dollar value of the work to be performed pursuant to a contract line item or contract option described in 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.

(4) TERMINATION OF AUTHORITY.—A military department or defense agency may not exercise a contract line item or contract option pursuant to the authority provided in subsection (a) after September 30, 2014.

(c) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the use of the

authority provided by subsection (a) not later than March 1, 2013. The report shall, at a minimum, describe—

(1) the number of times a contract line item or contract option was exercised under such authority, the dollar amount of each such line item or option, and the scope of each such line item or option;

(2) the circumstances that rendered the military department or defense agency unable to solicit and award a follow-on development or production contract in a timely fashion, but for the use of such authority;

(3) the extent to which such authority affected competition and technology transition; and

(4) such recommendations as the Secretary considers appropriate, including any recommendations regarding the modification or extension of such authority.

10 USC 2304 note.

SEC. 820. PUBLICATION OF NOTIFICATION OF BUNDLING OF CONTRACTS OF THE DEPARTMENT OF DEFENSE.

Web posting. Deadline. Determination.

(a) REQUIREMENT TO PUBLISH NOTIFICATION FOR BUNDLING.—A contracting officer of the Department of Defense carrying out a covered acquisition shall publish a notification consistent with the requirements of paragraph (c)(2) of subpart 10.001 of the Federal Acquisition Regulation on the website known as FedBizOpps.gov (or any successor site) at least 30 days prior to the release of a solicitation for such acquisition and, if the agency has determined that measurably substantial benefits are expected to be derived as a result of bundling such acquisition, shall include in the notification a brief description of the benefits.

(b) COVERED ACQUISITION DEFINED.—In this section, the term "covered acquisition" means an acquisition that is—

(1) funded entirely using funds of the Department of Defense; and

(2) covered by subpart 7.107 of the Federal Acquisition Regulation (relating to acquisitions involving bundling).

(c) CONSTRUCTION.—

(1) NOTIFICATION.—Nothing in this section shall be construed to alter the responsibility of a contracting officer to provide the notification referred to in subsection (a) with respect to a covered acquisition, or otherwise provide notification, to any party concerning such acquisition under any other requirement of law or regulation.

(2) DISCLOSURE.—Nothing in this section shall be construed to require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code, or is otherwise restricted from public disclosure by law or Executive order.

(3) ISSUANCE OF SOLICITATION.—Nothing in this section shall be construed to require a contracting officer to delay the issuance of a solicitation in order to meet the requirements of subsection (a) if the expedited issuance of such solicitation is otherwise authorized under any other requirement of law or regulation.

Subtitle C—Contractor Matters

SEC. 821. AUTHORITY FOR GOVERNMENT SUPPORT CONTRACTORS TO HAVE ACCESS TO TECHNICAL DATA BELONGING TO PRIME CONTRACTORS.

(a) AUTHORITY FOR ACCESS TO TECHNICAL DATA.—Subsection (c) of section 2320 of title 10, United States Code, is amended—

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

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

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

"(2) 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".

(b) 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 the covered Government support contractor will enter into a non-disclosure agreement with the contractor to whom the rights to the technical data belong;

"(C) that the covered Government support contractor will take all reasonable steps to protect the proprietary and nonpublic nature of the technical data furnished to the covered Government support contractor during the program or effort for the period of time in which the Government is restricted from disclosing the technical data outside of the Government;

"(D) 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; and

"(E) 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.".

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 through funds made available for that purpose through the Washington Headquarters Services or on a non-reimbursable basis, as appropriate.

"(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 considers advisable, or as may otherwise be authorized by law.".

10 USC 2302 note.

SEC. 823. AUTHORITY FOR SECRETARY OF DEFENSE TO REDUCE OR DENY AWARD FEES TO COMPANIES FOUND TO JEOPARDIZE HEALTH OR SAFETY OF GOVERNMENT PERSONNEL.

Deadline. Guidance.

(a) AUTHORITY TO REDUCE OR DENY AWARD FEES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the guidance issued pursuant to section 814 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 129 Stat. 2321) to ensure that all covered contracts using award fees—

(1) provide for the consideration of any incident described in subsection (b) in evaluations of contractor performance for the relevant award fee period; and

(2) authorize the Secretary to reduce or deny award fees for the relevant award fee period, or to recover all or part of award fees previously paid for such period, on the basis of the negative impact of such incident on contractor performance.

(b) COVERED INCIDENTS.—An incident referred to in subsection (a) is any incident in which the contractor—

(1) has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of a covered contract to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel; or

(2) has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), to be liable for actions of a subcontractor of the contractor that caused serious bodily injury or death to any civilian or military personnel of the Government, through gross negligence or with reckless disregard for the safety of such personnel.

(c) LIST OF DISPOSITIONS IN CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDINGS.—For purposes of subsection (a), the dispositions listed in this subsection are as follows:

(1) In a criminal proceeding, a conviction.

(2) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(3) In an administrative proceeding, a finding of fault and liability that results in—

(A) the payment of a monetary fine or penalty of $5,000 or more; or

(B) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(4) To the maximum extent practicable and consistent with applicable laws and regulations, in a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the person if the proceeding could have led to any of the outcomes specified in paragraph (1), (2), or (3).

(d) DEFINITIONS.—In this section:

(1) The term "defense contractor" means a company awarded a covered contract.

(2) The term "covered contract" means a contract awarded by the Department of Defense for the procurement of goods or services.

(3) The term "serious bodily injury" means a grievous physical harm that results in a permanent disability.

(e) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into after the date occurring 180 days after the date of the enactment of this Act.

Subtitle D—Acquisition Workforce Matters

SEC. 831. 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 positions" and inserting "acquisition workforce positions as positions for which there exists a shortage of candidates or there is a critical hiring need"; and

(2) in subparagraph (B), by striking "highly".

(b) 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. 832. 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, research, 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 contract services 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 contract services for operation and maintenance," after "remit to the Secretary of Defense".

(d) ADDITIONAL MATTERS RELATING TO REMITTANCES.—

(1) REMITTANCE BY FISCAL YEAR INSTEAD OF QUARTER.—Subparagraph (B) of paragraph (2) of such subsection is amended—

(A) in the first sentence, by striking "the third fiscal year quarter" and all that follows through "thereafter" and inserting "the first quarter of each fiscal year"; and

(B) by striking "quarter" before "for services".

(2) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—Such subsection is further amended—

(A) in paragraph (2)(B), by striking "Not later than" and inserting "Subject to paragraph (4), not later than"; and

(B) 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 pursuant 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), subject to any exclusions the Secretary of Defense determines to be necessary in the best interests of the Department of Defense.

"(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, $100,000,000.

"(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 an amount specified in subparagraph (C) for a fiscal year if the Secretary determines that the amount is greater than is reasonably needed for purposes of the Fund for such fiscal year. The Secretary may not reduce the amount for a fiscal year to 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".

10 USC 1705 note.

(h) EFFECTIVE DATES.—

(1) FUNDING AMENDMENTS.—The amendments made by subsections (a) through (c) shall take effect as of 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. 833. REVIEW OF POST-EMPLOYMENT RESTRICTIONS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) REVIEW REQUIRED.—The Panel on Contracting Integrity, established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), shall review policies relating to post-employment restrictions on former Department of Defense personnel to determine whether such policies adequately protect the public interest, without unreasonably limiting future employment options for former Department of Defense personnel.

(b) MATTERS CONSIDERED.—In performing the review required by subsection (a), the Panel shall consider the extent to which current post-employment restrictions—

(1) appropriately protect the public interest by preventing personal conflicts of interests and preventing former Department of Defense officials from exercising undue or inappropriate influence on the Department of Defense;

(2) appropriately require disclosure of personnel accepting employment with contractors of the Department of Defense involving matters related to their official duties;

(3) use appropriate thresholds, in terms of salary or duties, for the establishment of such restrictions;

(4) are sufficiently straightforward and have been explained to personnel of the Department of Defense so that such personnel are able to avoid potential violations of post-employment restrictions and conflicts of interest in interactions with former personnel of the Department;

(5) appropriately apply to all personnel performing duties in acquisition-related activities, such as personnel involved in—

(A) the establishment of requirements;

(B) testing and evaluation; and

(C) the development of doctrine;

(6) ensure that the Department of Defense has access to world-class talent, especially with respect to highly qualified technical, engineering, and acquisition expertise; and

(7) ensure that service in the Department of Defense remains an attractive career option.

(c) COMPLETION OF THE REVIEW.—The Panel shall complete the review required by subsection (a) not later than one year after the date of the enactment of this Act.

(d) REPORT TO COMMITTEES ON ARMED SERVICES.—Not later than 30 days after the completion of the review, the Panel shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the review and the recommendations of the Panel to the Secretary

of Defense, including recommended legislative or regulatory changes, resulting from the review.

(e) NATIONAL ACADEMY OF PUBLIC ADMINISTRATION ASSESSMENT.— Deadlines.

(1) Not later than 30 days after the completion of the review, the Secretary of Defense shall enter into an arrangement with the National Academy of Public Administration to assess the findings and recommendations of the review.

(2) Not later than 210 days after the completion of the review, the National Academy of Public Administration shall provide its assessment of the review to the Secretary, along with such additional recommendations as the National Academy may have.

(3) Not later than 30 days after receiving the assessment, the Secretary shall provide the assessment, along with such comments as the Secretary considers appropriate, to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 834. REVIEW OF FEDERAL ACQUISITION WORKFORCE TRAINING AND HIRING.

(a) COMPTROLLER GENERAL REPORT ON THE GOVERNMENT-WIDE ACQUISITION WORKFORCE DEVELOPMENT STRATEGIC PLAN.—Not later than 180 days after the Acquisition Workforce Development Strategic Plan required by section 869 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4553) is completed, the Comptroller General of the United States shall submit to the relevant committees of Congress a report on the Plan.

(b) MATTERS COVERED.—The report required under subsection (a) shall include assessments of the following:

(1) The methodologies used to formulate the Acquisition Workforce Development Strategic Plan and its recommendations.

(2) The extent to which the Acquisition Workforce Development Strategic Plan addresses previously identified shortcomings in the acquisition workforce and prior efforts by agencies to develop acquisition workforce plans, including the strategies used to identify and hire acquisition personnel.

(3) The feasibility of the Acquisition Workforce Development Strategic Plan's recommendations and associated time frames for implementation, particularly as they relate to the development of a sustainable funding model and the applicability of the Defense Acquisition Workforce Development Fund model to civilian agencies.

(4) The extent to which the Acquisition Workforce Development Strategic Plan considered the use by agencies of contractor personnel to supplement the acquisition workforce.

(5) Whether the Acquisition Workforce Development Strategic Plan considered the full range of laws, regulations, and policies that currently apply to the acquisition workforce.

(6) The extent to which the Acquisition Workforce Development Strategic Plan considered the specific training and retention tools (whether located within or outside an agency) used to professionally develop and retain acquisition personnel, including the following:

(A) The Defense Acquisition University.

(B) The Federal Acquisition Institute.

(C) Continuing education and professional development opportunities available to acquisition professionals.

(D) Opportunities to pursue higher education available to acquisition personnel, including scholarships and student loan forgiveness.

(7) Such other matters, findings, and recommendations as the Comptroller General considers appropriate.

Definition.

(c) RELEVANT COMMITTEES.—In this section, the term "relevant committees" means each of the following:

(1) The Committee on Oversight and Government Reform of the House of Representatives.

(2) The Committee on Armed Services of the House of Representatives.

(3) The Committee on Homeland Security and Government Affairs of the Senate.

(4) The Committee on Armed Services of the Senate.

Subtitle E—Other Matters

SEC. 841. REPORTS TO CONGRESS ON FULL DEPLOYMENT DECISIONS FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) IMPLEMENTATION SCHEDULE.—Section 2445b(b)(2) of title 10, United States Code, is amended by striking "initial operational capability, and full operational capability" and inserting "full deployment decision, and full deployment".

(b) CRITICAL CHANGES IN PROGRAM.—Section 2445c(d)(2)(A) of such title is amended by striking "initial operational capability" and inserting "a full deployment decision".

(c) DEFINITIONS.—Section 2445a of such title is amended by adding at the end the following new subsections:

"(e) FULL DEPLOYMENT DECISION.—In this chapter, the term 'full deployment decision' means, with respect to a major automated information system program, the final decision made by the Milestone Decision Authority authorizing an increment of the program to deploy software for operational use.

"(f) FULL DEPLOYMENT.—In this chapter, the term 'full deployment' means, with respect to a major automated information system program, the fielding of an increment of the program in accordance with the terms of a full deployment decision.".

50 USC app. 2093 note.

SEC. 842. AUTHORIZATION TO TAKE ACTIONS TO CORRECT THE INDUSTRIAL RESOURCE SHORTFALL FOR HIGH-PURITY BERYLLIUM METAL.

Notwithstanding any limitation in section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093), an action may be taken under such section to correct an industrial resource shortfall or domestic industrial base shortfall for high-purity beryllium metal if such action does not cause the aggregate outstanding amount of all such actions for such shortfall to exceed "$85,000,000".

SEC. 843. REPORT ON RARE EARTH MATERIALS IN THE DEFENSE SUPPLY CHAIN.

(a) REPORT REQUIRED.—Not later than April 1, 2010, the Comptroller General shall submit to the Committees on Armed Services

of the Senate and House of Representatives a report on rare earth materials in the supply chain of the Department of Defense.

(b) MATTERS ADDRESSED.—The report required by subsection (a) shall address, at a minimum, the following:

(1) An analysis of the current and projected domestic and worldwide availability of rare earths for use in defense systems, including an analysis of projected availability of these materials in the export market.

(2) An analysis of actions or events outside the control of the Government of the United States that could restrict the access of the Department of Defense to rare earth materials, such as past procurements and attempted procurements of rare earth mines and mineral rights.

(3) A determination as to which defense systems are currently dependent on, or projected to become dependent on, rare earth materials, particularly neodymium iron boron magnets, whose supply could be restricted—

(A) by actions or events identified pursuant to paragraph (2); or

(B) by other actions or events outside the control of the Government of the United States.

(4) The risk to national security, if any, of the dependencies (current or projected) identified pursuant to paragraph (3).

(5) Any steps that the Department of Defense has taken or is planning to take to address any such risk to national security.

(6) Such recommendations for further action to address the matters covered by the report as the Comptroller General considers appropriate.

(c) DEFINITIONS.—In this section:

(1) The term "rare earth" means the chemical elements, all metals, beginning with lanthanum, atomic number 57, and including all of the natural chemical elements in the periodic table following lanthanum up to and including lutetium, element number 71. The term also includes the elements yttrium and scandium.

(2) The term "rare earth material" includes rare earth ores, semi-finished rare earth products, and components containing rare earth materials.

SEC. 844. COMPTROLLER GENERAL REPORT ON STRUCTURE AND MANAGEMENT OF SUBCONTRACTORS UNDER CONTRACTS FOR MAJOR WEAPON SYSTEMS.

(a) STUDY.—The Comptroller General shall conduct a study on the structure and management of major subcontracts under contracts for the acquisition of selected major weapon systems.

(b) ISSUES TO BE ADDRESSED.—At a minimum, the study required by subsection (a) shall address the following:

(1) The number of major subcontracts under each prime contract reviewed.

(2) The manner in which the prime contractor addressed decisions to conduct work in-house or through subcontracts.

(3) The manner in which any potential organizational conflicts of interest were addressed and the Government's role (if any) in selecting the approach chosen.

(4) The manner in which such subcontracts were awarded (including the degree of competition) and the Government's role (if any) in such award decisions.

(5) Any recommendations that the Comptroller General may have for improving Government oversight, reducing the oversight burden on the acquisition workforce, or otherwise improving the management of subcontractors under contracts for the acquisition of major weapon systems.

(c) DEADLINE FOR SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study required by subsection (a), with such findings and recommendations as the Comptroller General considers appropriate.

SEC. 845. STUDY OF THE USE OF FACTORS OTHER THAN COST OR PRICE AS THE PREDOMINATE FACTORS IN EVALUATING COMPETITIVE PROPOSALS FOR DEFENSE PROCUREMENT CONTRACTS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of Department of Defense procurements that use solicitations in which evaluation factors other than cost or price, when combined, are more important than cost or price.

(b) ISSUES TO BE ADDRESSED.—The study required by subsection (a) shall include, at a minimum, an assessment of—

(1) the frequency with which evaluation factors other than cost or price, when combined, are given more weight than cost or price in solicitations for competitive proposals;

(2) the types of contracts for products or services for which such evaluation factors are most frequently used;

(3) the reasons why the Department of Defense chooses to use such evaluation factors; and

(4) the extent to which the use of such factors is or is not in the interest of the Department of Defense.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Service of the Senate and the House of Representatives a report on the results of the study required by subsection (a).

SEC. 846. REPEAL OF REQUIREMENTS RELATING TO THE MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

10 USC 2501 note.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

SEC. 847. 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, 2010".

(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 (ii), 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 2010.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of July 30, 2009. 15 USC 638 note.

SEC. 848. EXTENSION OF AUTHORITY FOR SMALL BUSINESS INNOVATION RESEARCH COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended in paragraph (6) by striking "2009" and inserting "2010".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Authority to allow private sector civilians to receive instruction at Defense Cyber Investigations Training Academy of the Defense Cyber Crime Center.
Sec. 902. Organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.
Sec. 903. Sense of Congress regarding the Director of Operational Energy Plans and Programs.
Sec. 904. Increased flexibility for combatant commander initiative fund.
Sec. 905. Repeal of requirement for a Deputy Under Secretary of Defense for Technology Security Policy within the Office of the Under Secretary of Defense for Policy.
Sec. 906. Deputy Under Secretaries of Defense and Assistant Secretaries of Defense.

Subtitle B—Space Activities

Sec. 911. Submission and review of space science and technology strategy.
Sec. 912. Provision of space situational awareness services and information to non-United States Government entities.
Sec. 913. Management and funding strategy and implementation plan for the National Polar-Orbiting Operational Environmental Satellite System Program.

Subtitle C—Intelligence-Related Matters

Sec. 921. Inclusion of Defense Intelligence Agency in authority to use proceeds from counterintelligence operations.
Sec. 922. Plan to address foreign ballistic missile intelligence analysis.

Subtitle D—Other Matters

Sec. 931. Implementation strategy for developing leap-ahead cyber operations capabilities.
Sec. 932. Defense integrated military human resources system development and transition.
Sec. 933. Report on special operations command organization, manning, and management.
Sec. 934. Study on the recruitment, retention, and career progression of uniformed and civilian military cyber operations personnel.
Sec. 935. Plan on access to national airspace for unmanned aircraft systems.

Subtitle A—Department of Defense Management

SEC. 901. AUTHORITY TO ALLOW PRIVATE SECTOR CIVILIANS TO RECEIVE INSTRUCTION AT DEFENSE CYBER INVESTIGATIONS TRAINING ACADEMY OF THE DEFENSE CYBER CRIME CENTER.

(a) ADMISSION OF PRIVATE SECTOR CIVILIANS.—Chapter 108 of title 10, United States Code, is amended by inserting after section 2167 the following new section:

"§ 2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction

"(a) AUTHORITY FOR ADMISSION.—The Secretary of Defense may permit eligible private sector employees to receive instruction at the Defense Cyber Investigations Training Academy operating under the direction of the Defense Cyber Crime Center. No more than the equivalent of 200 full-time student positions may be filled at any one time by private sector employees enrolled under this section, on a yearly basis. Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate certification or diploma.

"(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For purposes of this section, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense or other Government departments or agencies significant and substantial defense-related systems, products, or services, or whose work product is relevant to national security policy or strategy. A private sector employee remains eligible for such instruction only so long as that person remains employed by an eligible private sector firm.

"(c) PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

"(1) the curriculum in which private sector employees may be enrolled under this section is not readily available through other schools; and

"(2) the course offerings at the Defense Cyber Investigations Training Academy continue to be determined solely by the needs of the Department of Defense.

"(d) TUITION.—The Secretary of Defense shall charge private sector employees enrolled under this section tuition at a rate that is at least equal to the rate charged for employees of the United States. In determining tuition rates, the Secretary shall include overhead costs of the Defense Cyber Investigations Training Academy.

"(e) STANDARDS OF CONDUCT.—While receiving instruction at the Defense Cyber Investigations Training Academy, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the Academy.

"(f) USE OF FUNDS.—Amounts received by the Defense Cyber Investigations Training Academy for instruction of students enrolled under this section shall be retained by the Academy to defray the costs of such instruction. The source, and the disposition, of

such funds shall be specifically identified in records of the Academy.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2167 the following new item:

"2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction.".

SEC. 902. ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS AND THE TRICARE MANAGEMENT ACTIVITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.

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

(1) ORGANIZATIONAL CHARTS.—Organizational charts for both the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity showing, at a minimum, the senior positions in such office and such activity.

(2) SENIOR POSITION DESCRIPTIONS.—A description of the policy-making functions and oversight responsibilities of each senior position in the Office of the Assistant Secretary of Defense for Health Affairs and the policy and program execution responsibilities of each senior position of the TRICARE Management Activity.

(3) POSITIONS FILLED BY SAME INDIVIDUAL.—A description of which positions in both organizations are filled by the same individual.

(4) ASSESSMENT.—An assessment of whether the senior personnel of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity, as currently organized, are able to appropriately perform the discrete functions of policy formulation, policy and program execution, and program oversight.

(c) DEFINITIONS.—In this section:

(1) SENIOR POSITION.—The term "senior position" means a position filled by a member of the senior executive service, a position on the Executive Schedule established pursuant to title 5, United States Code, or a position filled by a general or flag officer.

(2) SENIOR PERSONNEL.—The term "senior personnel" means personnel who are members of the senior executive service, who fill a position listed on the Executive Schedule established pursuant to title 5, United States Code, or who are general or flag officers.

SEC. 903. SENSE OF CONGRESS REGARDING THE DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS.

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

(1) The demand for operational energy within the Department of Defense imposes significant logistical burdens and operational vulnerabilities on the warfighter and increases force protection requirements.

(2) In March 2008, the Comptroller General of the United States found that responsibilities for operational energy strategy, management, and oversight within the Department are diffused throughout various offices and working groups, including the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; the Office of the Under Secretary of Defense for Policy; the Office of the Under Secretary of Defense (Comptroller); the Office of Program Analysis and Evaluation; the Office of the Chairman of the Joint Chiefs of Staff; the commanders of the combatant commands; and the offices of the Secretaries of the military departments.

(3) The Defense Science Board's 2008 report titled "More Fight – Less Fuel" stated that "There are currently few efforts to manage energy demand by operational forces, which consume about three quarters of DoD energy, perhaps because no one is in charge. The lowest organizational level where all decisions that drive DoD energy use come together is the Deputy Secretary of Defense, implying the need for a senior energy official, and oversight of the Department's energy strategy and program by the Deputy's Advisory Working Group (DAWG).".

(4) Congress established the Director of Operational Energy Plans and Programs in section 139b of title 10, United States Code, to provide leadership, conduct oversight, and be accountable for operational energy plans and programs in the Department of Defense and the Army, Navy, Air Force, and Marine Corps.

(5) Congress envisioned that the Director would have a direct line of communication with the Secretary of Defense and the Deputy Secretary of Defense, including participation in the Deputy's Advisory Working Group.

(6) The Department of Defense issued a statement that it "intends to establish this position as administratively reporting to the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), and this official would report directly to the Secretary of Defense on issues related to Operational Energy".

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Director of Operational Energy Plans and Programs should report directly to the Secretary of Defense on issues related to operational energy and be included as a fully participating member of the Advisory Working Group of the Deputy Secretary of Defense.

SEC. 904. INCREASED FLEXIBILITY FOR COMBATANT COMMANDER INITIATIVE FUND.

(a) INCREASE IN FUNDING LIMITATIONS.—Subparagraph (A) of section 166a(e)(1) of title 10, United States Code, is amended—

(1) by striking "$10,000,000" and inserting "$20,000,000"; and

(2) by striking "$15,000" and inserting "the investment unit cost threshold in effect under section 2245a of this title".

(b) COORDINATION WITH RELEVANT CHIEF OF MISSION.—Paragraph (6) of section 166a(b) of such title is amended by inserting after "assistance," the following: "in coordination with the relevant chief of mission to the extent practicable,".

SEC. 905. REPEAL OF REQUIREMENT FOR A DEPUTY UNDER SECRETARY OF DEFENSE FOR TECHNOLOGY SECURITY POLICY WITHIN THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) REPEAL OF REQUIREMENT FOR POSITION.—

(1) REPEAL.—Section 134b of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 134b.

(b) PRIOR NOTIFICATION OF CHANGE IN REPORTING RELATIONSHIP FOR THE DEFENSE TECHNOLOGY SECURITY ADMINISTRATION.—The Secretary of Defense shall ensure that no covered action is taken until the expiration of 30 legislative days after providing notification of such action to the Committees on Armed Services of the Senate and the House of Representatives.

(c) COVERED ACTION DEFINED.—In this section, the term "covered action" means—

(1) the transfer of the Defense Technology Security Administration to an Under Secretary or other office of the Department of Defense other than the Under Secretary of Defense for Policy;

(2) the consolidation of the Defense Technology Security Administration with another office, agency, or field activity of the Department of Defense; or

(3) the addition of management layers between the Director of the Defense Technology Security Administration and the Under Secretary of Defense for Policy.

SEC. 906. DEPUTY UNDER SECRETARIES OF DEFENSE AND ASSISTANT SECRETARIES OF DEFENSE.

(a) DEPUTY UNDER SECRETARIES OF DEFENSE.—

(1) IN GENERAL.—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.

"(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.".

10 USC 137a note.
Effective date.

(2) DELAYED LIMITATION ON NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.—Effective as of January 1, 2011, the five Deputy Under Secretaries of Defense authorized by section 137a of title 10, United States Code (as added by paragraph (1)), shall be the only Deputy Under Secretaries of Defense.

(3) REPORT ON REVISED ORGANIZATIONAL STRUCTURE FOR OSD.—Not later than March 15, 2010, 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 plan for the realignment of the organizational structure of the Office of the Secretary of Defense to comply with the requirement in paragraph (2).

(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 12 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.

President.

"(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.".

(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 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 item relating to section 134a 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 (12).''; 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.".

10 USC 137a note.

(e) INAPPLICABILITY OF APPOINTMENT REQUIREMENTS TO CERTAIN INDIVIDUALS SERVING ON DATE OF ENACTMENT.—

(1) IN GENERAL.—Notwithstanding the amendments made by this section, the individual serving in a position specified in paragraph (2) on the day before the date of the enactment of this Act may continue to serve in such position without the requirement for appointment by the President, by and with the advice and consent of the Senate, for a period of up to four years after the date of the enactment of this Act.

(2) COVERED POSITIONS.—The positions specified in this paragraph are the following:

(A) The Principal Deputy Under Secretary of Defense (Comptroller).

(B) The Principal Deputy Under Secretary of Defense for Intelligence.

Subtitle B—Space Activities

SEC. 911. SUBMISSION AND REVIEW OF SPACE SCIENCE AND TECHNOLOGY STRATEGY.

(a) STRATEGY.—

(1) DIRECTOR OF NATIONAL INTELLIGENCE.—Paragraph (1) of section 2272(a) of title 10, United States Code, is amended by striking "The Secretary of Defense shall develop" and

inserting "The Secretary of Defense and the Director of National Intelligence shall jointly develop".

(2) REQUIREMENTS.—Paragraph (2) of such section is amended by adding at the end the following new subparagraph:

"(D) The process for transitioning space science and technology programs to new or existing space acquisition programs.".

(3) SUBMISSION TO CONGRESS.—Paragraph (5) of such section is amended to read as follows:

"(5) The Secretary of Defense and the Director of National Intelligence shall biennially submit the strategy developed under paragraph (1) to the congressional defense committees every other year on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31.". Deadline.

(4) INITIAL REPORT.—The first space science and technology strategy required to be submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by paragraph (3) of this subsection, shall be submitted on the date on which the President submits to Congress the budget for fiscal year 2012 under section 1105 of title 31, United States Code. 10 USC 2272 note.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF STRATEGY.—

(1) REVIEW.—The Comptroller General shall review and assess the first space science and technology strategy submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(3) of this section, and the effectiveness of the coordination process required under section 2272(b) of such title.

(2) REPORT.—Not later than 90 days after the date on which the Secretary of Defense and the Director of National Intelligence submit the first space science and technology strategy required to be submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(3) of this section, the Comptroller General shall submit to the congressional defense committees a report containing the findings and assessment under paragraph (1).

SEC. 912. 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) IMMUNITY.—The United States, any agencies and instrumentalities thereof, and any individuals, firms, corporations, and other persons acting for the United States, shall be immune from any suit in any court for any cause of action arising from the provision or receipt of space situational awareness services or information, whether or not provided in accordance with this section, or any related action or omission.

Deadline. Determination.

"(h) NOTICE OF CONCERNS OF DISCLOSURE OF INFORMATION.—If the Secretary determines that a commercial or foreign entity has declined or is reluctant to provide data or information to the Secretary in accordance with this section due to the concerns of

such entity about the potential disclosure of such data or information, the Secretary shall, not later than 60 days after the Secretary makes that determination, provide notice to the congressional defense committees of the declination or reluctance of such entity.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of such title is amended by striking the item relating to section 2274 and inserting the following new item:

"2274. Space situational awareness services and information: provision to non-United States Government entities.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later. 10 USC 2274 note.

SEC. 913. MANAGEMENT AND FUNDING STRATEGY AND IMPLEMENTATION PLAN FOR THE NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM PROGRAM.

(a) MANAGEMENT AND FUNDING STRATEGY.—

(1) IN GENERAL.—The President shall develop a strategy 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. President.

(2) ELEMENTS.—The strategy required under paragraph (1) shall include the following:

(A) Requirements for the Program.

(B) The management structure of the Program.

(C) 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.

(b) IMPLEMENTATION PLAN.—The President shall develop a plan to implement the strategy required under subsection (a)(1). President.

(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—

(1) not more than 50 percent of such amounts may be obligated or expended before the date on which the strategy developed under subsection (a)(1) is submitted to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives; and

(2) not more than 75 percent of such amounts may be obligated or expended before the date on which the plan developed under subsection (c) is submitted to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives.

(d) SENSE OF CONGRESS.—It is the sense of Congress that 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-Related 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 "or 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 or 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 or the Defense Intelligence Agency.".

SEC. 922. PLAN TO ADDRESS FOREIGN BALLISTIC MISSILE INTELLIGENCE ANALYSIS.

(a) ASSESSMENT AND PLAN.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall—

(1) conduct an assessment of foreign ballistic missile intelligence analytic gaps and shortfalls; and

(2) develop a plan to ensure that the appropriate intelligence centers have sufficient analytical capabilities to address such gaps and shortfalls.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Defense shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

(1) the results of the assessment conducted under subsection (a)(1);

(2) the plan developed under subsection (a)(2); and

(3) a description of the resources required to implement such plan.

(c) FORM.—The report under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

Subtitle D—Other Matters

SEC. 931. IMPLEMENTATION STRATEGY FOR DEVELOPING LEAP-AHEAD CYBER OPERATIONS CAPABILITIES.

(a) STRATEGY REPORT REQUIRED.—Not later than March 1, 2010, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on a strategy for organizing the research and development bodies of the Department of Defense to develop leap-ahead cyber operations capabilities.

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

(1) A description of the management structure and investment review process for coordinating the technology development of advanced offensive and defensive cyber operations capabilities—

(A) among the military departments, the Defense Agencies, the combatant commands, and the intelligence community;

(B) across all levels of classification, including relevant special access programs; and

(C) based on the identification and prioritization of joint cyber operations capabilities gaps.

(2) Actions taken and recommendations for further improving the coordination of research and development of offensive and defensive cyber operations capabilities among private sector, interagency, non-governmental, and international partners.

(3) Assessment of the feasibility and utility of regular national level, joint, interagency cyber exercises that would include, to the extent possible, participants from industry, international militaries, and non-governmental organizations to assess technologies, policies, and capabilities.

(c) COORDINATION.—The report required by subsection (a) shall be developed in coordination and concurrence with the Vice Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Intelligence, the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for Networks and Information Integration, the Director of the National Security Agency, and the commander of the United States Cyber Command.

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

(e) CYBER OPERATIONS CAPABILITIES DEFINED.—The term "cyber operations capabilities" means the range of capabilities needed for computer network defense, computer network attack, and computer network exploitations. Such term includes technical as well as non-materiel solutions.

SEC. 932. DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM DEVELOPMENT AND TRANSITION.

10 USC 113 note.

(a) IN GENERAL.—The Secretary of Defense shall establish a Defense Integrated Military Human Resources System development and transition Council to provide advice to the Secretary of Defense and the Secretaries of the military departments on the modernization of the integrated pay and personnel system for each military department and the collection of data generated by each such system into the enterprise information warehouse.

Establishment.

(b) COUNCIL.—The Council shall include the following members:

(1) The Deputy Chief Management Officer of the Department of Defense.

(2) The Director of the Business Transformation Agency.

(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics, or a designated representative.

(4) The Under Secretary of Defense for Personnel and Readiness, or a designated representative.

(5) One representative from each of the Army, Navy, Air Force, and Marine Corps who is a lieutenant general or vice admiral, or a civilian equivalent.

(6) One representative of the National Guard Bureau who is a lieutenant general or vice admiral, or a civilian equivalent.

(7) The Assistant Secretary of Defense for Networks and Information Integration, or a designated representative.

(8) The Director of Operational Test and Evaluation, or a designated representative.

(9) Such other individuals as may be designated by the Deputy Secretary of Defense, acting in the Deputy Secretary's capacity as the Chief Management Officer.

(c) MEETINGS.—The Council shall meet not less than twice a year, or more often as specified by the Deputy Secretary of Defense.

(d) DUTIES.—The Council shall have the following responsibilities:

(1) Resolution of significant policy, programmatic, or budgetary issues impeding modernization or deployment of integrated personnel and pay systems for each military department, including issues relating to—

(A) common interfaces, architectures, and systems engineering;

(B) ensuring that developmental systems are consistent with current and future enterprise accounting and pay and personnel standards and practices; and

(C) ensuring that developmental systems are consistent with current and future Department of Defense business enterprise architecture.

(2) Coordination of implementation of the integrated personnel and pay system within defense organizations to ensure interoperability between all appropriate elements of the system.

(3) Establishment of metrics to assess the following:

(A) Business process re-engineering needed for successful deployment of the integrated pay and personnel system.

(B) Interoperability between legacy, operational, and developmental pay and personnel systems.

(C) Interface and systems architecture control and standardization.

(D) Retirement of legacy systems.

(E) Use of the enterprise information warehouse.

(F) Any other relevant matters.

(4) Such other responsibilities as the Secretary determines are appropriate.

(e) TERMINATION.—This section shall not be in effect after September 30, 2013.

(f) REPORT.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on actions taken pursuant to this section.

SEC. 933. REPORT ON SPECIAL OPERATIONS COMMAND ORGANIZATION, MANNING, AND MANAGEMENT.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command shall prepare and submit to the Secretary of Defense a report and recommendations, in accordance

with this section, on the organization, manning, and management of the command.

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

(1) A comparison of current and projected fiscal year 2010 military and civilian end strength levels at special operations command headquarters with fiscal year 2000 levels, both actual and authorized.

(2) A comparison of fiscal year 2000 through 2010 special operations command headquarters end strength growth with the growth of each special operations forces component command headquarters over the same time period, both actual and authorized.

(3) A summary and assessment that identifies the resourcing, in terms of manning, training, equipping, and funding, that the United States Special Operations Command provides to each of the theater special operations commands under the geographical combatant commands and a summary of personnel specialties assigned to each such command.

(4) Options and recommendations for reducing staffing levels at special operations command headquarters by 5 and 10 percent, respectively, and an assessment of the opportunity costs and management risks associated with each option.

(5) Recommendations for increasing manning levels, if appropriate, at each component command, and especially at Army Special Operations Command.

(6) A plan to sustain the cultural engagement group of Special Operations Command Central.

(7) An assessment of the resourcing requirements to establish capability similar to the cultural engagement group capability at the other theater special operations command locations.

(8) A review and assessment for improving the relationship between the United States Special Operations Command and each of the theater special operations commands under the geographical combatant commands and the establishment of a more direct administrative and collaborative link between them.

(9) A review and assessment of existing Department of Defense executive agent support to the United States Special Operations Command and its subordinate components, as well as commentary about proposals to use the same executive agent throughout the special operations community.

(10) An updated assessment on the specific proposal to provide executive agent support from the Defense Logistics Agency for the United States Special Operations Command.

(11) A recommendation and plan for including international development and conflict prevention representatives as participants in the Interagency Task Force process.

(c) SUBMISSION OF REPORT AND RECOMMENDATIONS TO CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 30 days after the date of the submission of the report and recommendations required under subsection (a) by the Commander of the United States Special Operations Command, the Secretary of Defense shall forward the report and recommendations to the congressional defense committees, together with such additional comments as the Secretary considers appropriate.

SEC. 934. STUDY ON THE RECRUITMENT, RETENTION, AND CAREER PROGRESSION OF UNIFORMED AND CIVILIAN MILITARY CYBER OPERATIONS PERSONNEL.

(a) 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 assessing the challenges to retention and professional development of cyber operations personnel within the Department of Defense.

(b) MATTERS TO BE ADDRESSED.—The assessment by the Secretary of Defense shall address the following matters:

(1) The sufficiency of the numbers and types of personnel available for cyber operations, including an assessment of the balance between military and civilian positions and the availability of personnel with expertise in matters related to cyber operations from outside of the Department of Defense.

(2) The definition and coherence of career fields for both members of the Armed Forces and civilian employees of the Department of Defense, including the sufficiency of training and experience levels required, and measures to improve them if necessary.

(3) The types of recruitment and retention incentives available to members of the Armed Forces and civilian employees of the Department of Defense.

(4) Identification of legal, policy, or administrative impediments to attracting and retaining cyber operations personnel.

(5) The standards used by the Department of Defense to measure effectiveness at recruiting, retaining, and ensuring an adequate career progression for cyber operations personnel.

(6) The effectiveness of educational and outreach activities used to attract, retain, and reward cyber operations personnel, including how to expand outreach to academic institutions and improve coordination with other civilian agencies and industrial partners.

(7) The management of educational and outreach activities used to attract, retain, and reward cyber operations personnel, such as the National Centers of Academic Excellence in Information Assurance Education.

(8) Efforts to establish public-private partnerships to meet the needs of the Department with respect to cyber operations personnel and training.

(9) Recommendations for legislative changes necessary to increase the availability of cyber operations personnel.

(c) CYBER OPERATIONS PERSONNEL DEFINED.—In this section, the term "cyber operations personnel" refers to members of the Armed Forces and civilian employees of the Department of Defense involved with the operations and maintenance of a computer network connected to the global information grid, as well as offensive, defensive, and exploitation functions of such a network.

SEC. 935. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.

(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 expanded access to the national airspace for unmanned aircraft systems 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 expanded access to the national airspace for unmanned aircraft systems of the Department of Defense.

(2) Specific milestones, taking into account the operational and training needs of the Department of Defense and the safety and air traffic management needs of the Department of Transportation, for providing expanded access to the national airspace for unmanned aircraft systems 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 systems 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 a report containing the plan required by subsection (a) to the following committees:

(1) The congressional defense committees.

(2) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(3) The Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

TITLE X—GENERAL PROVISIONS

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Subtitle E—Studies and Reports

Sec. 1051. Report on statutory compliance of the report on the 2009 quadrennial defense review.
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Sec. 1054. Study on a system for career development and management of interagency national security professionals.
Sec. 1055. Report on nuclear aspirations of non-state entities, nuclear weapons and related programs in non-nuclear-weapons states and countries not parties to the Nuclear Non-Proliferation Treaty, and certain foreign persons.
Sec. 1056. Comptroller General review of Department of Defense spending in final fiscal quarters.
Sec. 1057. Report on Air America.
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Sec. 1061. Additional members and duties for the independent panel to assess the quadrennial defense review.
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Subtitle F—Other Matters

Sec. 1071. Extension of certain authority for making rewards for combating terrorism.
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Sec. 1081. Modification of pilot program on commercial fee-for-service air refueling support for the air force.
Sec. 1082. Multiyear contracts under pilot program on commercial fee-for-service air refueling support for the Air Force.

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Sec. 1084. Sense of Congress regarding the Western Hemisphere Institute for Security Cooperation.

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. RELATIONSHIP OF THE QUADRENNIAL DEFENSE REVIEW AND THE ANNUAL BUDGET REQUEST.

Section 118 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) RELATIONSHIP TO BUDGET.—Nothing in this section shall be construed to affect section 1105(a) of title 31.".

SEC. 1003. AUDIT READINESS OF FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

10 USC 2222 note.

(a) 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 and the costs associated with—

(i) correcting the financial management deficiencies that impair the ability of the Department of Defense to prepare timely, reliable, and complete financial management information; and

(ii) ensuring the financial statements of the Department of Defense are validated as ready for audit by not later than September 30, 2017;

(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;

(C) prioritize—

(i) improving the budgetary information of the Department of Defense, in order to achieve an unqualified audit opinion on the Department's statements of budgetary resources; and

(ii) as a secondary goal, improving the accuracy and reliability of management information on the Department's mission-critical assets (military and general equipment, real property, inventory, and operating materials and supplies) and validating its accuracy through existence and completeness audits; and

(D) include interim goals, including—

(i) the objective of ensuring that the financial statement of each of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency is validated as ready for audit: and

(ii) a schedule setting forth milestones for elements of the military departments and financial statements of the military departments to be made ready for audit as part of the progress required to meet the objectives established pursuant to clause (i) of this subparagraph and clause (ii) of subparagraph (A) of this paragraph.

(b) 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 (a).

(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)(2)(A), including progress toward achieving the interim goals and milestone schedule established pursuant to subsection (a)(2)(D); 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.

(G) To develop a mechanism to conduct audits of the military intelligence programs and agencies and to submit audited financial statements for such agencies to Congress in a classified manner.

(c) 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—Counter-Drug Activities

SEC. 1011. 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 most recently amended by 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), by striking "2009" and inserting "2010"; and

(2) in subsection (c), by striking "2009" and inserting "2010".

SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) EXTENSION OF AUTHORITY.—Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as most recently amended by section 1022 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking "2009" and inserting "2010".

(b) ANNUAL REPORT.—Subsection (c) of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) 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 Congress 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. 1013. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) 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–255), as most recently amended by section 1021 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking "April 15, 2006" and all that follows through "February 15, 2009" and inserting "February 15, 2010".

SEC. 1014. SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (a)(2) section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1024(a) 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 AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended by striking "fiscal year 2009" and inserting "either of fiscal years 2009 and 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 to a government".

SEC. 1015. BORDER COORDINATION CENTERS IN AFGHANISTAN AND PAKISTAN.

(a) PROHIBITION ON USE OF COUNTER-NARCOTIC ASSISTANCE FOR BORDER COORDINATION CENTERS.—

(1) PROHIBITION.—Amounts available for drug interdiction and counter-drug activities of the Department of Defense may not be expended for the construction, expansion, repair, or operation and maintenance of any existing or proposed border coordination center.

(2) RULE OF CONSTRUCTION.—Paragraph (1) does not prohibit or limit the use of other funds available to the Department of Defense to construct, expand, repair, or operate and maintain border coordination centers.

(b) LIMITATION ON ESTABLISHMENT OF ADDITIONAL CENTERS.—

(1) LIMITATION.—The Secretary of Defense may not authorize the establishment, or any construction in connection with the establishment, of a third border coordination center in the area of operations of Regional Command–East in the Islamic Republic of Afghanistan until a border coordination center has been constructed, or is under construction, in either—

(A) the area of operations of Regional Command–South in the Islamic Republic of Afghanistan; or

(B) Baluchistan in the Islamic Republic of Pakistan.

(2) NATIONAL SECURITY WAIVER.—The Secretary may waive the limitation under paragraph (1) if the Secretary determines that such a waiver is vital to the national security interests of the United States. The Secretary shall promptly submit to Congress notice in writing of any waiver under this paragraph.

Determination.

Notice.

(c) BORDER COORDINATION CENTER DEFINED.—In this section, the term "border coordination center" means a multilateral military coordination and intelligence center that is located, or intended to be located, near the border between the Islamic Republic of Afghanistan and the Islamic Republic of Pakistan.

SEC. 1016. COMPTROLLER GENERAL REPORT ON EFFECTIVENESS OF ACCOUNTABILITY MEASURES FOR ASSISTANCE FROM COUNTER-NARCOTICS CENTRAL TRANSFER ACCOUNT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the performance evaluation system used by the Secretary of Defense to assess the effectiveness of assistance provided for foreign nations to achieve the counter-narcotics objectives of the Department of Defense. The report shall be unclassified, but may contain a classified annex.

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

(1) A description of the performance evaluation system of the Department of Defense used to determine the efficiency and effectiveness of counter-narcotics assistance provided by the Department of Defense to foreign nations.

(2) An assessment of the ability of the performance evaluation system to accurately measure the efficiency and effectiveness of such counter-narcotics assistance.

(3) Detailed recommendations on how to improve the capacity of the performance evaluation system for the counter-narcotics central transfer account.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. SENSE OF CONGRESS ON THE MAINTENANCE OF A 313-SHIP NAVY.

(a) FINDINGS.—Congress 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 necessary 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 multi-year contracts when warranted; and

(D) employing an incremental approach to developing new technologies.

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

(1) the Navy should meet its requirement for a 313-ship fleet until such time that modifications to the Navy's ship fleet force structure are warranted, and the Secretary of the Navy provides Congress with a justification of any proposed modifications, supported by rigorous and sufficient warfighting analysis;

(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. 1022. DESIGNATION OF U.S.S. CONSTITUTION AS AMERICA'S SHIP OF STATE.

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

(1) In the Act entitled "An Act to Provide a Naval Armament", approved on March 27, 1794 (1 Stat. 350, Chap. XII), the 3rd Congress authorized 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, Massachusetts, 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 the H.M.S. Guerriere, secured the first major victory by the young United States Navy against the Royal Navy during the War of 1812, gaining in the process 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) On April 25, 1860, "Old Ironsides" evacuated the midshipmen of the United States Naval Academy from Annapolis, Maryland, to Newport, Rhode Island, preventing the young officers and the esteemed ship from falling into Confederate hands.

(13) In 1896, Congressman John F. "Honey Fitz" Fitzgerald introduced legislation to return "Old Ironsides" from the Portsmouth Naval Shipyard in New Hampshire, 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 directed the Secretary of the Navy to transfer to the States and appropriate commissions four other historic ships then on the Navy inventory, and to repair and equip the U.S.S. Constitution, as much as practicable, to her original condition, but not for active service.

(17) Queen Elizabeth II paid a formal visit to the U.S.S. Constitution in 1976, at the start of her state visit marking the bicentennial of the United States.

(18) The U.S.S. Constitution, in celebration of her bicentennial, returned to sea under sail on July 21, 1997, for the first time since 1881, proudly setting sails purchased by the contributions of thousands of pennies given by school children across the United States.

(19) The U.S.S. Constitution is the oldest commissioned warship afloat in the world.

(20) The U.S.S. Constitution is a national historic landmark.

(21) The U.S.S. Constitution continues to perform official, ceremonial duties, including in recent years hosting a congressional dinner honoring the late Senator John Chafee of Rhode Island, a special salute for the dedication of the John Moakley Federal 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 use 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.

SEC. 1023. TEMPORARY REDUCTION IN MINIMUM NUMBER OF OPERATIONAL AIRCRAFT CARRIERS.

(a) TEMPORARY WAIVER.—Notwithstanding section 5062(b) of title 10, United States Code, during the period beginning on the date of the inactivation of the U.S.S. Enterprise (CVN–65) scheduled, as of the date of the enactment of this Act, for fiscal year 2013 and ending on the date of the commissioning into active service of the U.S.S. Gerald R. Ford (CVN–78), the number of operational aircraft carriers in the naval combat forces of the Navy may be 10. Time period.

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—During fiscal year 2012, the Chairman of the Joint Chiefs of Staff, in coordination with the commanders of the combatant commands, shall evaluate the required postures and capabilities of each of the combatant commands to assess the level of increased risk that could result due to a temporary reduction in the total number of operational aircraft carriers following the inactivation of the U.S.S. Enterprise (CVN–65).

(2) REPORT TO CONGRESS.—Together with the budget materials submitted to Congress by the Secretary of Defense in support of the President's budget for fiscal year 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the findings of the evaluation conducted pursuant to paragraph (1), and the basis for each such finding.

SEC. 1024. SENSE OF CONGRESS CONCERNING THE DISPOSITION OF SUBMARINE NR–1.

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

(1) The Deep Submergence Vessel NR–1 (hereinafter in this section referred to as "NR–1") was built by the Electric Boat Company in Groton, Connecticut, entered service in 1969, and was the only nuclear-powered research submersible in the United States Navy.

(2) NR–1 was assigned to Naval Submarine Base New London, located in Groton, Connecticut, throughout her entire service life.

(3) NR–1 was inactivated in December 2008.

(4) Due to the unique capabilities of NR–1, it conducted numerous missions of significant military and scientific value most notably in the fields of geological survey and oceanographic research.

(5) In 1986, NR–1 played a key role in the search for and recovery of the Space Shuttle Challenger.

(6) The mission of the Submarine Force Library and Museum in Groton, Connecticut, is to collect, preserve, and interpret the history of the United States Naval Submarine Force in order to honor veterans and to educate naval personnel and the public in the heritage and traditions of the Submarine Force.

(7) NR–1 is a unique and irreplaceable part of the history of the Navy and the Submarine Force and an educational and historical asset that should be shared with the Nation and the world.

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

(1) NR–1 is a unique and irreplaceable part of the Nation's history and as much of the vessel as possible should be preserved for the historical and educational benefit of all Americans at the Submarine Force Library and Museum in Groton, Connecticut; and

(2) the Secretary of the Navy should ensure that as much of the vessel as possible, including unique components of onboard equipment and clearly recognizable sections of the hull and superstructure, to the full extent practicable, are made available for transfer to the Submarine Force Library and Museum.

Subtitle D—Miscellaneous Requirements, Authorities, and Limitations

SEC. 1031. PROHIBITION RELATING TO PROPAGANDA.

(a) IN GENERAL.—

(1) PROHIBITION.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2241 the following new section:

"§ 2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States

"Funds available to the Department of Defense may not be obligated or expended for publicity or propaganda purposes within the United States not otherwise specifically authorized by law.".

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

"2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States.".

10 USC 2241a note.

(b) EFFECTIVE DATE.—Section 2241a of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 1032. 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.". Consultation.

(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. 1033. 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 to read as follows:

"(d) FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall, as part of the Milestone B or Key Decision Point B approval process for any major defense acquisition program or major system acquisition program, establish a formal review process to ensure that—

"(A) the bandwidth requirements needed to support such program are or will be met; and

"(B) a determination will be made with respect to how to meet the bandwidth requirements for such program.

"(2) REPORTS.—Not later than January 1 of 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 acquisition programs and major system acquisition programs during the preceding fiscal year.".

SEC. 1034. ADDITIONAL DUTIES FOR ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

(a) ADDITIONAL DUTIES.—Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 337) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(2) 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 and maintains 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);".

(b) TECHNICAL AMENDMENTS.—Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 337) is further amended—

(1) in paragraph (1), by striking "in support to" and inserting "to provide support to";

(2) in paragraph (2), by striking "purposes" and inserting "purpose"; and

(3) in paragraph (4), by striking "other department" and inserting "other departments".

50 USC 401 note.

SEC. 1035. CHARTER FOR THE NATIONAL RECONNAISSANCE OFFICE.

Deadline.

Not later than February 1, 2010, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a revised charter for the National Reconnaissance Office (in this section referred to as the "NRO"). The charter shall include the following:

(1) The organizational and governance structure of the NRO.

(2) The role of the NRO in the development and generation of requirements and acquisition.

(3) The scope of the capabilities of the NRO.

(4) The roles and responsibilities of the NRO and the relationship of the NRO to other organizations and agencies in the intelligence and defense communities.

SEC. 1036. NATIONAL STRATEGIC FIVE-YEAR PLAN FOR IMPROVING THE NUCLEAR FORENSIC AND ATTRIBUTION CAPABILITIES OF THE UNITED STATES.

President.

(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). Deadline.

SEC. 1037. AUTHORIZATION OF APPROPRIATIONS FOR PAYMENTS TO PORTUGUESE NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORIZATION FOR PAYMENTS.—Subject to subsection (b), the Secretary of Defense may authorize payments to Portuguese nationals employed by the Department of Defense in Portugal, for the difference between—

(1) the salary increases resulting from section 8002 of the Department of Defense Appropriations Act, 2006 (Public Law 109–148; 119 Stat. 2697; 10 U.S.C. 1584 note) and section 8002 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584 note); and

(2) salary increases supported by the Department of Defense Azores Foreign National wage surveys for survey years 2006 and 2007.

(b) LIMITATION.—The authority provided in subsection (a) may be exercised only if—

(1) the wage survey methodology described in the United States—Portugal Agreement on Cooperation and Defense, with supplemental technical and labor agreements and exchange of notes, signed at Lisbon on June 1, 1995, and entered into force on November 21, 1995, is eliminated; and

(2) the agreements and exchange of notes referred to in paragraph (1) and any implementing regulations thereto are revised to provide that the obligations of the United States regarding annual pay increases are subject to United States appropriation law governing the funding available for such increases.

(c) AUTHORIZATION FOR APPROPRIATION.—Of the amounts authorized to be appropriated under title III, not less than $240,000 is authorized to be appropriated for fiscal year 2010 for the purpose of the payments authorized by subsection (a).

SEC. 1038. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL. 10 USC 201 note.

(a) PROHIBITION.—Except as provided in subsection (b), effective one year after the date of the enactment of this Act, no enemy prisoner of war, civilian internee, retained personnel, other Effective date.

detainee, or any other individual who is in the custody or under the effective control of the Department of Defense or otherwise under detention in a Department of Defense facility in connection with hostilities may be interrogated by contractor personnel.

(b) AUTHORIZED FUNCTIONS OF CONTRACTOR PERSONNEL.—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, including as trainers of and advisors to interrogators, in interrogations of persons as described in subsection (a) if—

(1) 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; and

(2) appropriately qualified and trained military or civilian personnel of the Department of Defense are available to oversee the contractor's performance and to ensure that contractor personnel do not perform activities that are prohibited under this section.

Deadline.

(c) 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) are conducted by appropriately qualified government personnel.

(d) WAIVER.—

Time periods.
Determinations.

(1) WAIVERS AUTHORIZED.—The Secretary of Defense may waive the prohibition under subsection (a) for a period of 60 days if the Secretary determines such a waiver is vital to the national security interests of the United States. The Secretary may renew a waiver issued pursuant to this paragraph for an additional 30-day period, if the Secretary determines that such a renewal is vital to the national security interests of the United States.

(2) LIMITATION ON DELEGATION.—

(A) IN GENERAL.—The waiver authority under paragraph (1) may not be delegated to any official below the level of the Deputy Secretary of Defense, except in the case of a waiver for an individual interrogation that is based on military exigencies, in which case the delegation of the waiver authority shall be done pursuant to regulations that the Secretary of Defense shall prescribe but in no instance may the latter delegation be below the level of combatant commander of the theater in which the individual is in the custody or under the effective control of the Department of Defense or otherwise under detention in a Department of Defense facility within that theater.

(B) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe the regulations referred to in subparagraph (A) by not later than 30 days after the date of the enactment of this Act.

Deadline.

(3) CONGRESSIONAL NOTIFICATION.—Not later than five days after the Secretary issues a waiver pursuant to paragraph (1), the Secretary shall submit to Congress written notification of the waiver.

SEC. 1039. NOTIFICATION AND ACCESS OF INTERNATIONAL COMMITTEE OF THE RED CROSS WITH RESPECT TO DETAINEES AT THEATER INTERNMENT FACILITY AT BAGRAM AIR BASE, AFGHANISTAN.

(a) NOTIFICATION.—The head of a military service or department that has custody or effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, or of any individual detained at such facility, shall, upon the detention of any such individual at such facility, notify the International Committee of the Red Cross (referred to in this section as the "ICRC") of such custody or effective control, as soon as practicable.

(b) ACCESS.—

(1) ICRC ACCESS.—The head of a military service or department with effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, shall—

(A) endeavor to ensure prompt ICRC access to any individual described in subsection (a) upon receipt by such head of an ICRC request to visit the detainee, pursuant to subsection (a); or

(B) if access to a such individual is temporarily denied as an exceptional measure, due to reasons of imperative military necessity, as soon thereafter as practicable, consistent with Article 126 of the Geneva Convention Relative to the Treatment of Prisoners of War, done at Geneva on August 12, 1949 (6 UST 3316), but normally no later than the next regularly scheduled ICRC visit.

(2) PROTOCOLS AND AGREEMENTS.—Such access to the individual shall continue pursuant to ICRC protocols and agreements reached between the ICRC and the head of a military service or department with effective control over the Theater Internment Facility at Bagram Air Base, Afghanistan.

(c) SCOPE OF ACCESS.—The ICRC shall be provided access, in accordance with this section, to those physical localities within the Theater Internment Facility at Bagram Air Base, Afghanistan, that are determined to be relevant to the treatment of an individual described in subsection (a), including the individual's cell or room, interrogation facilities or rooms, hospital or related health care facilities or rooms, and recreation areas. The scope of access described in this subsection shall not be construed to apply to facilities other than the Theater Internment Facility at Bagram Air Base, Afghanistan.

(d) EXCEPTION CONSISTENT WITH THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR.—Consistent with Article 126 of the Geneva Convention Relative to the Treatment of Prisoners of War, access by the ICRC to a detainee as provided for in subsections (b) and (c) may be temporarily denied, as an exceptional measure, for reasons of imperative military necessity.

(e) CONSTRUCTION.—Nothing in this section shall be construed to—

(1) create or modify the authority of the United States Armed Forces, the Department of Defense, a Federal law enforcement agency, or the intelligence community to detain an individual under existing law, as of the date of the enactment of this Act; or

(2) limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions, other international agreements, or other laws, or to state all of the situations under which notification to and access for the ICRC is required or allowed.

10 USC 801 note.

SEC. 1040. NO MIRANDA WARNINGS FOR AL QAEDA TERRORISTS.

(a) NO MIRANDA WARNINGS.—

(1) IN GENERAL.—Absent a court order requiring the reading of such statements, no member of the Armed Forces and no official or employee of the Department of Defense or a component of the intelligence community (other than the Department of Justice) may read to a foreign national who is captured or detained outside the United States as an enemy belligerent and is in the custody or under the effective control of the Department of Defense or otherwise under detention in a Department of Defense facility the statement required by *Miranda* v. *Arizona* (384 U.S. 436 (1966)), or otherwise inform such an individual of any rights that the individual may or may not have to counsel or to remain silent consistent with *Miranda* v. *Arizona* (384 U.S. 436 (1966)).

(2) NONAPPLICABILITY TO DEPARTMENT OF JUSTICE.—This subsection shall not apply to the Department of Justice.

(3) DEFINITIONS.—In this subsection:

(A) The term "foreign national" means an individual who is not a citizen or national of the United States.

(B) The term "enemy belligerent" includes a privileged belligerent against the United States and an unprivileged enemy belligerent, as those terms are defined in section 948a of title 10, United States Code, as amended by section 1802 of this Act.

(b) REPORT REQUIRED ON NOTIFICATION OF DETAINEES OF RIGHTS UNDER ***MIRANDA*** V. ***ARIZONA***.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on how the reading of rights under *Miranda* v. *Arizona* (384 U.S. 436 (1966)) to individuals detained by the United States in Afghanistan may affect—

(1) the tactical questioning of detainees at the point of capture by United States Armed Forces deployed in support of Operation Enduring Freedom;

(2) post-capture theater-level interrogations and intelligence-gathering activities conducted as part of Operation Enduring Freedom;

(3) the overall counterinsurgency strategy and objectives of the United States for Operation Enduring Freedom;

(4) United States military operations and objectives in Afghanistan; and

(5) potential risks to members of the Armed Forces operating in Afghanistan.

SEC. 1041. LIMITATION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Time period.

(a) RELEASE PROHIBITION.—During the period beginning on October 1, 2009, and ending on December 31, 2010, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department

of Defense to release into the United States, its territories, or possessions, any individual described in subsection (e).

(b) TRANSFER LIMITATION.—During the period beginning on October 1, 2009, and ending on December 31, 2010, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense to transfer any individual described in subsection (e) to the United States, its territories, or possessions, until 45 days after the President has submitted to the congressional defense committees the plan described in subsection (c). Time period. Deadline.

(c) COMPREHENSIVE PLAN REQUIRED.—The President shall submit to the congressional defense committees a plan for the disposition of each individual described in subsection (e) who is proposed to be transferred to the United States, its territories, or possessions. Such plan for each individual shall include, at a minimum— President.

(1) an assessment of the risk that the individual described in subsection (e) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition of each such individual;

(3) the measures to be taken to mitigate any risks described in paragraph (1);

(4) the location or locations at which the individual will be held under the proposal for disposition required by paragraph (2);

(5) the costs associated with executing the plan, including technical and financial assistance required to be provided to State and local law enforcement agencies, if necessary, to carry out the plan;

(6) a summary of the consultation required in subsection (d); and

(7) a certification by the Attorney General that under the plan the individual poses little or no security risk to the United States, its territories, or possessions.

(d) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (c)(2) includes transfer to that State, District of Columbia, or territory or possession. President.

(e) DETAINEES DESCRIBED.—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1042. 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 as necessary in the performance of functions assigned to the Inspector General by this Act, except that the Inspector

General shall use procedures other than subpoenas to obtain attendance and testimony from Federal employees.

"(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.

Notification. Deadline.

"(3) The Inspector General shall notify the Attorney General 7 days before issuing any subpoena under this section.".

10 USC 2353 note.

SEC. 1043. LIMITATIONS ON MODIFICATIONS OF CERTAIN GOVERNMENT FURNISHED EQUIPMENT; ONE-TIME AUTHORITY TO TRANSFER CERTAIN MILITARY PROTOTYPE.

Certification.

(a) LIMITATION.—An article of military equipment that is an end item of a major weapon system may not be furnished or transferred to a private entity for the conduct of research, development, test and evaluation under contractual agreement with the Department of Defense, if such research, development, test, and evaluation necessitates significantly modifying the military equipment, until the senior acquisition official of a military department, or his designee, submits to the congressional defense committees certification in writing—

(1) that the modification of such article of military equipment is necessary to execute the contractual scope of work and there is no suitable alternative to modifying such article;

(2) that the research, development, test, and evaluation effort is of sufficient interest to the military department to warrant the modification of such article of military equipment;

(3) that—

(A) prior to the end of the period of performance of such a contractual agreement, the article of military equipment will be restored to its original condition; or

(B) it is not necessary to restore the article of military equipment to its original condition because the military department intends to dispose of the equipment or operate the equipment in its modified form.

(4) that the private entity has sufficient resources and capability to fully perform the contractual research, development, test, and evaluation; and

(5) that the military department has—

(A) identified the scope of future test and evaluation likely to be required prior to transition of the associated technology to a program of record; and

(B) a plan for the conduct of such future test and evaluation, including the anticipated roles and responsibilities of government and the private entity, as applicable.

(b) CERTIFICATION.—No military equipment that is an end item of a major weapons system may be transferred or furnished to a private entity for purposes of research and development as authorized under subsection (a) unless the senior officer of the military service concerned certifies to the congressional defense committees that such equipment is not essential to the defense of the United States.

Pennsylvania.

(c) ONE-TIME AUTHORITY TO TRANSFER.—The Secretary of the Navy may transfer, to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as "transferee"), all right, title, and interest of the United States, except as otherwise provided in this subsection, in and to Navy aircraft N40VT (Bureau Number

163283), also known as the X–49A aircraft, and associated components and test equipment, previously specified as Government-furnished equipment in contract N00019–00–C–0284. The transferee shall provide consideration for the transfer of such military equipment to the transferor of an amount not to exceed fair value, as determined, on a non-delegable basis, by the Secretary.

(d) APPLICABLE LAW.—The transfer or use of military equipment is subject to all applicable Federal and 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 13 seq.), and the Espionage Act.

(e) CONDITION OF EQUIPMENT TO BE TRANSFERRED.—

(1) AS-IS CONDITION.—The military equipment transferred under subsection (c) shall be transferred in its current "as-is" condition. The Secretary is not required to repair or alter the condition of any military equipment before transferring any interest in such equipment under subsection (c).

(2) SPARE PARTS OR EQUIPMENT.—The Secretary of the Navy is not required to provide spare parts or equipment as a result of the transfer authorized under subsection (c).

(f) TRANSFER AT NO COST TO THE UNITED STATES.—The transfer of military equipment under subsection (c) shall be made at no cost to the United States. Any costs associated with the transfer shall be borne by the transferee.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary shall require that the transfer authorized by section (c) be carried out by means of a written agreement and shall require, at a minimum, the following conditions to the transfer: Contracts.

(1) A condition stipulating that the transfer of the X-49A aircraft is for the sole purpose of further development, test, and evaluation of vectored thrust ducted propeller (hereinafter in this section referred to as "VTDP") technology.

(2) A condition providing the Government the right to procure the VTDP technology demonstrated under this program at a discounted cost based on the value of the X-49A aircraft and associated equipment at the time of transfer, with such valuation and terms determined by the Secretary.

(3) A condition that the transferee not transfer any interest in, or transfer possession of, the military equipment transferred under subsection (b) to any other party without the prior written approval of the Secretary.

(4) A condition that if the Secretary determines at any time that the transferee has failed to comply with a condition set forth in paragraphs (1) through (3), all items referred to in subsection (b) shall be transferred back to the Navy, at no cost to the United States.

(5) A condition that the transferee acknowledges sole responsibility of the X-49A aircraft and associated equipment and assumes all liability for operation of the X-49A aircraft and associated equipment.

(h) NO LIABILITY FOR THE UNITED STATES.—Upon the transfer of military equipment under subsection (b), 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.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a transfer under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(j) DEFINITIONS.—In this subsection:

(1) The term "major system" has the meaning provided in section 2302 of title 10, United States Code.

(2) The term "contractual agreement" includes contracts, grants, cooperative agreements, and other transactions.

Subtitle E—Studies and Reports

SEC. 1051. REPORT ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the Secretary of Defense releases the report on the 2009 quadrennial defense review, the Comptroller General shall submit to the congressional defense committees and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review addresses each of the items required by subsection (d) of section 118 of title 10, United States Code.

Determination.

(b) SECRETARY OF DEFENSE REPORT.—If the Comptroller General determines that the report on the 2009 quadrennial defense review fails to directly address items required by subsection (d) of section 118 of such title, the Secretary of Defense shall submit to the congressional defense committees a report directly addressing those items not later than 30 days after the submission of the report by the Comptroller General required by paragraph (1).

SEC. 1052. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

Classified information.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the previous quadrennial defense review to the minimum military requirements for major military capabilities.

(b) MAJOR MILITARY CAPABILITIES DEFINED.—In this section, the term "major military capabilities" includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SEC. 1053. ANNUAL REPORT ON THE ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT REQUIRED.—At the same time as the President submits to Congress the budget under section 1105(a) of title 31, United States Code, for each of fiscal years 2011 through 2015, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Secretary of each of the military

departments, shall submit to the congressional defense committees an annual report on the electronic warfare strategy of the Department of Defense.

(b) CONTENTS OF REPORT.—Each report required under subsection (a) shall include each of the following:

(1) A description and overview of—

(A) the electronic warfare strategy of the Department of Defense;

(B) how such strategy supports the National Defense Strategy; and

(C) the organizational structure assigned to oversee the development of the Department's electronic warfare strategy, requirements, capabilities, programs, and projects.

(2) A list of all the electronic warfare acquisition programs and research and development projects of the Department of Defense and a description of how each program or project supports the Department's electronic warfare strategy.

(3) For each unclassified program or project on the list required by paragraph (2)—

(A) the senior acquisition executive and organization responsible for oversight of the program or project;

(B) whether or not validated requirements exist for the program or project and, if such requirements do exist, the date on which the requirements were validated and the organizational authority that validated such requirements;

(C) the total amount of funding appropriated, obligated, and forecasted by fiscal year for the program or project, including the program element or procurement line number from which the program or project receives funding;

(D) the development or procurement schedule for the program or project;

(E) an assessment of the cost, schedule, and performance of the program or project as it relates to the program baseline for the program or project, as of the date of the submission of the report, and the original program baseline for such program or project, if such baselines are not the same;

(F) the technology readiness level of each critical technology that is part of the program or project;

(G) whether or not the program or project is redundant or overlaps with the efforts of another military department; and

(H) the capability gap that the program or project is being developed or procured to fulfill.

