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2D SESSION

H. R. 5658

[Report No. 110–652]

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2008

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

MAY 16, 2008

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

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

[For text of introduced bill, see copy of bill as introduced on March 31, 2008]

A BILL

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Duncan Hunter National Defense Authorization Act for Fiscal Year 2009".

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.
Sec. 106. Rapid Acquisition Fund.

Subtitle B—Army Programs

Sec. 111. Separate procurement line items for Future Combat Systems program.
Sec. 112. Restriction on contract awards for major elements of the Future Combat Systems program.
Sec. 113. Restriction on obligation of funds for Army tactical radio pending report.

Sec. 114. Restriction on obligation of procurement funds for Armed Reconnaissance Helicopter program pending certification.

Subtitle C—Navy Programs

Sec. 121. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.
Sec. 122. Applicability of previous teaming agreements for Virginia-class submarine program.
Sec. 123. Littoral Combat Ship (LCS) program.
Sec. 124. Report on F/A–18 procurement costs, comparing multiyear to annual.

Subtitle D—Air Force Programs

Sec. 131. Limitation on retiring C–5 aircraft.
Sec. 132. Maintenance of retired KC–135E aircraft.
Sec. 133. Repeal of multi-year contract authority for procurement of tanker aircraft.
Sec. 134. Report on processes used for requirements development for KC–(X).

Subtitle E—Joint and Multiservice Matters

Sec. 141. Body armor acquisition strategy.
Sec. 142. Small arms acquisition strategy and requirements review.
Sec. 143. Requirement for common ground stations and payloads for manned and unmanned aerial vehicles.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Additional determinations to be made as part of Future Combat Systems milestone review.
Sec. 212. Analysis of Future Combat Systems communications network and software.
Sec. 213. Future Combat Systems manned ground vehicle selected acquisition reports.
Sec. 214. Separate procurement and research, development, test, and evaluation line items and program elements for Sky Warrior Unmanned Aerial Systems project.
Sec. 215. Restriction on obligation of funds for the Warfighter Information Network—Tactical program.
Sec. 216. Limitation on source of funds for certain Joint Cargo Aircraft expenditures.

Subtitle C—Missile Defense Programs

Sec. 221. Independent study of boost phase missile defense.
Sec. 222. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.

Subtitle D—Other Matters

Sec. 231. Oversight of testing of personnel protective equipment by Director, Operational Test and Evaluation.

Sec. 232. Assessment of the Historically Black Colleges and Universities and Minority Serving Institutions Program.
Sec. 233. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.
Sec. 234. Repeal of requirement for Technology Transition Initiative.
Sec. 235. Trusted defense systems.
Sec. 236. Limitation on obligation of funds for Enhanced AN/TPQ–36 radar system pending submission of report.
Sec. 237. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.
Sec. 238. Availability of funds for prompt global strike capability development.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Authorization for Department of Defense participation in conservation banking programs.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 313. Expand cooperative agreement authority for management of natural resources to include off-installation mitigation.

Subtitle C—Workplace and Depot Issues

Sec. 321. Time limitation on duration of public-private competitions.
Sec. 322. Comprehensive analysis and development of single Government-wide definition of inherently governmental function.
Sec. 323. Study on future depot capability.
Sec. 324. High-performing organization business process reengineering.
Sec. 325. Temporary suspension of studies and public-private competitions regarding conversion of functions of the Department of Defense performed by civilian employees to contractor performance.
Sec. 326. Consolidation of Air Force and Air National Guard aircraft maintenance.
Sec. 327. Guidance for performance of civilian personnel work under Air Force civilian personnel consolidation plan.
Sec. 328. Report on reduction in number of firefighters on Air Force bases.

Subtitle D—Energy Security

Sec. 331. Annual report on operational energy management and implementation of operational energy strategy.
Sec. 332. Consideration of fuel logistics support requirements in planning, requirements development, and acquisition processes.
Sec. 333. Study on solar energy for use at forward operating locations.
Sec. 334. Study on coal-to-liquid fuels.

Subtitle E—Reports

Sec. 341. Comptroller General report on readiness of Armed Forces.

Sec. 342. Report on plan to enhance combat skills of Navy and Air Force personnel.
Sec. 343. Comptroller General report on the use of the Army Reserve and National Guard as an operational reserve.
Sec. 344. Comptroller General report on link between preparation and use of Army reserve component forces to support ongoing operations.
Sec. 345. Comptroller General report on adequacy of funding, staffing, and organization of Department of Defense Military Munitions Response Program.
Sec. 346. Report on options for providing repair capabilities to support ships operating near Guam.

Subtitle F—Other Matters

Sec. 351. Extension of Enterprise Transition Plan reporting requirement.
Sec. 352. Demilitarization of loaned, given, or exchanged documents, historical artifacts, and condemned or obsolete combat materiel.
Sec. 353. Repeal of requirement that Secretary of Air Force provide training and support to other military departments for A–10 aircraft.
Sec. 354. Display of annual budget requirements for Air Sovereignty Alert Mission.
Sec. 355. Sense of Congress that Air Sovereignty Alert Mission should receive sufficient funding and resources.
Sec. 356. Revision of certain Air Force regulations required.
Sec. 357. Transfer of C–12 aircraft to California Department of Forestry and Fire Protection.
Sec. 358. Availability of funds for Irregular Warfare Support program.
Sec. 359. Sense of Congress regarding procurement and use of munitions.
Sec. 360. Limitation on obligation of funds for Air Combat Command Management Headquarters.
Sec. 361. Increase of domestic sourcing of military working dogs used by the Department of Defense.

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.

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 2009 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. Additional waiver authority of limitation on number of reserve component members authorized to be on active duty.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Mandatory separation requirements for regular warrant officers for length of service.
Sec. 502. Requirements for issuance of posthumous commissions and warrants.
Sec. 503. Extension of authority to reduce minimum length of active service required for voluntary retirement as an officer.
Sec. 504. Increase in authorized number of general officers on active duty in the Marine Corps.

Subtitle B—Reserve Component Management

Sec. 511. Extension to all military departments of authority to defer mandatory separation of military technicians (dual status).
Sec. 512. Increase in authorized strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel to meet force structure requirements.
Sec. 513. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty in support of a contingency operation.
Sec. 514. Increase in mandatory retirement age for certain Reserve officers.
Sec. 515. Age limit for retention of certain Reserve officers on active-status list as exception to removal for years of commissioned service.
Sec. 516. Authority to retain Reserve chaplains and officers in medical and related specialties until age 68.
Sec. 517. Study and report regarding personnel movements in Marine Corps Individual Ready Reserve.

Subtitle C—Joint Qualified Officers and Requirements

Sec. 521. Joint duty requirements for promotion to general or flag officer.
Sec. 522. Technical, conforming, and clerical changes to joint specialty terminology.
Sec. 523. Promotion policy objectives for Joint Qualified Officers.
Sec. 524. Length of joint duty assignments.
Sec. 525. Designation of general and flag officer positions on Joint Staff as positions to be held only by reserve component officers.
Sec. 526. Treatment of certain service as joint duty experience.

Subtitle D—General Service Authorities

Sec. 531. Increase in authorized maximum reenlistment term.
Sec. 532. Career intermission pilot program.

Subtitle E—Education and Training

Sec. 541. Repeal of prohibition on phased increase in midshipmen and cadet strength limit at United States Naval Academy and Air Force Academy.
Sec. 542. Promotion of foreign and cultural exchange activities at military service academies.
Sec. 543. Compensation for civilian President of Naval Postgraduate School.
Sec. 544. Increased authority to enroll defense industry employees in defense product development program.

Sec. 545. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve components members supporting contingency operations.
Sec. 546. Consistent education loan repayment authority for health professionals in regular components and Selected Reserve.
Sec. 547. Increase in number of units of Junior Reserve Officers' Training Corps.

Subtitle F—Military Justice

Sec. 551. Grade of Staff Judge Advocate to the Commandant of the Marine Corps.
Sec. 552. Standing military protection order.
Sec. 553. Mandatory notification of issuance of military protective order to civilian law enforcement.
Sec. 554. Implementation of information database on sexual assault incidents in the Armed Forces.

Subtitle G—Decorations, Awards, and Honorary Promotions

Sec. 561. Replacement of military decorations.
Sec. 562. Authorization and request for award of Medal of Honor to Richard L. Etchberger for acts of valor during the Vietnam War.
Sec. 563. Advancement of Brigadier General Charles E. Yeager, United States Air Force (retired), on the retired list.
Sec. 564. Advancement of Rear Admiral Wayne E. Meyer, United States Navy (retired), on the retired list.
Sec. 565. Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation.

Subtitle H—Impact Aid

Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 572. Calculation of payments under Department of Education's Impact Aid program.

Subtitle I—Military Families

Sec. 581. Presentation of burial flag.
Sec. 582. Education and training opportunities for military spouses.

Subtitle J—Other Matters

Sec. 591. Inclusion of Reserves in providing Federal aid for State governments, enforcing Federal authority, and responding to major public emergencies.
Sec. 592. Interest payments on certain claims arising from correction of military records.
Sec. 593. Extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.
Sec. 594. Authority to order Reserve units to active duty to provide assistance in response to a major disaster or emergency.
Sec. 595. Senior Military Leadership Diversity Commission.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2009 increase in military basic pay.
Sec. 602. Permanent prohibition on charges for meals received at military treatment facilities by members receiving continuous care.
Sec. 603. Equitable treatment of senior enlisted members in computation of basic allowance for housing.
Sec. 604. Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses.
Sec. 605. Availability of portion of a second family separation allowance for married couples with dependents.
Sec. 606. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade.
Sec. 607. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
Sec. 608. Guaranteed pay increase for members of the Armed Forces of one-half of one percentage point higher than Employment Cost Index.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 615. Extension of authorities relating to payment of referral bonuses.
Sec. 616. Increase in maximum bonus and stipend amounts authorized under Nurse Officer Candidate Accession Program.
Sec. 617. Maximum length of nuclear officer incentive pay agreements for service.
Sec. 618. Technical changes regarding consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
Sec. 619. Use of new skill incentive pay and proficiency bonus authorities to encourage training in critical foreign languages and foreign cultural studies.
Sec. 620. Temporary targeted bonus authority to increase direct accessions of officers in certain health professions.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.
Sec. 632. Additional weight allowance for transportation of materials associated with employment of a member's spouse or community support volunteer or charity activities.
Sec. 633. Transportation of family pets during evacuation of nonessential personnel.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Equity in computation of disability retired pay for reserve component members wounded in action.

Sec. 642. Effect of termination of subsequent marriage on payment of Survivor Benefit Plan annuity to surviving spouse or former spouse who previously transferred annuity to dependent children.
Sec. 643. Extension to survivors of certain members who die on active duty of special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
Sec. 644. 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. 645. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
Sec. 646. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.
Sec. 647. Presumption of death for participants in Survivor Benefit Plan in missing status.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Use of commissary stores surcharges derived from temporary commissary initiatives for reserve components and retired members.
Sec. 652. Requirements for private operation of commissary store functions.
Sec. 653. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.
Sec. 654. Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installations.
Sec. 655. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.
Sec. 656. Use of appropriated funds to pay post allowances or overseas cost of living allowances to nonappropriated fund instrumentality employees serving overseas.
Sec. 657. Study regarding sale of alcoholic wine and beer in commissary stores in addition to exchange stores.

Subtitle F—Other Matters

Sec. 661. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army.
Sec. 662. Continuation of entitlement to bonuses and similar benefits for members of the uniformed services who die, are separated or retired for disability, or meet other criteria.
Sec. 663. Providing injured members of the Armed Forces information concerning benefits.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.
Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
Sec. 703. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

Sec. 704. Chiropractic health care for members on active duty.
Sec. 705. Requirement to recalculate TRICARE Reserve Select premiums based on actual cost data.
Sec. 706. Program for health care delivery at military installations projected to grow.
Sec. 707. Guidelines for combined Federal medical facilities.

Subtitle B—Preventive Care

Sec. 711. Waiver of copayments for preventive services for certain TRICARE beneficiaries.
Sec. 712. Military health risk management demonstration project.
Sec. 713. Smoking cessation program under TRICARE.
Sec. 714. Availability of allowance to assist members of the Armed Forces and their dependents procure preventive health care services.

Subtitle C—Wounded Warrior Matters

Sec. 721. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries.
Sec. 722. Clarification to center of excellence relating to military eye injuries.
Sec. 723. National Casualty Care Research Center.
Sec. 724. Peer-reviewed research program on extremity war injuries.
Sec. 725. Review of policies and processes related to the delivery of mail to wounded members of the Armed Forces.

Subtitle D—Other Matters

Sec. 731. Report on stipend for members of reserve components for health care for certain dependents.
Sec. 732. Report on providing the Extended Care Health Option Program to autistic dependents of military retirees.
Sec. 733. Sense of Congress regarding autism therapy services.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Review of impact of illegal subsidies on acquisition of KC–45 aircraft.
Sec. 802. Assessment of urgent operational needs fulfillment.
Sec. 803. Preservation of tooling for major defense acquisition programs.
Sec. 804. Prohibition on procurement from beneficiaries of foreign subsidies.
Sec. 805. Domestic industrial base considerations during source selection.
Sec. 806. Commercial software reuse preference.
Sec. 807. Comprehensive proposal analysis required during source selection.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Acquisition workforce expedited hiring authority.
Sec. 812. Definition of system for Defense Acquisition Challenge Program.
Sec. 813. Career path and other requirements for military personnel in the acquisition field.
Sec. 814. Technical data rights for non-FAR agreements.
Sec. 815. Clarification that cost accounting standards apply to Federal contracts performed outside the United States.

Subtitle C—Provisions Relating to Inherently Governmental Functions

Sec. 821. Policy on personal conflicts of interest by employees of Department of Defense contractors.
Sec. 822. Development of guidance on personal services contracts.
Sec. 823. Limitation on performance of product support integrator functions.

Subtitle D—Defense Industrial Security

Sec. 831. Requirements relating to facility clearances.
Sec. 832. Foreign ownership control or influence.
Sec. 833. Congressional oversight relating to facility clearances and foreign ownership control or influence; definitions.

Subtitle E—Other Matters

Sec. 841. Clarification of status of Government rights in the designs of department of defense vessels, boats, and craft, and components thereof.
Sec. 842. Expansion of authority to retain fees from licensing of intellectual property.
Sec. 843. Transfer of sections of title 10 relating to Milestone A and Milestone B for clarity.
Sec. 844. Earned value management study and report.
Sec. 845. Report on market research.
Sec. 846. System development and demonstration benchmark report.
Sec. 847. Additional matters required to be reported by contractors performing security functions in areas of combat operations.
Sec. 848. Report relating to munitions.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Revisions in functions and activities of special operations command.
Sec. 902. Requirement to designate officials for irregular warfare.
Sec. 903. Plan required for personnel management of special operations forces.
Sec. 904. Director of Operational Energy Plans and Programs.
Sec. 905. Corrosion control and prevention executives for the military departments.
Sec. 906. Alignment of Deputy Chief Management Officer responsibilities.
Sec. 907. Requirement for the Secretary of Defense to prepare a strategic plan to enhance the role of the National Guard and Reserves.
Sec. 908. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.
Sec. 909. Support to Committee review.

Subtitle B—Space Activities

Sec. 911. Extension of authority for pilot program for provision of space surveillance network services to non-United States Government entities.
Sec. 912. Investment and acquisition strategy for commercial satellite capabilities.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Chemical Demilitarization Citizens Advisory Commissions in Colorado and Kentucky.

Sec. 922. Prohibition on transport of hydrolysate at Pueblo Chemical Depot, Colorado.

Subtitle D—Intelligence-Related Matters

Sec. 931. Technical changes following the redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.
Sec. 932. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 933. Technical amendments relating to the Associate Director of the CIA for Military Affairs.

Subtitle E—Other Matters

Sec. 941. Department of Defense School of Nursing revisions.
Sec. 942. Amendments of authority for regional centers for security studies.
Sec. 943. Findings and Sense of Congress regarding the Western Hemisphere Institute for Security Cooperation.
Sec. 944. Restriction on obligation of funds for United States Southern Command development assistance activities.
Sec. 945. Authorization of non-conventional assisted recovery capabilities.
Sec. 946. Report on United States Northern Command development of interagency plans and command and control relationships.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Requirement for separate display of budget for Afghanistan.
Sec. 1003. Requirement for separate display of budget for Iraq.
Sec. 1004. One-time shift of military retirement payments.

Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Conveyance, Navy drydock, Aransas Pass, Texas.
Sec. 1012. Report on repair of naval vessel in foreign shipyards.
Sec. 1013. Policy relating to major combatant vessels of the strike forces of the United States Navy.
Sec. 1014. National Defense Sealift Fund amendments.
Sec. 1015. Report on contributions to the domestic supply of steel and other metals from scrapping of certain vessels.

Subtitle C—Counter-Drug Activities

Sec. 1021. Continuation of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
Sec. 1022. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1023. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia and continuation of numerical limitation on assignment of United States personnel.
Sec. 1024. Expansion and extension of authority to provide additional support for counter-drug activities of certain foreign governments.
Sec. 1025. Comprehensive Department of Defense strategy for counter-narcotics efforts for West Africa and the Maghreb.

Sec. 1026. Comprehensive Department of Defense strategy for counter-narcotics efforts in South and Central Asian regions.

Subtitle D—Boards and Commissions

Sec. 1031. Strategic Communication Management Board.
Sec. 1032. Extension of certain dates for Congressional Commission on the Strategic Posture of the United States.
Sec. 1033. Extension of Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack.

Subtitle E—Studies and Reports

Sec. 1041. Report on corrosion control and prevention.
Sec. 1042. Study on using Modular Airborne Fire Fighting Systems (MAFFS) in a Federal response to wildfires.
Sec. 1043. Study on rotorcraft survivability.
Sec. 1044. Studies to analyze alternative models for acquisition and funding of inter-connected cyberspace systems.
Sec. 1045. Report on nonstrategic nuclear weapons.
Sec. 1046. Study on national defense implications of section 1083.
Sec. 1047. Report on methods Department of Defense utilizes to ensure compliance with Guam tax and licensing laws.

Subtitle F—Congressional Recognitions

Sec. 1051. Sense of Congress honoring the Honorable Duncan Hunter.
Sec. 1052. Sense of Congress in honor of the Honorable Jim Saxton, a Member of the House of Representatives.
Sec. 1053. Sense of Congress honoring the Honorable Terry Everett.
Sec. 1054. Sense of Congress honoring the Honorable Jo Ann Davis.

Subtitle G—Other Matters

Sec. 1061. Amendment to annual submission of information regarding information technology capital assets.
Sec. 1062. Restriction on Department of Defense relocation of missions or functions from Cheyenne Mountain Air Force Station.
Sec. 1063. Technical and clerical amendments.
Sec. 1064. Submission to Congress of revision to regulation on enemy prisoners of war, retained personnel, civilian internees, and other detainees.
Sec. 1065. Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense.
Sec. 1066. State Defense Force Improvement.
Sec. 1067. Barnegat Inlet to Little Egg Inlet, New Jersey.
Sec. 1068. Sense of Congress regarding the roles and missions of the Department of Defense and other national security institutions.
Sec. 1069. Sense of Congress relating to 2008 supplemental appropriations.
Sec. 1070. Sense of Congress regarding defense requirements of the United States.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Temporary authority to waive limitation on premium pay for Federal employees.
Sec. 1102. Extension of authority to make lump-sum severance payments.

Sec. 1103. Extension of voluntary reduction-in-force authority of Department of Defense.
Sec. 1104. Technical amendment to definition of professional accounting position.
Sec. 1105. Expedited hiring authority for health care professionals.
Sec. 1106. Authority to adjust certain limitations on personnel and reports on such adjustments.
Sec. 1107. Temporary discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.
Sec. 1108. Requirement relating to furloughs during the time of a contingency operation.
Sec. 1109. Direct hire authority for certain positions at personnel demonstration laboratories.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Extension of authority to build the capacity of the Pakistan Frontier Corps.
Sec. 1202. Military-to-military contacts and comparable activities.
Sec. 1203. Enhanced authority to pay incremental expenses for participation of developing countries in combined exercises.
Sec. 1204. Extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1205. One-year extension of authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability.
Sec. 1206. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1207. Extension of authority for security and stabilization assistance.
Sec. 1208. Authority for support of special operations to combat terrorism.
Sec. 1209. Regional Defense Combating Terrorism Fellowship Program.

Subtitle B—Matters Relating to Iraq and Afghanistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1212. Report on status of forces agreements between the United States and Iraq.
Sec. 1213. Strategy for United States-led Provincial Reconstruction Teams in Iraq.
Sec. 1214. Commanders' Emergency Response Program.
Sec. 1215. Performance monitoring system for United States-led Provincial Reconstruction Teams in Afghanistan.
Sec. 1216. Report on command and control structure for military forces operating in Afghanistan.
Sec. 1217. Report on enhancing security and stability in the region along the border of Afghanistan and Pakistan.
Sec. 1218. Study and report on Iraqi police training teams.

Subtitle C—Other Matters

Sec. 1221. Payment of personnel expenses for multilateral cooperation programs.
Sec. 1222. Extension of Department of Defense authority to participate in multinational military centers of excellence.

Sec. 1223. Study of limitation on classified contracts with foreign companies engaged in space business with China.
Sec. 1224. Sense of Congress and congressional briefings on readiness of the Armed Forces and report on nuclear weapons capabilities of Iran.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical agents and munitions destruction, Defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1406. Defense Inspector General.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Revisions to previously authorized disposals from the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Armed Forces Retirement Home.

Subtitle D—Inapplicability of Executive Order 13457

Sec. 1431. Inapplicability of Executive Order 13457.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Air Force procurement.
Sec. 1505. Defense-wide activities procurement.
Sec. 1506. Rapid acquisition fund.
Sec. 1507. Joint Improvised Explosive Device Defeat Fund.
Sec. 1508. Limitation on obligation of funds for the Joint Improvised Explosive Devices Defeat Organization pending notification to Congress.
Sec. 1509. Research, development, test, and evaluation.
Sec. 1510. Operation and maintenance.
Sec. 1511. Other Department of Defense programs.
Sec. 1512. Iraq Security Forces Fund.
Sec. 1513. Afghanistan Security Forces Fund.
Sec. 1514. Military personnel.
Sec. 1515. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1516. Special transfer authority.
Sec. 1517. Treatment as additional authorizations.

TITLE XVI—RECONSTRUCTION AND STABILIZATION CIVILIAN MANAGEMENT

Sec. 1601. Short title.
Sec. 1602. Findings.
Sec. 1603. Definitions.
Sec. 1604. Authority to provide assistance for reconstruction and stabilization crises.
Sec. 1605. Reconstruction and stabilization.
Sec. 1606. Authorities related to personnel.
Sec. 1607. Reconstruction and stabilization strategy.
Sec. 1608. Annual reports to Congress.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.
Sec. 2002. Expiration of authorizations and amounts required to be specified by law.

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 2008 projects.
Sec. 2106. Modification of authority to carry out certain fiscal year 2007 projects.
Sec. 2107. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2108. Extension of authorization of certain fiscal year 2005 project.

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 of authority to carry out certain fiscal year 2005 project.
Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects.
Sec. 2207. Report on impacts of surface ship homeporting alternatives.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2306. Extension of authorizations of certain fiscal year 2005 projects.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 2007 project.
Sec. 2405. Modification of authority to carry out certain fiscal year 2005 projects.
Sec. 2406. Extension of authorization of certain fiscal year 2006 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorized chemical demilitarization program construction and land acquisition projects.
Sec. 2412. Authorization of appropriations, chemical demilitarization construction, defense-wide.
Sec. 2413. Modification of authority to carry out certain fiscal year 1997 project.
Sec. 2414. Modification of authority to carry out certain fiscal year 2000 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2608. Extension of Authorization of certain fiscal year 2005 project.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

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

Subtitle B—Amendments to Base Closure and Related Laws

Sec. 2711. Repeal of commission approach for development of recommendations in any future round of base closures and realignments.
Sec. 2712. Modification of annual base closure and realignment reporting requirements.

Sec. 2713. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.

Subtitle C—Other Matters

Sec. 2721. Conditions on closure of Walter Reed Army Medical Hospital and relocation of operations to National Naval Medical Center and Fort Belvoir.
Sec. 2722. Report on use of BRAC properties as sites for refineries or nuclear power plants.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Incorporation of principles of sustainable design in documents submitted as part of proposed military construction projects.
Sec. 2802. Extension of authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2803. Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount.
Sec. 2804. Use of military family housing constructed under build and lease authority to house members without dependents.
Sec. 2805. Lease of military family housing to the Secretary of Defense for use as residence.
Sec. 2806. Repeal of reporting requirement in connection with installation vulnerability assessments.
Sec. 2807. Modification of alternative authority for acquisition and improvement of military housing.
Sec. 2808. Report on capturing housing privatization best practices.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Clarification of exceptions to congressional reporting requirements for certain real property transactions.
Sec. 2812. Authority to lease non-excess property of military departments and Defense Agencies.
Sec. 2813. Modification of utility system conveyance authority.
Sec. 2814. Permanent authority to purchase municipal services for military installations in the United States.
Sec. 2815. Defense access roads.
Sec. 2816. Protecting private property rights during Department of Defense land acquisitions.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2821. Guam Defense Policy Review Initiative Account.
Sec. 2822. Sense of Congress regarding use of Special Purpose Entities for military housing related to Guam realignment.
Sec. 2823. Sense of Congress regarding Federal assistance to Guam.
Sec. 2824. Comptroller General report regarding interagency requirements related to Guam realignment.
Sec. 2825. Energy and environmental design initiatives in Guam military construction and installations.

Sec. 2826. Department of Defense Inspector General report regarding Guam realignment.
Sec. 2827. Eligibility of the Commonwealth of the Northern Mariana Islands for military base reuse studies and community planning assistance.
Sec. 2828. Prevailing wage applicable to Guam.

Subtitle D—Energy Security

Sec. 2841. Certification of enhanced use leases for energy-related projects.
Sec. 2842. Annual report on Department of Defense installations energy management.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance, former Naval Air Station, Alameda, California.
Sec. 2852. Land conveyance, Norwalk Defense Fuel Supply Point, Norwalk, California.
Sec. 2853. Land conveyance, former Naval Station, Treasure Island, California.
Sec. 2854. Condition on lease involving Naval Air Station, Barbers Point, Hawaii.
Sec. 2855. Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio.
Sec. 2856. Land conveyance, John Sevier Range, Knox County, Tennessee.
Sec. 2857. Land conveyance, Bureau of Land Management land, Camp Williams, Utah.
Sec. 2858. Land conveyance, Army property, Camp Williams, Utah.
Sec. 2859. Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia.

Subtitle F—Other Matters

Sec. 2871. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
Sec. 2872. Decontamination and use of former bombardment area on island of Culebra.
Sec. 2873. Acceptance and use of gifts for construction of additional building at National Museum of the United States Air Force, Wright-Patterson Air Force Base.
Sec. 2874. Establishment of memorial to American Rangers at Fort Belvoir, Virginia.
Sec. 2875. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.
Sec. 2876. Naming of health facility, Fort Rucker, Alabama.

TITLE XXIX—ADDITIONAL WAR-RELATED AND EMERGENCY MILITARY CONSTRUCTION AUTHORIZATIONS FOR FISCAL YEAR 2008

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2905. Termination of authority to carry out fiscal year 2008 Army projects for which funds were not appropriated.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

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

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Utilization of international contributions to the Russian plutonium disposition program.
Sec. 3112. Extension of deadline for Comptroller General report on Department of Energy protective force management.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2009.
Sec. 3502. Limitation on export of vessels owned by the Government of the United States for the purpose of dismantling, recycling, or scrapping.
Sec. 3503. Student incentive payment agreements.
Sec. 3504. Riding gang member requirements.
Sec. 3505. Maintenance and Repair Reimbursement Program for the Maritime Security Fleet.
Sec. 3506. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy.

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.
Sec. 106. Rapid Acquisition Fund.

Subtitle B—Army Programs

Sec. 111. Separate procurement line items for Future Combat Systems program.
Sec. 112. Restriction on contract awards for major elements of the Future Combat Systems program.
Sec. 113. Restriction on obligation of funds for Army tactical radio pending report.
Sec. 114. Restriction on obligation of procurement funds for Armed Reconnaissance Helicopter program pending certification.

Subtitle C—Navy Programs

Sec. 121. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.
Sec. 122. Applicability of previous teaming agreements for Virginia-class submarine program.
Sec. 123. Littoral Combat Ship (LCS) program.
Sec. 124. Report on F/A–18 procurement costs, comparing multiyear to annual.

Subtitle D—Air Force Programs

Sec. 131. Limitation on retiring C–5 aircraft.
Sec. 132. Maintenance of retired KC–135E aircraft.
Sec. 133. Repeal of multi-year contract authority for procurement of tanker aircraft.
Sec. 134. Report on processes used for requirements development for KC–(X).

Subtitle E—Joint and Multiservice Matters

Sec. 141. Body armor acquisition strategy.
Sec. 142. Small arms acquisition strategy and requirements review.
Sec. 143. Requirement for common ground stations and payloads for manned and unmanned aerial vehicles.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $4,912,735,000.

(2) For missiles, $2,201,460,000.

(3) For weapons and tracked combat vehicles, $3,539,177,000.

(4) For ammunition, $2,294,791,000.

(5) For other procurement, $11,201,876,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Navy as follows:

(1) For aircraft, $14,627,274,000.

(2) For weapons, including missiles and torpedoes, $3,575,482,000.

(3) For shipbuilding and conversion, $12,917,919,000.

(4) For other procurement, $5,461,926,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Marine Corps in the amount of $1,296,327,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,122,712,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Air Force as follows:

(1) For aircraft, $12,618,665,000.

(2) For ammunition, $934,478,000.

(3) For missiles, $5,536,728,000.

(4) For other procurement, $16,134,896,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense-wide procurement in the amount of $3,485,428,000.

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 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 $800,000,000.

SEC. 106. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the Rapid Acquisition Fund in the amount of $50,000,000.

Subtitle B—Army Programs

SEC. 111. SEPARATE PROCUREMENT LINE ITEMS FOR FUTURE COMBAT SYSTEMS PROGRAM.

Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, in each budget submission to the President, a separate, dedicated procurement line item is designated for each of the following elements of the Future Combat Systems (FCS) program, to the extent the budget submission includes funding for such elements:

(1) FCS Manned Ground Vehicles.

(2) FCS Unmanned Ground Vehicles.

(3) FCS Unmanned Aerial Systems.

(4) FCS Unattended Ground Systems.

(5) Other FCS elements.

SEC. 112. RESTRICTION ON CONTRACT AWARDS FOR MAJOR ELEMENTS OF THE FUTURE COMBAT SYSTEMS PROGRAM.

(a) CONTRACTING RESTRICTED.—For fiscal year 2009 and any fiscal year thereafter, the Secretary of Defense and the Secretary of the Army may not award a contract for low-rate initial production or full-rate production of major

elements of the Future Combat Systems program to any entity that is under contract to perform the role of lead systems integrator for the Future Combat Systems program.

(b) INAPPLICABILITY TO NON-LINE OF SIGHT CANNON.—Subsection (a) does not apply to contracts entered into in fiscal year 2009 or fiscal year 2010 for procurement of Non-Line of Sight Cannon vehicles.

(c) INAPPLICABILITY TO EQUIPMENT PROCURED THROUGH SELECTED ACQUISITION METHODS.—Subsection (a) does not apply to elements of the Future Combat Systems program—

(1) acquired through the Army Rapid Equipping Force program;

(2) acquired through the Joint Improved Explosive Device Defeat Organization; or

(3) acquired specifically to address an Operational Needs Statement or Joint Urgent Operational Needs Statement.

(d) DEFINITIONS.—In this section:

(1) The term "major elements of the Future Combat Systems program" includes—

(A) Future Combat Systems Manned Ground Vehicles;

(B) Future Combat Systems Unmanned Ground Vehicles;

(C) Future Combat Systems Unmanned Aerial Vehicles;

(D) Future Combat Systems Non-Line of Sight Missile Launchers;

(E) Future Combat Systems Unattended Ground Sensors; and

(F) Future Combat Systems equipment to upgrade vehicles and other equipment in the Army inventory as of October 1, 2008.

(2) The term "lead systems integrator" has the meaning given such term in section 802(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

SEC. 113. RESTRICTION ON OBLIGATION OF FUNDS FOR ARMY TACTICAL RADIO PENDING REPORT.

(a) REPORT REQUIRED.—The Assistant Secretary of Defense for Networks and Information Integration shall submit to the congressional defense committees a report on Army tactical radio fielding plans by March 30, 2009. This report shall include, at a minimum, the following:

(1) A description of the Army tactical radio fielding strategy, including a description of the overall mix of tactical radio systems and how they integrate to provide communications and network capability.

(2) A detailed description of the current and future mix of radios for Army infantry brigade combat teams, heavy brigade combat teams, Stryker brigade combat teams, and Future Combat Systems brigade combat teams.