(4) A classified annex that contains the items described in subparagraphs (A) through (H) of paragraph (3) for each classified program or project on the list required by paragraph (2).

SEC. 1054. STUDY ON A SYSTEM FOR CAREER DEVELOPMENT AND MANAGEMENT OF INTERAGENCY NATIONAL SECURITY PROFESSIONALS.

(a) STUDY REQUIRED.—

President.

(1) DESIGNATION OF EXECUTIVE AGENCY.—Not later than 30 days after the date of the enactment of this Act, the President shall designate an Executive agency to commission a study of the matters described in subsection (b) by an appropriate independent, nonprofit organization. The designated Executive agency shall select the organization and commission the study not later than 90 days after the date of the enactment of this Act.

(2) QUALIFICATIONS OF ORGANIZATION SELECTED.—The organization selected shall be qualified on the basis of having performed related work in the fields of national security and human capital development, and on the basis of such other criteria as the head of the designated Executive agency may determine.

(b) MATTERS TO BE EXAMINED.—The study required by subsection (a) shall examine matters pertaining to a system for the development and management of interagency national security professionals including, at a minimum, the following:

(1) PROFESSIONAL DEVELOPMENT.—The skills, education, training, and professional experiences desired in interagency national security professionals at various career stages, as well as the feasibility, benefits, and costs of developing a pool of personnel necessary to enable interagency national security professionals to undertake such professional development opportunities.

(2) COORDINATION.—Procedures for ensuring appropriate consistency and coordination among participating Executive agencies, such as methods for identifying positions and personnel that should be included in the system, and coordination of treatment in personnel and human resource systems, including performance review and promotion policies.

(3) FUNDING.—Potential mechanisms for funding an interagency national security professional development program.

(4) MILITARY AND STATE AND LOCAL GOVERNMENT PERSONNEL.—The feasibility of integrating, coordinating, or supplementing the systems and requirements regarding experience and education for military officers with an interagency national security professional system, as well as potential means of, and benefits and drawbacks of, including State and local government organizations and personnel in the system.

(5) INCENTIVES TO PARTICIPATE.—Incentives and requirements that could be implemented to encourage personnel and organizations to fully participate in the system across various career levels.

(6) CURRENT EFFORTS.—The effectiveness of, and lessons learned from, major current efforts at developing interagency national security professionals.

(c) REPORT.—A report containing the findings and recommendations resulting from the study required by subsection (a), together with any views or recommendations of the President, shall be submitted to Congress not later than December 1, 2010.

(d) DEFINITIONS.—In this section:

(1) The term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code.

(2) The term "employee" has the meaning given such term by section 2105 of title 5, United States Code.

(3) The term "interagency national security professional" means an employee of an Executive agency who plans, coordinates, or participates in activities relating to the national security of the United States that require significant interaction and engagement with other Executive agencies.

SEC. 1055. REPORT ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES, NUCLEAR WEAPONS AND RELATED PROGRAMS IN NON-NUCLEAR-WEAPONS STATES AND COUNTRIES NOT PARTIES TO THE NUCLEAR NON-PROLIFERATION TREATY, AND CERTAIN FOREIGN PERSONS.

50 USC 2371.

(a) IN GENERAL.—The Director of National Intelligence shall biennially 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—

(1) on 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) on the nuclear weapons aspirations of such non-state entities as the Director considers appropriate to include in the report; and

(3) that identifies each foreign person that, during the period covered by the report, made a material contribution to the research, development, production, or acquisition by a country of proliferation concern of—

(A) weapons of mass destruction (including nuclear weapons, chemical weapons, or biological weapons); or

(B) ballistic or cruise missile systems.

(b) ELEMENTS.—The report 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 or by such country or non-state entity and, in the case of assistance provided by such country or non-state entity, a description of to whom such assistance was provided.

(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) An assessment of the intentions of such country or non-state entity to leverage civilian nuclear capabilities for a nuclear weapons program.

(11) A description of any delivery systems available to such country or non-state entity and an assessment of whether nuclear warheads have been mated, or there are plans for such warheads to be mated, to any such delivery system.

(12) An assessment of the physical security of the storage facilities for nuclear weapons in such country or controlled by such non-state entity.

(13) An assessment of whether such country is modernizing or otherwise improving the safety, security, and reliability of the nuclear weapons stockpile of such country.

(14) An assessment of the industrial capability and capacity of such country or non-state entity to produce nuclear weapons.

(15) In the case of a country, an assessment of the policy of such country on the employment and use of nuclear weapons.

(c) REFERENCES TO OTHER REPORTS.—Each report submitted under subsection (a) shall include a copy of any other report that is incorporated by reference into the report submitted under subsection (a).

(d) UNCLASSIFIED SUMMARY.—Each report submitted under subsection (a) shall include an unclassified summary of such report.

(e) 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 first report required under subsection (a) by not later than September 1, 2010.

Determination.

(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 first report required under subsection (a) 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 such report will not be submitted by September 1, 2010; and

(B) setting forth the date by which the Director will submit such report.

Repeal.

(f) CONFORMING AMENDMENT.—Section 722 of the Combating Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2369) is repealed.

(g) DEFINITIONS.—In this section:

(1) FOREIGN PERSON.—The term "foreign person" means any of the following:

(A) A natural person who is not a citizen of the United States.

(B) A corporation, business association, partnership, society, trust, or other nongovernmental entity, organization, or group that is organized under the laws of a foreign country or has its principal place of business in a foreign country.

(C) Any foreign government or foreign governmental entity operating as a business enterprise or in any other capacity.

(D) Any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(2) COUNTRY OF PROLIFERATION CONCERN.—The term "country of proliferation concern" means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) or advanced conventional munitions—

(A) in the most recent report under section 721 of the Combating Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2366); or

(B) in any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.

SEC. 1056. COMPTROLLER GENERAL REVIEW OF DEPARTMENT OF DEFENSE SPENDING IN FINAL FISCAL QUARTERS.

(a) REVIEW OF SPENDING BY THE COMPTROLLER GENERAL.—The Comptroller General shall conduct a review of obligations incurred by the Department of Defense in the final quarter each covered fiscal year, as compared to the obligations so incurred in the first three quarters of that fiscal year, to determine if policies with respect to financial execution by the Department contribute to hastened year-end spending and poor use or waste of taxpayer dollars. Such review shall include both one-year and multi-year appropriations for each covered fiscal year.

(b) COVERED FISCAL YEARS.—For purposes of this section, a covered fiscal year is fiscal year 2006, 2007, 2008, or 2009.

(c) REPORT.—Not later than March 31, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives 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 a fiscal year.

SEC. 1057. 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 America 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 relationship 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. 1058. 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 House of Representatives a report setting forth a comprehensive plan to simplify Department of Defense travel procedures.

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

(1) A comprehensive discussion of aspects of the Department of Defense travel procedures that are most confusing, inefficient, and in need of revision.

(2) A critical review of opportunities to streamline and simplify defense travel policies and to reduce travel-related costs to the Department of Defense.

(3) A discussion of any actions to incorporate permanent duty travel that are being undertaken by the Secretary of Defense as of the date of the enactment of this Act.

(4) A plan to gather data on the number of manual temporary duty vouchers processed by the Department of Defense.

(5) Options to leverage industry capabilities and technologies that could enhance management responsiveness to changing markets.

(6) A discussion of pilot programs that the Secretary of Defense could carry out to demonstrate the merit of improvements identified pursuant to preparing the report required by this section, including a discussion of—

(A) recommendations for legislative authority; and

(B) how the systems developed for purposes of such a pilot program would interact with the automated Defense Travel System in effect as of the date of the enactment of this Act.

(7) Such recommendations and an implementation plan for legislative or administrative action as the Secretary of Defense considers appropriate to improve defense travel.

SEC. 1059. REPORT ON MODELING AND SIMULATION TECHNOLOGICAL AND INDUSTRIAL BASE.

(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 Deputy Under Secretary of Defense for Industrial Policy, the Commander of the United States Joint Forces Command, and other appropriate organizations, 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 technological 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 technological and 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 technological and 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 technological and industrial base.

(6) Other matters as determined appropriate by the Secretary.

SEC. 1060. 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 Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps 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 Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps 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.

SEC. 1061. ADDITIONAL MEMBERS AND DUTIES FOR THE INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.

(a) 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 referred to as the "Panel") shall include eight additional members as follows:

(A) Two appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two appointed by the chairman of the Committee on Armed Services of the Senate.

(C) Two appointed by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two appointed by the ranking member of the Committee on Armed Services of the Senate.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Members of the Panel appointed under paragraph (1) shall be appointed for the life of the Panel. Any vacancy in an appointment to the

Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(b) ADDITIONAL DUTIES.—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) review the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 QDR;

(2) conduct an assessment of the assumptions, strategy, findings, and risks in the report of the Secretary of Defense on the 2009 QDR, with particular attention paid to the risks described in that report;

(3) conduct an independent assessment of a variety of possible force structures for the Armed Forces, including the force structure identified in the report of the Secretary of Defense on the 2009 QDR; and

(4) review the resource requirements identified in the 2009 QDR pursuant to section 118(b)(3) of title 10, United States Code, and, to the extent practicable, make a general comparison of such resource requirements with the resource requirements to support the forces contemplated under the force structures assessed under paragraph (3).

(c) REPORTS.—

(1) INITIAL REPORT OF PANEL.—The report on the 2009 QDR that is submitted to Congress pursuant to section 118(f)(2) of title 10, United States Code, shall include, in addition to any other matters required by such section, the interim findings of the Panel with respect to the matters specified in subsection (b).

(2) FINAL REPORT OF PANEL.—Not later than July 15, 2010, the Panel shall submit to the Secretary of Defense, and to the congressional defense committees, the final report of the Panel on the matters specified in subsection (b). The report shall include such recommendations on such matters as the Panel considers appropriate.

(3) REPORT OF SECRETARY OF DEFENSE.—Not later than August 15, 2010, the Secretary of Defense shall, after consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report setting forth the Secretary's response to the final report of the Panel under paragraph (2).

(d) TERMINATION OF PANEL.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (c)(2).

10 USC 2302 note.

SEC. 1062. CONGRESSIONAL EARMARKS RELATING TO THE DEPARTMENT OF DEFENSE.

(a) REPORT ON RECURRING EARMARKS.—

(1) 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 regarding covered earmarks.

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

(A) An identification of each covered earmark that has been included in a national defense authorization Act

for three or more consecutive fiscal years as of the date of the enactment of this Act.

(B) 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 covered earmark.

(C) An identification of the specific contracting vehicle used for each covered earmark.

(D) In the case of any covered earmark for which competitive or merit-based procedures were not used to award funding, or to enter into 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 CONGRESSIONAL 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 a 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 "covered earmark" means any congressional earmark identified in the joint explanatory statement to accompany the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) that was printed in the Congressional Record on September 23, 2008.

(3) 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. 1063. REPORT ON BASING PLANS FOR CERTAIN UNITED STATES GEOGRAPHIC COMBATANT COMMANDS. 10 USC 113 note.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report on the plan for basing of forces outside the United States.

(b) MATTERS COVERED.—The report required under subsection (a) shall contain a description of—

(1) how the plan supports the United States national security strategy;

(2) how the plan supports 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;

(3) how the plan addresses the current security environment in each geographic combatant command's area of responsibility, including United States participation in theater security

cooperation activities and bilateral partnership, exchanges, and training exercises;

(4) the impact that a permanent change in the basing of a unit currently stationed outside the United States would have on the matters described in paragraphs (1) through (3);

(5) the impact the plan will have 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 of the global defense posture of the United States;

(6) any recommendations for additional closures or realignments of military installations outside of the United States; and

(7) any comments resulting from an interagency review of the plan that includes the Department of State and other relevant Federal departments and agencies.

(c) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the United States as of the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) UNIT.—The term "unit" has the meaning determined by the Secretary of Defense for purposes of this section.

(2) GEOGRAPHIC COMBATANT COMMAND.—For purposes of this section, the term "geographic combatant command" means a combatant command with a geographic area of responsibility that does not include North America.

Subtitle F—Other Matters

SEC. 1071. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking "2009" and inserting "2010".

SEC. 1072. 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—

Deadline. Review. 10 USC 2222 note.

(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—

Plan.

(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. 1073. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The table of chapters at the beginning of subtitle A is amended—

(A) in the item relating to chapter 81, by striking "1581" and inserting "1580"; and

(B) in the item relating to chapter 152, by striking "2541" and inserting "2551".

(2) Section 118(g) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008" in paragraphs (1) and (2) and inserting "January 28, 2008,".

(3) Section 184(b)(3) is amended by striking "the date of the enactment of this section" and inserting "October 17, 2006".

(4) Section 438 at the end of subchapter I of chapter 21 is redesignated as section 428.

(5) The item relating to section 438 in the table of sections at the beginning of subchapter I of chapter 21 is redesignated as section 428.

(6) Section 490(b)(1) is amended by striking "180 days after date of the enactment of this section, and every even-numbered year thereafter" and inserting "July 28 of every even-numbered year".

(7) The table of chapters at the beginning of part II of subtitle A is amended by striking "1581" in the item relating to chapter 81 and inserting "1580".

(8) Section 992(b)(4) is amended by striking the period after "under this section".

(9) Section 1074f(f)(3) is amended by striking "continency" and inserting "contingency".

(10) Section 1074g(f) is amended by striking "on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008" and inserting "after January 28, 2008".

(11) The section heading for section 1076d is amended by striking "**standard**" and inserting "**Standard**".

(12) Section 1079(f)(2)(B) is amended by striking the period after "year".

(13) Section 1142(b) is amended—

(A) in paragraph (4)(C), by striking "the Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9301 et seq.)" and inserting "the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)"; and

(B) in paragraph (15), by striking "federal" both places it appears and inserting "Federal".

(14) Section 1175a(h)(1) is amended by striking "qualities" and inserting "qualifies".

(15) Section 1408(h)(2) is amended by striking "and" at the end of subparagraph (A).

(16) The heading of section 1567 is amended to read as follows:

"§ 1567. Duration of military protective orders".

(17) The heading of section 1567a is amended to read as follows:

"§ 1567a. Mandatory notification of issuance of military protective order to civilian law enforcement".

(18) Section 2004a is amended—

(A) in subsection (b)(1), by striking "pay grade 0-3" and inserting "pay grade O-3"; and

(B) in subsection (i), by adding a period at the end.

(19) Section 2127(e) is amended by striking "of" after "an annual grant".

(20) Section 2200a(e)(1) is amended by striking "section (b)" and inserting "subsection (b)".

(21) The table of chapters at the beginning of part IV of subtitle A is amended by striking "2541" in the item relating to chapter 152 and inserting "2551".

(22) Section 2306c(h) is amended by striking "section 2801(c)(2)" and inserting "section 2801(c)(4)".

(23) Section 2333 is amended—

(A) in subsection (d)(1)(D)(ii), by striking "indefinite delivery indefinite quantity" and inserting "indefinite delivery-indefinite quantity";

(B) in subsection (d)(2), by striking "this Act" and inserting "the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2388)"; and

(C) in subsection (f)(3), by striking "section 101(13)" and inserting "section 101(a)(13)".

(24) Section 2401(f)(2) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006" and inserting "January 6, 2006".

(25) Section 2461(c)(3)(A) is amended by striking "public private competition" both places it appears in the first sentence and inserting "public-private competition".

(26) Section 2667(g)(1) is amended by striking "law," and all that follows through "may" and inserting "law, the Secretary concerned may".

(27) Section 2684a(g)(2) is amended by striking "the following the following" and inserting "the following".

(28) Section 2701(d)(5) is amended by striking "6920)" and inserting "9620)".

(29) Sections 4348(f), 6959(f), and 9348(f) are amended by striking "section (a)" and inserting "subsection (a)".

(30) The item relating to section 7317 in the table of sections at the beginning of chapter 633 is amended by inserting a period after "thereof".

(31) Section 7306b(b)(1) is amended by striking "1802(14))" and inserting "1802(14)))".

(32) The item relating to section 9515 in the table of sections at the beginning of chapter 941 is transferred to appear after the item relating to section 9514 in the table of sections at the beginning of chapter 931.

(33) The item relating to chapter 1409 in the table of chapters at the beginning of subtitle E is amended by striking "Reserve-Active Status List" and inserting "Reserve Active-Status List".

(34) Section 12310(c)(1)(A) is amended by striking "section 12304(i)(2) of this title" and inserting "section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1))".

(35) Section 12731(f)(2)(A) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008" and inserting "January 28, 2008".

(36) Section 16163(e)(1) is amended by striking "programs" and inserting "program".

(b) TITLE 37, UNITED STATES CODE.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking the comma before the period at the end.

Effective date.

6 USC 121 note.

(c) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—Effective as of October 14, 2008, and as if included therein as enacted, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) Section 314(a) (122 Stat. 4410; 10 U.S.C. 2710 note) is amended by striking "Secretary" and inserting "Secretary of Defense".

10 USC 662.

(2) Section 523(1) (122 Stat. 4446) is amended by striking "serving or" and inserting "serving in or".

10 USC 2130a, 16201.

(3) Section 616 (122 Stat. 4486) is amended by striking "of title" in subsections (b) and (c) and inserting "of such title".

10 USC 2433.

(4) Section 811(c)(6)(A)(iv)(I) (122 Stat. 4524) is amended by striking "after of 'the program'" and inserting "after 'of the program'".

10 USC 2302 note.

(5) Section 813(d)(3) (122 Stat. 4527) is amended by striking "each of subsections (c)(2)(A) and (d)(2)" and inserting "subsection (c)(2)(A)".

(6) Section 834(a)(2) (122 Stat. 4537) is amended by inserting "subchapter II of" before "chapter 87".

(7) Section 855 (122 Stat. 4545) is repealed. Repeal.

(8) Section 921(1) (122 Stat. 4573) is amended by striking "subsections (f) and (g) as subsections (g) and (h)" and inserting "subsections (f), (g), and (h) as subsections (g), (h), and (i)". 18 USC 3287. 50 USC 1521 note.

(9) Section 931(b)(5) (122 Stat. 4575) is amended— 6 USC 121.

(A) by striking "Section 201(e)(2)" and inserting "Section 201(f)(2)(E)"; and

(B) by striking "(6 U.S.C. 121(e)(2))" and inserting "(6 U.S.C. 121(f)(2)(E))".

(10) Section 932 (122 Stat. 4576) is repealed. Repeal.

(11) Section 1059 (122 Stat. 4611) is amended by striking "Act of" and inserting "Act for". 10 USC 193, 201, 425, 431, 441, 443, 444, 2273, 2723.

(12) Section 1061(b)(3) (122 Stat. 4613) is amended by striking "103" and inserting "188". 10 USC 113 note.

(13) Section 2104(b) (122 Stat. 4664) is amended in the matter preceding paragraph (1) by striking "section 2401" and inserting "section 2101". 10 USC 1074g note.

(14) Section 3508(b) (122 Stat. 4769) is amended to read as follows: 46 USC 53101, 54101.

"(b) CONFORMING AMENDMENT.—The chapter 541 of title 46, United States Code, as inserted and amended by the amendments made by subparagraphs (A) through (D) of section 3523(a)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 599), is repealed.". Repeal.

(15) Section 3511(d) (122 Stat. 4770) is amended by inserting before the period the following: ", and by striking 'CALENDAR' and inserting 'FISCAL' in the heading for paragraph (2)". 46 USC 55314.

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—Section 1107(e)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public 110–181; 10 U.S.C. 2358 note) is amended by striking "Not later than" and all that follows through "subsection is submitted," and inserting "Not later than November 29, 2008, and not later than March 1 of each year thereafter,".

SEC. 1074. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Section 1062(g) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) is amended by striking "September 30, 2009" and inserting "December 31, 2009".

SEC. 1075. COMBAT AIR FORCES RESTRUCTURING.

(a) LIMITATIONS RELATING TO LEGACY AIRCRAFT.—Until the expiration of the 30-day period beginning on the date the Secretary of the Air Force submits a report in accordance with subsection (b), the following provisions apply: Deadline. Time period. Reports. Applicability.

(1) PROHIBITION ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force may not retire any fighter aircraft pursuant to the Combat Air Forces restructuring plan announced by the Secretary on May 18, 2009.

(2) PROHIBITION ON PERSONNEL REASSIGNMENTS.—The Secretary of the Air Force may not reassign any Air Force personnel (whether on active duty or a member of a reserve component, including the National Guard) associated with such restructuring plan.

(b) REPORT.—The report under subsection (a) shall be submitted to the Committees on Armed Services of the House of Representatives and the Senate and shall include the following information:

(1) A detailed plan of how the force structure and capability gaps resulting from the retirement actions will be addressed.

(2) An explanation of the assessment conducted of the current threat environment and current capabilities.

(3) A description of the follow-on mission assignments for each affected base.

(4) An explanation of the criteria used for selecting the affected bases and the particular fighters chosen for retirement.

(5) A description of the environmental analyses being conducted.

(6) An identification of the reassignment and manpower authorizations necessary for the Air Force personnel (both active duty and reserve component) affected by the retirements if such retirements are accomplished.

(7) A description of the funding needed in fiscal years 2010 through 2015 to cover operation and maintenance costs, personnel, and aircraft procurement, if the restructuring plan is not carried out.

(8) An estimate of the cost avoidance should the restructuring plan more forward and a description of how such funds would be invested during the future-years defense plan to ensure the remaining fighter force achieves the desired service life and is sufficiently modernized to outpace the threat.

(c) EXCEPTION FOR CERTAIN AIRCRAFT.—The prohibition in subsection (a)(1) shall not apply to the five fighter aircraft scheduled for retirement in fiscal year 2010, as announced when the budget for fiscal year 2009 was submitted to Congress.

SEC. 1076. SENSE OF CONGRESS REGARDING CARRIER AIR WING FORCE STRUCTURE.

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

(1) Section 5062(b) of title 10, United States Code, requires the Department of the Navy to maintain not less than 11 operational aircraft carriers.

(2) In repeated testimony before Congress, the Navy has pledged its long-term commitment to naval combat forces that include 11 operational aircraft carriers and 10 carrier air wings, composed of 44 strike-fighter aircraft per wing.

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

(1) in addition to the forces described in section 5062(b) of title 10, United States Code, the Navy should meet its current requirement for 10 carrier air wings (even if the number of aircraft carriers is temporarily reduced) that are comprised of not less than 44 strike-fighter aircraft, in addition to any other aircraft associated with the air wing; and

(2) the Congress and the Secretary of the Navy should take all appropriate actions necessary to achieve the current requirement for such carrier air wings until such time that modifications to the carrier air wing force structure are warranted and the Secretary of the Navy provides Congress with a justification of any proposed modifications, supported by rigorous and sufficient warfighting analysis.

SEC. 1077. DEPARTMENT OF VETERANS AFFAIRS USE OF SERVICE DOGS FOR THE TREATMENT OR REHABILITATION OF VETERANS WITH PHYSICAL OR MENTAL INJURIES OR DISABILITIES.

Deadline.
Study.

(a) PROGRAM REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year study 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.

(b) PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary shall carry out the study by partnering with nonprofit 501(c)(3) organizations that—

(A) would not charge veterans who participate in the study fees for the dogs, services, or lodging that they provide; and

(B) are accredited by, or adhere to standards comparable to those of, an accrediting organization with demonstrated experience, national scope, and recognized leadership and expertise in the training of service dogs and education in the use of service dogs.

(2) REIMBURSEMENT OF COSTS.—The Secretary shall reimburse partners $10,000 for each dog provided to a veteran who enrolls in the study and successfully completes a training program offered by one of the partners.

(c) PARTICIPATION.—

(1) IN GENERAL.—As part of the study, the Secretary shall, subject to paragraph (2), arrange for the provision of a service dog to the greater of the following:

(A) 200 veterans.

(B) A sufficient number of such veterans 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) NUMBER OF VETERANS.—The Department of Veterans Affairs may provide dogs to fewer than 200 veterans if, despite its sustained and repeated efforts, it is unable to recruit 200 veterans to participate in the study referred to in subsection (d).

(3) ELIGIBLE VETERANS.—A veteran is eligible to enroll and participate in the study on an ongoing basis if:

(A) The veteran has physical disabilities (other than blindness or hearing impairment) or mental injuries or disabilities.

(B) A Department of Veterans Affairs provider determines, based on clinical evaluation of efficacy, that the veteran is an appropriate candidate for the study and may potentially benefit from a service dog.

(C) The veteran agrees to successfully complete a training program arranged by the Department of Veterans Affairs and offered by a nonprofit 501(c)(3) organization that is accredited by, or adheres to standards comparable to those of, an accrediting organization with demonstrated experience, national scope, and recognized leadership and expertise in the training of service dogs and education in the use of service dogs.

(4) COMPOSITION.—The Secretary shall ensure that at least half of the participants in the study are veterans who suffer primarily from a mental health injury or disability.

(5) AUTHORIZED BENEFITS.—The Department of Veterans Affairs will provide to a veteran participating in this study:

(A) Veterinary treatment to maintain the health of the dog and keep it functioning in its prescribed role.

(B) Hardware required by the dog to perform its tasks, and repairs to such hardware.

(C) Payments and allowances for travel incurred in becoming adjusted to the service dogs, to be paid in the same manner that payments and allowances are authorized under section 111 of title 38, United States Code, and its implementing regulations.

(6) ADDITIONAL BENEFIT FOR ASSOCIATED EXPENSES.—As an incentive for participation in the study, veterans participating in the study will receive from the Department of Veterans Affairs a monthly payment of $75 to offset costs associated with the dog in addition to those identified in paragraph (5), such as services not prescribed or performed by a veterinarian, including but not limited to, license tags (if required), food, grooming, nail trimming, boarding, and over-the-counter medications.

(7) OPTION FOR OWNERSHIP OF, AND RESPONSIBILITY FOR, THE DOG AFTER THE COMPLETION OF THE STUDY.—At the end of the study the veteran will have the option of ownership of the dog. If the veteran does not wish to retain the dog, the 501(c)(3) organization that provided the dog will be responsible for caring for or appropriately placing the dog. In any case after completion of the study, or if and when the veteran chooses to not participate in the study until completion, further responsibility by the Department of Veterans Affairs for any benefits in this provision will cease. Further, the Department of Veterans Affairs' liability related to the dog will cease.

(d) STUDY.—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 study.

(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 related to reductions in hospitalization and reductions in the use of prescription drugs; and

(B) productivity and employment gains for the veterans.

(e) REPORTS.—

(1) ANNUAL REPORT OF THE SECRETARY.—After each year of the study, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the study.

(2) FINAL REPORT BY THE NATIONAL ACADEMY OF SCIENCES.—Not later than 180 days after the date of the completion of the study, the National Academy of Sciences shall submit to Congress a report on the results of the study.

(f) FUNDING.—The study under this section is subject to the availability of appropriations provided to the Department of Veterans Affairs for such purpose.

SEC. 1078. 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. Review.

(b) SUBMISSION OF PLAN.—Not later than June 1, 2010, the Secretary of Defense shall submit to the congressional defense committees the plan required under subsection (a).

SEC. 1079. JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM.

It is the sense of Congress that the claims of American victims of torture and hostage taking by the Government of Iraq during the regime of Saddam Hussein that are subject to Presidential Determination Number 2008-9 of January 28, 2008, which waived application of section 1083 of the National Defense Authorization Act for Fiscal Year 2008, should be resolved by a prompt and fair settlement negotiated between the Government of Iraq and the Government of the United States, taking note of the provisions of H.R. 5167 of the 110th Congress, which was adopted by the United States House of Representatives.

SEC. 1080. REQUIREMENT FOR VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE. 10 USC 801 note.

(a) VIDEOTAPING OR OTHER ELECTRONIC RECORDING REQUIRED.—In accordance with the Army Field Manual on Human Intelligence Collector Operations (FM 2–22.3, September 2006), or any successor thereto, and the guidelines developed pursuant to subsection (f), the Secretary of Defense shall ensure that each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility is videotaped or otherwise electronically recorded.

(b) CLASSIFICATION OF INFORMATION.—To protect United States national security, the safety of the individuals conducting or assisting in the conduct of a strategic intelligence interrogation, and the privacy of persons described in subsection (a), the Secretary of Defense shall provide for the appropriate classification of videotapes or other electronic recordings made pursuant to subsection (a). The use of such classified videotapes or other electronic recordings in proceedings conducted under the Detainee Treatment Act of 2005 (title 14 of Public Law 109–163 and title 10 of Public Law 109–148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366), as amended by section 1802 of this Act, or at any other judicial or administrative forum under any other provision of law shall be governed by applicable rules, regulations, and laws that protect classified information.

(c) STRATEGIC INTELLIGENCE INTERROGATION DEFINED.—For purposes of this section, the term "strategic intelligence interrogation" means an interrogation of a person described in subsection (a) conducted at a theater-level detention facility.

(d) EXCLUSION.—Nothing in this section shall be construed as requiring—

(1) any member of the Armed Forces engaged in direct combat operations to videotape or otherwise electronically record an interrogation of a person described in subsection (a); or

(2) the videotaping of or otherwise electronically recording of tactical questioning, as such term is defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2–22.3, September 2006), or any successor thereto.

(e) WAIVER.—

(1) WAIVERS AUTHORIZED.—The Secretary of Defense may, as an exceptional measure, as part of a specific interrogation plan for a specific person described in subsection (a), waive the requirement in that subsection on a case-by-case basis for a period not to exceed 30 days, if the Secretary—

Determination.

(A) makes a determination in writing that such a waiver is necessary to the national security interests of the United States; and

Deadline.
Notice.

(B) by not later than five days after the date on which such a determination is made, submits to the Committees on Armed Services of the Senate and House of Representatives, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence notice of that determination, including a justification for that determination.

(2) SUSPENSIONS AUTHORIZED.—The Secretary may temporarily suspend the requirement under subsection (a) at a specific theater-level detention facility for a period not to exceed 30 days, if the Secretary—

Determination.

(A) makes a determination in writing that such a suspension is vital to the national security interests of the United States; and

Deadline.
Notice.

(B) by not later than five days after the date on which such a determination is made, submits to the Committees on Armed Services of the Senate and House of Representatives, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence notice of that determination, including a justification for that determination.

(3) LIMITATION ON DELEGATION OF AUTHORITY.—This authority of the Secretary under this subsection may only be delegated as follows:

(A) In the case of the authority under paragraph (1), such authority may not be delegated below the level of the combatant commander of the theater in which the detention facility holding the person is located.

(B) In the case of the authority under paragraph (2), such authority may not be delegated below the level of the Deputy Secretary of Defense.

(4) EXTENSIONS.—The Secretary may extend a waiver under paragraph (1) for one additional 30-day period, or a

suspension under paragraph (2) for one additional 30-day period, if—

(A) the Secretary— Determination.

(i) in the case of such a waiver, makes a determination in writing that such an extension is necessary to the national security interests of the United State; or

(ii) in the case of such a suspension, makes a determination in writing that such an extension is vital to the national security interests of the United States; and

(B) by not later than five days after the date on which such a determination is made, the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence notice of that determination, including a justification for that determination. Deadline.

(f) GUIDELINES.—

(1) DEVELOPMENT OF GUIDELINES.—The Secretary of Defense, acting through the Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)), shall develop and adopt uniform guidelines for videotaping or otherwise electronically recording strategic intelligence interrogations as required under subsection (a). Such guidelines shall, at a minimum—

(A) promote full compliance with the laws of the United States;

(B) promote the exploitation of intelligence;

(C) address the retention, maintenance, and disposition of videotapes or other electronic recordings, consistent with subparagraphs (A) and (B) and with the interests of justice; and

(D) ensure the safety of all participants in the interrogations.

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the guidelines developed under paragraph (1). Such report shall be in an unclassified form but may include a classified annex. Deadline. Reports.

SEC. 1081. MODIFICATION OF PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

Section 1081(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 335; 10 U.S.C. 2461 note) is amended by inserting before the period at the end of the first sentence the following: ", unless the Secretary of Defense submits notification to the congressional defense committees that pursuing such a program is not in the national interest".

SEC. 1082. MULTIYEAR CONTRACTS UNDER PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE. 10 USC 2461 note.

(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; and

(2) notwithstanding section 2306c(b) of such title, the authority under section 2306c(a) of such title shall apply to the fee-for-service air refueling pilot program.

(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. 1083. DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) DISCLOSURE.—

Public information.

(1) IN GENERAL.—The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2009 and 2010.

(2) CONTENT.—The information to be released under paragraph (1) shall include, with respect to the fiscal year covered, the entire name, including the first, middle, and surnames, with respect to each student and instructor at the Western Hemisphere Institute for Security Cooperation.

(b) WAIVER.—The Secretary of Defense may waive the requirement under subsection (a) if the Secretary determines it to be in the national interest.

SEC. 1084. SENSE OF CONGRESS REGARDING THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

It is the sense of Congress 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 the curriculum of which 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, for 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.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Personnel

Sec. 1101. Authority to employ individuals completing the National Security Education Program.
Sec. 1102. Authority for employment by Department of Defense of individuals who have successfully completed the requirements of the science, mathematics, and research for transformation (SMART) defense scholarship program.
Sec. 1103. Authority for the employment of individuals who have successfully completed the Department of Defense information assurance scholarship program.
Sec. 1104. Extension and modification of experimental personnel management program for scientific and technical personnel.
Sec. 1105. Modification to Department of Defense laboratory personnel authority.
Sec. 1106. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1107. Extension of certain benefits to Federal civilian employees on official duty in Pakistan.
Sec. 1108. Requirement for Department of Defense strategic workforce plans.
Sec. 1109. Adjustments to limitations on personnel and requirement for annual manpower reporting.
Sec. 1110. Pilot program for the temporary exchange of information technology personnel.
Sec. 1111. Availability of funds for compensation of certain civilian employees of the Department of Defense.
Sec. 1112. Department of defense civilian leadership program.
Sec. 1113. Provisions relating to the National Security Personnel System.
Sec. 1114. Provisions relating to the Defense Civilian Intelligence Personnel System.

Subtitle B—Provisions Relating to Reemployment of Annuitants

Sec. 1121. Authority to expand scope of provisions relating to unreduced compensation for certain reemployed annuitants.

Sec. 1122. Part-time reemployment.
Sec. 1123. Government Accountability Office report.

Subtitle A—Personnel

SEC. 1101. AUTHORITY TO EMPLOY INDIVIDUALS COMPLETING THE NATIONAL SECURITY EDUCATION PROGRAM.

Section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by adding at the end the following new subsection:

"(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

"(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to a position that is identified under subsection (b)(2)(A)(i) as having national security responsibilities, or to a position in such Federal agency or office, in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to such Department or such Federal agency or office; and

"(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.".

SEC. 1102. AUTHORITY FOR EMPLOYMENT BY DEPARTMENT OF DEFENSE OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE REQUIREMENTS OF THE SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE SCHOLARSHIP PROGRAM.

(a) AUTHORITY FOR EMPLOYMENT.—Subsection (d) of section 2192a of title 10, United States Code, is amended to read as follows:

"(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

"(1) may, without regard to any provision of title 5 governing appointment of employees to competitive service positions within the Department of Defense, appoint to a position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment, owes a service commitment to the Department; and

"(2) may, upon satisfactory completion of 2 years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.".

(b) CONFORMING AMENDMENT.—Subsection (c)(2) of such section is amended by striking "Except as provided in subsection (d), the" in the second sentence and inserting "The".

(c) TECHNICAL AMENDMENTS.—Subsection (f) of such section is amended—

(1) by striking the first sentence; and

(2) by striking "the authorities provided in such chapter" and inserting "the other authorities provided in this chapter".

(d) REPEAL OF OBSOLETE PROVISIONS.—(1) Such section is further amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subparagraph (B) of section 3304(a)(3) of title 5, United States Code, is amended to read as follows:

"(B) the Office of Personnel Management has determined that there exists a severe shortage of candidates or that there is a critical hiring need.".

SEC. 1103. AUTHORITY FOR THE EMPLOYMENT OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE DEPARTMENT OF DEFENSE INFORMATION ASSURANCE SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—Section 2200a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

"(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to an information technology position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship under this section was awarded and who, under the terms of the agreement for such scholarship, at the time of such appointment owes a service commitment to the Department; and

"(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.".

(b) TECHNICAL AMENDMENT.—Subsection (a) of such section is amended by striking "subsection (g)," and inserting "subsection (f),".

SEC. 1104. 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:

"(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 following amounts:

"(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 of 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 operation of this section. Each report shall cover the fiscal year that most recently ended before such December 31.

"(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.".

10 USC 2358 note.

SEC. 1105. MODIFICATION TO DEPARTMENT OF DEFENSE LABORATORY PERSONNEL AUTHORITY.

(a) DESIGNATION OF LABORATORIES.—Each of the following is hereby designated as a Department of Defense science and technology reinvention laboratory (as described in 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):

(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.

(10) The Air Force Research Laboratory.

(11) The Tank and Automotive Research Development and Engineering Center.

(12) The Armament Research Development and Engineering Center.

(13) The Naval Air Warfare Center, Weapons Division.

(14) The Naval Air Warfare Center, Aircraft Division.

(15) The Space and Naval Warfare Systems Center, Pacific.

(16) The Space and Naval Warfare Systems Center, Atlantic.

(17) The laboratories within the Army Research Development and Engineering Command.

(b) CONVERSION PROCEDURES.—The Secretary of Defense shall implement procedures to convert the civilian personnel of each Department of Defense science and technology reinvention laboratory, as so designated by subsection (a), from the personnel system which applies as of the date of the enactment of this Act to the personnel system under an appropriate demonstration project (as referred to in such section 342(b)). Any conversion under this subsection—

(1) shall not adversely affect any employee with respect to pay or any other term or condition of employment;

(2) shall be consistent with section 4703(f) of title 5, United States Code;

(3) shall be completed within 18 months after the date of the enactment of this Act; and

(4) shall not apply to prevailing rate employees (as defined by section 5342(a)(2) of title 5, United States Code) or senior executives (as defined by section 3132(a)(3) of such title).

(c) LIMITATION.—The science and technology reinvention laboratories, as so designated by subsection (a), may not implement any personnel system, other than a personnel system under an appropriate demonstration project (as referred to in such section 342(b)), without prior congressional authorization.

SEC. 1106. 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) RELATED PROVISION.—Subsection (b) of such section 1101 is amended to read as follows:.

"(b) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—

"(1) IN GENERAL.—Section 5307 of title 5, United States Code, shall not apply to any employee in any calendar year in which that employee is granted a waiver under subsection (a).

"(2) OTHER LIMITATIONS.—In the case of any employees who (disregarding subparagraph (A)) would otherwise be subject to a limitation on premium pay similar to one set forth in section 5547 of title 5, United States Code (as determined by the head of the Executive agency in or under which such employees are employed)—

"(A) the agency head may waive that otherwise applicable limitation, to the same extent and in the same manner as would be allowable under subsection (a) if those employees were instead subject to such section 5547; and

"(B) if a waiver under subparagraph (A) is granted with respect to such employees, then, neither section 5307 of title 5, United States Code, nor any other similar limitation (as determined by the agency head) shall apply with respect to such employees for purposes of any calendar year for which such waiver is so granted.".

SEC. 1107. EXTENSION OF CERTAIN BENEFITS TO FEDERAL CIVILIAN EMPLOYEES ON OFFICIAL DUTY IN PAKISTAN.

Section 1603(a)(2) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as amended by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616), is amended by inserting "Pakistan or" after "is on official duty in".

SEC. 1108. REQUIREMENT FOR DEPARTMENT OF DEFENSE STRATEGIC WORKFORCE PLANS.

(a) CODIFICATION OF REQUIREMENT FOR STRATEGIC WORKFORCE PLAN.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

"§ 115b. Annual strategic workforce plan

"(a) ANNUAL PLAN REQUIRED.—(1) The Secretary of Defense shall submit to the congressional defense committees on an annual basis a strategic workforce plan to shape and improve the civilian employee workforce of the Department of Defense.

"(2) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for developing and implementing the strategic workforce plan, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(b) CONTENTS.—Each strategic workforce plan under subsection (a) shall include, at a minimum, the following:

"(1) An assessment of—

"(A) the critical skills and competencies that will be needed in the future within the civilian employee workforce by the Department of Defense to support national security requirements and effectively manage the Department during the seven-year period following the year in which the plan is submitted;

"(B) the appropriate mix of military, civilian, and contractor personnel capabilities;

"(C) the critical skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

"(D) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraphs (A) and (C).

"(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(D), including—

"(A) specific recruiting and retention goals, especially in areas identified as critical skills and competencies under paragraph (1), including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals;

"(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies;

"(C) any incentives necessary to attract or retain any civilian personnel possessing the skills and competencies identified under paragraph (1);

"(D) any changes in the number of personnel authorized in any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address such gaps and effectively meet the needs of the Department;

"(E) any changes in resources or in the rates or methods of pay for any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department; and

"(F) any legislative changes that may be necessary to achieve the goals referred to in subparagraph (A).

"(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic workforce plan under this section during the previous year.

"(4) Any additional matters the Secretary of Defense considers necessary to address.

"(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

"(2) For purposes of paragraph (1), each plan shall include, with respect to such senior management, functional, and technical workforce—

"(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

"(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

"(C) specific strategies for developing, training, deploying, compensating, motivating, and designing career paths and career opportunities; and

"(D) specific steps that the Department has taken or plans to take to ensure that such workforce is managed in compliance with the requirements of section 129 of this title.

"(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

"(2) For purposes of paragraph (1), each plan shall include, with respect to the defense acquisition workforce—

"(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

"(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

"(C) specific steps that the Department has taken or plans to take to develop appropriate career paths for civilian employees in the acquisition field and to implement the requirements of section 1722a of this title with regard to members of the armed forces in the acquisition field; and

"(D) a plan for funding needed improvements in the acquisition workforce of the Department through the period of the future-years defense program, including—

"(i) the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title, along with a description of how such funding is being implemented and whether it is being fully used; and

"(ii) a description of any continuing shortfalls in funding available for the acquisition workforce.

"(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic workforce plan required by this section.

Reports.

Deadline.

"(f) DEFINITIONS.—In this section:

"(1) The term 'senior management, functional, and technical workforce of the Department of Defense' includes the following categories of Department of Defense civilian personnel:

"(A) Appointees in the Senior Executive Service under section 3131 of title 5.

"(B) Persons serving in positions described in section 5376(a) of title 5.

"(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

"(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

"(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

"(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

"(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

"(2) The term 'acquisition workforce' includes individuals designated under section 1721 as filling acquisition positions.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

"115b. Annual strategic workforce plan.".

(b) COMPTROLLER GENERAL REPORTS.—

(1) REPORT ON STRATEGIC WORKFORCE PLAN.—Not later than 180 days after the date on which the Secretary of Defense submits to the congressional defense committees an annual strategic workforce plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 2011, and 2012, the Comptroller General of the United States shall submit to the congressional defense committees a report on the plan so submitted.

(2) REPORT ON THE TRAINING OF ACQUISITION AND AUDIT PERSONNEL OF THE DEPARTMENT OF DEFENSE.—(A) 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) The report required under subparagraph (A) shall address the efficacy of training, the extent to which such training reaches appropriate personnel, and the extent to which the training recommendations of previous reviews (including the recommendations of the Commission on Army Acquisition and Program Management in Expeditionary Operations) have been implemented.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

10 USC 1580 note prec.

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

SEC. 1109. ADJUSTMENTS TO LIMITATIONS ON PERSONNEL AND REQUIREMENT FOR ANNUAL MANPOWER REPORTING.

10 USC 143 note.

(a) AMENDMENTS.—Section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4619) is amended—

(1) in subsection (b), by striking "for four";

(2) in paragraph (1) of subsection (b), by striking "requirements of—" and all that follows through the end of subparagraph (C) and inserting "the requirements of section 115b of this title; or";

(3) in paragraph (2) of subsection (b), by striking "purpose described in paragraphs (1) through (4) of subsection (c)." and inserting the following:

"any of the following purposes:

"(A) Performance of inherently governmental functions.

"(B) Performance of work pursuant to section 2463 of title 10, United States Code.

"(C) Ability to maintain sufficient organic expertise and technical capability.

"(D) Performance of work that, while the position may not exercise an inherently governmental function, nevertheless should be performed only by officers or employees of the Federal Government or members of the Armed Forces because of the critical nature of the work."; and

(4) by striking subsections (c) and (d).

(b) CONSOLIDATED ANNUAL REPORT.—

(1) INCLUSION IN ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by inserting after subsection (e) the following new subsection:

"(f) The Secretary shall also include in each such report the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:

"(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year and estimates of such numbers for the current fiscal year and subsequent fiscal years.

"(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number of contract workyears associated with the replacement of contracts performing inherently governmental or exempt functions.

"(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.

"(4) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the Secretary of a military department, and, for each adjustment made pursuant to section 1111(b)(2) of the Duncan Hunter National

Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 143 note), the purpose of the adjustment.".

(2) TECHNICAL AMENDMENTS TO REFLECT NAME OF REPORT.—

(A) Subsection (a) of section 115a of such title is amended by inserting "defense" before "manpower requirements report.".

(B)(i) The heading of such section is amended to read as follows:

"§ 115a. Annual defense manpower requirements report".

(ii) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

"115a. Annual defense manpower requirements report.".

(3) CONFORMING REPEAL.—Subsections (b) and (c) of section 901 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 272; 10 U.S.C. 221 note) are repealed.

SEC. 1110. PILOT PROGRAM FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL. 5 USC 3702 note.

(a) ASSIGNMENT AUTHORITY.—The Secretary of Defense may, with the agreement of the private sector organization concerned, arrange for the temporary assignment of an employee to such private sector organization, or from such private sector organization to a Department of Defense organization under this section. An employee shall be eligible for such an assignment only if—

(1) the employee—

(A) works in the field of information technology management;

(B) is considered by the Secretary of Defense to be an exceptional employee;

(C) is expected to assume increased information technology management responsibilities in the future; and

(D) is compensated at not less than the GS–11 level (or the equivalent); and

(2) the proposed assignment meets applicable requirements of section 209(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note).

(b) AGREEMENTS.—The Secretary of Defense shall provide for a written agreement among the Department of Defense, the private sector organization, and the employee concerned regarding the terms and conditions of the employee's assignment under this section. The agreement—

(1) shall require that employees of the Department of Defense, upon completion of the assignment, will serve in the civil service for a period equal to the length of the assignment; and

(2) shall provide that if the employee of the Department of Defense or of the private sector organization (as the case may be) fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary of Defense.

An amount for which an employee is liable under paragraph (2) shall be treated as a debt due the United States.

(c) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private sector organization concerned.

(d) DURATION.—An assignment under this section shall be for a period of not less than 3 months and not more than 1 year, and may be extended in 3-month increments for a total of not more than 1 additional year; however, no assignment under this section may commence after September 30, 2013.

(e) TERMS AND CONDITIONS FOR PRIVATE SECTOR EMPLOYEES.—An employee of a private sector organization who is assigned to a Department of Defense organization under this section—

(1) may continue to receive pay and benefits from the private sector organization from which such employee is assigned;

(2) is deemed to be an employee of the Department of Defense for the purposes of—

(A) chapter 73 of title 5, United States Code;

(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code;

(C) sections 1343, 1344, and 1349(b) of title 31, United States Code;

(D) the Federal Tort Claims Act and any other Federal tort liability statute;

(E) the Ethics in Government Act of 1978;

(F) section 1043 of the Internal Revenue Code of 1986; and

(G) section 27 of the Office of Federal Procurement Policy Act; and

(3) may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which such employee is assigned.

(f) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—A private sector organization may not charge the Department of Defense or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to a Department of Defense organization under this section for the period of the assignment.

(g) CONSIDERATIONS.—In carrying out this section, the Secretary of Defense—

(1) shall ensure that, of the assignments made under this section each year, at least 20 percent are from small business concerns (as defined by section 3703(e)(2)(A) of title 5, United States Code); and

(2) shall take into consideration the question of how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees in information technology management.

(h) NUMERICAL LIMITATION.—In no event may more than 10 employees be participating in assignments under this section at any given time.

(i) REPORTING REQUIREMENT.—For each of fiscal years 2010 through 2015, the Secretary of Defense shall submit to the congressional defense committees, not later than 1 month after the end of the fiscal year involved, a report on any activities carried out under this section during such fiscal year, including information concerning—

(1) the respective organizations (as referred to in subsection (a)) to and from which any employee was assigned under this section;

(2) the positions those employees held while they were so assigned;

(3) a description of the tasks they performed while they were so assigned; and

(4) a discussion of any actions that might be taken to improve the effectiveness of the program under this section, including any proposed changes in law.

(j) REPEAL OF SUPERSEDED SECTION.—Section 1109 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 358) is repealed, except that— 5 USC 3702 note.

(1) nothing in this subsection shall, in the case of any assignment commencing under such section 1109 on or before the date of the enactment of this Act, affect—

(A) the duration of such assignment or the authority to extend such assignment in accordance with subsection (d) of such section 1109, as last in effect; or

(B) the terms or conditions of the agreement governing such assignment, including with respect to any service obligation under subsection (b) thereof; and

(2) any employee whose assignment is allowed to continue by virtue of paragraph (1) shall be taken into account for purposes of—

(A) the numerical limitation under subsection (h); and

(B) the reporting requirement under subsection (i).

SEC. 1111. AVAILABILITY OF FUNDS FOR COMPENSATION OF CERTAIN CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE. 10 USC 1580 note prec.

(a) AVAILABILITY OF FUNDS.—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— Deadline.

(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.

Applicability.

(d) TEMPORARY AUTHORITY.—The authority in subsection (a) shall apply to funds authorized to be appropriated for the Department of Defense for fiscal years 2010 through 2019.

10 USC 1580 note prec.

SEC. 1112. DEPARTMENT OF DEFENSE CIVILIAN LEADERSHIP PROGRAM.

(a) LEADERSHIP PROGRAM REQUIRED.—

Deadline.

(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 PARTICIPANTS IN PROGRAM.—The total number of individuals who may participate in the program in any fiscal year may not exceed 5,000.

(3) LIMITATION ON PERIOD OF PARTICIPATION IN PROGRAM.—The maximum period of time that an individual may participate in the program is three years.

(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 competition shall provide for entry-level participants and midcareer participants in the program. Determination.

(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. Determination.

(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: Regulations.

(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, Determination.

functional, and technical workforce of the Department of Defense (as defined in section 115b(f) of title 10, United States Code).

SEC. 1113. PROVISIONS RELATING TO THE NATIONAL SECURITY PERSONNEL SYSTEM.

5 USC 9902 note.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "National Security Personnel System" or "NSPS" refers to a human resources management system established under authority of section 9902 of title 5, United States Code (as in effect before the date of the enactment of this Act); and

(2) the term "statutory pay system" means a pay system under—

(A) subchapter III of chapter 53 of title 5, United States Code (relating to General Schedule pay rates); or

(B) such other provisions of law as would apply if section 9902 of title 5, United States Code, had never been enacted.

(b) REPEAL OF PROVISIONS RELATING TO NSPS.—

(1) IN GENERAL.—Section 9902 of title 5, United States Code, is amended—

(A) by striking subsections (a), (b), (c), (d), (e), (i) and (j); and

(B) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively.

Effective date.

(2) EXPANSION PROHIBITED.—The National Security Personnel System may not be extended to any organizational or functional unit of the Department of Defense (or any component thereof) not included in such System as of March 1, 2009.

(3) CURRENT RULES INVALID.—Any regulations in effect as of the day before the date of the enactment of this Act which were issued pursuant to any provision of law repealed by paragraph (1)(A)—

(A) may not be modified on or after the date of the enactment of this Act, except as necessary to implement this Act; and

Termination date.

(B) shall cease to be effective as of January 1, 2012.

(c) TERMINATION OF NSPS AND CONVERSION OF EMPLOYEES AND POSITIONS.—

Deadlines.

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, beginning no later than 6 months after the date of enactment of this Act, for the orderly termination of the National Security Personnel System and conversion of all employees and positions from such System, by not later than January 1, 2012, to—

(A) the statutory pay system and all other aspects of the personnel system that last applied to such employee or position (as the case may be) before the National Security Personnel System applied; or

(B) if subparagraph (A) does not apply, the statutory pay system and all other aspects of the personnel system that would have applied if the National Security Personnel System had never been established.

No employee shall suffer any loss of or decrease in pay because of the preceding sentence, and, for purposes of carrying out such preceding sentence, any determination of the system that

last applied (or that would have applied) with respect to an employee or position shall take into account any modifications to such system pursuant to the provisions of subsections (a) and (b) of section 9902 of title 5, United States Code, as amended by subsection (d).

(2) TRANSITION PERIOD APPOINTMENTS.—To the extent practicable, any individual who, during the NSPS transition period, is appointed to any position within the Department of Defense which is subject to the NSPS shall be subject to the statutory pay system and all other aspects of the personnel system to which such individual or position is to be converted in accordance with the requirements of paragraph (1).

Applicability.

(3) TEMPORARY CONTINUATION OF NSPS.—Notwithstanding any other provision of this section, the National Security Personnel System, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to any employees and positions remaining subject to the NSPS, in accordance with paragraph (1), during the NSPS transition period.

Applicability.

(4) RESTORATION OF FULL ANNUAL PAY ADJUSTMENTS UNDER NSPS PENDING ITS TERMINATION.—Notwithstanding subsection (b)(1)(A), section 9902(e)(7) of title 5, United States Code, to the extent that it remains in force under paragraph (3), shall be applied by substituting "100 percent" for "no less than 60 percent".

(5) NSPS TRANSITION PERIOD DEFINED.—For purposes of this subsection, the term "NSPS transition period" means the period beginning on the date of the enactment of this Act and ending on January 1, 2012.

(d) AUTHORITY RELATING TO PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVES, HIRING FLEXIBILITIES, AND TRAINING OF SUPERVISORS.—Section 9902 of title 5, United States Code, as amended by subsection (b)(1), is further amended by inserting before subsection (e) (as so redesignated by subsection (b)(1)(B)) the following:

Regulations.

"(a) PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVES.—(1) The Secretary, in coordination with the Director, shall promulgate 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.

"(D) Development of 'performance assistance plans' that are designed to give employees formal training, on-the-job training, counseling, mentoring, and other assistance.

Waiver authority.

"(2) In developing the regulations required by this subsection, the Secretary, in coordination with the Director, may waive the requirements of chapters 43 (other than sections 4302 and 4303(e)) and the regulations implementing such chapters, to the extent necessary to achieve the objectives of this subsection.

"(3)(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 for the following:

"(i) Incentive payments for employees based on team or individual performance (which payments shall be in addition to basic pay).

"(ii) Incentive payments to attract or retain employees with particular or superior qualifications or abilities.

"(D) The authority provided in this paragraph is in addition to, and does not supersede or replace, any authority or source of funding otherwise available to the Secretary to pay bonuses or make incentive payments to civilian employees of the Department.

"(4)(A) 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.

"(B) Any rules or regulations promulgated pursuant to this subsection shall be deemed an agency rule or regulation under section 7117(a)(2), and shall not be deemed a Government-wide rule or regulation under section 7117(a)(1).

Regulations.

"(b) FLEXIBILITIES RELATING TO APPOINTMENTS.—(1) The Secretary, in coordination with the Director, shall promulgate regulations to redesign the procedures which are applied by the Department of Defense in making appointments to positions within the competitive service in order to—

"(A) better meet mission needs;

"(B) respond to managers' needs and the needs of applicants;

"(C) produce high-quality applicants;

"(D) support timely decisions;

"(E) uphold appointments based on merit system principles; and

"(F) promote competitive job offers.

Waiver authority.

"(2) In redesigning the process by which such appointments shall be made, the Secretary, in coordination with the Director, may waive the requirements of chapter 33, and the regulations implementing such chapter, to the extent necessary to achieve the objectives of this section, while providing for the following:

"(A) Fair, credible, and transparent methods of establishing qualification requirements for, recruitment for, and appointments to positions.

"(B) Fair and open competition and equitable treatment in the consideration and selection of individuals to positions.

"(C) Fair, credible, and transparent methods of assigning, reassigning, detailing, transferring, or promoting employees.

"(3) In implementing this subsection, the Secretary shall comply with the provisions of section 2302(b)(11), regarding veterans' preference requirements, in a manner consistent with that in which such provisions are applied under chapter 33.

"(4)(A) 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.

"(B) Any rules or regulations promulgated pursuant to this section shall be deemed an agency rule or regulation under section 7117(a)(2), and shall not be deemed a Government-wide rule or regulation under section 7117(a)(1).

"(c) CRITERIA FOR USE OF NEW PERSONNEL AUTHORITIES.—In establishing any new performance management and workforce incentive system under subsection (a) or utilizing appointment flexibilities under subsection (b), the Secretary shall—

"(1) adhere to merit principles set forth in section 2301;

"(2) include a means for ensuring employee involvement (for bargaining unit employees, through their exclusive representatives) 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) develop—

"(A) a comprehensive management succession program to provide training to employees to develop managers for the agency; and

"(B) a program to provide training to supervisors on actions, options, and strategies a supervisor may use in administering such system;

"(5) 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;

"(6) utilize the annual strategic workforce plan, required by section 115b of title 10; and

"(7) ensure that adequate agency resources are allocated for the design, implementation, and administration of such system.

"(d) DEVELOPMENT OF TRAINING PROGRAM FOR SUPERVISORS.—(1) The Secretary shall develop—

"(A) a program to provide training to supervisors on use of the new authorities provided in this section, including the actions, options, and strategies a supervisor may use in—

"(i) developing and discussing relevant goals and objectives with the employee, communicating and discussing progress relative to performance goals and objectives, and conducting performance appraisals;

"(ii) mentoring and motivating employees, and improving employee performance and productivity;

"(iii) fostering a work environment characterized by fairness, respect, equal opportunity, and attention to the quality of the work of employees;

"(iv) effectively managing employees with unacceptable performance;

"(v) addressing reports of a hostile work environment, reprisal, or harassment of or by another supervisor or employee; and

"(vi) otherwise carrying out the duties and responsibilities of a supervisor;

"(B) a program to provide training to supervisors on the prohibited personnel practices under section 2302 (particularly with respect to such practices described under subsections (b)(1) and (b)(8) of such section), employee collective bargaining and

union participation rights, and the procedures and processes used to enforce employee rights; and

"(C) a program under which experienced supervisors mentor new supervisors by—

"(i) sharing knowledge and advice in areas such as communication, critical thinking, responsibility, flexibility, motivating employees, teamwork, leadership, and professional development; and

"(ii) pointing out strengths and areas for development.

Deadline.

"(2) Each supervisor shall be required to complete a program at least once every 3 years.".

Plans.

(e) REPORTS.—The Secretary of Defense shall provide a report to the covered committees (as defined by subsection (g)(6))—

(1) no later than 6 months after the date of enactment of this Act, on the initial steps being taken to reclassify positions from the NSPS and the initial conversion plan to begin converting employees from the NSPS, which information shall be supplemented by reports describing the progress of the conversion process which shall be submitted to the same committees on a semiannual basis;

Effective date.

(2) no later than 12 months after date of enactment, a plan for the personnel management system as authorized by section 9902(a) of title 5, United States Code, as amended by this section, which plan shall not take effect until 90 days after the submission of the plan to Congress; and

(3) no later than 12 months after date of enactment, a plan for the appointment procedures as authorized by section 9902(b) of title 5, United States Code, as amended by this section.

(f) CLERICAL AMENDMENTS.—

(1) The heading of section 9902 of title 5, United States Code, is amended to read as follows:

"§ 9902. Department of Defense personnel authorities".

(2) 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:

"9902. Department of Defense personnel authorities.".

(g) OTHER PERSONNEL FLEXIBILITIES.—

Determination.
Deadline.
Proposal.

(1) IN GENERAL.—If the Secretary of Defense determines that it would be in the best interest of the Department of Defense to implement personnel flexibilities in addition to those authorized under section 9902 of title 5, as amended by this section, the Secretary, in coordination with the Director of the Office of Personnel Management, may develop and submit to the covered committees, not later than 6 months after the date of the enactment of this Act, a proposal to implement—

(A) additional personnel flexibilities and associated statutory waivers with respect to the application of the General Schedule (as defined in section 5332 of title 5, United States Code); or

(B) additional personnel flexibilities and associated statutory waivers, which would require exemption from the application of the General Schedule (as so defined).

(2) RATIONALE.—If the Secretary's proposal is to implement authorities described in paragraph (1)(B), the Secretary shall

provide a detailed rationale as to why implementation of authorities described in paragraph (1)(A) are not adequate or appropriate to meet the interests of the Department.

(3) REQUIREMENTS.—The Secretary's proposal (whether as described in paragraph (1)(A) or (1)(B))—

(A) shall be developed in a manner consistent with the requirements of subsections (c) and (d) of section 9902 of title 5, United States Code, as amended by this section;

(B) shall include a description of proposed regulations and implementing rules that the Secretary plans to adopt for the proposed system;

(C) shall identify and provide a rationale for any statutory waiver that would be required to implement the proposed system;

(D) shall describe the steps that the Department would take to avoid problems of the type described in the report of the Defense Business Board, dated August 2009, regarding the National Security Personnel System; and

(E) may not provide for the waiver of any provision of law that cannot be waived under paragraph (3) of section 9902(b) of title 5, United States Code (as in effect on the day before the date of the enactment of this Act), and shall be subject to the requirements in paragraphs (4) and (5) of such section (as then in effect).

(4) CONGRESSIONAL APPROVAL REQUIRED.—If Congress approves the Secretary's proposal in the National Defense Authorization Act for Fiscal Year 2011, the Secretary may implement the proposal (subject to any changes required by law) and begin the implementation of such proposal for personnel included in the National Security Personnel System, in lieu of the transition that would otherwise be required by subsection (b), subject to paragraph (5).

Applicability.

(5) RESTRICTIONS.—Notwithstanding any approval under paragraph (4), the provisions of subsection (b)(2) and (c)(4) shall apply with respect to any proposal approved under such paragraph, unless and until modified or repealed in legislation enacted after the date of the enactment of this Act.

(6) DEFINITIONS.—For purposes of this subsection, the term "covered committees" means—

(A) the Committees on Armed Services of the Senate and the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Oversight and Government Reform of the House of Representatives.

(h) 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—

5 USC 9902 note.

(1) by striking subsection (b);

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

(3) in subsection (b) (as so redesignated by paragraph (2))—

(A) by striking paragraph (1) and inserting the following:

Review.
Deadlines.

"(1) The Comptroller General shall conduct a review, in each of 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 (as amended by section 1113 of the National Defense Authorization Act for Fiscal Year 2011; and

"(B) the extent to which any processes so established are fair, credible, and transparent, as required by such section 9902 (as so amended).."; and

(B) in paragraph (2), by striking "the National Security Personnel System" and inserting "any processes established pursuant to such regulations".

10 USC 1601 note.

SEC. 1114. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

Time period.

(a) SUSPENSION OF CERTAIN PAY AUTHORITY.—Effective with respect to amounts paid during the period beginning on the date of the enactment of this Act and ending on December 31, 2010, rates of basic pay for employees and positions within any element of the intelligence community (as defined by the National Security Act of 1947)—

(1) may not be fixed under the Defense Civilian Intelligence Personnel System; and

(2) shall instead be fixed in accordance with the provisions of law that (disregarding DCIPS) would then otherwise apply.

The preceding sentence shall not apply with respect to the National Geospatial-Intelligence Agency.

(b) RESPONSE TO GAO REPORT.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional oversight committees a written description of any actions taken or proposed to be taken by such Secretary in response to the review and recommendations of the Government Accountability Office regarding the Defense Civilian Intelligence Personnel System.

(c) INDEPENDENT ORGANIZATION.—

Deadline. Designation.

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, the Director of the Office of Personnel Management, and the Director of National Intelligence shall jointly designate an independent organization to review the operation of the Defense Civilian Intelligence Personnel System, including—

(A) its impact on career progression;

(B) its appropriateness or inappropriateness in light of the complexities of the workforce affected;

(C) its sufficiency in terms of providing protections for diversity in promotion and retention of personnel; and

(D) the adequacy of the training, policy guidelines, and other preparations afforded in connection with transitioning to that system.

Reports.

(2) DEADLINE.—The independent organization shall, after appropriate consultation with employees and employee organizations, submit its findings and recommendations under this section to the Secretary of Defense and the congressional oversight committees, in a written report, not later than June 1, 2010.

(d) PROPOSED ACTIONS BASED ON REPORT.—Not later than 60 days after receiving the report of the independent organization under subsection (c), the Secretary of Defense, in coordination with

the Director of the Office of Personnel Management and the Director of National Intelligence, shall submit to the congressional oversight committees a written report describing any actions that the Secretary has taken or proposes to take in response to such report.

(e) HOLD-HARMLESS PROVISION.—No employee shall suffer any loss of or decrease in pay as a result of being converted from DCIPS in compliance with subsection (a).

(f) DEFINITIONS.—For purposes of this section—

(1) the terms "Defense Civilian Intelligence Personnel System" and "DCIPS" mean the civilian personnel system established by the Secretary of Defense under regulations—

(A) prescribed pursuant to sections 1601 through 1614 of title 10, United States Code; and

(B) taking effect in September 2008 or thereafter; and

(2) the term "congressional oversight committees" means—

(A) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

Subtitle B—Provisions Relating to Reemployment of Annuitants

SEC. 1121. AUTHORITY TO EXPAND SCOPE OF PROVISIONS RELATING TO UNREDUCED COMPENSATION FOR CERTAIN REEMPLOYED ANNUITANTS.

(a) IN GENERAL.—Section 9902(h) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

"(3) Benefits similar to those provided by paragraphs (1) and (2) may be extended, in accordance with regulations prescribed by the President, so as to be made available with respect to reemployed annuitants within the Department of Defense who are subject to such other retirement systems for Government employees (whose annuities are payable under authorities other than subchapter III of chapter 83 or chapter 84 of title 5) as may be provided for under such regulations.".

President. Regulations.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9902(h) of such title 5 (as so designated by subsection (a)(1)) is amended by striking the period and inserting ", excluding paragraph (3).".

SEC. 1122. 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.

Waiver authority. Determination.

"(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 Economic 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—

Reports.

"(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

Deadline. Succession plan.

"(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).

Termination date.

"(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 National Defense Authorization Act for Fiscal Year 2010."; 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.

Waiver authority. Determination.

"(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 Economic 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—

Reports.

"(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

Deadline. Succession plan.

"(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 National Defense Authorization Act for Fiscal Year 2010."; and

Termination date.

(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.

5 USC 8344 note.

(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. 1123. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of the 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 1122.

(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 1122 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. One-year extension of authority for security and stabilization assistance.
Sec. 1202. Expansion of authority and modification of notification and reporting requirements for use of authority for support of special operations to combat terrorism.
Sec. 1203. Modification of report on foreign-assistance related programs carried out by the Department of Defense.
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Sec. 1205. Authority to provide administrative services and support to coalition liaison officers of certain foreign nations assigned to United States Joint Forces Command.
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Sec. 1207. Authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries.
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Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1221. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1222. One-year extension and expansion of Commanders' Emergency Response Program.
Sec. 1223. Modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
Sec. 1224. Pakistan Counterinsurgency Fund.
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Sec. 1226. Reports on campaign plans for Iraq and Afghanistan.
Sec. 1227. Report on responsible redeployment of United States Armed Forces from Iraq.
Sec. 1228. Report on community-based security programs in Afghanistan.
Sec. 1229. Updates of report on command and control structure for military forces operating in Afghanistan.
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Sec. 1231. Assessment and report on United States-Pakistan military relations and cooperation.
Sec. 1232. Report on progress toward security and stability in Pakistan.
Sec. 1233. Repeal of GAO war-related reporting requirement.
Sec. 1234. Authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan.
Sec. 1235. Analysis of required force levels and types of forces needed to secure southern and eastern regions of Afghanistan.

Sec. 1236. Modification of report on progress toward security and stability in Afghanistan.
Sec. 1237. No permanent military bases in Afghanistan.

Subtitle C—Other Matters

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Sec. 1242. Annual counterterrorism status reports.
Sec. 1243. Report on United States contributions to the United Nations.
Sec. 1244. NATO Special Operations Coordination Center.
Sec. 1245. Annual report on military power of Iran.
Sec. 1246. Annual report on military and security developments involving the People's Republic of China.
Sec. 1247. Report on impacts of drawdown authorities on the Department of Defense.
Sec. 1248. Risk assessment of United States space export control policy.
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Sec. 1250. Report on potential foreign military sales of the F–22A fighter aircraft.
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Sec. 1252. Map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo.
Sec. 1253. Sense of Congress relating to Israel.
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Subtitle D—VOICE Act

Sec. 1261. Short title.
Sec. 1262. Authorization of appropriations.
Sec. 1263. Iranian Electronic Education, Exchange, and Media Fund.
Sec. 1264. Annual report.
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Sec. 1266. Human rights documentation.

Subtitle A—Assistance and Training

SEC. 1201. 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. 1202. EXPANSION OF AUTHORITY AND MODIFICATION OF NOTIFICATION AND REPORTING REQUIREMENTS FOR USE OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) AUTHORITY.—Section 1208(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended by section 1208(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking "$35,000,000" and inserting "$40,000,000".

(b) 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—

(1) by striking "Upon using" and inserting the following: "(1) IN GENERAL.—Upon using";

(2) by inserting after "support of an approved military operation" the following: "or changing the scope or funding level of any support for such an operation";

(3) by striking "Such a notification need be provided only once with respect to any such operation."; and

(4) by adding at the end the following new paragraph: "(2) 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 amount obligated under the authority to provide support.".

(c) 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. 1203. MODIFICATION OF REPORT ON FOREIGN-ASSISTANCE RELATED PROGRAMS CARRIED OUT BY THE DEPARTMENT OF DEFENSE.

(a) AMENDMENT.—Section 1209 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368) is amended—

(1) in subsection (a), by striking "180 days after the date of the enactment of this Act" and inserting "February 1 of each year through February 1, 2013"; and

(2) in subsection (b)(1)—

(A) in subparagraph (G), by striking "and" at the end; and

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

"(I) subsection (b)(6) of section 166a of title 10, United States Code; and".

(b) REPORT FOR FISCAL YEARS 2008 AND 2009.—The report required to be submitted not later than February 1, 2010, under section 1209(a) of the National Defense Authorization Act for Fiscal Year 2008, as amended by subsection (a), shall include information

required under such section with respect to fiscal years 2008 and 2009.

SEC. 1204. REPORT ON AUTHORITIES TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES AND RELATED MATTERS.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the President shall transmit to the congressional committees specified in subsection (b) a report on the following:

(1) The relationship between authorities of the Department of Defense to conduct security cooperation programs to train and equip, or otherwise build the capacity of, foreign military forces and security assistance authorities of the Department of State and other foreign assistance agencies to provide assistance to train and equip, or otherwise build the capacity of, foreign military forces, including the distinction, if any, between the purposes of such authorities, the processes to generate requirements to satisfy the purposes of such authorities, and the contribution such authorities make to the core missions of each such department and agency.

(2) The strengths and weaknesses of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Arms Export Control Act (22 U.S.C. 2171 et seq.), title 10, United States Code, and any other provision of law relating to training and equipping, or otherwise building the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(3) The changes, if any, that should be made to the provisions of law described in paragraph (2) that would improve the ability of the United States Government to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(4) The organizational and procedural changes, if any, that should be made in the Department of Defense and the Department of State and other foreign assistance agencies to improve the ability of such departments and agencies to conduct programs to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(5) The resources and funding mechanisms required to ensure adequate funding for such programs.

(b) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1205. 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.".

10 USC 1051a.

(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. 1206. 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.

10 USC 168 note.

SEC. 1207. 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 under such agreement 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.

(C) The cost of temporary duty of the exchanged personnel directed by the United States Government.

(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) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the end of the fiscal year in which the authority in subsection (a) has been exercised, the Secretary of Defense shall submit to the appropriate congressional committees a report on the use of the authority through the end of such fiscal year.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the number of non-reciprocal international defense personnel exchange agreements, the number of personnel assigned pursuant to such agreements, the Department of Defense component to which the personnel have been assigned, the duty title of each assignment, and the countries with which the agreements have been concluded.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(f) DURATION OF AUTHORITY.—The authority under this section shall expire on September 30, 2012.

SEC. 1208. 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. 1209. ENHANCING IRAQI SECURITY THROUGH DEFENSE COOPERATION BETWEEN THE UNITED STATES AND IRAQ.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a report on the role of Foreign Military Sales in meeting the requirements of the military and security forces of Iraq for restoring and maintaining peace and security in Iraq.

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

(1) A description of the minimum requirements of the military and security forces of Iraq to achieve and sustain internal security.

(2) A description of how Foreign Military Sales may be leveraged to ensure the timely delivery of training, equipment, and supplies beyond the December 2011 drawdown deadline and any recommendations for improving the Foreign Military Sales process with respect to Iraq.

(3) An assessment of the feasibility and desirability of treating an undertaking by the Government of Iraq 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 the purpose of entering into contracts for the procurement of defense articles and defense services as provided for in that section.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should, with the concurrence of the Secretary of State, seek 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.

(d) DEFINITION.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1210. AVAILABILITY OF APPROPRIATED FUNDS FOR THE STATE PARTNERSHIP PROGRAM. 32 USC 107 note.

(a) REGULATIONS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with Secretary of State, shall prescribe regulations regarding the use of funds appropriated to the Department of Defense to pay the costs incurred by the National Guard in conducting activities under the State Partnership Program. The Secretary of Defense shall transmit to the appropriate congressional committees a copy of the regulations not later than 15 days after the date on which the regulations are prescribed under this subsection. Deadline. Records. Deadline.

(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) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not later than the end of each of the fiscal years 2010 through 2013, the Secretary of Defense shall submit to the appropriate congressional committees a report describing the civilian engagement activities conducted under the State Partnership Program, including a detailed description of the activities undertaken and funds expended in the previous fiscal year under the State Partnership Program.

(d) DEFINITION.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1221. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1222. ONE-YEAR EXTENSION AND EXPANSION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) 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 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 "$1,300,000,000".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2009.

(b) 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".

(c) 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,".

(d) AUTHORITY TO TRANSFER FUNDS FOR SUPPORT OF AFGHANISTAN NATIONAL SOLIDARITY PROGRAM.—

Determination.

(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 counterinsurgency operations or stability operations in Afghanistan, 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 $50,000,000.

(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. Deadline. Reports.

(4) EXPIRATION.—The authority to transfer funds under paragraph (1) shall expire at the close of September 30, 2010.

(e) USE OF FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.—

(1) AUTHORITY.—The Secretary of Defense, in coordination with the Government of Afghanistan and with the concurrence of the Secretary of State, may utilize such funds as necessary from amounts available for the Commanders' Emergency Response Program for fiscal year 2010 to support the reintegration into Afghan society of those individuals who have renounced violence against the Government of Afghanistan.

(2) QUARTERLY REPORTS.—

(A) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report on activities carried out utilizing the authority of paragraph (1). Such report shall be included in the report required under section 1202(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), and shall be specifically identified as having been carried out under the authority of paragraph (1).

(B) COPY OF REPORT.—The Secretary of Defense shall provide the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate with a copy of that portion of the report required by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455) that pertains to expenditures carried out under the authority of paragraph (1).

(3) EXPIRATION.—The authority to utilize funds under paragraph (1) shall expire at the close of September 30, 2010.

(f) REVIEW OF PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a thorough review of the Commander's Emergency Response Program and submit to the congressional defense committees the results of such review. Deadline.

(g) DEFINITION.—In this section, the term "Commanders' Emergency Response Program" has the meaning given the term in section 1202(g) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456).

SEC. 1223. 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) in subsection (a)—

(A) by striking "section 1508" and inserting "section 1509(5) of the National Defense Authorization Act for Fiscal Year 2010";

(B) by striking "key cooperating nation for logistical" and inserting the following: "key cooperating nation for the following:

"(1) Logistical"; and

(C) by adding at the end the following:

"(2) Logistical, military, and other support, including access, provided by that nation to or in connection with United States military operations described in paragraph (1).";

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

(3) by inserting after subsection (a) the following new subsection:

"(b) OTHER SUPPORT.—Using funds described in subsection (a)(2), 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 specialized 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) 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) LIMITATION ON AMOUNT.—Paragraph (1) of subsection (d) of such section (as redesignated) is amended by adding at the end the following: "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.".

Deadline.

(d) NOTICE TO CONGRESS.—Subsection (e) of such section (as redesignated) is amended by striking "shall—" and all that follows and inserting "shall notify the appropriate congressional 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). In the case of any reimbursement to Pakistan under the authority of this section, such notice shall be made in accordance with the notice requirements under section 1232(b).".

(e) QUARTERLY REPORTS.—Such section is further amended by adding at the end the following new subsection:

"(f) QUARTERLY REPORTS.—The Secretary of Defense shall submit to the appropriate congressional 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) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(g) DEFINITION.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

"(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.".

(g) EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as amended by section 1217(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4635), is further amended by striking "September 30, 2010" and inserting "September 30, 2011".

SEC. 1224. PAKISTAN COUNTERINSURGENCY FUND.

(a) AVAILABILITY.—

(1) AMOUNTS IN THE FUND.—The Pakistan Counterinsurgency Fund (in this section referred to as the "Fund") shall consist of the following:

(A) Amounts appropriated to the Fund for fiscal year 2009.

(B) Amounts transferred to the Fund pursuant to subsection (d).

(2) INITIAL ASSESSMENT REQUIRED.—Concurrent with the initial use of funds available under this section, the Secretary of Defense shall submit to the appropriate congressional committees a report setting forth an assessment by the Secretary as to whether the Government of Pakistan is making concerted efforts to confront the threat posed by al Qa'ida, the Taliban, and other militant extremists based on the national security interests of Pakistan.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Amounts in the Fund shall be made available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance (including program management and the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction) to the security forces of Pakistan (including military forces, police forces, and the Frontier Corps) to build and maintain the counterinsurgency capability of such forces, and of which not more than $4,000,000 may be made available to provide humanitarian assistance to the people of Pakistan only as part of civil-military training exercises for such forces receiving assistance under the Fund.

(2) RELATION TO OTHER AUTHORITIES.—Except as otherwise provided in section 1225 of this Act, amounts in the Fund are authorized to be made available subject only to the terms and conditions of this section and notwithstanding any other provision of law. The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(c) TRANSFERS FROM FUND.—

(1) IN GENERAL.—The Secretary of Defense may transfer such amounts as the Secretary determines to be appropriate from the Fund—

(A) to any account available to the Department of Defense, or

(B) with the concurrence of the Secretary of State and head of the relevant Federal department or agency, to any other non-intelligence related Federal account,

for purposes consistent with this section.

(2) TREATMENT OF TRANSFERRED FUNDS.—Subject to subsection (b)(2), amounts transferred to an account under the authority of paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(3) TRANSFERS BACK TO FUND.—Upon a determination by the Secretary of Defense with respect to funds transferred under paragraph (1)(A), or the head of the other Federal department or agency with the concurrence of the Secretary of State with respect to funds transferred under paragraph (1)(B), that all or part of amounts transferred from the Fund under paragraph (1) are not necessary for the purpose provided, such amounts may be transferred back to the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as originally applicable under subsection (b).

(d) TRANSFERS TO FUND.—

(1) IN GENERAL.—The Fund may include amounts transferred by the Secretary of State, with the concurrence of the Secretary of Defense, under any authority of the Secretary of State to transfer funds under any provision of law.

(2) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to the Fund under the authority of paragraph (1) shall be subject to any restriction relating to payments for Letters of Offer and Acceptance as a condition of the authority to transfer funds under paragraph (1), and merged with amounts in the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in the Fund.

Time period.

(e) CONGRESSIONAL NOTIFICATION.—Amounts in the Fund may not be transferred from the Fund under this section until 15 days after the date on which the Secretary of Defense notifies the appropriate congressional committees in writing of the details of the proposed transfer.

(f) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall submit to the appropriate congressional committees a report that summarizes, on a project-by-project basis, any transfer of funds from the Fund under this section during such fiscal quarter.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(h) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the authority provided under this section terminates at the close of September 30, 2010.

(2) EXCEPTION.—Any program supported from amounts in the Fund established before the close of September 30, 2010, may be completed after that date but only using amounts appropriated or transferred to the Fund on or before that date.

SEC. 1225. PROGRAM TO PROVIDE FOR THE REGISTRATION AND END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES TRANSFERRED TO AFGHANISTAN AND PAKISTAN.

22 USC 2785 note.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall establish and carry out a program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan in accordance with the requirements under subsection (b) and to prohibit the retransfer of such defense articles and defense services without the consent of the United States. The program required under this subsection shall be limited to the transfer of defense articles and defense services—

(A) pursuant to authorities other than the Arms Export Control Act or the Foreign Assistance Act of 1961; and

(B) using funds made available to the Department of Defense, including funds available pursuant to the Pakistan Counterinsurgency Fund.

(2) PROHIBITION.—No defense articles or defense services that would be subject to the program required under this subsection may be transferred to—

(A) the Government of Afghanistan or any other group, organization, citizen, or resident of Afghanistan, or

(B) the Government of Pakistan or any other group, organization, citizen, or resident of Pakistan,

until the Secretary of Defense certifies to the specified congressional committees that the program required under this subsection has been established.

(b) REGISTRATION AND END-USE MONITORING REQUIREMENTS.—The registration and end-use monitoring requirements under this subsection shall include the following:

(1) A detailed record of the origin, shipping, and distribution of defense articles and defense services transferred to—

(A) the Government of Afghanistan and other groups, organizations, citizens, and residents of Afghanistan; and

(B) the Government of Pakistan and other groups, organizations, citizens, and residents of Pakistan.

(2) The registration of the serial numbers of all small arms to be provided to—

(A) the Government of Afghanistan and other groups, organizations, citizens, and residents of Afghanistan; and

(B) the Government of Pakistan and other groups, organizations, citizens, and residents of Pakistan.

(3) A program of end-use monitoring of lethal defense articles and defense services transferred to the entities and individuals described in subparagraphs (A) and (B) of paragraph (1).

(c) REVIEW; EXEMPTION.—

(1) REVIEW.—The Secretary of Defense shall periodically review the defense articles and defense services subject to the registration and end-use monitoring requirements under subsection (b) to determine which defense articles and defense services, if any, should no longer be subject to such registration and end-use monitoring requirements. The Secretary of Defense shall submit to the specified congressional committees the results of each review conducted under this paragraph.

Effective date.
Notification.

(2) EXEMPTION.—The Secretary of Defense may exempt a defense article or defense service from the registration and end-use monitoring requirements under subsection (b) beginning on the date that is 30 days after the date on which the Secretary provides notice of the proposed exemption to the specified congressional committees. Such notice shall describe any controls to be imposed on such defense article or defense service, as the case may be, under any other provision of law.

(d) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term "defense article" has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(2) DEFENSE SERVICE.—The term "defense service" has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(3) SMALL ARM.—The term "small arm" means—

(A) a handgun or pistol;

(B) a shoulder-fired weapon, including a sub-carbine, carbine, or rifle;

(C) a light, medium, or heavy automatic weapon up to and including a .50 caliber machine gun;

(D) a recoilless rifle up to and including 106mm;

(E) a mortar up to and including 81mm;

(F) a rocket launcher, man-portable;

(G) a grenade launcher, rifle and shoulder fired; and

(H) an individually-operated weapon which is portable or can be fired without special mounts or firing devices and which has potential use in civil disturbances and is vulnerable to theft.

(4) SPECIFIED CONGRESSIONAL COMMITTEES.—The term "specified congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect 180 days after the date of the enactment of this Act.

Time period.
Certification.

(2) EXCEPTION.—The Secretary of Defense may delay the effective date of this section by an additional period of up to 120 days if the Secretary certifies in writing to the specified congressional committees for such additional period that it

is in the vital interest of the United States to do so and includes in the certification a description of such vital interest.

SEC. 1226. REPORTS ON CAMPAIGN PLANS FOR IRAQ AND AFGHANISTAN.

(a) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees separate reports containing assessments of the extent to which the campaign plan for Iraq and the campaign plan for Afghanistan (including the supporting and implementing documents for each such plan) each adhere to military doctrine (as defined in the Department of Defense's Joint Publication 5–0, Joint Operation Planning), including the elements set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be included in the assessments required under subsection (a) are as follows:

(1) The extent to which each campaign plan identifies and prioritizes the conditions that must be achieved in each phase of the campaign.

(2) The extent to which each campaign plan reports the number of combat brigade teams and other forces required for each campaign phase.

(3) The extent to which each campaign plan estimates the time needed to reach the desired end state and complete the military portion of the campaign.

(c) UPDATE OF REPORT.—The Comptroller General shall submit to the congressional defense committees an update of the report on the campaign plan for Iraq or the campaign plan for Afghanistan required under subsection (a) whenever the campaign plan for Iraq or the campaign plan for Afghanistan, as the case may be, is substantially updated or altered.

(d) EXCEPTION.—If the Comptroller General determines that a report submitted to Congress by the Comptroller General before the date of the enactment of this Act substantially meets the requirements of subsection (a) for the submission of a report on the campaign plan for Iraq or the campaign plan for Afghanistan, the Comptroller General shall so notify the congressional defense committees in writing, but shall provide an update of the report as required under subsection (c).

Determination. Notification.

(e) TERMINATION.—

(1) REPORTS ON IRAQ.—The requirement to submit updates of reports on the campaign plan for Iraq under subsection (c) shall terminate on December 31, 2011.

(2) REPORTS ON AFGHANISTAN.—The requirement to submit updates of reports on the campaign plan for Afghanistan under subsection (c) shall terminate on September 30, 2012.

SEC. 1227. REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ.

50 USC 1541 note.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, or December 31, 2009, whichever occurs later, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report concerning the responsible redeployment of United States Armed Forces from Iraq in accordance with the policy announced by the President on February 27, 2009, and the Agreement Between the

United States of America and the Republic of Iraq On the Withdrawal of United States Forces From Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq.

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

(1) The number of United States military personnel in Iraq by service and component for each month of the preceding 90-day period and an estimate of the personnel levels in Iraq for the 90-day period following submission of the report.

(2) The number and type of military installations in Iraq occupied by 100 or more United States military personnel and the number of such military installations closed, consolidated, or transferred to the Government of Iraq in the preceding 90-day period.

(3) An estimate of the number of military vehicles, containers of equipment, tons of ammunition, or other significant items belonging to the Department of Defense removed from Iraq during the preceding 90-day period, an estimate of the remaining amount of such items belonging to the Department of Defense, and an assessment of the likelihood of successfully removing, demilitarizing, or otherwise transferring all items belonging to the Department of Defense from Iraq on or before December 31, 2011.

(4) An assessment of United States detainee operations and releases. Such assessment should include the total number of detainees held by the United States in Iraq, the number of detainees in each threat level category, the number of detainees who are not nationals of Iraq, the number of detainees transferred to Iraqi authorities, the number of detainees who were released from United States custody and the reasons for their release, and the number of detainees who having been released in the past were recaptured or had their remains identified planning or after carrying out attacks on United States or Coalition forces.

(5) A listing of the objective and subjective factors utilized by the commander of Multi-National Force–Iraq, including any changes to that list in the case of an update to the report, to determine risk levels associated with the drawdown of United States Armed Forces, and the process and timing that will be utilized by the commander of Multi-National Force–Iraq and the Secretary of Defense to assess risk and make recommendations to the President about either continuing the redeployment of United States Armed Forces from Iraq in accordance with the schedule announced by the President or modifying the pace or timing of that redeployment.

(c) INCLUSION IN OTHER REPORTS.—The report required under subsection (a) and any updates to the report may be included in any other required report on Iraq submitted to Congress by the Secretary of Defense.

(d) FORM.—The report required under subsection (a), whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense, may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 1228. REPORT ON COMMUNITY-BASED SECURITY PROGRAMS IN AFGHANISTAN.

(a) REPORT REQUIRED.—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 on the Afghan Public Protection Program and other similar programs for community-based security forces in Afghanistan (in this section collectively referred to as the "programs").

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the programs in Afghanistan, including, at a minimum, the following elements:

(A) A listing and short description of the programs, including major elements of each program.

(B) An evaluation of the changes in security conditions in the districts in which each program is located, from each program's inception to the date of the report.

(C) The extent to which the forces developed under the programs are generally representative of the ethnic groups in the respective districts in which the programs are located.

(D) If the forces developed under the programs are appropriately representative of the geographic area of responsibility.

(E) An assessment of the effectiveness of each program, including, to the extent practicable, the views of the local communities and Afghan national, provincial, and district governmental officials and leaders of the local communities.

(F) Any formal reviews of the programs that are planned for the future and the timelines on which the reviews would be conducted, by whom the reviews would be conducted, and the criteria that would be used.

(G) The selection criteria that were used to select members of the program in the initial pilot districts and how the members were vetted.

(H) The costs to the Department of Defense to support the program in the initial pilot districts, to include any Commanders' Emergency Response Program funds spent as formal or informal incentives.

(I) The roles of the Afghanistan National Security Forces (ANSF) in supporting and training forces under each program.

(J) Any other criteria used to evaluate the programs by the Commander of United States Forces–Afghanistan.

(2) An assessment of the future of the programs, including, at a minimum, the following elements:

(A) A description of the goals and objectives expected to be met by the expansion of the programs or the establishment of similar programs.

(B) A description of how such expansions would support the functions of the Afghan National Police.

(C) A description of how districts or provinces will be chosen to participate in the programs, including an explanation of the following:

(i) What mechanisms the Government of Afghanistan will use to select additional districts or provinces, including participants in the decision process and the criteria used.

(ii) How the views of relevant United States Government departments and agencies and of the North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) will be taken into account by the Government of Afghanistan when choosing districts or provinces to participate in the programs.

(iii) What process will be used to evaluate any changes to the programs as executed in the past to account for different or unique circumstances in additional areas of expansion.

(D) An assessment of personnel, assets, or funding of the Department of Defense that would likely be required to support any expansion of the programs.

(E) A description of the formal process, led by the Government of Afghanistan, that will be used to evaluate the programs, including a description of the following:

(i) A listing of the criteria that are expected to be considered in the process.

(ii) The roles in the process of—

(I) the Government of Afghanistan;

(II) relevant United States Government departments and agencies;

(III) NATO-ISAF;

(IV) nongovernmental representatives of the people of Afghanistan; and

(V) any other appropriate individuals and entities.

(F) A description of whether members of the forces developed under the programs will be transitioned to the ANSF or to other employment in the future, including a description of—

(i) the process that will be used to transition the forces;

(ii) additional training that may be required; and

(iii) how decisions will be made to transition the forces to the ANSF or other employment.

(G) The Afghan chain of command that will be used to implement the programs and provide command and control over the units created by the programs.

10 USC 113 note.

SEC. 1229. UPDATES OF REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

Section 1216(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634) is amended by adding at the end the following new sentence: "Any update of the report required under subsection (c) may be included in the report required under section 1230 of

the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385).".

SEC. 1230. 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.

(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, monetary 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, procedures, 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 incurred. This discussion will also include whether the implementation of general uniform 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.

SEC. 1231. ASSESSMENT AND REPORT ON UNITED STATES-PAKISTAN MILITARY RELATIONS AND COOPERATION.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense, in consultation with the Secretary of State, shall conduct an assessment of possible alternatives to reimbursements to Pakistan for logistical, military, or other support provided by Pakistan to or in connection with United States military operations, which could encourage the Pakistani military to undertake counterterrorism and counterinsurgency operations and achieve the goals and objectives for long-term United States-Pakistan military relations and cooperation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to

the appropriate congressional committees a report on the assessment required under subsection (a).

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1232. REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN PAKISTAN.

(a) REPORT REQUIRED.—The President shall submit to Congress a report on the progress toward long-term security and stability in Pakistan. The report required under this subsection shall be submitted concurrent with the submission of each report under section 1232 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), on or after the date of the enactment of this Act. President.

(b) ELEMENTS.—The report required under subsection (a) shall address, at a minimum, the following elements:

(1) The effectiveness of efforts to achieve the following strategic goals:

(A) To disrupt, dismantle, and defeat al Qa'ida, its affiliated networks, and other extremist forces in Pakistan.

(B) To eliminate the safe havens for such forces in Pakistan.

(C) To prevent the return of such forces to Pakistan or Afghanistan.

(2) The effectiveness of United States security assistance to Pakistan to achieve the strategic goals described in paragraph (1).

(3) For any strategic goal addressed under this subsection, a description of any additional goals and objectives, and the timelines for meeting such goals and objectives.

(4) A description of the metrics used to assess progress toward each goal and objective and along each timeline described in paragraph (3).

(c) FORM.—The report required under subsection (a) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

SEC. 1233. REPEAL OF GAO WAR-RELATED REPORTING REQUIREMENT.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462) is amended by striking the following: "Based on these reports, the Comptroller General shall provide to Congress quarterly updates on the costs of Operation Iraqi Freedom and Operation Enduring Freedom.". 10 USC 113 note.

SEC. 1234. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to transfer defense articles from the stocks of the Department of Defense, without reimbursement from the Government of Iraq or the Government of Afghanistan, 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 $750,000,000.

(2) SOURCE OF TRANSFERRED DEFENSE ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A)(i) were present in Iraq as of the date of the enactment of this Act;

(ii) immediately before the transfer were in use to support operations in Iraq; and

(iii) are no longer required by United States forces in Iraq; or

(B)(i) were present in Kuwait as of the date of enactment of this Act;

(ii) prior to being transferred to Kuwait were in use to support operations in Iraq; and

(iii) are no longer required by United States forces in Iraq or Kuwait (as the case may be).

(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.—

Time period.

(1) IN GENERAL.—The Secretary of Defense 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 or Kuwait (as the case may be).

(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 or Kuwait 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 types of defense articles that the Department of Defense intends to transfer to the military and security forces of Afghanistan and an estimate of the quantity of such defense articles to be transferred.

(F) A description of the process by which potential requirements, including requirements related to responding to natural disasters and other domestic emergencies in the continental United States, 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.

(G) 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).

(H) 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.

(I) 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.

(J) 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 Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, has provided notice of the proposed transfer of defense articles or provision of defense services to the appropriate congressional committees. Time period.

(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) a description of whether the article is considered to be an excess defense article or a non-excess defense article;

(D) an identification of the military department from which the defense articles being transferred are drawn;

(E) 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; and

Certification. Determination.

(F) a certification and determination by the Secretary of Defense that—

(i) 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.—

(1) IN GENERAL.—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.

(2) INCLUSION IN OTHER REPORT.—The report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2410) or any follow on report to such other report.

(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 or Afghanistan 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 or against the limitation on the aggregate value of defense articles transferred contained in subsection (b)(1) of this section.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as to provide the authority to refurbish, transport, or otherwise assist in the transfer to Iraq or Afghanistan of excess defense articles outside of Iraq or Kuwait as of the date of the enactment of this Act.

SEC. 1235. ANALYSIS OF REQUIRED FORCE LEVELS AND TYPES OF FORCES NEEDED TO SECURE SOUTHERN AND EASTERN REGIONS OF AFGHANISTAN.

(a) STUDY REQUIRED.—The Secretary of Defense may, in support of the Commander of United States Forces for Afghanistan (USFOR-A), enter into a contract with a Federally Funded Research Development Center (FFRDC) to provide an analysis of the required force levels and types of forces needed to implement the Commander's strategic objectives in Afghanistan, including securing the southern and eastern regions of Afghanistan in order to provide a space for the Government of Afghanistan to establish effective government control and provide the Afghan security forces with the required training and mentoring.

(b) FUNDING.—From funds made available for the Department of Defense by section 301(5) for operation and maintenance, Defense-wide activities, $3,000,000 may be used to carry out subsection (a).

SEC. 1236. MODIFICATION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) REPORT REQUIRED.—Subsection (a) of section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) is amended by striking "2010" and inserting "2011".

(b) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (c) of such section 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) A description of commitments or agreements by NATO ISAF countries regarding the following:

"(i) Mutually agreed upon goals.

"(ii) Strategies to achieve such goals.

"(iii) Resource and force requirements.

"(iv) Commitments and pledges of support regarding troops and resource levels.";

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

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

"(2) NON-NATO ISAF TROOP-CONTRIBUTING COUNTRIES.—A description of commitments or agreements with non-NATO ISAF troop-contributing countries regarding the following:

"(A) Mutually agreed upon goals.

"(B) Strategies to achieve such goals.

"(C) Resource and force requirements.

"(D) Commitments and pledges of support regarding troops and resource levels.".

(c) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (d)(2) of such section is amended—

(1) in subparagraph (A), by striking "individual NATO ISAF countries" and inserting "each individual NATO ISAF country";

(2) by redesignating subparagraphs (C) through (K) as subparagraphs (D) through (L), respectively;

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) With respect to non-NATO ISAF troop-contributing countries, a listing of contributions from each individual country, including levels of troops and equipment, the effect of contributions on operations, and unfulfilled commitments.";

(4) by redesignating subparagraphs (F) through (L) (as redesignated) as subparagraphs (G) through (M), respectively;

(5) by inserting after subparagraph (E) (as redesignated) the following new subparagraph:

"(F) An assessment of progress in ending the ability of the insurgency (including the Taliban, Al Qaeda, and other anti-government elements), to establish control over the population of Afghanistan or regions of Afghanistan and establish safe havens in Afghanistan, and to conduct attacks inside or outside Afghanistan from such safe havens."; and

(6) in subparagraph (J) (as redesignated)—

(A) by redesignating clause (ii) as clause (iv); and

(B) by inserting after clause (i) the following:

"(ii) The coordination of reconstruction and development activities in Afghanistan, including—

"(I) the roles of members of the Armed Forces and non-Armed Forces personnel within the staffing of United States-led Provincial Reconstruction Teams;

"(II) the use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense; and

"(III) the coordination between United States-led and other international-led programs to develop the capacity of national, provincial, and local government and other civil institutions as well as reconstruction and development activities in Afghanistan.

"(iii) Unfilled staffing and resource requirements for United States reconstruction, development, and civil institution capacity building programs.".

(d) CONFORMING AMENDMENT.—Subsection (d)(2) of such section, as amended, is further amended in subparagraph (K) (as redesignated) by striking "subsection (c)(4)" and inserting "subsection (c)(5)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any report required to be submitted under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) after December 31, 2009.

SEC. 1237. NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

Subtitle C—Other Matters

SEC. 1241. 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. President.

(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 Iran 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.

(C) An assessment of direct contacts between the Government of the United States and the Government of the Islamic Republic of Iran, including any direct discussions, exchange of letters, or other activities.

(2) SUPPORT FOR TERRORISM.—An assessment of the types and amount of support provided by Iran to groups designated by the United States as foreign terrorist organizations and

regional militant groups, including organizations and groups present 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 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.

(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 applicable United Nations Security Council Resolutions.

(5) SUPPORT TO NARCOTICS NETWORK IN AFGHANISTAN.—With respect to support to the 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 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 that the Secretary of State has determined to be engaged in activities in violation of existing United States bilateral or multilateral sanctions against Iran; and

(E) a summary 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 activities subject to sanctions have occurred; and

(ii) a description of the actions taken by the United States Government pursuant to each such determination.

(c) SUBMITTAL OF SIMILAR REPORTS AND MATERIALS.—If any report or other material, whether required by law or not, submitted to Congress or any committee of Congress substantially responds to any requirement contained in this section, such requirement shall be considered to have been satisfied by including in the report required by subsection (a) a listing the title and date of the other such report or material so submitted.

(d) 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. 1242. ANNUAL COUNTERTERRORISM STATUS REPORTS.

Success in Countering Al Qaeda Reporting Requirements Act of 2009.

(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.—

President.

(1) IN GENERAL.—Not later than September 30, 2010, and every September 30 thereafter until September 30, 2012, the President shall submit to Congress a report that contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

Assessment.

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the adequacy of interagency integration of the counterterrorism programs and activities of the Department of Defense, 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 and the balance of resource commitments among such departments and agencies;

(C) a delineation of the boundaries and integration between—

(i) the strategic operational planning role of the National Counterterrorism Center (NCTC) for counterterrorism;

(ii) the operational planning role of the Department of Defense and, if applicable, the Central Intelligence Agency, for counterinsurgency and foreign internal defense;

(iii) the operational planning role of the Department of State and other Federal departments and agencies for diplomacy and foreign assistance to promote stability, human rights, prosperity, and other general United States foreign policy goals; and

(iv) the role of the President's National Security Council staff to coordinate the national security interagency process;

Determination.

(D) a determination of whether the NCTC 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);

(E) 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) a description of the most challenging 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;

(F) a specific list of United States counterterrorism efforts, and the specific status and achievements of such efforts, through integrated military, financial, political, intelligence, paramilitary, economic, and law enforcement elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(G) a description of United States Government activities to counter terrorist recruitment and radicalization, including coordinated interagency—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(H) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(I) activities by foreign governments to combat Al Qaeda and its related affiliates and undermine violent extremism, and the extent of their cooperation with the United States Government;

(J) an analysis of the extent to which specific Federal appropriations—

(i) have been mapped to agency tasks as directed in the NCTC's National Implementation Plan;

(ii) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(iii) contribute to investments that have expected payoffs in the medium- to long-term;

(K) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States and foreign government counterterrorism efforts as compared to estimates of the total number of personnel belonging to Al Qaeda and its related affiliates; and

(L) a concise summary of the methods used by all elements of the United States Government to assess and evaluate progress in the Nation's overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

President.

(2) INTERAGENCY COOPERATION.—In preparing a report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) the Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence, including the Central Intelligence Agency;

(H) the Office of Management and Budget;

(I) the United States Agency for International Development; and

(J) any other Federal department that maintains relevant information.

(3) REPORT CLASSIFICATION.—Each report required under this subsection shall be submitted in an unclassified form, to the maximum extent practicable, and accompanied by a classified appendix, as appropriate.

SEC. 1243. 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 "until September 30, 2011, 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.". Web posting.

SEC. 1244. NATO SPECIAL OPERATIONS COORDINATION CENTER.

(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for fiscal year 2010 pursuant to section 301(1) for operation and maintenance for the Army, to be derived from amounts made available for support of North Atlantic Treaty Organization (hereinafter in this section referred to as "NATO") operations, the Secretary of Defense is authorized to use up to $30,000,000 for the purposes set forth in subsection (b).

(b) PURPOSES.—The Secretary shall provide funds for the NATO Special Operations Coordination Center (hereinafter in this section referred to as the "NSCC") to—

(1) improve coordination and cooperation between the special operations forces of NATO nations;

(2) facilitate joint operations by the special operations forces of NATO nations;

(3) support special operations forces peculiar command, control, and communications capabilities;

(4) promote special operations forces intelligence and informational requirements within the NATO structure; and

(5) promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of a multinational education and training program.

(c) CERTIFICATION.—Not less than 180 days after the date of enactment of this Act, the Secretary shall certify to the Committees Deadline.

on Armed Services of the Senate and House of Representatives that the Secretary of Defense has assigned executive agent responsibility for the NSCC to an appropriate organization within the Department of Defense, and detail the steps being undertaken by the Department of Defense to strengthen the role of the NSCC in fostering special operations capabilities within NATO.

SEC. 1245. ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) ANNUAL REPORT.—Not later than January 30 of each year, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, on the current and future military strategy of Iran.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of the security posture of Iran, including at least the following:

(1) A description and assessment of Iranian grand strategy, security strategy, and military strategy, including—

(A) the goals of Iran's grand strategy, security strategy, and military strategy.

(B) trends in Iran's strategy that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world; and

(C) Iranian strategy regarding other countries in the region, including other specified countries.

(2) An assessment of the capabilities of Iran's conventional forces, including—

(A) the size and capabilities of Iran's conventional forces;

(B) an analysis of the effectiveness of Iran's conventional forces when facing United States forces in the region and other specified countries;

(C) a description of Iranian military doctrine; and

(D) an estimate of the funding provided for each branch of Iran's conventional forces.

(3) An assessment of Iran's unconventional forces and related activities, including—

(A) the size and capability of Iranian special operations units, including the Iranian Revolutionary Guard Corps–Quds Force;

(B) the types and amount of support, including funding, lethal and non-lethal supplies, and training, provided to groups designated by the United States as foreign terrorist organizations and regional militant groups, including Hezbollah, Hamas, and the Special Groups in Iraq, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran or in response to a military attack by another country on Iran;

(C) an analysis of the effectiveness of Iran's unconventional forces when facing United States forces in the region and other specified countries in the region; and

(D) an estimate of the amount of funds spent by Iran to develop and support special operations forces and terrorist groups.

(4) An assessment of Iranian capabilities related to nuclear and missile forces, including—

(A) a summary of nuclear weapons capabilities and developments in the preceding year;

(B) a summary of the capabilities of Iran's ballistic missile forces, including developments in the preceding year, the size of Iran's ballistic missile forces and Iran's cruise missile forces, and the locations of missile launch sites;

(C) a detailed analysis of the effectiveness of Iran's ballistic missile forces and Iran's cruise missile forces when facing United States forces in the region and other specified countries; and

(D) an estimate of the amount of funding expended by Iran since 2004 on programs to develop a capability to build nuclear weapons or to enhance Iran's ballistic missile forces.

(c) DEFINITIONS.—In this section:

(1) IRAN'S CONVENTIONAL FORCES.—The term "Iran's conventional forces"—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's ballistic missile forces and Iran's cruise 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) IRAN'S UNCONVENTIONAL FORCES.—The term "Iran's unconventional forces"—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps–Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on Iran.

(3) IRAN'S BALLISTIC MISSILE FORCES.—The term "Iran's ballistic missile forces" means those elements of the military forces of Iran that employ ballistic missiles.

(4) IRAN'S CRUISE MISSILE FORCES.—The term "Iran's cruise missile forces" means those elements of the military forces of Iran that employ cruise missiles capable of flights less than 500 kilometers.

(5) SPECIFIED COUNTRIES.—The term "specified countries" means the countries in the same geographic region as Iran, including Israel, Lebanon, Syria, Jordan, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(d) TERMINATION.—The requirement to submit the report required under subsection (a) shall terminate on December 31, 2014.

SEC. 1246. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) in the first sentence, by striking "on the current and future military strategy of the People's Republic of China" and inserting "on military and security developments involving the People's Republic of China";

(2) in the second sentence—

(A) by striking "on the People's Liberation Army" and inserting "of the People's Liberation Army"; and

(B) by striking "Chinese grand strategy, security strategy," and inserting "Chinese security strategy"; and

(3) by adding at the end the following new sentence: "The report shall also address United States-China engagement and cooperation on security matters during the period covered by the report, including through United States-China military-to-military contacts, and the United States strategy for such engagement and cooperation in the future.".

(b) MATTERS TO BE INCLUDED.—Subsection (b) of such section, as amended by section 1263 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 407), is further amended—

(1) in paragraph (1)—

(A) by striking "goals of" inserting "goals and factors shaping"; and

(B) by striking "Chinese grand strategy, security strategy," and inserting "Chinese security strategy";

(2) by amending paragraph (2) to read as follows:

"(2) Trends in Chinese security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (1).";

(3) in paragraph (6)—

(A) by inserting "and training" after "military doctrine"; and

(B) by striking ", focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes"; and

(4) by adding at the end the following new paragraphs:

"(10) In consultation with the Secretary of Energy and the Secretary of State, developments regarding United States-China engagement and cooperation on security matters.

"(11) The current state of United States military-to-military contacts with the People's Liberation Army, which shall include the following:

"(A) A comprehensive and coordinated strategy for such military-to-military contacts and updates to the strategy.

"(B) A summary of all such military-to-military contacts during the period covered by the report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

"(C) A description of such military-to-military contacts scheduled for the 12-month period following the period covered by the report and the plan for future contacts.

"(D) The Secretary's assessment of the benefits the Chinese expect to gain from such military-to-military contacts.

"(E) The Secretary's assessment of the benefits the Department of Defense expects to gain from such military-to-military contacts, and any concerns regarding such contacts.

"(F) The Secretary's assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the People's Republic of China.

"(12) Other military and security developments involving the People's Republic of China that the Secretary of Defense considers relevant to United States national security.".

(c) CONFORMING AMENDMENT.—Such section is further amended in the heading by striking "**MILITARY POWER OF**" and inserting "**MILITARY AND SECURITY DEVELOPMENTS INVOLVING**".

(d) REPEALS.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 779; 10 U.S.C. 168 note) is amended by striking subsections (e) and (f).

(e) EFFECTIVE DATE.—

Applicability.
10 USC 113 note.

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

(2) STRATEGY AND UPDATES FOR MILITARY-TO-MILITARY CONTACTS WITH PEOPLE'S LIBERATION ARMY.—The requirement to include the strategy described in paragraph (11)(A) of section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000, as so amended, in the report required to be submitted under section 1202(a) of such Act, as so amended, shall apply with respect to the first report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act. The requirement to include updates to such strategy shall apply with respect to each subsequent report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act.

SEC. 1247. REPORT ON IMPACTS OF DRAWDOWN AUTHORITIES ON THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate an annual report, in unclassified form but with a classified annex if necessary, on the impacts of drawdown authorities on the Department of Defense. The report required under this subsection shall be submitted concurrent with the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall contain the following elements:

(1) A list of each drawdown for which a presidential determination was issued in the preceding year.

(2) A summary of the types and quantities of equipment that was provided under each drawdown in the preceding year.

(3) The cost to the Department of Defense to replace any equipment transferred as part of each drawdown, not including any depreciation, in the preceding year.

(4) The cost to the Department of Defense of any other item, including fuel or services, transferred as part of each drawdown in the preceding year.

(5) The total amount of funds transferred under each drawdown in the preceding year.

(6) An assessment by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff of the impact of transfers carried out as part of drawdowns in the previous year on—

(A) the ability of the Armed Forces to meet the requirements of ongoing overseas contingency operations;

(B) the level of risk associated with the ability of the Armed Forces to execute the missions called for under the National Military Strategy as described in section 153(b) of title 10, United States Code;

(C) the ability of the Armed Forces to reset from current contingency operations;

(D) the ability of both the active and Reserve forces to conduct necessary training; and

(E) the ability of the Reserve forces to respond to domestic emergencies.

(c) DEFINITIONS.—In this section:

(1) DRAWDOWN.—The term "drawdown" means any transfer or package of transfers of equipment, services, fuel, funds or any other items carried out pursuant to a presidential determination issued under a drawdown authority.

(2) DRAWDOWN AUTHORITY.—The term "drawdown authority"—

(A) means an authority under—

(i) section 506(a) (1) or (2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a) (1) or (2));

(ii) section 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)(2)); or

(iii) any other substantially similar provision of law; but

(B) does not include the authority provided under section 1234 (relating to authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan).

(d) TERMINATION.—The requirement to submit the report required under subsection (a) shall terminate on December 31, 2013.

SEC. 1248. RISK ASSESSMENT OF UNITED STATES SPACE EXPORT CONTROL POLICY.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense and the Secretary of State shall carry out an assessment of the national security risks of removing satellites and related components from the United States Munitions List.

(b) MATTERS TO BE INCLUDED.—The assessment required under subsection (a) shall included the following matters:

(1) A review of the space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components.

(2) An assessment of the national security risks of removing certain space and space-related technologies identified under paragraph (1) from the United States Munitions List.

(3) An examination of the degree to which other nations' export control policies control or limit the export of space and space-related technologies for national security reasons.

(4) Recommendations for—

(A) the space and space-related technologies that should remain on, or may be candidates for removal from, the United States Munitions List based on the national security risk assessment required paragraph (2);

(B) the safeguards and verifications necessary to—

(i) prevent the proliferation and diversion of such space and space-related technologies;

(ii) confirm appropriate end use and end users; and

(iii) minimize the risk that such space and space-related technologies could be used in foreign missile, space, or other applications that may pose a threat to the security of the United States; and

(C) improvements to the space export control policy and processes of the United States that do not adversely affect national security.

(c) CONSULTATION.—In conducting the assessment required under subsection (a), the Secretary of Defense and the Secretary of State may consult with the heads of other relevant departments and agencies of the United States Government as the Secretaries determine is necessary.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the assessment required under subsection (a). The report shall be in unclassified form but may include a classified annex.

(e) DEFINITION.—In this section, the term "United States Munitions List" means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1249. PATRIOT AIR AND MISSILE DEFENSE BATTERY IN POLAND.

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

(1) On August 20, 2008, representatives of the governments of the United States and Poland signed the "Declaration on Strategic Cooperation between the United States of America and the Republic of Poland".

(2) The Declaration on Strategic Cooperation states, among other things, that the "United States and Poland intend to expand air and missile defense cooperation. In this regard, we have agreed on an important new area of such cooperation involving the deployment of a U.S. Army Patriot air and missile defense battery in Poland. We intend to begin this cooperation next year and to expand it with the aim of establishing by 2012 a garrison to support the U.S. Army Patriot battery. The Government of Poland intends to provide an appropriate

site, infrastructure, and facilities for this garrison acceptable to both parties. Our cooperation in this area will include joint training opportunities that will enhance Polish air defense capabilities. In the coming months, we intend to reach agreement on the specific arrangements that will enable this cooperation to begin. These steps reflect the commitment of the United States to an expanded defense relationship with Poland.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States and Poland should seek to implement the terms of the Declaration on Strategic Cooperation, including cooperation on the deployment of a United States Army Patriot air and missile defense battery in Poland.

(c) REPORT.—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the status of cooperation on the deployment of a United States Army Patriot air and missile defense battery in Poland. The report shall be in unclassified form, but may include a classified annex.

SEC. 1250. 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 Representatives 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 identification of any modifications to current law that are required to authorize foreign military sales of the F–22A fighter aircraft.

Contracts.

(c) ADDITIONAL REPORT REQUIRED.—The Secretary of Defense shall enter into an agreement with a federally funded research and development center to submit, not later than 180 days after the date of the enactment of this Act, to the committees identified in subsection (a), through the Secretary of Defense, a report on 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.

SEC. 1251. REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS AND SENSE OF CONGRESS ON FOLLOW-ON NEGOTIATIONS TO START TREATY.

(a) REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.—

President.

(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 later, the President shall 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 a report on the plan to—

(A) enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States;

(B) modernize the nuclear weapons complex; and

(C) maintain the delivery platforms for nuclear weapons.

(2) 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 nuclear weapons stockpile of the United States.

(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 CONGRESS.—It is the sense of Congress that—

(1) the President should 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;

(2) the enhanced safety, security, and reliability of the nuclear weapons stockpile, modernization of the nuclear weapons complex, and maintenance of the nuclear delivery systems are key to enabling further reductions in the nuclear forces of the United States; and

(3) the President should submit budget requests for fiscal year 2011 and subsequent fiscal years for the programs of the National Nuclear Security Administration of the Department of Energy that are adequate to sustain the needed capabilities to support the long-term maintenance of the nuclear stockpile of the United States.

SEC. 1252. MAP OF MINERAL-RICH ZONES AND AREAS UNDER THE CONTROL OF ARMED GROUPS IN THE DEMOCRATIC REPUBLIC OF THE CONGO.

Deadline.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, should, consistent with the recommendation from the United Nations Group of Experts on the Democratic Republic of the Congo in their December 2008 report, work with other member states of the United Nations and local and international nongovernmental organizations—

(1) to produce a map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo;

(2) to make such map available to the public; and

(3) to provide to the appropriate congressional committees, in classified form if necessary, an explanatory note describing in general terms the sources of information on which the map is based, the definition of the term "control of armed groups" utilized (for example, physical control of mines or forced labor of civilians, control of trade routes, and taxation or extortion of goods in transit), and the identification where possible of the armed groups or other forces in control of the mines depicted.

(b) UPDATES.—The Secretary of State should continue cooperation with the international community and sustain the intent of the report of the United Nations Group of Experts on the Democratic Republic of the Congo by assisting in the regular updating of the map required by subsection (a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1253. SENSE OF CONGRESS RELATING TO ISRAEL.

It is the sense of Congress that—

(1) Israel is one of the strongest allies of the United States;

(2) the United States remains vigorously committed to supporting Israel's welfare, security, and survival as a democratic state;

(3) Israel and the United States face common enemies; and

(4) the United States should continue to provide critical security assistance needed to address existential threats.

SEC. 1254. SENSE OF CONGRESS ON IMPOSING SANCTIONS WITH RESPECT TO IRAN.

It is the sense of Congress that—

(1) the Government 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, as directed by the United Nations Security Council; and

(C) come into full compliance with 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"), including the additional protocol to the Treaty; and

(2) the President should consider the imposition of additional, more restrictive sanctions on Iran if—

(A) the Government of Iran fails to enter into good faith talks which result in progress toward compliance with applicable United Nations Security Council resolutions; and

(B) the United Nations Security Council has failed to adopt significant and meaningful additional sanctions on the Government of Iran.

SEC. 1255. REPORT AND SENSE OF CONGRESS ON NORTH KOREA.

President.

(a) 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) if North Korea does not meet the statutory criteria for being listed as a state sponsor of terrorism, examine whether re-listing North Korea as a state sponsor of terrorism would undermine the effectiveness of the state sponsor of terrorism designation in general and undermine United States efforts regarding existing state sponsors of terrorism.

(b) SENSE OF CONGRESS.—It is the sense of Congress 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; and

(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.

(c) 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. 1256. 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, in consultation with the Secretary of State, 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, 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.

(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 whether there is mutual interest in modifying the agreement on the establishment of the Joint Data Exchange Center to encompass other forms of cooperation.

(5) 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.

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

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

Subtitle D—VOICE Act

Victims of Iranian Censorship Act. 22 USC 6201 note.

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the "Victims of Iranian Censorship Act"or the "VOICE Act".

SEC. 1262. AUTHORIZATION OF APPROPRIATIONS.

22 USC 6204 note.

(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. 1263. IRANIAN ELECTRONIC EDUCATION, EXCHANGE, AND MEDIA FUND.

22 USC 6204 note.

(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. 1264. ANNUAL REPORT.

President. Iran.

(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 and any other relevant demographic information that can be ascertained about the audience for such broadcasts;

(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. 1265. REPORT ON ACTIONS BY NON-IRANIAN COMPANIES.

President.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on non-Iranian persons, including corporations with United States subsidiaries, that, after the date of the enactment of this Act, have knowingly or negligently provided hardware, software, or other forms of assistance to the Government of Iran that has furthered Iran's efforts to—

(1) filter online political content;

(2) disrupt cell phone and Internet communications; and

(3) monitor the online activities of Iranian citizens.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex if necessary.

SEC. 1266. 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.
Sec. 1302. Funding allocations.
Sec. 1303. Utilization of contributions to the Cooperative Threat Reduction Program.
Sec. 1304. Metrics for the Cooperative Threat Reduction Program.
Sec. 1305. Cooperative Threat Reduction Program authority for urgent threat reduction activities.
Sec. 1306. Cooperative Threat Reduction Defense and Military Contacts Program.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

22 USC 5964 note.

(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(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $66,385,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,800,000.

(3) For nuclear weapons storage security in Russia, $15,090,000.

(4) For nuclear weapons transportation security in Russia, $46,400,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $90,886,000.

(6) For biological threat reduction in the former Soviet Union, $152,132,000.

(7) For chemical weapons destruction, $3,000,000.

(8) For defense and military contacts, $5,000,000.

(9) For new Cooperative Threat Reduction initiatives, $17,000,000.

(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. UTILIZATION OF CONTRIBUTIONS TO THE COOPERATIVE THREAT REDUCTION PROGRAM.

22 USC 5952 note.

(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may 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 activities conducted under the Cooperative 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 Cooperative Threat Reduction Program of the Department of Defense. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes 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 appropriate congressional 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.

Time period.

(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 appropriate congressional committees a report on amounts contributed pursuant to subsection (a) during the preceding fiscal year. Each such report shall include, for the fiscal year covered by the report, the following:

(1) A statement of any amounts contributed pursuant to subsection (a), including, for each such amount, the value of the contribution and the identity of the person who made the contribution.

(2) A statement of any amounts so contributed that were obligated or expended by the Secretary, including, for each

such amount, the purposes for which the amount was obligated or expended.

(3) A statement of any amounts so contributed that were retained but not obligated or expended, including, for each such amount, the purposes (if known) for which the Secretary intends to obligate or expend the amount.

(f) IMPLEMENTATION PLAN.—The Secretary of Defense shall submit to the appropriate congressional committees an implementation plan for the authority provided under this section prior to obligating or expending any amounts contributed pursuant to subsection (a). The Secretary shall submit updates to such plan as needed.

(g) TERMINATION.—The authority provided under this section shall terminate on December 31, 2015.

(h) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

22 USC 5964.

SEC. 1304. METRICS FOR THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) METRICS REQUIRED.—The Secretary of Defense shall develop and implement metrics to measure the impact and effectiveness of activities of the Cooperative Threat Reduction Program of the Department of Defense to address threats arising from the proliferation of chemical, nuclear, and biological weapons and weapons-related materials, technologies, and expertise.

(b) SECRETARY OF DEFENSE REPORT ON METRICS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report describing the metrics developed and implemented under subsection (a).

(c) NATIONAL ACADEMY OF SCIENCES ASSESSMENT AND REPORT ON METRICS.—

(1) ASSESSMENT.—Not later than 30 days after the date on which the report is submitted by the Secretary of Defense under subsection (b), the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out an assessment to review the metrics developed and implemented under subsection (a) and identify possible additional or alternative metrics, if necessary.

(2) REPORT.—The National Academy of Sciences shall submit to the appropriate congressional committees and the Secretary of Defense a report on the results of the assessment carried out under paragraph (1).

(3) SECRETARY OF DEFENSE REPORT.—

(A) Not later than 90 days after receipt of the report required by paragraph (2), the Secretary shall submit to the appropriate congressional committees a report on the assessment carried out by the National Academy of Sciences.

(B) The report under subparagraph (A) shall include the following:

(i) A summary of the results of the assessment carried out under paragraph (1).

(ii) An evaluation by the Secretary of the assessment.

(iii) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the assessment.

(C) The report under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amounts appropriated pursuant to the authorization of appropriations in section 301(20) or otherwise made available for Cooperative Threat Reduction Programs for fiscal year 2010, not more than $1,000,000 may be obligated or expended to carry out paragraphs (1) and (2) of subsection (c).

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1305. COOPERATIVE THREAT REDUCTION PROGRAM AUTHORITY FOR URGENT THREAT REDUCTION ACTIVITIES. 22 USC 5965.

(a) IN GENERAL.—Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the Cooperative Threat Reduction Program of the Department of Defense may be expended, notwithstanding any other law, for activities described under subsection (b)(1)(B).

(b) DETERMINATION AND NOTICE.—

(1) DETERMINATION.—The Secretary of Defense, with the concurrence of the Secretary of State and the Secretary of Energy, may make a written determination that—

(A) threats arising from the proliferation of chemical, nuclear, and biological weapons or weapons-related materials, technologies, and expertise must be addressed urgently;

(B) certain provisions of law would unnecessarily impede the Secretary's ability to carry out activities of the Cooperative Threat Reduction Program of the Department of Defense to address such threats; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

(2) NOTICE REQUIRED.—Not later than 15 days before obligating or expending funds under the authority provided in subsection (a), the Secretary of Defense shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include— Deadline.

(A) the determination;

(B) the activities to be undertaken by the Cooperative Threat Reduction Program;

(C) the expected time frame for such activities; and

(D) the expected costs of such activities.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

SEC. 1306. COOPERATIVE THREAT REDUCTION DEFENSE AND MILITARY CONTACTS PROGRAM.

22 USC 5952 note.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the Defense and Military Contacts Program under the Cooperative Threat Reduction Program of the Department of Defense—

(1) is executed pursuant to a well-developed strategy for advancing the mission of the Cooperative Threat Reduction Program;

(2) is focused and expanded to support specific relationship-building opportunities, which could lead to Cooperative Threat Reduction Program development in new geographic areas and achieve other Cooperative Threat Reduction Program benefits;

(3) is directly administered as part of the Cooperative Threat Reduction Program; and

(4) includes cooperation and coordination with—

(A) the unified combatant commands that operate in areas in which Cooperative Threat Reduction activities are carried out; and

(B) related diplomatic efforts.

(b) COOPERATIVE THREAT REDUCTION ANNUAL REPORT.—Paragraph (8) of section 1308(c) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–341; 22 U.S.C. 5959) is amended—

(1) by inserting ", including under the Defense and Military Contacts program," after "programs"; and

(2) in subparagraph (B), by striking "the purposes" and inserting "the strategy".

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Chemical agents and munitions destruction, defense.
Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1405. Defense Inspector General.
Sec. 1406. Defense Health Program.
Sec. 1407. Relation to funding table.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Extension of previously authorized disposal of cobalt from National Defense Stockpile.
Sec. 1413. Report on implementation of reconfiguration of the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

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

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, $141,388,00.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,313,616,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2010 for the National Defense Sealift Fund in the amount of $1,642,758,000.

SEC. 1403. 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. 1404. 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 $1,054,234,000.

SEC. 1405. 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 $288,100,000, of which—

(1) $287,100,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

SEC. 1406. 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 $28,033,093,000, of which—

(1) $27,094,849,000 is for Operation and Maintenance;

(2) $616,102,000 is for Research, Development, Test, and Evaluation; and

(3) $322,142,000 is for Procurement.

SEC. 1407. RELATION TO 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. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2010, the National Defense Stockpile Manager may obligate up to $41,179,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

Time period.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. 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. 1413. REPORT ON IMPLEMENTATION OF RECONFIGURATION OF THE NATIONAL DEFENSE STOCKPILE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any actions the Secretary plans to take in response to the recommendations contained in the report entitled "Reconfiguration of the National Defense Stockpile Report to Congress" dated April 2009 and submitted by the Under Secretary of Defense for Acquisition, Logistics, and Technology, as required by House Report 109–89, House Report 109–452, and Senate Report 110–115.

(b) CONTENTS OF REPORT.— The report required by subsection (a) shall include the Secretary's recommendations for changes, based on the findings of the April 2009 report, to statutes, regulations, and policies, which the Secretary determines are necessary to enable the implementation of the recommendations contained in the April 2009 report or to improve Federal Government management of the National Defense Stockpile in the interest of the National Security Strategy.

(c) CONGRESSIONAL NOTIFICATION.—The Secretary may not take any action regarding the implementation of any initiative recommended in the report required by subsection (a) until 45 days after the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives such report.

Subtitle C—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2010 from the Armed Forces Retirement Home Trust Fund the sum of $134,000,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
Sec. 1504. Navy and Marine Corps procurement.
Sec. 1505. Air Force procurement.
Sec. 1506. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1507. Defense-wide activities procurement.
Sec. 1508. Research, development, test, and evaluation.
Sec. 1509. Operation and maintenance.
Sec. 1510. Limitations on availability of funds in Afghanistan Security Forces Fund.
Sec. 1511. Limitations on Iraq Security Forces Fund.
Sec. 1512. Military personnel.
Sec. 1513. Working capital funds.
Sec. 1514. Defense Health Program.
Sec. 1515. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1516. Defense Inspector General.
Sec. 1517. Relation to funding tables.
Sec. 1518. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
Sec. 1519. Treatment as additional authorizations.
Sec. 1520. Special transfer authority.

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2010 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. ARMY PROCUREMENT.

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

(1) For aircraft procurement, $1,636,229,000.
(2) For missile procurement, $481,570,000.
(3) For weapons and tracked combat vehicles procurement, $759,466,000.
(4) For ammunition procurement, $370,635,000.
(5) For other procurement, $5,600,326,000.

SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,099,850,000.

Applicability.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a) and made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund.

(c) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2010, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

(d) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by section 1503(e) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4650), is amended by striking subsection (e).

SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $903,197,000.
(2) For weapons procurement, Navy, $50,700,000.
(3) For ammunition procurement, Navy and Marine Corps, $681,957,000.
(4) For other procurement, Navy, $293,018,000.
(5) For procurement, Marine Corps, $1,060,268,000.

SEC. 1505. AIR FORCE PROCUREMENT.

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

(1) For aircraft procurement, $780,441,000.
(2) For ammunition procurement, $256,819,000.
(3) For missile procurement, $36,625,000.
(4) For other procurement, $2,321,549,000.

SEC. 1506. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $6,056,000,000.

SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for Defense-wide activities in the amount of $489,980,000.

SEC. 1508. 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, $90,180,000.
(3) For the Air Force, $29,286,000.
(4) For Defense-wide activities, $115,826,000.

SEC. 1509. 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, $52,166,761,000.
(2) For the Navy, $6,219,583,000.
(3) For the Marine Corps, $3,701,600,000.
(4) For the Air Force, $10,026,868,000.
(5) For Defense-wide activities, $7,583,400,000.
(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.

SEC. 1510. 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 1509(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. 1511. LIMITATIONS ON IRAQ SECURITY FORCES FUND.

Funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2010 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426).

SEC. 1512. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2010 to the Department of Defense for military personnel accounts in the total amount of $14,146,341,000.

SEC. 1513. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $396,915,000.

SEC. 1514. 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 $1,256,675,000 for operation and maintenance.

SEC. 1515. 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 $356,603,000.

SEC. 1516. 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. 1517. RELATION TO FUNDING TABLES.

(a) AMOUNTS FOR PROCUREMENT.—The amounts authorized to be appropriated by sections 1502, 1503, 1504, 1505, 1506, and 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 4102.

(b) AMOUNTS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The amounts authorized to be appropriated by section 1508 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 1509 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 1513, 1514, 1515, and 1516 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. 1518. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Applicability.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1519. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1520. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

Determination.

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest,

the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

TITLE XVII—DEPARTMENT OF DEFENSE–DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROJECT

Sec. 1701. Demonstration project authority.
Sec. 1702. Transfer of property.
Sec. 1703. Transfer of civilian personnel of the Department of Defense.
Sec. 1704. Joint funding authority.
Sec. 1705. Eligibility of members of the uniformed services for care and services.
Sec. 1706. Extension of DOD–VA Health Care Sharing Incentive Fund.

SEC. 1701. DEMONSTRATION PROJECT AUTHORITY.

(a) EXECUTIVE AGREEMENT AUTHORIZED.—Subject to subsection (b), the Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs may execute a signed executive agreement pursuant to section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 455) 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) DEADLINE FOR ENTRY INTO AGREEMENT.—The executive agreement authorized by subsection (a) shall be entered into, if at all, by not later than 180 days after the date of the enactment of this Act.

(c) SCOPE.—The executive agreement under 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; and

(2) contain additional terms and conditions as required by the provisions of this title.

(d) REPORTS.—

(1) NOTICE ON AGREEMENT.—Not later than seven days before executing an executive agreement under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report setting forth a copy of the proposed executive agreement.

(2) FINAL REPORT.—Not later than 180 days after the fifth anniversary of the date of the execution of the executive agreement under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the exercise of the authorities in this title at the facility (as defined in section 1702(a)(1)). The report shall include the following:

(A) A comprehensive description and assessment of the exercise of the authorities in this title.

(B) The recommendation of the Secretaries as to whether the exercise of the authorities in this title should continue.

(3) REPORT ON ADDITIONAL LOCATIONS FOR SIMILAR AGREEMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report setting forth such recommendations as the Secretaries jointly consider appropriate for additional locations, if any, at which executive agreements like the executive agreement under subsection (a) would be advisable.

(e) COMPTROLLER GENERAL REVIEWS.—

Deadlines.

(1) IN GENERAL.—Not later than one year after the execution of an executive agreement under subsection (a), and annually thereafter, the Comptroller General shall conduct a review and assessment of the following:

(A) The progress made in implementing the agreement.

(B) The effects of the agreement on the provision of care and operation of the facility (as so defined).

(2) REPORTS.—Not later than 90 days after the commencement of each review and assessment conducted under paragraph (1), the Comptroller General shall submit to the appropriate committees of Congress a report on such review and assessment. Each report shall set forth the following:

(A) The results of such review and assessment.

(B) Such recommendations for modifications of the executive agreement, or the authorities in this title, as the Comptroller General considers appropriate in light of the results of such review and assessment.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services and Veterans' Affairs of the Senate; and

(2) the Committees on Armed Services and Veterans' Affairs of the House of Representatives.

SEC. 1702. 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, custody, and control over the center, structures, facilities, and property and equipment covered by the executive agreement under section 1701 (hereafter in this title referred to as the "facility").

(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 1701 of the executive agreement under 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 1701(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.

Deadline.

(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 paragraph (2), 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 complete the transfer as authorized by this subsection not later than 30 days after receipt of the request for the transfer.

Deadline.

(b) REVERSION.—

Real property. Determination. Deadlines.

(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 under section 1701, or is otherwise jointly determined by the Secretary of Defense and the Secretary of Veterans Affairs to be excess to the needs of the facility, the Secretary of Veterans Affairs shall offer to transfer jurisdiction, custody, and control 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 complete 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, custody, and control 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 Services not later than 180 days after the date of the determination

by the Secretaries, plus such additional time as the Administrator may require to complete 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, custody, and control 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 complete such transfer.

(C) REVERSION PROCEDURES.—The executive agreement under section 1701 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. 1703. 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 facility. 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 under section 1701. 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 under section 1701 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 Secretary 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.

Consultation.

(ii) Consultation with exclusive employee representatives of the transferred employees about such impact.

Determination.

(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.

Notice.

(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.

Determination.

(c) RETENTION OF DEPARTMENT OF DEFENSE EMPLOYMENT AUTHORITY.—Notwithstanding subsections (a) and (b), the Department of Defense may employ civilian personnel at the facility 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. 1704. JOINT FUNDING AUTHORITY.

(a) JOINT MEDICAL FACILITY DEMONSTRATION 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 "Joint Department of Defense–

Department of Veterans Affairs Medical Facility Demonstration 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 and appropriated for the Department of Defense specifically for that purpose.

(B) Amounts transferred to the Fund by the Secretary of Veterans Affairs from amounts authorized and appropriated for the Department of Veterans Affairs specifically for that purpose.

(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 facility 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 facility 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 under section 1701 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).

(b) AVAILABILITY.—

(1) IN GENERAL.—Funds transferred to the Fund under subsection (a) shall be available to fund the operations of the facility, 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 (a)(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 (a)

shall be available under paragraph (1) for one fiscal year after transfer.

(B) EXCEPTION.—Of an amount transferred to the Fund under subsection (a), an amount not to exceed two percent of such amount shall be available under paragraph (1) for two fiscal years after transfer.

(c) FINANCIAL RECONCILIATION.—The executive agreement under section 1701 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.

(d) 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.

(e) TERMINATION.—The authorities in this section shall terminate on September 30, 2015.

SEC. 1705. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR CARE AND SERVICES.

(a) IN GENERAL.—For purposes of eligibility for health care under chapter 55 of title 10, United States Code, the facility may be treated as a facility of the uniformed services to the extent provided in the executive agreement under section 1701.

(b) PRIORITY OF TREATMENT.—The executive agreement under section 1701 shall provide an integrated priority list for access to health care at the facility, which list shall—

(1) integrate the respective health care priority lists of the Secretary of Defense and the Secretary of Veterans Affairs, giving first priority of care to members of the Armed Forces on active duty; and

(2) 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.

(c) ADDITIONAL ELEMENTS.—The executive agreement under section 1701 may include provisions as follows:

(1) To incorporate any resource-related limitations for access to health care at the facility 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.

(2) To waive the applicability to the facility 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.

(3) To allocate financial responsibility for care provided at the facility for individuals who are eligible for care under

both chapter 55 of title 10, United States Code, and title 38, United States Code.

SEC. 1706. 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".

Military Commissions Act of 2009.

TITLE XVIII—MILITARY COMMISSIONS

Sec. 1801. Short title.
Sec. 1802. Military commissions.
Sec. 1803. Conforming amendments.
Sec. 1804. Proceedings under prior statute.
Sec. 1805. Submittal to Congress of revised rules for military commissions.
Sec. 1806. Annual reports to Congress on trials by military commission.
Sec. 1807. Sense of Congress on military commission system.

10 USC 948a note.

SEC. 1801. SHORT TITLE.

This title may be cited as the "Military Commissions Act of 2009".

SEC. 1802. MILITARY COMMISSIONS.

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;

"(B) has purposefully and materially supported hostilities against the United States or its coalition partners; or

"(C) was a part of al Qaeda at the time of the alleged offense under this chapter.

"(8) NATIONAL SECURITY.—The term 'national security' means the national defense and foreign relations of the United States.

"(9) HOSTILITIES.—The term 'hostilities' means any conflict subject to the laws of war.

"§ 948b. Military commissions generally

"(a) PURPOSE.—This chapter establishes procedures governing the use of military commissions to try alien unprivileged enemy belligerents for violations of the law of war and other offenses triable by military commission.

"(b) AUTHORITY FOR MILITARY COMMISSIONS UNDER THIS CHAPTER.—The President is authorized to establish military commissions under this chapter for offenses triable by military commission as provided in this chapter.

"(c) CONSTRUCTION OF PROVISIONS.—The procedures for military commissions set forth in this chapter are based upon the procedures for trial by general courts-martial under chapter 47 of this title (the Uniform Code of Military Justice). Chapter 47 of this title does not, by its terms, apply to trial by military commission except as specifically provided therein or in this chapter, and many 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.

Applicability.