(3) A description of the current and future mix of radios for Army support brigades, headquarters elements, and training base.

(4) A description of the Army's plan to integrate joint tactical radio system radios, including the number of each type of joint tactical radio the Army plans to procure.

(5) An assessment of the total cost of the Army's tactical radio fielding strategy, including future procurement of joint tactical radio systems.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING REPORT.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for Other Procurement, Army, for tactical radio systems, not more than 75 percent may be obligated or expended until 30 days after the report required by subsection (a) is received by the congressional defense committees.

SEC. 114. RESTRICTION ON OBLIGATION OF PROCUREMENT FUNDS FOR ARMED RECONNAISSANCE HELICOPTER PROGRAM PENDING CERTIFICATION.

(a) CERTIFICATION REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify to the congressional defense committees that the Army Reconnaissance Helicopter has—

(1) satisfactorily completed a Limited User Test; and

(2) been approved to enter Milestone C.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING CERTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for aircraft procurement, Army, for the Armed Reconnaissance Helicopter, not more than 20 percent may be obligated until 30 days after the certification required by subsection (a) is received by the congressional defense committees.

Subtitle C—Navy Programs

SEC. 121. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. THEODORE ROOSEVELT.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of the amount appropriated pursuant to the authorization of appropriations in section 102 or otherwise made available for shipbuilding, conversion, and repair, Navy, for fiscal year 2009, $124,500,000 is available for the commencement

of the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt (CVN–71) during fiscal year 2009. The amount made available in the preceding sentence is the first increment in the three-year funding planned for the nuclear refueling and complex overhaul of that vessel.

(b) CONTRACT AUTHORITY.—The Secretary of the Navy is authorized to enter into a contract during fiscal year 2009 for the nuclear refueling and overhaul of the U.S.S. Theodore Roosevelt (CVN–71).

(c) CONDITION FOR 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 the contract for a fiscal year after fiscal year 2009 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 122. APPLICABILITY OF PREVIOUS TEAMING AGREEMENTS FOR VIRGINIA-CLASS SUBMARINE PROGRAM.

Section 121 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended in subsection (b)—

(1) in paragraph (1) by striking "and" at the end;

(2) in paragraph (2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the Secretary submits to the congressional defense committees a certification that the contract will be awarded to either the General Dynamics Electric Boat Division or the Northrop Grumman Newport News Shipbuilding Division, with the other contractor as the primary subcontractor to the contract, in accordance with the Team Agreement between the two companies, dated February 16, 1997, which was submitted to the Congress on March 31, 1997.".

SEC. 123. LITTORAL COMBAT SHIP (LCS) PROGRAM.

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), is amended in subsection (d) by adding at the end the following:

"(3) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2007. However, in the case of a vessel the procurement of which is funded from amounts appropriated pursuant to an authorization of appropriations or otherwise made available for fiscal year 2008 or 2009, the amount of such an increase for such a vessel may not exceed $10,000,000.

"(4) The amounts of increases or decreases in costs of that vessel that are attributable to insertion of new technology into that vessel, as compared to the technology built into the first and second vessels, respectively, of the Littoral Combat Ship (LCS) class of vessels. However, the Secretary of the Navy may make an adjustment under this paragraph only if—

"(A) the Secretary of the Navy determines, and certifies to the congressional defense committees, that insertion of the new technology would lower the life-cycle cost of the vessel; or

"(B) (i) the Secretary of the Navy determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat; and

"(ii) the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.".

SEC. 124. REPORT ON F/A–18 PROCUREMENT COSTS, COMPARING MULTIYEAR TO ANNUAL.

(a) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on F/A–18 procurement. The report shall include the following:

(1) The number of F/A–18E/F and EA–18G aircraft programmed for procurement for fiscal years 2010 through 2015.

(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 a multiyear procurement contract.

(4) The estimated savings that could be derived from the procurement of those aircraft through a multiyear procurement contract, and whether the Secretary considers 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) The recommendations of the Secretary as to whether Congress should authorize a multiyear procurement contract for those aircraft.

(b) CERTIFICATIONS REQUIRED.—Should the Secretary recommend under subsection (a)(6) that Congress authorize a multiyear procurement contract for the aircraft,

the Secretary shall accompany the recommendation with the certifications required by section 2306b of title 10, United States Code, so as to enable to award of a multiyear procurement contract beginning with fiscal year 2010.

(c) FUNDING.—Subject to the availability of appropriations, the Secretary of the Navy may obligate up to $100,000,000 of the amount authorized for procurement of F/A–18E/F or EA–18G aircraft for cost reduction initiatives (CRI) in fiscal year 2009. Such CRI funding may be applied to either single year or multiyear procurements of F/A–18 aircraft.

Subtitle D—Air Force Programs

SEC. 131. LIMITATION ON RETIRING C–5 AIRCRAFT.

(a) CERTIFICATION AND COST ANALYSIS REQUIRED.—The Secretary of the Air Force may not retire C–5A aircraft from the inventory of the Air Force in any number that would reduce the total number of such aircraft in the inventory below 111 until 45 days after the Secretary of the Air Force submits to the congressional defense committees the following:

(1) The Secretary's certification that retiring the aircraft will not significantly increase operational risk of not meeting the National Defense Strategy.

(2) A cost analysis with respect to the aircraft to be retired that—

(A) evaluates which alternative is more effective in meeting strategic airlift mobility requirements—

(i) to retire the aircraft; or

(ii) to perform the Reliability Enhancement and Re-engining Program (RERP) on the aircraft; and

(B) evaluates the life-cycle cost of C–17 aircraft to replace the capability of the aircraft to be retired.

(b) ADDITIONAL REQUIREMENTS FOR COST ANALYSIS.—The cost analysis required by subsection (a)(2) shall conform to the following requirements:

(1) The cost analysis shall include one analysis that uses "constant year dollars" and one analysis that uses "then year dollars".

(2) For each such analysis, the time period covered by the analysis shall be the expected service life of the aircraft concerned.

(3) For each such analysis, the ownership costs evaluated shall include costs for—

(A) planned technology insertions or upgrades over the service life of the aircraft to meet emerging requirements;

(B) research and development;

(C) testing;

(D) procurement;

(E) production;

(F) production termination;

(G) operations;

(H) training;

(I) maintenance;

(J) sustainment;

(K) military construction;

(L) personnel;

(M) cost of replacement due to attrition; and

(N) disposal.

(4) The cost analysis shall include each of the following:

(A) An assessment of the quality of each cost analysis.

(B) A discussion of each of the following:

(i) The assumptions used.

(ii) The benefits to be realized from each alternative.

(iii) Adverse impacts to be realized from each alternative.

(iv) Cargo capacity, operational availability, departure reliability, and mission capability.

(v) Aircraft basing.

(vi) Aircrew ratios and associated training requirements.

(vii) Performing RERP on only C–5B and C–5C aircraft.

(C) A summary table that compares and contrasts each alternative with respect to each of the requirements of this subsection.

(c) CONFORMING REPEAL.—Section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1411) is repealed.

SEC. 132. MAINTENANCE OF RETIRED KC–135E AIRCRAFT.

Section 135(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2114) is amended by striking "each KC–135E aircraft that is retired" and inserting "at least 46 of the KC–135E aircraft retired".

SEC. 133. REPEAL OF MULTI-YEAR CONTRACT AUTHORITY FOR PROCUREMENT OF TANKER AIRCRAFT.

Section 135 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 2401a note) is repealed.

SEC. 134. REPORT ON PROCESSES USED FOR REQUIREMENTS DEVELOPMENT FOR KC–(X).

Not later than December 1, 2008, the Secretary of the Air Force shall submit to the congressional defense committees a report on the processes used for requirements development for the KC–(X). The report shall include—

(1) an examination of the processes by which KC–(X) requirements were established;

(2) a justification for the use of the KC–135R as the comparative baseline for the KC–(X) competition; and

(3) an evaluation of commercial derivative aircraft in the 750,000 pounds maximum gross take-off weight to 1,000,000 pounds maximum gross take-off weight range as a potential aerial refueling platform, which shall include an examination of pertinent aerial refueling capabilities such as range, offload at range, and passenger/cargo capacity.

Subtitle E—Joint and Multiservice Matters

SEC. 141. BODY ARMOR ACQUISITION STRATEGY.

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate an executive agent for procurement of body armor and associated components.

(b) SEPARATE PROCUREMENT LINE ITEMS.—Effective for fiscal year 2010 and for each fiscal year thereafter, the

Secretary of Defense shall ensure that, within each procurement account budget submission to the President, a separate, dedicated procurement line item is designated for procurement of body armor and associated components.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report that—

(1) identifies the critical industrial base capacity for body armor, to include all tiers of subcontractor suppliers;

(2) contains a plan for the long-term maintenance of this industrial base capacity; and

(3) identifies specific research and development objectives, priorities, and funding profiles for—

(A) advances in the level of protection;

(B) weight reduction; and

(C) manufacturing productivity.

SEC. 142. SMALL ARMS ACQUISITION STRATEGY AND REQUIREMENTS REVIEW.

(a) GAO AUDIT AND REPORT.—The Comptroller General of the United States shall audit the requirements generation process of the Department of Defense for small arms procurement to determine if there are statutory or regulatory barriers to developing a small arms procurement re-

quirement. Not later than October 1, 2009, the Comptroller General shall submit to the congressional defense committees a report on the results of the audit.

(b) SECRETARY OF DEFENSE REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive report on the small arms industrial base. The report shall include the following:

(1) The current inventory, acquisition objective, operational, and budgetary status of current small arms programs, to include pistols, carbines, rifles, light, medium, and heavy machine guns.

(2) A plan for a joint acquisition strategy for small arms modernization, with emphasis on a possible near term competition for a new pistol and carbine.

(3) An analysis of current small arms research and development programs.

(4) An analysis of current small arms capability gap assessments that have been finalized or are being pursued.

(c) DEFINITION.—In this section, the term "small arms"—

(1) means man portable or vehicle mounted light weapons, designed primarily for use by individual military personnel for anti-personnel use; and

(2) includes pistols, carbines, rifles, and light, medium, and heavy machine guns.

SEC. 143. REQUIREMENT FOR COMMON GROUND STATIONS AND PAYLOADS FOR MANNED AND UNMANNED AERIAL VEHICLES.

(a) POLICY REQUIRED.—The Secretary of Defense shall establish a policy and an acquisition strategy for intelligence, surveillance, and reconnaissance payloads and ground stations for manned and unmanned aerial vehicle systems, to be applicable throughout the Department of Defense, to achieve integrated research, development, test, and evaluation, and procurement commonality.

(b) OBJECTIVES.—The policy and acquisition strategy required by subsection (a) shall have the following objectives:

(1) Procurement of common payloads by vehicle class, including—

(A) signals intelligence;

(B) electro optical;

(C) synthetic aperture radar;

(D) ground moving target indicator;

(E) conventional explosive detection;

(F) foliage penetrating radar;

(G) laser designator;

(H) chemical, biological, radiological, nuclear, explosive detection; and

(I) national airspace operations avionics or sensors, or both.

(2) Commonality of ground systems by vehicle class.

(3) Common management of vehicle and payloads procurement.

(4) Ground station interoperability standardization.

(5) Open source software code.

(6) Acquisition of technical data rights in accordance with section 2320 of title 10, United States Code.

(7) Acquisition of vehicles, payloads, and ground stations through competitive procurement.

(c) AFFECTED SYSTEMS.—For the purposes of this section, the manned and unmanned aerial vehicle classes and types of manned and unmanned aerial vehicles within each class are as follows:

(1) Tier II class: Vehicles such as Silver Fox and Scan Eagle.

(2) Tactical class: Vehicles such as RQ–7.

(3) Medium altitude class: Vehicles such as MQ–1, MQ–1C, MQ–5, MQ–8, MQ–9, and Warrior Alpha.

(4) High Altitude class: Vehicles such as RQ–4, RQ–4N, Unmanned airship systems, Constant Hawk, Angel Fire, Special Project Aircraft, Aerial Common Sensor, EP–3, Scathe View, Compass Call, and Rivet Joint.

(d) CONSULTATION.—The Secretary shall develop the policy and acquisition strategy required by subsection (a) in consultation with the Chairman of the Joint Chiefs of Staff.

(e) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary 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 policy required by subsection (a); and

(2) the acquisition strategy required by subsection (a).

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Additional determinations to be made as part of Future Combat Systems milestone review.
Sec. 212. Analysis of Future Combat Systems communications network and software.
Sec. 213. Future Combat Systems manned ground vehicle selected acquisition reports.
Sec. 214. Separate procurement and research, development, test, and evaluation line items and program elements for Sky Warrior Unmanned Aerial Systems project.
Sec. 215. Restriction on obligation of funds for the Warfighter Information Network—Tactical program.
Sec. 216. Limitation on source of funds for certain Joint Cargo Aircraft expenditures.

Subtitle C—Missile Defense Programs

Sec. 221. Independent study of boost phase missile defense.
Sec. 222. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.

Subtitle D—Other Matters

Sec. 231. Oversight of testing of personnel protective equipment by Director, Operational Test and Evaluation.
Sec. 232. Assessment of the Historically Black Colleges and Universities and Minority Serving Institutions Program.
Sec. 233. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.
Sec. 234. Repeal of requirement for Technology Transition Initiative.
Sec. 235. Trusted defense systems.
Sec. 236. Limitation on obligation of funds for Enhanced AN/TPQ–36 radar system pending submission of report.
Sec. 237. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.
Sec. 238. Availability of funds for prompt global strike capability development.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

(1) For the Army, $10,683,695,000.

(2) For the Navy, $19,769,738,000.

(3) For the Air Force, $28,238,349,000.

(4) For Defense-wide activities, $21,033,651,000, of which $188,772,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2009.—Of the amounts authorized to be appropriated by section 201, $12,059,915,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research, applied research, and advanced technology development" means work funded in program elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. ADDITIONAL DETERMINATIONS TO BE MADE AS PART OF FUTURE COMBAT SYSTEMS MILESTONE REVIEW.

Section 214(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–

364; 120 Stat. 2123) is amended by striking paragraphs (4) through (6) and inserting the following:

"(4) Whether actual demonstrations, rather than simulations, have shown that the software for the program is on a path to achieve threshold requirements on cost and schedule.

"(5) Whether the program's planned major communications network demonstrations are sufficiently complex and realistic to inform major program decision points.

"(6) The extent to which Future Combat Systems manned ground vehicle survivability will be reduced in a degraded Future Combat Systems communications network environment.

"(7) The level of network degradation at which Future Combat Systems manned ground vehicle crew survivability is significantly reduced.

"(8) The extent to which the Future Combat Systems communications network will be able to withstand network attack, jamming, or other interference.

"(9) What the cost estimate for the program is, including all spin outs, and an assessment of the confidence level for that estimate.

"(10) What the affordability assessment for the program is, given projected Army budgets, based on that cost estimate.".

SEC. 212. ANALYSIS OF FUTURE COMBAT SYSTEMS COMMUNICATIONS NETWORK AND SOFTWARE.

(a) REPORT REQUIRED.—Not later than July 1, 2009, the Assistant Secretary of Defense, Networks and Information Integration, shall submit to the congressional defense committees a report providing an assessment of the Future Combat Systems communications network and software. This report shall include, at a minimum, the following:

(1) An assessment of the vulnerability of the Future Combat Systems communications network and software to enemy network attack, in particular the impact of the use of significant amounts of commercial software in Future Combat Systems software.

(2) An assessment of the vulnerability of the Future Combat Systems communications network to electronic warfare, jamming, and other potential enemy interference.

(3) An assessment of the vulnerability of the Future Combat Systems communications network to adverse weather and complex terrain.

(4) An assessment of the Future Combat Systems communication network's dependence on satellite com-

munications support, and an assessment of the network's performance in the absence of assumed levels of satellite communications support.

(5) An assessment of the performance of the Future Combat Systems communications network when operating in a degraded condition due to the factors analyzed in paragraphs (1), (2), (3), and (4), and how such a degraded network environment would impact the performance of Future Combat Systems brigades and the survivability of Future Combat Systems manned ground vehicles.

(b) INCLUSION OF CLASSIFIED ANNEX.—The report required by subsection (a) may include a classified annex at the discretion of the Assistant Secretary, for the purpose of providing the assessments required, or to provide additional supporting information.

SEC. 213. FUTURE COMBAT SYSTEMS MANNED GROUND VEHICLE SELECTED ACQUISITION REPORTS.