"(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) 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 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, whether such offense was committed before, on, or after September 11, 2001, 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, 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 such military judge has been detailed. Regulations.

"(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 judge of general courts-martial by the Judge Advocate General of the armed force of which such military judge is a member.

"(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person is eligible to act as military judge in a case of a military commission under this chapter if such person is the accuser or a witness or has acted as investigator or a counsel in the same case.

"(d) CONSULTATION WITH MEMBERS; INELIGIBILITY TO VOTE.—A military judge detailed to a military commission under this chapter may not consult with the members except in the presence of the accused (except as otherwise provided in section 949d of this title), trial counsel, and defense counsel, nor may such military judge vote with the members.

"(e) OTHER DUTIES.—A commissioned officer who is certified to be qualified for duty as a military judge of a military commission under this chapter may perform such other duties as are assigned to such officer by or with the approval of the Judge Advocate General of the armed force of which such officer is a member or the designee of such Judge Advocate General.

"(f) PROHIBITION ON EVALUATION OF FITNESS BY CONVENING AUTHORITY.—The convening authority of a military commission under this chapter may not prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge detailed to the military commission which relates to such judge's 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.

Regulations.

"(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), a trial counsel detailed for a military commission under this chapter shall 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 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 such judge advocate 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) DEFENSE COUNSEL.—(1) Subject to subsection (e), a military defense counsel detailed for a military commission under this chapter shall be a judge advocate (as so defined) who is—

"(A) a graduate of an accredited law school or 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 defense counsel before general courts-martial by the Judge Advocate General of the armed force of which such judge advocate is a member.

Regulations.

"(2) The Secretary of Defense shall prescribe regulations for the appointment and performance of defense counsel in capital cases under this chapter.

"(d) CHIEF PROSECUTOR; CHIEF DEFENSE COUNSEL.—(1) The Chief Prosecutor in a military commission under this chapter shall meet the requirements set forth in subsection (b)(1).

"(2) The Chief Defense Counsel in a military commission under this chapter shall meet the requirements set forth in subsection (c)(1).

"(e) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person who has acted as an investigator, military judge, or member of a military commission under this chapter in any case may act later as trial counsel or military defense counsel in the same case. No person who has acted for the prosecution before a military commission under this chapter may act later in the same case for the defense, nor may any person who has acted for the defense before a military commission under this chapter act later in the same case for the prosecution.

"§ 948l. Detail or employment of reporters and interpreters

"(a) COURT REPORTERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter shall detail to or employ for the military commission qualified 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) Except as provided in paragraph (2), a military commission under this chapter shall 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.

"(b) EXCUSE OF MEMBERS.—No member of a military commission under this chapter may be absent or excused after the military commission has been assembled for the trial of a case unless excused—

"(1) as a result of challenge;

"(2) by the military judge for physical disability or other good cause; or

"(3) by order of the convening authority for good cause.

"(c) ABSENT AND ADDITIONAL MEMBERS.—Whenever a military commission under this chapter is reduced below the number of members required by subsection (a), the trial may not proceed unless the convening authority details new members sufficient to provide not less than such number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members has been read to the military commission in the presence of the military judge, the accused (except as provided in section 949d of this title), and counsel for both sides.

"SUBCHAPTER III—PRE-TRIAL PROCEDURE

"Sec.
"948q. Charges and specifications.
"948r. Exclusion of statements obtained by torture or cruel, inhuman, or degrading treatment; prohibition of self-incrimination; admission of other statements of the accused.
"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 such matters are true in fact to the best of the signer's 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 the accused as soon as practicable.

"§ 948r. Exclusion of statements obtained by torture or cruel, inhuman, or degrading treatment; prohibition of self-incrimination; admission of other statements of the accused

"(a) EXCLUSION OF STATEMENTS OBTAIN BY TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT.—No statement obtained by the use of torture or by cruel, inhuman, or degrading treatment (as defined by section 1003 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd)), whether or not under color of law, shall be admissible in a military commission under this chapter, except against a person accused of torture or such treatment as evidence that the statement was made.

"(b) SELF-INCRIMINATION PROHIBITED.—No person shall be required to testify against himself or herself at a proceeding of a military commission under this chapter.

"(c) OTHER STATEMENTS OF THE ACCUSED.—A statement of the accused may be admitted in evidence in a military commission under this chapter only if the military judge finds—

"(1) that the totality of the circumstances renders the statement reliable and possessing sufficient probative value; and

"(2) that—

"(A) the statement was made incident to lawful conduct during military operations at the point of capture or during closely related active combat engagement, and the interests of justice would best be served by admission of the statement into evidence; or

"(B) the statement was voluntarily given.

"(d) DETERMINATION OF VOLUNTARINESS.—In determining for purposes of subsection (c)(2)(B) whether a statement was voluntarily given, the military judge shall consider the totality of the circumstances, including, as appropriate, the following:

"(1) The details of the taking of the statement, accounting for the circumstances of the conduct of military and intelligence operations during hostilities.

"(2) The characteristics of the accused, such as military training, age, and education level.

"(3) The lapse of time, change of place, or change in identity of the questioners between the statement sought to be admitted and any prior questioning of the accused.

"§ 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 understands, sufficiently in advance of trial to prepare a defense.

"SUBCHAPTER IV—TRIAL PROCEDURE

"Sec.
"949a. Rules.
"949b. Unlawfully influencing action of military commission and United States Court of Military Commission Review.
"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.

"§ 949a. Rules

"(a) PROCEDURES AND RULES OF EVIDENCE.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense. Such procedures may not be contrary to or inconsistent with this chapter. Except as otherwise provided in this chapter or chapter 47 of this title, the procedures and rules of evidence applicable in trials by general courts-martial of the United States shall apply in trials by military commission under this chapter.

Applicability.

"(b) EXCEPTIONS.—(1) In trials by military commission under this chapter, the Secretary of Defense, in consultation with the Attorney General, may make such exceptions in the applicability of 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 consistent with this chapter.

"(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 of the accused:

"(A) To present evidence in the accused's defense, to cross-examine the witnesses who testify against the accused, and to examine and respond to all evidence admitted against the accused 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)(i) When none of the charges preferred against the accused are capital, 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 the military counsel of the accused's own selection, if reasonably available.

"(ii) When any of the charges preferred against the accused are capital, to be represented before a military commission in accordance with clause (i) and, to the greatest extent practicable, by at least one additional counsel who is learned in applicable law relating to capital cases and who, if necessary, may be a civilian and compensated in accordance with regulations prescribed by the Secretary of Defense.

"(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 evidence 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

Determination.

"(ii) the military judge, after taking into account all of the circumstances surrounding the taking of the statement, including the degree to which the statement is corroborated, the indicia of reliability within the statement itself, and whether the will of the declarant was overborne, determines that—

"(I) the statement is offered as evidence of a material fact;

"(II) the statement is probative on the point for which it is offered;

"(III) direct testimony from the witness is not available as a practical matter, taking into consideration the physical location of the witness, the unique circumstances of military and intelligence operations during hostilities, and the adverse impacts on military

or intelligence operations that would likely result from the production of the witness; and

"(IV) 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 the accused's 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.

"(d) NOTICE TO CONGRESS OF MODIFICATION OF RULES.—Not later than 60 days before the date on which any proposed modification of the rules in effect for military commissions under this chapter goes into effect, 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 describing the proposed modification.

Deadline.
Reports.

"§ 949b. Unlawfully influencing action of military commission and United States Court of Military Commission Review

"(a) MILITARY COMMISSIONS.—(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) UNITED STATES COURT OF MILITARY COMMISSION REVIEW.—(1) No person may attempt to coerce or, by any unauthorized means, influence—

"(A) the action of a military appellate judge or other duly appointed judge under this chapter on the United States Court of Military Commissions Review in reaching a decision on the findings or sentence on appeal in any case; or

"(B) the exercise of professional judgment by trial counsel or defense counsel appearing before the United States Court of Military Commission Review.

"(2) No person may censure, reprimand, or admonish a military appellate judge on the United States Court of Military Commission Review, or counsel thereof, with respect to any exercise of their functions in the conduct of proceedings under this chapter.

"(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 an appellate military judge or a duly appointed appellate judge on the United States Court of Military Commission Review, or counsel.

"(4) No appellate military judge on the United States Court of Military Commission Review may be reassigned to other duties, except under circumstances as follows:

"(A) The appellate military judge voluntarily requests to be reassigned to other duties and the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, approves such reassignment.

"(B) The appellate military judge retires or otherwise separates from the armed forces.

"(C) The appellate military judge is reassigned to other duties by the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, based on military necessity and such reassignment is consistent with service rotation regulations (to the extent such regulations are applicable).

"(D) The appellate military judge is withdrawn by the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, for good cause consistent with applicable procedures under chapter 47 of this title (the Uniform Code of Military Justice).

"(c) 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 the accused's 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

Regulations.

"(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.

Records.

"(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.

Determination.

"(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

Determination.

"(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— Regulations.

"(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 the person's 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 opportunity to obtain witnesses and other evidence as provided in regulations prescribed by the Secretary of Defense. The opportunity to obtain witnesses and evidence shall be comparable to the opportunity available to Regulations.

a criminal defendant in a court of the United States under article III of the Constitution.

"(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 existence 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.

Determination.

"(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 such a 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 the accused's 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 the accused 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.

Determination.

"(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 9 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 signature of the military judge. If the record cannot be authenticated by the military judge by reason of death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by a member of the commission if the trial counsel is unable to authenticate it by reason of 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.

Regulations.

"(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 subchapter V of this chapter. 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 construction is inconsistent with the specific requirements of this chapter.

"§ 949p–2. Pretrial conference

"(a) MOTION.—At any time after service of charges, any party may move for a pretrial conference to consider matters relating to classified information that may arise in connection with the prosecution.

"(b) CONFERENCE.—Following a motion under subsection (a), or sua sponte, the military judge shall promptly hold a pretrial conference. Upon request by either party, the court shall hold such conference ex parte 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.).

"(c) MATTERS TO BE ESTABLISHED AT PRETRIAL CONFERENCE.—

"(1) TIMING OF SUBSEQUENT ACTIONS.—At the pretrial conference, the military judge shall establish the timing of—

"(A) requests for discovery;

"(B) the provision of notice required by section 949p–5 of this title; and

"(C) the initiation of the procedure established 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) DECLARATIONS BY THE UNITED STATES OF DAMAGE TO NATIONAL SECURITY.—In any case before a military commission in which the United States seeks to delete, withhold, or otherwise obtain other relief with respect to the discovery of or access to any classified information, the trial counsel shall submit a declaration invoking the United States' classified information privilege and setting forth the damage to the national security that the discovery of or access to such information reasonably could be expected to cause. The declaration shall be signed by a knowledgeable United States official possessing authority to classify information.

"(2) STANDARD FOR AUTHORIZATION OF DISCOVERY OR ACCESS.—Upon the submission of a declaration under paragraph (1), the military judge may not authorize the discovery of or access to such classified information unless the military judge determines that such classified information would be noncumulative, relevant, and helpful to a legally cognizable defense, rebuttal of the prosecution's case, or to sentencing, in accordance with standards generally applicable to discovery of or access to classified information in Federal criminal cases. If the 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 presentation (including the text of any written submission, verbatim transcript of the ex parte oral conference or hearing, and any exhibits received by the court as part of the ex parte presentation) 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. Deadline.

"(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 counsel 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 military 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.—When trial counsel seeks to introduce evidence before a military commission under this chapter and the Executive branch has classified the sources, methods, or activities by which the United States acquired the evidence, the military judge shall permit trial counsel to introduce the evidence, including a substituted evidentiary foundation pursuant to the procedures described in subsection (d), while protecting from disclosure information identifying those sources, methods, or activities, if—

"(A) the evidence is otherwise admissible; and

"(B) the military judge finds that—

"(i) the evidence is reliable; and

"(ii) 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. Certification.

"(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 motion 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 information 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 United States, 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' response 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 during 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

Regulations.

"(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 Military Commission Review.
"950g. Review by United States Court of Court of Appeals for the District of Columbia Circuit; writ of certiorari to Supreme Court.
"950h. Appellate counsel.
"950i. Execution of sentence; suspension of sentence.
"950j. 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. Reports.

"(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 the accused has been give an authenticated record of trial under section 949o(c) of this title. Deadline.

"(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 the accused's 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 submittal 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 the sole discretion of the convening authority, 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. Regulations.

"(C) In taking action under this paragraph, the convening authority may, in the sole discretion of the convening authority, 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 the sole discretion of the convening authority, 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 Military Commission Review. Any such referral shall be made in accordance with procedures prescribed under regulations of the Secretary.

Regulations.

"(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 Military Commission Review under section 950f 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. Deadline.

"(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 Military Commission Review 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 Military Commission Review.

"(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 from which the appeal is made and the trial shall not commence until the appeal is decided. Deadline.

"(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—

Deadline.

"(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.

Deadline.

"(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.

Regulations.

"(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 Military Commission Review.

"(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 the accused 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 Military Commission Review

"(a) ESTABLISHMENT.—There is a court of record to be known as the 'United States Court of Military Commission Review' (in this section referred to as the 'Court'). The Court shall consist of one or more panels, each composed of not less than three appellate military judges. For the purpose of reviewing decisions of military commissions under this chapter, the Court may sit in panels or as a whole, in accordance with rules prescribed by the Secretary of Defense.

"(b) JUDGES.—(1) Judges on the Court shall be assigned or appointed in a manner consistent with the provisions of this subsection.

"(2) The Secretary of Defense may assign persons who are appellate military judges to be judges on the Court. Any judge so assigned shall be a commissioned officer of the armed forces, and shall meet the qualifications for military judges prescribed by section 948j(b) of this title.

"(3) The President may appoint, by and with the advice and consent of the Senate, additional judges to the United States Court of Military Commission Review.

"(4) No person may serve as a judge on the Court in any case in which that person acted as a military judge, counsel, or reviewing official.

"(c) CASES TO BE REVIEWED.—The Court shall, in accordance with procedures prescribed under regulations of the Secretary, review the record in each case that is referred to the Court by the convening authority under section 950c of this title with respect to any matter properly raised by the accused. Regulations.

"(d) STANDARD AND SCOPE OF REVIEW.—In a case reviewed by the Court under this section, the Court may act only with respect to the findings and sentence as approved by the convening authority. The Court may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as the Court finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record, the Court may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the military commission saw and heard the witnesses.

"(e) REHEARINGS.—If the Court sets aside the findings or sentence, the Court may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If the Court sets aside the findings or sentence and does not order a rehearing, the Court shall order that the charges be dismissed.

"§ 950g. Review by United States Court of Appeals for the District of Columbia Circuit; writ of certiorari to Supreme Court

"(a) EXCLUSIVE APPELLATE JURISDICTION.—Except as provided in subsection (b), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of a final judgment rendered by a military commission (as approved by the convening authority and, where applicable, the United States Court of Military Commission Review) under this chapter.

"(b) EXHAUSTION OF OTHER APPEALS.—The United States Court of Appeals for the District of Columbia Circuit may not review a final judgment described in subsection (a) until all other appeals under this chapter have been waived or exhausted.

Deadline.
Notice.

"(c) TIME FOR SEEKING REVIEW.—A petition for review by the United States Court of Appeals for the District of Columbia Circuit must be filed by the accused in the Court of Appeals not later than 20 days after the date on which—

"(1) written notice of the final decision of the United States Court of Military Commission Review is served on the accused or on defense counsel; or

"(2) the accused submits, in the form prescribed by section 950c of this title, a written notice waiving the right of the accused to review by the United States Court of Military Commission Review.

"(d) SCOPE AND NATURE OF REVIEW.—The United States Court of Appeals for the District of Columbia Circuit may act under this section only with respect to the findings and sentence as approved by the convening authority and as affirmed or set aside as incorrect in law by the United States Court of Military Commission Review, and shall take action only with respect to matters of law, including the sufficiency of the evidence to support the verdict.

"(e) REVIEW BY SUPREME COURT.—The Supreme Court may review by writ of certiorari pursuant to section 1254 of title 28 the final judgment of the United States Court of Appeals for the District of Columbia Circuit under this section.

"§ 950h. Appellate counsel

Regulations.
Procedures.

"(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 appointed under subsection (a)—

"(1) shall represent the United States in any appeal or review proceeding under this chapter before the United States Court of Military Commission Review; and

"(2) may, when requested to do so by the Attorney General in a case arising under this chapter, represent the United States before the United States Court of Appeals for the District of Columbia Circuit or the Supreme Court.

"(c) REPRESENTATION OF ACCUSED.—The accused shall be represented by appellate counsel appointed under subsection (a) before the United States Court of Military Commission Review, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court, and by civilian counsel if retained by the accused. Any such civilian counsel shall meet the qualifications under paragraph (3) of section 949c(b) of this title for civilian counsel appearing before military commissions under this chapter and shall be subject to the requirements of paragraph (7) of that section.

"§ 950i. Execution of sentence; suspension of sentence

"(a) IN GENERAL.—The Secretary of Defense is authorized to carry out a sentence imposed by a military commission under this chapter in accordance with such procedures as the Secretary may prescribe.

"(b) 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.

"(c) 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 judgment as to the legality of the proceedings (and with respect to death, approval under subsection (b)).

"(2) A judgment 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 Military Commission Review and—

"(A) the time for the accused to file a petition for review by the United States Court of Appeals for the District of Columbia Circuit has expired, the accused has not filed a timely petition for such review, and the case is not otherwise under review by the Court of Appeals; or

"(B) review is completed in accordance with the judgment of the United States Court of Appeals for the District of Columbia Circuit and—

"(i) a petition for a writ of certiorari is not timely filed;

"(ii) such a petition is denied by the Supreme Court; or

"(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

"(d) 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, except a sentence of death.

"§ 950j. 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 950i(c) of this title and the authority of the President.

"SUBCHAPTER VIII—PUNITIVE MATTERS

"Sec.
"950p. Definitions; construction of certain offenses; common circumstances.
"950q. Principals.
"950r. Accessory after the fact.

"950s. Conviction of lesser offenses.
"950t. Crimes triable by military commission.

"§ 950p. Definitions; construction of certain offenses; common circumstances

"(a) DEFINITIONS.—In this subchapter:

"(1) The term 'military objective' means combatants and those objects during hostilities 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 950t of this title precludes the applicability of such offenses 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 hostilities.

"(d) EFFECT.—The provisions of this subchapter codify offenses that have traditionally been triable by military commission. This chapter does not establish new crimes that did not exist before the date of the enactment of this subchapter, as amended by the National Defense Authorization Act for Fiscal Year 2010, but rather codifies those crimes for trial by military commission. Because 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 this subchapter, as so amended.

"§ 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. Crimes triable by military commission

"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 engages 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 refrain 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 objective 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 intentionally 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 (24) 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 information 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) 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.

"(29) 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.

"(30) 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, shall be punished as a military commission under this chapter may direct.

"(31) 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.

"(32) 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.".

SEC. 1803. CONFORMING AMENDMENTS.

(a) UNIFORM CODE OF MILITARY JUSTICE.—

(1) PERSONS SUBJECT TO UCMJ.—Paragraph (13) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended to read as follows:

"(13) Individuals belonging to one of the eight categories enumerated in Article 4 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316), who violate the law of war.".

(2) CONSTRUCTION OF MILITARY COMMISSIONS WITH COURTS-MARTIAL.—Section 839 of such title (article 39 of the Uniform Code of Military Justice) is amended by adding at the end the following new subsection:

"(d) The findings, holdings, interpretations, and other precedents of military commissions under chapter 47A of this title—

"(1) may not be introduced or considered in any hearing, trial, or other proceeding of a court-martial under this chapter; and

"(2) may not form the basis of any holding, decision, or other determination of a court-martial.".

(b) APPELLATE REVIEW UNDER DETAINEE TREATMENT ACT OF 2005.—Section 1005(e) of the Detainee Treatment Act of 2005 (title X of Public Law 109–359; 10 U.S.C. 801 note) is amended by striking paragraph (3).

10 USC 948a note.

SEC. 1804. PROCEEDINGS UNDER PRIOR STATUTE.

(a) PRIOR CONVICTIONS.—The amendment made by section 1802 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).

(b) COMPOSITION OF MILITARY COMMISSIONS.—Notwithstanding the amendment made by section 1802—

(1) 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 section 1802);

(2) 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);

(3) 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);

(4) 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);

(5) 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); and

(6) any appellate military judge or other duly appointed appellate judge on the Court of Military Commission Review 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 appointed to the United States Court of Military Commission Review pursuant to chapter 47A of title 10, United States Code (as so amended).

(c) CHARGES AND SPECIFICATIONS.—Notwithstanding the amendment made by section 1802—

(1) 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 enactment 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 section 1802); and

(2) any charges or specifications described in paragraph (1) 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.

(d) PROCEDURES AND REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in subsections (a) through (c) and subject to paragraph (2), 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 section 1802).

(2) TEMPORARY CONTINUATION OF PRIOR PROCEDURES AND REQUIREMENTS.—Any military commission described in paragraph (1) may be conducted in accordance with any procedures and requirements of chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), that are not inconsistent with the provisions of chapter 47A of title 10, United States Code, (as so amended), until the earlier of—

(A) the date of the submittal to Congress under section 1805 of the revised rules for military commissions under chapter 47A of title 10, United States Code (as so amended); or

(B) the date that is 90 days after the date of the enactment of this Act.

10 USC 948a note.

SEC. 1805. SUBMITTAL TO CONGRESS OF REVISED RULES FOR MILITARY COMMISSIONS.

(a) DEADLINE FOR SUBMITTAL.—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 the revised rules for military commissions prescribed by the Secretary for purposes of chapter 47A of title 10, United States Code (as amended by section 1802).

(b) TREATMENT OF REVISED RULES UNDER REQUIREMENT FOR NOTICE AND WAIT REGARDING MODIFICATION OF RULES.—The revised rules submitted to Congress under subsection (a) shall not be treated as a modification of the rules in effect for military commissions for purposes of section 949a(d) of title 10, United States Code (as so amended).

10 USC 948a note.

SEC. 1806. ANNUAL REPORTS TO CONGRESS ON TRIALS BY MILITARY COMMISSION.

(a) ANNUAL REPORTS REQUIRED.—Not later than January 31 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any trials conducted by military commissions under chapter 47A of title 10, United States Code (as amended by section 1802), during the preceding year.

(b) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 1807. SENSE OF CONGRESS ON MILITARY COMMISSION SYSTEM.

It is the sense of Congress that—

(1) the fairness and effectiveness of the military commissions system under chapter 47A of title 10, United States Code (as amended by section 1802), will depend to a significant degree on the adequacy of defense counsel and associated resources for individuals accused, particularly in the case of capital cases, under such chapter 47A; and

(2) defense counsel in military commission cases, particularly in capital cases, under such chapter 47A of title 10, United States Code (as so amended), should be fully resourced as provided in such chapter 47A.

TITLE XIX—FEDERAL EMPLOYEE BENEFITS

Subtitle A—General Provisions

Sec. 1901. Credit for unused sick leave.
Sec. 1902. Limited expansion of the class of individuals eligible to receive an actuarially reduced annuity under the Civil Service Retirement System.
Sec. 1903. Computation of certain annuities based on part-time service.
Sec. 1904. Authority to deposit refunds under FERS.
Sec. 1905. Retirement credit for service of certain employees transferred from District of Columbia service to Federal service.

Subtitle B—Non-Foreign Area Retirement Equity Assurance

Sec. 1911. Short title.
Sec. 1912. Extension of locality pay.
Sec. 1913. Adjustment of special rates.
Sec. 1914. Transition schedule for locality-based comparability payments.

Sec. 1915. Savings provision.
Sec. 1916. Application to other eligible employees.
Sec. 1917. Election of additional basic pay for annuity computation by employees.
Sec. 1918. Regulations.
Sec. 1919. Effective dates.

Subtitle A—General Provisions

SEC. 1901. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking "(l) In computing" and inserting "(l)(1) In computing"; and

(B) by adding at the end the following:

"(2)(A) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the applicable percentage of the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.

"(B) For purposes of subparagraph (A), the term 'applicable percentage' means—

"(i) 50 percent in the case of an annuity, entitlement to which is based on a death or other separation occurring during the period beginning on the date of enactment of this paragraph and ending on December 31, 2013; and

"(ii) 100 percent in the case of an annuity, entitlement to which is based on a death or other separation occurring after December 31, 2013.".

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking "section 8415(k)" and inserting "paragraph (1) or (2) of section 8415(l)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any annuity, entitlement to which is based on a death or other separation from service occurring on or after the date of enactment of this Act. 5 USC 8415 note.

SEC. 1902. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking "October 1, 1990" each place it appears and inserting "March 1, 1991".

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which 5 USC 8334 note.

is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 1903. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

Applicability.

"(3) In the administration of paragraph (1)—

"(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

"(B) subparagraph (B) of such paragraph—

"(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

"(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.".

5 USC 8339 note.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 1904. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

"(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

"(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking "8411(f);" and inserting "8411(f) or 8422(i);".

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: "Deposits made by an employee, Member, or survivor also shall be credited to the Fund.".

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

"§ 8422. Deductions from pay; contributions for other service; deposits".

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

"8422. Deductions from pay; contributions for other service; deposits.".

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking "based." and inserting "based, until the employee or Member is reemployed in the service subject to this chapter.".

SEC. 1905. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE. 5 USC 8332 note.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under section 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, "qualifying District of Columbia service" means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

Subtitle B—Non-Foreign Area Retirement Equity Assurance

Non-Foreign Area Retirement Equity Assurance Act of 2009.
5 USC 5304 note.

SEC. 1911. SHORT TITLE.

This subtitle may be cited as the "Non-Foreign Area Retirement Equity Assurance Act of 2009" or the "Non-Foreign AREA Act of 2009".

SEC. 1912. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

"(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality; and";

(2) in subsection (g)—

(A) in paragraph (2)—

(i) by striking "and" at the end of subparagraph (A); and

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

"(B) positions under subsection (h)(1)(C) not covered by appraisal systems certified under subsection 5307(d); and

"(C) any positions under subsection (h)(1)(D) as the President may determine."; and

(B) by adding at the end the following:

"(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).";

(3) in subsection (h)(1)—

(A) in subparagraph (B), by striking "and" after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

"(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the effective date of section 1912 of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941 and who thereafter has served continuously in an area in which such an allowance was payable; and";

(D) in clause (iv) (in the matter following subparagraph (D)), by inserting ", except for a position covered by subparagraph (C)" before the semicolon;

(E) in clause (v) (in the matter following subparagraph (D)), by inserting ", except for a position covered by subparagraph (C)" before the semicolon; and

(F) in clause (vii) (in the matter following subparagraph (D)), by inserting ", except for a position covered by subparagraph (C)" before the period; and

(4) in subsection (h)(2)—

(A) in subparagraph (B)(i), by striking "and (B)" and inserting "through (C)"; and

(B) in subparagraph (B)(ii), by striking "(1)(C)" and inserting "(1)(D)".

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: "Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).";

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

(3) by inserting after subsection (a) the following:

Applicability.

"(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

Time period.

"(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

"(A) January 1, 2010; and

"(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under paragraphs (2) and (3), respectively, of section 1914 of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

Definition.

"(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under paragraph (1), (2), or (3) of section 1914 of Non-Foreign Area Retirement Equity Assurance Act of 2009.

"(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

"(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

"(ii) dividing the resulting percentage determined under clause (i) by the sum of—

"(I) one; and

"(II) the applicable locality-based comparability payment percentage expressed as a numeral.

"(3) No allowance rate computed under paragraph (2) may be less than zero.

"(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).".

SEC. 1913. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed

by section 1914, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 1918.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a). Regulations.

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 1914. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS. President.

Notwithstanding any other provision of this subtitle or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this subtitle, for each non-foreign area determined under section 5941(b) of such title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of such title shall be adjusted, effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using 1/3 of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using 2/3 of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 1915. SAVINGS PROVISION.

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

(1) the application of this subtitle to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the "Rest of the United States", the President's Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President's Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

Time period.

(1) IN GENERAL.—During the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 1914 of this subtitle, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this subtitle, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 1914 of this subtitle which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 1916. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term "covered employee" means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) becomes eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this subtitle (including the amendments made by this subtitle) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 1912 of this subtitle), and section 1914 of this subtitle apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this subtitle shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this subtitle including section 5941 of title 5, United States Code (as amended by section 1912 of this subtitle), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting "(1)" after "(b)";

(B) by striking "Section 5941," and inserting "Except as provided under paragraph (2), section 5941";

(C) by striking "For purposes of such section," and inserting "Except as provided under paragraph (2), for purposes of section 5941 of that title,"; and

(D) by adding at the end the following:

"(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

"(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

"(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 1916(b)(2) of that Act shall apply.".

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section

1005(b) of that title shall be treated for all purposes as if the provisions of this subtitle (including the amendments made by this subtitle) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 1914.

(B) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 1917 of this subtitle.

SEC. 1917. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term "covered employee" means any employee—

(1) to whom section 1914 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—An employee's cost-of-living allowance may be considered basic pay under paragraph (1) only to the extent that, when added to the employee's locality-based comparability payments, the resulting sum does not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 1914 did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 1918. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this subtitle, including—

(1) rules for special rate employees described under section 1913;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this subtitle with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments

or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. 1919. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this subtitle (including the amendments made by this subtitle) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 1912 and the provisions of section 1914 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Military Construction Authorization Act for Fiscal Year 2010.

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2010".

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2013 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. RELATION TO FUNDING TABLES.

(a) MILITARY CONSTRUCTION, MILITARY FAMILY HOUSING, AND RELATED ACTIVITIES.—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) 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 4503.

SEC. 2004. GENERAL REDUCTION ACROSS DIVISION.

(a) REDUCTION.—Of the amounts provided in the authorizations of appropriations in this division, the overall authorization of appropriations in this division is reduced by $529,091,000.

(b) REPORT ON APPLICATION.—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 describing how the reduction required by subsection (a) is applied.

TITLE XXI—ARMY

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

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$3,300,000
	Redstone Arsenal	$3,550,000
Alaska	Fort Richardson	$56,050,000
	Fort Wainwright	$198,000,000
Arizona	Fort Huachuca	$27,700,000
Arkansas	Pine Bluff Arsenal	$25,000,000
California	Fort Irwin	$9,500,000
Colorado	Fort Carson	$240,950,000
Florida	Eglin Air Force Base	$132,800,000
Georgia	Fort Benning	$295,300,000
	Fort Gillem	$10,800,000
	Fort Stewart	$100,400,000
Hawaii	Schofield Barracks	$184,000,000
	Wheeler Army Air Field	$7,500,000
Kansas	Fort Riley	$168,500,000
Kentucky	Fort Campbell	$14,400,000
	Fort Knox	$70,000,000
Louisiana	Fort Polk	$55,400,000
Maryland	Aberdeen Proving Ground	$15,500,000
	Fort Detrick	$46,400,000
	Fort Meade	$2,350,000
Missouri	Fort Leonard Wood	$170,800,000
New Jersey	Picatinny Arsenal	$10,200,000
New York	Fort Drum	$92,700,000
North Carolina	Fort Bragg	$114,600,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
	Sunny Point Military Ocean Terminal	$28,900,000
Oklahoma	Fort Sill	$90,500,000
	McAlester Army Ammunition Plant	$12,500,000
South Carolina	Charleston Naval Weapons Station	$21,800,000
	Fort Jackson	$103,500,000
Texas	Fort Bliss	$219,400,000
	Fort Hood	$42,900,000
	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
	Fort Lee	$5,000,000
Washington	Fort Lewis	$18,700,000
Various locations	Troop Trainee Housing	$350,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$87,100,000
Belgium	Mons	$20,000,000
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 $4,516,073,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $2,752,500,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $303,000,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $25,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $200,519,000.

(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 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.

(8) For the construction of increment 3 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $23,500,000.

(9) For the construction of increment 3 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 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.

(10) For the construction of increment 2 of a barracks and dining complex at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act

for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4659), $60,000,000.

(11) For the construction of increment 2 of a barracks and dining complex at Fort Stewart, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4659), $80,000,000.

(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.

(15) For the construction of increment 1 of an Aviation Task Force Complex Phase 1 at Fort Wainwright, Alaska, authorized by section 2101(a), $95,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $95,000,000 (the balance of the amount authorized under section 2101(a) for an aviation task force complex, Phase I at Fort Wainwright, Alaska).

(3) $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.

(4) $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.

(c) LIMITATION ON IMPLEMENTATION OF TROOP TRAINEE BARRACKS PROJECTS.—The Secretary of the Army may not enter into an award of a project for any troop trainee barracks authorized under section 2101(a) until the Secretary submits to the congressional defense committees a report that includes the following:

Reports. Certifications.

(1) Within the amounts authorized to be appropriated under subsection (a), a list of the proposed projects.

(2) A Military Construction Data Sheet for each project.

(3) A certification that the projects can be awarded in the year for which the appropriation of funds is made.

(4) A certification that the projects are listed in the current Future Years Defense Program for the Army.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4659) for Fort Bragg, North Carolina, for construction of a chapel at the installation, the Secretary of the Army may construct up to a 22,600 square-feet (400 person) chapel consistent with the Army's standard square footage for chapel construction guidelines.

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

Termination date.

(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 2101 of that Act (119 Stat. 3485) and extended by section 2107 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4665), shall remain in effect until October 1, 2010, or the date of the 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	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility.	$9,207,000
		Battle Area Complex	$33,660,000

TITLE XXII—NAVY

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

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(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:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$28,770,000
California	Mountain Warfare Training Center Bridgeport.	$11,290,000
	Marine Corps Base, Camp Pendleton	$775,162,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
	Edwards Air Force Base	$3,007,000
	Naval Station Monterey	$10,240,000
	Marine Corps Base, Twentynine Palms	$513,680,000
	Marine Corps Air Station, Miramar	$9,280,000
	Point Loma Annex	$11,060,000
	Naval Station, San Diego	$23,590,000
Connecticut	Naval Submarine Base, New London	$6,570,000
Florida	Blount Island Command	$3,760,000
	Eglin Air Force Base	$26,287,000
	Naval Air Station, Jacksonville	$5,917,000
	Naval Station, Mayport	$102,345,000
	Naval Air Station, Pensacola	$26,161,000
	Naval Air Station, Whiting Field	$4,120,000
Georgia	Marine Corps Logistics Base, Albany	$4,870,000
Hawaii	Oahu	$5,380,000
	Naval Station, Pearl Harbor	$60,252,000
Indiana	Naval Support Activity	$13,710,000
Maine	Portsmouth Naval Shipyard	$7,090,000
Maryland	Naval Surface Warfare Center, Carderock.	$6,520,000
	Naval Air Station, Patuxent River	$11,043,000
Nevada	Naval Air Station, Fallon	$10,670,000
North Carolina	Marine Corps Base, Camp Lejeune	$673,570,000
	Marine Corps Air Station, Cherry Point	$22,960,000
	Marine Corps Air Station, New River	$107,090,000
Rhode Island	Naval Station, Newport	$64,883,000
South Carolina	Marine Corps Air Station, Beaufort	$1,280,000
	Marine Corps Recruit Depot, Parris Island.	$6,972,000
Texas	Naval Air Station, Corpus Christi	$19,764,000
	Naval Air Station, Kingsville	$4,470,000
Virginia	Naval Amphibious Base, Little Creek	$13,095,000
	Naval Station Norfolk	$18,139,000
	Naval Special Weapons Center, Dahlgren.	$3,660,000
	Dam Neck	$14,170,000
	Norfolk Naval Shipyard, Portsmouth	$226,969,000
	Marine Corps Base, Quantico	$105,240,000
Washington	Bremerton	$108,939,000
	Naval Station, Everett	$3,810,000
	Naval Magazine, Indian Island	$13,130,000
	Spokane	$12,707,000
West Virginia	Naval Security Group, Sugar Grove	$10,990,000

(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	Camp Lemonier	$41,845,000
Guam	Naval Activities, Guam	$575,006,000

Navy: Outside the United States—Continued

Country	Installation or Location	Amount
Spain	Naval Station, Rota	$26,278,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

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

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,771,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $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 $4,284,112,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,746,704,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $233,445,000.

(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, $179,652,000.

(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 6 of a 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.

(7) 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.

(8) For the construction of increment 2 of a replacement maintenance pier at Bremerton, Washington, 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), $69,064,000.

(9) For the construction of increment 3 of a submarine drive-in magazine silencing facility at Naval Base Pearl Harbor, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $8,645,000.

(10) 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.

(11) For the construction of the first increment of a wharves improvement, Apra Harbor, Guam, authorized by section 2201(b), $127,033,000.

(12) For the construction of the first increment of north ramp utilities, Andersen Air Force Base, Guam, authorized by section 2201(b), $21,500,000.

(13) For the construction of the first increment of north ramp parking, Andersen Air Force Base, Guam, authorized by section 2201(b), $88,797,000.

(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 2201(a) for Ship Repair Pier Replacement at the Norfolk Naval Shipyard, Virginia).

(3) $40,000,000 (the balance of the amount authorized under section 2201(b) for wharves improvements, Apra Harbor, Guam).

(4) $41,520,000 (the balance of the amount authorized under section 2201(a) for Enclave Fencing/Parking at Bremerton, Washington).

(5) $94,100,000 (the balance of the amount authorized under section 2201(b) for north ramp parking at Andersen Air Force Base, Guam).

(6) $79,780,000 (the balance of the amount authorized under section 2201(b) for north ramp utilities at Andersen Air Force Base, 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 paragraph:

"(11) $67,003,000 (the balance of the amount authorized under section 2201(a) for construction of a waterfront security enclave at Naval Submarine Base, Bangor, Washington).".

Termination date.

(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 the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Termination of authority to carry out certain fiscal year 2009 Air Force project.
Sec. 2306. Extension of authorizations of certain fiscal year 2007 projects.
Sec. 2307. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2308. Conveyance to Indian tribes of certain housing units.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

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	Los Angeles Air Force Base	$8,000,000
	Travis Air Force Base	$12,900,000
	Vandenberg Air Force Base	$13,000,000
Colorado	Peterson Air Force Base	$32,300,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
	United States Air Force Academy	$17,500,000
Delaware	Dover Air Force Base	$24,900,000
Florida	Eglin Air Force Base	$84,360,000
	Hurlburt Field	$19,900,000
	MacDill Air Force Base	$59,300,000
	Patrick Air Force Base	$8,400,000
Georgia	Moody Air Force Base	$10,000,000
	Warner Robins Air Force Base	$6,200,000
Hawaii	Hickam Air Force Base	$4,000,000
	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
Mississippi	Columbus Air Force Base	$9,800,000
Missouri	Whiteman Air Force Base	$12,900,000
Montana	Malstrom Air Force Base	$10,600,000
Nebraska	Offutt Air Force Base	$10,400,000
Nevada	Creech Air Force Base	$2,700,000
New Jersey	McGuire Air Force Base	$7,900,000
New Mexico	Cannon Air Force Base	$15,000,000
	Holloman Air Force Base	$53,400,000
	Kirtland Air Force Base	$22,500,000
North Carolina	Pope Air Force Base	$9,000,000
	Seymour Johnson Air Force Base	$6,900,000
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	$18,237,000
	Vance Air Force Base	$10,700,000
South Carolina	Shaw Air Force Base	$21,183,000
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	$13,450,000
Utah	Hill Air Force Base	$26,153,000
Virginia	Langley Air Force Base	$10,000,000
Washington	Fairchild Air Force Base	$15,150,000
Wyoming	F. E. Warren Air Force Base	$9,100,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

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	$61,702,000
Italy	Naval Air Station Sigonella	$31,300,000
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 $61,737,000.

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 $1,984,963,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $1,003,962,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $288,402,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $103,562,000.

(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. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 AIR FORCE PROJECT.

(a) TERMINATION.—The table in section 2301(c) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4682) is amended in the item relating to Unspecified Worldwide Locations by striking "$38,391,000" in the amount column and inserting "$891,000".

(b) CONFORMING AMENDMENTS.—Section 2304 of that Act (122 Stat. 4683) is amended—

(1) in the matter preceding paragraph (1), by striking "$2,108,090,000" and inserting "$2,070,590,000"; and

(2) in paragraph (3), by striking "$38,391,000" and inserting "$891,000".

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

Termination date.

(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/Country	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. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

Termination date.

(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 (119 Stat. 3495) and extended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4684), 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 2006 Project Authorizations

State	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. 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 (b)(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 (b)(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.
Sec. 2402. Family Housing.
Sec. 2403. Energy conservation projects.
Sec. 2404. Authorization of appropriations, Defense Agencies.
Sec. 2405. Termination or modification of authority to carry out certain fiscal year 2009 projects.
Sec. 2406. Modification of authority to carry out certain fiscal year 2008 project.
Sec. 2407. Extension of authorizations of certain fiscal year 2007 project.

Subtitle B—Chemical Demilitarization Authorizations

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

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 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 tables:

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
	Travis Air Force Base	$15,357,000
Florida	Jacksonville International Airport (Air National Guard).	$11,500,000
Minnesota	Duluth International Airport (Air National Guard).	$15,000,000
Oklahoma	Altus Air Force Base	$2,700,000
Texas	Fort Hood	$3,000,000
Washington	Fairchild Air Force Base	$7,500,000

Missile Defense Agency

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	$39,135,000
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 Field	$22,200,000
Kentucky	Fort Campbell	$8,600,000
Maryland	Fort Detrick	$29,807,000
Missouri	Fort Leonard Wood	$5,570,000
North Carolina	Fort Bragg	$57,658,000
Oklahoma	Fort Sill	$10,554,000
Texas	Lackland Air Force Base	$101,928,000
	Fort Bliss	$990,600,000
Washington	Fort Lewis	$15,636,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$27,672,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

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
Greece	Souda Bay	$24,000,000
Guam	Naval Air Station, Agana	$4,900,000

Defense Logistics Agency—Continued

Country	Installation or Location	Amount
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

North Atlantic Treaty Organization

State	Installation or Location	Amount
Belgium	NATO Headquarters	$41,400,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities, Guam	$446,450,000
United Kingdom	Royal Air Force Alconbury	$14,227,000

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(7), the Secretary of Defense may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units, and in the amount set forth in the following table:

Defense Logistics Agency: Family Housing

State	Location	Units	Amount
Pennsylvania	Cumberland Depot	6	$2,859,000

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $123,013,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,177,496,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,048,783,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $188,762,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $33,025,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $121,442,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $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 credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $302,600,000.

(8) For the construction of increment 4 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $108,000,000.

(9) For the construction of increment 2 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as amended by section 2406 of this Act, $92,300,000.

(10) For the construction of increment 3 of a special operations facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $15,967,000.

(11) For the construction of increment 2 of the United States Army Medical Research Institute of Chemical Defense replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4689), $111,400,000.

(12) For the construction of fuel storage tanks and pipeline replacement at Souda Bay, Greece, authorized by section 2401(b) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691), as amended by section 2405 of this Act, $24,000,000.

(13) For the construction of increment 2 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by the

Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888), $600,000,000.

(14) For the construction of the first increment of a hospital at Fort Bliss, Texas, authorized by section 2401(a), $86,975,000.

(15) For the construction of the first increment of a hospital at Naval Activities, Guam, authorized by section 2401(b), $259,156,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $187,294,000 (the balance of the amount authorized by section 2401(b) for the hospital replacement, Guam).

(3) $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).

(4) $879,025,000 (the balance of the amount authorized by section 2401(a) for the hospital replacement phase I, Fort Bliss, Texas).

(5) $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).

(6) $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 2406(a) of this Act, for the replacement of fuel storage facilities at Point Loma Annex, California).

(c) AVAILABILITY OF FUNDS FOR ENERGY CONSERVATION PROJECTS OF RESERVE COMPONENTS.—Of the amount authorized to be appropriated by subsection (a)(6) for energy conservation projects under chapter 173 of title 10, United States Code, the Secretary of Defense shall reserve a portion of the amount for energy conservation projects for the reserve components in an amount that is not less than an amount that bears the same proportion to the total amount authorized to be appropriated as the total quantity of energy consumed by reserve facilities (as defined in section 18232(2) of such title) during fiscal year 2009 bears to the total quantity of energy consumed by all military installations (as defined in section 2687(e)(1) of such title) during that fiscal year, as determined by the Secretary.

SEC. 2405. TERMINATION OR MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) TERMINATION.—Section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4690) is amended by striking the table relating to the Missile Defense Command. 122 Stat. 4691.

(b) MODIFICATION.—The table relating to the Defense Logistics Agency in such section is amended in the item relating to Souda Bay, Greece, by striking "$8,000,000" in the amount column and inserting "$32,000,000".

(c) CONFORMING AMENDMENTS.—Section 2403 of that Act (122 Stat. 4692) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "$1,639,050,000" and inserting "$1,487,890,000";

(B) in paragraph (2), by striking "$246,360,000" and inserting "$87,200,000"; and

(C) 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 striking paragraphs (3) and (4) and inserting the following new paragraph:

"(3) $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. 2406. 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. 2407. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECT.

Termination date.

(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: Family Housing

State	Location	Units	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 chemical 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.
Sec. 2502. Authorization of appropriations, NATO.

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 $197,414,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

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

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(1), 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	Los Alamitos Joint Forces Training Base	$31,000,000
Georgia	Fort Benning	$15,500,000
	Hunter Army Air Field	$8,967,000
Idaho	Gowen Field	$16,100,000
Illinois	Milan	$5,600,000
Indiana	Muscatatuck Urban Training Center	$10,100,000
Iowa	Camp Dodge	$4,000,000
Kansas	Salina Army National Guard Aviation Facility.	$2,227,000
Massachusetts	Hanscom Air Force Base	$29,000,000
Michigan	Fort Custer	$7,732,000
Minnesota	Arden Hills Army Training Site	$6,700,000
	Camp Ripley	$1,710,000
Mississippi	Camp Shelby	$16,100,000
	Monticello	$14,350,000
Missouri	Boonville	$1,800,000
Nebraska	Lincoln Municipal Airport	$23,000,000
Nevada	Carson City	$2,000,000
	North Las Vegas	$26,000,000
New Mexico	Santa Fe	$39,000,000
North Carolina	East Flat Rock	$2,516,000
	Fort Bragg	$6,038,000
Oregon	Clatsop County	$3,369,000
	Polk County	$12,100,000
South Carolina	Eastover	$26,000,000
	Greenville	$40,000,000
South Dakota	Camp Rapid	$9,840,000
Texas	Austin	$22,200,000
Vermont	Ethan Allen Firing Range	$1,996,000
Virginia	Fort Pickett	$32,000,000
West Virginia	St. Albans Armory	$2,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(1), 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

Country	Location	Amount
Guam	Barrigada	$30,000,000
Virgin Islands	St. Croix	$20,000,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Army National Guard

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	$30,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve: Inside the United States

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	$14,000,000
Illinois	Chicago	$23,000,000
Minnesota	Fort Snelling	$12,000,000
New York	Rochester	$13,600,000
Ohio	Cincinnati	$13,000,000
Pennsylvania	Ashley	$9,800,000
	Harrisburg	$7,600,000
	Newton Square	$20,000,000
	Uniontown	$11,800,000
Texas	Austin	$20,000,000
	Bryan	$12,200,000
	Fort Bliss	$9,500,000
	Houston	$24,000,000
	Robstown	$10,200,000
	San Antonio	$20,000,000

Army Reserve: Inside the United States—Continued

State	Location	Amount
Wisconsin	Fort McCoy	$28,550,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve location outside the United States, and in the amount, set forth in the following table:

Army Reserve: Outside the United States

Country	Location	Amount
Puerto Rico	Caguas	$12,400,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Army Reserve

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	$30,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona	Luke Air Force Base	$10,986,000
California	Alameda	$5,960,000
Illinois	Joliet Army Ammunition Plant	$7,957,000
South Carolina	Goose Creek	$4,240,000
Texas	San Antonio	$2,210,000
	Fort Worth Naval Air Station Joint Reserve Base.	$6,170,000
Virginia	Oceana Naval Air Station	$30,400,000

(b) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Navy Reserve and Marine Corps Reserve

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	$55,000,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(4), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arizona	Davis-Monthan Air Force Base	$5,600,000
California	Fresno Yosemite International Airport	$9,800,000
	South California Logistics Airport	$8,400,000
Colorado	Buckley Air National Guard Base	$4,500,000
Connecticut	Bradley International Airport	$9,000,000
Hawaii	Hickam Air Force Base	$33,000,000
Illinois	Lincoln Capital Airport	$3,000,000
Iowa	Des Moines	$4,600,000
Kansas	McConnell Air Force Base	$8,700,000
Maine	Bangor International Airport	$28,000,000
Maryland	Andrews Air Force Base	$14,000,000
Massachusetts	Barnes Air National Guard Base	$8,100,000
	Otis Air National Guard Base	$12,800,000
Michigan	Alpena Combat Readiness Training Center	$8,900,000
	Battle Creek Air National Guard Base	$14,000,000
	Selfridge Air National Guard Base	$7,100,000
Minnesota	Minnesota/St. Paul International Airport 133rd Airlift Wing Base.	$1,900,000
Mississippi	Gulfport-Biloxi Regional Airport	$6,500,000
Missouri	Rosecrans Memorial Airport	$9,300,000
Nebraska	Lincoln Municipal Airport	$1,500,000
Nevada	Reno	$10,800,000
New Hampshire	Pease Air National Guard Base	$10,000,000
New Jersey	McGuire Air Force Base	$9,700,000
New York	Wheeler Sack Army Airfield	$2,700,000
Ohio	Mansfield Lahm Airport	$11,400,000
Oklahoma	Will Rogers World Airport	$7,300,000
South Carolina	McEntire Joint Air National Guard Base	$1,300,000
South Dakota	Joe Foss Field	$2,600,000
Tennessee	Memphis, 164th Airlift Wing	$9,800,000
Texas	Kelly Field Annex	$7,900,000
Vermont	Burlington International Airport	$6,000,000
West Virginia	Martinsburg	$19,500,000
Wisconsin	General Mitchell International Airport	$5,000,000
Wyoming	Cheyenne Airport	$1,500,000

(b) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(4), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air National Guard

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	$30,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(5), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California	March Air Reserve Base	$9,800,000
Colorado	Schriever Air Force Base	$10,200,000
Mississippi	Keesler Air Force Base	$9,800,000
New York	Niagara Falls Air Reserve Station	$5,700,000
Pennsylvania	Pittsburgh Air Force Base	$12,400,000
Texas	Lackland Air Force Base	$1,500,000
Utah	Hill Air Force Base	$3,200,000

(b) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(5), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force Reserve

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	$55,000,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army, for the Army National Guard of the United States, $582,056,000.

(2) For the Department of the Army, for the Army Reserve, $431,566,000.

(3) For the Department of the Navy, for the Navy and Marine Corps Reserve, $125,874,000.

(4) For the Department of the Air Force, for the Air National Guard of the United States, $364,226,000.

(5) For the Department of the Air Force, for the Air Force Reserve, $112,269,000.

(b) LIMITATION ON IMPLEMENTATION OF PROJECTS AT CERTAIN UNSPECIFIED WORLDWIDE LOCATIONS.—The Secretary of the military department concerned may not enter into an award of a project at an unspecified worldwide location authorized under section 2601(c), 2602(c), 2603(b), 2604(b), or 2605(b) until the Secretary submits to the congressional defense committees a report that includes the following: Reports.

(1) Within the amounts authorized to be appropriated under the applicable paragraph of subsection (a), a list of the proposed projects.

(2) A Military Construction Data Sheet for each project.

(3) A certification that the projects can be awarded in the year for which the appropriation of funds is made.

(4) A certification that the projects are listed in the current Future Years Defense Program for the reserve component involved.

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. Termination date.

(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), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act (119 Stat. 3501) and extended by section 2608 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4710), 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. Termination date.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorization

State	Installation or Location	Project	Amount
Montana	Townsend	Automated Qualification Training Range.	$2,532,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

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

Subtitle B—Other Matters

Sec. 2711. Relocation of certain Army Reserve units in Connecticut.
Sec. 2712. Authority to construct Armed Forces Reserve Center in vicinity of Pease Air National Guard Base, New Hampshire.
Sec. 2713. Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness.
Sec. 2714. Requirements related to providing world class military medical facilities in the National Capital Region.
Sec. 2715. Use of economic development conveyances to implement base closure and realignment property recommendations.

Subtitle A—Authorizations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $496,768,000, as follows:

(1) For the Department of the Army, $138,723,000.
(2) For the Department of the Navy, $228,000,000.
(3) For the Department of the Air Force, $127,364,000.
(4) For the Defense Agencies, $2,681,000.

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, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $7,455,498,000, as follows:

(1) For the Department of the Army, $4,057,037,000.

(2) For the Department of the Navy, $591,572,000.

(3) For the Department of the Air Force, $418,260,000.

(4) For the Defense Agencies, $2,388,629,000.

Subtitle B—Other Matters

SEC. 2711. 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. 2712. AUTHORITY TO CONSTRUCT ARMED FORCES RESERVE CENTER IN VICINITY OF 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 Military Construction Authorization Act for Fiscal Year 2009 (division B of 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. 2713. SENSE OF CONGRESS ON ENSURING JOINT BASING RECOMMENDATIONS DO NOT ADVERSELY AFFECT OPERATIONAL READINESS.

It is the sense of Congress that, in implementing the joint basing recommendations of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part

A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of Defense should ensure that the joint basing of military installations at any of the recommended locations does not adversely impact—

(1) the ability of commanders, and the units of the Armed Forces under their command, to perform their operational missions;

(2) the command and control of commanders at each military installation that has an operational mission requirement; and

(3) the readiness of the units of the Armed Forces under their command.

District of Columbia. Maryland. Virginia.

SEC. 2714. REQUIREMENTS RELATED TO PROVIDING WORLD CLASS MILITARY MEDICAL FACILITIES IN THE NATIONAL CAPITAL REGION.

Deadlines.

(a) MASTER PLAN REQUIRED.—Not later than March 31, 2010, the Secretary of Defense shall develop and implement a comprehensive master plan to provide sufficient 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) delineates the process for the development of budgets, prioritization of requirements, and the allocation of funds;

(3) delineates budget and operational authority 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) incorporates a facilities needs assessment, including an assessment of standards for patient rooms, and provides a program to meet the facility requirements;

(6) specifies the personnel authorizations and personnel systems required to provide and operate a world class military medical facility;

(7) can be used as a basis to develop similar master plans for other military medical facilities of the Department of Defense; and

(8) includes a community development plan that incorporates multiple options to alleviate traffic congestion related

to the expansion of the National Naval Medical Center and Fort Belvoir Community Hospital, including a review of options—

(A) to expand adjacent highways;

(B) improvements to nearby intersections;

(C) on-facility site queuing; and

(D) multimodal expansion that could include expanded support for buses and subways.

(b) SUBMISSION OF MASTER PLAN AND RELATED MATERIALS.—Not later than March 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing— Reports.

(1) the master plan developed under subsection (a);

(2) the certification of the Secretary that the requirements specified in paragraphs (1), (2), and (3) of section 1650(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 475) remain satisfied and accurate;

(3) the certification of the Secretary that the master plan ensures that each facility covered by the plan meets or exceeds applicable Joint Commission hospital design standards; and

(4) an assessment of the risks and benefits to patient care associated with completing the realignment of Walter Reed National Military Medical Center by the statutory deadline imposed for implementation of the recommendations contained in the report of the Defense Base Closure and Realignment Commission transmitted to Congress on September 15, 2005.

(c) SUBMISSION OF MILESTONE SCHEDULE AND COST ESTIMATES.—Not later than June 30, 2010, the Secretary of Defense shall submit to the congressional defense committees a report describing— Reports.

(1) the schedule for completion of requirements identified in the master plan developed under subsection (a); and

(2) updated cost estimates to provide world class military medical facilities for the National Capital Region.

(d) SENSE OF CONGRESS REGARDING TRAFFIC MITIGATION IN VICINITY OF NATIONAL NAVAL MEDICAL CENTER.—Given the anticipated significant increases in local traffic in the vicinity of the National Naval Medical Center, and the unusual impact that such traffic increases will have on the surrounding community due to the planned expansion of the installation, it is the sense of Congress that—

(1) multiple methods are available to the Department of Defense to implement the defense access roads program (section 210 of title 23, United States Code) to help alleviate traffic congestion, including expansion of adjacent highways, improvements to nearby intersections, on-base queuing options, and multi-modal expansion, including expanded support of buses and subways and other measures; and

(2) all of the efforts to alleviate the significant traffic impact need to be pursued to ensure readily available access to health care at the installation.

(e) 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.

SEC. 2715. USE OF ECONOMIC DEVELOPMENT CONVEYANCES TO IMPLEMENT BASE CLOSURE AND REALIGNMENT PROPERTY RECOMMENDATIONS.

(a) ECONOMIC REDEVELOPMENT CONVEYANCE AUTHORITY.—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (B), by striking the matter preceding clause (i) of such subparagraph and inserting the following:

"(B) The transfer of property located at a military installation under subparagraph (A) may be for consideration at or below the estimated fair market value or without consideration. The determination of such consideration may account for the economic conditions of the local affected community and the estimated costs to redevelop the property. The Secretary may accept, as consideration, a share of the revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property, consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The transfer of property located at a military installation under subparagraph (A) may be made for consideration below the estimated fair market value or without consideration only if the redevelopment authority with respect to the installation—"; and

(2) in subparagraph (C), by striking "subparagraph (B)" and inserting "subparagraph (B)(i)".

(b) REPORT CONCERNING PROPERTY CONVEYANCES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of current and anticipated economic development conveyances involving surplus real and personal property at closed or realigned military installations, projected job creation as a result of the conveyances, community reinvestment, and the progress made as a result of the implementation of the amendments made by subsection (a).

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Modification of unspecified minor construction authorities.
Sec. 2802. Congressional notification of facility repair projects carried out using operation and maintenance funds.
Sec. 2803. Modification of authority for scope of work variations.
Sec. 2804. Modification of conveyance authority at military installations.
Sec. 2805. Imposition of requirement that acquisition of reserve component facilities be authorized by law.

Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
Sec. 2807. Expansion of First Sergeants Barracks Initiative.
Sec. 2808. Reports on privatization initiatives for military unaccompanied housing.
Sec. 2809. Report on Department of Defense contributions to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities.

Subtitle B—Real Property and Facilities Administration

Sec. 2821. Modification of utility systems conveyance authority.
Sec. 2822. Report on global defense posture realignment and interagency review.
Sec. 2823. Property and facilities management of the Armed Forces Retirement Home.
Sec. 2824. Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California.
Sec. 2825. Selection of military installations to serve as locations of brigade combat teams.
Sec. 2826. Report on Federal assistance to support communities adversely impacted by expansion of military installations.

Subtitle C—Provisions Related to Guam Realignment

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

Subtitle D—Energy Security

Sec. 2841. Adoption of unified energy monitoring and utility control system specification for military construction and military family housing activities.
Sec. 2842. Department of Defense goal regarding use of renewable energy sources to meet facility energy needs.
Sec. 2843. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.
Sec. 2844. Department of Defense use of electric and hybrid motor vehicles.
Sec. 2845. Study on development of nuclear power plants on military installations.
Sec. 2846. Comptroller General report on Department of Defense renewable energy initiatives, including solar initiatives, on military installations.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance, Haines Tank Farm, Haines, Alaska.
Sec. 2852. Release of reversionary interest, Camp Joseph T. Robinson, Arkansas.
Sec. 2853. Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California.
Sec. 2854. Land conveyance, Ferndale housing at Centerville Beach Naval Facility to City of Ferndale, California.
Sec. 2855. Land conveyances, Naval Air Station, Barbers Point, Hawaii.
Sec. 2856. Land conveyances of certain parcels in the Camp Catlin and Ohana Nui areas, Pearl Harbor, Hawaii.
Sec. 2857. Modification of land conveyance, former Griffiss Air Force Base, New York.
Sec. 2858. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.
Sec. 2859. Land conveyance, Ellsworth Air Force Base, South Dakota.
Sec. 2860. Land conveyance, Lackland Air Force Base, Texas.
Sec. 2861. Land Conveyance, Naval Air Station Oceana, Virginia.
Sec. 2862. Completion of land exchange and consolidation, Fort Lewis, Washington.
Sec. 2863. Land conveyance, F.E. Warren Air Force Base, Cheyenne, Wyoming.

Subtitle F—Other Matters

Sec. 2871. Revised authority to establish national monument to honor United States Armed Forces working dog teams.

Sec. 2872. National D–Day Memorial study.
Sec. 2873. Conditions on establishment of Cooperative Security Location in Palanquero, Colombia.
Sec. 2874. Military activities at United States Marine Corps Mountain Warfare Training Center.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITIES.

(a) REPEAL OF LIMITATIONS ON EXERCISE-RELATED PROJECTS OVERSEAS.—

(1) AUTHORITY TO CARRY OUT PROJECTS.—Subsection (a) of section 2805 of title 10, United States Code, is amended—

(A) by striking "Except as provided in paragraph (2), within" and inserting "Within";

(B) by striking paragraph (2); and

(C) by striking "An unspecified" and inserting the following:

"(2) An unspecified".

(2) USE OF OPERATION AND MAINTENANCE FUNDS.—Subsection (c) of such section is amended—

(A) by striking "Except as provided in paragraphs (2) and (3)" and inserting "Except as provided in paragraph (2)";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) CONFORMING AMENDMENT.—Section 2806(c)(1) of such title is amended by striking "section 2805(a)(2)" and inserting "section 2805(a)".

(b) LABORATORY REVITALIZATION AUTHORIZED.—Section 2805(d) of such title is amended—

(1) in paragraph (1)(B), by inserting "or from funds authorized to be made available under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note)" after "authorized by law";

(2) by striking paragraph (3); and

(3) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(c) MECHANISMS TO PROVIDE FUNDS FOR LABORATORY REVITALIZATION.—

(1) ADDITIONAL PURPOSE.—Subsection (a)(1) of section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note) is amended by adding at the end the following new subparagraph:

"(D) To fund the revitalization and recapitalization of the laboratory pursuant to section 2805(d) of title 10, United States Code.".

(2) MODIFICATION OF REPORTING REQUIREMENTS.—Subsection (b) of such section is amended—

(A) by striking paragraph (2); and

(B) by striking "AUTHORITY" and all that follows through "Not" and inserting "AUTHORITY.—Not".

SEC. 2802. CONGRESSIONAL NOTIFICATION OF FACILITY REPAIR PROJECTS CARRIED OUT USING OPERATION AND MAINTENANCE FUNDS.

Section 2811(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end; and

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

"(2) if the current estimate of the cost of the repair project exceeds 75 percent of the estimated cost of a military construction project to replace the facility, an explanation of the reasons why replacement of the facility is not in the best interest of the Government; and

"(3) a description of the elements of military construction, including the elements specified in section 2802(b) of this title, incorporated into the repair project.".

SEC. 2803. 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 inserting "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. 2804. 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 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);

(2) 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";

(3) by striking subsection (c) and inserting the following new subsection:

"(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

(4) 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 AMENDMENTS.—

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

"§ 2869. Conveyance of property at military installations to limit encroachment".

(2) TABLE OF SECTIONS.—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. 2805. IMPOSITION OF REQUIREMENT THAT ACQUISITION OF RESERVE COMPONENT FACILITIES BE AUTHORIZED BY LAW.

Section 18233(a)(1) of title 10, United States Code, is amended by striking "as he determines to be necessary" and inserting "as are authorized by law".

SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2806 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 112 Stat. 4724), is amended—

(1) in subsection (a), by striking "During fiscal year 2004" and all that follows through "obligate" and inserting "The Secretary of Defense may obligate"; and

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

"(h) EXPIRATION OF AUTHORITY.—The authority to obligate funds under this section expires on the later of—

"(1) September 30, 2010; or

"(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011.".

(b) GEOGRAPHIC AREA OF AUTHORITY.—Subsection (a) of such section is further amended by striking "and United States Africa Command areas of responsibility" and inserting "area of responsibility".

(c) ANNUAL FUNDING LIMITATION ON USE OF AUTHORITY; EXCEPTION.—Subsection (c) of such section is amended—

(1) in paragraph (2)—

(A) in the first sentence, by inserting "for fiscal year 2010" after "operation and maintenance" ; and

(B) in the second sentence, by striking "fiscal year 2009" and inserting "that fiscal year"; and

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

"(3) Notwithstanding paragraph (1), the Secretary of Defense may authorize the obligation under this section of not more than an additional $10,000,000 of appropriated funds available for operation and maintenance for a fiscal year if the Secretary determines that the additional funds are needed for costs associated with contract closeouts. Funds obligated under this paragraph are not subject to the limitation in the second sentence of paragraph (2).".

(d) CLERICAL AMENDMENT TO CORRECT REFERENCE TO CONGRESSIONAL COMMITTEE.—Subsection (f) of such section is amended by striking "Subcommittees on Defense and Military Construction" both places it appears and inserting "Subcommittee on Defense and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies".

SEC. 2807. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.

10 USC 3013 note. Deadline.

(a) EXPANSION OF INITIATIVE.—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to the congressional defense committees a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations.

SEC. 2808. REPORTS ON PRIVATIZATION INITIATIVES FOR MILITARY UNACCOMPANIED HOUSING.

(a) SECRETARY OF DEFENSE REPORT.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) an evaluation of the process by which the Secretary develops, implements, and oversees housing privatization transactions involving military unaccompanied housing;

(2) recommendations regarding additional opportunities for members of the Armed Forces to utilize housing privatization transactions involving military unaccompanied housing;

(3) an evaluation of the impact of a prohibition on civilian occupancy of such housing on the ability to secure private partners for such housing privatization transactions; and

(4) the Secretary's assessment of the feasibility and cost of privatizing military unaccompanied housing for all members of the Armed Forces.

(b) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the Secretary of Defense submits the report under subsection (a), 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 evaluating such report. The report of the Comptroller General shall include the Comptroller General's assessment of the process used by the Secretary in preparing the report under subsection (a) and the Comptroller General's assessment of the extent to which such report addresses the elements required under subsection (a).

(2) INDEPENDENT RESEARCH.—The Comptroller General may conduct such independent research and make such independent findings and recommendations as the Comptroller General determines appropriate for purposes of the report submitted under this subsection.

(c) HOUSING PRIVATIZATION TRANSACTION DEFINED.—In this section, the term "housing privatization transaction" means any contract or other transaction for the construction or acquisition of military unaccompanied housing entered into under the authority of subchapter IV of chapter 169 of title 10, United States Code.

SEC. 2809. REPORT ON DEPARTMENT OF DEFENSE CONTRIBUTIONS TO STATES FOR ACQUISITION, CONSTRUCTION, EXPANSION, REHABILITATION, OR CONVERSION OF RESERVE COMPONENT FACILITIES.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report specifying, for each of fiscal years 2005 through 2009, the total amount of contributions by project made by the Secretary to each State under the authority of paragraphs (2) through (6) of section 18233(a) of title 10, United States Code, for reserve component facilities. The amounts contributed under each of such paragraphs for each State shall be specified separately.

(b) DEFINITIONS.—In this section, the terms "State" and "facility" have the meanings given those terms in section 18232 of such title.

Subtitle B—Real Property and Facilities Administration

SEC. 2821. MODIFICATION OF UTILITY SYSTEMS CONVEYANCE AUTHORITY.

(a) CLARIFICATION OF REQUIRED DETERMINATION THAT CONVEYANCE REDUCE LONG-TERM COSTS.—Paragraph (2)(A)(ii) of subsection (a) of section 2688 of title 10, United States Code, is amended by striking "system; and" and inserting the following: "system by

10 percent of the long-term cost for provision of those utility services in the agency tender; and".

(b) LIMITATION ON REPEATED USE OF AUTHORITY FOR SAME UTILITY SYSTEM.—Such subsection is further amended by adding at the end the following new paragraph:

Determination. Time periods.

"(3)(A) If, as a result of the economic analysis required by paragraph (2)(A), the Secretary concerned determines that a utility system, or part of a utility system, is not eligible for conveyance under this subsection, the Secretary concerned may not further reconsider the utility system, or part of a utility system, for conversion to contractor operation under section 2461 of this title for a period of five years beginning on the date of the determination.

"(B) If the results of a public-private competition for conversion of a utility system, or part of a utility system, to operation by a contractor favors continued operation by civilian employees of the Department of Defense, the Secretary concerned may not reconsider the utility system, or part of a utility system, for conversion under section 2461 of this title or for conveyance under this subsection for a period of five years beginning on the date of the completion of the public-private competition.".

SEC. 2822. REPORT ON GLOBAL DEFENSE POSTURE REALIGNMENT AND INTERAGENCY REVIEW.

(a) ANNUAL REVIEW OF OVERSEAS BASE CLOSURE AND REALIGNMENT ACTIONS AND BASING MASTER PLANS.—

(1) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2687 the following new section:

"§ 2687a. Overseas base closures and realignments and basing master plans

"(a) ANNUAL STATUS REPORT.—At the same time that the budget is submitted under section 1105(a) of title 31for 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—

"(1) the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy; and

"(2) the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations.

"(b) REPORT ELEMENTS.—A report under subsection (a) shall address the following:

"(1) How the master plans described in subsection (a)(2) 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 considers necessary for national security.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2687 the following new item:

"2687a. Overseas base closures and realignments and basing master plans.".

(b) INTERAGENCY OVERSEAS BASING REPORT IN RESPONSE TO QUADRENNIAL DEFENSE REVIEW.—Section 118 of title 10, United States Code, is amended by inserting after subsection (h), as added by section 1002, the following new subsection:

"(i) INTERAGENCY OVERSEAS BASING REPORT.—(1) Not later than 90 days after submitting a report on a quadrennial defense review under subsection (d), the Secretary of Defense shall submit to the congressional defense committees a report detailing how the results of the assessment conducted as part of such review will impact—

"(A) the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy; and

"(B) 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.

"(2) A report under paragraph (1) shall include any recommendations for additional closures or realignments of military installations outside of the United States and any comments resulting from an interagency review of these plans that includes the Department of State and other relevant Federal departments and agencies.".

SEC. 2823. PROPERTY AND FACILITIES MANAGEMENT OF THE ARMED FORCES RETIREMENT HOME.

(a) ACQUISITION OF REAL PROPERTY.—Subsection (e)(2) of section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended by adding at the end the following new sentence: "If the purchase price to acquire fee title to real property for inclusion in the Retirement Home is more than $750,000, the Secretary may acquire the real property only if the acquisition is specifically authorized by law.".

(b) DISPOSAL OF EXCESS PROPERTY AND LEASE OF NON-EXCESS PROPERTY.—Such section is further amended—

(1) in subsection (e), by striking paragraph (3) and inserting the following new paragraph:

Determination.

"(3) If the Secretary of Defense determines that any property of the Retirement Home is excess to the needs of the Retirement Home, the Secretary shall dispose of the property in accordance with subchapter III of chapter 5 of title 40, United States Code (40 U.S.C. 541 et seq.). The proceeds from the disposal of property under this paragraph shall be deposited in the Armed Forces Retirement Home Trust Fund."; and

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

"(i) AUTHORITY TO LEASE NON-EXCESS PROPERTY.—(1) Whenever the Chief Operating Officer of the Armed Forces Retirement

Home considers it advantageous to the Retirement Home, the Secretary of Defense (acting on behalf of the Chief Operating Officer) may lease to such lessee and upon such terms as the Secretary considers will promote the purpose and financial stability of the Retirement Home or be in the public interest, real or personal property that is—

"(A) under the control of the Retirement Home; and

"(B) not excess property (as defined by section 102 of title 40, United States Code) subject to disposal under subsection (e)(3).

"(2) A lease under this subsection— Determinations.

"(A) may not be for more than five years, unless the Chief Operating Officer determines that a lease for a longer period will promote the purpose and financial stability of the Retirement Home or be in the public interest;

"(B) may give the lessee the first right to buy the property if the lease is revoked to allow the United States to sell the property under any other provision of law;

"(C) shall permit the Chief Operating Officer to revoke the lease at any time, unless the Chief Operating Officer determines that the omission of such a provision will promote the purpose and financial stability of the Retirement Home or be in the public interest;

"(D) shall provide for the payment (in cash or in kind) by the lessee of consideration in an amount that is not less than the fair market value of the lease interest, as determined by the Chief Operating Officer ; and

"(E) may provide, notwithstanding section 1302 of title 40, United States Code, or any other provision of law, for the alteration, repair, or improvement, by the lessee, of the property leased as the payment of part or all of the consideration for the lease.

"(3) In addition to any in-kind consideration accepted under subparagraph (D) or (E) of paragraph (2), in-kind consideration accepted with respect to a lease under this subsection may include the following:

"(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Retirement Home.

"(B) Construction of new facilities for the Retirement Home.

"(C) Provision of facilities for use by the Retirement Home.

"(D) Facilities operation support for the Retirement Home.

"(E) Provision of such other services relating to activities that will occur on the leased property as the Chief Operating Officer considers appropriate.

"(4) In-kind consideration under paragraph (3) may be accepted at any property or facilities of the Retirement Home that are selected for that purpose by the Chief Operating Officer.

"(5) In the case of a lease for which all or part of the consideration proposed to be accepted under this subsection is in-kind consideration with a value in excess of $500,000, the Secretary of Defense may not enter into the lease on behalf of the Chief Operating Officer until at least 30 days after the date on which a report on the facts of the lease is submitted to Congress. This paragraph does not apply to a lease covered by paragraph (6). Time period.

"(6)(A) If a proposed lease under this subsection involves only personal property, the lease term exceeds one year, or the fair Determination.

market value of the lease interest exceeds $100,000, as determined by the Chief Operating Officer, the Secretary of Defense shall use competitive procedures to select the lessee unless the Chief Operating Officer determines that—

"(i) a public interest will be served as a result of the lease; and

"(ii) the use of competitive procedures for the selection of certain lessees is unobtainable or not compatible with the public benefit served under clause (i).

Deadline. Notice.

"(B) Not later than 45 days before entering into a lease described in subparagraph (A), the Chief Operating Officer shall submit to Congress written notice describing the terms of the proposed lease and—

"(i) the competitive procedures used to select the lessee; or

"(ii) in the case of a lease involving the public benefit exception authorized by subparagraph (A)(ii), a description of the public benefit to be served by the lease.

"(7) The proceeds from the lease of property under this subsection shall be deposited in the Armed Forces Retirement Home Trust Fund.

"(8) The interest of a lessee of property leased under this subsection may be taxed by State or local governments. A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State or local governments under an Act of Congress, the lease shall be renegotiated.".

SEC. 2824. ACCEPTANCE OF CONTRIBUTIONS TO SUPPORT CLEANUP EFFORTS AT FORMER ALMADEN AIR FORCE STATION, CALIFORNIA.

(a) ACCEPTANCE OF CONTRIBUTIONS; PURPOSE.—The Secretary of the Army may accept contributions from other Federal entities, the State of California, and other entities, both public and private, for the purposes of helping to cover the costs of—

(1) demolition of property at former Almaden Air Force Station, California; and

(2) environmental remediation and restoration.

(b) AVAILABILITY.—Amounts received as contributions under subsection (a) may be merged with other amounts available to the Secretary to carry out the purposes described in such subsection and shall be available without further appropriations and until expended.

10 USC 3013 note.

SEC. 2825. SELECTION OF MILITARY INSTALLATIONS TO SERVE AS LOCATIONS OF BRIGADE COMBAT TEAMS.

In selecting the military installations at which brigade combat teams will be stationed, the Secretary of the Army shall take into consideration the availability and proximity of training spaces for the units and the capacity of the installations to support the units.

SEC. 2826. REPORT ON FEDERAL ASSISTANCE TO SUPPORT COMMUNITIES ADVERSELY IMPACTED BY EXPANSION OF MILITARY INSTALLATIONS.

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 includes the following information:

(1) A description of the current authorities under which the Secretary may assist a community that is adversely impacted by the expansion of a military installation (in this section referred to as "impacted community").

(2) A description of the current authorities under which heads of other Federal agencies may assist an impacted community.

(3) A review of additional authorities that the Secretary requires to assist impacted communities, including an assessment on the following:

(A) Methods to obtain educational opportunities for members of the Armed Forces and their dependents in impacted communities.

(B) Opportunities to use payments in lieu of taxes under chapter 69 of title 31, United States Code, to offset impacts on impacted communities.

(C) In remote locations where the Armed Forces does not have a presence and significant military expansion has been proposed, the ability to augment local medical capacities and public utilities to support expansion requirements.

Subtitle C—Provisions Related to Guam Realignment

SEC. 2831. ROLE OF DEPARTMENT OF DEFENSE IN MANAGEMENT AND COORDINATION OF DEFENSE ACTIVITIES RELATING TO GUAM REALIGNMENT.

(a) DEPUTY SECRETARY OF DEFENSE.—Section 132 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Until September 30, 2015, the Deputy Secretary of Defense shall lead the Guam Executive Council and shall be the Department of Defense's principal representative for coordinating the interagency efforts in matters relating to Guam, including the following executive orders:

Termination date.

"(1) Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451; relating to the Interagency Group on Insular Affairs).

"(2) Executive Order No. 12788 of January 15, 1992, as amended (57 Fed. Reg. 2213; relating to the Defense Economic Adjustment Program).".

(b) REPORT.—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 including the charter that establishes the Guam Executive Council.

SEC. 2832. CLARIFICATIONS REGARDING USE OF SPECIAL PURPOSE ENTITIES TO ASSIST WITH GUAM REALIGNMENT.

(a) SPECIAL PURPOSE ENTITY DEFINED.—In this section, the term "special purpose entity" means any private person, corporation, firm, partnership, company, State or local government, or authority or instrumentality of a State or local government that the Secretary of Defense determines is capable of producing military family housing or providing utilities to support the realignment of military installations and the relocation of military personnel on Guam.

10 USC 2687 note.

(b) REPORT ON INTENDED USE SPECIAL PURPOSE ENTITIES.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the intended use of special purpose entities to provide military family housing or utilities to support the realignment of military installations and the relocation of military personnel on Guam.

Time period.

(2) NOTICE AND WAIT.—The Secretary of Defense may not authorize the use of special use entities as described in paragraph (1) until the end of the 30-day period (15-day period if the report is submitted electronically) beginning on the date on which the report required by such paragraph is submitted.

(c) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—

(1) APPLICABILITY TO SECTION 2350K CONTRIBUTIONS.—Section 2824(c)(4) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

"(D) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, and any successor to such criteria shall be the minimum standard applicable to projects funded using contributions referred to in subsection (b)(1) for a transaction authorized by paragraph (1).".

(2) APPLICABILITY TO SPECIAL PURPOSE ENTITY CONTRIBUTIONS.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, and any successor to such criteria shall be the minimum standard applicable to projects funded using contributions provided by a special purpose entity.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an evaluation of various options, including a preferred option, that the Secretary could utilize to comply with the unified facilities criteria referred to in paragraph (2) in the acquisition of military housing on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam. In preparing the report, the Secretary shall consider the impact of—

(A) increasing the overseas housing allowance for members of the Armed Forces serving on Guam; and

(B) providing a direct Federal subsidy to public-private ventures.

(d) SENSE OF CONGRESS ON SCOPE OF UTILITY INFRASTRUCTURE IMPROVEMENTS.—Section 2821 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4729) is amended—

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

(2) in such subsection, by striking "should incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system" and inserting "should support proposed utility infrastructure

improvements on Guam that incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system, rather than simply supporting one or more military installations".

SEC. 2833. WORKFORCE ISSUES RELATED TO MILITARY CONSTRUCTION AND CERTAIN OTHER TRANSACTIONS ON GUAM.

(a) PREVAILING WAGE REQUIREMENTS.—Subsection (c) of section 2824 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(5) APPLICATION OF PREVAILING WAGE REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to any military construction project or other transaction authorized by paragraph (1) that is carried out on Guam using contributions referred to in subsection (b)(1) or appropriated funds.

"(B) SECRETARY OF LABOR AUTHORITIES.—In order to carry out the requirements of subparagraph (A) and paragraph (6) (relating to composition of workforce for construction projects), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Number 14 of 1950 and section 3145 of title 40, United States Code.

"(C) WAGE RATE DETERMINATION.—In making wage rate determinations pursuant to subparagraph (A), the Secretary of Labor shall not include in the wage survey any persons who hold a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

"(D) ADDITION TO WEEKLY STATEMENT ON THE WAGES PAID.—In the case of projects and other transactions covered by subparagraph (A), the weekly statement required by section 3145 of title 40, United States Code, shall also identify each employee working on the project or transaction who holds a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

"(E) DURATION OF REQUIREMENTS.—The Secretary of Labor shall make and issue a wage rate determination for Guam annually until 90 percent of the funds in the Account and other funds made available for the realignment of military installations and the relocation of military personnel on Guam have been expended.". Determination. Deadline.

(b) REPORTING REQUIREMENTS REGARDING SUPPORT OF CONSTRUCTION WORKFORCE.—Subsection (e) of such section is amended—

(1) by striking "Not later than" and inserting the following:

"(1) MILITARY CONSTRUCTION INFORMATION.—Not later than"; and

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

"(2) CONSTRUCTION WORKFORCE INFORMATION.—The annual report shall also include an assessment of the living standards of the construction workforce employed to carry out military construction projects covered by the report, including, at a

minimum, the adequacy of contract standards and infrastructure that support temporary housing the construction workforce and their medical needs.".

SEC. 2834. COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS FUNDED THROUGH THE SUPPORT FOR UNITED STATES RELOCATION TO GUAM ACCOUNT.

(a) COMPOSITION OF WORKFORCE.—Section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by inserting after paragraph (5), as added by section 2833, the following new paragraph:

"(6) COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS.—

"(A) LIMITATION.—With respect to each construction project that is carried out using amounts described in subparagraph (B), no work may be performed by a person holding a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) unless—

"(i) the application for that visa has been approved pursuant to the issuance of a temporary labor certification by the Governor of Guam as provided under section 214.2 of title 8, Code of Federal Regulations; and

Certification.

"(ii) the Governor of Guam, in consultation with the Secretary of Labor, makes the certification described in subparagraph (C) to the Secretary of Defense.

Applicability.

"(B) SOURCE OF FUNDS.—Subparagraph (A) applies to—

"(i) amounts in the Account used for projects associated with the realignment of military installations and the relocation of military personnel on Guam;

"(ii) funds associated with activities under section 2821 of this Act; and

"(iii) funds for authorized military construction projects.

"(C) CERTIFICATION.—The certification referred to in subparagraph (A) is a certification, in addition to the certifications required by section 214.2 of title 8, Code of Federal Regulations, that—

"(i) there are not sufficient United States workers who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place where the persons holding visas described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) are to perform such skilled or unskilled labor; and

"(ii) the employment of such persons holding visas described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) will not adversely affect the wages and working conditions of workers in Guam similarly employed.

Contracts.
Recruitment plan.

"(D) SOLICITATION OF WORKERS.—In order to ensure compliance with subparagraph (A), as a condition of a contract covered by such subparagraph, the contractor shall

be required to advertise and solicit for construction workers in the United States, including Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico, in accordance with a recruitment plan approved by the Secretary of Labor. The contractor shall submit a copy of the employment offer, including a description of wages and other terms and conditions of employment, to the Secretary of Labor at least 60 days before the start date of the workers under a contract. The contractor shall authorize the Secretary of Labor to post a notice of the employment offer on a website, with State, territorial, and local job banks, with State and territorial workforce agencies, and with any other referral and recruitment sources the Secretary of Labor determines may be pertinent to the employment opportunity.

Records. Deadline.

Notice. Web posting. Determination.

"(E) RECRUITMENT PERIOD.—The Secretary of Labor shall ensure that a contractor's recruitment of construction workers complies with the recruitment plan required by subparagraph (D) for a period beginning 60 days before the start date of workers under a contract and continuing for the next 28 days. During the recruitment period, the contractor shall interview all qualified and available United States construction workers who have applied for the employment opportunity, and, at the close of the recruitment period, the contractor shall provide the Secretary of Labor with a recruitment report providing any reasons for which the contractor did not hire an applicant who is a qualified United States construction worker. Not later than 21 days before the start date of the workers under a contract, the Secretary of Labor shall certify to the Governor of Guam whether the contractor has satisfied the recruitment plan created under subparagraph (D).

Contracts.

Deadline. Reports.

Deadline. Certification.

"(F) LIMITATION.—An employer, its attorney or agent, the Secretary of Labor, the Governor of Guam, and any designee thereof, may not seek or receive payment of any kind from any worker for any activity related to obtaining an H-2B labor certification with respect to any construction project that is carried out using amounts described in subparagraph (B).".

(b) REPORTING REQUIREMENTS.—

(1) SECRETARY OF DEFENSE.—Not later than June 30, 2010, the Secretary of Defense shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of efforts to establish a Project Labor Agreement for construction projects associated with the Guam realignment as encouraged by Executive Order 13502, entitled "Use of Project Labor Agreements for Federal Construction Projects" (74 Fed. Reg. 6985), as a means of complying with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a).

Contracts.

(2) SECRETARY OF LABOR.—Not later than June 30, 2010, the Secretary of Labor shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of—

Deadline. Reports.

(A) the opportunities to expand the recruitment of construction workers in the United States, including Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico, to support the realignment of military installations and the relocation of military personnel on Guam, consistent with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a);

(B) the ability of labor markets to support the Guam realignment;

(C) the sufficiency of efforts to recruit United States construction workers; and

(D) The costs to the United States for recruitment plans required by such paragraph (6) and a proposed method to cover such costs.

(3) COVERED CONGRESSIONAL COMMITTEES.—The reports required by this subsection shall be submitted to the congressional defense committees, the Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

10 USC 2687 note.

SEC. 2835. INTERAGENCY COORDINATION GROUP OF INSPECTORS GENERAL FOR GUAM REALIGNMENT.

Establishment.

(a) INTERAGENCY COORDINATION GROUP.—There is hereby established the Interagency Coordination Group of Inspectors General for Guam Realignment (in this section referred to as the "Interagency Coordination Group")—

(1) to provide for the objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam; and

(2) to provide for coordination of, and recommendations on, policies designed—

(A) to promote economic efficiency and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) to prevent and detect waste, fraud, and abuse in such programs and operations.

(b) MEMBERSHIP.—

(1) CHAIRPERSON.—The Inspector General of the Department of Defense shall serve as chairperson of the Interagency Coordination Group.

(2) ADDITIONAL MEMBERS.—Additional members of the Interagency Coordination Group shall include the Inspector General of the Department of Interior and the Inspector General of such other Federal agencies as the chairperson considers appropriate to carry out the duties of the Interagency Coordination Group.

(c) DUTIES.—

(1) OVERSIGHT OF GUAM CONSTRUCTION.—It shall be the duty of the Interagency Coordination Group to conduct, supervise, and coordinate audits and investigations of the treatment,

handling, and expenditure of amounts appropriated or otherwise made available for military construction on Guam and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of construction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such fund; and

(F) the monitoring and review of the implementation of the Defense Posture Review Initiative relating to the realignment of military installations and the relocation of military personnel on Guam.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Interagency Coordination Group shall establish, maintain, and oversee such systems, procedures, and controls as the Interagency Coordination Group considers appropriate to discharge the duties under paragraph (1). Procedures.

(3) OVERSIGHT PLAN.—The chairperson of the Interagency Coordination Group shall prepare an annual oversight plan detailing planned audits and reviews related to the Guam realignment. Deadline.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) PROVISION OF ASSISTANCE.—Upon request of the Interagency Coordination Group for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Interagency Coordination Group.

(2) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Interagency Coordination Group is, in the judgment of the chairperson of the Interagency Coordination Group, unreasonably refused or not provided, the chairperson shall report the circumstances to the Secretary of Defense and to the congressional defense committees without delay.

(e) REPORTS.—

(1) ANNUAL REPORTS.—Not later than February 1 of each year, the chairperson of the Interagency Coordination Group shall submit to the congressional defense committees, the Secretary of Defense, and the Secretary of the Interior a report summarizing, for the preceding calendar year, the activities of the Interagency Coordination Group during such year and the activities under programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam. Each report shall include, for the year covered by the report, a detailed statement of all obligations,

expenditures, and revenues associated with such construction, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for military construction in connection with the realignment of military installations and the relocation of military personnel on Guam, together with the estimate of the Department of Defense and the Department of the Interior, as applicable, of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds contributed by the Government of Japan in connection with the realignment of military installations and the relocation of military personnel on Guam and any obligations or expenditures of such revenues.

(D) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for military construction on Guam.

(E) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

Definition.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that—

(A) is entered into by any department or agency of the United States Government with any public or private sector entity; and

(B) involves the use of amounts appropriated or otherwise made available for military construction on Guam.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Interagency Coordination Group considers it necessary.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense

or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(5) SUBMISSION OF COMMENTS.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of Defense or the Secretary of the Interior may submit to the congressional defense committees any comments on the matters covered by the report as the Secretary concerned considers appropriate. Any comments on the matters covered by the report shall be submitted in unclassified form, but may include a classified annex if the Secretary concerned considers it necessary.

Deadline.

(f) PUBLIC AVAILABILITY; WAIVER.—

President.

(1) PUBLIC AVAILABILITY.—The Interagency Coordination Group shall publish on a publically-available Internet website each report prepared under subsection (e). Any comments on the report submitted under paragraph (5) of such subsection shall also be published on such website.

Web posting.

(2) WAIVER AUTHORITY.—The President may waive the requirement under paragraph (1) with respect to availability to the public of any element in a report under subsection (e), or any comment with respect to a report, if the President determines that the waiver is justified for national security reasons.

Determination.

(3) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (e), or any comment under paragraph (5) of such subsection, is submitted to the congressional defense committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.

Federal Register, publication. Deadline.

(g) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE.—The term "amounts appropriated or otherwise made available for military construction on Guam" includes amounts derived from the Support for United States Relocation to Guam Account.

(2) GUAM.—The term "Guam" includes any island in the Northern Mariana Islands.

(h) TERMINATION.—

(1) IN GENERAL.—The Interagency Coordination Group shall terminate upon the expenditure of 90 percent of all funds appropriated or otherwise made available for Guam realignment.

Termination date.

(2) FINAL REPORT.—Before the termination of the Interagency Coordination Group pursuant to paragraph (1), the chairperson of the Interagency Coordination Group shall prepare and submit to the congressional defense committees a final report containing—

(A) notice that the termination condition in paragraph (1) has occurred; and

(B) a final forensic audit on programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam.

SEC. 2836. COMPLIANCE WITH NAVAL AVIATION SAFETY REQUIREMENTS AS CONDITION ON ACCEPTANCE OF REPLACEMENT FACILITY FOR MARINE CORPS AIR STATION, FUTENMA, OKINAWA.

Reports.

(a) IN GENERAL.—The Secretary of Defense may not accept, or authorize any other official of the Department of Defense to accept, a replacement facility in Okinawa for air operations conducted at Marine Corps Air Station, Futenma, Okinawa until the Secretary reports to the congressional defense committees that the replacement facility and its planned operating procedures are consistent with naval aviation safety requirements.

(b) EXERCISE OF WAIVER AUTHORITIES.—

Determination.

(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as preventing the Secretary from exercising existing waiver authorities provided the Secretary first determines the waiver is necessary in the interest of national defense.

(2) REQUIRED REPORTING OF EFFORTS.—The report specified under subsection (a) shall clearly identify efforts made to mitigate deviations from criteria in the planning and construction of the replacement facility described in such subsection.

SEC. 2837. REPORT AND SENSE OF CONGRESS ON MARINE CORPS REQUIREMENTS IN ASIA-PACIFIC REGION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the training and readiness requirements necessary for Marine Forces Pacific, the field command of the Marine Corps within the United States Pacific Command.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall contain each of the following:

(1) A description of the units of the Marine Corps expected to be assigned or realigned on a permanent or temporary basis to Marine Forces Pacific, including the type of unit, the organizational element, the current location of the unit, and proposed location for the unit.

(2) A description of the training requirements necessary to sustain the current and planned realignment of forces specified in paragraph (1).

(3) A description of the strategic- and tactical-lift requirements associated with the training, operational readiness, and movement of Marine Forces Pacific, including programming information regarding the intent of the Department of Defense to eliminate deficiencies in the strategic-lift capabilities.

(c) SENSE OF CONGRESS.—It is the sense of Congress that an evaluation of training and readiness requirements for Marine Forces Pacific—

(1) should be conducted and completed as soon as possible;

(2) should include an analysis that, at a minimum, reviews the capabilities required to support the training, operational readiness, and movement of Marine Air-Ground Task Force; and

(3) should not impact the implementation of the recently signed international agreement entitled "Agreement between the Government of the United States of America and the Government of Japan concerning the Implementation of the

Relocation of the III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam".

Subtitle D—Energy Security

SEC. 2841. ADOPTION OF UNIFIED ENERGY MONITORING AND UTILITY CONTROL SYSTEM SPECIFICATION FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.

(a) ADOPTION REQUIRED.—

(1) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2866 the following new section:

"§ 2867. Energy monitoring and utility control system specification for military construction and military family housing activities

"(a) ADOPTION OF DEPARTMENT-WIDE, OPEN PROTOCOL, ENERGY MONITORING AND UTILITY CONTROL SYSTEM SPECIFICATION.—(1) The Secretary of Defense shall adopt an open protocol energy monitoring and utility control system specification for use throughout the Department of Defense in connection with a military construction project, military family housing activity, or other activity under this chapter for the purpose of monitoring and controlling, with respect to the project or activity, the items specified in paragraph (2) with the goal of establishing installation-wide energy monitoring and utility control systems.

"(2) The energy monitoring and utility control system specification required by paragraph (1) shall cover the following:

"(A) Utilities and energy usage, including electricity, gas, steam, and water usage.

"(B) Indoor environments, including temperature and humidity levels.

"(C) Heating, ventilation, and cooling components.

"(D) Central plant equipment.

"(E) Renewable energy generation systems.

"(F) Lighting systems.

"(G) Power distribution networks.

"(b) EXCLUSION.—(1) The energy monitoring and utility control system specification required by subsection (a) is not required to apply to projects carried out under the authority provided in subchapter IV of chapter 169 of this title.

Waiver authority. Determination.

"(2) The Secretary concerned may waive the application of the energy monitoring and utility control system specification required by subsection (a) with respect to a specific military construction project, military family housing activity, or other activity under this chapter if the Secretary determines that the application of the specification to the project or activity is not life cycle cost-effective. The Secretary concerned shall notify the congressional defense committees of any waiver granted under this paragraph.".

Notification.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III is amended by inserting after the item relating to section 2866 the following new item:

"2867. Energy monitoring and utility control system specification for military construction and military family housing activities.".

10 USC 2867 note.

(3) DEADLINE FOR ADOPTION.—The Secretary of Defense shall adopt the open protocol energy monitoring and utility control system specification required by section 2867 of title 10, United States Code, as added by paragraph (1), not later than 180 days after the date of the enactment of this Act.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following items:

(1) A contract specification that will implement the open protocol energy monitoring and utility control system specification required by section 2867 of title 10, United States Code, as added by subsection (a).

(2) A description of the method to ensure compliance of the Department of Defense information assurance certification and accreditation process.

(3) A plan and expected timetable for integration of the standard with the energy monitoring and utility control systems.

(4) A list of the justifications and authorizations provided by the Department, pursuant to Federal Acquisition Regulation Chapter 6.3, relating to Other Than Full and Open Competition, for energy monitoring and utility control systems during fiscal year 2009.

SEC. 2842. DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY SOURCES TO MEET FACILITY ENERGY NEEDS.

(a) FACILITY BASIS OF GOAL.—Subsection (e) of section 2911 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in subparagraph (A) (as so redesignated)—

(A) by striking "electric energy" and inserting "facility energy";

(B) by striking "and in its activities"; and

(C) by striking "(as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)))"; and

(3) in subparagraph (B) (as so redesignated), by striking "electric energy" and inserting "facility energy".

(b) DEFINITION OF RENEWABLE ENERGY SOURCE.—Such subsection is further amended—

(1) by striking "It shall be" and inserting "(1) It shall be"; and

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

"(2) In this subsection, the term 'renewable energy source' means energy generated from renewable sources, including the following:

"(A) Solar.

"(B) Wind.

"(C) Biomass.

"(D) Landfill gas.

"(E) Ocean, including tidal, wave, current, and thermal.

"(F) Geothermal, including electricity and heat pumps.

"(G) Municipal solid waste.

"(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is 'new' if it was placed in service on or after January 1, 1999.

"(I) Thermal energy generated by any of the preceding sources.".

(c) CLERICAL AMENDMENT.—The heading of such subsection is amended by striking "ELECTRICITY NEEDS" and inserting "FACILITY ENERGY NEEDS".

SEC. 2843. 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 authorized 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—

"(1) received as a cost reduction in the utility bill for a facility; or

"(2) deposited into the fund established under subsection (c) for use, to the extent provided for in an appropriations Act, by the military department, Defense Agency, or instrumentality receiving such financial incentive for energy management initiatives.

"(c) ENERGY SAVINGS FINANCIAL INCENTIVES FUND.—There is established in the Treasury a fund to be known as the 'Energy Savings Financial Incentives Fund'. The Fund shall consist of any amount deposited in the Fund pursuant to subsection (b)(2) and amounts appropriated or otherwise made available to the Fund by law.".

(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.".

SEC. 2844. DEPARTMENT OF DEFENSE USE OF ELECTRIC AND HYBRID MOTOR VEHICLES.

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

"§ 2922g. Preference for motor vehicles using electric or hybrid propulsion systems

"(a) PREFERENCE.—In leasing or procuring motor vehicles for use by a military department or Defense Agency, the Secretary of the military department or the head of the Defense Agency shall provide a preference for the lease or procurement of motor vehicles using electric or hybrid propulsion systems, including plug-in hybrid systems, if the electric or hybrid vehicles—

"(1) will meet the requirements or needs of the Department of Defense; and

"(2) are commercially available at a cost, including operating cost, reasonably comparable to motor vehicles containing only an internal combustion or heat engine using combustible fuel.

"(b) EXCEPTION.—Subsection (a) does not apply with respect to tactical vehicles designed for use in combat.

Determination.

"(c) RELATION TO OTHER VEHICLE TECHNOLOGIES THAT REDUCE CONSUMPTION OF FOSSIL FUELS.—The preference required by subsection (a) does not preclude the Secretary of Defense from authorizing the Secretary of a military department or head of a Defense Agency to provide a preference for another vehicle technology that reduces the consumption of fossil fuels if the Secretary of Defense determines that the technology is consistent with the energy performance goals and plan of the Department required by section 2911 of this title.

"(d) HYBRID DEFINED.—In this section, the term 'hybrid', with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

"(1) an internal combustion or heat engine using combustible fuel; and

"(2) a rechargeable energy storage system.".

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

"2922g. Preference for motor vehicles using electric or hybrid propulsion systems.".

Deadline.
10 USC 2922g note.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement section 2922g of title 10, United States Code, as added by subsection (a), within one year after the date of the enactment of this Act.

SEC. 2845. STUDY ON DEVELOPMENT OF NUCLEAR POWER PLANTS ON MILITARY INSTALLATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to assess the feasibility of developing nuclear power plants on military installations.

(b) ELEMENTS.—As part of the study required by subsection (a), the Secretary shall—

(1) summarize options available to the Department to enter into public-private partnerships or other transactions for the construction and operation of the nuclear power plants;

(2) estimate the potential cost per kilowatt-hour and life-cycle cost savings to the Department;

(3) consider the potential energy security advantages of generating electricity on military installations through the use of nuclear power plants;

(4) assess the additional infrastructure that would be needed to enable the power plants to provide power through the general electricity grid and to military installations in the event of a commercial grid failure;

(5) consider the potential impact on the quality of life of personnel stationed at military installations at which a nuclear power plant is installed and ways to mitigate those impacts;

(6) review the range of Federal, State, and local regulatory processes governing the establishment of nuclear power plants on military installations;

(7) assess the degree to which nuclear power plants might adversely affect operations on military installations, including consideration of training and readiness requirements;

(8) assess potential environmental liabilities for the Department;

(9) consider factors impacting safe co-location and operation of nuclear power plants on military installations; and

(10) consider other factors that affect the development of nuclear power plants on military installations.

(c) SUBMISSION OF RESULTS OF STUDY.—Not later than June 1, 2010, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study required by subsection (a). Deadline. Reports.

SEC. 2846. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE RENEWABLE ENERGY INITIATIVES, INCLUDING SOLAR INITIATIVES, ON MILITARY INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report describing all renewable energy initiatives, including projects involving the installation of solar panels, that are currently producing energy or are under development on military installations.

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) specify the costs associated with each renewable energy initiative;

(2) address whether the renewable energy initiative has a clearly delineated set of goals or targets and whether the goals or targets are being met or are likely to be met by the completion of the renewable energy initiative; and

(3) contain recommendations for legislative or administrative actions that will assist—

(A) renewable energy initiatives in meeting the goals or targets; and

(B) the Department of Defense in achieving its renewable energy goal by 2025, as specified in section 2911(e) of title 10, United States Code.

Subtitle E—Land Conveyances

SEC. 2851. 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).

Payments. Determination.

(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.

Records.

(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 purposes, and

subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the 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.

Determination.
Survey.

(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. 2852. RELEASE OF REVERSIONARY INTEREST, CAMP JOSEPH T. ROBINSON, ARKANSAS.

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. 2853. TRANSFER OF ADMINISTRATIVE JURISDICTION, PORT CHICAGO NAVAL MAGAZINE, CALIFORNIA.

(a) TRANSFER REQUIRED; ADMINISTRATION.—Section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102–562; 16 U.S.C. 431 note; 106 Stat. 4235) is amended by striking subsection (c) and inserting the following new subsections:

"(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). Land transferred to the administrative jurisdiction of the Secretary of the Interior under subsection (d) shall be administered in accordance with this subsection.

"(d) TRANSFER OF LAND.—The Secretary of the Army shall transfer to the Secretary of the Interior administrative jurisdiction over of a parcel of land consisting of approximately five acres, depicted within the proposed boundary on the map entitled 'Port Chicago Naval Magazine National Memorial, Proposed Boundary', numbered 018/80,001, and dated August 2005, if the Secretary of the Army determines that the land is in excess to military needs. At the time of the transfer of administrative jurisdiction, the Secretary of the Army and the Secretary of the Interior shall enter into an agreement to determine the responsibilities of the respective agencies in the application of, or obligation to comply with, any applicable environmental law affecting the transferred

Determination.

Contracts.

land, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Contracts.

"(e) PUBLIC ACCESS.—The Secretary of the Army shall enter into an agreement with the Secretary of the Interior to provide as much public access as possible to the Port Chicago Naval Magazine National Memorial without interfering with military needs. This subsection shall no longer apply if, at some point in the future, the National Memorial ceases to be an enclave within the Military Ocean Terminal–Concord.

"(f) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the National Memorial.

"(g) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the 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.).".

(b) SENSE OF CONGRESS ON REPAIR AND MODIFICATION OF NATIONAL MEMORIAL.—In accordance with public access provided by section 203(e) of the Port Chicago National Memorial Act of 1992, as amended by subsection (a), it is the sense of Congress that the Secretary of the Army and the Secretary of the Interior should work together to develop a process by which future repairs and modifications to mutually used infrastructure at the Port Chicago Naval Magazine National Memorial can be carried out in as timely and cost-effective a manner as possible.

SEC. 2854. LAND CONVEYANCE, FERNDALE HOUSING AT CENTERVILLE BEACH NAVAL FACILITY TO CITY OF FERNDALE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Navy vacates the Ferndale Housing, which previously supported the now closed Centerville Beach Naval Facility in the City of Ferndale, California, the Secretary of the Navy may convey, at fair market value, to the City of Ferndale (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcels of real property, including improvements thereon, for the purpose of permitting the City to utilize the property for low- and moderate-income housing for seniors, families, or both.

Determination.
Survey.

(b) 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 of the Navy.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the city in advance of

the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary of the Navy 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.

(d) TRANSFER OF PROCEEDS AUTHORIZED.—The Secretary of Defense may transfer any proceeds received from the conveyance under subsection (a), less amounts received as reimbursement for costs under subsection (c), to the Department of Defense Family Housing Improvement Fund established under section 2883(a) of title 10, United States Code, for the purposes of carrying out activities under subchapter IV of chapter 169 of that title with respect to military family housing.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2855. LAND CONVEYANCES, NAVAL AIR STATION, BARBERS POINT, HAWAII.

(a) CONVEYANCES AUTHORIZED.—The Secretary of the Navy may convey all right, title, and interest of the United States in and to the parcels of real property, including any improvements thereon, described in subsection (b) and located at former Naval Air Station, Barbers Point, Oahu, Hawaii—

(1) to the Hawaii Community Development Authority (in this section referred to as the "Authority"), which is the local redevelopment authority for former Naval Air Station, Barbers Point; or

(2) to the Department of Hawaiian Homelands (in this section referred to as the "Department").

(b) COVERED PARCELS.—The real property authorized to be conveyed under subsection (a) includes the following:

(1) An approximately 10.569-acre parcel of land identified as "Parcel No. 13126 B" and further identified by Oahu Tax Map Key No. 9–1–031:047.

(2) An approximately 145.785-acre parcel of land identified as "Parcel No. 13058 D" and further identified by Oahu Tax Map Key No. 9–1–013:039.

(3) An approximately 9.303-acre parcel of land identified as "Parcel No. 13058 F" and further identified by Oahu Tax Map Key No. 9–1–013:041.

(4) An approximately 57.937-acre parcel of land identified as "Parcel No. 13058 G" and further identified by Oahu Tax Map Key No. 9–1–013:042.

(5) An approximately 11.501-acre parcel of land identified as "Parcel No. 13073 D" and further identified by Oahu Tax Map Key No. 9–1–013:069.

(6) An approximately 65.356-acre parcel of land identified as "Parcel No. 13073 B" and further identified by Oahu Tax Map Key No. 9–1–013:067.

(7) Any other property at former Naval Air Station, Barbers Point identified for closure through the base closure process.

(c) CONSIDERATION.—

Determination.

(1) AUTHORITY CONVEYANCES.—Any conveyance under subsection (a)(1) to the Authority shall be made without consideration if the conveyed real property is to be used for public benefit, as determined by the Secretary.

(2) DEPARTMENT CONVEYANCES.—Any conveyance under subsection (a)(2) to the Department shall be made to mitigate further claims associated with the Hawaiian Home Lands Recovery Act (title II of Public Law 104–42; 109 Stat. 357; 48 U.S.C. 491 note prec.).

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Authority or the Department, as the case may be, to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority or the Department, whichever entity paid the excess amount.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

Determination.
Survey.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions, including easements or covenants to protect cultural or natural resources, in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND CONVEYANCES OF CERTAIN PARCELS IN THE CAMP CATLIN AND OHANA NUI AREAS, PEARL HARBOR, HAWAII.

(a) CONVEYANCES AUTHORIZED.—The Secretary of the Navy 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 (in this section referred to as 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 described in section 2667(c) of title 10, United States Code, 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.

Time period.
Notice.

Expiration date.

(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.

Contracts.

(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 conveyance 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.

Determination.
Survey.

(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.

SEC. 2857. MODIFICATION OF LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.

(a) ADDITIONAL CONVEYANCE.—Subsection (a)(1) of section 2873 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2152) is amended by striking "two parcels" and all that follows through the period at the end and inserting the following: "three parcels of real property consisting of 7.897 acres, 1.742 acres, and 5.037 acres, respectively, and containing all or a portion of the five buildings specified in paragraph (2), which were vacated, or will be vacated, by the Air Force in conjunction with its relocation to the Consolidated Intelligence and Reconnaissance Laboratory and to a replacement Modification and Fabrication Facility at Air Force Research Laboratory–Rome Research Site, Rome, New York.".

(b) DESCRIPTION OF PROPERTY.—Subsection (a)(2) of such section is amended by adding at the end the following new subparagraph:

"(E) Bay Number 4 in Building 101 (approximately 115,000 square feet).".

(c) PURPOSE OF CONVEYANCE.—Subsection (a)(3) of such section is amended by adding before the period at the end the following: "and to provide adequate reimbursement, real property, and replacement facilities for the Air Force Research Laboratory units that are relocated as a result of the conveyance".

(d) CONSIDERATION.—Subsection (c) of such section is amended—

(1) by striking "in-kind contribution" and inserting "in-kind consideration (including land and new facilities)"; and

(2) by adding at the end the following new sentence: "Any cash payment received by the Secretary under this subsection shall be deposited in the special account established for the Secretary under 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.".

SEC. 2858. LAND CONVEYANCE, ARMY RESERVE CENTER, CHAMBERSBURG, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Army Reserve vacates the Army Reserve Center at 721 South Sixth Street, Chambersburg, Pennsylvania, the Secretary of the Army may convey, without consideration, to the Chambersburg Area School District (in this section referred to as the "School District"), all right, title, and interest of the United States in and to the Reserve Center for the purpose of permitting the School District to utilize the property for educational and educational-support activities.

Determination.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by

Records.

the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the School District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the School District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the School District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM 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. 2859. 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.

Determination.

(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.

Records.

(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. 2860. 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.

(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 improvements, 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 actually 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) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the 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.).

(g) 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.

(h) 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. 2861. 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. 2862. COMPLETION OF LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

Subsection (a)(1) of section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1315), as amended by section 2852 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2143), is further amended—

Deadline.

(1) in the first sentence, by striking "The Secretary of the Army may transfer" and inserting "Not later than 60 days after the date of the enactment of the Military Construction Authorization Act for Fiscal Year 2010, the Secretary of the Army shall transfer"; and

(2) in the second sentence—

(A) by striking "may make the transfer" and inserting "shall make the transfer"; and

(B) by striking "may accept" and inserting "shall accept".

SEC. 2863. 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 described in section 2667(e) of title 10, 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.

Determination.

Records.

(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

Determination.

(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.

Determination.
Survey.

(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.

Subtitle F—Other Matters

SEC. 2871. REVISED AUTHORITY TO ESTABLISH NATIONAL MONUMENT TO HONOR UNITED STATES ARMED FORCES WORKING DOG TEAMS.

Section 2877 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 563; 16 U.S.C. 431 note) is amended by striking "National War Dogs Monument, Inc.," both places it appears and inserting "John Burnam Monument Foundation, Inc.,".

SEC. 2872. 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 may 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 authorized under 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 authorized under 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 authorized under 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. Applicability.

SEC. 2873. CONDITIONS ON ESTABLISHMENT OF COOPERATIVE SECURITY LOCATION IN PALANQUERO, COLOMBIA.

(a) CONGRESSIONAL NOTIFICATION OF AGREEMENT.—None of the amounts authorized to be appropriated by this division or otherwise made available for military construction for fiscal year 2010 may be obligated to commence construction of a Cooperative Security Location at the German Olano Moreno Airbase (the Palanquero AB Development Project) in Palanquero, Colombia, until at least 15 days after the date on which the Secretary of Defense certifies to the congressional defense committees that an agreement has been entered into with the Government of Colombia to allow access to and use of its facilities at the German Olano Moreno Airbase for the duration of the agreement to carry out mutually agreed-upon activities. Time period. Certification.

(b) PROHIBITION ON PERMANENT UNITED STATES MILITARY INSTALLATION.—The agreement referred to in subsection (a) may not provide for or authorize the establishment of a United States military installation or base for the permanent stationing of United States Armed Forces in Colombia.

SEC. 2874. MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.

Section 1806 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1059; 16 U.S.C. 460vvv) is amended by adding at the end the following new subsection:

"(g) MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.—The designation of the Bridgeport Winter Recreation Area by this section is not intended to restrict or preclude the activities conducted by the United States Armed Forces at the United States Marine Corps Mountain Warfare Training Center.".

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

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

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Airborne	$7,800,000
	Altimur	$7,750,000
	Asadabad	$5,500,000
	Bagram Air Base	$132,850,000
	Camp Joyce	$7,700,000
	Camp Kabul	$137,000,000
	Camp Kandahar	$132,500,000
	Camp Salerno	$50,200,000
	Forward Operating Base Blessing	$5,600,000
	Forward Operating Base Bostick	$5,500,000
	Forward Operating Base Dwyer	$19,300,000
	Forward Operating Base Ghazni	$5,500,000
	Forward Operating Base Shank	$19,700,000
	Forward Operating Base Sharana	$60,800,000
	Frontenac	$2,200,000
	Jalalabad Airfield	$41,400,000
	Maywand	$7,800,000
	Methar-Lam	$4,150,000
	Provincial Reconstruction Team Gardez.	$36,200,000
	Provincial Reconstruction Team Tarin Kowt.	$55,800,000
	Tombstone/Bastion	$71,800,000
	Wolverine	$17,050,000

(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 $924,484,000 as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $834,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $20,100,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $70,284,000.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$29,100,000
	Camp Kandahar	$234,600,000
	Forward Operating Base Dwyer	$4,900,000
	Forward Operating Base Shank	$4,900,000
	Provincial Reconstruction Team Tarin Kowt.	$4,900,000
	Tombstone/Bastion	$156,200,000
	Wolverine	$4,900,000

(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 Air Force in the total amount of $474,500,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $439,500,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,000,000.

SEC. 2903. CONSTRUCTION AUTHORIZATION FOR FACILITIES FOR OFFICE OF DEFENSE REPRESENTATIVE-PAKISTAN.

(a) USE OF FUNDS AUTHORIZED.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated by this title, the Secretary of Defense may use not more than $10,000,000 to plan, design, and construct facilities on the United States Embassy Compound in Islamabad, Pakistan, in support of the Office of the Defense Representative-Pakistan (in this section referred to as the "ODRP").

(2) NOTICE AND WAIT.—The Secretary may not obligate funds made available pursuant to paragraph (1) until the end of the 14-day period beginning on the date on which the Secretary submits to the appropriate congressional committees a report containing notice of the proposed obligation of the funds and addressing the items specified in subsection (b)(2). Time period. Reports.

(b) ADDITIONAL REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 90 days after the submission of the notice under subsection (a)(2), and every 180 days

thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the number of personnel and activities of the ODRP.

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

(A) A detailed accounting of the number of personnel permanently assigned or on temporary duty in the ODRP.

(B) A description of the mission of those personnel assigned on a temporary or permanent basis to the ODRP.

(C) A projection of space requirements for the ODRP.

(3) TERMINATION.—The requirement to submit a report under paragraph (1) terminates on the date occurring two years after the date on which the first report under such paragraph is submitted.

(c) FORM.—A report under this section may be submitted in a classified form.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—For the purposes of this section, the appropriate congressional committees are the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs of the House of Representatives.

(3) The Committee on Foreign Relations of the Senate.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Energy security and assurance.
Sec. 3106. Relation to funding tables.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Stockpile stewardship program.
Sec. 3112. Report on stockpile stewardship criteria and assessment of stockpile stewardship program.
Sec. 3113. Stockpile management program.
Sec. 3114. Dual validation of annual weapons assessment and certification.
Sec. 3115. Elimination of nuclear weapons life extension program from exception to requirement to request funds in budget of the President.
Sec. 3116. Long-term plan for the modernization and refurbishment of the nuclear security complex.
Sec. 3117. Repeal of prohibition on funding activities associated with international cooperative stockpile stewardship.
Sec. 3118. Modification of minor construction threshold for plant projects.
Sec. 3119. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.
Sec. 3120. National Nuclear Security Administration authority for urgent nonproliferation activities.
Sec. 3121. Repeal of sunset date for consolidation of counterintelligence programs of Department of Energy and National Nuclear Security Administration.

Subtitle C—Reports

Sec. 3131. National Academy of Sciences review of national security laboratories.

Sec. 3132. Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities.
Sec. 3133. Comptroller General study of stockpile stewardship program.
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.

Subtitle D—Other Matters

Sec. 3141. Ten-year plan for use and funding of certain Department of Energy facilities.
Sec. 3142. Expansion of authority of Ombudsman of Energy Employees Occupational Illness Compensation Program.
Sec. 3143. Identification in budget materials of amounts for certain Department of Energy pension obligations.
Sec. 3144. Sense of Congress on production of molybdenum–99.

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 $10,033,477,000, to be allocated as follows:

(1) For weapons activities, $6,433,131,000.

(2) For defense nuclear nonproliferation activities, $2,176,459,000.

(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 facilities risk reduction, Y–12 National Security Complex, Oak Ridge, Tennessee, $12,500,000.

(2) For safeguards and security, the following new plant project:

Project 10–D–701, security improvement project, Y–12 National Security Complex, Oak Ridge, Tennessee, $49,000,000.

(3) For naval reactors, the following new plant projects:

Project 10–D–903, KAPL security upgrades, Schenectady, New York, $1,500,000.

Project 10–D–904, Naval Reactors Facility infrastructure upgrades, Naval Reactors Facility, Idaho, $700,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,495,831,000.

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. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for energy security and assurance programs necessary for national security in the amount of $6,188,000.

SEC. 3106. RELATION TO FUNDING TABLES.

The amounts authorized to be appropriated by sections 3101, 3102, 3103, 3104, and 3105 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 4601.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 4201 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2521) is amended to read as follows:

"(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall establish a stewardship program to ensure—

"(1) the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

"(2) that the nuclear weapons stockpile is safe, secure, and reliable without the use of underground nuclear weapons testing.".

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

(1) in paragraph (1), by striking "detonation" and inserting "performance over time"; and

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

"(4) Support for the use of, and experiments facilitated by, the advanced experimental facilities of the United States, including—

"(A) the National Ignition Facility at Lawrence Livermore National Laboratory;

"(B) the Dual Axis Radiographic Hydrodynamic Test Facility at Los Alamos National Laboratory;

"(C) the Z Machine at Sandia National Laboratories; and

"(D) the experimental facilities at the Nevada test site.

"(5) Support for the sustainment and modernization of facilities with production and manufacturing capabilities that are necessary to ensure the safety, security, and reliability of the nuclear weapons stockpile, including—

"(A) the Pantex Plant;

"(B) the Y–12 National Security Complex;

"(C) the Kansas City Plant;

"(D) the Savannah River Site; and

"(E) production and manufacturing capabilities resident in the national security laboratories (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).".

(c) PRIOR AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1994.—Such section is further amended by striking subsection (c).

SEC. 3112. REPORT ON STOCKPILE STEWARDSHIP CRITERIA AND ASSESSMENT OF STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—Subsection (c) of section 4202 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2522) is amended to read as follows:

"(c) REPORT.—(1) In each odd-numbered year, beginning in 2011, the Secretary of Energy shall include in the stockpile stewardship plan required by section 4203 a report containing the following elements:

"(A) A description of the information needed to determine that the nuclear weapons stockpile is safe and reliable and the relationship of the science-based tools to the collection of that information.

"(B) A description of any updates to the criteria established under subsection (a) during—

"(i) the previous two years; or

"(ii) with respect to the report in 2011, the period beginning on the date of the submission 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 submission of the 2011 stockpile stewardship plan required by section 4203.

Time period.

"(C) For each science-based tool to collect information needed to determine that the nuclear weapons stockpile is safe, secure, and reliable that is developed or modified by the Department of Energy during the relevant period described in subparagraph (B)—

"(i) a description of the relationship of the science-based tool to the collection of such information; and

"(ii) a description of criteria for assessing the effectiveness of the science-based tool in collecting such information.

"(D) An assessment described in paragraph (2).

"(2) An assessment described in this paragraph is an assessment of the stockpile stewardship program conducted by the Administrator for Nuclear Security in consultation with the directors of the national security laboratories. Such assessment shall set forth the following:

"(A) An identification and description of—

"(i) any key technical challenges to the stockpile stewardship program; and

"(ii) the strategies to address such challenges without the use of nuclear testing.

"(B) A strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing.

"(C) An assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the assessment compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program.

"(D) An assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons activities and weapons-related activities of the Department of Energy, including—

"(i) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

"(ii) a description of any shortage of such individuals that exists at the time of the assessment compared with any shortage expected to exist during the period covered by the future-years nuclear security program.".

(b) DEFINITIONS.—Such section is further amended by adding at the end the following subsection:

"(d) DEFINITIONS.—In this section:

"(1) The term 'future-years nuclear security program' means the program required by section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

"(2) The term 'national security laboratory' has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

"(3) The term 'weapons activities' means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

"(4) The term 'weapons–related activities' means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

"(A) nuclear nonproliferation;

"(B) nuclear forensics;

"(C) nuclear intelligence;

"(D) nuclear safety; and

"(E) nuclear incident response.".

SEC. 3113. STOCKPILE MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2501 et seq.) is amended—

Repeal.

(1) by repealing section 4204A (50 U.S.C. 2524a); and

(2) by amending section 4204 (50 U.S.C. 2524) to read as follows:

"SEC. 4204. STOCKPILE MANAGEMENT PROGRAM.

"(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Administrator for Nuclear Security and in consultation with the Secretary of Defense, shall carry out a program, in support

of the stockpile stewardship program, to provide for the effective management of the weapons in the nuclear weapons stockpile, including the extension of the effective life of such weapons. The program shall have the following objectives:

"(1) To increase the reliability, safety, and security of the nuclear weapons stockpile of the United States.

"(2) To further reduce the likelihood of the resumption of underground nuclear weapons testing.

"(3) To achieve reductions in the future size of the nuclear weapons stockpile.

"(4) To reduce the risk of an accidental detonation of an element of the stockpile.

"(5) To reduce the risk of an element of the stockpile being used by a person or entity hostile to the United States, its vital interests, or its allies.

"(b) PROGRAM LIMITATIONS.—In carrying out the stockpile management program under subsection (a), the Secretary of Energy shall ensure that—

"(1) any changes made to the stockpile shall be made to achieve the objectives identified in subsection (a); and

"(2) any such changes made to the stockpile shall—

"(A) remain consistent with basic design parameters by including, to the maximum extent feasible, components that are well understood or are certifiable without the need to resume underground nuclear weapons testing; and

"(B) use the design, certification, and production expertise resident in the nuclear complex to fulfill current mission requirements of the existing stockpile.

"(c) PROGRAM PLAN.—In carrying out the stockpile management 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 the use of 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 allocation 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 fiscal year in which the plan is developed and in each of the following five fiscal years, to carry out the program.

"(d) ANNUAL UPDATES.—The Secretary of Energy shall annually update the plan required under subsection (c) and shall submit the updated plan to Congress as part of the stockpile stewardship plan required by section 4203(c).

"(e) PROGRAM BUDGET.—In accordance with the requirements under section 4209, 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 this section shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.".

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314) is amended by striking the items relating to sections 4204 and 4204A and inserting the following new item:

"Sec. 4204. Stockpile management program.".

SEC. 3114. DUAL VALIDATION OF ANNUAL WEAPONS ASSESSMENT AND CERTIFICATION.

(a) DUAL VALIDATION.—

Deadline.

(1) PLAN.—Not later than March 1, 2010, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan (including a schedule) to carry out subsection (c) of section 4205 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2525), as added by paragraph (2) of this subsection.

(2) DUAL VALIDATION.—Section 4205 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2525) is amended—

(A) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

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

"(c) DUAL VALIDATION TEAMS IN SUPPORT OF ASSESSMENTS.—In support of the assessments required by subsection (a), the Administrator for Nuclear Security may establish teams, known as 'dual validation teams', to provide each national security laboratory responsible for weapons design with independent evaluations of the condition of each warhead for which such laboratory has lead responsibility. A dual validation team established by the Administrator shall—

"(1) be comprised of weapons experts from the laboratory that does not have lead responsibility for fielding the warhead being evaluated;

"(2) have access to all surveillance and underground test data for all stockpile systems for use in the independent evaluations;

"(3) use all relevant available data to conduct independent calculations; and

"(4) pursue independent experiments to support the independent evaluations.".

(b) RED TEAM REVIEWS.—Subsection (d)(1) of such section, as redesignated by subsection (a)(2)(A) of this section, is amended—

(1) by inserting "both" after "review"; and

(2) by inserting after "that laboratory" the following: "and any independent evaluations conducted by a dual validation team under subsection (c)".

(c) SUMMARY.—Subsection (e)(3) of such section, as redesignated by subsection (a)(2)(A) of this section, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

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

"(D) a concise summary of the results of any independent evaluation conducted by a dual validation team under subsection (c).".

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (3)(C) of subsection (e), as redesignated by subsection (a)(2)(A) of this section, by striking "subsection (c)" and inserting "subsection (d)";

(2) in paragraph (1)(A) of subsection (f), as redesignated by subsection (a)(2)(A) of this section, by striking "subsection (d)" and inserting "subsection (e)";

(3) in subsection (g), as redesignated by subsection (a)(2)(A) of this section, by striking "subsection (e)" and inserting "subsection (f)"; and

(4) in subsection (i), as redesignated by subsection (a)(2)(A) of this section—

(A) in paragraph (1), by striking "subsection (d)" and inserting "subsection (e)"; and

(B) in paragraph (2), by striking "subsection (e)" and inserting "subsection (f)".

SEC. 3115. 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. 3116. LONG-TERM PLAN FOR THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

(a) IN GENERAL.—Subtitle D of the National Nuclear Security Administration Act (50 U.S.C. 2451 et seq.) is amended by adding at the end the following new section:

"SEC. 3255. BIENNIAL PLAN AND BUDGET ASSESSMENT ON THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX. 50 USC 2455.

"(a) NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT PLAN AND ASSESSMENT.—The Administrator for Nuclear Security shall include with the nuclear security budget materials submitted for each odd-numbered fiscal year—

"(1) the plan for the modernization and refurbishment of the nuclear security complex described under subsection (b); and

"(2) an assessment by the Administrator of whether both the budget for such fiscal year and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex in accordance with the plan described under subsection (b).

"(b) PLAN ELEMENTS.—(1) The plan required under subsection (a)(1) shall be designed so that the nuclear security complex is capable of supporting—

"(A) the national security strategy of the United States, as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time such plan is submitted with the nuclear security budget materials a national security strategy report required under such section 108 has not been submitted to Congress, then such plan shall be designed so that the modernization and refurbishment of the nuclear security complex provided for under such plan is capable of supporting the nuclear security complex recommended in the report of the most recent Quadrennial Defense Review; and

"(B) the nuclear posture of the United States as set forth in the most recent Nuclear Posture Review.

"(2) The plan required under subsection (a)(1) shall include the following:

"(A) A description of the modernization and refurbishment measures the Administrator determines necessary to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1)(A), and the Nuclear Posture Review.

"(B) A schedule for implementing those measures determined necessary under subparagraph (A) during the 10 years following the date of the plan.

"(C) The estimated levels of annual funds the Administrator determines necessary to carry out the program, including a discussion of the criteria, evidence, and strategies on which such estimated levels of annual funds are based.

"(c) BUDGET ASSESSMENT.—If the Administrator determines a budget request is insufficient for the modernization and refurbishment of the nuclear security complex provided for in the plan required under subsection (a)(1), the Administrator shall include with the nuclear security budget materials for such fiscal year a further assessment that describes and discusses the risks and implications associated with the ability of the nuclear security complex to support the annual certification of the nuclear stockpile of the United States and maintain its long-term safety, security, and reliability. Such assessment shall be coordinated in advance with the Secretary of Defense and the Commander of the United States Strategic Command.

"(d) DEFINITIONS.—In this section:

"(1) The term 'nuclear security complex' means the physical facilities, technology, and human capital of—

"(A) the national security laboratories;
"(B) the Pantex Plant;
"(C) the Y–12 National Security Complex;
"(D) the Kansas City Plant;
"(E) the Savannah River Site; and
"(F) the Nevada test site.

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

"(3) The term 'nuclear security budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Administrator for Nuclear Security in support of the budget for that fiscal year.

"(4) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3254 the following new item:

"3255. Biennial plan and budget assessment on the modernization and refurbishment of the nuclear security complex.".

SEC. 3117. 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. 3118. MODIFICATION OF MINOR CONSTRUCTION THRESHOLD FOR PLANT PROJECTS.

(a) INCREASE.—Paragraph (3) of section 4701 of the Atomic Energy Defense Act (50 U.S.C. 2741(3)) is amended by striking "$5,000,000" and inserting "$10,000,000".

(b) SUNSET.—Effective September 30, 2010, such paragraph, as amended by subsection (a), is amended by striking "$10,000,000" and inserting "$5,000,000". 50 USC 2741 and note.

(c) NOTIFICATION.—Notwithstanding section 4703 of such Act (50 U.S.C. 2743), in carrying out construction projects during fiscal year 2010, the Secretary of Energy may not start a general plant project with a total estimated cost of more than $5,000,000 until—

(1) the Secretary notifies the congressional defense committees of such project and total estimated cost; and

(2) a period of 15 days has elapsed after the date on which such notification is received. Time period.

SEC. 3119. 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".

50 USC 2455a.

SEC. 3120. NATIONAL NUCLEAR SECURITY ADMINISTRATION AUTHORITY FOR URGENT NONPROLIFERATION ACTIVITIES.

(a) IN GENERAL.—Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the nonproliferation programs of the Department of Energy National Nuclear Security Administration may be expended, notwithstanding any other law, for activities described under subsection (b)(1)(B).

(b) DETERMINATION AND NOTICE.—

(1) DETERMINATION.—The Secretary of Energy, with the concurrence of the Secretary of State and the Secretary of Defense, may make a written determination that—

(A) threats arising from the proliferation of nuclear or radiological weapons or weapons-related materials, technologies, and expertise must be addressed urgently;

(B) certain provisions of law would unnecessarily impede the Secretary's ability to carry out nonproliferation activities of the National Nuclear Security Administration to address such threats; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

Deadline.

(2) NOTICE REQUIRED.—Not later than 15 days before obligating or expending funds under the authority provided in subsection (a), the Secretary of Energy shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

(B) the activities to be undertaken by the nonproliferation programs of the National Nuclear Security Administration;

(C) the expected time frame for such activities; and

(D) the expected costs of such activities.

Definition.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

SEC. 3121. REPEAL OF SUNSET DATE FOR CONSOLIDATION OF COUNTERINTELLIGENCE PROGRAMS OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Subsection (a) of 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 to read as follows:

Government organization.

"(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—Reports

SEC. 3131. NATIONAL ACADEMY OF SCIENCES REVIEW OF NATIONAL SECURITY LABORATORIES.

Contracts.
Study.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an agreement with the National Academy of Sciences to conduct a study of the following laboratories:

(1) The Lawrence Livermore National Laboratory, California.

(2) The Los Alamos National Laboratory, New Mexico.

(3) The Sandia National Laboratories, California and New Mexico.

(b) ELEMENTS.—The study 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 criteria used to assess the quality of scientific research and engineering being conducted at the laboratory.

(4) The relationship between the quality of the science and engineering at the laboratory and the contract for managing and operating the laboratory.

(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.

Consultation.

(c) COOPERATION.—The Secretary of Energy shall, in consultation with the Secretary of Defense and the Director of National Intelligence, ensure that the National Academy of Sciences receives full and timely cooperation from the Department of Energy, the Department of Defense, and the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) in conducting the study required under subsection (a).

(d) REPORT.—The National Academy of Sciences shall submit to the Secretary of Energy a report containing the results of the study and any recommendations resulting from the study.

(e) SUBMITTAL TO CONGRESS.—

(1) IN GENERAL.—Not later than January 1, 2011, the Secretary of Energy shall submit to the appropriate congressional committees the report submitted under subsection (d) and any comments or recommendations of the Secretary with respect to that report.

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

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Science and Technology of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate.

SEC. 3132. PLAN TO ENSURE CAPABILITY TO MONITOR, ANALYZE, AND EVALUATE FOREIGN NUCLEAR WEAPONS ACTIVITIES.

(a) PLAN.—The Secretary of Energy, in consultation with the Director of National Intelligence and the Secretary of Defense, shall prepare a plan to ensure that the national laboratories overseen by the Department of Energy maintain a robust technical capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Energy shall submit to the appropriate congressional committees a report describing the plan required under subsection (a) and the resources necessary to implement the plan. The report shall be in unclassified form, but may include a classified annex.

Definition.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

SEC. 3133. 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 the use of 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 time line 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. 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: Effective date.

(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 program management, implementation or 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 Reinvestment 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.—

Effective date.

(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—

(i) that were completed;

(ii) that were not completed;

(iii) that were completed on budget;

(iv) that exceeded the budget for such project;

(v) that were completed on schedule; and

(vi) 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 CLEANUP" 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).

Subtitle D—Other Matters

SEC. 3141. TEN-YEAR PLAN FOR USE AND FUNDING OF CERTAIN DEPARTMENT OF ENERGY FACILITIES.

50 USC 2451 note.

(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 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 appropriate congressional committees the plan required by subsection (a).

Deadline.

(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.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Science and Technology of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate.

SEC. 3142. 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.".

42 USC 7385s-15 note.

(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.).

42 USC 7279.

SEC. 3143. 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. 3144. SENSE OF CONGRESS ON PRODUCTION OF MOLYBDENUM–99.

(a) FINDINGS.—Congress finds the following:

(1) There are fewer than five reactors around the world currently capable of producing molybdenum–99 (in this section referred to as "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 CONGRESS.—It is the sense of Congress 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

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2010, $26,086,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $23,627,000 for fiscal year 2010 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2010.
Sec. 3502. Unused leave balances.
Sec. 3503. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy.
Sec. 3504. Maritime loan guarantee program.

Sec. 3505. Defense measures against unauthorized seizures of Maritime Security Fleet vessels.
Sec. 3506. Report on restrictions on United States-flagged commercial vessel security.
Sec. 3507. Technical corrections to State maritime academies student incentive program.
Sec. 3508. Cooperative agreements, administrative expenses, and contracting authority.
Sec. 3509. Use of funding for DOT maritime heritage property.
Sec. 3510. Use of midshipman fees.
Sec. 3511. Construction of vessels in the United States policy.
Sec. 3512. Port infrastructure development program.
Sec. 3513. Reefs for marine life conservation program.
Sec. 3514. United States Merchant Marine Academy graduate program receipt, disbursement, and accounting for nonappropriated funds.
Sec. 3515. America's short sea transportation grants for the development of marine highways.
Sec. 3516. Expansion of the Marine View system.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

Funds are hereby authorized to be appropriated for fiscal year 2010, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $152,900,000, of which—

(A) $15,391,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy;

(B) $11,240,000 shall remain available until expended for maintenance and repair of training ships of the State Maritime Academies; and

(C) $74,500,000 shall be available for operations at the United States Merchant Marine Academy.

(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 expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $15,000,000.

(4) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $60,000,000.

(5) 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 the 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 program of assistance for small shipyards and maritime communities under section 54101 of title 46, United States Code, $4,000,000.

SEC. 3502. UNUSED LEAVE BALANCES.

The Maritime Administrator may, subject to the availability of appropriations, make a lump-sum payment for the accumulated balance of unused annual leave, at a rate of pay that existed on the date of termination or on the day before conversion to the Civil Service, to any former employee of a United States Merchant Marine Academy nonappropriated fund instrumentality who

was terminated from such employment in the period September 2008 through March 2009 under authority granted by section 3506 of the Duncan Hunter National Defense Authorization Act for fiscal year 2009 (Public Law 110–417; 122 Stat. 4356).

SEC. 3503. TEMPORARY PROGRAM AUTHORIZING CONTRACTS WITH ADJUNCT PROFESSORS AT THE UNITED STATES 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 establish a program for the purpose of contracting with individuals as personal services contractors to provide services as adjunct professors at the 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 the program—

"(1) must be approved by the Maritime Administrator; and

"(2) shall be for a duration, including options, of not to exceed one year unless the Maritime Administrator finds that exceptional circumstances justify an extension of up to one additional year.

"(3) shall be subject to the availability of appropriations.

"(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contacts 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) REPORTING REQUIREMENTS.—When the authority granted by subsection (a) is used to hire an adjunct professor at the Academy in fiscal year 2010 or fiscal year 2011, the Administrator shall notify the Committee on Armed Services of the House of Representatives, the Committee on Armed Services of the Senate, and the Committee on Commerce, Science, and Transportation of the Senate, including the need for and the term of employment for the adjunct professor.".

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The table of contents for chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following new item:

"51317. Adjunct professors.'".

(2) CONFORMING AMENDMENT.—Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (46 U.S.C. 53101 note) is repealed. Repeal.

SEC. 3504. MARITIME LOAN GUARANTEE PROGRAM.

The Congress finds that—

(1) it is in the national security interest of the United States to foster commercial shipbuilding in the United States;

(2) the maritime loan guarantee program authorized by chapter 537 or title 46, United States Code, has a long and successful history of facilitating construction of commercial vessels in domestic shipyards;

(3) the Maritime Loan Guarantee Program strengthens our Nation's industrial base by allowing domestic shipyards and their allied service and supply industries to more effectively produce commercial vessels that enhance the commercial sealift capability of the Department of Defense; and

(4) a revitalized and effective Maritime Loan Guarantee Program would result in construction of a more modern and larger fleet of commercial vessels manned by United States citizens, thereby providing a pool of trained United States citizen mariners available to assist the Department of Defense in times of war or national emergency.

Piracy.

SEC. 3505. DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES OF MARITIME SECURITY FLEET VESSELS.

Section 53107(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(3) DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES.—(A) The Emergency Preparedness Agreement for any operating agreement that first takes effect or is renewed after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 shall require that any vessel operating under the agreement in the carriage of cargo for the Department of Defense in an area that is designated by the Coast Guard as an area of high risk of piracy shall be equipped with, at a minimum, appropriate non-lethal defense measures to protect the vessel, crew, and cargo from unauthorized seizure at sea.