(a) REPORT REQUIRED.—For each of the years 2009 through 2015, the Secretary of the Army shall, not later than February 15 of the year, submit a selected acquisition report for each Future Combat Systems manned ground vehicle variant.

(b) REQUIRED ELEMENTS.—The reports required by subsection (a) shall include the same information required

in comprehensive annual selected acquisition reports for major defense acquisition as defined in section 2432(c) of title 10, United States Code.

(c) DEFINITION.—In this section, the term "manned ground vehicle variant" includes the eight distinct variants of manned ground vehicle designated on pages seven and eight of the Future Combat Systems selected acquisition report of the Department of Defense dated December 31, 2007, and any additional manned ground vehicle variants designated in Future Combat Systems acquisition reports of the Department of Defense after the date of the enactment of this Act.

SEC. 214. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR SKY WARRIOR UNMANNED AERIAL SYSTEMS PROJECT.

Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, in the Department of Defense's annual budget submission to the President, within both the account for procurement and the account for research, development, test, and evaluation, a separate, dedicated line item and program element is designated for the Sky Warrior Unmanned Aerial Systems

project, to the extent such accounts include funding for such project.

SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS FOR THE WARFIGHTER INFORMATION NETWORK—TACTICAL PROGRAM.

(a) NOTIFICATION REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall notify the congressional defense committees within five days after the completion of all of the following actions:

(1) Approval by the Under Secretary of a new acquisition program baseline for the Warfighter Information Network-Tactical (WIN–T) Increment 3 program.

(2) Completion of the independent cost estimate for the WIN–T Increment 3 program by the Cost Analysis Improvement Group, as required by the June 5, 2007 recertification by the Under Secretary.

(3) Completion of the technology readiness assessment of the WIN–T Increment 3 program by the Director, Defense Research and Engineering, as required by the June 5, 2007 recertification by the Under Secretary.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING NOTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise

made available for research, development, test, and evaluation, Army, for fiscal year 2009 for the WIN–T Increment 3 program, not more than 20 percent of those amounts may be obligated or expended until 15 days after the notification required by subsection (a) is received by the congressional defense committees.

SEC. 216. LIMITATION ON SOURCE OF FUNDS FOR CERTAIN JOINT CARGO AIRCRAFT EXPENDITURES.

Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 or any fiscal year thereafter for the Army, the Secretary of the Army may fund the following Joint Cargo Aircraft expenditures only through amounts made available for procurement or for research, development, test, and evaluation: support equipment, initial spares, training simulators, systems engineering and management, and post-production modifications.

Subtitle C—Missile Defense Programs

SEC. 221. INDEPENDENT STUDY OF BOOST PHASE MISSILE DEFENSE.

(a) AGREEMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with a Federally Funded Research and Development Center to conduct an

independent study of concepts and systems for boost phase missile defense.

(b) REQUIREMENTS FOR STUDY.—

(1) SYSTEMS TO BE EXAMINED.—The study required by subsection (a) shall examine each of the following systems:

(A) The Airborne Laser.

(B) The Kinetic Energy Interceptor (land- and sea-based options).

(2) FACTORS TO BE EVALUATED.—The study shall evaluate each system based on the following factors:

(A) Technical capability of the system against scenarios identified in paragraph (3)(A).

(B) Operational issues, including operational effectiveness.

(C) Results of key milestone tests in fiscal year 2009 and fiscal years prior.

(D) Survivability.

(E) Suitability.

(F) Concept-of-Operations, including basing considerations.

(G) Operations and maintenance support.

(H) Command-and-Control.

(I) Shortfall from intercepts.

(J) Force structure requirements.

(K) Effectiveness against countermeasures.

(L) Estimated cost of sustaining the system in the field.

(M) Total lifecycle cost estimates.

(3) SCENARIOS TO BE ASSESSED.—

(A) IN GENERAL.—The study shall include, for each system, an assessment of the operational capabilities of the system—

(i) to counter short-, medium-, and intermediate-range ballistic missile threats to the deployed forces of the United States and its friends and allies from rogue states; and

(ii) to defend the territory of the United States against limited ballistic missile attack.

(B) COMPARISON WITH NON-BOOST SYSTEMS.—The study shall also include an assessment of the performance and operational capabilities of non-boost missile defense systems to counter the threats referred to in subparagraph (A), and shall compare those capabilities with the predicted performance and operational capabilities of the boost phase missile defense systems to counter those threats. For purposes of this sub-

paragraph, the non-boost missile defense systems shall include, at a minimum—

(i) the Patriot PAC–3 system and the Medium Extended Air Defense System (MEADS) follow-on system;

(ii) the Aegis Ballistic Missile Defense system, with all variants of the Standard Missile-3 interceptor;

(iii) the Terminal High Altitude Area Defense (THAAD) system; and

(iv) the Ground-based Midcourse Defense system.

(4) ASSESSMENTS AND RECOMMENDATIONS.—The study shall include the following:

(A) Assessment of the developmental efforts to date and feasibility of the currently funded boost phase missile defense systems, using the factors outlined in paragraph (2).

(B) Assessment of the cost and benefits of the currently funded boost phase missile defense systems.

(C) A recommended strategy for boost phase missile defense investment over the Future Years Defense Program.

(D) Any other matter that the Federally Funded Research and Development Center considers appropriate.

(c) COOPERATION FROM GOVERNMENT.—In carrying out the study, the Federally Funded Research and Development Center shall receive the full and timely cooperation of the Secretary of Defense and any other United States Government official in providing the Center with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(d) REPORT.—Not later than January 31, 2010, the Federally Funded Research and Development Center shall submit to the congressional defense committees a report on its findings, conclusions, and recommendations. The report shall be in unclassified form, but may include a classified annex.

(e) PROHIBITION.—No funds appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 or any fiscal year thereafter may be obligated or expended for the acquisition of the second Airborne Laser aircraft until 60 days after the report required by this section is submitted.

SEC. 222. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) GENERAL LIMITATION.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2009 or any fiscal year thereafter may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of a long-range missile defense system in Europe until the following conditions have been met:

(1) The Government of Poland and the Government of the Czech Republic have each signed and ratified the missile defense basing agreements and status of forces agreements that allow for the stationing, in their respective countries, of the United States missile defense assets and personnel needed to carry out the proposed deployment.

(2) Forty-five days have elapsed following the receipt by the congressional defense committees of the report required by section 226(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act or otherwise made available for the De-

partment of Defense for fiscal year 2009 may be obligated or expended for the acquisition 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 the ability to accomplish the mission.

(c) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b), including, but not limited to, site surveys, studies, analysis, and planning and design for the proposed missile defense deployment in Europe.

Subtitle D—Other Matters

SEC. 231. OVERSIGHT OF TESTING OF PERSONNEL PROTECTIVE EQUIPMENT BY DIRECTOR, OPERATIONAL TEST AND EVALUATION.

(a) RESPONSIBILITIES OF THE DIRECTOR, OPERATIONAL TEST AND EVALUATION, WITH RESPECT TO PER-

SONNEL PROTECTIVE EQUIPMENT.—Section 139 of title 10, United States Code, is amended—

(1) in subsection (a)(2) by adding at the end the following:

"(C) The term 'covered system' means a Department of Defense acquisition program that is a covered system for purposes of section 2366 of this title or that is an item of personnel protective equipment designated as a covered system by the Secretary of Defense, or the Secretary's designee, for purposes of this section."; and

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) through (7) as (3) through (6), respectively; and

(C) by amending paragraph (6) (as so redesignated) to read as follows:

"(6) monitor and review the survivability and lethality testing of covered systems, major munition programs, and covered product improvement programs of the Department of Defense provided under section 2366 of this title.".

(b) INCLUSION OF PERSONNEL PROTECTIVE EQUIPMENT IN SURVIVABILITY TESTING REQUIRED BEFORE

FULL-SCALE PRODUCTION.—Section 2366 of title 10, United States Code, is amended—

(1) in subsection (e) by amending paragraph (1) to read as follows:

"(1) The term 'covered system' means—

"(A) a vehicle, weapon platform, or conventional weapon system—

"(i) that includes features designed to provide some degree of protection to users in combat; and

"(ii) that is a major system within the meaning of that term in section 2302(5) of this title; or

"(B) an item of personnel protective equipment designated as a covered system in accordance with section 139(a)(2)(C) of this title."; and

(2) by adding at the end the following:

"(f) PERSONNEL PROTECTIVE EQUIPMENT.—In the case of an item of personnel protective equipment designated as a covered system, if, before a decision to proceed beyond low rate initial production, a decision is made within the Department of Defense to proceed to operational use of that equipment or to make procurement funds available for that equipment—

"(1) the milestone decision authority (as defined in Department of Defense Directive 5000.1, dated May 12, 2003) for the associated acquisition program shall notify the Director of Operational Test and Evaluation of such a decision, along with supporting rationale; and

"(2) the Director of Operational Test and Evaluation shall submit to the Secretary of Defense and the congressional defense committees the report required by subsection (d) as soon as practicable.".

SEC. 232. ASSESSMENT OF THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY SERVING INSTITUTIONS PROGRAM.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall—

(1) carry out an assessment of the capability of Historically Black Colleges and Universities and Minority Serving Institutions (HBCU/MI) to participate in research, development, test, and evaluation programs for the Department of Defense; and

(2) not later than twelve months after the date of the enactment of this Act, submit to the congressional defense committees a report on the assessment.

(b) MATTERS ASSESSED.—The report under subsection (a) shall include the following:

(1) Summarized findings and lessons learned from HBCU/MI programs based on contracts, grants, or cooperative agreement awards.

(2) An assessment of the relevance, to include outcomes and impacts, of those programs to the research mission of the Department.

(3) An assessment of the national and regional conferences held annually to provide technical assistance and information regarding research, development, test, and evaluation activities of the Department, including the following:

(A) The number of such conferences held over the last three years, and a description of each such conference, to include a description of activities conducted to meet the goals of the conference.

(B) A follow-up assessment of the success of such conferences from the perspective both of the Department and of the attending institutions.

(C) An assessment as to whether such conferences are appropriately targeted to institutions that have not historically received contracts, grants or cooperative agreements with the Department.

(4) As directed in Executive Order 13256, a plan documenting the Department's effort in increasing the capacity of HBCU/MIs to participate in the research programs of the Department.

(5) Any other matters the Secretary considers appropriate.

SEC. 233. TECHNOLOGY-NEUTRAL INFORMATION TECHNOLOGY GUIDELINES AND STANDARDS TO SUPPORT FULLY INTEROPERABLE ELECTRONIC PERSONAL HEALTH INFORMATION FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 1635 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 460; 10 U.S.C. 1071 note) is amended—

(1) in subsection (h)(1) by adding at the end the following:

"(C) A description and analysis of the level of interoperability and security of technologies for sharing healthcare information among the Department of Defense, the Department of Veterans Affairs, and their transaction partners.

"(D) A description and analysis of the problems the Department of Defense and the Department of Veterans Affairs are having with,

and the progress such agencies are making toward, ensuring interoperable and secure healthcare information systems and electronic healthcare records.".

(2) by adding at the end the following:

"(j) TECHNOLOGY-NEUTRAL GUIDELINES AND STANDARDS.—

"(1) IN GENERAL.—The Director, in consultation with industry and appropriate Federal agencies, shall develop, or shall adopt from industry, technology-neutral information technology infrastructure guidelines and standards for use by the Department of Defense and the Department of Veterans Affairs to enable those agencies to effectively select and utilize information technologies to meet the requirements of this section, in a manner that is—

"(A) interoperable;

"(B) inclusive of ongoing Federal efforts that provide technical expertise to harmonize existing standards and assist in the development of interoperability specifications; and

"(C) consistent with relevant guidance and directives for the development of information technology systems with the Department of Defense and the Department of Veterans Affairs.

"(2) ELEMENTS.—The guidelines and standards developed or adopted under subsection (a) shall—

"(A) promote the use by commercially available and open source products to incorporate those guidelines and standards;

"(B) develop uniform testing procedures suitable for determining the conformance of commercially available and other Federally developed healthcare information technology products with the guidelines and standards;

"(C) support and promote the testing of electronic healthcare information technologies utilized by the Department of Defense and the Department of Veterans Affairs;

"(D) provide protection and security profiles;

"(E) establish a core set of specifications in transactions between Federal agencies and their transaction partners; and

"(F) include validation criteria to enable Federal agencies to select healthcare information technologies appropriate to their needs.

"(3) REPORT.—Not later than March 31, 2009, the Director shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to the ap-

propriate congressional committees, a report identifying the guidelines and standards developed or adopted under this subsection. The report shall include—

"(A) a description of how the Office is working with the Business Transformation Agency to integrate these standards into the Enterprise Transition Plan for the Department of Defense; and

"(B) a synchronization roadmap showing the timeline for the deployment of applicable existing and planned healthcare information technology systems and how they will implement these standards.".

(b) COMPLIANCE WITH REQUIREMENTS.—The amendments made by subsection (a) shall not impede the Secretary of Defense, the Secretary of Veterans Affairs, and the interagency program office from ensuring that the requirements of subsection (d) of section 1635 of that Act, including the date specified in that subsection, are met.

SEC. 234. REPEAL OF REQUIREMENT FOR TECHNOLOGY TRANSITION INITIATIVE.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than March 31, 2009, the Under Secretary of Defense for Acquisition,

Technology, and Logistics shall assess the feasibility of consolidating various technology transition accounts into a unified effort managed by a senior official of the Department of Defense.

(2) OSD PROGRAMS INCLUDED.—Such assessment shall include, but shall not be limited to, the following programs within the Office of the Secretary of Defense: Technology Transition Initiative, Foreign Comparative Test, Defense Acquisition Challenge Program, Quick Reaction Fund, Manufacturing Technology, Joint Capability Technology Demonstrations, Defense Technology Link, Joint Capability Technology Demonstration Transition Program, Defense Acquisition Executive, Rapid Reaction Fund, and Operational Experimentation Division.

(3) MILITARY DEPARTMENT PROGRAMS INCLUDED.—Such assessment shall also include, as appropriate, the technology transition initiatives of the military departments.

(b) INITIATIVE REQUIREMENT REPEALED.—

(1) IN GENERAL.—Section 2359a of title 10, United States Code, is amended—

(A) by amending the section heading to read as follows:

"§ 2359a. Technology Transition Council";

(B) by striking subsections (a), (b), (c), (d), (e), (f), and (h); and

(C) by redesignating subsections (g) and (i) as (a) and (b), respectively.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking the item relating to section 2359a and inserting the following new item:

"2359a. Technology Transition Council.".

SEC. 235. TRUSTED DEFENSE SYSTEMS.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct a comprehensive assessment of covered acquisition programs to identify vulnerabilities in the supply chain of each program's information processing systems that potentially compromise the level of trust in such systems. Such assessment shall also—

(1) assess vulnerabilities at multiple levels of the information processing system, including but not limited to, microcircuits, software, and firmware;

(2) prioritize the potential vulnerabilities and impacts of the various elements and stages of the system supply chain to identify the most effective balance of investments to minimize the effects of compromise;

(3) provide recommendations regarding ways to improve trust in the supply chain for covered acquisition programs; and

(4) identify the appropriate lead, and supporting elements, within the Department of Defense for the development of an integrated strategy for ensuring trust in the supply chain for acquisition programs.

(b) STRATEGY REQUIRED.—The lead identified pursuant to subsection (a)(4), in cooperation with the supporting elements also identified by the Secretary of Defense, shall develop an integrated strategy for ensuring trust in the supply chain for acquisition programs. Such strategy shall—

(1) address the vulnerabilities identified by the Secretary's assessment under subsection (a);

(2) reflect the priorities identified by such assessment;

(3) be executable by the defense acquisition community; and

(4) be sufficiently specific to provide guidance for the planning, programming, budgeting, and execution process in order to ensure acquisition programs have the necessary resources to implement all appropriate elements of the strategy.

(c) INTERIM POLICY FOR APPLICATION SPECIFIC INTEGRATED CIRCUITS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue a policy requiring covered trusted systems to employ only trusted foundry services to fabricate their custom designed integrated circuits.

(d) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees—

(1) the assessment required by subsection (a); and

(2) the strategy required by subsection (b).

(e) DEFINITIONS.—In this section:

(1) The term "covered acquisition programs" means a Department of Defense acquisition program that is a major system for purposes of section 2302(5) of title 10, United States Code, and—

(A) has not yet entered low-rate initial production, as defined in section 2400 of title 10, United States Code; or

(B) is currently in production or no longer in production, and information processing system upgrades are still planned over the life cycle of the system.

(2) The terms "trust" and "trusted" refer to the high confidence by the Department of Defense in the national ability to secure national security systems by assessing the integrity of the people and processes used to design, generate, manufacture, and distribute national security critical components.