"(B) The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating shall jointly prescribe the non-lethal defense measures that are required under this paragraph.".

SEC. 3506. REPORT ON RESTRICTIONS ON UNITED STATES-FLAGGED COMMERCIAL VESSEL SECURITY.

(a) REPORT REQUIRED.—The Secretary of Defense and the Secretary of State shall prepare and submit a joint report to the appropriate congressional committees not later than 60 days after the date of the enactment of this Act on actions within their respective departments to—

(1) eliminate or reduce restrictions under any regulation or provision of law on the carriage of arms and use of armed security teams on United States-flagged commercial vessels for purpose of self defense in areas that are designated as being at a high risk of piracy;

(2) negotiate bilateral agreements with coastal states to allow United States-flagged commercial vessels carrying United States Government cargos, such as food aid, that must transit areas designated as being at high risk of piracy, to enter the ports of those coastal states while carrying arms or embarked armed security teams for the purpose of self-defense; and

(3) establish common standards, in coordination with the Secretary of Homeland Security and the Commandant of the United States Coast Guard, for the training and professional qualifications of armed security teams.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) ARMED SECURITY TEAMS.—The term "armed security teams" means security guards employed from the private sector for the purpose of self-defense of the vessel.

SEC. 3507. TECHNICAL CORRECTIONS TO STATE MARITIME ACADEMIES STUDENT INCENTIVE PROGRAM.

(a) INSTALLMENT PAYMENTS.—Section 51509(b) of title 46, United States Code, is amended—

(1) by striking "and be paid before the start of each academic year, as prescribed by the Secretary," and inserting "and be paid in such installments as the Secretary shall determine";

(2) by striking "academy." and inserting "academy, as prescribed by the Secretary.".

(b) REPEAL OF REDUNDANT SECTION.—Section 177 of division I of Public Law 111–8 (123 Stat. 945; relating to amendments previously enacted by section 3503 of division C of Public Law 110–417 (122 Stat. 4762)) is repealed and shall have no force or effect.

Ante, p. 944.

SEC. 3508. 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. 3509. 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. 3510. USE OF MIDSHIPMAN FEES.

Section 51314 of title 46, United States Code, is amended 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 Coast Guard license fees.".

SEC. 3511. 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. 3512. 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 Administrator, shall establish a port infrastructure development program for the improvement of port facilities as provided in this subsection.

"(2) AUTHORITY OF THE ADMINISTRATOR.—In order to carry out any project under the program established under paragraph (1), the Administrator may—

"(A) receive funds provided for the project from Federal, non-Federal, and private entities that have a specific agreement or contract with the Administrator 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 improve the efficiency of the transportation system, 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 projects under the port infrastructure development program. The Fund shall be available to the Administrator—

"(i) to administer and carry out projects under the program;

"(ii) to receive Federal, 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 may be deposited into the Fund—

"(i) funds from Federal, non-Federal, and private entities which have agreements or contracts with the

Administrator and which shall remain in the Fund until expended or refunded; and

"(ii) such amounts as may be appropriated or transferred, subject to subparagraph (C), to the Fund under this subsection.

"(C) TRANSFERS.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), amounts appropriated or otherwise made available for any fiscal year for a marine facility or intermodal facility that includes maritime transportation may be transferred, at the option of the recipient of such amounts, to the Fund and administered by the Administrator as a component of a project under the program.

"(ii) PROHIBITION ON TRANSFERS.—Except as provided in clause (iii), no funds appropriated or made available under title 23 or chapter 53 of title 49, United States Code, including funds from the Highway Trust Fund (section 9503(c) of the Internal Revenue Code of 1986), funds from the Mass Transit Account of the Highway Trust Fund (section 9503(e) of Internal Revenue Code of 1986), and funds provided for public transportation programs within the mass transit category (as defined in section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985), shall be transferred into the Fund.

"(iii) EXCEPTION.—

"(I) IN GENERAL.—Amounts described in subclause (II) are eligible for transfer into the Fund if—

"(aa) the recipient of the amounts has a specific agreement or contract with the Administrator;

"(bb) the Department of Transportation agency that administers the amounts to be transferred has granted project approval for each component of the project that is to be funded using such amounts;

"(cc) the Department of Transportation agency that administers the amounts to be transferred and the Maritime Administration agree to the transfer through a signed Memorandum of Understanding; and

"(dd) the amounts will be used only to carry out the project for which funds were approved, and in accordance with any conditions governing the amounts under title 23 or chapter 53 of title 49, United States Code.

"(II) AMOUNTS DESCRIBED.—The amounts referred to in subclause (I) are amounts appropriated or made available—

"(aa) for loans, loan guarantees, or lines of credit under chapter 6 of title 23, United States Code, for a project eligible under such chapter to facilitate direct intermodal exchange, transfer, and access into and out of a port as defined under section

601(a)(8)(D)(iii) of such title, as in effect on the date of enactment of this subsection; or

"(bb) for projects under title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

"(D) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect existing authorities to conduct port infrastructure programs in Hawaii (as authorized by section 9008 of Public Law 109–59), Alaska (as authorized by section 10205 of Public Law 109–59), or Guam (as authorized by section 3512 of Public Law 110–417).

"(4) 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 paragraph (3)(A)(ii).".

SEC. 3513. REEFS FOR MARINE LIFE CONSERVATION PROGRAM.

(a) IN GENERAL.—Section 3 of Public Law 92–402 (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 107–314 (16 U.S.C. 1220 note).".

(b) LIMITATION.—Section 7 of Public Law 92–402 (16 U.S.C. 1220c–1) 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. 3514. UNITED STATES MERCHANT MARINE ACADEMY GRADUATE PROGRAM RECEIPT, DISBURSEMENT, AND ACCOUNTING FOR NONAPPROPRIATED FUNDS.

Section 51309(b) of title 46, United States Code, is amended by inserting after "body." the following: "Nonappropriated 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 nonappropriated fund receipts and all associated expenses.".

SEC. 3515. AMERICA'S SHORT SEA TRANSPORTATION GRANTS FOR THE DEVELOPMENT OF MARINE HIGHWAYS.

Section 55601 of title 46, United States Code, is amended by adding at the end the following:

"(g) GRANTS.—

"(1) IN GENERAL.—The Secretary shall establish and implement a short sea transportation grant program to implement projects or components of a project designated under subsection (d).

"(2) APPLICATIONS.—In order to receive a grant under the program, an applicant shall—

"(A) submit an application to the Secretary, in such form and manner, at such time, and containing such information as the Secretary may require; and

"(B) demonstrate to the satisfaction of the Secretary that—

"(i) the project is financially viable;

"(ii) the funds received will be spent efficiently and effectively; and

"(iii) a market exists for the services of the proposed project as evidenced by contracts or written statements of intent from potential customers.

"(3) NON-FEDERAL SHARE.—An applicant shall provide at least 20 percent of the project costs from non-Federal sources. In awarding grants under the program, the Secretary shall give a preference to those projects or components that present the most financially viable transportation services and require the lowest percentage Federal share of the costs.".

SEC. 3516. EXPANSION OF THE MARINE VIEW SYSTEM. 49 USC 109 note.

(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) 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.

(c) 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.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) AMOUNTS SPECIFIED IN FUNDING TABLES ARE AUTHORIZED BY LAW.—Wherever a funding table in this Division specifies a dollar amount for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the indicated project, program, or activity is hereby authorized by law, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING AUTHORITY.—This section does not prevent an amount covered by this section from being transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in a funding table referred to in subsection (a) 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) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATION.—No oral or written communication concerning any amount specified in a funding table referred to in subsection (a) shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	AIRCRAFT PROCUREMENT, ARMY		
	AIRCRAFT		
	FIXED WING		
001	JOINT CARGO AIRCRAFT (JCA)		
002	UTILITY F/W AIRCRAFT		
003	MQ–1 UAV	401,364	201,364
	Avoid forward funding of production		[–200,000]
004	RQ–11 (RAVEN)	35,008	35,008
004A	C–12A		
	ROTARY WING		
006	ARMED RECONNAISSANCE HELICOPTER		
007	ADVANCE PROCUREMENT (CY)		
008	HELICOPTER, LIGHT UTILITY (LUH)	326,040	326,040
009	AH–64 APACHE BLOCK III	161,280	161,280
010	ADVANCE PROCUREMENT (CY)	57,890	57,890
011	UH–60 BLACKHAWK (MYP)	1,258,374	1,258,374
012	ADVANCE PROCUREMENT (CY)	98,740	98,740
013	CH–47 HELICOPTER	860,087	882,087
	Transfer From APA 22		[22,000]

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
014	ADVANCE PROCUREMENT (CY)	50,676	50,676
015	HELICOPTER NEW TRAINING	19,639	0
	Program Not Justified		[–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	427,415
	Air Filtration Systems		[1,000]
021	ADVANCE PROCUREMENT (CY)		
022	CH–47 CARGO HELICOPTER MODS (MYP)	102,876	85,876
	Common Avionics Architecture System		[2,000]
	Vibration Management Enhancement Program		[3,000]
	Transfer to APA 13		[–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	71,682
	UH–60 ARNG Rewiring Program		[5,000]
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	55,725
	Air warrior ensemble—generation III		[3,000]
037	AIR TRAFFIC CONTROL	76,999	76,999
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**	**5,110,352**
	MISSILE PROCUREMENT, ARMY		
	OTHER MISSILES		
	SURFACE-TO-AIR MISSILE SYSTEM		
001	PATRIOT SYSTEM SUMMARY	348,351	348,351
002	PATRIOT/MEADS CAP SYSTEM SUMMARY	16,406	16,406
003	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:	72,920	72,920
004	ADVANCE PROCUREMENT (CY)		
	AIR-TO-SURFACE MISSILE SYSTEM		
005	HELLFIRE SYS SUMMARY	31,154	29,154
	Unjustified cost growth		[–2,000]
	ANTI-TANK/ASSAULT MISSILE SYSTEM		
006	JAVELIN (AAWS-M) SYSTEM SUMMARY	148,649	148,649
007	TOW 2 SYSTEM SUMMARY	108,066	108,066
008	GUIDED MLRS ROCKET (GMLRS)	293,617	293,617
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	15,663	15,663
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS	209,061	209,061
011	ARMY TACTICAL MSL SYS (ATACMS)—SYS SUM		
	MODIFICATIONS		
012	PATRIOT MODS	44,775	44,775
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		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
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**	**1,368,109**
	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	364,196
	Program Reduction		[–24,400]
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	5,003
	Army requested transfer to RDT&E, A, line 114		[–91,500]
012	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	96,814	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	185,611	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	95,631	95,631
020	M240 MEDIUM MACHINE GUN (7.62MM)	32,919	32,919
021	MACHINE GUN, CAL .50 M2 ROLL	84,588	84,588
022	LIGHTWEIGHT .50 CALIBER MACHINE GUN	977	977
023	M249 SAW MACHINE GUN (5.56MM)	7,535	7,535
024	MK–19 GRENADE MACHINE GUN (40MM)	7,700	7,700
025	MORTAR SYSTEMS	14,779	14,779
026	M107, CAL. 50, SNIPER RIFLE	224	224
027	XM320 GRENADE LAUNCHER MODULE (GLM)	16,023	16,023
028	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	6,223	6,223
029	M4 CARBINE	20,500	20,500
030	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,945	6,945
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO		100,000
	Program Increase		[100,000]
032	HANDGUN	3,389	3,389
033	HOWITZER LT WT 155MM (T)	49,572	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	12,855
	Arsenal Support Program Initiative (ASPI) at Rock Island		[3,000]
045	INDUSTRIAL PREPAREDNESS	392	392
046	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	5,012	5,012

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	TOTAL—PROCUREMENT OF WTCV, ARMY	**2,451,952**	**2,439,052**
	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	175,675
	Additional 40mm Mortar Rounds—Milan AAP		[3,000]
	MORTAR AMMUNITION		
008	60MM MORTAR, ALL TYPES	23,607	25,607
	M722 60mm White Phosphorous Smoke Mortar Rounds		[2,000]
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		
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	153,943
	Bomb line modernization		[2,000]
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**	**2,058,895**
	OTHER PROCUREMENT, ARMY		
	TACTICAL AND SUPPORT VEHICLES		
	TACTICAL VEHICLES		
001	TACTICAL TRAILERS/DOLLY SETS	95,893	95,893
002	SEMITRAILERS, FLATBED:	20,870	20,870

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
003	SEMITRAILERS, TANKERS	13,217	13,217
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	281,123	281,123
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	1,158,522	1,033,522
	Program reduction		[–125,000]
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)	136,605	136,605
010	MINE PROTECTION VEHICLE FAMILY	402,517	312,517
	Reassessment of program requirement		[–90,000]
011	FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP)		
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	74,703	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
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	35,040
	Testing delays in JTRS GMR		[–55,164]
036	RADIO TERMINAL SET, MIDS LVT(2)	8,549	8,549
037	SINCGARS FAMILY	6,812	0
	Program Reduction		[–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)		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
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	6,703
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
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	191,158
	Contractor production delays in Enhanced Night Vision Goggle line.		[–175,662]
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

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
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	239,723
	Program Reduction		[–15,000]
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		
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	59,123
	FIDO explosives detector		[3,000]
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	49,333	49,333
137	$5M, COUNTERMINE EQUIPMENT	3,479	3,479
138	AERIAL DETECTION	11,200	200
	Funding ahead of need		[–11,000]
	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	37,694
	Combat casualty care equipment upgrade program		[3,000]
	Life Support for Trauma and Transport (LSTAT)		[1,000]
	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

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
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		
176	COMBAT TRAINING CENTERS SUPPORT	22,967	22,967
177	TRAINING DEVICES, NONSYSTEM	261,348	276,698
	Operator driving simulator		[350]
	Joint fires & effects training systems (JFETS)		[5,000]
	Virtual interactive combat environment (VICE)		[4,000]
	Mobile Firing Range—TX ARNG		[1,500]
	Virtual Interactive Combat Environment (V.I.C.E.) Training System—VA ARNG.		[2,000]
	Immersive Group Simulation Virtual Training Systems for the Hawaii ARNG.		[2,500]
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		
	TOTAL—OTHER PROCUREMENT, ARMY	**9,907,151**	**9,450,863**
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND		
	NETWORK ATTACK		
001	ATTACK THE NETWORK	203,100	0
	Transfer to OCO		[–203,100]
	JIEDDO DEVICE DEFEAT		
002	DEFEAT THE DEVICE	199,100	0
	Transfer to OCO		[–199,100]
	FORCE TRAINING		
003	TRAIN THE FORCE	41,100	0
	Transfer to OCO		[–41,100]
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS	121,550	0
	Transfer to OCO		[–121,550]

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	TOTAL—JOINT IED DEFEAT FUND	**564,850**	**0**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	AV–8B (V/STOL) HARRIER		
002	EA–18G	1,611,837	1,611,837
003	ADVANCE PROCUREMENT (CY)	20,559	20,559
004	F/A–18E/F (FIGHTER) HORNET	1,009,537	1,521,817
	Additional aircraft		[512,280]
005	ADVANCE PROCUREMENT (CY)	51,431	159,431
	EOQ for MYP III		[108,000]
006	JOINT STRIKE FIGHTER	3,997,048	3,997,048
007	ADVANCE PROCUREMENT (CY)	481,000	481,000
008	V–22 (MEDIUM LIFT)	2,215,829	2,215,829
009	ADVANCE PROCUREMENT (CY)	84,342	84,342
010	UH–1Y/AH–1Z	709,801	609,801
	UH–1Y/AH–1Z Program Reduction		[–100,000]
011	ADVANCE PROCUREMENT (CY)	70,550	70,550
012	MH–60S (MYP)	414,145	414,145
013	ADVANCE PROCUREMENT (CY)	78,830	78,830
014	MH–60R	811,781	811,781
015	ADVANCE PROCUREMENT (CY)	131,504	131,504
016	P–8A POSEIDON	1,664,525	1,664,525
017	ADVANCE PROCUREMENT (CY)	160,526	149,646
	Excessive advance procurement growth		[–7,680]
	Funding for production line slots		[–3,200]
018	E–2D ADV HAWKEYE	511,245	511,245
019	ADVANCE PROCUREMENT (CY)	94,924	94,924
	AIRLIFT AIRCRAFT		
020	C–40A	74,381	74,381
	TRAINER AIRCRAFT		
021	T–45TS (TRAINER) GOSHAWK		
022	JPATS	266,539	266,539
	OTHER AIRCRAFT		
023	KC–130J		
024	ADVANCE PROCUREMENT (CY)		
025	RQ–7 UAV	56,797	53,797
	Attrition vehicles		[–3,000]
026	MQ–8 UAV	77,616	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	480,729
	Excessive growth of IR Marker ECP		[–3,400]
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	445,571
	P–3 Series Program Reduction		[–39,600]
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

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
051	AVIATION LIFE SUPPORT MODS	5,594	5,594
052	COMMON ECM EQUIPMENT	47,419	49,419
	Crane Integrated Defensive Countermeasures (IDECM) Depot Capability.		[2,000]
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	1,262,412
	UH–1Y/AH–1Z reduction		[–1,600]
	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		
	TOTAL—AIRCRAFT PROCUREMENT, NAVY	**18,378,312**	**18,842,112**
	WEAPONS PROCUREMENT, NAVY		
	BALLISTIC MISSILES		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,060,504	1,060,504
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	3,447	3,447
	OTHER MISSILES		
	STRATEGIC MISSILES		
003	TOMAHAWK	283,055	283,055
	TACTICAL MISSILES		
004	AMRAAM	145,506	140,506
	Diminished manufacturing sources funding ahead of need		[–5,000]
005	SIDEWINDER	56,845	56,845
006	JSOW	145,336	145,336
007	SLAM-ER		
008	STANDARD MISSILE	249,233	249,233
009	RAM	74,784	74,784
010	HELLFIRE	59,411	59,411
011	AERIAL TARGETS	47,003	47,003
012	OTHER MISSILE SUPPORT	3,928	3,928
	MODIFICATION OF MISSILES		
013	ESSM	51,388	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	13,211
	Accelerate facility restoration program		[10,000]
017	FLEET SATELLITE COMM FOLLOW-ON	487,280	487,280
018	ADVANCE PROCUREMENT (CY)	28,847	28,847
	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	87,023
	Support funding carryover		[–7,136]
023	MK–48 TORPEDO ADCAP MODS	61,608	56,308
	Support funding carryover		[–5,300]
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		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
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 TACTIAL UNMANNED AERIAL SYSTEM		
036	CANCELLED ACCOUNT ADJUSTMENTS		
	SPARES AND REPAIR PARTS		
037	SPARES AND REPAIR PARTS	65,196	65,196
	TOTAL—WEAPONS PROCUREMENT, NAVY	**3,453,455**	**3,446,019**
	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	12,062
	20MM linkless TP cost growth		[–2,900]
	20MM linked TP cost growth		[–1,990]
	20MM linked HEI cost growth		[–2,670]
005	PRACTICE BOMBS	33,803	24,503
	Enhanced laser guided training round cost growth		[–9,300]
006	CARTRIDGES & CART ACTUATED DEVICES	50,600	50,600
007	AIR EXPENDABLE COUNTERMEASURES	79,102	69,302
	MJU–55 production termination		[–9,800]
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**	**814,015**
	SHIPBUILDING AND CONVERSION, NAVY		
	OTHER WARSHIPS		
001	CARRIER REPLACEMENT PROGRAM	739,269	739,269

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
002	ADVANCE PROCUREMENT (CY)	484,432	484,432
003	VIRGINIA CLASS SUBMARINE	1,964,317	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	1,912,267	1,912,267
012	ADVANCE PROCUREMENT (CY)	328,996	328,996
013	LITTORAL COMBAT SHIP	1,380,000	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	177,956	177,956
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
019	OUTFITTING	391,238	391,238
020	SERVICE CRAFT	3,694	3,694
021	LCAC SLEP	63,857	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	70,127
	Digital periscope contract delay		[–5,000]
	OTHER SHIPBOARD EQUIPMENT		
006	DDG MOD	142,262	142,262
007	FIREFIGHTING EQUIPMENT	11,423	14,523
	Smart valves for fire suppression		[3,100]
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	124,430
	CVN auto voltage regulators ahead of need		[–3,124]
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

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	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	95,593
	SQQ–89 backfit suites ahead of need		[–15,500]
034	SSN ACOUSTICS	299,962	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		
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	83,495
	Multi-function modular mast units ahead of need		[–15,150]
	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	74,291
	RMS restructure		[–4,800]
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	11,719
	Shelter Upgrade Program		[3,000]
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	290,305

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	Shipboard network systems ahead of need		[–20,300]
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
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	46,849
	ADMACS Block II upgrade cost growth		[–1,821]
095	METEOROLOGICAL EQUIPMENT	21,458	21,458
096	OTHER PHOTOGRAPHIC EQUIPMENT	1,582	1,582
097	AVIATION LIFE SUPPORT	27,367	32,367
	Multi Climate Protection System		[5,000]
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

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
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		
133	TRAINING SUPPORT EQUIPMENT	12,944	12,944
	COMMAND SUPPORT EQUIPMENT		
134	COMMAND SUPPORT EQUIPMENT	55,267	55,267
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		
	TOTAL—OTHER PROCUREMENT, NAVY	**5,661,176**	**5,610,581**
	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	19,591	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)		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
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
	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	42,403	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	5/4T TRUCK HMMWV (MYP)	9,796	9,796
036	MOTOR TRANSPORT MODIFICATIONS	6,111	6,111
037	MEDIUM TACTICAL VEHICLE REPLACEMENT	10,792	10,792
038	LOGISTICS VEHICLE SYSTEM REP	217,390	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	38,159
	Nitrile Rubber Collapsible Storage Units		[3,100]
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)	10,360	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**	**1,603,738**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	COMBAT AIRCRAFT		
	TACTICAL FORCES		
001	F–35	2,048,830	2,178,830
	F136 engine procurement		[130,000]
002	ADVANCE PROCUREMENT (CY)	300,600	278,600
	Reduction of 2 aircraft previously funded in fiscal year 2009		[–22,000]
003	F–22A	95,163	95,163
004	ADVANCE PROCUREMENT (CY)		
	AIRLIFT AIRCRAFT		
	TACTICAL AIRLIFT		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
005	C–17A (MYP)	88,510	88,510
	OTHER AIRLIFT		
006	C–130J	285,632	285,632
007	ADVANCE PROCUREMENT (CY)	108,000	108,000
008	HC/MC–130 RECAP	879,231	375,231
	Funded in fiscal year 2009 supplemental		[–504,000]
009	ADVANCE PROCUREMENT (CY)	137,360	137,360
010	JOINT CARGO AIRCRAFT	319,050	319,050
	TRAINER AIRCRAFT		
	UPT TRAINERS		
011	USAFA POWERED FLIGHT PROGRAM	4,144	4,144
	OPERATIONAL TRAINERS		
012	JPATS	15,711	15,711
	OTHER AIRCRAFT		
	HELICOPTERS		
013	V22 OSPREY	437,272	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	154,044	259,294
	Program Increase		[105,250]
018	CIVIL AIR PATROL A/C	2,426	2,426
	OTHER AIRCRAFT		
020	TARGET DRONES	78,511	78,511
021	C–37A	66,400	66,400
022	GLOBAL HAWK	554,775	554,775
023	ADVANCE PROCUREMENT (CY)	113,049	113,049
024	MQ–1		
025	MQ–9	489,469	489,469
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	3,608	3,608
	MODIFICATION OF IN-SERVICE AIRCRAFT		
	STRATEGIC AIRCRAFT		
026	B–2A	283,955	264,155
	USAF requested transfer to APAF 78A, B–2 Post Production Support for the B–2 Weapon System Support Center.		[–19,800]
027	ADVANCE PROCUREMENT (CY)		
028	B–1B	107,558	78,558
	Program delay for various programs. Funding transferred to PE 11126F (RDAF 119).		[–29,000]
029	B–52	78,788	61,466
	Air Force identified excess		[–17,322]
	TACTICAL AIRCRAFT		
030	A–10	252,488	252,488
031	F–15	92,921	143,421
	5 AESA Radars		[50,500]
032	F–16	224,642	221,875
	Funding ahead of need—BLOS Installs		[–2,767]
033	F–22A	350,735	192,336
	Common Configuration—Early to need		[–158,399]
	AIRLIFT AIRCRAFT		
034	C–5	606,993	578,993
	Funding ahead of need—RERP Install		[–28,000]
035	ADVANCE PROCUREMENT (CY)	108,300	108,300
036	C–9C	10	10
037	C–17A	469,731	424,431
	Funding requested ahead of need		[–45,300]
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	61,057
	Improved Brake System Program Termination		[–14,217]

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
045	T–43		
	OTHER AIRCRAFT		
046	KC–10A (ATCA)	9,441	9,441
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	134,171
	Scathe View Hyper-Spectral Imagery Upgrade		[4,500]
	Senior Scout COMINT Capability Upgrade		[3,750]
	Program Excess		[–209,500]
	Centerwing Replacements—Early to need		[–19,000]
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	95,201
	HH–60G AAQ–29 FLIR		[81,000]
062	GLOBAL HAWK MODS	134,864	134,864
063	HC/MC–130 MODIFICATIONS	1,964	1,964
064	OTHER AIRCRAFT	103,274	127,274
	Litening ATP upgrade kits		[24,000]
065	MQ–1 MODS	123,889	123,889
066	MQ–9 MODS	48,837	48,837
	Reflect USAF decision to change sensor payload		
067	CV–22 MODS	24,429	24,429
067A	CAF Restructure		
	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	0
	Funding requested ahead of need		[–91,400]
077	C–130	28,092	28,092
078	EC–130J	5,283	5,283
078A	B–2 POST PRODUCTION SUPPORT		19,800
	USAF requested transfer from APAF 26 for the B–2 Weapon System Support Center.		[19,800]
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

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE	**11,966,276**	**11,224,371**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	PROCUREMENT OF AMMO, AIR FORCE		
	ROCKETS		
001	ROCKETS	43,461	43,461
	CARTRIDGES		
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	103,041	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)	78,753	78,753
004	AMRAAM	291,827	286,827
	Funding ahead of need for DMS		[–5,000]
005	PREDITOR HELLFIRE MISSILE	79,699	64,530
	Updated pricing		[–15,169]
006	SMALL DIAMETER BOMB	134,801	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	1,843,475	1,843,475
015	ADVANCE PROCUREMENT (CY)		
016	WIDEBAND GAPFILLER SATELLITES(SPACE)	201,671	151,671
	Program delay		[–50,000]
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)	1,295,325	1,102,225

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	Reduction in Requirement for Launch Vehicles		[–88,100]
	EELV reduction for AFSPC 4		[–105,000]
025	MEDIUM LAUNCH VEHICLE(SPACE)		
026	SBIR HIGH (SPACE)	307,456	307,456
027	ADVANCE PROCUREMENT (CY)	159,000	159,000
028	NATL POLAR-ORBITING OP ENV SATELLITE	3,900	3,900
	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**	**6,037,459**
	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		
	BASE MAINTENANCE SUPPORT		
007	RUNWAY SNOW REMOV AND CLEANING EQU	24,884	24,884
008	ITEMS LESS THAN $5,000,000(VEHICLES)	57,243	40,243
	Reduce program growth		[–17,000]
	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	27,465
	Eagle Vision-ANG		[4,000]
	Eagle Vision Upgrade-ANG		[1,500]
	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	77,293
	Weapons Storage Area—Request ahead of need		[–60,000]
024	COMBAT TRAINING RANGES	40,633	44,633
	Unmanned modular threat emitter (UMTE)		[3,000]
	Joint threat emitter (JTE)		[1,000]
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	384,859
	Excess funding		[–49,000]
030	USCENTCOM	38,958	38,958
031	AUTOMATED TELECOMMUNICATIONS PRG		
	DISA PROGRAMS		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
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
037	MILSATCOM SPACE	110,575	110,575
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	207,890
	Reduce Vehicle Communication Systems		[–33,000]
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	10,000
	Reduce program growth		[–12,973]
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	11,195
	Aircrew Body Armor and Load Carriage Vest		[3,000]
	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		
	TOTAL—OTHER PROCUREMENT, AIR FORCE	**17,293,141**	**17,133,668**
	MINE RESISTANT AMBUSH PROT VEH FUND		
	MINE RESISTANT AMBUSH PROT VEH FUND		600,000
	Additional MRAP vehicles to meet new requirement		[600,000]
	TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND		**600,000**
	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
019	GLOBAL COMMAND AND CONTROL SYSTEM	7,053	7,053

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
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	10,149	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	191,923
	Additional SM–3 Block 1A missiles		[23,200]
036A	TPY–2 Radar		
	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	227,552	197,552
	Procurement Schedule		[–30,000]
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	114,553	114,553
060	MQ–1 UAV	10,930	10,930
061	MQ–9 UAV	12,671	12,671
062	STUASL0	12,223	12,223
063	C–130 MODIFICATIONS	59,950	145,950
	MC–130W multi-mission modifications		[85,000]
	Intelligence Broadcast Receiver (IBR) for AFSOC MC–130		[1,000]
064	AIRCRAFT SUPPORT	973	973
	SHIPBUILDING		
065	ADVANCED SEAL DELIVERY SYSTEM (ASDS)	5,236	0
	Program termination		[–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
071	SMALL ARMS AND WEAPONS	35,235	42,735

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	Advanced lightweight grenade launcher		[5,000]
	Special Operations Forces Combat Assault Rifle (SCAR)		[2,500]
072	MARITIME EQUIPMENT MODIFICATIONS	791	791
073	SPEC APPLICATION FOR CONT		
074	SOF COMBATANT CRAFT SYSTEMS	6,156	16,156
	Special Operations Craft-Riverine		[10,000]
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	38,741
	Special operations visual augmentation systems		[5,000]
086	SOF TACTICAL RADIO SYSTEMS	53,034	63,034
	Special operations forces multi-band inter/intra team radio		[10,000]
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	92,004
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		
	TOTAL—PROCUREMENT, DEFENSE-WIDE	**3,984,352**	**4,090,816**
	RAPID ACQUISITION FUND		
001	JOINT RAPID ACQUISITION CELL	79,300	0
	Program Reduction		[–79,300]
	TOTAL—RAPID ACQUISITION FUND	**79,300**	**0**
	NATIONAL GUARD & RESERVE EQUIPMENT		
	RESERVE EQUIPMENT		
	UNDISTRIBUTED		600,000
	ARMY RESERVE		
001	MISCELLANEOUS EQUIPMENT		
	NAVY RESERVE		
002	MISCELLANEOUS EQUIPMENT		
	MARINE CORPS RESERVE		
003	MISCELLANEOUS EQUIPMENT		
	AIR FORCE RESERVE		
004	MISCELLANEOUS EQUIPMENT		
	ARMY NATIONAL GUARD		
005	MISCELLANEOUS EQUIPMENT		
	AIR NATIONAL GUARD		
006	MISCELLANEOUS EQUIPMENT		
	TOTAL—NATIONAL GUARD & RESERVE EQUIPMENT	**0**	**600,000**
	Total Procurement	**105,819,330**	**105,029,379**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	AIRCRAFT PROCUREMENT, ARMY		
	AIRCRAFT		
	FIXED WING		
003	MQ–1 UAV	250,000	250,000
004	RQ–11 (RAVEN)	44,640	44,640
004A	C–12A	45,000	45,000
	ROTARY WING		
011	UH–60 BLACKHAWK (MYP)	74,340	74,340
013	CH–47 HELICOPTER	141,200	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	315,300	315,300
026	UTILITY HELICOPTER MODS	2,500	2,500
027	KIOWA WARRIOR	94,335	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	219,700	219,700
	ANTI-TANK/ASSAULT MISSILE SYSTEM		
006	JAVELIN (AAWS-M) SYSTEM SUMMARY	140,979	115,979
	Funding ahead of need		[–25,000]
007	TOW 2 SYSTEM SUMMARY	59,200	34,200
	Funding ahead of need		[–25,000]
008	GUIDED MLRS ROCKET (GMLRS)	60,600	60,600
	MODIFICATIONS		
014	MLRS MODS	18,772	18,772
015	HIMARS MODIFICATIONS	32,319	32,319
	TOTAL—MISSILE PROCUREMENT, ARMY	**531,570**	**481,570**
	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
	SUPPORT EQUIPMENT & FACILITIES		
	WEAPONS AND OTHER COMBAT VEHICLES		
027	XM320 GRENADE LAUNCHER MODULE (GLM)	13,900	13,900
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO	235,000	235,000
033	HOWITZER LT WT 155MM (T)	107,996	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
	SUPPORT EQUIPMENT & FACILITIES		
043	ITEMS LESS THAN $5.0M (WOCV-WTCV)	5,000	5,000

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	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
	TANK AMMUNITION		
	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	1,948	1,948
002	SEMITRAILERS, FLATBED:	40,403	40,403
003	SEMITRAILERS, TANKERS	8,651	8,651
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	1,251,038	875,718
	Army end strength budget amendment		[–375,320]
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	461,657	286,337
	Army end strength budget amendment		[–175,320]
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	62,654	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	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
	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)		

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
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	242,999
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
	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
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
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
	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)		

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
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**	**5,600,326**
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND		
	NETWORK ATTACK		
001	ATTACK THE NETWORK	812,000	1,015,100
	Transfer from base budget		[203,100]
	JIEDDO DEVICE DEFEAT		
002	DEFEAT THE DEVICE	536,000	735,100
	Transfer from base budget		[199,100]
	FORCE TRAINING		
003	TRAIN THE FORCE	187,000	228,100
	Transfer from base budget		[41,100]
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS		121,550
	Transfer from base budget		[121,550]
	TOTAL—JOINT IED DEFEAT FUND	**1,535,000**	**2,099,850**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
010	UH–1Y/AH–1Z	55,006	55,006
	MODIFICATION OF AIRCRAFT		
028	EA–6 SERIES	45,000	45,000
029	AV–8 SERIES	28,296	19,396
	ALE–47 upgrades complete		[–8,900]
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	0
	Non-emergency modifications		[–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**	**903,197**
010	HELLFIRE	73,700	50,700
	Army end strength budget amendment		[–23,000]
	TOTAL—WEAPONS PROCUREMENT, NAVY	**73,700**	**50,700**
	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	80,377
	Army end strength budget amendment		[–28,823]
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

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
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**	**681,957**
	OTHER PROCUREMENT, NAVY		
	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
	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		
	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	64,521
	OCO unjustified request		[–25,000]
	SPARES AND REPAIR PARTS		
145	SPARES AND REPAIR PARTS	2,837	2,837
	TOTAL—OTHER PROCUREMENT, NAVY	**318,018**	**293,018**
	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	54,000	0
	Army end strength budget amendment		[–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

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	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	0
	Army end strength budget amendment		[–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		
	ADMINISTRATIVE VEHICLES		
035	5/4T TRUCK HMMWV (MYP)	205,036	205,036
036	MOTOR TRANSPORT MODIFICATIONS	10,177	0
	Army end strength budget amendment		[–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
	OTHER SUPPORT		
	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	2,720
	Army end strength budget amendment		[–17,000]
050	MATERIAL HANDLING EQUIP	56,875	56,875
	GENERAL PROPERTY		
053	TRAINING DEVICES	157,734	147,304
	Army end strength budget amendment		[–10,430]
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
	SPARES AND REPAIR PARTS		
	TOTAL—PROCUREMENT, MARINE CORPS	**1,164,445**	**1,060,268**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	OTHER AIRLIFT		
006	C–130J	72,000	72,000
	OTHER AIRCRAFT		
	CLASSIFIED PROGRAMS		
	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	0

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	Army end strength budget amendment—secure line-of-sight/beyond line-of-sight mods.		[–20,025]
	AIRLIFT AIRCRAFT		
034	C–5	57,400	57,400
037	C–17A	132,300	120,725
	Army end strength budget amendment—LAIRCM mods		[–11,575]
	OTHER AIRCRAFT		
052	C–130	210,800	86,400
	Army end strength budget amendment—LAIRCM mods		[–124,400]
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	99,200
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES		
	POST PRODUCTION SUPPORT		
076	C–17A	11,000	11,000
	WAR CONSUMABLES		
	OTHER PRODUCTION CHARGES		
085	OTHER PRODUCTION CHARGES	114,000	114,000
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE	**936,441**	**780,441**
	PROCUREMENT OF AMMUNITION, 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	97,978	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	29,325	29,325
006	SMALL DIAMETER BOMB	7,300	7,300
	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
	MATERIALS HANDLING EQUIPMENT		
	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

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
048	ITEMS LESS THAN $5,000,000 (SAFETY)	4,900	4,900
	DEPOT PLANT+MTRLS HANDLING EQ		
	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	6,056,000
	Additional MRAP vehicles to meet new requirement		[600,000]
	TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND	**5,456,000**	**6,056,000**
	PROCUREMENT, DEFENSE-WIDE		
	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	0
	Funding Early to Need		[–1,450]
062	STUASL0	12,000	12,000
063	C–130 MODIFICATIONS	19,500	19,500
	SHIPBUILDING		
	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		
999	CLASSIFIED PROGRAMS	2,886	2,886
	TOTAL—PROCUREMENT, DEFENSE-WIDE	**491,430**	**489,980**
	Total Procurement	**23,741,226**	**23,878,630**

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	Conference 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	176,524
		Ballistic materials research		[3,500]
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	88,421	92,421
		Nanocomposite materials research		[2,000]
		Open source intelligence research		[1,000]
		Smart Wound Dressing for MRSA-Infected Battle Wounds.		[1,000]
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	96,144	98,844
		Immersive simulation research		[1,200]
		Materials processing research		[1,500]
		SUBTOTAL, BASIC RESEARCH, ARMY	**377,260**	**387,460**
		APPLIED RESEARCH		
005	0602105A	MATERIALS TECHNOLOGY	27,206	47,206
		Advanced renewable jet fuels		[3,000]
		Applied composite materials research		[3,000]
		High strength fibers for ballistic armor applications		[2,000]
		Moldable fabric armor		[2,000]
		Smart materials and structures		[1,000]
		Dual Stage Variable Energy Absorber		[3,000]
		Next Generation High Strength Glass Fibers for Ballistic Armor Applications.		[2,000]
		Ultra Lightweight Metallic Armor		[1,000]
		Nanomanufacturing of Multifunctional Sensors		[3,000]
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	50,641	53,141
		Nanoelectronic memory, sensor and energy devices		[2,500]
007	0602122A	TRACTOR HIP	14,324	14,324
008	0602211A	AVIATION TECHNOLOGY	41,332	41,332
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	19,473
		Cognitive modeling and simulation research		[2,000]
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	55,937	74,437
		Advanced composite materials research		[3,500]
		Composite vehicle shelters		[2,000]
		Tactical metal fabrication program		[1,000]
		Tribology research		[2,000]
		Vehicle systems engineering and integration activities		[10,000]
014	0602618A	BALLISTICS TECHNOLOGY	61,843	65,843
		Electromagnetic gun		[–2,000]
		Reactive armor research		[3,000]
		Beneficial Infrastructure for Rotorcraft Risk Reduction		[1,000]
		Lethality research		[2,000]
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	59,085
		Acoustic gun detection systems		[2,000]
		Acoustic research		[3,000]
		UGV weaponization		[2,500]
		Highly Integrated Production for Expediting RESET		[2,500]
		Hybrid Projectile Program		[3,000]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Specialized Compact Automated Mechanical Clearance Platform.		[4,000]
		Defense Support for Civil Authorities (DSCA) for Key Resource Protection—South Central, PA.		[1,000]
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	61,404	67,104
		Hybrid portable power program		[3,200]
		Novel Zinc Air Power Sources for Military		[2,500]
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	33,605
		LWI Training-Based Collaborative Research		[15,000]
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	15,902	20,402
		Cluster Bomb Unit & Combined Effects Munitions Demil System.		[1,000]
		SUNY Cobleskill Biowaste-to-Bioenergy Center		[2,500]
		Renewable Energy Testing Center		[1,000]
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	59,818
		Cellulose Nanocomposite Panels for Ballistic Protection		[2,000]
		Geosciences Atmospheric Research		[3,000]
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	18,701	18,701
027	0602786A	WARFIGHTER TECHNOLOGY	27,109	29,609
		Thermal resistant fiber research		[2,500]
028	0602787A	MEDICAL TECHNOLOGY	99,027	134,527
		Biomechanics research		[3,500]
		Blast wave modeling		[3,000]
		Hemorrhage research		[3,000]
		Malaria vaccine development		[2,500]
		Neurotrauma research		[3,500]
		Secondary trauma research		[2,500]
		Advanced Functional Nanomaterials for Biological Processes.		[2,500]
		Improving Soldier Recovery from Catastrophic Bone Injuries.		[4,000]
		Advanced Bio-Engineering for Enhancement of Soldier Survivability.		[3,000]
		Self-Powered Prosthetic Limb Technology		[2,000]
		Human Organ and Tissue Preservation Technology		[2,000]
		Optical Neural Techniques for Combat and Post Trauma Care.		[4,000]
		SUBTOTAL, APPLIED RESEARCH, ARMY	**781,197**	**914,397**
		ADVANCED TECHNOLOGY DEVELOPMENT		
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	37,574	45,874
		High Pressure Pasteurization & Pressure Assisted Thermal Sterilization.		[4,300]
		Next Generation Precision Airdrop System		[2,500]
		Onyx System Precision Guided Airdropped Equipment		[1,500]
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	72,940	124,240
		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]
		Regenerative medical research		[4,000]
		Proton Treatment and Research Center—Northern Illinois.		[2,000]
		Wounded Service Member Bioelectrics Research		[1,500]
		Malaria Vaccine Development		[5,000]
		Regenerative Medicine to Address Astute Hearing Loss		[3,000]
		Multi-Dose Closed Loop pH Monitoring System for Platelets.		[1,000]
		Carbide-Derived Carbon for Treatment of Combat Related Sepsis.		[1,000]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Clinical Technology Integration for Military Health		[2,000]
		Institute for Simulation and Interprofessional Studies		[5,800]
031	0603003A	AVIATION ADVANCED TECHNOLOGY	60,097	80,597
		Advanced Affordable Turbine Engine Program		[5,000]
		Robust Composite Structural Core for Army Helicopters		[2,000]
		UH–60 Transmission/Gearbox Galvanic Corrosion Reduction.		[1,500]
		Drive System Composite Structural Component Risk Reduction Program.		[3,000]
		Universal Control—FADEC		[9,000]
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY.	66,410	61,410
		Electromagnetic gun		[–11,500]
		Lethality research		[6,500]
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	89,586	174,986
		Advanced APU development		[2,000]
		Advanced battery development program		[10,000]
		Advanced lithium ion battery systems		[3,000]
		Advanced suspension systems for heavy vehicles		[2,700]
		Advanced thermal management systems		[3,000]
		Alternative energy research		[20,000]
		Hybrid engine development program		[4,000]
		Hybrid truck development		[4,000]
		Smart plug-in hybrid electric vehicle program		[4,100]
		Threat cue research		[2,000]
		Unmanned ground vehicle initiative		[12,000]
		Vehicle prognostics technologies		[3,100]
		Unmanned Robotic System Utilizing Hydrocarbon Fueled Solid Oxide Fuel Cell.		[3,000]
		Advanced Composites for Light Weight, Low Cost Transportation Systems Using a 3+ Ring Extruder.		[3,000]
		Protective 3–D Armor Structure to Safeguard Military Vehicles and Troops.		[2,000]
		Fire Shield		[2,000]
		Hydraulic Hybrid Vehicle (HHV) for the Tactical Wheeled Fleet.		[3,500]
		Heavy Duty Hybrid Electric Vehicle		[2,000]
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY.	8,667	12,467
		Applied Communications and Information Networking (ACIN).		[3,800]
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
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS.	19,415	24,915
		Combat medic training systems		[2,000]
		Joint Fires & Effects Trainer System enhancements		[2,500]
		HapMed Combat Medic Trainer		[1,000]
039	0603020A	TRACTOR ROSE	14,569	14,569
040	0603103A	EXPLOSIVES DEMILITARIZATION TECHNOLOGY		2,000
		Propellant Conversion to Fertilizer Program for Tooele Army Depot.		[2,000]
041	0603105A	MILITARY HIV RESEARCH	6,657	6,657
042	0603125A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT.	11,989	11,989
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY	19,192	22,692
		Laser systems for light aircraft missile defense		[1,000]
		Advanced Ground Electronic Warfare & Signals Intelligence System.		[2,500]
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	63,951	67,251
		Discriminatory imaging research		[2,500]
		Scenario Generation for Integrated Air and Missile Defense Evaluation.		[800]
045	0603322A	TRACTOR CAGE	12,154	12,154

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
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	52,329
		Bradley third generation FLIR		[5,000]
		Buster/Blacklight UAV Development		[1,000]
		Hyper Spectral Sensor for Improved Force Protection System.		[2,000]
		Brownout Situational Awareness		[3,000]
		High Resolution Personal Miniature Thermal Viewer		[1,000]
049	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS.	15,706	15,706
050	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	5,911	19,211
		Permafrost tunnel		[500]
		Photovoltaic technology development		[2,000]
		PacCom Renewable Energy Security System		[3,000]
		Field Deployable Hologram Production System		[4,800]
		Demonstration of Thin Film Solar Modules as a Renewable Energy Source.		[1,000]
		Nanotechnology for Potable Water and Waste Treatment		[2,000]
051	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	41,561	45,061
		Foliage Penetrating, Reconnaissance, Surveillance, Tracking, and Engagement Radar.		[2,000]
		Optimizing Natural Language Processing of Open Source Intelligence (OSINT).		[1,500]
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, ARMY.	**695,217**	**902,617**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
052	0603024A	UNIQUE ITEM IDENTIFICATION (UID)		
053	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE).	14,683	30,183
		Biological Air Filtering System Technology		[3,000]
		Compact Pulsed Power for Military Applications		[4,000]
		Adaptive robotic technology		[3,500]
		Advanced electronics integration		[3,000]
		Advanced environmental controls		[2,000]
054	0603308A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE).	117,471	117,471
055	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	209,531	160,531
		Center for Defense Systems Research		[1,000]
		Excessive Project Cost Growth—Integrated Air and Missile Defense.		[–50,000]
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	90,299
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	8,770
		Cadmium Emissions Reduction—Letterkenny Army Depot.		[1,000]
		Vanadium Technology Program		[3,000]
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	8,537
068	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	56,373	46,373
		Premature JLTV program growth		[–10,000]
069	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS.	9,868	9,868

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
070	0603807A	MEDICAL SYSTEMS—ADV DEV	31,275	31,275
071	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	71,832	73,832
		Acid Alkaline Direct Methanol Fuel Cell		[2,000]
072	0603850A	INTEGRATED BROADCAST SERVICE	1,476	1,476
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, ARMY.	**908,206**	**870,706**
		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
078	0604601A	INFANTRY SUPPORT WEAPONS	74,814	78,814
		Lightweight caliber .50 machine gun		[4,000]
079	0604604A	MEDIUM TACTICAL VEHICLES	5,683	5,683
080	0604609A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD.	978	978
081	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	7,477	9,477
		Heavy tactical vehicle development		[2,000]
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	31,216
		Unjustified Termination Costs		[–27,000]
085	0604660A	FCS MANNED GRD VEHICLES & COMMON GRD VEHICLE.	368,557	184,557
		Unjustified Termination Costs		[–184,000]
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	30,209
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	42,378
		Common guidance control module		[7,500]
103	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—SDD	36,018	37,518
		Autonomous Sustainment Cargo Container Sea Truck		[1,500]
104	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD.	88,995	88,995
105	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—SDD.	33,893	34,693
		Plasma Sterilizer		[800]
106	0604808A	LANDMINE WARFARE/BARRIER—SDD	82,260	60,960
		Program reduction		[–21,300]
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

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
114	0604854A	ARTILLERY SYSTEMS	23,318	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	66,109
		Transfer from RDDW, line 117, for DIMHRS execution		[30,800]
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**	**4,512,971**
		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	18,305
		Program Increase		[2,000]
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	354,693
128	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.	72,911	84,111
		Common regional operational systems		[3,000]
		Data fusion systems		[2,500]
		Dugway field test improvements		[4,500]
		MOTS All Sky Imager		[1,200]
129	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	45,016	45,016
130	0605605A	DOD HIGH ENERGY LASER TEST FACILITY	2,891	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	47,053
		3D woven preform technology for Army munitions		[2,000]
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**	**1,170,312**
		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	340,076
		Program delay reduction		[–20,000]
147	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	23,727	26,227
		AFATDS Voice Recognition and Cross Platform Speech Interface System.		[2,500]
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

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Conference Authorized
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
		Javelin Warhead Improvement Plan		[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
159	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	3,082	3,082
160	0301359A	SPECIAL ARMY PROGRAM	[ ]	[ ]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	2,144	2,144
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	202,521
168	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	188,414	190,714
		Joint STARS Surveillance and Control Data Link (SCDL) Technology Refresh.		[1,000]
		Adaptive Defense High-Speed IP Packet Inspection Engine on a Chip.		[1,300]
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	71,966
		Smart machine platform initiative		[2,000]
		Weapon systems repair technologies		[1,500]
999	9999999	OTHER PROGRAMS	3,883	3,883
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY.	**1,886,771**	**1,880,071**
		TOTAL, RDT&E ARMY	**10,438,218**	**10,638,534**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	99,472	99,472
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,076	18,076
003	0601153N	DEFENSE RESEARCH SCIENCES	413,743	416,243
		Nanoelectronics, Nanometrology, and Nanobiology Initiative.		[2,500]
		SUBTOTAL, BASIC RESEARCH, NAVY	**531,291**	**533,791**
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	59,787	64,787
		Energetics research		[3,000]
		Multifunctional Materials, their Applications and Devices		[2,000]
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	91,400	124,400
		Alternative energy research		[20,000]
		Energy systems integration research		[4,000]
		Port security technologies		[2,000]
		Design Optimization of Composite High-Speed Boats Using Advanced Composite and Manufacturing and Non-destructive Evaluation.		[2,000]

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Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Lithium Ion Storage Advancement for Aircraft Applications.		[2,500]
		Non-Traditional Weaving Applications for Aramid Ballistic Fibers and Fabrics.		[2,500]
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	107,169
		Anti-reverse engineering technologies		[1,000]
		Managing and Extending DOD Asset Lifecycles (MEDAL)		[2,000]
010	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	64,816	64,816
011	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH.	48,750	51,750
		Advanced UUV research		[1,000]
		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	55,694
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH.	40,880	42,880
		Electromagnetic signature assessment system		[2,000]
		SUBTOTAL, APPLIED RESEARCH, NAVY	**593,975**	**639,975**
		ADVANCED TECHNOLOGY DEVELOPMENT		
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	107,969	116,369
		Countermine Lidar UAV-Based System (CLUBS)		[2,000]
		Detection, Tracking, and Identification for ISRTE of Mobile Asymmetric Targets.		[2,500]
		Quiet Drive Advanced Rotary Actuator		[2,000]
		Tactical High Speed Anti-Radiation Missile Demonstration.		[1,900]
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	66,035	78,035
		Advance coatings for aviation components		[2,000]
		Single generator operations lithium ion battery		[5,000]
		High-Temperature Radar Dome Materials		[2,000]
		Pure Hydrogen Supply from Logistic Fuels		[3,000]
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY	108,394	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	112,363
		Acoustic combat sensors		[5,000]
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	10,998	10,998
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY.	18,609	21,109
		Navy Special Warfare Performance and Injury Prevention Program for SBT 22 at Stennis Space Center.		[2,500]
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**	**689,696**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	116,082	117,482
		Semi-submersible for UUV sensor developments		[1,400]
027	0603216N	AVIATION SURVIVABILITY	6,505	9,505

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Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Lighter Than Air Stratospheric UAV for Persistant Communications Relay and Surveillance.		[3,000]
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	6,032	6,032
029	0603254N	ASW SYSTEMS DEVELOPMENT	16,585	20,585
		Sonobuoy wave energy module		[1,000]
		Marine Mammal Awareness, Alert, and Response Systems.		[3,000]
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	62,038
		Continuous Active Sonar for Torpedo Systems		[4,500]
034	0603512N	CARRIER SYSTEMS DEVELOPMENT	173,594	173,594
035	0603513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	1,691	18,791
		DDG–51 hybrid propulsion system		[8,100]
		Advanced Steam Turbine		[4,000]
		Next Generation Shipboard Intergrated Power: Fuel Efficiency and Advanced Capability Enhancer.		[5,000]
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	553,836
		Submarine Fatline Vector Sensor Towed Array		[2,000]
042	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,172	10,172
043	0603563N	SHIP CONCEPT ADVANCED DESIGN	22,541	22,541
044	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	28,135	32,135
		Support for Naval Ship Hydrodynamics Test Facilities		[4,000]
045	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	259,887	259,887
046	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	5,599	9,099
		High Denstiy Power Conversion and Distribution Equipment.		[1,500]
		Hybrid Electric Drive		[2,000]
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	61,798
		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	16,226
		Molten carbonate fuel cell demonstrator		[3,000]
		Solar heat reflective film development		[4,750]
059	0603725N	FACILITIES IMPROVEMENT	4,002	9,602
		Wave Energy Powerbuoy Generating System		[2,400]
		Photovoltaic Rooftop Systems—Navy		[1,500]
		Regenerative Fuel Cell Back-Up Power		[1,700]
060	0603734N	CHALK CORAL	70,772	70,772
061	0603739N	NAVY LOGISTIC PRODUCTIVITY	4,301	6,301
		Highly integrated optical interconnects for advanced air vehicles.		[1,000]
		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

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Line	Program Element	Item	FY 2010 Request	Conference Authorized
068	0603790N	NATO RESEARCH AND DEVELOPMENT	10,194	10,194
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	7,003
		Joint Technology Insertion & Accelerated System Intergration Capability for Electronic Warfare.		[2,000]
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**	**4,208,645**
		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	55,540
		Measurement Standards Research and Development		[2,000]
083	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT.	81,953	86,653
		USN MH–60S "Close the Lethality Gap" M230 Pylon Qualification.		[4,700]
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	180,459
		Surface Ship Advanced Capability Build		[2,000]
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	251,078
		Mobile maritime sensor technology development		[15,000]
106	0604503N	SSN–688 AND TRIDENT MODERNIZATION	122,733	122,733
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	162,756
		Common command & control system module		[6,000]

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Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Mold-in-Place Coating for Development of U.S. Submarine Fleet.		[2,000]
111	0604561N	SSN–21 DEVELOPMENTS		
112	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	59,703	69,703
		Artificial Intelligence-based combat system kernel		[4,000]
		Submarine environment for evaluation & development		[3,000]
		Weapon acquisition & firing system		[3,000]
113	0604567N	SHIP CONTRACT DESIGN/LIVE FIRE T&E	89,988	92,488
		Automated Fiber Optic Manufacturing Initiative for Navy Ships.		[2,500]
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
120	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	35,459	38,459
		AUSV		[3,000]
121	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	34,236	46,236
		Phalanx Next Generation		[12,000]
122	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	88,895	88,895
123	0604761N	INTELLIGENCE ENGINEERING	14,438	14,438
124	0604771N	MEDICAL DEVELOPMENT	9,888	23,488
		Composite tissue transplantation research		[2,000]
		Custom body implant development		[2,000]
		Multivalent dengue vaccine program		[1,600]
		Orthopedic surgery instrumentation		[3,000]
		U.S. Navy Vaccine Program		[3,000]
		U.S. Navy Pandemic Influenza Vaccine Program: Enhancement of Influenza Vaccine Efficacy.		[2,000]
125	0604777N	NAVIGATION/ID SYSTEM	63,184	63,184
126	0604784N	DISTRIBUTED SURVEILLANCE SYSTEM		
127	0604800N	JOINT STRIKE FIGHTER (JSF)	1,741,296	1,956,296
		F136 Development		[215,000]
128	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	9,868	9,868
129	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	69,026	77,126
		Information systems research		[4,000]
		Integrated network-centric technology systems		[2,600]
		Maintenance Planning and Assessment Technology (MPAT) Insertion.		[1,500]
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	110,022
		Program delay		[–40,000]
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**	**8,231,782**
		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	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	3,235
		Center for Commercialization of Advanced Technology		[2,500]
144	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT.	60,590	60,590

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Line	Program Element	Item	FY 2010 Request	Conference Authorized
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**	**990,009**
		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	76,109
		Advanced LINAC Facility		[1,170]
161	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	34,479	34,479
162	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	7,211	7,211
163	0101402N	NAVY STRATEGIC COMMUNICATIONS	43,982	46,982
		E–6B Strategic Communications Upgrade Block 1A (VLF-TX & HPTS).		[3,000]
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	123,349
		F135 engine funding ahead of need		[–12,491]
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	124,379
		Expandable rigid wall composite shelters		[1,000]
		Marine personnel carrier support system		[3,000]
183	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	17,057	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	[ ]	[ ]

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192	0303109N	SATELLITE COMMUNICATIONS (SPACE)	474,009	474,009
193	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	45,513	45,513
194	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	24,226	24,226
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	66,691
		Integrated manufacturing enterprise		[5,000]
		Life extension of weapon system structures research		[2,500]
		Laser Optimization Remote Lighting Systems		[2,500]
217	0708730N	MARITIME TECHNOLOGY (MARITECH)		4,000
		National Shipbuilding Research Program		[4,000]
999	9999999	OTHER PROGRAMS	1,258,018	1,258,018
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&E.	**4,302,584**	**4,313,263**
		TOTAL, RDT&E NAVY	**19,270,932**	**19,607,161**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	321,028	322,028
		Coal transformation research		[1,000]
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	132,249	138,449
		Cybersecurity for control networks research		[1,700]
		End-user software safeguard research		[2,000]
		Informatics research		[1,000]
		Information security research		[1,500]
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**	**473,311**
		APPLIED RESEARCH		
006	0602015F	MEDICAL DEVELOPMENT		
007	0602102F	MATERIALS	127,957	136,957
		Advanced aerospace heat exchangers		[3,000]
		Energy and automation technologies		[2,000]
		Energy efficiency, recovery, and generation systems		[1,000]
		Health monitoring sensors for aerospace components		[2,000]
		Mid-infrared laser source research		[1,000]
008	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	127,129	136,529

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		Unmanned aerial system collaboration technologies		[2,500]
		UAV Sensor and Maintenance Development		[4,900]
		Unmanned Sense, Track, and Avoid Radar		[2,000]
009	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	85,122	85,122
010	0602203F	AEROSPACE PROPULSION	196,529	210,029
		Hybrid bearing development		[1,000]
		Integrated electrical starter/generator systems		[2,000]
		Lithium ion technologies for aviation batteries		[1,500]
		Thermally efficient engine pumping system		[2,000]
		Advanced Lithium Battery Scale-Up and Manufacturing		[2,000]
		Advanced Vehicle Propulsion Center (AVPC)		[3,000]
		Multi-Mode Propulsion Phase IIA: High Performance Green Propellant.		[2,000]
011	0602204F	AEROSPACE SENSORS	121,768	126,568
		Net-Centric Sensor Grids		[3,000]
		Information Quality Tools for Persistent Survelliance Data Sets.		[1,800]
012	0602601F	SPACE TECHNOLOGY	104,148	113,248
		Reconfigurable electronics research		[1,000]
		Seismic research program		[5,000]
		Advanced Modular Avionics for ORS Use		[3,100]
013	0602602F	CONVENTIONAL MUNITIONS	58,289	58,289
014	0602605F	DIRECTED ENERGY TECHNOLOGY	105,677	101,427
		Chemical laser technology		[–4,250]
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	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**	**1,132,101**
		ADVANCED TECHNOLOGY DEVELOPMENT		
018	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	37,901	54,201
		Sewage-derived biofuels program		[4,800]
		Metals Affordability Initiative		[10,000]
		Rapid Automated Processing of Advances Low Observables.		[1,500]
019	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	2,955	2,955
020	0603203F	ADVANCED AEROSPACE SENSORS	51,482	53,482
		Reconfigurable secure computing technologies		[2,000]
021	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	76,844	81,844
		Long Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence.		[5,000]
022	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY.	175,676	198,676
		Alternative energy research		[20,000]
		Silicon carbide power electronics research		[3,000]
023	0603231F	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY.		
024	0603270F	ELECTRONIC COMBAT TECHNOLOGY	31,021	31,021
025	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	83,909	86,909
		Small Responsive Spacecraft at Low-Cost (SRSL)		[3,000]
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	45,163
		Next generation casting initiative		[3,250]
		Production of Nanocomposites for Aerospace Applications		[2,000]
031	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	39,708	46,208
		Optical interconnects research		[2,500]
		Cyber Attack and Security Environment		[4,000]
032	0603789F	C3I ADVANCED DEVELOPMENT		

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033	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM.	3,831	3,831
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE.	**618,030**	**679,080**
		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	102,701
		Space situational awareness		[5,000]
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	66,079
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	91,020
		Advanced Propulsion Non-Tactical Vehicle		[2,000]
057	0604830F	AUTOMATED AIR-TO-AIR REFUELING	43,158	43,158
058	0604856F	COMMON AERO VEHICLE (CAV)		
059	0604857F	OPERATIONALLY RESPONSIVE SPACE	112,861	112,861
060	0604858F	TECH TRANSITION PROGRAM	9,611	9,611
061	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS).	396,641	396,641
061a	604xxxxF	NEXT GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT.		50,000
		Next generation MILSATCOM technology development		[50,000]
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, AIR FORCE.	**1,795,884**	**1,852,884**
		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		
065	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,227	6,227
066	0604240F	B–2 ADVANCED TECHNOLOGY BOMBER		12,000
		Advanced Data Link		[12,000]
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	271,434
		SBSS follow-on—program delay		[–36,700]
074	0604429F	AIRBORNE ELECTRONIC ATTACK	11,107	11,107
075	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	512,642	512,642

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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	12,261
		Backpack Medical Oxygen System		[1,000]
080	0604706F	LIFE SUPPORT SYSTEMS	10,711	13,111
		ACES 5 Ejection Seat		[2,400]
081	0604735F	COMBAT TRAINING RANGES	29,718	29,718
082	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A).	10	4,010
		Distributed Mission Interoperability Toolkit (DMIT)		[4,000]
083	0604750F	INTELLIGENCE EQUIPMENT	1,495	1,495
084	0604800F	JOINT STRIKE FIGHTER (JSF)	1,858,055	2,073,055
		F136 Engine Development		[215,000]
085	0604851F	INTERCONTINENTAL BALLISTIC MISSILE	60,010	60,010
086	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE).	26,545	26,545
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	0
		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**	**4,327,451**
		RDT&E MANAGEMENT SUPPORT		
100	0604256F	THREAT SIMULATOR DEVELOPMENT	27,789	27,789
101	0604759F	MAJOR T&E INVESTMENT	60,824	68,324
		Holloman High Speed Test Track		[5,000]
		Eglin AFB Range Operations Control Center		[2,500]
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	755,788
		Program increase		[19,300]
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**	**1,073,324**
		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

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119	0101126F	B–1B SQUADRONS	148,025	177,025
		Transferred from APAF Line 28		[29,000]
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	312,167
		Corrosion Detection and Visualization Program		[1,000]
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	154,563
		F135 Engine—Early to need		[–12,000]
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	140,670
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	[ ]	[ ]
		Open Source Research Centers		[1,000]
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)		

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Line	Program Element	Item	FY 2010 Request	Conference Authorized
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)	[ ]	[ ]
		Advanced Technical Intelligence Center		[6,500]
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	38,736
		ISIS		[–35,000]
203	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	143,892	145,892
		GORGON STARE		
		Multiple UAS Cooperative Concentrated Observation and Engagement Against a Common Ground Objective.		[2,000]
204	0305207F	MANNED RECONNAISSANCE SYSTEMS	12,846	15,346
		Rivet Joint Services Oriented Architecture (SOA)		[2,500]
205	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	82,765	82,765
206	0305219F	MQ–1 PREDATOR A UAV	18,101	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	717,695
		GPS Control Segment (OCX)		[–97,400]
210	0305614F	JSPOC MISSION SYSTEM	131,271	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
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

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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		2,000
		Wire Integrity Technology		[2,000]
232	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	246,483	246,483
233	0708611F	SUPPORT SYSTEMS DEVELOPMENT	6,288	8,288
		ALC Logistics Integration Environment		[2,000]
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	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	30,982
		DIMHRS—OSD requested transfer from RDDW, Line 117		[20,490]
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	55,991	55,991
999	9999999	OTHER PROGRAMS	11,955,084	12,137,084
		Program Increase		[172,500]
		Carbon Nanotube Enhanced Power Sources for Space		[2,000]
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE.	**18,751,901**	**18,863,491**
		TOTAL, RDT&E AIR FORCE	**27,992,827**	**28,401,642**
		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.		
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	89,980	89,980
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	58,974	64,874
		In-vitro models for bio-defense vaccines		[1,900]
		Synchrotron Beamline and Experimental Station		[4,000]
		SUBTOTAL, BASIC RESEARCH, DEFENSE-WIDE	**423,623**	**429,523**
		APPLIED RESEARCH		
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	22,669	18,961
		Partial Program Growth Reduction		[–3,708]
008	0602227D8Z	MEDICAL FREE ELECTRON LASER		
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE.	15,164	20,164
		Historically Black Colleges and Universities and Minority Serving Institutions Program.		[5,000]
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	34,034	34,034
011	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	282,749	272,749
		Program Reduction		[–10,000]
012	0602304E	COGNITIVE COMPUTING SYSTEMS	142,840	142,840
013	0602383E	BIOLOGICAL WARFARE DEFENSE	40,587	40,587
014	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	209,072	212,972

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		Chemical and biological infrared detector		[1,900]
		Chemical and Biological Resistant Clothing		[2,000]
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
017	0602702E	TACTICAL TECHNOLOGY	276,075	266,075
		Program Reduction		[–10,000]
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	268,859	263,859
		Program Reduction		[–5,000]
019	0602716E	ELECTRONICS TECHNOLOGY	223,841	213,841
		Program Reduction		[–10,000]
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES.	219,130	220,630
		Blast mitigation and protection		[1,500]
021	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	27,384	27,384
022	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT		
		SUBTOTAL, APPLIED RESEARCH, DEFENSE-WIDE	**1,776,790**	**1,748,482**
		ADVANCED TECHNOLOGY DEVELOPMENT		
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,538	16,754
		Partial Program Growth Reduction		[–6,784]
024	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	43,808	43,808
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	81,868	92,368
		Reconnaissance and data exploitation systems		[3,500]
		Affordable Robust Mid-Sized UGV		[2,000]
		Integrated Rugged Checkpoint Container		[2,500]
		Combating Terrorism: Threat and Risk Assessment		[2,500]
026	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	233,203	233,203
027	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	109,760	104,760
		General Reduction		[–5,000]
028	0603200D8Z	JOINT ADVANCED CONCEPTS	7,817	7,817
029	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT.	23,276	23,276
030	0603286E	ADVANCED AEROSPACE SYSTEMS	338,360	249,360
		Program Reduction		[–89,000]
031	0603287E	SPACE PROGRAMS AND TECHNOLOGY	200,612	200,612
032	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	282,235	284,235
		Total Perimeter Surveillance		[2,000]
033	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	10,838	10,838
034	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	198,352	177,352
		JCTD new starts		[–25,000]
		High Accuracy Network Determination System—Intelligent Optical Networks (HANDS-ION).		[2,000]
		Distributed Network Switching and Security		[2,000]
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	24,638
		High performance defense manufacturing technology		[10,000]
040	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,110	11,110
		Robotics training systems		[2,000]
041	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.	19,043	33,643
		Biofuels program		[2,000]
		Biomass conversion research		[1,600]
		Fuel cell manufacturing research		[1,000]
		Vehicle fuel cell and hydrogen logistics program		[8,000]
		Next Generation Manufacturing Technologies Initiative		[2,000]
042	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY.	29,356	29,356