(3) The term "covered trusted systems" means—

(A) all Mission Assurance Category I systems, as defined in Department of Defense Directive 8500.01E and associated Department of Defense Instruction 8500.2; and

(B) any other system identified by the Secretary of Defense as a system—

(i) that is vital to mission effectiveness or operational readiness of deployed or contingency forces;

(ii) the loss or degradation of which results in immediate and sustained loss of mission effectiveness;

(iii) that is highly accurate and highly available; and

(iv) for which the most stringent protection measures are required.

(4) The term "trusted foundry services" means the program co-funded by the National Security

Agency and the Department of Defense, through program element 0605140D8Z, or any such similar program approved by the Secretary of Defense.

SEC. 236. LIMITATION ON OBLIGATION OF FUNDS FOR ENHANCED AN/TPQ–36 RADAR SYSTEM PENDING SUBMISSION OF REPORT.

Of the amounts appropriated pursuant to section 201(1) of this Act or otherwise made available for fiscal year 2009 for research, development, test, and evaluation, Army, for the Enhanced AN/TPQ–36 radar system, not more than 70 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of the Army submits to the congressional defense committees a report describing the plan to transition the Counter-Rockets, Artillery, and Mortars program to a program of record.

SEC. 237. CAPABILITIES-BASED ASSESSMENT TO OUTLINE A JOINT APPROACH FOR FUTURE DEVELOPMENT OF VERTICAL LIFT AIRCRAFT AND ROTORCRAFT.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall carry out a capabilities-based assessment that outlines a joint approach to the future development of vertical lift air-

craft and rotorcraft for all of the military services. The assessment shall—

(1) address critical technologies required for future development, including a technology roadmap;

(2) include the development of a strategic plan that—

(A) formalizes the Department of Defense's strategic vision for the next generation of Department of Defense vertical lift aircraft and rotorcraft;

(B) establishes joint requirements for the next generation of Department of Defense vertical lift aircraft and rotorcraft technology; and

(C) emphasizes the development of common service requirements; and

(3) include the development of a detailed science and technology investment and implementation plan and an identification of the resources required to implement it.

(b) REPORT.—The Secretary and the Chairman shall submit to the congressional defense committees a report on the assessment under subsection (a). The report shall include—

(1) the technology roadmap referred to in subsection (a)(1);

(2) the strategic plan referred to in subsection (a)(2);

(3) the plan and the identification of resources referred to in subsection (a)(3); and

(4) a detailed plan to establish a Joint Vertical Lift Aircraft/Rotorcraft Office based on lessons learned from the Joint Advanced Strike Technology (JAST) Office.

SEC. 238. AVAILABILITY OF FUNDS FOR PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, funds for conventional prompt global strike capability development are authorized by this Act only for those activities expressly delineated in the expenditure plan for fiscal years 2008 and 2009 that was required by section 243 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 51; 10 U.S.C. 113 note) and submitted to the congressional defense committees and dated March 24, 2008, or those activities otherwise expressly authorized by Congress.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees, concurrently with the President's budget request for fiscal year 2010, a report

that describes each conventional prompt global strike concept that—

(1) has been, or will be, affected by the technology applications developed pursuant to conventional prompt global strike activities within fiscal year 2009; and

(2) will be considered within the context of any conventional prompt global strike concept decision in fiscal year 2010.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Authorization for Department of Defense participation in conservation banking programs.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 313. Expand cooperative agreement authority for management of natural resources to include off-installation mitigation.

Subtitle C—Workplace and Depot Issues

Sec. 321. Time limitation on duration of public-private competitions.
Sec. 322. Comprehensive analysis and development of single Government-wide definition of inherently governmental function.
Sec. 323. Study on future depot capability.
Sec. 324. High-performing organization business process reengineering.
Sec. 325. Temporary suspension of studies and public-private competitions regarding conversion of functions of the Department of Defense performed by civilian employees to contractor performance.
Sec. 326. Consolidation of Air Force and Air National Guard aircraft maintenance.
Sec. 327. Guidance for performance of civilian personnel work under Air Force civilian personnel consolidation plan.
Sec. 328. Report on reduction in number of firefighters on Air Force bases.

Subtitle D—Energy Security

Sec. 331. Annual report on operational energy management and implementation of operational energy strategy.
Sec. 332. Consideration of fuel logistics support requirements in planning, requirements development, and acquisition processes.
Sec. 333. Study on solar energy for use at forward operating locations.
Sec. 334. Study on coal-to-liquid fuels.

Subtitle E—Reports

Sec. 341. Comptroller General report on readiness of Armed Forces.
Sec. 342. Report on plan to enhance combat skills of Navy and Air Force personnel.
Sec. 343. Comptroller General report on the use of the Army Reserve and National Guard as an operational reserve.
Sec. 344. Comptroller General report on link between preparation and use of Army reserve component forces to support ongoing operations.
Sec. 345. Comptroller General report on adequacy of funding, staffing, and organization of Department of Defense Military Munitions Response Program.
Sec. 346. Report on options for providing repair capabilities to support ships operating near Guam.

Subtitle F—Other Matters

Sec. 351. Extension of Enterprise Transition Plan reporting requirement.
Sec. 352. Demilitarization of loaned, given, or exchanged documents, historical artifacts, and condemned or obsolete combat materiel.
Sec. 353. Repeal of requirement that Secretary of Air Force provide training and support to other military departments for A–10 aircraft.
Sec. 354. Display of annual budget requirements for Air Sovereignty Alert Mission.
Sec. 355. Sense of Congress that Air Sovereignty Alert Mission should receive sufficient funding and resources.
Sec. 356. Revision of certain Air Force regulations required.
Sec. 357. Transfer of C–12 aircraft to California Department of Forestry and Fire Protection.
Sec. 358. Availability of funds for Irregular Warfare Support program.
Sec. 359. Sense of Congress regarding procurement and use of munitions.
Sec. 360. Limitation on obligation of funds for Air Combat Command Management Headquarters.
Sec. 361. Increase of domestic sourcing of military working dogs used by the Department of Defense.

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

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

4 *Funds are hereby authorized to be appropriated for fis-*
5 *cal year 2009 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, $31,788,395,000.

(2) For the Navy, $34,870,098,000.

(3) For the Marine Corps, $5,680,054,000.

(4) For the Air Force, $35,060,427,000.

(5) For Defense-wide activities, $25,806,657,000.

(6) For the Army Reserve, $2,659,141,000.

(7) For the Naval Reserve, $1,311,085,000.

(8) For the Marine Corps Reserve, $213,131,000.

(9) For the Air Force Reserve, $3,202,892,000.

(10) For the Army National Guard, $5,900,346,000.

(11) For the Air National Guard, $5,929,576,000.

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

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

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

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

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

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

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

(19) For Cooperative Threat Reduction programs, $445,135,000.

(20) For the Overseas Contingency Operations Transfer Fund, $9,101,000.

Subtitle B—Environmental Provisions

SEC. 311. AUTHORIZATION FOR DEPARTMENT OF DEFENSE PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

(a) PARTICIPATION AUTHORIZED.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694b the following new section:

"§ 2694c. Participation in conservation banking programs

"(a) AUTHORITY TO PARTICIPATE.—Subject to the availability of appropriated funds to carry out this section, the Secretary concerned, when engaged or proposing to engage in an activity described in subsection (b) that may or will result in an adverse impact to one or more species

protected (or pending protection) under any applicable provision of law, or habitat for such species, may make payments to a conservation banking program or 'in-lieu-fee' mitigation sponsor approved in accordance with—

"(1) the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605; November 28, 1995);

"(2) the Guidance for the Establishment, Use, and Operation of Conservation Banks (68 Fed. Reg. 24753; May 2, 2003);

"(3) the Federal Guidance on the Use of In-Lieu-Fee Arrangements for Compensatory Mitigation Under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act (65 Fed. Reg. 66915; November 7, 2000); or

"(4) any successor or related administrative guidance or regulation.

"(b) COVERED ACTIVITIES.—Payments to a conservation banking program or 'in-lieu-fee' mitigation sponsor under subsection (a) may be made only for the purpose of facilitating one or more of the following activities:

"(1) Military testing, operations, training, or other military activity.

"(2) Military construction.

"(c) TREATMENT OF AMOUNTS FOR CONSERVATION BANKING.—Payments made under subsection (a) to a conservation banking program or 'in-lieu-fee' mitigation sponsor for the purpose of facilitating military construction may be treated as eligible costs of the military construction project.

"(d) SECRETARY CONCERNED DEFINED.—In this section, the term 'Secretary concerned' means—

"(1) the Secretary of a military department; and

"(2) the Secretary of Defense with respect to a Defense Agency.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694b the following new item:

"2694c. Participation in conservation banking programs.".

(c) EFFECTIVE DATE.—Section 2694c of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2008, and only funds appropriated for fiscal years beginning after September 30, 2008, may be used to carry out such section.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(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 $64,049.40 during fiscal year 2009 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) 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 Moses Lake Wellfield Superfund Site.

SEC. 313. EXPAND COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF NATURAL RESOURCES TO INCLUDE OFF-INSTALLATION MITIGATION.

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

(1) by striking "to provide for the" and inserting "to provide for the following:

"(1) The"; and

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

"(2) The maintenance and improvement of natural resources located off of a Department of Defense installation if the purpose of the cooperative agreement is to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere with, whether directly or indirectly, current or anticipated military activities.".

Subtitle C—Workplace and Depot Issues

SEC. 321. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

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

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

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

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

SEC. 322. COMPREHENSIVE ANALYSIS AND DEVELOPMENT OF SINGLE GOVERNMENT-WIDE DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.

(a) DEVELOPMENT AND IMPLEMENTATION OF DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.—The Director of the Office of Management and Budget, in consultation with appropriate representatives of the Chief Acquisition Officers Council under section 16A of the Office of Federal Procurement Policy Act (41 U.S.C. 414b) and the Chief Human Capital Council under section 1401 of title 5, United States Code, shall—

(1) review the definitions of the term "inherently governmental function" described in subsection (b) to determine whether such definitions are sufficiently focused to ensure that only officers or employees of the Federal Government or members of the Armed Forces perform inherently governmental functions or other critical functions necessary for the mission of a Federal department or agency;

(2) develop a single consistent definition for such term that would—

(A) address any deficiencies in the existing definitions, as determined pursuant to paragraph (1);

(B) reasonably apply to all Federal departments and agencies;

(C) ensure that the head of each such department or agency is able to identify each position within that department or agency that exercises an inherently governmental function and should only be performed by officers or employees of the Federal Government or members of the Armed Forces; and

(D) allow the head of each such department or agency to identify each position within that department or agency that, while the position may not exercise an inherently governmental function, nevertheless should only be performed by officers or employees of the Federal Government or members of the Armed Forces;

(3) in addition to the actions described under paragraphs (1) and (2), provide criteria that would identify positions within Federal departments and agencies that are to be performed by officers or em-

ployees of the Federal Government or members of the Armed Forces to ensure that the head of each Federal department or agency—

(A) develops and maintains sufficient organic expertise and technical capability;

(B) develops guidance to implement the definition of inherently governmental as described in paragraph (2) in a manner that is consistent with agency missions and operational goals; and

(C) develops guidance to manage internal decisions regarding staffing in an integrated manner to ensure officers or employees of the Federal Government or members of the Armed Forces are filling critical management roles by identifying—

(i) functions, activities, or positions, or some combination thereof, or

(ii) additional mechanisms;

(4) in undertaking the actions described in paragraphs (1) and (2), take into account the final recommendations and related findings concerning performance of inherently governmental functions in the Final Report of the Acquisition Advisory Panel established pursuant to section 1423 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law

108–136; 41 U.S.C. 405 note) and any other relevant reports or documents; and

(5) solicit the views of the public regarding the matters identified in this section.

(b) DEFINITIONS OF INHERENTLY GOVERNMENTAL FUNCTION.—The definitions of inherently governmental function described in this subsection are the definitions of such term that are contained in—

(1) the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note);

(2) section 2383 of title 10, United States Code;

(3) Office of Management and Budget Circular A–76;

(4) the Federal Acquisition Regulation; and

(5) any other relevant Federal law or regulation, as determined by the Director of the Office of Management and Budget in consultation with the Chief Acquisition Officers Council and the Chief Human Capital Council.

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Chief Acquisition Officers Council and the Chief Human Capital Council, shall submit to the Committees on Armed Services of the Senate and House of Representatives, the

Committee on Homeland Security and Governmental Affairs in the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the actions taken by the Director under this section. Such report shall contain each of the following:

(1) A description of the actions taken by the Director under this section to develop a single definition of inherently governmental function.

(2) Such legislative recommendations as the Director determines are necessary to further the purposes of this section.

(3) A description of such steps as may be necessary—

(A) to ensure that the single definition developed under this section is consistently applied through all Federal regulations, circulars, policy letters, agency guidance, and other documents;

(B) to repeal any existing Federal regulations, circular, policy letters, agency guidance and other documents determined to be superseded by the definition developed under this section; and

(C) to develop any necessary implementing guidance under this section for agency staffing

and contracting decisions, along with appropriate milestones.

(d) REGULATIONS.—Not later than 180 days after submission of the report required by subsection (c), the Director of the Office of Management and Budget shall issue regulations to implement actions taken under this section to develop a single definition of inherently governmental function.

SEC. 323. STUDY ON FUTURE DEPOT CAPABILITY.

(a) STUDY REQUIRED.—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 independent research entity that is a not-for-profit entity or a federally-funded research and development center with appropriate expertise in logistics and logistics analytical capability to carry out a study on the capability and efficiency of the depots of the Department of Defense to provide the logistics capabilities and capacity necessary for national defense.

(b) CONTENTS OF STUDY.—The study carried out under subsection (a) shall—

(1) be a quantitative analysis of the post-reset Department of Defense depot capability required to provide life cycle sustainment of military legacy systems and new systems and military equipment;

(2) take into consideration direct input from the Secretary of Defense and the logistics and acquisition leadership of the military departments, including materiel support and depot commanders;

(3) take into consideration input from regular and reserve components of the Armed Forces, both with respect to requirements for sustainment-level maintenance and the capability and capacity to perform depot-level maintenance and repair;

(4) identify and address each type of activity carried out at depots, installation directorates of logistics, regional sustainment-level maintenance sites, reserve component maintenance capability sites, theater equipment support centers, and Army field support brigade capabilities;

(5) examine relevant guidance provided and regulations prescribed by the Secretary of Defense and the Secretary of each of the military departments, including with respect to programming and budgeting; and

(6) examine any relevant applicable laws, including the relevant body of work performed by the Government Accountability Office.

(c) ISSUES TO BE ADDRESSED.—The study required under subsection (a) shall address each of the following issues with respect to depots and depot capabilities:

(1) The life cycle sustainment maintenance strategies and implementation plans of the Department of Defense and the military departments that cover—

(A) the role of each type of maintenance activity;

(B) business operations;

(C) workload projection;

(D) outcome-based performance management objectives;

(E) the adequacy of information technology systems, including workload management systems;

(F) the workforce, including skills required and development;

(G) budget and fiscal planning policies; and

(H) capital investment strategies, including the implementation of section 2476 of title 10, United States Code.

(2) Current and future maintenance environments, including—

(A) performance-based logistics;

(B) supply chain management;

(C) condition-based maintenance;

(D) reliability-based maintenance;

(E) consolidation and centralization, including—

(i) regionalization;

(ii) two-level maintenance; and

(iii) forward-based depot capacity;

(F) public-private partnerships;

(G) private-sector depot capability and capacity; and

(H) the impact of proprietary technical documentation.

(d) AVAILABILITY OF INFORMATION.—The Secretary of Defense and the Secretaries of each of the military departments shall make available to the entity carrying out the study under subsection (a) all necessary and relevant information to allow the entity to conduct the study in a quantitative and analytical manner.

(e) REPORTS TO COMMITTEES ON ARMED SERVICES.—

(1) INTERIM REPORT.—The contract that the Secretary enters into under subsection (a) shall provide that not later than one year after the commencement of the study conducted under this section, the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the

Committees on Armed Services of the Senate and House of Representatives an interim report on the study.

(2) FINAL REPORT.—Such contract shall provide that not later than 22 months after the date on which the Secretary of Defense enters into the contract under subsection (a), the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives a final report on the study. The report shall include each of the following:

(A) A description of the depot maintenance environment, as of the date of the conclusion of the study, and the anticipated future environment, together with the quantitative data used in conducting the assessment of such environments under the study.

(B) Recommendations with respect to what would be required to maintain, in a post-reset environment, an efficient and enduring Department of Defense depot capability necessary for national defense.

(C) Recommendations with respect to any changes to any applicable law that would be ap-

propriate for a post-reset depot maintenance environment.

(D) Recommendations with respect to the methodology of the Department of Defense for determining core logistics requirements, including an assessment of risk.

(E) Proposed business rules that would provide incentives for the Secretary of Defense and the Secretaries of the military departments to keep Department of Defense depots efficient and cost effective, including the workload level required for efficiency.

(F) A proposed strategy for enabling, requiring, and monitoring the ability of the Department of Defense depots to produce performance-driven outcomes and meet materiel readiness goals with respect to availability, reliability, total ownership cost, and repair cycle time.

(G) Comments provided by the Secretary of Defense and the Secretaries of the military departments on the findings and recommendations of the study.

(f) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date on which the report under subsection

(d) is submitted, the Comptroller General shall review the report and submit to the Committees on Armed Services of the Senate and House of Representatives an assessment of the feasibility of the recommendations and whether the findings are supported by the data and information examined.

(g) DEFINITIONS.—In this section:

(1) The term "depot-level maintenance and repair" has the meaning given that term under section 2460 of title 10, United States Code.

(2) The term "reset" means actions taken to repair, enhance, or replace military equipment used in support of operations underway as of the date of the enactment of this Act and associated sustainment.

(3) The term "military equipment" includes all weapon systems, weapon platforms, vehicles and munitions of the Department of Defense, and the components of such items.

SEC. 324. HIGH-PERFORMING ORGANIZATION BUSINESS PROCESS REENGINEERING.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 129c the following new section:

"§ 129d. High-performing organizations

"(a) GUIDELINES FOR ESTABLISHMENT OF HIGH-PERFORMING ORGANIZATIONS.—The Secretary of Defense shall develop guidelines for the establishment of a high-performing organization conducted through a business process reengineering initiative. The guidelines shall ensure consideration and assessment of the following:

"(1) Number of employees to be affected by the initiative.

"(2) Resources needed to conduct the initiative.

"(3) Location where the initiative will be performed, and the location of the affected employees if different from the initiative location.

"(4) Functions to be included in the initiative.

"(5) Timeline for implementation of the initiative.

"(6) Estimated duration of the initiative if such initiative is deemed to be temporary.

"(b) RESTRICTION ON HIGH-PERFORMING ORGANIZATIONS.—The Secretary of Defense, with respect to matters concerning the Defense Agencies, and the Secretary of a military department, may not begin implementation of a business process reengineering initiative to establish a high performing organization until—

"(1) the Secretary submits to Congress the notification required by subsection (d); and

"(2) the requirements of paragraphs (2) and (3) of section 7106(b) of title 5 are complied with.

"(c) CERTAIN INITIATIVES PROHIBITED.—The Secretary of Defense, or the Secretary of a military department, may not implement a high-performing organization if—

"(1) it were to result in a change of the collective bargaining status of an employee in the Department of Defense or in the representation status of a labor organization with exclusive representation status, as provided in section 7114 of title 5; or

"(2) any planned reductions in staffing are based on cost savings assumptions that are unrelated to the establishment of the high performing organization.

"(d) CONGRESSIONAL NOTIFICATION.—Forty-five days before commencing a high-performing organization under subsection (a), the Secretary of Defense or the Secretary of the military department concerned shall submit to Congress a notification describing the assessment required by subsection (a).

"(e) ANNUAL EVALUATION.—The Secretary of Defense or the Secretary of the military department concerned shall conduct annual performance reviews of the participating organizations or functions under the jurisdiction of the Sec-

retary. The reviews shall be submitted to Congress. Each review shall evaluate the performance of the high performance organization in the following areas;

"(1) Costs, savings, and overall financial performance of the organization.

"(2) Organic knowledge, skills or expertise.

"(3) Efficiency and effectiveness of key functions or processes.

"(4) Efficiency and effectiveness of the overall organization.

"(f) DEFINITIONS.—In this section,

"(1) The term 'high-performing organization' means an organization whose performance exceeds that of comparable providers, whether public or private.

"(2) The term 'business process reengineering initiative' means an approach to reinvent or consolidate functions whether they are inherently governmental, military essential, or commercial activities, or a reorganization that is undertaken at the direction of the Office of Management and Budget.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129c the following new item:

"129d. High-performing organizations.".

SEC. 325. TEMPORARY SUSPENSION OF STUDIES AND PUBLIC-PRIVATE COMPETITIONS REGARDING CONVERSION OF FUNCTIONS OF THE DEPARTMENT OF DEFENSE PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

(a) FINDINGS.—Congress finds the following:

(1) The turbulence caused by the efforts of the Department of Defense to increase the size of the Armed Forces, implement the decisions of the 2005 round of base realignments and closures, and execute transformational initiatives, combined with the strain on the Armed Forces due to ongoing contingency operations, could impede sound decisions regarding the conversion to contractor performance of functions of the Department of Defense performed by civilian employees.

(2) Public-private competitions may unnecessarily divert Department of Defense personnel and resources away from operational obligations.

(3) The Secretary of Defense needs to ensure that readiness is fully supported.

(b) SUSPENSION.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, no study or public-private competition regarding the conversion to contractor performance of any function

of the Department of Defense performed by civilian employees may be begun or announced pursuant to section 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A–76.

SEC. 326. CONSOLIDATION OF AIR FORCE AND AIR NATIONAL GUARD AIRCRAFT MAINTENANCE.

(a) ROLE OF NATIONAL GUARD BUREAU.—The Secretary of the Air Force shall not implement the consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard or the consolidation of aircraft repair facilities and personnel of the Air National Guard with aircraft repair facilities and personnel of the active Air Force until the Secretary consults with, and obtains the consent of, the National Guard Bureau.

(b) REPORT ON CRITERIA.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report stating all the criteria being used by the Department of the Air Force and the Rand Corporation to evaluate the feasibility of consolidating Air Force maintenance functions into organizations that would integrate active, Guard, and Reserve components into a total-force approach. The report shall include the assumptions that were provided to or de-

veloped by the Rand Corporation for their study of the feasibility of the consolidation proposal.

(c) REPORT ON FEASIBILITY STUDY.—At least 90 days before any consolidation actions, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings of the Rand Corporation feasibility study and the Rand Corporation's recommendations, the Air Force's assessment of the findings and recommendations, any plans developed for implementation of the consolidation, and a delineation of all infrastructure costs anticipated as a result of implementation.

SEC. 327. GUIDANCE FOR PERFORMANCE OF CIVILIAN PERSONNEL WORK UNDER AIR FORCE CIVILIAN PERSONNEL CONSOLIDATION PLAN.

(a) GUIDANCE FOR CIVILIAN PERSONNEL MANAGEMENT CONSOLIDATION.—In determining which, if any, civilian personnel management functions may appropriately be consolidated under one command or in a central or regional location, the Secretary of the Air Force shall be guided by the anticipated positive or negative impact upon the productivity of the managed workforces at different commands and the consequently anticipated positive or negative impact upon mission accomplishment at the different commands. This analysis shall be customized for each af-

fected command, taking into account such factors as the size and complexity of the civilian workforce and the extent to which mission accomplishment is dependent upon the productivity of the civilian workforce. What functions are deemed "transactional" or "nontransactional" may vary for each affected command. In general, more of the civilian personnel management functions for smaller, less civilian dependent commands may be consolidated in a central or regional location or command while fewer functions may be consolidated from larger, more civilian dependent commands.

(b) PROHIBITION ON CONSOLIDATION OF CERTAIN FUNCTIONS.—For the Large Civilian Centers, the Secretary of the Air Force will not consolidate in a central or regional location or command at least the following functions:

(1) Staffing positions filled through internal or external recruitment processes.

(2) Development of position classifications or job descriptions.

(3) Employee management relations, including performance management programs, conduct or discipline programs and labor management programs.

(4) Labor force planning and management, including internal pay pool management and employee performance reviews.

(5) Managing workers compensation program pursuant to chapter 81 of title 5, United States Code, or relevant State workers' compensation programs.

(c) LARGE CIVILIAN CENTER DEFINED.—In this section, the term "Large Civilian Center" refers to installations or commands with operational missions primarily dependent upon the productivity of civilian workforces typically numbering in the thousands and engaged in program management, systems engineering, research or development, logistics management, software management, management of existing aircraft systems, and depot level maintenance. Such an installation or command typically includes occupational series far in excess of those assigned to other, more typical, Air Force installations or commands.

SEC. 328. REPORT ON REDUCTION IN NUMBER OF FIREFIGHTERS ON AIR FORCE BASES.

In an effort to ensure the Air Force is meeting the minimum safety standards for staffing, equipment, and training as required by Department of Defense Installation and Environment Instruction 6055.6, the Secretary of the Air Force shall submit to Congress, not later than 90 days after the date of the enactment of this Act, a report on the effect of the reduction in fire fighters on Air Force bases as a result of PBD720. Such report shall include the following:

(1) An evaluation of current fire fighting capability and whether the reduction has increased the risk of harm to either fire fighters or those they may serve in response to an emergency.

(2) An evaluation on whether there is adequate capability within the surrounding municipal communities to support a base aircraft rescue or respond to a fire involving a combat aircraft, cargo aircraft or weapon system.

(4) An evaluation of the impact on certifications of the base fire departments as a result of the reductions in fire fighting personnel and or functions at the base.

(5) A plan to restore personnel needed to support the mission should it be determined that personnel reductions resulting from PBD720 have negatively impacted the ability to perform their mission.

Subtitle D—Energy Security

SEC. 331. ANNUAL REPORT ON OPERATIONAL ENERGY MANAGEMENT AND IMPLEMENTATION OF OPERATIONAL ENERGY STRATEGY.

(a) REPORT REQUIRED.—Section 2925 of title 10, United States Code, is amended by striking subsection (b) and inserting the following new subsection:

"(b) ANNUAL REPORT RELATED TO OPERATIONAL ENERGY.—(1) Simultaneous with the annual report required by subsection (a), the Secretary of Defense, acting through the Director of Operational Energy Plans and Programs, shall submit to the congressional defense committees a report on operational energy management and the implementation of the operational energy strategy established pursuant to section 139b of this title.

"(2) The annual report under this subsection shall address and include the following:

"(A) Statistical information on operational energy demands, in terms of expenditures and consumption, for the preceding five fiscal years, including funding made available in regular defense appropriations Acts and any supplemental appropriation Acts.

"(B) An estimate of operational energy demands for the current fiscal year and next fiscal year, including funding requested to meet operational energy demands in the budget submitted to Congress under section 1105 of title 31 and in any supplemental requests.

"(C) A description of each initiative related to the operational energy strategy and a summary of funds appropriated for each initiative in the previous

fiscal year and current fiscal year and requested for each initiative for the next five fiscal years.

"(D) An evaluation of progress made by the Department of Defense—

"(i) in implementing the operational energy strategy, including the progress of key initiatives and technology investments related to operational energy demand and management; and

"(ii) in meeting the operational energy goals set forth in the strategy.

"(E) Such recommendations as the Director considers appropriate for additional changes in organization or authority within the Department of Defense to enable further implementation of the energy strategy and such other comments and recommendations as the Director considers appropriate.

"(3) If a report under this subsection is submitted in a classified form, the Secretary shall concurrently submit to the congressional defense committees an unclassified version of the information required by this subsection.

"(4) In this subsection, the term 'operational energy' means the energy required for moving and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 2925. Annual Department of Defense energy management reports".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter III of chapter 173 of such title is amended by striking the item relating to section 2925 and inserting the following new item:

"2925. Annual Department of Defense energy management reports.".

SEC. 332. CONSIDERATION OF FUEL LOGISTICS SUPPORT REQUIREMENTS IN PLANNING, REQUIREMENTS DEVELOPMENT, AND ACQUISITION PROCESSES.

(a) PLANNING.—In the case of campaign analyses and force planning processes that are used to establish capability requirements and inform acquisition decisions, the Secretary of Defense shall require that campaign analyses and force planning processes consider the requirements for, and vulnerability of, fuel logistics and their relationship to operational capability.

(b) CAPABILITY REQUIREMENTS DEVELOPMENT PROCESS.—The Secretary of Defense shall develop and implement a methodology to enable the implementation of a fuel efficiency key performance parameter in the requirements development process.

(c) ACQUISITION PROCESS.—The Secretary of Defense shall require that the life-cycle cost analysis for new capabilities include the fully burdened cost of fuel during analysis of alternatives and evaluation of alternatives and acquisition program design trades.

(d) IMPLEMENTATION PLAN.—The Secretary of Defense shall prepare a plan for implementing the requirements of this section. The plan shall be completed not later than 180 days after the date of the enactment of this Act and provide for implementation of the requirements not later than three years after such date.

(e) REPORT.—Until the certification required by subsection (g) is provided, the Secretary of Defense shall submit to the congressional defense committees a report, not later than January 1 of each year, describing progress made to implement the requirements of this section during the preceding fiscal year.

(f) FULLY BURDENED COST OF FUEL DEFINED.—In this section, the term "fully burdened cost of fuel" means the commodity price for fuel plus the total cost of all personnel and assets required to move and, when necessary, protect the fuel from the point at which the fuel is received from the commercial supplier to the point of use.

(g) CERTIFICATION OF COMPLIANCE.—As soon as practicable during the three-year period beginning on the

date of the enactment of this Act, the Secretary of Defense shall certify to the congressional defense committees that the Secretary has complied with the requirements of this section. If the Secretary is unable to provide the certification, the Secretary shall submit to the congressional defense committees at the end of the three-year period a report containing—

(1) an explanation of the reasons why the requirements, or portions of the requirements, have not been implemented; and

(2) a revised plan under subsection (d) to complete implementation or a rationale regarding why portions of the requirements cannot or should not be implemented.

SEC. 333. STUDY ON SOLAR ENERGY FOR USE AT FORWARD OPERATING LOCATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall provide for a study to examine the feasibility of using solar energy to provide electricity at forward operating locations.

(b) MATTERS EXAMINED.—The study shall examine, at a minimum, the following:

(1) The potential for solar energy to reduce the fuel supply needed to provide electricity at forward operating locations and the extent to which such reduction will decrease the risk of casualties by reduc-

ing the number of convoys needed to supply fuel to forward operating locations.

(2) The cost of using solar energy to provide electricity.

(3) The potential savings of using solar energy to provide electricity compared to current methods.

(4) The environmental benefits of using solar energy to provide electricity instead of the current methods.

(5) The sustainability and operating requirements of solar energy systems for providing electricity compared to current methods.

(c) REPORT.—Not later than March 1, 2009, the Secretary shall submit to the congressional defense committees a report on the results of the study required by subsection (a).

SEC. 334. STUDY ON COAL-TO-LIQUID FUELS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on alternatives to reduce the life cycle emissions of coal-to-liquid fuels and potential uses of coal-to-liquid fuels to meet the Department's mobility energy requirements.

(b) MATTERS EXAMINES.—The study shall examine, at a minimum, the following:

(1) The potential clean energy alternatives for powering the conversion processes, including nuclear, solar, and wind energies.

(2) The alternatives for reducing carbon emissions during the conversion processes.

(3) The military utility of coal-to-liquid fuels for military operations and for use by expeditionary forces compared with the military utility and life cycle emissions of mobile, in-theater synthetic fuel processes.

(c) USE OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—The Secretary of Defense shall select a federally funded research and development center to perform the study required by subsection (a).

(d) REPORT.—Not later than March 1, 2009, the federally funded research and development center shall submit to the congressional defense committees and the Secretary of Defense a report on the results of the study required by subsection (a).

Subtitle E—Reports

SEC. 341. COMPTROLLER GENERAL REPORT ON READINESS OF ARMED FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than June 1, 2009, the Comptroller General shall submit to the Commit-

tees on Armed Services of the Senate and House of Representatives a report on the readiness of the regular and reserve components of the Armed Forces. The report shall be unclassified but may contain a classified annex.

(2) ONE OR MORE REPORTS.—In complying with the requirements of this section, the Comptroller General may submit a single report addressing all the elements specified in subsection (b) or two or more reports addressing any combination of such elements.

(b) ELEMENTS.—The elements specified in this subsection are the following:

(1) An analysis of the readiness status, as of the date of the enactment of this Act, of the regular and reserve components of the Army and the Marine Corps, including any significant changes in any trends with respect to such components since 2001.

(2) An analysis of the readiness status, as of such date, of the regular and reserve components of the Air Force and the Navy, including a description of any major factors that affect the ability of the Navy or Air Force to provide trained and ready forces for ongoing operations and to meet overall readiness goals.