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043	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	69,175	69,175
044	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	26,310	30,810
		Feature Size Yield Enhancement at DMEA's Semiconductors Foundry.		[2,500]
		End to End Semi Fab Alpha Tool		[2,000]
045	0603727D8Z	JOINT WARFIGHTING PROGRAM	11,135	11,135
046	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	205,912	190,912
		Program Reduction		[–15,000]
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	224,286
		Computational design of novel materials		[3,000]
050	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS.	293,476	275,326
		CCC-CLS execution delays		[–18,150]
051	0603764E	LAND WARFARE TECHNOLOGY		
052	0603765E	CLASSIFIED DARPA PROGRAMS	186,526	186,526
053	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	135,941	135,941
054	0603767E	SENSOR TECHNOLOGY	243,056	218,056
		Program Reduction		[–15,000]
		SEN-CLS execution delays		[–10,000]
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	94,484
		Quick Reaction Fund		[–15,000]
		Special warfare domain awareness		[1,500]
060	0603828D8Z	JOINT EXPERIMENTATION	124,480	122,180
		Tidewater Full Scale Exercise		[2,700]
		National Center for Small Unit Excellence		[–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	5,219
		National Radio Frequency RD&T Transfer Center		[3,000]
064	0909999D8Z	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		
065	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT.	31,675	36,775
		Lithium ion battery safety research		[1,600]
		Partnership for Defense Innovation Wi-Fi Laboratory Testing and Assessment Center.		[3,500]
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**	**3,429,370**
		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	13,803
		Autonomous Machine Vision for Mapping and Investigation of Remote Sites.		[2,000]
072	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	17,771	17,771
073	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	31,613	31,613

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074	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	719,465	719,465
075	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	982,922	1,002,922
		GBI vendor base sustainment		[20,000]
076	0603883C	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT.	186,697	186,697
077	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	205,952	207,552
		Real-time non-specific viral agent detector		[1,600]
078	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	636,856	636,856
079	0603886C	BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR		
080	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS	966,752	940,752
		Target Synchronization with Test Schedule		[–26,000]
081	0603890C	BMD ENABLING PROGRAMS	369,145	354,145
		Programs Reduction		[–15,000]
082	0603891C	SPECIAL PROGRAMS—MDA	301,566	286,566
		Program Decrease due to excessive growth		[–15,000]
083	0603892C	AEGIS BMD	1,690,758	1,690,758
084	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	180,000	173,200
		Demonstration Satellites		[–6,800]
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 COMMUNICATIONS.	340,014	340,014
088	0603897C	BALLISTIC MISSILE DEFENSE HERCULES	48,186	48,186
089	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	60,921	61,421
		Independent Advisory Group to Review Ballistic Missile Defense Training Needs.		[500]
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	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	8,387
		Corrosion control research		[3,500]
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	19,744
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**	**7,427,977**
		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

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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	18,710
		Transfer to RDA, line 117 for DIMHRS execution		[–30,800]
		Transfer to RDAF, line 241 for DIMHRS execution		[–20,490]
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
125	0807708D8Z	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII-SOC) STAFF OFFICE.	1,609	1,609
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, DEFENSE-WIDE.	**1,009,389**	**958,099**
		RDT&E MANAGEMENT SUPPORT		
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	155,052
		Joint Gulf Range Test and Training Complex		[3,000]
		Gulf Range Mobile Instrumentation Capability		[3,000]
		Advanced SAM Hardware Simulator Development		[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	4,063
		Anti-tamper software systems		[1,900]
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	49,411

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Program Reduction		[–5,000]
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	50,000
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
170A	9999999	OTHER PROGRAMS	124,705	124,705
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, DEFENSE-WIDE.	**1,187,944**	**1,194,844**
		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	[ ]	[ ]
		Advanced Scientific Missile Intelligence Preparation of the Battlespace (IPB).		[2,500]
		Portable Device for Latent Fingerprint Identification		[1,800]
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	408,316
195	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM		
196	0303148K	DISA MISSION SUPPORT OPERATIONS	1,205	1,205

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
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).	[ ]	[ ]
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	6,948
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	[ ]	[ ]
		Technology applications for security enhancement		[3,000]
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	51,714
		Industrial Base Innovation Fund		[30,000]
		Northwest Manufacturing Initiative		[1,200]
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	72,621
		Avionics Modernization Program		[–10,000]
246	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT.	6,182	1,594
		SOF Resource Business Information System		[–4,588]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
247	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT.	21,273	33,173
		Biometric Optical Surveillance System (BOSS)		[2,000]
		Counterproliferation Analysis and Planning System (CAPS).		[5,000]
		Advanced long endurance unattended ground sensor technologies.		[4,900]
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	0
		ASDS		[–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	4,869
		Miniature Day Night Sight for Crew Served Weapons		[1,500]
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	7,452
		Transformer Technology for Combat Submersibles (TTCS)		[4,000]
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	4,148,984	4,156,284
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE.	**5,335,215**	**5,375,206**
		DARPA execution adjustment		–150,000
		Total, RDT&E Defense-Wide	**20,741,542**	**20,413,501**
		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**	**79,251,608**

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	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY		

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		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**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS		
027	0603216N	AVIATION SURVIVABILITY	8,000	0
		Non-emergency development funding		[–8,000]
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	9,000	0
		Non-emergency development funding		[–9,000]
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY	**17,000**	**0**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
		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**	**90,180**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE		
		BASIC RESEARCH		
004	0301555F	CLASSIFIED PROGRAMS	[ ]	[ ]
005	0301556F	SPECIAL PROGRAM	[ ]	[ ]
		SUBTOTAL, BASIC RESEARCH, AIR FORCE	**0**	**0**
		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	[ ]	[ ]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
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).	[ ]	[ ]
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**	**293,254**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Operation and Maintenance, Army		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
010	MANEUVER UNITS	1,020,490	1,020,490
020	MODULAR SUPPORT BRIGADES	105,178	105,178
030	ECHELONS ABOVE BRIGADE	708,038	708,038
040	THEATER LEVEL ASSETS	718,233	718,233
050	LAND FORCES OPERATIONS SUPPORT	1,379,529	1,315,129
	Budget realignment of combat training center transportation funding in support of helicopter training		[–64,400]
060	AVIATION ASSETS	850,750	773,350
	Budget realignment in support of helicopter training		[–77,400]
	LAND FORCES READINESS		
070	FORCE READINESS OPERATIONS SUPPORT	2,088,233	2,088,233
080	LAND FORCES SYSTEMS READINESS	633,704	633,704
090	LAND FORCES DEPOT MAINTENANCE	692,601	695,601
	Texas Defense Manufacturing Supply Chain Initiative		[3,000]
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	7,586,455	7,588,155
	Fort Bliss Data Center		[1,700]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,221,446	2,221,446
120	MANAGEMENT AND OPERATIONAL HQ	333,119	333,119
130	COMBATANT COMMANDERS CORE OPERATIONS	123,163	123,163
140	ADDITIONAL ACTIVITIES	0	0
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	0	0
160	RESET	0	0
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	460,159	460,159
	TOTAL, BA 01: OPERATING FORCES	**18,921,098**	**18,783,998**
	BUDGET ACTIVITY 02: MOBILIZATION		
	MOBILITY OPERATIONS		
180	STRATEGIC MOBILITY	228,376	228,376
190	ARMY PREPOSITIONING STOCKS	98,129	98,129
200	INDUSTRIAL PREPAREDNESS	5,705	5,705
	TOTAL, BA 02: MOBILIZATION	**332,210**	**332,210**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	ACCESSION TRAINING		
210	OFFICER ACQUISITION	125,615	125,615
220	RECRUIT TRAINING	87,488	87,488
230	ONE STATION UNIT TRAINING	59,302	59,302

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
240	SENIOR RESERVE OFFICERS TRAINING CORPS	449,397	449,397
	BASIC SKILL/ADVANCE TRAINING		
250	SPECIALIZED SKILL TRAINING	970,777	971,277
	Rule of law increase		[500]
260	FLIGHT TRAINING	843,893	985,693
	Budget realignment in support of helicopter training		[141,800]
270	PROFESSIONAL DEVELOPMENT EDUCATION	166,812	166,812
280	TRAINING SUPPORT	702,031	702,031
	RECRUITING/OTHER TRAINING		
290	RECRUITING AND ADVERTISING	541,852	541,852
300	EXAMINING	147,915	147,915
310	OFF-DUTY AND VOLUNTARY EDUCATION	238,353	238,353
320	CIVILIAN EDUCATION AND TRAINING	217,386	217,386
330	JUNIOR ROTC	156,904	156,904
	TOTAL, BA 03: TRAINING AND RECRUITING	**4,707,725**	**4,850,025**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SECURITY PROGRAMS		
340	SECURITY PROGRAMS	1,017,055	1,017,055
	LOGISTICS OPERATIONS		
350	SERVICEWIDE TRANSPORTATION	540,249	540,249
360	CENTRAL SUPPLY ACTIVITIES	614,093	614,093
370	LOGISTIC SUPPORT ACTIVITIES	481,318	481,318
380	AMMUNITION MANAGEMENT	434,661	435,661
	M24 Sniper Weapons System Upgrade		[1,000]
	SERVICEWIDE SUPPORT		
390	ADMINISTRATION	776,866	776,866
400	SERVICEWIDE COMMUNICATIONS	1,166,491	1,141,491
	Servicewide communications underexecution		[–25,000]
410	MANPOWER MANAGEMENT	289,383	289,383
420	OTHER PERSONNEL SUPPORT	221,779	229,029
	Transfer from O&M, DW BTA for DIMHRS		[7,250]
430	OTHER SERVICE SUPPORT	993,852	993,852
440	ARMY CLAIMS ACTIVITIES	215,168	215,168
450	REAL ESTATE MANAGEMENT	118,785	118,785
	SUPPORT OF OTHER NATIONS		
460	SUPPORT OF NATO OPERATIONS	430,449	430,449
470	MISC. SUPPORT OF OTHER NATIONS	13,700	13,700
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**7,313,849**	**7,297,099**
	Total Operation and Maintenance, Army	**31,274,882**	**31,263,332**
	Operation and Maintenance, Navy		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
010	MISSION AND OTHER FLIGHT OPERATIONS	3,814,000	3,814,000
020	FLEET AIR TRAINING	120,868	120,868
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	52,259	52,259
040	AIR OPERATIONS AND SAFETY SUPPORT	121,649	121,649
050	AIR SYSTEMS SUPPORT	485,321	485,321
060	AIRCRAFT DEPOT MAINTENANCE	1,057,747	1,127,774
	Aviation Depot Maintenance		[70,027]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	32,083	32,083
	SHIP OPERATIONS		
080	MISSION AND OTHER SHIP OPERATIONS	3,320,222	3,320,222
090	SHIP OPERATIONS SUPPORT & TRAINING	699,581	699,581
100	SHIP DEPOT MAINTENANCE	4,296,544	4,296,544
110	SHIP DEPOT OPERATIONS SUPPORT	1,170,785	1,170,785
	COMBAT OPERATIONS/SUPPORT		
120	COMBAT COMMUNICATIONS	601,595	601,595
130	ELECTRONIC WARFARE	86,019	86,019
140	SPACE SYSTEMS AND SURVEILLANCE	167,050	167,050
150	WARFARE TACTICS	407,674	407,674
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	315,228	315,228
170	COMBAT SUPPORT FORCES	758,789	758,789
180	EQUIPMENT MAINTENANCE	186,794	186,794
190	DEPOT OPERATIONS SUPPORT	3,305	3,305
200	COMBATANT COMMANDERS CORE OPERATIONS	167,789	167,789
210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	259,188	252,188
	Reduction for National Program for Small Unit Excellence		[–7,000]
	WEAPONS SUPPORT		
220	CRUISE MISSILE	131,895	131,895
230	FLEET BALLISTIC MISSILE	1,145,020	1,145,020
240	IN-SERVICE WEAPONS SYSTEMS SUPPORT	64,731	64,731
250	WEAPONS MAINTENANCE	448,777	460,777
	Gun depot overhauls		[12,000]
260	OTHER WEAPON SYSTEMS SUPPORT	326,535	326,535
	BASE SUPPORT		
270	ENTERPRISE INFORMATION	1,095,587	1,095,587
280	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,746,418	1,746,418
290	BASE OPERATING SUPPORT	4,058,046	4,058,046
	TOTAL, BA 01: OPERATING FORCES	**27,141,499**	**27,216,526**
	BUDGET ACTIVITY 02: MOBILIZATION		
	READY RESERVE AND PREPOSITIONING FORCES		
300	SHIP PREPOSITIONING AND SURGE	407,977	407,977
	ACTIVATIONS/INACTIVATIONS		
310	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,491	7,491
320	SHIP ACTIVATIONS/INACTIVATIONS	192,401	195,401
	Navy Ship Disposal-Carrier Demonstration Program		[3,000]

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	MOBILIZATION PREPAREDNESS		
330	FLEET HOSPITAL PROGRAM	24,546	24,546
340	INDUSTRIAL READINESS	2,409	2,409
350	COAST GUARD SUPPORT	25,727	25,727
	TOTAL, BA 02: MOBILIZATION	**660,551**	**663,551**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	ACCESSION TRAINING		
360	OFFICER ACQUISITION	145,027	145,027
370	RECRUIT TRAINING	11,011	11,011
380	RESERVE OFFICERS TRAINING CORPS	127,490	127,490
	BASIC SKILLS AND ADVANCED TRAINING		
390	SPECIALIZED SKILL TRAINING	477,383	477,383
400	FLIGHT TRAINING	1,268,846	1,268,846
410	PROFESSIONAL DEVELOPMENT EDUCATION	161,922	161,922
420	TRAINING SUPPORT	158,685	158,685
	RECRUITING, AND OTHER TRAINING AND EDUCATION		
430	RECRUITING AND ADVERTISING	276,564	277,215
	Navy Sea Cadet Corps		[651]
440	OFF-DUTY AND VOLUNTARY EDUCATION	154,979	154,979
450	CIVILIAN EDUCATION AND TRAINING	101,556	101,556
460	JUNIOR ROTC	49,161	49,161
	TOTAL, BA 03: TRAINING AND RECRUITING	**2,932,624**	**2,933,275**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
470	ADMINISTRATION	768,048	768,048
480	EXTERNAL RELATIONS	6,171	6,171
490	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	114,675	114,675
500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	182,115	189,365
	Transfer from O&M, DW BTA for DIMHRS		[7,250]
510	OTHER PERSONNEL SUPPORT	298,729	298,729
520	SERVICEWIDE COMMUNICATIONS	408,744	393,744
	Servicewide communications underexecution		[–15,000]
530	MEDICAL ACTIVITIES	0	0
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT		
540	SERVICEWIDE TRANSPORTATION	246,989	246,989
550	ENVIRONMENTAL PROGRAMS	0	0
560	PLANNING, ENGINEERING AND DESIGN	244,337	244,337
570	ACQUISITION AND PROGRAM MANAGEMENT	778,501	778,501
580	HULL, MECHANICAL AND ELECTRICAL SUPPORT	60,223	60,223
590	COMBAT/WEAPONS SYSTEMS	17,328	17,328
600	SPACE AND ELECTRONIC WARFARE SYSTEMS	79,065	79,065
	INVESTIGATIONS AND SECURITY PROGRAMS		
610	NAVAL INVESTIGATIVE SERVICE	515,989	515,989

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	SUPPORT OF OTHER NATIONS		
670	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,918	5,918
	CANCELLED ACCOUNTS		
680	CANCELLED ACCOUNT ADJUSTMENTS	0	0
690	JUDGMENT FUND	0	0
	OTHER PROGRAMS		
999	OTHER PROGRAMS	608,840	608,840
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**4,335,672**	**4,327,922**
	Unobligated balances estimate		–100,000
	Total Operation and Maintenance, Navy	**35,070,346**	**35,041,274**
	Operation and Maintenance, Marine Corps		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	EXPEDITIONARY FORCES		
010	OPERATIONAL FORCES	730,931	737,931
	Family of shelter and tents		[2,000]
	Flame Resistant Organizational Gear		[1,500]
	Ultra Lightweight Camouflage Net System		[3,500]
020	FIELD LOGISTICS	591,020	591,020
030	DEPOT MAINTENANCE	80,971	80,971
	USMC PREPOSITIONING		
050	MARITIME PREPOSITIONING	72,182	72,182
060	NORWAY PREPOSITIONING	5,090	5,090
	COMBAT OPERATIONS/SUPPORT		
070	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	0	0
	BASE SUPPORT		
080	SUSTAINMENT, RESTORATION, & MODERNIZATION	666,330	666,330
090	BASE OPERATING SUPPORT	2,250,191	2,250,191
	TOTAL, BA 01: OPERATING FORCES	**4,396,715**	**4,403,715**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	ACCESSION TRAINING		
100	RECRUIT TRAINING	16,129	16,129
110	OFFICER ACQUISITION	418	418
	BASIC SKILLS AND ADVANCED TRAINING		
120	SPECIALIZED SKILL TRAINING	67,336	67,336
130	FLIGHT TRAINING	369	369
140	PROFESSIONAL DEVELOPMENT EDUCATION	28,112	28,112
150	TRAINING SUPPORT	330,885	330,885

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	RECRUITING AND OTHER TRAINING EDUCATION		
160	RECRUITING AND ADVERTISING	240,832	240,832
170	OFF-DUTY AND VOLUNTARY EDUCATION	64,254	64,254
180	JUNIOR ROTC	19,305	19,305
	BASE SUPPORT		
190	SUSTAINMENT, RESTORATION AND MODERNIZATION	0	0
200	BASE OPERATING SUPPORT	0	0
	TOTAL, BA 03: TRAINING AND RECRUITING	**767,640**	**767,640**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
210	SPECIAL SUPPORT	299,065	299,065
220	SERVICEWIDE TRANSPORTATION	28,924	28,924
230	ADMINISTRATION	43,879	43,879
	BASE SUPPORT		
240	SUSTAINMENT, RESTORATION, AND MODERNIZATION	0	0
250	BASE OPERATING SUPPORT	0	0
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**371,868**	**371,868**
	Total Operation and Maintenance, Marine Corps	**5,536,223**	**5,543,223**
	Operation and Maintenance, Air Force		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	PRIMARY COMBAT FORCES	4,017,156	4,017,156
020	COMBAT ENHANCEMENT FORCES	2,754,563	2,754,563
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,414,913	1,416,413
	Air Education and Training Command Range Improvements		[1,500]
050	DEPOT MAINTENANCE	2,389,738	2,389,738
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,420,083	1,420,083
070	BASE SUPPORT	2,859,943	2,860,183
	Wage Modification for US Azores Portugese National Employees		[240]
	COMBAT RELATED OPERATIONS		
080	GLOBAL C3I AND EARLY WARNING	1,411,813	1,411,813
090	OTHER COMBAT OPS SPT PROGRAMS	880,353	880,353
110	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	552,148	552,148

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	SPACE OPERATIONS		
120	LAUNCH FACILITIES	356,367	356,367
130	SPACE CONTROL SYSTEMS	725,646	725,646
	COCOM		
140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	608,796	608,796
150	COMBATANT COMMANDERS CORE OPERATIONS	216,073	216,073
	TOTAL, BA 01: OPERATING FORCES	**19,607,592**	**19,609,332**
	BUDGET ACTIVITY 02: MOBILIZATION		
	MOBILITY OPERATIONS		
160	AIRLIFT OPERATIONS	2,932,080	2,934,080
	Warner Robins Air Logistics Center Strategic Airlift Aircraft Availability Improvements		[2,000]
170	MOBILIZATION PREPAREDNESS	211,858	211,858
180	DEPOT MAINTENANCE	332,226	332,226
190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	362,954	362,954
200	BASE SUPPORT	657,830	657,830
	TOTAL, BA 02: MOBILIZATION	**4,496,948**	**4,498,948**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	ACCESSION TRAINING		
210	OFFICER ACQUISITION	120,870	120,870
220	RECRUIT TRAINING	18,135	18,135
230	RESERVE OFFICERS TRAINING CORPS (ROTC)	88,414	88,414
240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	372,788	372,788
250	BASE SUPPORT	685,029	685,029
	BASIC SKILLS AND ADVANCED TRAINING		
260	SPECIALIZED SKILL TRAINING	514,048	514,048
270	FLIGHT TRAINING	833,005	833,005
280	PROFESSIONAL DEVELOPMENT EDUCATION	215,676	215,676
290	TRAINING SUPPORT	118,877	118,877
300	DEPOT MAINTENANCE	576	576
	RECRUITING, AND OTHER TRAINING AND EDUCATION		
320	RECRUITING AND ADVERTISING	152,983	152,983
330	EXAMINING	5,584	5,584
340	OFF-DUTY AND VOLUNTARY EDUCATION	188,198	188,198
350	CIVILIAN EDUCATION AND TRAINING	174,151	174,151
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		
370	LOGISTICS OPERATIONS	1,055,672	1,055,672
380	TECHNICAL SUPPORT ACTIVITIES	735,036	735,036

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
400	DEPOT MAINTENANCE	15,411	15,411
410	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	359,562	359,562
420	BASE SUPPORT	1,410,097	1,410,097
	SERVICEWIDE ACTIVITIES		
430	ADMINISTRATION	646,080	643,330
	Servicewide administration		[–10,000]
	Transfer from O&M, DW BTA for DIMHRS		[7,250]
440	SERVICEWIDE COMMUNICATIONS	581,951	581,951
450	OTHER SERVICEWIDE ACTIVITIES	1,062,803	1,062,803
460	CIVIL AIR PATROL	22,433	22,433
	SECURITY PROGRAMS		
470	SECURITY PROGRAMS	1,148,704	1,148,704
	SUPPORT TO OTHER NATIONS		
480	INTERNATIONAL SUPPORT	49,987	49,987
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**7,087,736**	**7,084,986**
	USAF Civilian Underexecution		–50,000
	Unobligated Balances Estimate		–172,000
	Total Operation and Maintenance, Air Force	**34,748,159**	**34,527,149**
	Operation and Maintenance, Defense-wide		
	BUDGET ACTIVITY 1: OPERATING FORCES		
	DEFENSE-WIDE ACTIVITIES		
010	JOINT CHIEFS OF STAFF	457,169	457,169
020	SPECIAL OPERATIONS COMMAND	3,611,492	3,612,992
	Special Operations Forces Modular Glove System		[1,500]
	TOTAL, BUDGET ACTIVITY 1:	**4,068,661**	**4,070,161**
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING		
	DEFENSE-WIDE ACTIVITIES		
030	DEFENSE ACQUISITION UNIVERSITY	115,497	115,497
	RECRUITING AND OTHER TRAINING EDUCATION		
040	NATIONAL DEFENSE UNIVERSITY	103,408	103,408
	TOTAL, BUDGET ACTIVITY 3:	**218,905**	**218,905**
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES		
	DEFENSE-WIDE ACTIVITIES		
050	AMERICAN FORCES INFORMATION SERVICE	0	0
060	CIVIL MILITARY PROGRAMS	132,231	152,231
	National Guard Youth Challenge Program		[5,000]

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Junior ROTC		[15,000]
080	CLASSIFIED AND INTELLIGENCE	0	0
090	DEFENSE BUSINESS TRANSFORMATION AGENCY	139,579	117,829
	DIMHRS Transfer to Services (Army, Navy and Air Force)		[–21,750]
100	DEFENSE CONTRACT AUDIT AGENCY	458,316	458,316
110	DEFENSE FINANCE AND ACCOUNTING SERVICE	0	0
120	DEFENSE HUMAN RESOURCES ACTIVITY	665,743	665,743
130	DEFENSE INFORMATION SYSTEMS AGENCY	1,322,163	1,322,163
150	DEFENSE LEGAL SERVICES	42,532	42,532
160	DEFENSE LOGISTICS AGENCY	405,873	414,873
	Procurement and Technical Assistance Program		[9,000]
170	DEFENSE MEDIA ACTIVITY	253,667	253,667
180	DEFENSE POW/MIA OFFICE	20,679	20,679
190	DEFENSE TECHNOLOGY SECURITY AGENCY	34,325	34,325
200	DEFENSE THREAT REDUCTION AGENCY	385,453	385,453
210	DEPARTMENT OF DEFENSE EDUCATION AGENCY	2,302,116	2,305,516
	SoAR Recruiting Initiative		[3,400]
220	DEFENSE CONTRACT MANAGEMENT AGENCY	1,058,721	1,058,721
230	DEFENSE SECURITY COOPERATION AGENCY	721,756	621,756
	Security and Stabilization (1207)		[–100,000]
240	DEFENSE SECURITY SERVICE	497,857	497,857
	NATIONAL GUARD BORDER SECURITY	0	0
260	OFFICE OF ECONOMIC ADJUSTMENT	37,166	38,166
	Redevelopment of Naval Station Ingleside		[1,000]
270	OFFICE OF THE SECRETARY OF DEFENSE	1,955,985	1,977,985
	Readiness and Environmental Protection Initiative		[20,000]
	Critical Language Training		[2,000]
280	WASHINGTON HEADQUARTERS SERVICE	589,309	589,309
	OTHER PROGRAMS		
999	OTHER PROGRAMS	13,046,209	13,046,209
	TOTAL, BUDGET ACTIVITY 4:	**24,069,680**	**24,003,330**
	Impact Aid		30,000
	Impact aid for children with severe disabilities		5,000
	Total Operation and Maintenance, Defense-Wide	**28,357,246**	**28,327,396**
	Operation and Maintenance, Army Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
010	MANEUVER UNITS	1,403	1,403
020	MODULAR SUPPORT BRIGADES	12,707	12,707
030	ECHELONS ABOVE BRIGADE	468,288	468,288
040	THEATER LEVEL ASSETS	152,439	152,439
050	LAND FORCES OPERATIONS SUPPORT	520,420	520,420
060	AVIATION ASSETS	61,063	61,063
	LAND FORCES READINESS		
070	FORCE READINESS OPERATIONS SUPPORT	290,443	290,443
080	LAND FORCES SYSTEMS READINESS	106,569	106,569
090	LAND FORCES DEPOT MAINTENANCE	94,499	94,499

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	522,310	522,310
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	234,748	234,748
120	ADDITIONAL ACTIVITIES	0	0
	TOTAL, BA 01: OPERATING FORCES	**2,464,889**	**2,464,889**
	LOGISTICS OPERATIONS		
130	SERVICEWIDE TRANSPORTATION	9,291	9,291
	SERVICEWIDE SUPPORT		
140	ADMINISTRATION	72,075	72,075
150	SERVICEWIDE COMMUNICATIONS	3,635	3,635
160	MANPOWER MANAGEMENT	9,104	9,104
170	RECRUITING AND ADVERTISING	61,202	61,202
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**155,307**	**155,307**
	Total Operation and Maintenance, Army Reserve	**2,620,196**	**2,620,196**
	Operation and Maintenance, Navy Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	MISSION AND OTHER FLIGHT OPERATIONS	570,319	570,319
020	INTERMEDIATE MAINTENANCE	16,596	16,596
030	AIR OPERATIONS AND SAFETY SUPPORT	3,171	3,171
040	AIRCRAFT DEPOT MAINTENANCE	125,004	125,004
050	AIRCRAFT DEPOT OPERATIONS SUPPORT	397	397
	SHIP OPERATIONS		
060	MISSION AND OTHER SHIP OPERATIONS	55,873	55,873
070	SHIP OPERATIONS SUPPORT & TRAINING	592	592
080	SHIP DEPOT MAINTENANCE	41,899	41,899
	COMBAT OPERATIONS SUPPORT		
090	COMBAT COMMUNICATIONS	15,241	15,241
100	COMBAT SUPPORT FORCES	142,924	142,924
	WEAPONS SUPPORT		
110	WEAPONS MAINTENANCE	5,494	5,494
	BASE SUPPORT		
120	ENTERPRISE INFORMATION	83,611	83,611
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	69,853	69,853
140	BASE OPERATING SUPPORT	124,757	124,757
	TOTAL, BA 01: OPERATING FORCES	**1,255,731**	**1,255,731**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	SERVICEWIDE SUPPORT		
150	ADMINISTRATION	3,323	3,323
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	13,897	13,897
170	SERVICEWIDE COMMUNICATIONS	1,957	1,957
180	OTHER SERVICEWIDE POWER	0	0
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT		
190	ACQUISITION AND PROGRAM MANAGEMENT	3,593	3,593
	CANCELLED ACCOUNTS		
200	CANCELLED ACCOUNT ADJUSTMENTS	0	0
210	JUDGMENT FUND	0	0
	OTHER PROGRAMS		
999	OTHER PROGRAMS	0	0
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**22,770**	**22,770**
	Total Operation and Maintenance, Navy Reserve	**1,278,501**	**1,278,501**
	Operation and Maintenance, Marine Corps Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	EXPEDITIONARY FORCES		
010	OPERATING FORCES	61,117	61,117
020	DEPOT MAINTENANCE	13,217	13,217
030	TRAINING SUPPORT	29,373	29,373
	BASE SUPPORT		
040	SUSTAINMENT, RESTORATION AND MODERNIZATION	25,466	25,466
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		
060	SPECIAL SUPPORT	5,639	5,639
070	SERVICEWIDE TRANSPORTATION	818	818
080	ADMINISTRATION	10,642	10,642
090	RECRUITING AND ADVERTISING	8,754	8,754
	BASE SUPPORT		
100	BASE OPERATING SUPPORT	0	0
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**25,853**	**25,853**
	Total Operation and Maintenance, Marine Corps Reserve	**228,925**	**228,925**

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Operation and Maintenance, Air Force Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	PRIMARY COMBAT FORCES	2,049,303	2,049,303
020	MISSION SUPPORT OPERATIONS	121,417	121,417
030	DEPOT MAINTENANCE	441,958	441,958
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	78,763	78,763
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		
060	ADMINISTRATION	77,476	77,476
070	RECRUITING AND ADVERTISING	24,553	24,553
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	20,838	20,838
090	OTHER PERS SUPPORT (DISABILITY COMP)	6,121	6,121
100	AUDIOVISUAL	708	708
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**129,696**	**129,696**
	Total Operation and Maintenance, Air Force Reserve	**3,079,228**	**3,079,228**
	Operation and Maintenance, Army National Guard		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
010	MANEUVER UNITS	876,269	876,269
020	MODULAR SUPPORT BRIGADES	173,843	173,843
030	ECHELONS ABOVE BRIGADE	615,160	615,160
040	THEATER LEVEL ASSETS	253,997	253,997
050	LAND FORCES OPERATIONS SUPPORT	34,441	34,441
060	AVIATION ASSETS	819,031	821,281
	Joint Command Vehicle and Supporting C3 Systems		[2,250]
	LAND FORCES READINESS		
070	FORCE READINESS OPERATIONS SUPPORT	436,799	436,799
080	LAND FORCES SYSTEMS READINESS	99,757	99,757
090	LAND FORCES DEPOT MAINTENANCE	379,646	379,646
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	798,343	800,943
	North Carolina National Guard Family Assistance Centers		[1,600]

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Our Military Kids		[1,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	580,171	580,471
	Camp Ethan Allen Training Site Road Equipment		[300]
120	MANAGEMENT AND OPERATIONAL HQ	573,452	573,452
130	ADDITIONAL ACTIVITIES	0	0
	TOTAL, BA 01: OPERATING FORCES	**5,640,909**	**5,646,059**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
140	ADMINISTRATION	119,186	119,186
150	SERVICEWIDE COMMUNICATIONS	48,020	48,020
160	MANPOWER MANAGEMENT	7,920	7,920
170	RECRUITING AND ADVERTISING	440,999	440,999
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**616,125**	**616,125**
	Total Operation and Maintenance, Army National Guard	**6,257,034**	**6,262,184**
	Operation and Maintenance, Air National Guard		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	AIRCRAFT OPERATIONS	3,347,685	3,347,685
020	MISSION SUPPORT OPERATIONS	779,917	779,917
030	DEPOT MAINTENANCE	780,347	780,347
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	302,949	302,949
050	BASE SUPPORT	606,916	606,916
	TOTAL, BA 01: OPERATING FORCES	**5,817,814**	**5,817,814**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE ACTIVITIES		
060	ADMINISTRATION	35,174	35,174
070	RECRUITING AND ADVERTISING	32,773	32,773
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**67,947**	**67,947**
	Total Operation and Maintenance, Air National Guard	**5,885,761**	**5,885,761**
	MISCELLANEOUS APPROPRIATIONS		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,932	13,932

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
010	ACQUISITION WORKFORCE DEVELOPMENT FUND	100,000	100,000
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	109,869	109,869
010	COOPERATIVE THREAT REDUCTION	404,093	424,093
	Program increase		[20,000]
020	ENVIRONMENTAL RESTORATION, ARMY	415,864	415,864
030	ENVIRONMENTAL RESTORATION, NAVY	285,869	285,869
040	ENVIRONMENTAL RESTORATION, AIR FORCE	494,276	494,276
050	ENVIRONMENTAL RESTORATION, DEFENSE	11,100	11,100
060	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	267,700	267,700
070	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	5,000	0
	Program decrease		[–5,000]
080	IRAQ FREEDOM FUND	0	0
	TOTAL, MISCELLANEOUS APPROPRIATIONS	**2,107,703**	**2,122,703**
	TOTAL TITLE III—OPERATION AND MAINTENANCE	**156,444,204**	**156,179,872**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Operation and Maintenance, Army		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES READINESS SUPPORT		
140	ADDITIONAL ACTIVITIES	36,330,899	36,330,899
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	1,500,000	1,300,000
	Program reduction		[–200,000]
160	RESET	7,867,551	7,867,551
	TOTAL, BA 01: OPERATING FORCES	**45,698,450**	**45,498,450**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SECURITY PROGRAMS		
340	SECURITY PROGRAMS	1,426,309	1,426,309
	LOGISTICS OPERATIONS		
350	SERVICEWIDE TRANSPORTATION	5,045,902	5,045,902
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**6,472,211**	**6,472,211**
	Army end strength budget amendment		[196,100]
	Total Operation and Maintenance, Army	**52,170,661**	**52,166,761**
	Operation and Maintenance, Navy		

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	MISSION AND OTHER FLIGHT OPERATIONS	1,138,398	1,138,398
020	FLEET AIR TRAINING	2,640	2,640
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,212	1,212
040	AIR OPERATIONS AND SAFETY SUPPORT	26,815	26,815
050	AIR SYSTEMS SUPPORT	44,532	44,532
060	AIRCRAFT DEPOT MAINTENANCE	158,559	158,559
	SHIP OPERATIONS		
080	MISSION AND OTHER SHIP OPERATIONS	651,209	651,209
090	SHIP OPERATIONS SUPPORT & TRAINING	22,489	22,489
100	SHIP DEPOT MAINTENANCE	1,001,037	1,001,037
	Transfer to base		
	COMBAT OPERATIONS/SUPPORT		
120	COMBAT COMMUNICATIONS	20,704	20,704
150	WARFARE TACTICS	15,918	15,918
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	16,889	16,889
170	COMBAT SUPPORT FORCES	1,891,799	1,891,799
180	EQUIPMENT MAINTENANCE	306	306
200	COMBATANT COMMANDERS CORE OPERATIONS	6,929	6,929
210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	7,344	7,344
	WEAPONS SUPPORT		
240	IN-SERVICE WEAPONS SYSTEMS SUPPORT	68,759	68,759
250	WEAPONS MAINTENANCE	82,496	82,496
260	OTHER WEAPON SYSTEMS SUPPORT	16,902	16,902
	BASE SUPPORT		
280	SUSTAINMENT, RESTORATION AND MODERNIZATION	7,629	7,629
290	BASE OPERATING SUPPORT	338,604	338,604
	TOTAL, BA 01: OPERATING FORCES	**5,521,170**	**5,521,170**
	BUDGET ACTIVITY 02: MOBILIZATION		
	READY RESERVE AND PREPOSITIONING FORCES		
300	SHIP PREPOSITIONING AND SURGE	27,290	27,290
	MOBILIZATION PREPAREDNESS		
330	FLEET HOSPITAL PROGRAM	4,336	4,336
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		
390	SPECIALIZED SKILL TRAINING	97,995	97,995
420	TRAINING SUPPORT	5,463	5,463

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	TOTAL, BA 03: TRAINING AND RECRUITING	**103,458**	**103,458**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
470	ADMINISTRATION	3,899	3,899
480	EXTERNAL RELATIONS	463	463
500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	563	563
510	OTHER PERSONNEL SUPPORT	2,525	2,525
520	SERVICEWIDE COMMUNICATIONS	23,557	23,557
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT		
540	SERVICEWIDE TRANSPORTATION	223,890	223,890
570	ACQUISITION AND PROGRAM MANAGEMENT	642	642
	INVESTIGATIONS AND SECURITY PROGRAMS		
610	NAVAL INVESTIGATIVE SERVICE	37,452	37,452
	OTHER PROGRAMS		
999	OTHER PROGRAMS	25,299	25,299
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**318,290**	**318,290**
	Total Operation and Maintenance, Navy	**6,219,583**	**6,219,583**
	Operation and Maintenance, Marine Corps		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	EXPEDITIONARY FORCES		
010	OPERATIONAL FORCES	2,048,844	2,048,844
020	FIELD LOGISTICS	486,014	486,014
030	DEPOT MAINTENANCE	554,000	554,000
	USMC PREPOSITIONING		
060	NORWAY PREPOSITIONING	950	950
	BASE SUPPORT		
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		
120	SPECIALIZED SKILL TRAINING	6,303	6,303
140	PROFESSIONAL DEVELOPMENT EDUCATION	923	923
150	TRAINING SUPPORT	205,625	205,625
	TOTAL, BA 03: TRAINING AND RECRUITING	**212,851**	**212,851**

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
210	SPECIAL SUPPORT	2,576	2,576
220	SERVICEWIDE TRANSPORTATION	269,415	269,415
230	ADMINISTRATION	5,250	5,250
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**277,241**	**277,241**
	Total Operation and Maintenance, Marine Corps	**3,701,600**	**3,701,600**
	Operation and Maintenance, Air Force		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	PRIMARY COMBAT FORCES	1,582,431	1,582,431
020	COMBAT ENHANCEMENT FORCES	1,460,018	1,460,018
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	109,255	109,255
050	DEPOT MAINTENANCE	304,540	304,540
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	121,881	121,881
070	BASE SUPPORT	1,394,809	1,394,809
	COMBAT RELATED OPERATIONS		
080	GLOBAL C3I AND EARLY WARNING	130,885	130,885
090	OTHER COMBAT OPS SPT PROGRAMS	407,554	407,554
	SPACE OPERATIONS		
130	SPACE CONTROL SYSTEMS	38,677	38,677
	COCOM		
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		
160	AIRLIFT OPERATIONS	3,171,148	3,171,148
170	MOBILIZATION PREPAREDNESS	169,659	169,659
180	DEPOT MAINTENANCE	167,070	167,070
190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	942	942
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		

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,019	1,019
250	BASE SUPPORT	19,361	19,361
	BASIC SKILLS AND ADVANCED TRAINING		
260	SPECIALIZED SKILL TRAINING	48,442	48,442
270	FLIGHT TRAINING	291	291
280	PROFESSIONAL DEVELOPMENT EDUCATION	1,500	1,500
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		
370	LOGISTICS OPERATIONS	328,009	328,009
420	BASE SUPPORT	35,322	35,322
	SERVICEWIDE ACTIVITIES		
430	ADMINISTRATION	9,000	9,000
440	SERVICEWIDE COMMUNICATIONS	178,470	178,470
	SECURITY PROGRAMS		
470	SECURITY PROGRAMS	142,160	142,160
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**692,961**	**692,961**
	Total Operation and Maintenance, Air Force	**10,026,868**	**10,026,868**
	Operation and Maintenance, Defense-wide		
	BUDGET ACTIVITY 1: OPERATING FORCES		
	DEFENSE-WIDE ACTIVITIES		
010	JOINT CHIEFS OF STAFF	25,000	25,000
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		
	DEFENSE-WIDE ACTIVITIES		
100	DEFENSE CONTRACT AUDIT AGENCY	13,908	13,908
130	DEFENSE INFORMATION SYSTEMS AGENCY	245,117	245,117
150	DEFENSE LEGAL SERVICES	115,000	115,000
170	DEFENSE MEDIA ACTIVITY	13,364	13,364
200	DEFENSE THREAT REDUCTION AGENCY	2,018	2,018
210	DEPARTMENT OF DEFENSE EDUCATION AGENCY	553,600	553,600
220	DEFENSE CONTRACT MANAGEMENT AGENCY	63,130	63,130
230	DEFENSE SECURITY COOPERATION AGENCY	1,950,000	1,950,000
270	OFFICE OF THE SECRETARY OF DEFENSE	79,047	79,047
	OTHER PROGRAMS		

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
999	OTHER PROGRAMS	1,998,181	1,998,181
	TOTAL, BUDGET ACTIVITY 4:	**5,033,365**	**5,033,365**
	Army end strength budget amendment		5,100
	Total Operation and Maintenance, Defense-Wide	**7,578,300**	**7,583,400**
	Operation and Maintenance, Army Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
030	ECHELONS ABOVE BRIGADE	86,881	86,881
050	LAND FORCES OPERATIONS SUPPORT	40,675	40,675
	LAND FORCES READINESS		
070	FORCE READINESS OPERATIONS SUPPORT	21,270	21,270
080	LAND FORCES SYSTEMS READINESS	17,500	17,500
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	38,000	38,000
	TOTAL, BA 01: OPERATING FORCES	**204,326**	**204,326**
	Total Operation and Maintenance, Army Reserve	**204,326**	**204,326**
	Operation and Maintenance, Navy Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	MISSION AND OTHER FLIGHT OPERATIONS	26,673	26,673
020	INTERMEDIATE MAINTENANCE	400	400
040	AIRCRAFT DEPOT MAINTENANCE	3,600	3,600
	SHIP OPERATIONS		
060	MISSION AND OTHER SHIP OPERATIONS	7,416	7,416
080	SHIP DEPOT MAINTENANCE	8,917	8,917
	COMBAT OPERATIONS SUPPORT		
090	COMBAT COMMUNICATIONS	3,147	3,147
100	COMBAT SUPPORT FORCES	13,428	13,428
	BASE SUPPORT		
140	BASE OPERATING SUPPORT	4,478	4,478
	TOTAL, BA 01: OPERATING FORCES	**68,059**	**68,059**
	Total Operation and Maintenance, Navy Reserve	**68,059**	**68,059**
	Operation and Maintenance, Marine Corps Reserve		

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	BUDGET ACTIVITY 01: OPERATING FORCES		
	EXPEDITIONARY FORCES		
010	OPERATING FORCES	77,849	77,849
	BASE SUPPORT		
050	BASE OPERATING SUPPORT	8,818	8,818
	TOTAL, BA 01: OPERATING FORCES	**86,667**	**86,667**
	Total Operation and Maintenance, Marine Corps Reserve	**86,667**	**86,667**
	Operation and Maintenance, Air Force Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	PRIMARY COMBAT FORCES	3,618	3,618
020	MISSION SUPPORT OPERATIONS	7,276	7,276
030	DEPOT MAINTENANCE	114,531	114,531
050	BASE SUPPORT	500	500
	TOTAL, BA 01: OPERATING FORCES	**125,925**	**125,925**
	Total Operation and Maintenance, Air Force Reserve	**125,925**	**125,925**
	Operation and Maintenance, Army National Guard		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
010	MANEUVER UNITS	89,666	89,666
020	MODULAR SUPPORT BRIGADES	1,196	1,196
030	ECHELONS ABOVE BRIGADE	18,360	18,360
040	THEATER LEVEL ASSETS	380	380
060	AVIATION ASSETS	59,357	59,357
	LAND FORCES READINESS		
070	FORCE READINESS OPERATIONS SUPPORT	94,458	94,458
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	22,536	22,536
120	MANAGEMENT AND OPERATIONAL HQ	35,693	35,693
	TOTAL, BA 01: OPERATING FORCES	**321,646**	**321,646**
	Total Operation and Maintenance, Army National Guard	**321,646**	**321,646**

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Operation and Maintenance, Air National Guard		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	AIRCRAFT OPERATIONS	103,259	103,259
020	MISSION SUPPORT OPERATIONS	51,300	51,300
030	DEPOT MAINTENANCE	135,303	135,303
	TOTAL, BA 01: OPERATING FORCES	**289,862**	**289,862**
	Total Operation and Maintenance, Air National Guard	**289,862**	**289,862**
	Afghanistan Security Forces Fund		
010	INFRASTRUCTURE	868,320	868,320
020	EQUIPMENT AND TRANSPORTATION	1,615,192	1,615,192
030	TRAINING AND OPERATIONS	272,998	272,998
040	SUSTAINMENT	1,945,887	1,945,887
060	INFRASTRUCTURE	605,584	605,584
070	EQUIPMENT AND TRANSPORTATION	279,186	279,186
080	TRAINING AND OPERATIONS	648,217	648,217
090	SUSTAINMENT	1,219,966	1,219,966
120	SUSTAINMENT	5,919	5,919
130	TRAINING AND OPERATIONS	1,500	1,500
	TOTAL, Afghanistan Security Forces Fund	**7,462,769**	**7,462,769**
	Pakistan Counterinsurgency Capability Fund		
	INFRASTRUCTURE	41,970	0
	Realigned from Defense to International Affairs		[–41,970]
	EQUIPMENT/TRANSPORTATION	397,907	0
	Realigned from Defense to International Affairs		[–397,907]
	TRAINING AND OPERATIONS	67,953	0
	Realigned from Defense to International Affairs		[–67,953]
	INFRASTRUCTURE	73,000	0
	Realigned from Defense to International Affairs		[–73,000]
	EQUIPMENT/TRANSPORTATION	107,000	0
	Realigned from Defense to International Affairs		[–107,000]
	TRAINING AND OPERATIONS	8,170	0
	Realigned from Defense to International Affairs		[–8,170]
	HUMANITARIAN ASSISTANCE	4,000	0
	Realigned from Defense to International Affairs		[–4,000]
	TOTAL, Pakistan Counterinsurgency Capability Fund	**700,000**	**0**
	MISCELLANEOUS APPROPRIATIONS		
080	IRAQ FREEDOM FUND	115,300	0
	Program reduction		[–115,300]

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	**Item**	**FY 2010 Request**	**Conference Authorized**
	TOTAL, MISCELLANEOUS APPROPRIATIONS	**115,300**	**0**
	TOTAL TITLE III—OPERATION AND MAINTENANCE	**89,071,566**	**88,257,466**

TITLE XLIV—OTHER AUTHORIZATIONS

SEC. 4401. OTHER AUTHORIZATIONS.

OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2010 Request	Conference 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
Total, Defense Working Capital Funds	**1,455,004**	**1,455,004**
NATIONAL DEFENSE SEALIFT FUND		
Strategic Ship Acquisition		
T–AKE	940,115	940,115
MLP	120,047	120,047
OUTFITTING AND POST DELIVERY	29,740	29,740
DoD Mobilization Assets		
NATIONAL DEFENSE SEALIFT VESSEL	1,438	1,438
LMSR MAINTENANCE	96,363	96,363
DOD MOBILIZATION ALTERATIONS	64,167	64,167
T–AH MAINTENANCE	37,627	37,627
Strategic Sealift Support		
STRATEGIC SEALIFT SUPPORT	4,794	4,794
Sealift Research and Development		
RESEARCH AND DEVELOPMENT	72,983	72,983
Ready Reserve Force		
READY RESERVE FORCE	275,484	275,484
Total, National Defense Sealift Fund	**1,642,758**	**1,642,758**
DEFENSE COALITION SUPPORT FUND		
DEFENSE COALITION SUPPORT FUND	22,000	0
Total Revolving and Management Funds	**3,119,762**	**3,097,762**
MILITARY PROGRAMS		
DEFENSE HEALTH PROGRAM		
DEFENSE HEALTH PROGRAM—O&M	26,967,919	27,094,849
TRICARE Continuation Pending MEDICARE Eligibility		[4,000]
Transitional Dental Care (S712)		[11,000]
Pre-mobilization health care coverage for Reservists and their families		[92,000]
Madigan Medical Center Trauma Assistance Program		[2,500]
Fort Drum Regional Health Planning Organization		[430]
Extend Dental Coverage to Dependent Survivors		[2,000]
Chiropractic Clinical Trials		[5,000]
TRICARE Coverage for Gray-Area Retirees		[10,000]
DEFENSE HEALTH PROGRAM—R&D	613,102	616,102

OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2010 Request	Conference Authorized
USUHS Immersive, Wide Area Virtual Environment		[3,000]
DEFENSE HEALTH PROGRAM—PROCUREMENT	322,142	322,142
Total Defense Health Program	**27,903,163**	**28,033,093**
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	1,054,234
EUCOM Interagency Fusion Centers (PC2365)		[–750]
PC9205 EUCOM CN Operation Support—excessive growth		[–2,000]
PC9206 AFRICOM CN Operational Support—excessive growth		[–2,000]
Total Drug Interdiction and Counter-Drug Activities	**1,058,984**	**1,054,234**
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL—O&M	271,444	287,100
Second year growth plan		[15,656]
OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT	1,000	1,000
Total Office of the Inspector General	**272,444**	**288,100**
TOTAL OTHER AUTHORIZATIONS	**33,915,113**	**34,033,949**
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)

Program Title	**FY 2010 Request**	**Conference Authorized**
REVOLVING AND MANAGEMENT FUNDS		
DEFENSE WORKING CAPITAL FUNDS		
DEFENSE WORKING CAPITAL FUNDS	396,915	396,915
Total, 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	1,256,675
Army end strength budget amendment		[101,440]
Total Defense Health Program	**1,155,235**	**1,256,675**
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	324,603	356,603

OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	FY 2010 Request	Conference Authorized
International Support—US CENTCOM CN Training—Mi–17 Procurement		[32,000]
Total Drug Interdiction and Counter-Drug Activities	**324,603**	**356,603**
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**	**2,019,069**

TITLE XLV—MILITARY CONSTRUCTION

SEC. 4501. MILITARY CONSTRUCTION.

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
	Alabama			
Army	Anniston Army Depot	Industrial Area Elec System Upgrade		3,300
ARNG	Fort McClellan	Urban Assault Course	3,000	3,000
Army	Redstone Arsenal	Gate 7 Access Control Point		3,550
Def-Wide	Redstone Arsenal	Missile and Space Intel Center Eoe Complex.		12,000
	Alaska			
Air Force	Clear AFS	Power Plant Facility	24,300	24,300
Air Force	Eielson AFB	Arctic Utilidors—phase 1		9,900
Air Force	Eielson AFB	Taxiway Lighting		3,450
Air Force	Elmendorf AFB	Red Flag Alaska Add/Alter Operations Center.	3,100	3,100
Air Force	Elmendorf AFB	F–22 Weapons Load Training Facility	12,600	12,600
Def-Wide	Elmendorf AFB	Aeromedical Services/Mental Health Clinic.	25,017	25,017
Army	Fort Richardson	Airborne Sustainment Training Complex	6,100	6,100
Army	Fort Richardson	Training Aids Center	2,050	2,050
Army	Fort Richardson	Warrior In Transition Complex	43,000	43,000
Army	Fort Richardson	Combat Pistol Range		4,900
Def-Wide	Fort Richardson	Health Clinic	3,518	3,518
Army	Fort Wainwright	Railhead Complex	26,000	26,000
Army	Fort Wainwright	Aviation Unit Operations Complex	19,000	19,000
Army	Fort Wainwright	Aviation Task Force Complex, Ph 1, Inc 1	125,000	95,000
Army	Fort Wainwright	Warrior In Transition Complex	28,000	28,000
	Arizona			
ARNG	Camp Navajo	Combat Pistol Qualification Course	3,000	3,000
Air__Guard	Davis-Monthan AFB	TFI-Predator Beddown-FOC	5,600	5,600
Air Force	Davis-Monthan AFB	Dormitory (144 Rm)	20,000	20,000
Air Force	Davis-Monthan AFB	CSAR HC–130J Simulator Facility	8,400	8,400
Air Force	Davis-Monthan AFB	CSAR HC–130J Rqs Operations Facility	8,700	8,700
Air Force	Davis-Monthan AFB	CSAR HC–130J Infrastructure	4,800	4,800
Army	Fort Huachuca	UAV ER/MPER/MP	15,000	15,000
Army	Fort Huachuca	Battalion Headquarters UAV	6,000	6,000
Army	Fort Huachuca	Fire Station, Two company		6,700
Milcon, Naval Res	Phoenix	Reserve Center Move To Luke AFB, NOSC Phoenix.	10,986	10,986
Navy	Yuma	Aircraft Maintenance Hanger (phase 1)	27,050	27,050
Navy	Yuma	Airfield Elec. Dist. and Contol	1,720	1,720

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
	Arkansas			
Air Force	Little Rock AFB	C–130 Flight Simulator Addition	5,800	5,800
Air Force	Little Rock AFB	Security Forces Operations Facility		10,400
Army	Pine Bluff Arsenal	Fuse & Detonator Magazine, Depot Level	25,000	25,000
	California			
Milcon, Naval Res	Alameda	Reserve Training Center—Alameda, Ca	5,960	5,960
Navy	Bridgeport	Fire Station—Renovation—MWTC	4,460	4,460
Navy	Bridgeport	Mountain Warfare Training, Commissary		6,830
Navy	Camp Pendleton	Anglico Operations Complex	25,190	25,190
Navy	Camp Pendleton	Recon Bn Operations Complex	77,660	77,660
Navy	Camp Pendleton	Comm/elec Maintenance Facility	13,170	13,170
Navy	Camp Pendleton	Expansion Of SRTTP To 7.5 MGD	55,180	55,180
Navy	Camp Pendleton	North Region Tertiary Treatment Plant (Incr 1).	142,330	112,330
Navy	Camp Pendleton	Gas/Electrical Upgrades	51,040	51,040
Navy	Camp Pendleton	Recruit Barracks—School of Infantry	53,320	53,320
Navy	Camp Pendleton	Enlisted Dining Facility	32,300	32,300
Navy	Camp Pendleton	Recruit Barracks—field/K–span	23,200	23,200
Navy	Camp Pendleton	Communications Upgrades	79,492	79,492
Navy	Camp Pendleton	Electrical Distribution System	76,950	76,950
Navy	Camp Pendleton	Operations Access Points	12,740	12,740
Navy	Camp Pendleton	Enlisted Dining Facility—Edson Range	37,670	37,670
Navy	Camp Pendleton	BEQ	39,610	39,610
Navy	Camp Pendleton	Recruit Marksmanship Training Facility	13,730	13,730
Navy	Camp Pendleton	Expand Combat Aircraft Loading Apron	12,240	12,240
Navy	Camp Pendleton	Aviation Transmitter/Receiver Site	13,560	13,560
Navy	Camp Pendleton	WFTBN Support Facilities	15,780	15,780
USAR	Camp Pendleton	Army Reserve Center	19,500	19,500
Def-Wide	Coronado	SOF Close Quarters Combat Training Facility.	15,722	15,722
Navy	Edwards AFB	Edwards Ramp Extension	3,007	3,007
Def-Wide	El Centro	Aircraft Direct Fueling Station	11,000	11,000
Army	Fort Irwin	Mout Assault Course, Ph 4	9,500	9,500
Air__Guard	Fresno Yosemite IAP ANG	144th Squadron Operations Facility		9,800
ARNG	Los Alamitos	Readiness Center Ph1	31,000	31,000
USAR	Los Angeles	Army Reserve Center	29,000	29,000
Air Force	Los Angeles AFB	Consolidated Parking Area, Ph1		8,000
AF Reserve	March ARB	Small Arms Firing Range		9,800
Navy	Miramar	Aircraft Parking Apron Modification	9,280	9,280
Navy	Monterey NSA	Marine Meteorology Center		10,240
Def-Wide	Point Loma Annex	Replace Fuel Storage Fac Incr 2	92,300	92,300
Navy	Point Loma Annex	Alter/Add Marine Mammal Surgical Center.		2,330
Navy	Point Loma Annex	Public Works Shops Consolidation	8,730	8,730
Navy	San Diego	Messhall Expansion	23,590	23,590
Air__Guard	Socal Logistics Airport	TFI-Predator Beddown—FTU/LRE Site	8,400	8,400
Air Force	Travis AFB	Construct Kc–10 Cargo Load Training Facility.	6,900	6,900
Air Force	Travis AFB	Taxiway M Bypass Load		6,000
Def-Wide	Travis AFB	Replace Fuel Distribution System	15,357	15,357
Navy	Twentynine Palms	Station Comm Facility and Infrastructure	49,040	49,040
Navy	Twentynine Palms	Sub-Station and Electrical Upgrades	31,310	31,310
Navy	Twentynine Palms	Elec. Infra. Upgrade—34.5kv To 115kv	46,220	46,220
Navy	Twentynine Palms	Elec. Power Plant/CO—GEN/Gas Turbine—n.	53,260	53,260
Navy	Twentynine Palms	Water Improvements and Storage Tank	30,610	30,610
Navy	Twentynine Palms	Sewage System Imp. and Lift Station	5,800	5,800
Navy	Twentynine Palms	HTHW/chilled Water System	25,790	25,790
Navy	Twentynine Palms	Natural Gas System Extension	19,990	19,990
Navy	Twentynine Palms	Industrial Waste Water Pretreatment Sys..	3,330	3,330
Navy	Twentynine Palms	Laydown Site Work—north mainside	21,740	21,740
Navy	Twentynine Palms	Secondary elec.dist.—north mainside	31,720	31,720
Navy	Twentynine Palms	Construct Loads—north mainside	29,360	29,360

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Navy	Twentynine Palms	Maint. Shop—wheeled	16,040	16,040
Navy	Twentynine Palms	Maint. Sunshades— wheeled	12,580	12,580
Navy	Twentynine Palms	Comm/Elect Maint/Storage	12,660	12,660
Navy	Twentynine Palms	Dining Facility—north mainside	17,200	17,200
Navy	Twentynine Palms	BEQ	37,290	37,290
Navy	Twentynine Palms	Maint. Shop—tracked	19,780	19,780
Navy	Twentynine Palms	BEQ	37,290	37,290
Navy	Twentynine Palms	Consolidated Armory— tanks	12,670	12,670
Air Force	Vandenberg AFB	Child Development Center	13,000	13,000
	Colorado			
Air__Guard	Buckley Ang Base	Add/Alter Weapons Release		4,500
USAR	Colorado Springs	Army Reserve Center/land	13,000	13,000
Army	Fort Carson	Training Aids Center	18,500	18,500
Army	Fort Carson	Brigade Complex	69,000	69,000
Army	Fort Carson	Brigade Complex, Ph 1	102,000	
Army	Fort Carson	Railroad Tracks	14,000	14,000
Army	Fort Carson	Warrior In Transition (WT) Complex	56,000	56,000
Army	Fort Carson	Automated Qualification Training Range	11,000	11,000
Army	Fort Carson	Modified Record Fire Range	4,450	4,450
Army	Fort Carson	Automated Multipurpose Machine Gun Range.	7,400	7,400
Army	Fort Carson	Scout/recce Gunnery Complex	16,000	16,000
Army	Fort Carson	Urban Assault Course	3,100	3,100
Army	Fort Carson	Convoy Live Fire Range	6,500	6,500
Army	Fort Carson	Commissary	35,000	35,000
Army	Fort Carson	Barracks & dining, Increment 2	60,000	60,000
Def-Wide	Fort Carson	SOF Battalion Ops Complex	45,200	45,200
Def-Wide	Fort Carson	SOF Military Working Dog Facility	3,046	3,046
Def-Wide	Fort Carson	Health and Dental Clinic	52,773	31,900
Air Force	Peterson AFB	East Gate Realignment		7,200
Air Force	Peterson AFB	C–130 Squad Ops/AMU (TFI)	5,200	5,200
Air Force	Peterson AFB	National Security Space Institute	19,900	19,900
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph XI.	92,500	92,500
AF Reserve	Schriever AFB	Wing Headquarters	10,200	10,200
Air Force	U.S. Air Force Academy	Add To Cadet Fitness Center	17,500	17,500
	Connecticut			
Air__Guard	Bradley National Airport	CNAF Beddown Upgrade Facilities		9,000
USAR	Bridgeport	Army Reserve Center/land	18,500	18,500
Navy	New London NSB	Mk–48 Torpedo Magazine		6,570
	Delaware			
Air Force	Dover AFB	C–5 Cargo Aircraft maint Training Facility P1.	5,300	5,300
Air Force	Dover AFB	Consol Comm Fac	12,100	12,100
Air Force	Dover AFB	Chapel Center		7,500
	Florida			
Navy	Blount Island	Port Operations Facility	3,760	3,760
Air Force	Eglin AFB	F–35 Duke Control Tower	3,420	3,420
Air Force	Eglin AFB	Construct Dormitory (96 rm)	11,000	11,000
Air Force	Eglin AFB	F–35 Pol Ops Facility	3,180	5,236
Air Force	Eglin AFB	F–35 Hydrant Refueling System Phase 1	8,100	14,308
Air Force	Eglin AFB	F–35 Parallel Taxiway lAdder	1,440	2,371
Air Force	Eglin AFB	F–35 JPS Flightline fillstands	5,400	8,892
Air Force	Eglin AFB	F–35 JP–8 West Side bulk Fuel Tank Upgrades.	960	1,581
Air Force	Eglin AFB	F–35 Live Ordinance Load Facility	9,900	9,900
Air Force	Eglin AFB	F–35 A/C Parking Apron	16,400	27,652
Army	Eglin AFB	Operations Complex, Ph 3	80,000	80,000
Army	Eglin AFB	Indoor Firing Range	8,900	8,900
Army	Eglin AFB	Live Fire Exercise Shoothouse	8,000	8,000
Army	Eglin AFB	Live Fire Exercise Breach Facility	4,950	4,950
Army	Eglin AFB	Non-standard Small Arms range	3,400	3,400
Army	Eglin AFB	Grenade Launcher Range	1,600	1,600
Army	Eglin AFB	Hand Grenade Qualification Course	1,400	1,400
Army	Eglin AFB	Urban Assault Course	2,700	2,700

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army	Eglin AFB	Anti-armor, Tracking & Live Fire Range	3,400	3,400
Army	Eglin AFB	Automated Qualification/Training Range	12,000	12,000
Army	Eglin AFB	Light Demolition Range	2,200	2,200
Army	Eglin AFB	Basic 10m–25m Firing range (zero)	3,050	3,050
Def-Wide	Eglin AFB	SOF Military Working Dog Facility	3,046	3,046
Navy	Eglin AFB	F–35 Hydrant Refueling sys, Ph 1	6,208	
Navy	Eglin AFB	F–35 Parallel Taxiway ladder	931	
Navy	Eglin AFB	F–35 A/C Parking Apron	11,252	
Navy	Eglin AFB	Bachelor Enlisted Quarters, EOD School, Phase.	26,287	26,287
Navy	Eglin AFB	F–35 JP8 West Side Bulk Tank Upgrades	621	
Navy	Eglin AFB	F–35 Pol Operations Facility (Eglin)	2,056	
Navy	Eglin AFB	F–35 JP8 Flightline Fillstands (Eglin)	3,492	
Army	Eglin AFB (Camp Rudder)	Elevated Water Storage Tank		1,200
Air Force	Hurlburt Field	Refueling Vehicle Maintenance Facility	2,200	2,200
Air Force	Hurlburt Field	Electrical Distribution Substation	8,300	8,300
Air Force	Hurlburt Field	Flight Test Opns Fac (413 Flts)		9,400
Def-Wide	Hurlburt Field	SOF Simulator Facility for Mc–130 (recap).	8,156	8,156
Navy	Jacksonville	P–8/MMA Facilities Modification	5,917	5,917
Def-Wide	Jacksonville IAP	Replace Jet Fuel Storage Complex	11,500	11,500
Air Force	Macdill AFB	Dormitory (120 Room)	16,000	16,000
Air Force	Macdill AFB	Child Development Center	7,000	7,000
Air Force	Macdill AFB	Centcom Commandant Facility	15,300	15,300
Air Force	Macdill AFB	Consolidated Commo Facility		21,000
Navy	Mayport	Fitness Ctr		26,360
Navy	Mayport	Wharf Charlie Repair	29,682	29,682
Navy	Mayport	Channel Dredging	46,303	46,303
Army	Miami Doral	Southcom Headquarters, incr 3	55,400	55,400
USAR	Panama City	Army Reserve Center/land	7,300	7,300
Air Force	Patrick AFB	Combat Weapons Training Facility		8,400
Navy	Pensacola	Corry "A" School bachelor Enlisted Quarters R.	22,950	22,950
Navy	Pensacola	Simulator Addition For umfo Program	3,211	3,211
USAR	West Palm Beach	Army Reserve Center/land	26,000	26,000
Navy	Whiting Field	T–6B JPATS Trng. Ops Paraloft Facility	4,120	4,120
	Georgia			
Navy	Albany MCLB	Wpns Maint Hardstand Fac		4,870
USAR	Atlanta	Army Reserve Center/land	14,000	14,000
Army	Fort Benning	Combined Arms Collective Training Facility.	10,800	10,800
Army	Fort Benning	Fire and Movement Range	2,800	2,800
Army	Fort Benning	Battle Lab	30,000	30,000
Army	Fort Benning	Training Area Tank Trails	9,700	9,700
Army	Fort Benning	Training Battalion Complex	38,000	38,000
Army	Fort Benning	Dining Facility	15,000	15,000
Army	Fort Benning	Warrior In Transition (WT) Complex	53,000	53,000
Army	Fort Benning	Training Battalion Complex, Ph 1	31,000	31,000
Army	Fort Benning	Training Battalion Complex, Ph 1	31,000	31,000
Army	Fort Benning	Trainee Barracks Complex, Ph 1	74,000	74,000
ARNG	Fort Benning	Readiness Center	15,500	15,500
Def-Wide	Fort Benning	Wilson Es Construct Gymnasium	2,330	2,330
Def-Wide	Fort Benning	SOF Expand Battalion Headquarters	3,046	3,046
Def-Wide	Fort Benning	Blood Donor Center Replacement	12,313	12,313
Def-Wide	Fort Benning	Dental Clinic	4,887	4,887
Army	Fort Gillem	Forensic Lab	10,800	10,800
Army	Fort Stewart	Brigade Complex	93,000	48,000
Army	Fort Stewart	Automated Sniper Field Fire Range	3,400	3,400
Army	Fort Stewart	Warrior In Transition (WT) Complex	49,000	49,000
Army	Fort Stewart	Barracks & Dining, Increment 2	80,000	80,000
Def-Wide	Fort Stewart	New Elementary School	22,502	
Def-Wide	Fort Stewart	New Elementary School	22,501	22,501
Def-Wide	Fort Stewart	Health and Dental Clinic	26,386	22,200
ARNG	Hunter Army Airfield	Aviation Readiness Center		8,967
Air Force	Moody AFB	Rescue Opns/maint HQ Fac		10,000

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Air Force	Warner Robins AFB	Hot Cargo Pad/taxiway		6,200
	Hawaii			
Def-Wide	Ford Island	Pacific Operations Facility Upgrade	9,633	9,633
Air Force	Hickam AFB	Ground Control Tower		4,000
Air__Guard	Hickam AFB	TFI—F–22 LO/composite repair Facility	26,000	26,000
Air__Guard	Hickam AFB	TFI—F–22 Parking Apron and Taxiways	7,000	7,000
Navy	Navsta Pearl Harbor	Production Services Support Facility		25,070
Navy	Oahu	Range, 1000 - Puuloa	5,380	5,380
Navy	Pearl Harbor	Pacflt Sub Drive-in Mag Silencing Fac (inc).	8,645	8,645
Navy	Pearl Harbor	APCSS Conference & Technology Learning Center.	12,775	12,775
Navy	Pearl Harbor	Missile Magazines (5), West Loch	22,407	22,407
Army	Schofield Barracks	Vehicle Maintenance Shop	63,000	63,000
Army	Schofield Barracks	Vehicle Maintenance Shop	36,000	36,000
Army	Schofield Barracks	Warrior In Transition (WT) Barracks	55,000	55,000
Army	Schofield Barracks	Warrior In Transition Complex	30,000	30,000
Air Force	Wheeler AAF	Construct ASOC Complex	15,000	15,000
Army	Wheeler AAF	Regional SATCOM Information Center	7,500	7,500
	Idaho			
ARNG	Gowen Field	Combined Arms Collective Training Facility.	16,100	16,100
Air Force	Mountain Home AFB	Logistics Readiness Center	20,000	20,000
	Illinois			
USAR	Chicago	Army Reserve Center	23,000	23,000
Milcon, Naval Res	Joliet Army Ammo Plant	Reserve Training Center—Joliet, Il	7,957	7,957
Air__Guard	Lincoln Capital Airport	Security Improv—Relocate Entrance		3,000
ARNG	Milan	Readiness Center		5,600
Air Force	Scott AFB	Aeromedical Evac Facility		7,400
	Indiana			
ARNG	Muscatatuck	Combined Arms Collective Training Facility Ph.	10,100	10,100
Navy	Naval Support Activity Crane	Strategic Weapons Systems Engineering Facility.		13,710
	Iowa			
ARNG	Camp Dodge	US Property and Fiscal Office		4,000
Air__Guard	Des Moines	Des Moines Alt Security Forces Fac		4,600
	Kansas			
Army	Fort Riley	Training Aids Center	15,500	15,500
Army	Fort Riley	Advanced Waste Water Treatment Plant	28,000	28,000
Army	Fort Riley	Igloo Storage, Installation	7,200	7,200
Army	Fort Riley	Brigade Complex	49,000	49,000
Army	Fort Riley	Battalion Complex	59,000	59,000
Army	Fort Riley	Land Vehicle Fueling Facility	3,700	3,700
Army	Fort Riley	Estes Load Access Control Point		6,100
Air__Guard	McConnell AFB	TFI-Upgrade DCGS		8,700
ARNG	Salina Army NG Aviation Facility	Taxiway Alterations		2,227
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph X	54,041	54,041
Chem Demil	Blue Grass Army Depot	Blue Grass Army Depot Chem Demil Project.		5,000
Army	Fort Campbell	Installation Chapel Center		14,400
Def-Wide	Fort Campbell	5th SFG Language Sustainment Trng Fac		6,800
Def-Wide	Fort Campbell	SOF Battalion Operations Complex	29,289	29,289
Def-Wide	Fort Campbell	SOF Military Working Dog Facility	3,046	3,046
Def-Wide	Fort Campbell	Health Clinic	8,600	8,600
Army	Fort Knox	Warrior In Transition (WT) Complex	70,000	70,000
	Louisiana			
Air Force	Barksdale Air Force Base	Phase Five Ramp Replacement—Aircraft Apron.		12,800

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army	Fort Polk	Multipurpose Machinegun Range		6,400
Army	Fort Polk	Warrior In Transition (WT) Complex	32,000	32,000
Army	Fort Polk	Land Purchases	17,000	17,000
	Maine			
Air__Guard	Bangor IAP	Replace Aircraft Maint Hanger/shops	28,000	28,000
Navy	Portsmouth Naval Shipyard	Gate 2 Security Improvements		7,090
	Maryland			
Army	Aberdeen PG	Analytical Chem Wing—Advanced Chem Lab.		15,500
Def-Wide	Aberdeen PG	USAMRICD Replacement, inc I	111,400	111,400
Air Force	Andrews AFB	Replace Munitions Storage Area	9,300	9,300
Air__Guard	Andrews AFB	Rpl Munitions maintenance and Storage Complex.	14,000	14,000
Navy	Carderock Nswc Det	RDTE Support Facility, ph2		6,520
Army	Fort Detrick	ATL Auditorium & Tng Cntr Expand		7,400
Army	Fort Detrick	Satellite Communications Center	18,000	18,000
Army	Fort Detrick	Satellite Communications Facility	21,000	21,000
Def-Wide	Fort Detrick	Boundary Gate At Nalin Pond	10,750	10,750
Def-Wide	Fort Detrick	Emergency Service Center	16,125	16,125
Def-Wide	Fort Detrick	USAMRIID Stage I, Inc IV	108,000	108,000
Def-Wide	Fort Detrick	Nibc Truck Inspection Station & RLoad	2,932	2,932
Army	Fort Meade	Intersection, Rockenbach Rd & Cooper Ave.		2,350
Def-Wide	Fort Meade	South Campus Utility Plant Ph 2	175,900	175,900
Def-Wide	Fort Meade	NSAW Campus Chilled Water Backup	19,100	19,100
Def-Wide	Fort Meade	Mission Support—PSAT	8,800	8,800
Navy	Patuxent River NAS	Special Commo Rqts Eng Facility		11,043
	Massachusetts			
Air__Guard	Barnes ANGB	F–15 Aircraft Ready Shelters		8,100
ARNG	Hanscom AFB	Armed Forces Reserve Center (JFHQ)	29,000	29,000
Air__Guard	Otis Air National Guard Base	Composite Operations and Training Facility.		12,800
	Michigan			
Air__Guard	Alpena CRTC	Replace Troop Quarters		8,900
Air__Guard	Battle Creek ANG Base	CNAF Bed Down Facilities		14,000
ARNG	Fort Custer	Org Maint Shop (ADRS)		7,732
Air__Guard	Selfridge ANG Base	A–10 Squad Operations Facility		7,100
	Minnesota			
ARNG	Arden Hills	Readiness Center Ph2	6,700	6,700
ARNG	Camp Ripley	Urban Assault Course	1,710	1,710
Def-Wide	Duluth IAP	Jet Fuel Stoarge Complex	15,000	15,000
USAR	Fort Snelling (Minneapolis)	Army Reserve Center	12,000	12,000
Air__Guard	Minn/St. Paul IAP 133rd AW Base	Minnesota Starbase Facility Alteration		1,900
	Mississippi			
ARNG	Camp Shelby	Combined Arms Collective Tng Fac Add/alt.	16,100	16,100
Air Force	Columbus AFB	Aircraft Fuel Systems Maint Dock		9,800
Air__Guard	Gulfport-biloxi RA	Relocate Base Entrance		6,500
AF Reserve	Keesler AFB	Aerial Port Squadron Facility	9,800	9,800
ARNG	Monticello	Monticello National guard Readiness Center.		14,350
	Missouri			
ARNG	Boonville	Readiness Center Add/alt	1,800	1,800
Army	Fort Leonard Wood	Automated-aided Instruction Facility	27,000	27,000
Army	Fort Leonard Wood	Wheeled Vehicle Drivers Course	17,500	17,500
Army	Fort Leonard Wood	Warrior In Transition Complex	19,500	19,500

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army	Fort Leonard Wood	Transient Advanced Trainee Barracks, Ph 1.	99,000	99,000
Army	Fort Leonard Wood	Health Clinic		7,800
Def-Wide	Fort Leonard Wood	Dental Clinic Addition	5,570	5,570
Air__Guard	Rosecrans Memorial Airport	Replace Fire/crash rescue Station Phase I		9,300
Air Force	Whiteman AFB	EOD Opns Complex		7,400
Air Force	Whiteman AFB	Land Acquisition North & South Bdry		5,500
	Montana			
Air Force	Malmstrom AFB	Upgrade Weapons Storage Area		10,600
	Nebraska			
ARNG	Lincoln	Armed Forces Reserve Center (JFHQ)	23,000	23,000
Air__Guard	Lincoln Map	Joint Forces Operations Center—ANG Share.	1,500	1,500
Air Force	Offutt AFB	STRATCOM Gate		10,400
	Nevada			
ARNG	Carson City	National Guard Energy Sustainable Projects.		2,000
Air Force	Creech AFB	UAS AT/FP Security Updates	2,700	2,700
Navy	Naval Air Station Fallon	Warrior Physical Training Facility		10,670
ARNG	North Las Vegas	Readiness Center	26,000	26,000
Air__Guard	Reno, NV	NV Air National Guard Fire Station Replacement.		10,800
	New Hampshire			
Air__Guard	Pease ANGB	Replace Squadron Operations Facilities		10,000
	New Jersey			
Air Force	McGuire AFB	Warfighter & Family Sup Cntr		7,900
Air__Guard	McGuire AFB	108th Air Refuel Wng, Base Civil Eng Complex.		9,700
Army	Picatinny Arsenal	Ballistic Eval Facility, Ph 2		10,200
Air Force	Cannon AFB	WB—Consolidated Communication Fac	15,000	15,000
	New Mexico			
Def-Wide	Cannon AFB	SOF Fuel Cell Hanger (MC–130)	41,269	41,269
Def-Wide	Cannon AFB	SOF AMU Addition (CV–22)	11,595	11,595
Def-Wide	Cannon AFB	SOF Ac–130 Load Out Apron Ph1		6,000
Air Force	Holloman AFB	F–22a Consolidated Munitions Maint (TFI).	5,500	5,500
Air Force	Holloman AFB	Fire-crash Rescue Station		10,400
Air Force	Holloman AFB	UAS Field Training Complex		37,500
Air Force	Kirtland AFB	Add To Space RDT&E Opns Cntr		5,800
Air Force	Kirtland AFB	MC–130J Simulator Facility	8,000	8,000
Air Force	Kirtland AFB	HC–130J Simulator Facility	8,700	8,700
ARNG	Santa Fe	Army Aviation Support Facility	39,000	39,000
	New York			
Army	Fort Drum	All Wx Marksmanship Facility		8,200
Army	Fort Drum	Water System Expansion	6,500	6,500
Army	Fort Drum	Barracks	57,000	57,000
Army	Fort Drum	Warrior In Transition Complex	21,000	21,000
AF Reserve	Niagra Falls ARB	Indoor Small Arms Range		5,700
USAR	Rochester	Army Reserve Center/land	13,600	13,600
Air__Guard	Wheeler Sack AAF	TFI-reaper LRE Beddown		2,700
	North Carolina			
Def-Wide	Camp Lejeune	SOF Academic Instruction Facility Expansion.	11,791	11,791
Navy	Camp Lejeune	Maintenance/OPS Complex	52,390	52,390
Navy	Camp Lejeune	BEQ—Wallace Creek	34,160	34,160
Navy	Camp Lejeune	Utility Expansion—Courthouse Bay	56,280	56,280
Navy	Camp Lejeune	SOI-east Facilities—Camp Geiger	56,940	56,940
Navy	Camp Lejeune	Field Training fac.—Devil Dog - SOI	37,170	37,170
Navy	Camp Lejeune	Road Network—Wallace creek	15,130	15,130
Navy	Camp Lejeune	MP Working Dog Kennel— relocation	8,370	8,370
Navy	Camp Lejeune	Consolidated Info tech/telecom Complex	46,120	46,120
Navy	Camp Lejeune	New Base Entry Point and Road (phase 1).	79,150	79,150

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Navy	Camp Lejeune	BEQ—Wallace Creek	43,480	43,480
Navy	Camp Lejeune	BEQ—Wallace Creek	44,390	44,390
Navy	Camp Lejeune	BEQ—Wallace Creek	44,390	44,390
Navy	Camp Lejeune	BEQ—Wallace Creek	42,110	42,110
Navy	Camp Lejeune	Pre-trial Detainee Facility	18,580	18,580
Navy	Camp Lejeune	Physical Fitness Center	39,760	39,760
Navy	Camp Lejeune	4th Infantry Battalion Ops Complex	55,150	55,150
Navy	Cherry Point MCAS	Ordnance Magazines	12,360	12,360
Navy	Cherry Point MCAS	EMS/fire Vehicle Facility	10,600	10,600
ARNG	East Flat Rock	Readiness Center Add/alt		2,516
Army	Fort Bragg	Vehicle Maintenance Shop	19,500	19,500
Army	Fort Bragg	Simulations Center	50,000	50,000
Army	Fort Bragg	Vehicle Maintenance Shop	17,500	17,500
Army	Fort Bragg	Company Operations Facility	3,300	3,300
Army	Fort Bragg	Transient Training Barracks Complex	16,500	16,500
Army	Fort Bragg	Automated Sniper Field Fire Range		3,450
Army	Fort Bragg	Automated Multipurpose Machine Gun	4,350	4,350
ARNG	Fort Bragg	TUAS Support Facility		6,038
Def-Wide	Fort Bragg	Albritton JHS Addition	3,439	3,439
Def-Wide	Fort Bragg	Special Ops Prep & Conditioning Course	24,600	24,600
Def-Wide	Fort Bragg	SOF Battalion & Company HQ	15,500	15,500
Def-Wide	Fort Bragg	SOF Operations Support Addition	13,756	13,756
Def-Wide	Fort Bragg	SOF Military Working Dog Facility	1,125	1,125
Def-Wide	Fort Bragg	SOF Battalion Headquarters Facility	13,000	13,000
Def-Wide	Fort Bragg	SOF Operations Addition North	27,513	27,513
Def-Wide	Fort Bragg	SOF TUAV Hanger	2,948	2,948
Def-Wide	Fort Bragg	SOF Military Working Dog Facility	3,046	3,046
Def-Wide	Fort Bragg	Consolidated Health Clinic	26,386	26,386
Def-Wide	Fort Bragg	Health Clinic	31,272	31,272
Navy	New River	Apron Expansion (phase 2)	35,600	35,600
Navy	New River	VMMT–204 Maintenance Hanger—phase 3.	28,210	28,210
Navy	New River	Parallel Taxiway	17,870	17,870
Navy	New River	Tactical Support Van Pad Addition	5,490	5,490
Navy	New River	Gymnasium/outdoor Pool	19,920	19,920
Air Force	Pope AFB	Pope AFB Air Traffic Control Tower		9,000
Air Force	Seymour Johnson AFB	Radar Approach Control Complex, Ph1		6,900
Army	Sunny Point Mot	Towers	3,900	3,900
Army	Sunny Point Mot	Lightning Protection System	25,000	25,000
	North Dakota			
Air Force	Grand Forks AFB	Consolidated Security Forces Facility		12,000
Air Force	Minot AFB	Munitions Trailer Storage Facility	1,500	1,500
Air Force	Minot AFB	Missile Procedures Trng Operations	10,000	10,000
	Ohio			
USAR	Cincinnati	Army Reserve Center/land	13,000	13,000
Air__Guard	Mansfield Lahm Airport	TFI—Red Horse Squadron Beddown	11,400	11,400
Air Force	Wright-Patterson AFB	Info Tech Complex Ph 1	27,000	27,000
Air Force	Wright-Patterson AFB	Conversion For Advanced Power Research Lab.	21,000	21,000
Air Force	Wright-Patterson AFB	Replace West Ramp, phase I		10,600
	Oklahoma			
Air Force	Altus AFB	Repair Taxiways	20,300	20,300
Def-Wide	Altus AFB	Replace Upload Facility	2,700	2,700
Army	Fort Sill	Automated Infantry Squad Battle Course	3,500	3,500
Army	Fort Sill	Barracks	65,000	65,000
Army	Fort Sill	Warrior In Transition Complex	22,000	22,000
Def-Wide	Fort Sill	Dental Clinic	10,554	10,554
Army	McAlester	High Explosive Magazine, Depot Level	1,300	1,300
Army	McAlester	General Purpose Storage Building	11,200	11,200
Air Force	Tinker AFB	T–9 Noise Suppressor		5,200
Air Force	Tinker AFB	Building 3001 Hanger Door	13,037	13,037

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Air Force	Vance AFB	Control Tower		10,700
Air__Guard	Will Rogers World Airport	TFI—Air Supt Opers Sqdn (ASOS) Beddn	7,300	7,300
	Oregon			
ARNG	Clatsop County, Warrenton	Camp Rilea Infrastructure (Water Supply System).		3,369
ARNG	Polk County	Readiness Center		12,100
	Pennsylvania			
USAR	Ashley	Army Reserve Center	9,800	9,800
FH Con DW	Def Distro Depot	Def Distribution Depot New Cumberland	2,859	2,859
USAR	Harrisburg	Army Reserve Center	7,600	7,600
USAR	Newton Square	Army Reserve Center/land	20,000	20,000
AF Reserve	Pittsburgh AFR Base	Visiting Quarters Phase 1		12,400
USAR	Uniontown	Army Reserve Center/land	11,800	11,800
	Rhode Island			
Navy	Newport	Officer Training Command Quarters	45,803	45,803
Navy	Newport	Renovate of Senior Enlisted Academy		10,550
Navy	Newport	Renovate Perry Hall		8,530
	South Carolina			
Navy	Beaufort	Widebody Aircraft Fuel Lane	1,280	1,280
Milcon, Naval Res	Charleston	Reserve Vehicle Maintenance Facility	4,240	4,240
Army	Charleston NWS	Staging Area	4,100	4,100
Army	Charleston NWS	Railroad Tracks	12,000	12,000
Army	Charleston NWS	Pier and Loading/Unloading Ramps	5,700	5,700
ARNG	Eastover	Army Aviation Support Facility Add/Alt	26,000	26,000
Army	Fort Jackson	Advanced Skills Trainee Barracks	32,000	32,000
Army	Fort Jackson	Modified Record Fire Range	3,600	3,600
Army	Fort Jackson	Training Battalion Complex	66,000	66,000
Army	Fort Jackson	Infiltration Course	1,900	1,900
ARNG	Greenville	Army Aviation Support Facility	40,000	40,000
Air__Guard	McEntire JNGB	Joint Force headquarters Building		1,300
Navy	Parris Island	Electrical SubStation and Improvements	6,972	6,972
Air Force	Shaw AFB	Add/Alter USAFCENT HQ		21,183
	South Dakota			
ARNG	Camp Rapid	Joint Force HQ Readiness Center Supplement.		7,890
ARNG	Camp Rapid	Troop Medical Clinic Addition and Alteration.		1,950
Air Force	Ellsworth AFB	Add/Alter Deployment Center		14,500
Air__Guard	Joe Foss Field	Add and Alter Munitions Maintenance Complex.		1,300
Air__Guard	Joe Foss Field	Above Ground Multi-cubicle Magazine Storage.		1,300
	Tennessee			
Air__Guard	164 AirLift Wing, Mem	164th AirLift Wing ANG Eng Maint Trng Fac.		9,800
	Texas			
ARNG	Austin	Armed Forces Reserve Center	16,500	16,500
ARNG	Austin	Field Maintenance Shop, joint	5,700	5,700
USAR	Austin	Armed Forces Reserve Center/AMSA	20,000	20,000
USAR	Bryan	Army Reserve Center		12,200
Navy	Corpus Christi	Operational Facilities for T–6	19,764	19,764
Air Force	Dyess AFB	C–130J Alter Hanger	4,500	4,500
Army	Fort Bliss	Vehicle Maintenance Shop	16,000	16,000
Army	Fort Bliss	Brigade Staging Area Complex	14,800	14,800
Army	Fort Bliss	Digital Multipurpose Range Complex	45,000	45,000
Army	Fort Bliss	Fire and Military Police Stations	16,500	16,500
Army	Fort Bliss	Aircraft Fuel Storage	10,800	10,800
Army	Fort Bliss	Vehicle Maintenance Shop	20,000	20,000
Army	Fort Bliss	Automated Sniper Field Fire Range	4,250	4,250
Army	Fort Bliss	Known Distance Range	4,750	4,750
Army	Fort Bliss	Automated Multipurpose Machine Gun Range.	6,900	6,900
Army	Fort Bliss	Scout/recce Gunnery Complex	17,000	17,000
Army	Fort Bliss	Light Demolition Range	2,400	2,400

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army	Fort Bliss	Automated Infantry Platoon Battle Course.	7,000	7,000
Army	Fort Bliss	Simulation Center	23,000	23,000
Army	Fort Bliss	Vehicle Maintenance & Company Ops Fac	31,000	31,000
Def-Wide	Fort Bliss	Health and Dental Clinic	30,295	24,600
Def-Wide	Fort Bliss	Hospital Replacement Inc1	86,975	86,975
USAR	Fort Bliss	Army Reserve Center	9,500	9,500
Army	Fort Hood	Vehicle Maintenance Shop	23,000	23,000
Army	Fort Hood	Urban Assault Course	2,400	2,400
Army	Fort Hood	Automated Multipurpose Machine Gun Range.	6,700	6,700
Army	Fort Hood	Family Life Center		10,800
Def-Wide	Fort Hood	Alter Fuel Pump House and Fill Stand	3,000	3,000
Army	Fort Sam Houston	Access Control Point and Road Improvements.	10,800	10,800
Army	Fort Sam Houston	General Instruction building	9,000	9,000
Milcon, Naval Res	Fort Worth NAS/JRB	Replace Joint Base Comms		6,170
Air Force	Goodfellow AFB	Joint Intel Tech Trng fac, Ph 1 (tfi)	18,400	18,400
Air Force	Goodfellow AFB	Student Dormitory (100 rm)	14,000	14,000
Air Force	Goodfellow AFB	Consolidated Learning Center		12,000
USAR	Houston	Army Reserve Center/land	24,000	24,000
Air__Guard	Kelly Field Annex	Add/Alter Aircraft Maint Shops		7,900
Navy	Kingsville NAS	Solar Panel Array		4,470
AF Reserve	Lackland AFB	C–5 Ground Training Schoolhouse Addition.	1,500	1,500
Air Force	Lackland AFB	Evasion, Conduct After Capture Trng	4,879	4,879
Air Force	Lackland AFB	Recruit Dormitory 2, phase 2	77,000	77,000
Air Force	Lackland AFB	Bmt Satellite Classroom/dining Fac	32,000	32,000
Def-Wide	Lackland AFB	Dental Clinic replacement	29,318	29,318
Def-Wide	Lackland AFB	Ambulatory Care Center, phase 1	72,610	72,610
USAR	Robstown	Tactical Equip Maint Facility		10,200
Milcon, Naval Res	San Antonio	Reserve Training Center	2,210	2,210
USAR	San Antonio	Army Reserve Center	20,000	20,000
Air Force	Sheppard Air Force Base	ENJJPT Operations Complex, Phase 1		13,450
	Utah			
Def-Wide	Camp Williams	IC CNCI Data Center (Incr. 2)	800,000	600,000
Army	Dugway Proving Ground	Water Treatment Systems	25,000	25,000
AF Reserve	Hill AFB	Reserve Squad Ops/AMU Facility	3,200	3,200
Air Force	Hill AFB	F–22A Radar Cross Section Testing Fac	21,053	21,053
Air Force	Hill AFB	PCC Apron Northwest End Taxiway		5,100
	Vermont			
Air__Guard	Burlington IAP	Fire Crash and Rescue Station Addition and Alteration.		6,000
ARNG	Ethan Allen Firing Range	BOQ Additions and Improvements		1,996
	Virginia			
Def-Wide	Dahlgren	Aegis BMD Facility Expansion	24,500	24,500
Navy	Dahlgren	Electromagnetic Research and Engineering Facility.		3,660
Def-Wide	Dam Neck	SOF Operations Facility inc III	15,967	15,967
Navy	Dam Neck	SOF Cafeteria		14,170
Army	Fort A.P. Hill	Automated Infantry Platoon Battle Course.	4,900	4,900
Army	Fort A.P. Hill	Field Training Area	9,000	9,000
Army	Fort A.P. Hill	Training Aids Center	9,100	9,100
Army	Fort Belvoir	Flight Control Tower	8,400	8,400
Army	Fort Belvoir	Road and Access Control Point	9,500	9,500
Army	Fort Belvoir	Road and Infrastructure Improvements	20,000	
Army	Fort Lee	Defense Access Roads		5,000
ARNG	Fort Pickett	Regional Training Institute Ph2	32,000	32,000
Army	Ft. Eustis	Upgrade Marshalling Area		8,900
Air Force	Langley AFB	West & Lasalle Gates Force Protection/access.	10,000	10,000

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Def-Wide	Little Creek	SOF Support Activity Operation Facility	18,669	18,669
Navy	Little Creek	Naval Construction Division Operations Fac.	13,095	13,095
Navy	Norfolk	E–2D Trainer Facility	11,737	11,737
Navy	Norfolk	Facility Upgrades For E–2D Program	6,402	6,402
Milcon, Naval Res	Oceana Naval Air Station	C–40 Hanger	30,400	30,400
Def-Wide	Pentagon	Pentagon Electrical Upgrade	19,272	19,272
Def-Wide	Pentagon	Secondary Uninterruptible Power Raven Rock.	8,400	8,400
Navy	Portsmouth	Ship Repair Pier replacement (Incr. 1)	226,969	126,969
Navy	Quantico	Student Quarters—TBS (phase 4)	32,060	32,060
Navy	Quantico	Battalion Training Facility—MSGBN	10,340	10,340
Navy	Quantico	MC Information Operations Center—MCIOC.	29,620	29,620
Navy	Quantico	Aircraft Trainer	3,170	3,170
Navy	Quantico	Dining Facility - TBS	14,780	14,780
Navy	Quantico	South Mainside Electrical SubStation	15,270	15,270
	Washington			
Navy	Bangor	Limited Area Production/strg Cmplx (inc 6).	87,292	87,292
Navy	Bremerton	Enclave Fencing/ parking, Silverdale WA	67,419	67,419
Navy	Bremerton	CVN Maintenance Pier replacement (inc 2).	69,064	69,064
Navy	Everett NS	Small Craft Launch		3,810
Air Force	Fairchild AFB	SERE Force Support Complex, Phase I		11,000
Air Force	Fairchild AFB	TFI Refuel Veh Maint Facility		4,150
Def-Wide	Fairchild AFB	Replace Fuel Distribution System	7,500	7,500
Army	Fort Lewis	Live Fire Exercise Shoothouse	2,550	2,550
Army	Fort Lewis	Animal Building	3,050	3,050
Army	Fort Lewis	Brigade Complex, Inc 4	102,000	102,000
Army	Fort Lewis	Modified Record Fire Range	4,100	4,100
Army	Fort Lewis	Ft Lewis-Mcchord AFB Joint Access		9,000
Def-Wide	Fort Lewis	SOF Support Company Facility	14,500	14,500
Def-Wide	Fort Lewis	Health and Dental Clinic	15,636	15,636
Navy	Indian Island NM	Ord Storage Pads W/2 Covers		13,130
Navy	Spokane	Jnt Pers Recovery agency Specialized SERE Tra.	12,707	12,707
	West Virginia			
Air__Guard	Martinsburg	C–5 Taxiway Upgrades		19,500
Navy	Navy, Sugar Grove	Emergency Services Center		10,990
ARNG	St. Albans Armory	Readiness Center Additions		2,000
	Wisconsin			
USAR	Fort McCoy	Combined Arms Collective Training Facility.	25,000	25,000
USAR	Fort McCoy	Range Utility Upgrade		3,850
Air__Guard	General Mitchell IAP	Upgrade Corrosion Control Hanger		5,000
	Wyoming			
Air__Guard	Cheyenne Airport	Squadron Operations		1,500
Air Force	F. E. Warren AFB	ADAL Missile Service Complex	9,100	9,100
	Zu			
Air Force	Unspecified Worldwide	Recission Pl 110–417 UAS Maint Complex.		–22,000
Air Force	Unspecified Worldwide	Recission Pl 110–417 UAS Ops Complex		–15,500
BRAC 05	Unspecified Worldwide	Base Realignment and Closure 2005	7,479,498	7,455,498
BRAC IV	Unspecified Worldwide	Base Realignment and Closure IV	396,768	496,768
Army	Various Locations	Brigade Combat Team Stationing		–166,000
Army	Various Locations	Trainee Troop Housing		350,000
	Afghanistan			
Air Force	Bagram Air Base	Passenger Terminal	22,000	22,000
Army	Bagram Air Base	Fuel System Ph 6	12,000	12,000
Army	Bagram Air Base	Fuel System Ph 7	5,000	5,000
Army	Bagram Air Base	Coalition Operation Center	49,000	49,000

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army	Bagram Air Base	APS Compound	38,000	
Army	Bagram Air Base	Aviation Support Facility	2,600	2,600
Army	Bagram Air Base	Barracks	18,500	18,500
Army	Bagram Air Base	Command and Control Facility	38,000	
Army	Bagram Air Base	Perimeter Fence and Guard Towers	7,000	
	Bahrain			
Navy	SW Asia	Waterfront Development phase 2	41,526	41,526
	Belgium			
Def-Wide	Brussels	Replace Elementary School (shape)	38,124	38,124
Army	Mons	NATO SOF Operational Support		20,000
Def-Wide	Brussels	NATO Headquarters		41,400
	Colombia			
Air Force	Palanquero Ab	Palanquero AB Development	46,000	46,000
	Czech Republic			
Def-Wide	Various Locations	Recission Pl 110–417 Emcr Site		–108,560
	Djibouti			
Navy	Camp Lemonier	Interior Paved Roads Phase A	7,275	7,275
Navy	Camp Lemonier	Ammo Supply Point	21,689	21,689
Navy	Camp Lemonier	Security Fencing I	8,109	8,109
Navy	Camp Lemonier	Fire Station	4,772	4,772
	Germany			
Army	Ansbach	Barracks	17,500	17,500
Army	Ansbach	Barracks	14,200	14,200
FH Con Army	Baumholder	Family Housing Replacement Constru(138 Units).	18,000	18,000
Def-Wide	Boeblingen	New Elementary School		50,000
Def-Wide	Kaiserlautern AB	Kaiserslautern Complex-phase 1	19,380	19,380
Def-Wide	Kaiserlautern AB	Kaiserslautern HS Replace School	74,165	74,165
Army	Kleber Kaserne	Barracks	20,000	20,000
Army	Landstuhl	Warrior In Transition (WT) Complex	25,000	
Air Force	Ramstein AB	Construct Age Maint Complex	11,500	11,500
Air Force	Ramstein AB	Contingency Response Group Command	23,200	23,200
Air Force	Spangdahlem AB	Fitness Ctr	23,500	23,500
Def-Wide	Weisbaden	Wiesbaden HS New Cafeteria and Kitchen.	5,379	5,379
FH Con Army	Weisbaden	Family Housing replacement Const Inc 2	10,000	10,000
FH Con Army	Weisbaden	Family Housing replacement Const Inc 2	11,000	11,000
FH Con Army	Weisbaden	Family Housing replacement Const Inc 2	11,000	11,000
	Greece			
Def-Wide	Souda Bay	Fuel Storage Tanks & Pipeline Rpl	24,000	24,000
	Guam			
Def-Wide	Agana Naval Air Station	Replace Gas Cylander Storage Facility	4,900	4,900
Air Force	Andersen AFB	Postal Service Center		3,500
Air Force	Andersen AFB	Strike Fol Electrical Infrastructure	33,750	33,750
Air Force	Andersen AFB	NW Field ATFP Perimeter Fence and Road.	4,752	4,752
Air Force	Andersen AFB	Commando Warrior Operations Fac	4,200	4,200
Air Force	Andersen AFB	NW Field Combat Spt Vehicle Maint Fac	15,500	15,500
ARNG	Barrigada	Readiness Center	30,000	30,000
Def-Wide	Guam	Hospital Replacement incr I	259,156	259,156
FH Con Navy	Guam	Replace Guam N. Tipalao ph III	20,730	20,730
Navy	Guam	Consolidated Slc Training & CSS–15 HQ Fac.	45,309	45,309
Navy	Guam	Military Working Dog Relocation, Apra Harbor.	27,070	14,000
Navy	Guam	Defense Access Road improvements	48,860	48,860
Navy	Guam	AAFB North Ramp Utilities Incr 1	21,500	21,500
Navy	Guam	AAFB North Ramp Parking incr 1	88,797	88,797
Navy	Guam	Apra Harbor Wharves Imp. Incr 1	167,033	127,033
Navy	Guam	Torpedo Exercise Support Building	15,627	15,627
Def-Wide	Various Locations	Unspecified Various locations		
	Guantanamo			
Def-Wide	Guantanamo Bay	Replace Fuel Storage Tanks	12,500	12,500
	Italy			
Air Force	Sigonella	Global Hawk Aircraft Maint and Ops Complex.	31,300	31,300

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army	Vicenza	Bde Complex—Operations spt Fac, Incr 3	23,500	23,500
Army	Vicenza	Bde Complex—Barracks/community, Incr 3.	22,500	22,500
	Japan			
Army	Okinawa	Training Aids Center	6,000	6,000
Army	Sagamihara	Training Aids Center	6,000	6,000
	Korea			
Army	Camp Humphreys	Vehicle Maintenance Shop	19,000	19,000
Army	Camp Humphreys	Vehicle Maintenance Shop	18,000	18,000
Army	Camp Humphreys	Fire Stations	13,200	13,200
Def-Wide	K–16 Airfield	Convert Warehouses	5,050	5,050
Def-Wide	Osan AB	Replace Hydrant Fuel System	28,000	28,000
FH Con Navy	Pusan	Constr Chinhae Welcome Ctr/warehouse	4,376	4,376
	Kuwait			
Army	Camp Arifjan	APS Warehouses	82,000	82,000
Air Force	Al Musannah AB	War Reserve Material Compound	47,000	
Air Force	Al Musannah AB	AirLift Ramp and Fuel Facilities	69,000	
	Poland			
Def-Wide	Various Locations	Recission Pl 110–417 European Interceptor Site.		–42,600
	Puerto Rico			
USAR	Caguas	Army Reserve Center/land	12,400	12,400
	Qatar			
Air Force	Al Udeid, Qatar	Blatchford-preston Complex Ph Ii	60,000	60,000
	Spain			
Navy	Rota	Reception Airfield Facilities	26,278	26,278
	Turkey			
Air Force	Incirlik Ab	Construct Consolidated Community Ctr	9,200	9,200
	United Kingdom			
Def-Wide	Menwith Hill Station	MHS PSC Construction	37,588	37,588
Def-Wide	Raf Mildenhall	Connect Fuel Tank Distribution Pipe Ln	4,700	4,700
Def-Wide	Royal Air Force Alconbury	Medical/dental Clinic replacement	14,227	14,227
Def-Wide	Royal Air Force Lakenheath	Liberty IS—Gymnasium	4,509	4,509
	Virgin Islands			
ARNG	St. Croix	Regional Training Institute Ph1	20,000	20,000
	Zc			
Air Force	Classified Location	Classified Planning & Design	3,000	3,000
	Zu			
NSIP	NATO Security Invest Prgm	NATO Security Investment Program	276,314	197,414
AF Reserve	Unspecified Worldwide	Planning and Design	1,976	3,869
AF Reserve	Unspecified Worldwide	Minor Construction	800	800
Air Force	Unspecified Worldwide	Unspecified minor construction	18,000	20,000
Air Force	Unspecified Worldwide	Planning & design	79,363	100,562
Air__Guard	Unspecified Worldwide	Minor Construction	9,000	17,005
Air__Guard	Unspecified Worldwide	Planning & design	10,061	13,021
Army	Unspecified Worldwide	Minor Construction FY 10	23,000	25,000
Army	Unspecified Worldwide	Planning & design FY 10	153,029	175,519
Army	Unspecified Worldwide	Host Nation Support FY 10	25,000	25,000
ARNG	Unspecified Worldwide	Unspecified Minor construction	10,300	29,682
ARNG	Unspecified Worldwide	Planning and Design	23,981	47,429
Def-Wide	Unspecified Worldwide			

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Def-Wide	Unspecified World-wide	Unspecified Minor construction	6,800	6,800
Def-Wide	Unspecified World-wide	Planning and Design	8,855	8,855
Def-Wide	Unspecified World-wide	Unspecified Minor construction	4,100	4,100
Def-Wide	Unspecified World-wide	Minor Construction	3,717	3,717
Def-Wide	Unspecified World-wide	Planning and Design	2,000	2,000
Def-Wide	Unspecified World-wide	Planning and Design	10,534	10,534
Def-Wide	Unspecified World-wide	Unspecified Minor construction	6,022	6,022
Def-Wide	Unspecified World-wide	Planning and Design	4,425	4,425
Def-Wide	Unspecified World-wide	JEP Exercise Related construction	7,861	7,861
Def-Wide	Unspecified World-wide	Minor Construction	4,525	4,525
Def-Wide	Unspecified World-wide	Planning and Design	72,974	72,974
Def-Wide	Unspecified World-wide	Energy Conservation Improvement Program.	90,000	123,013
Def-Wide	Unspecified World-wide	Contingency construction	10,000	10,000
Def-Wide	Unspecified World-wide	Unspecified Minor construction	3,000	
Def-Wide	Unspecified World-wide	Planning and Design	35,579	19,079
Def-Wide	Unspecified World-wide	Planning and Design	3,575	3,575
FH Con AF	Unspecified World-wide	Construction improvements	61,737	61,737
FH Con AF	Unspecified World-wide	Classified Project	50	50
FH Con AF	Unspecified World-wide	Planning and Design	4,314	4,314
FH Con Army	Unspecified World-wide	Construction improvements (2428 Units)	219,300	219,300
FH Con Army	Unspecified World-wide	Family Housing P&D	3,936	3,936
FH Con Navy	Unspecified World-wide	Improvements	118,692	118,692
FH Con Navy	Unspecified World-wide	Design	2,771	2,771
FH Ops AF	Unspecified World-wide	Utilities Account	81,686	81,686
FH Ops AF	Unspecified World-wide	Management Account	1,557	1,557
FH Ops AF	Unspecified World-wide	Management Account	51,334	51,334
FH Ops AF	Unspecified World-wide	Services Account	20,183	20,183
FH Ops AF	Unspecified World-wide	Furnishings Account	39,182	39,182
FH Ops AF	Unspecified World-wide	Miscellaneous Account	1,543	1,543
FH Ops AF	Unspecified World-wide	Leasing Account	548	548
FH Ops AF	Unspecified World-wide	Leasing	102,858	102,858
FH Ops AF	Unspecified World-wide	Maintenance Account	1,911	1,911
FH Ops AF	Unspecified World-wide	Maintenance (RPMA & RPMC)	148,318	148,318

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
FH Ops AF	Unspecified Worldwide	Housing Privatization	53,816	53,816
FH Ops Army	Unspecified Worldwide	Utilities Account	81,650	81,650
FH Ops Army	Unspecified Worldwide	Operations	87,263	87,263
FH Ops Army	Unspecified Worldwide	Miscellaneous Account	1,177	1,177
FH Ops Army	Unspecified Worldwide	Leasing	205,685	205,685
FH Ops Army	Unspecified Worldwide	Maintenance of Real Property	115,854	115,854
FH Ops Army	Unspecified Worldwide	Privatization Support Costs	31,789	31,789
FH Ops DW	Unspecified Worldwide	Furnishings Account	4,426	4,426
FH Ops DW	Unspecified Worldwide	Leasing	33,579	33,579
FH Ops DW	Unspecified Worldwide	Utilities Account	274	274
FH Ops DW	Unspecified Worldwide	Furnishings Account	19	19
FH Ops DW	Unspecified Worldwide	Services Account	29	29
FH Ops DW	Unspecified Worldwide	Management Account	309	309
FH Ops DW	Unspecified Worldwide	Maintenance 0f Real Property	366	366
FH Ops DW	Unspecified Worldwide	Recission (Public Law 110–5)		
FH Ops DW	Unspecified Worldwide	Operations	35	35
FH Ops DW	Unspecified Worldwide	Leasing	10,108	10,108
FH Ops DW	Unspecified Worldwide	Maintenance of Real Property	69	69
FH Ops Navy	Unspecified Worldwide	Utilities Account	53,956	53,956
FH Ops Navy	Unspecified Worldwide	Furnishings Account	14,624	14,624
FH Ops Navy	Unspecified Worldwide	Management Account	60,278	60,278
FH Ops Navy	Unspecified Worldwide	Miscellaneous Account	457	457
FH Ops Navy	Unspecified Worldwide	Services Account	16,462	16,462
FH Ops Navy	Unspecified Worldwide	Leasing	101,432	101,432
FH Ops Navy	Unspecified Worldwide	Maintenance of Real Property	94,184	94,184
FH Ops Navy	Unspecified Worldwide	Privatization Support Costs	27,147	27,147
FHIF	Unspecified Worldwide	Family Housing improvement Fund	2,600	2,600
HOAP	Unspecified Worldwide	Homeowners Assistance program	23,225	300,000
Milcon, Naval Res	Unspecified Worldwide	Planning and Design	2,371	2,951
Navy	Unspecified Worldwide	Unspecified minor construction	12,483	12,483
Navy	Unspecified Worldwide	Planning and Design	166,896	179,652
USAR	Unspecified Worldwide	Unspecified minor construction	3,600	3,600
USAR	Unspecified Worldwide	Planning and Design	22,262	22,716

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
AF Reserve	Unspecified World-wide	Programmatic Plus Up		55,000
Air__Guard	Unspecified World-wide	Programmatic Plus Up		30,000
ARNG	Unspecified World-wide	Programmatic Plus Up		30,000
Milcon, Naval Res	Unspecified World-wide	Programmatic Plus Up		55,000
USAR	Unspecified World-wide	Programmatic Plus Up		30,000
		Total FY2010 Authorizations	**22,946,036**	**23,879,856**
		Prior Year Savings		**–175,800**
		General Reduction		**–529,091**
		Grand Total	**22,946,036**	**23,174,965**

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	State and Location	Project Title	Project Authorization	Conference Authorization
	AL			
Army	Anniston (Pelham Range)	Armed Forces Reserve Center	8,000	8,000
Army	Birmingham	Armed Forces Reserve Center	10,000	10,000
Army	Mobile	Armed Forces Reserve Center	20,430	20,430
Defense Wide	Redstone Arsenal	Von Braun Complex	0	27,800
Army	Tuscaloosa	Armed Forces Reserve Center	18,000	18,000
	AR			
Army	Camden	Armed Forces Reserve Center	9,800	9,800
Army	El Dorado	Armed Forces Reserve Center	14,000	14,000
Army	Hot Springs	Armed Forces Reserve Center	14,600	14,600
Army	Pine Bluff	Armed Forces Reserve Center	15,500	15,500
	AZ			
Army	Marana	Armed Forces Reserve Center	31,000	31,000
	CA			
Navy	Barstow	Industrial Machine Shop Facility	14,131	14,130
Navy	China Lake	Shipboard Shock Test Facility	3,160	3,160
Navy	China Lake	Weapons Dynamics RDT&E Center	5,970	5,970
	CT			
Army	Middletown	Armed Forces Reserve Center, Incr 2	37,000	37,000
	DC			
Navy	Washington	Navy Systems Management Activity Relocation (INCR II of II).	71,929	71,929
Navy	Washington	Renovate 3rd Floor Building 176, Washington Navy Yard.	750	750
	FL			
Army	Eglin AFB	Special Forces Complex, Incr 2	8,000	8,000
Air Force	Eglin AFB	BRAC F–35 Live Ordnance Load Area (LOLA)	6,624	6,624
Air Force	Eglin AFB	CE Facility	2,000	2,000
Air Force	Eglin AFB	F–35 (JSF) Duke Field Control Tower	2,280	2,280
Air Force	Eglin AFB	Fitness Facility	2,750	2,750
Air Force	Eglin AFB	STOVL Simulated Carrier Practice Landing Deck.	27,690	27,690
Air Force	Eglin AFB	School Age Facility	2,600	2,600
Air Force	Eglin AFB	Security Forces Facility	890	890
Air Force	Eglin AFB	Taxiway Extension	13,000	13,000
Air Force	Eglin AFB	Traffic Management Cargo Processing Facility	900	900
	GA			
Army	Benning	AAFES Troop Store	1,950	1,950

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	State and Location	Project Title	Project Authorization	Conference Authorization
Army	Benning	Armed Forces Reserve Center	18,000	18,000
Army	Benning	Equipment Concentration Site	43,000	43,000
Army	Benning	General Instruction Complex 2, Incr 2	58,000	58,000
Army	Benning	Maneuver Ctr HQ & CDI Bldg Expansion	42,000	42,000
Army	Benning	Medical Facility, Incr 2	77,000	77,000
	IA			
Army	Cedar Rapids	Armed Forces Reserve Center	42,000	42,000
Army	Iowa AAP	Armed Forces Reserve Center	27,000	27,000
Army	Muscatine	Armed Forces Reserve Center	8,800	8,800
	IL			
Army	Rock Island	Army Headquarters Building Renovation	20,000	20,000
	KY			
Army	Campbell	Armed Forces Reserve Center	5,900	5,900
Army	Campbell	Headquarters Building, Group	14,800	14,800
Army	Knox	Armed Forces Reserve Center	2,300	2,300
	MD			
Army	Aberdeen PG	C4ISR, Phase 2, Incr 2	156,000	156,000
Defense Wide	Bethesda (WRNMMC)	Medical Center Addition—Increment 3	108,850	108,850
Defense Wide	Bethesda (WRNMMC)	Traffic Mitigation Increment 1	18,400	18,400
Defense Wide	Bethesda (WRNMMC)	Site Utility Infrastructure Upgrade for NICoE	0	6,500
Army	Detrick	Joint Bio-Med RDA Management Center	8,300	8,300
Army	Forest Glenn	Museum	12,200	12,200
Defense Wide	Fort Meade	Construct DISA Building	131,662	131,662
Army	Fort Meade	Defense Media Activity, Incr 2	17,000	17,000
	ME			
Navy	Brunswick	Marine Corps Reserve Center	12,960	12,960
	MI			
Army	Detroit Arsenal	Administrative Office Buildings, Incr 2	0	21,384
Army	Detroit Arsenal	Weapons Systems Support and Training	8,300	8,300
Army	Ft. Custer (Augusta)	Armed Forces Reserve Center	18,500	18,500
Air Force	Selfridge ANGB	A10 Arm/Disarm Apron	1,350	1,350
Air Force	Selfridge ANGB	Repair Munitions Admin Building 891	3,100	3,100
Air Force	Selfridge ANGB	Upgrade Munitions Maintenance Shop	1,650	1,650
Air Force	Selfridge ANGB	Upgrade Munitions Missile Maintenance Bays	2,350	2,350
	MO			
Army	Kirksville	Armed Forces Reserve Center	6,600	6,600
	MT			
Army	Great Falls	Armed Forces Reserve Center	7,600	7,600
	NC			
Army	Bragg	Band Training Facility	4,200	4,200
Army	Bragg	Headquarters Bldg, FORSCOM/USARC, Incr 3.	124,000	124,000
Army	Wilmington	Armed Forces Reserve Center	17,500	17,500
	ND			
Army	Fargo	Armed Forces Reserve Center	11,200	11,200
	NE			
Army	Columbus	Armed Forces Reserve Center	9,300	9,300
Army	McCook	Armed Forces Reserve Center	7,900	7,900
	NJ			
Army	Camden	Armed Forces Reserve Center	21,000	21,000
	NY			
Army	West Point	US Military Academy Prep School, Incr 2	0	98,000
	OH			
Army	Columbus	Armed Forces Reserve Center, Incr 2	0	30,218
Navy	Akron	Armed Forces Reserve Center	13,840	13,840
	OK			
Army	Sill	Joint Fires & Effects Simulator Building	28,000	28,000
Air Force	Will Rogers World APT AGS	Relocate Global Air Traffic Operation Program Office.	1,200	1,200
	PA			

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	State and Location	Project Title	Project Authorization	Conference Authorization
Army	Allentown	Armed Forces Reserve Center	15,000	15,000
Army	Tobyhanna	Electronics Maintenance Shop, Depot Level	3,200	3,200
Air Force	Willow Grove ARS, NAS Willow Grove JRB	Establish Enclave	4,000	4,000
	RI			
Army	Bristol	Armed Forces Reserve Center	17,500	17,500
	SC			
Navy	Charleston	SPAWAR Data Center	9,670	9,670
Navy	Goose Creek	Consolidated Brig Addition	9,790	9,790
Army	Shaw AFB	Headquarters Building, Third US Army, Incr 2.	55,000	55,000
	TN			
Army	Chattanooga	Armed Forces Reserve Center	8,900	8,900
	TX			
Army	Bliss	Brigade Combat Team Complex #3, Incr 3	110,000	110,000
Army	Bliss	Combat Aviation Brigade Complex, Incr 3	94,000	94,000
Army	Bliss	Hospital Add/Alt, WBAMC	24,000	0
Army	Bliss	Hospital Replacement	89,000	89,000
Army	Bliss	Tactical Equipment Maintenance Facility 2	104,000	104,000
Army	Brownsville	Armed Forces Reserve Center	15,000	15,000
Army	Huntsville	Armed Forces Reserve Center	16,000	16,000
Army	Kingsville	Armed Forces Reserve Center	17,500	17,500
Air Force	Lackland AFB	Joint Base San Antonio Headquarters Facility	8,500	8,500
Army	Lufkin	Armed Forces Reserve Center	15,500	15,500
Air Force	Randolph AFB	Renovate Building 38	2,050	2,050
Army	Red River	Armed Forces Reserve Center	14,200	14,200
Defense Wide	Fort Sam Houston	San Antonio Military Medical Center (North) Incr 3.	0	163,750
Army	Sam Houston	Add/Alt Building 2270	18,000	18,000
Army	Sam Houston	Housing, Enlisted Permanent Party	10,800	10,800
Army	Sam Houston	IMCOM Campus Area Infrastructure	11,000	11,000
Army	Sam Houston	Headquarters Bldg, IMCOM	48,000	48,000
	VA			
Army	Belvoir	Infrastructure Support, Incr 3	13,000	13,000
Army	Belvoir	Infrastructure Support, Incr 3	39,400	39,400
Army	Belvoir	NARMC HQ Building	17,500	17,500
Defense Wide	Fort Belvoir	NGA Headquarters Facility	0	168,749
Defense Wide	Fort Belvoir	Hospital Replacement—Increment 4	140,750	140,750
Defense Wide	Fort Belvoir	Dental Clinic	12,600	12,600
Defense Wide	Fort Belvoir	Office Complex Increment 3		360,533
Army	Eustis	Bldg 705 Renv (AAA & 902d MI)	1,600	1,600
Army	Eustis	Headquarters Bldg, IMCOM Eastern Region	5,700	5,700
Army	Eustis	Headquarters Building, TRADOC, Incr 2	34,300	34,300
Army	Eustis	Joint Task Force—Civil Support	19,000	19,000
Army	Eustis	Renovation for ACA and NETCOM	4,800	4,800
Army	Lee	AAFES Troop Store	1,850	1,850
Army	Lee	Administrative Building (DCMA)	28,000	28,000
Army	Lee	Combat Service Support School, Ph 1, Incr 4	0	30,000
Army	Lee	Combat Service Support School, Ph 2, Incr 3	137,000	137,000
Army	Lee	Combat Service Support School, Ph 3, Incr 2	145,000	145,000
Army	Lee	Consolidated Troop Med/Dntl Clinic	20,000	20,000
Army	Lee	HQs, Transportation Management Detachment.	1,200	1,200
Army	Lee	USMC Training Facilities	25,000	25,000
Navy	Arlington	Crystal Park 5 to Arlington Service Center	33,660	33,660
Navy	Chesapeake	Joint Regional Correctional Facility (INCR II of II).	0	47,560
Navy	Norfolk	Building 1558 Renovations for SPAWAR	2,510	2,510
	WV			
Army	Elkins	Armed Forces Reserve Center	22,000	22,000

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	State and Location	Project Title	Project Authorization	Conference Authorization
Army	Fairmont	Armed Forces Reserve Center	21,000	21,000
Army	Spencer-Ripley WW	Armed Forces Reserve Center	19,540	19,540
Army	Various	Planning and Design	26,100	26,100
Army	Various	Environmental	147,693	147,693
Navy	Various	Environmental	16,529	16,529
Air Force	Various	Environmental	19,454	19,454
Defense Wide	Various	Environmental	0	0
Army	Various	Operation and Maintenance	1,169,334	1,169,334
Navy	Various	Operation and Maintenance	322,495	322,495
Air Force	Various	Operation and Maintenance	288,459	288,459
Defense Wide	Various	Operation and Maintenance	836,715	836,715
Army	Various	MilPers PCS	0	0
Navy	Various	MilPers PCS	6,504	6,504
Air Force	Various	MilPers PCS	3,970	3,970
Defense Wide	Various	MilPers PCS	0	0
Army	Various	Other	311,138	311,138
Navy	Various	Other	20,115	20,115
Air Force	Various	Other	23,443	23,443
Defense Wide	Various	Other	412,320	412,320
Defense Wide	Various	Other		
		Subtotal BRAC 2005 FY 2010, Army		4,057,037
		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**	**7,455,498**
Army	Various	Base Realignment and Closure IV, Army		138,723
Navy	Various	Base Realignment and Closure IV, Navy		228,000
Air Force	Various	Base Realignment and Closure IV, Air Force		127,364
Defense Wide	Various	Base Realignment and Closure IV, Defense Wide.		2,681
		Total BRAC IV for FY 2010		**496,768**

SEC. 4503. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

MILITARY CONSTRUCTION FOR OVERSEAS CONTIGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country and Location	Project	Request	Conference Authorized
	Afghanistan			
Army	Airborne	Dining Facility	2,200	2,200
Army	Airborne	Waste Management Area	5,600	5,600
Army	Altimur	Dining Facility	2,150	2,150
Army	Altimur	Waste Management Area	5,600	5,600
Army	Asadabad	Waste Management Area	5,500	5,500
Air Force	Bagram Air Base	Cargo Terminal	13,800	13,800
Air Force	Bagram Air Base	Aviation Operations & Maintenance Facilities	8,900	8,900
Air Force	Bagram Air Base	Expeditionary Fighter Shelter	6,400	6,400
Army	Bagram Air Base	Troop Housing Phase 3	22,000	0
Army	Bagram Air Base	Drainage System, Ph 2	21,000	21,000
Army	Bagram Air Base	APS Compound	0	38,000
Army	Bagram Air Base	Barracks	0	0
Army	Bagram Air Base	Perimeter Fence and Guard Towers	0	7,000
Army	Bagram Air Base	Command and Control Facility	0	38,000
Army	Bagram Air Base	Access Roads	21,000	21,000
Army	Bagram Air Base	Command and Control Facility	4,500	4,500

MILITARY CONSTRUCTION FOR OVERSEAS CONTIGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country and Location	Project	Request	Conference Authorized
Army	Bagram Air Base	Medlog Warehouse	3,350	3,350
Army	Blessing	Waste Management Area	5,600	5,600
Army	Bostick	Waste Management Area	5,500	5,500
Air Force	Dwyer	Cargo Handling Area	4,900	4,900
Army	Dwyer	Contingency Housing Phase 1	8,600	0
Army	Dwyer	Contingency Housing Phase 2	6,900	0
Army	Dwyer	Fuel System, Ph 1	5,800	5,800
Army	Dwyer	Waste Management Complex	6,900	6,900
Army	Dwyer	Dining Facility	6,600	6,600
Army	Frontenac	Dining Facility	2,200	2,200
Army	Frontenac	Contingency Housing	3,800	0
Army	Gardez	Tactical Runway	28,000	28,000
Army	Gardez	Dining Facility	2,200	2,200
Army	Gardez	Contingency Housing	8,400	0
Army	Gardez	Fuel System, Ph 1	6,000	6,000
Army	Ghazni	Waste Management Complex	5,500	5,500
Army	Jalalabad	Dining Facility	4,350	4,350
Army	Jalalabad	Ammunition Supply Point	35,000	35,000
Army	Jalalabad	Contingency Housing	6,900	0
Army	Jalalabad	Perimeter Fencing	2,050	2,050
Army	Joyce	Dining Facility	2,100	2,100
Army	Joyce	Waste Management Area	5,600	5,600
Army	Kabul	USFOR–A Headquarters & Housing	98,000	98,000
Army	Kabul	Camp Phoenix West Expansion	39,000	39,000
Air Force	Kandahar	Secure RSOI Facility	9,700	9,700
Air Force	Kandahar	Tactical Airlift Apron	29,000	29,000
Air Force	Kandahar	Refueler Apron/Relocate HCP	66,000	66,000
Air Force	Kandahar	CAS Apron Expansion	25,000	25,000
Air Force	Kandahar	ISR Apron Expansion	40,000	40,000
Air Force	Kandahar	Aviation Operations & Maintenance Facilities	10,500	10,500
Air Force	Kandahar	Expeditionary Fighter Shelter	6,400	6,400
Air Force	Kandahar	Cargo Helicopter Apron	32,000	32,000
Air Force	Kandahar	Relocate North Airfield Road	16,000	16,000
Army	Kandahar	Troup Housing Phase 2	4,250	0
Army	Kandahar	Command and Control Facility	4,500	4,500
Army	Kandahar	Tanker Truck Offload Facility	23,000	23,000
Army	Kandahar	Command and Control Facility	4,500	4,500
Army	Kandahar	Command and Control Facility	4,500	4,500
Army	Kandahar	Southpark Roads	11,000	11,000
Army	Kandahar	Waste Management Complex	10,000	10,000
Army	Kandahar	Warehouse	20,000	20,000
Army	Kandahar	Theater Vehicle Maintenance Facility	55,000	55,000
Army	Maywand	Dining Facility	2,200	2,200
Army	Maywand	Waste Management Area	5,600	5,600
Army	Methar-lam	Waste Management Area	4,150	4,150
Army	Salerno	Waste Management Complex	5,500	5,500
Army	Salerno	Electrical Distribution Grid	2,600	2,600
Army	Salerno	Fuel System, Ph 1	12,800	12,800
Army	Salerno	Dining Facility	4,300	4,300
Army	Salerno	Runway Upgrade	25,000	25,000
Air Force	Shank	Cargo Handling Area	4,900	4,900
Army	Shank	Dining Facility	4,350	4,350
Army	Shank	Electrical Distribution Grid	4,600	4,600
Army	Shank	Waste Management Complex	8,100	8,100
Army	Shank	Water Distribution System	2,650	2,650
Army	Shank	Troup Housing Phase 2	8,600	0
Army	Sharana	Rotary Wing Parking	32,000	32,000
Army	Sharana	Ammunition Supply Point	14,000	14,000
Army	Sharana	Aircraft Maintenance Facilities	12,200	12,200
Army	Sharana	Electrical Distribution Grid	2,600	2,600
Air Force	Tarin Kowt	Cargo Handling Area	4,900	4,900
Army	Tarin Kowt	Fuel System Phase 2	11,800	11,800
Army	Tarin Kowt	Waste Management Area	6,800	6,800
Army	Tarin Kowt	Ammunition Supply Point	35,000	35,000
Army	Tarin Kowt	Dining Facility	2,200	2,200
Air Force	Tombstone/Bastion	Strategic Airlift Apron Expansion	32,000	32,000
Air Force	Tombstone/Bastion	CAS Apron Expansion	40,000	40,000

MILITARY CONSTRUCTION FOR OVERSEAS CONTIGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country and Location	Project	Request	Conference Authorized
Air Force	Tombstone/Bastion	ISR Apron	41,000	41,000
Air Force	Tombstone/Bastion	Secure RSOI Facility	10,000	10,000
Air Force	Tombstone/Bastion	Cargo Handling Area	18,000	18,000
Air Force	Tombstone/Bastion	Aviation Operations & Maintenance Facs	8,900	8,900
Air Force	Tombstone/Bastion	Expeditionary Fighter Shelter	6,300	6,300
Army	Tombstone/Bastion	Basic Load Ammunition Holding Area	7,500	7,500
Army	Tombstone/Bastion	Dining Facility	8,900	8,900
Army	Tombstone/Bastion	Entry Control Point and Access Roads	14,200	14,200
Army	Tombstone/Bastion	Fuel System, Ph 2	14,200	14,200
Army	Tombstone/Bastion	Roads	4,300	4,300
Army	Tombstone/Bastion	Troop Housing Phase 3	3,250	0
Army	Tombstone/Bastion	Troop Housing Phase 4	3,800	0
Army	Tombstone/Bastion	Level 3 Medical Facility	16,500	16,500
Army	Tombstone/Bastion	Water Supply and Distribution System	6,200	6,200
Air Force	Wolverine	Cargo Handling Area	4,900	4,900
Army	Wolverine	Dining Facility	4,350	4,350
Army	Wolverine	Fuel System, Ph 1	5,800	5,800
Army	Wolverine	Waste Management Complex	6,900	6,900
	Belgium			
Army	Mons	NATO SOF Operational Support		
	ZU			
Air Force	Unspecified Worldwide.	Planning and Design	35,000	29,000
Army	Unspecified Worldwide.	Minor Construction	20,000	20,100
Army	Unspecified Worldwide.	Planning and Design	76,284	76,284
NSA	Unspecified Worldwide.	Classified Project	6,000	0
NSA	Unspecified Worldwide.	Planning and Design	600	0
		Grand Total Military Construction	**1,404,984**	**1,398,984**

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	Conference 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
W87 Stockpile systems	51,817	51,817

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
W88 Stockpile systems	43,043	43,043
Total, Stockpile systems	**390,300**	**390,300**
Weapons dismantlement and disposition		
Operation and maintenance	84,100	94,100
Total, Weapons dismantlement and disposition	**84,100**	**94,100**
Stockpile services		
Production support	301,484	301,484
Research and development support	37,071	37,071
R&D certification and safety	143,076	153,076
Dynamic plutonium experiment—NTS		[10,000]
Management, technology, and production	200,223	200,223
Plutonium infrastructure sustainment	149,201	149,201
Total, Stockpile services	**831,055**	**841,055**
Total, Directed stockpile work	**1,514,651**	**1,534,651**
Campaigns:		
Science campaign		
Advanced certification	19,400	19,400
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**	**316,690**
Engineering campaign		
Enhanced surety	42,000	47,000
Program increase		[5,000]
Weapon systems engineering assessment technology	18,000	18,000
Nuclear survivability	21,000	21,000
Enhanced surveillance	69,000	69,000
Total, Engineering campaign	**150,000**	**155,000**
Inertial confinement fusion ignition and high yield campaign		
Ignition	106,734	106,734
NIF diagnostics, cryogenics and experimental support	72,252	73,252
National Ignition Campaign program increase		[1,000]
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	266,629
Omega operations		[6,500]
National Ignition Campaign program increase		[11,200]
Total, Inertial confinement fusion and high yield campaign	**436,915**	**455,615**
Advanced simulation and computing campaign		
Operation and maintenance	556,125	556,125
Total, Advanced simulation and computing campaign	**556,125**	**556,125**
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	68,246
Advanced design and production technologies	8,699	8,699
Total, Readiness campaign	**100,000**	**100,000**

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
Total, Campaigns	**1,559,730**	**1,583,430**
Readiness in technical base and facilities (RTBF)		
Operation of facilities	1,342,303	1,360,303
Pantex Plant program increase		[8,000]
Y–12 National Security Complex program increase		[10,000]
Total, Operation of facilities	**1,342,303**	**1,360,303**
Program readiness	73,021	73,021
Material recycle and recovery	69,542	69,542
Containers	23,392	23,392
Storage	24,708	24,708
Subtotal, Readiness in technical base and facilities (RTBF)	**1,532,966**	**1,550,966**
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	0	24,000
Program increase in support of RTBF		[24,000]
09–D–404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM	0	5,000
Program increase in support of RTBF		[5,000]
08–D–801 High pressure fire loop (HPFL), Pantex, TX	31,910	31,910
08–D–804 TA–55 Reinvestment project, Los Alamos National Laboratory	0	
08–D–802 High Explosive Pressing Facility, Pantex Plant, Amarillo, TX	0	
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 project, Los Alamos National Laboratory, Los Alamos, NM	55,000	55,000
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**	**232,382**
Total, Readiness in technical base and facilities	**1,736,348**	**1,783,348**
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**	**221,936**
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	9,963	9,963
Total, Construction	**9,963**	**9,963**
Total, Facilities and infrastructure recapitalization program	**154,922**	**154,922**

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
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**
Use of prior year balances		–42,000
Total, Weapons Activities	**6,384,431**	**6,433,131**
Defense Nuclear Nonproliferation		
Nonproliferation and verification research and development		
Operation and maintenance	297,300	337,300
Nonproliferation and international security	207,202	187,202
International nuclear materials protection and cooperation	552,300	592,050
MPC&A		[39,750]
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	34,691
Supporting activities	1,075	1,075
Total, Operation and maintenance	**126,662**	**126,662**
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, SC	70,000	70,000
Total, Construction	**574,238**	**574,238**
Total, U.S. surplus fissile materials disposition	**700,900**	**700,900**
Russian surplus materials disposition	1,000	1,000
Total, Fissile materials disposition	**701,900**	**701,900**
Global threat reduction initiative	353,500	333,500
Subtotal, Defense Nuclear Nonproliferation	**2,136,709**	**2,176,459**
Total, Defense Nuclear Nonproliferation	**2,136,709**	**2,176,459**

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
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**
Total, National Nuclear Security Administration	**9,945,027**	**10,033,477**
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
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

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
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 sites:		
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	234,118	234,118
Total, Tank farm activities	**761,256**	**761,256**
Total, Savannah River site	**1,209,949**	**1,209,949**

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
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
Subtotal, Defense environmental cleanup	**5,495,831**	**5,495,831**
UNDISTRIBUTED		
Realignment to support NNSA Weapons Activities	0	
Transfer to Title II	0	
Total, Defense Environmental Cleanup	**5,495,831**	**5,495,831**
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 O&M	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

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
Total, Environmental & other defense activities	**6,446,699**	**6,446,699**
Total, Atomic Energy Defense Activities	**16,391,726**	**16,480,176**
Total, Department of Energy	**16,397,914**	**16,486,364**

DIVISION E—MATTHEW SHEPARD AND JAMES BYRD, JR. HATE CRIMES PREVENTION ACT

Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

Sec. 4701. Short title.
Sec. 4702. Findings.
Sec. 4703. Definitions.
Sec. 4704. Support for criminal investigations and prosecutions by State, local, and tribal law enforcement officials.
Sec. 4705. Grant program.
Sec. 4706. Authorization for additional personnel to assist State, local, and tribal law enforcement.
Sec. 4707. Prohibition of certain hate crime acts.
Sec. 4708. Statistics.
Sec. 4709. Severability.
Sec. 4710. Rule of construction.
Sec. 4711. Guidelines for hate-crimes offenses.
Sec. 4712. Attacks on United States servicemen.
Sec. 4713. Report on mandatory minimum sentencing provisions.

SEC. 4701. SHORT TITLE.

18 USC 1 note.

This division may be cited as the "Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act".

SEC. 4702. FINDINGS.

18 USC 249 note.

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. DEFINITIONS.

(a) AMENDMENT.—Section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2096) is amended by inserting "gender identity," after "gender,".

28 USC 994 note.

42 USC 3716 note.

(b) THIS DIVISION.—In this division—

(1) the term "crime of violence" has the meaning given that term in section 16 of title 18, United States Code;

(2) the term "hate crime" has the meaning given that term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2096), as amended by this Act;

(3) the term "local" means a county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(4) the term "State" includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

SEC. 4704. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS. 42 USC 3716.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, 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;

Certification.

(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

Certification.

(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, 2011, 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, 2011, and 2012.

42 USC 3716a.

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—

"(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 circumstances 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, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) 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 a 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;

"(4) the term 'gender identity' means actual or perceived gender-related characteristics; and

"(5) the term 'State' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

"(d) STATUTE OF LIMITATIONS.—

Deadline.

"(1) OFFENSES NOT RESULTING IN DEATH.—Except as provided in paragraph (2), no person shall be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

"(2) DEATH RESULTING OFFENSES.—An indictment or information alleging that an offense under this section resulted in death may be found or instituted at any time without limitation.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections 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. 18 USC 249 note.

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. 18 USC 249 note.

Applicability.

For purposes of construing this division and the amendments made by this division the following shall apply:

(1) IN GENERAL.—Nothing in this division shall be construed to allow a court, in any criminal trial for an offense described under this division or an amendment made by this division, in the absence of a stipulation by the parties, to admit evidence of speech, beliefs, association, group membership, or expressive conduct unless that evidence is relevant and 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.

(3) CONSTRUCTION AND APPLICATION.—Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes any rights under the first amendment to the Constitution of the United States. Nor shall anything in this division, or an amendment made by this division, be construed or applied in a manner that substantially burdens a person's exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, or association, unless the Government demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest, if such exercise of religion, speech, expression, or association was not intended to—

(A) plan or prepare for an act of physical violence; or

(B) incite an imminent act of physical violence against another.

(4) 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 individual's membership in a group advocating or espousing such beliefs.

(5) 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.

(6) 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 of the United States does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

SEC. 4711. GUIDELINES FOR HATE-CRIMES OFFENSES.

Section 249(a) of title 18, United States Code, as added by section 4707 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 General, 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. 4712. 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.".

SEC. 4713. REPORT ON MANDATORY MINIMUM SENTENCING PROVISIONS.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the United States Sentencing Commission shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on mandatory minimum sentencing provisions under Federal law.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall include—

(1) a compilation of all mandatory minimum sentencing provisions under Federal law;

(2) an assessment of the effect of mandatory minimum sentencing provisions under Federal law on the goal of eliminating unwarranted sentencing disparity and other goals of sentencing;

(3) an assessment of the impact of mandatory minimum sentencing provisions on the Federal prison population;

(4) an assessment of the compatibility of mandatory minimum sentencing provisions under Federal law and the sentencing guidelines system established under the Sentencing Reform Act of 1984 (Public Law 98–473; 98 Stat. 1987) and the sentencing guidelines system in place after Booker v. United States, 543 U.S. 220 (2005);

(5) a description of the interaction between mandatory minimum sentencing provisions under Federal law and plea agreements;

(6) a detailed empirical research study of the effect of mandatory minimum penalties under Federal law;

(7) a discussion of mechanisms other than mandatory minimum sentencing laws by which Congress can take action with respect to sentencing policy; and

(8) any other information that the Commission determines would contribute to a thorough assessment of mandatory minimum sentencing provisions under Federal law.

Approved October 28, 2009.

LEGISLATIVE HISTORY—H.R. 2647 (S. 1390):

HOUSE REPORTS: Nos. 111–166 and Pt. 2 (both from Comm. on Armed Services) and 111–288 (Comm. of Conference).
SENATE REPORTS: No. 111–35 (Comm. on Armed Services) accompanying S. 1390.
CONGRESSIONAL RECORD, Vol. 155 (2009):
June 24, 25, considered and passed House.
July 23, considered and passed Senate, amended, in lieu of S. 1390.
Oct. 8, House agreed to conference report.
Oct. 20–22, Senate considered and agreed to conference report.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
Oct. 28, Presidential remarks.

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