(3) An analysis of the efforts of the Secretary of each military department to address any major factors affecting the readiness of the regular and reserve components under the jurisdiction of that Secretary.

SEC. 342. REPORT ON PLAN TO ENHANCE COMBAT SKILLS OF NAVY AND AIR FORCE PERSONNEL.

(a) REPORT REQUIRED.—At the same time as the budget for fiscal year 2010 is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on—

(1) the plans of the Secretary of the Navy to improve the combat skills of the members of the Navy; and

(2) the plans of the Secretary of the Air Force to improve the combat skills of the members of the Air Force.

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

(1) The criteria that the Secretary of the Air Force and the Secretary of the Navy use to select permanent sites for their Common Battlefield Airmen Training and Expeditionary Combat Skills courses.

(2) An identification of the extent to which the Secretary of the Navy and Secretary of the Air Force coordinated with each other and with the Secretary of the Army and the Commandant of the Marine Corps with respect to their plans to expand combat skills training for members of the Navy and Air Force, respectively, together with a complete list of bases or locations that were considered as possible sites for the coordinated training.

(3) The estimated implementation and sustainment costs for the Air Force Common Battlefield Airmen Training and Navy Expeditionary Combat Skills courses.

(4) The estimated cost savings, if any, which could result by carrying out such combat skills training at existing Department of Defense facilities or by using existing ground combat training resources.

SEC. 343. COMPTROLLER GENERAL REPORT ON THE USE OF THE ARMY RESERVE AND NATIONAL GUARD AS AN OPERATIONAL RESERVE.

(a) REPORT REQUIRED.—Not later than June 1, 2009, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of the Army Reserve and National Guard forces as an operational reserve.

(b) ELEMENTS.—The report required by subsection (a) shall include a description of current and programmed resources, force structure, and organizational challenges that the Army Reserve and National Guard forces may face serving as an operational reserve, including—

(1) equipment availability, maintenance, and logistics issues;

(2) manning and force structure;

(3) training constraints limiting—

(A) facilities and ranges;

(B) access to military schools and skill training; and

(C) access to the Combat Training Centers; and

(4) any conflicts with requirements under title 32, United States Code.

SEC. 344. COMPTROLLER GENERAL REPORT ON LINK BETWEEN PREPARATION AND USE OF ARMY RESERVE COMPONENT FORCES TO SUPPORT ONGOING OPERATIONS.

(a) REPORT REQUIRED.—Not later than June 1, 2009, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the link between the preparation and operational use of the Army's reserve component forces.

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

(1) an analysis of the Army's ability to train and employ reserve component units—

(A) to execute the wartime or primary missions for which the units are designed; and

(B) for non-traditional missions to which such units are assigned, as of the date of the enactment of this Act, in support of ongoing operations, including factors affecting unit or individual preparation, the effect of notification timelines, and access to training facilities, including the National Training Center and the Joint Readiness Training Center; and

(2) an analysis of the effect of mobilization and deployment laws, goals, and policies on the Army's ability to train and employ reserve component units for the purposes described in paragraph (1).

SEC. 345. COMPTROLLER GENERAL REPORT ON ADEQUACY OF FUNDING, STAFFING, AND ORGANIZATION OF DEPARTMENT OF DEFENSE MILITARY MUNITIONS RESPONSE PROGRAM.

(a) 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 House of Representatives a report on the adequacy of the funding, staffing, and organization of the Military Munitions Response Program of the Department of Defense.

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

(1) an analysis of the funding, staffing, and organization of the Military Munitions Response Program; and

(2) an assessment of the Program mechanisms for the accountability, reporting, and monitoring of the progress of munitions response projects and methods to reduce the length of time of such projects.

SEC. 346. REPORT ON OPTIONS FOR PROVIDING REPAIR CAPABILITIES TO SUPPORT SHIPS OPERATING NEAR GUAM.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of the Navy shall submit to the committees on Armed Services of the Senate and House of Representatives a report on the best option or combination of options for providing voyage repair capabilities to support all United States Navy ships operating at or near Guam.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) The Secretary's estimate, based on the quantitative data determined to be most appropriate by the Secretary, of the requirements for voyage repairs for all United States Navy vessels operating at or near Guam, including—

(A) such requirements for ships operated by the Military Sealift Command; and

(B) such requirements for United States Navy vessels for which the designated homeport of the vessel is anticipated to become Guam as a result of the realignment of the Armed Forces from Okinawa, Japan, to Guam.

(2) The recommendations of the Secretary for ensuring that adequate voyage repair capabilities are available for all United States Navy ships operating at or near Guam and an estimate of the amount of time required to implement such capabilities.

(3) The Secretary's assessment of the benefits and limitations of each option for providing voyage repairs to all United States Navy ships operating at or near Guam and of the anticipated costs and strategic and operational risks associated with each such option.

(4) A plan and schedule for implementing a course of action to ensure that the required ship re-

pair capability is available by not later than October 31, 2012.

Subtitle F—Other Matters

SEC. 351. EXTENSION OF ENTERPRISE TRANSITION PLAN REPORTING REQUIREMENT.

Section 2222(i) of title 10, United States Code, is amended by striking "2009" and inserting "2013".

SEC. 352. DEMILITARIZATION OF LOANED, GIVEN, OR EXCHANGED DOCUMENTS, HISTORICAL ARTIFACTS, AND CONDEMNED OR OBSOLETE COMBAT MATERIEL.

Section 2572(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "The Secretary concerned shall ensure that an item authorized to be donated under this section is demilitarized, as determined necessary by the Secretary or the Secretary's delegee, to the extent necessary to render the item unserviceable in the interest of public safety."; and

(2) in paragraph (2)(A), by inserting before the period at the end the following: ", including any expense associated with demilitarizing an item under paragraph (1), for which the recipient of the item shall be responsible".

SEC. 353. REPEAL OF REQUIREMENT THAT SECRETARY OF AIR FORCE PROVIDE TRAINING AND SUPPORT TO OTHER MILITARY DEPARTMENTS FOR A–10 AIRCRAFT.

(a) REPEAL.—Chapter 901 of title 10, United States Code, is amended by striking section 9316.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 9316.

SEC. 354. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR AIR SOVEREIGNTY ALERT MISSION.

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—For fiscal year 2010 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for consideration by the President for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a consolidated budget justification display that covers all programs and activities of the Air Sovereignty Alert mission of the Air Force.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget display under subsection (a) for a fiscal year shall include for such fiscal year the following:

(1) The funding requirements for the Air Sovereignty Alert mission, and the associated Command

and Control mission, including such requirements for—

(A) pay and allowances;

(B) support costs;

(C) Medicare eligible retiree health fund contributions

(D) flying hours; and

(E) any other associated mission costs.

(2) The amount in the budget for the Air Force for each of the items referred to in paragraph (1).

(3) The amount in the budget for the Air National Guard for each such item.

SEC. 355. SENSE OF CONGRESS THAT AIR SOVEREIGNTY ALERT MISSION SHOULD RECEIVE SUFFICIENT FUNDING AND RESOURCES.

It is the sense of Congress that—

(1) since the tragic events of September 11, 2001, the Air National Guard has bravely performed the Air Sovereignty Alert mission to defend the homeland in support of Operation Noble Eagle;

(2) the Air National Guard continues to serve as the backbone of this vital national security mission;

(3) the United States Air Force should include full funding for the Air Sovereignty Alert mission in the baseline budget of the Air Force;

(4) the United States Air Force should program sufficient personnel, equipment, and aircraft resources to the Air National Guard to fully and safely perform the Air Sovereignty Alert mission;

(5) the capability of Air National Guard aircraft assigned to the Air Sovereignty Alert mission is rapidly deteriorating due to age and may impede the ability of the Air National Guard to protect the homeland;

(6) by 2015, many of the Air National Guard's fighter aircraft will have exceeded their service life and will be grounded, resulting in a breach of homeland defense, a potential closure of Air National Guard bases, the loss of critical personnel with the accompanying loss of experience and training, and the loss of the fighter capability of the Air National Guard; and

(7) the United States Air Force should ensure that the Air National Guard and the Air Sovereignty Alert mission are provided with resources, personnel, and aircraft needed to support this critical mission now and in the future.

SEC. 356. REVISION OF CERTAIN AIR FORCE REGULATIONS REQUIRED.

(a) REVISION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Air Force shall revise the Air Freight Transportation Regulation Number 5, dated January 15, 1999, to conform with Defense Travel Regulations to ensure that freight covered by Air Freight Transportation Regulation Number 5 is carried in accordance with commercial best practices that are based upon a mode-neutral approach.

(b) MODE-NEUTRAL APPROACH DEFINED.—For purposes of this section, the term "mode-neutral approach" means a method of shipment that allows a shipper to choose a carrier with a time-definite performance standard for delivery without specifying a particular mode of conveyance and allows the carrier to select the mode of conveyance using best commercial practices as long as the mode of conveyance can reasonably be expected to ensure the time-definite delivery requested by the shipper.

SEC. 357. TRANSFER OF C–12 AIRCRAFT TO CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION.

(a) AUTHORITY.—The Secretary of the Army may convey to the California Department of Forestry and Fire Protection (hereinafter in this section referred to as "CAL FIRE"), all right, title, and interest of the United States

in three C–12 aircraft that the Secretary has determined are surplus to need.

(b) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of an aircraft authorized by this section shall be made at no cost to the United States. Any costs associated with such conveyance, costs of determining compliance with terms of the conveyance, and costs of operation and maintenance of the aircraft conveyed shall be borne by CAL FIRE.

SEC. 358. AVAILABILITY OF FUNDS FOR IRREGULAR WARFARE SUPPORT PROGRAM.

Of the amount appropriated pursuant to an authorization of appropriations or otherwise made available for the Joint Improvised Explosive Device Defeat Organization for fiscal year 2009, $75,000,000 shall be available for the Irregular Warfare Support program (program element line 0603121D8Z, SO/LIC Advanced Development).

SEC. 359. SENSE OF CONGRESS REGARDING PROCUREMENT AND USE OF MUNITIONS.

It is the sense of Congress that the Secretary of Defense should—

(1) in making decisions with respect to 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; and

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

SEC. 360. LIMITATION ON OBLIGATION OF FUNDS FOR AIR COMBAT COMMAND MANAGEMENT HEADQUARTERS.

Of the funds appropriated pursuant to an authorization of appropriations or otherwise made available for Operation and Maintenance, Air Force, for fiscal year 2009, the amount that may be obligated for Air Force Commander, Air Combat Command Management Headquarters, Sub-Activity Group 012E, for any fiscal quarter of such fiscal year may not exceed 80 percent of the amount of such funds obligated for such purpose for the corresponding fiscal quarter of fiscal year 2008 until the Secretary of Defense certifies to the congressional defense committees that by not later than February 3, 2009, the Future Year's Defense Plan will include funding for 76 commonly configured B–52 aircraft.

SEC. 361. INCREASE OF DOMESTIC SOURCING OF MILITARY WORKING DOGS USED BY THE DEPARTMENT OF DEFENSE.

(a) INCREASED CAPACITY.—The Secretary of Defense, acting through the Executive Agent for Military Working

Dogs (hereinafter in this section referred to as the "Executive Agent"), shall—

(1) identify the number of military working dogs required to fulfill the various missions of the Department of Defense for which such dogs are used, including force protection, facility and check point security, and explosives and drug detection;

(2) take such steps as are practicable to ensure an adequate number of military working dog teams are available to meet and sustain the mission requirements identified in paragraph (1);

(3) ensure that the Department's needs and performance standards with respect to military working dogs are readily available to dog breeders and trainers; and

(4) coordinate with other Federal, State, or local agencies, nonprofit organizations, universities, or private sector entities, as appropriate, to increase the training capacity for military working dog teams.

(b) MILITARY WORKING DOG PROCUREMENT.—The Secretary, acting through the Executive Agent shall work to ensure that military working dogs are procured as efficiently as possible and at the best value to the Government, while maintaining the necessary level of quality and encouraging increased domestic breeding, with the ultimate

goal of procuring all military working dogs through domestic breeders.

(c) MILITARY WORKING DOG DEFINED.—For purposes of this section, the term "military working dog" means a dog used in any official military capacity, as defined by the Secretary of Defense.

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.

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 2009 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. Additional waiver authority of limitation on number of reserve component members authorized to be on active duty.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

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, 2009, as follows:

(1) The Army, 532,400.

(2) The Navy, 326,323.

(3) The Marine Corps, 194,000.

(4) The Air Force, 317,050.

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, 532,400.

"(2) For the Navy, 326,323.

"(3) For the Marine Corps, 194,000.

"(4) For the Air Force, 317,050.".

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, 2009, as follows:

(1) The Army National Guard of the United States, 352,600.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 66,700.

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

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

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

(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, 2009, 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, 17,070.

(3) The Navy Reserve, 11,099.

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

(5) The Air National Guard of the United States, 14,337.

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

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 2009 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, 10,003.

(4) For the Air National Guard of the United States, 22,452.

SEC. 414. FISCAL YEAR 2009 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, 2009, 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, 2009, 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, 2009, 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 2009, 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. ADDITIONAL WAIVER AUTHORITY OF LIMITATION ON NUMBER OF RESERVE COMPONENT MEMBERS AUTHORIZED TO BE ON ACTIVE DUTY.

(a) ADDITIONAL WAIVER AUTHORITY.—Subsection (a) of section 123a of title 10, United States Code, is amended—

(1) by inserting "(1)" before "If at the end"; and

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

"(2) When a designation of a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) is in effect, the President may waive any statutory limit that would otherwise apply during the period of the designation on the number of members of a reserve component who are authorized to be on active duty under subparagraph (A) or (B) of section 115(b)(1) of this title, if the President determines the waiver is necessary to provide assistance in responding to the major disaster or emergency.".

(b) TERMINATION OF WAIVER.—Subsection (b) of such section is amended—

(1) by striking the subsection heading and inserting the following: "TERMINATION OF WAIVER.—(1)";

(2) by striking "subsection (a)" and inserting "subsection (a)(1)"; and

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

"(2) A waiver granted under subsection (a)(2) shall terminate not later than 90 days after the date on which the designation of the major disaster or emergency that was the basis for the waiver expires.".

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 123a. Suspension of end-strength and other strength limitations in time of war or national emergency".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 123a and inserting the following new item:

"123a. Suspension of end-strength and other strength limitations in time of war or national emergency.".

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2009 a total of $124,659,768,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2009.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Mandatory separation requirements for regular warrant officers for length of service.
Sec. 502. Requirements for issuance of posthumous commissions and warrants.
Sec. 503. Extension of authority to reduce minimum length of active service required for voluntary retirement as an officer.
Sec. 504. Increase in authorized number of general officers on active duty in the Marine Corps.

Subtitle B—Reserve Component Management

Sec. 511. Extension to all military departments of authority to defer mandatory separation of military technicians (dual status).
Sec. 512. Increase in authorized strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel to meet force structure requirements.
Sec. 513. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty in support of a contingency operation.
Sec. 514. Increase in mandatory retirement age for certain Reserve officers.
Sec. 515. Age limit for retention of certain Reserve officers on active-status list as exception to removal for years of commissioned service.
Sec. 516. Authority to retain Reserve chaplains and officers in medical and related specialties until age 68.
Sec. 517. Study and report regarding personnel movements in Marine Corps Individual Ready Reserve.

Subtitle C—Joint Qualified Officers and Requirements

Sec. 521. Joint duty requirements for promotion to general or flag officer.
Sec. 522. Technical, conforming, and clerical changes to joint specialty terminology.
Sec. 523. Promotion policy objectives for Joint Qualified Officers.
Sec. 524. Length of joint duty assignments.
Sec. 525. Designation of general and flag officer positions on Joint Staff as positions to be held only by reserve component officers.
Sec. 526. Treatment of certain service as joint duty experience.

Subtitle D—General Service Authorities

Sec. 531. Increase in authorized maximum reenlistment term.
Sec. 532. Career intermission pilot program.

Subtitle E—Education and Training

Sec. 541. Repeal of prohibition on phased increase in midshipmen and cadet strength limit at United States Naval Academy and Air Force Academy.
Sec. 542. Promotion of foreign and cultural exchange activities at military service academies.
Sec. 543. Compensation for civilian President of Naval Postgraduate School.
Sec. 544. Increased authority to enroll defense industry employees in defense product development program.
Sec. 545. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve components members supporting contingency operations.
Sec. 546. Consistent education loan repayment authority for health professionals in regular components and Selected Reserve.
Sec. 547. Increase in number of units of Junior Reserve Officers' Training Corps.

Subtitle F—Military Justice

Sec. 551. Grade of Staff Judge Advocate to the Commandant of the Marine Corps.
Sec. 552. Standing military protection order.
Sec. 553. Mandatory notification of issuance of military protective order to civilian law enforcement.

Sec. 554. Implementation of information database on sexual assault incidents in the Armed Forces.

Subtitle G—Decorations, Awards, and Honorary Promotions

Sec. 561. Replacement of military decorations.
Sec. 562. Authorization and request for award of Medal of Honor to Richard L. Etchberger for acts of valor during the Vietnam War.
Sec. 563. Advancement of Brigadier General Charles E. Yeager, United States Air Force (retired), on the retired list.
Sec. 564. Advancement of Rear Admiral Wayne E. Meyer, United States Navy (retired), on the retired list.
Sec. 565. Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation.

Subtitle H—Impact Aid

Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 572. Calculation of payments under Department of Education's Impact Aid program.

Subtitle I—Military Families

Sec. 581. Presentation of burial flag.
Sec. 582. Education and training opportunities for military spouses.

Subtitle J—Other Matters

Sec. 591. Inclusion of Reserves in providing Federal aid for State governments, enforcing Federal authority, and responding to major public emergencies.
Sec. 592. Interest payments on certain claims arising from correction of military records.
Sec. 593. Extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.
Sec. 594. Authority to order Reserve units to active duty to provide assistance in response to a major disaster or emergency.
Sec. 595. Senior Military Leadership Diversity Commission.

Subtitle A—Officer Personnel Policy Generally

SEC. 501. MANDATORY SEPARATION REQUIREMENTS FOR REGULAR WARRANT OFFICERS FOR LENGTH OF SERVICE.

Section 1305(a) of title 10, United States Code, is amended—

(1) by striking "A regular warrant officer who has at least 30 years of active service as a warrant officer that could be credited to him" and inserting "(1) A regular warrant officer (other than a regular Army warrant officer) who has at least 30 years of active service that could be credited to the officer"; and

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

"(2) In the case of a regular Army warrant officer, the calculation of years of active service under paragraph (1) shall include only years of active service as a warrant officer.".

SEC. 502. REQUIREMENTS FOR ISSUANCE OF POSTHUMOUS COMMISSIONS AND WARRANTS.

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

(1) in subsection (a), by striking "in line of duty" each place it appears; and

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

"(c) A commission issued under subsection (a) in connection with the promotion of a deceased member to a higher commissioned grade shall require certification by the Secretary concerned that, at the time of death of the member,

the member was qualified for appointment to that higher grade.".

(b) POSTHUMOUS WARRANTS.—Section 1522(a) of such title is amended

(1) by striking "in line of duty"; and

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

"(c) A warrant issued under subsection (a) in connection with the promotion of a deceased member to a higher grade shall require a finding by the Secretary of the military department concerned that, at the time of death of the member, the member was qualified for appointment to that higher grade.".

SEC. 503. EXTENSION OF AUTHORITY TO REDUCE MINIMUM LENGTH OF ACTIVE SERVICE REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.

(a) ARMY.—Section 3911(b)(2) of title 10, United States Code, is amended by inserting after "December 31, 2008," the following: "and again during the one-year period beginning on October 1, 2013,".

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2)(B) of such title is amended by inserting after "December 31, 2008," the following: "and again during the one-year period beginning on October 1, 2013,".

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by inserting after "December 31, 2008," the following: "and again during the one-year period beginning on October 1, 2013,".

SEC. 504. INCREASE IN AUTHORIZED NUMBER OF GENERAL OFFICERS ON ACTIVE DUTY IN THE MARINE CORPS.

(a) INCREASE.—Section 526(a)(4) of title 10, United States Code, is amended by striking "80" and inserting "81".

(b) CONFORMING AMENDMENTS REGARDING DISTRIBUTION OF MARINE GENERAL OFFICERS.—Section 525 of such title is amended—

(1) in the first sentence of subsection (a), by striking "that armed force" and inserting "the Army or Air Force, or more than 51 percent of the general officers of the Marine Corps,"; and

(2) in subsection (b)(2)(B), by striking "17.5 percent" and inserting "19 percent".

Subtitle B—Reserve Component Management

SEC. 511. EXTENSION TO ALL MILITARY DEPARTMENTS OF AUTHORITY TO DEFER MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS).

Section 10216(f) of title 10, United States Code, is amended by striking "Secretary of the Army" and inserting "Secretary concerned".

SEC. 512. INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVE OFFICERS ON ACTIVE DUTY IN THE GRADES OF MAJOR AND LIEUTENANT COLONEL TO MEET FORCE STRUCTURE REQUIREMENTS.

The table in section 12011(a) of title 10, United States Code, relating to the number of officers of a reserve component who may be serving in certain grades given the total number of members of that reserve component serving on full-time reserve component duty, is amended by striking the portion of the table relating to the Marine Corps Reserve and inserting the following:

"Marine Corps Reserve:	*Major*	*Lieutenant Colonel*	*Colonel*
1,100	*99*	*63*	*20*
1,200	*103*	*67*	*21*
1,300	*107*	*70*	*22*
1,400	*111*	*73*	*23*
1,500	*114*	*76*	*24*
1,600	*117*	*79*	*25*
1,700	*120*	*82*	*26*
1,800	*123*	*85*	*27*

"Marine Corps Reserve:	*Major*	*Lieutenant Colonel*	*Colonel*
1,900	*126*	*88*	*28*
2,000	*129*	*91*	*29*
2,100	*132*	*94*	*30*
2,200	*134*	*97*	*31*
2,300	*136*	*99*	*32*
2,400	*138*	*101*	*33*
2,500	*140*	*103*	*34*
2,600	*142*	*105*	*35".*

SEC. 513. CLARIFICATION OF AUTHORITY TO CONSIDER FOR A VACANCY PROMOTION NATIONAL GUARD OFFICERS ORDERED TO ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) ADDITIONAL EXCEPTION.—Subsection (d) of section 14317 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking "Except" and inserting "(1) Except";

(B) by striking "unless the officer is ordered" and inserting "unless the officer—

"(A) is ordered";

(C) by striking the period at the end and inserting "; or"; and

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

"(B) has been ordered to or is serving on active duty in support of a contingency operation."; and

(2) in the second sentence, by striking "If" and inserting the following:

"(2) If".

(b) CONSIDERATION FOR PROMOTION BY EXAMINATION FOR FEDERAL RECOGNITION.—Subsection (e)(1)(B) of such section is amended by inserting before the period at the end the following: ", or by examination for Federal recognition under title 32".

SEC. 514. INCREASE IN MANDATORY RETIREMENT AGE FOR CERTAIN RESERVE OFFICERS.

(a) SELECTIVE SERVICE AND PROPERTY AND FISCAL OFFICERS.—Section 12647 of title 10, United States Code, is amended by striking "60 years" and inserting "62 years".

(b) CERTAIN RESERVE OFFICERS IN GRADES OF MAJOR THROUGH BRIGADIER GENERAL.—

(1) INCREASED AGE.—Section 14702(b) of such title is amended—

(A) in the subsection heading, by striking "AT AGE 60" and inserting "FOR AGE"; and

(B) by striking "subsection (a)(1) or (a)(2)." and all that follows through the period at the end of the last sentence and inserting the following: "paragraph (1) or (2) of subsection (a). An officer described in paragraph (1) of such subsection may not be retained under this section after the last day of the month in which

the officer becomes 62 years of age. An officer described in paragraph (2) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.".

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 14702 of such title is amended to read as follows:

"§ 14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1409 of such title is amended by striking the item relating to section 14702 and inserting the following new item:

"14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general.".

SEC. 515. AGE LIMIT FOR RETENTION OF CERTAIN RESERVE OFFICERS ON ACTIVE-STATUS LIST AS EXCEPTION TO REMOVAL FOR YEARS OF COMMISSIONED SERVICE.

Section 14508 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) RETENTION OF LIEUTENANT GENERALS.—A reserve officer of the Army or Air Force in the grade of lieutenant general who would otherwise be removed from an active status under subsection (c) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 66 years of age.".

SEC. 516. AUTHORITY TO RETAIN RESERVE CHAPLAINS AND OFFICERS IN MEDICAL AND RELATED SPECIALTIES UNTIL AGE 68.

(a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of title 10, United States Code, is amended by striking "67 years" and inserting "68 years".

(b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(c) Notwithstanding subsection (a)(1), an officer of the National Guard serving as a chaplain, medical officer, dental officer, nurse, veterinarian, Medical Service Corps officer, or biomedical sciences officer may be retained, with the officer's consent, until the date on which the officer becomes 68 years of age.".

SEC. 517. STUDY AND REPORT REGARDING PERSONNEL MOVEMENTS IN MARINE CORPS INDIVIDUAL READY RESERVE.

The Secretary of the Navy shall conduct a study to analyze the policies and procedures used by the Marine Corps Reserve during fiscal years 2001 through 2008 for the movement of personnel in and out of the Individual Ready Reserve. Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the results of the study.

Subtitle C—Joint Qualified Officers and Requirements

SEC. 521. JOINT DUTY REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG OFFICER.

(a) IN GENERAL.—Section 619a of title 10, United States Code, is amended

(1) in subsection (a), by striking "unless—" and all that follows through "the joint specialty" and inserting "unless the officer has been designated as a Joint Qualified Officer";

(2) in subsection (b)—

(A) by striking "paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a)," in the matter pre-

ceding paragraph (1) and inserting "subsection (a)"; and

(B) in paragraph (4), by striking "within that immediate organization is not less than two years" and inserting "is not less than two years and the officer has successfully completed a program of education described in subsections (b) and (c) of section 2155 of this title"; and

(3) by striking subsection (h).

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 619a. Eligibility for consideration for promotion: designation as Joint Qualified Officer required before promotion to general or flag grade; exceptions".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking the item relating to section 619a and inserting the following new item:

"619a. Eligibility for consideration for promotion: designation as Joint Qualified Officer required before promotion to general or flag grade; exceptions.".

SEC. 522. TECHNICAL, CONFORMING, AND CLERICAL CHANGES TO JOINT SPECIALTY TERMINOLOGY.

(a) REFERENCE TO JOINT QUALIFIED OFFICER.—

(1) IN GENERAL.—Subsection (a) of section 661 of title 10, United States Code, is amended in the second sentence by striking "in such manner as the Secretary of Defense directs" and inserting "as a Joint Qualified Officer or in such other manner as the Secretary of Defense directs".

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 661. Management policies for Joint Qualified Officers".

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item related to section 661 and inserting the following new item:

"661. Management policies for Joint Qualified Officers.".

(b) JOINT DUTY ASSIGNMENTS AFTER COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "JOINT SPECIALTY" and inserting "JOINT QUALIFIED"; and

(B) by striking "with the joint specialty" and inserting "designated as a Joint Qualified Officer"; and

(2) in subsection (b)(1), by striking "do not have the joint specialty" and inserting "are not designated as a Joint Qualified Officer".

(c) PROCEDURES FOR MONITORING CAREERS OF JOINT QUALIFIED OFFICERS.—

(1) IN GENERAL.—Section 665 of such title is amended—

(A) in subsection (a)(1)(A), by striking "with the joint specialty" and inserting "designated as a Joint Qualified Officer"; and

(B) in subsection (b)(1), by striking "with the joint specialty" and inserting "designated as a Joint Qualified Officer".

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 665. Procedures for monitoring careers of Joint Qualified Officers".

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item related to section 665 and inserting the following new item:

"665. Procedures for monitoring careers of Joint Qualified Officers.".

(d) JOINT SPECIALTY TERMINOLOGY IN ANNUAL REPORT.—Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "selected for the joint specialty" and inserting "designated as a Joint Qualified Officer"; and

(B) in subparagraph (B), by striking "selection for the joint specialty" and inserting "designation as a Joint Qualified Officer,";

(2) in paragraph (2), by striking "with the joint specialty" and inserting "designated as a Joint Qualified Officer";

(3) in paragraph (3), by striking "selected for the joint specialty" each place it appears and inserting "designated as a Joint Qualified Officer";

(4) in paragraph (4)—

(A) in subparagraph (A), by striking "selected for the joint specialty" and inserting "designated as a Joint Qualified Officer"; and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) 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 aggre-

gated joint experiences and completion of Joint Professional Military Education Phase II.";

(5) by striking paragraphs (5) through (10), (13), and (16), and redesignating paragraphs (11), (12), (14) (15), (17), and (18) as paragraphs (7), (8), (9), (10), (12), and (13), respectively;

(6) by inserting after paragraph (4) the following new paragraphs:

"(5) The promotion rate for officers designated as a Joint Qualified Officer, compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category. A similar comparison will be made for officers both below the promotion zone and above the promotion zone.

"(6) An analysis of assignments of officers after their designation as a Joint Qualified Officer."; and

(7) by inserting after paragraph (10), as redesignated by paragraph (5), the following new paragraph:

"(11) The number of officers in the grade of captain (or in the case of the Navy, lieutenant) and above, certified at each level of joint qualification as established in regulation and policy by the Secretary of Defense with the advice of the Chairman of the

Joint Chiefs of Staff. Such numbers shall be reported by service and grade of the officer.''.

SEC. 523. PROMOTION POLICY OBJECTIVES FOR JOINT QUALIFIED OFFICERS.

Section 662 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''that—'' and all that follows through ''served in joint duty assignments'' and inserting ''that officers in the grade of major (or in the case of the Navy, lieutenant commander) or above who are designated as a Joint Qualified Officer''; and

(2) in subsection (b), by striking ''officers who are serving in, or have served in, joint duty assignments, especially with respect to the record of officer selection boards in meeting the objectives of paragraphs (1) and (2) of subsection (a).'' and inserting ''officers in the grades of major (or in the case of the Navy, lieutenant commander) through colonel (or in the case of the Navy, captain) who are designated as a Joint Qualified Officer, especially with respect to the record of officer selection boards in meeting the objective of subsection (a).''.

SEC. 524. LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) SERVICE EXCLUDED FROM TOUR LENGTH.—Subsection (d) of section 664 of title 10, United States Code, is amended—

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

"(D) a qualifying reassignment from a joint duty assignment—

"(i) for unusual personal reasons, including extreme hardship and medical conditions, beyond the control of the officer or the armed forces; or

"(ii) to another joint duty assignment immediately after—

"(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

"(II) the officer's position was eliminated in a reorganization."; and

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

"(3) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment

brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).".

(b) COMPUTING AVERAGE LENGTH OF JOINT DUTY ASSIGNMENTS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph:

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

"(A) Service described in subsection (c).

"(B) Service described in subsection (d).

"(C) Service described in subsection (f)(6).".

(c) COMPLETION OF TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) in paragraph (3), by striking "Cumulative service" and inserting "Accrued joint experience";

(2) in paragraph (4), by striking "(except" and all that follows through "any time)"; and

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

"(6) A second and subsequent joint duty assignment that is less than the period required under subsection (a), but not less than two years.".

(d) ACCRUED JOINT EXPERIENCE AS FULL TOUR OF DUTY.—Subsection (g) of such section is amended to read as follows:

"(g) ACCRUED JOINT EXPERIENCE.—For the purposes of subsection (f)(3), the Secretary of Defense may prescribe, by regulation, certain joint experience, such as temporary duty in joint assignments, joint individual training, and participation in joint exercises, that may be aggregated to equal a full tour of duty. The Secretary shall prescribe the regulations with the advice of the Chairman of the Joint Chiefs of Staff.".

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

(1) in paragraph (1), by striking "subsection (f)(1), (f)(2), (f)(4), or (g)(2)" and inserting "paragraphs (1), (2), and (4) of subsection (f)"; and

(2) by striking paragraph (3).

(f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—Such section is further amended by striking subsection (i).

SEC. 525. DESIGNATION OF GENERAL AND FLAG OFFICER POSITIONS ON JOINT STAFF AS POSITIONS TO BE HELD ONLY BY RESERVE COMPONENT OFFICERS.

Section 526(b)(2)(A) of title 10, United States Code, is amended by striking "a general and flag officer position" and inserting "up to three general and flag officer positions".

SEC. 526. TREATMENT OF CERTAIN SERVICE AS JOINT DUTY EXPERIENCE.

(a) VICE CHIEFS, ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

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

"(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of assignment or promotion to any position designated by law as open to a National Guard general officer.".

(b) ADJUTANTS GENERAL AND SIMILAR OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of

adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of assignment or promotion.

(c) REPORT ON DUTY IN JOINT FORCE HEADQUARTERS TO QUALIFY AS JOINT DUTY EXPERIENCE.—Not later than April 1, 2009, the Chief of the National Guard Bureau shall, in consultation with the adjutants general of the National Guard, submit to the Chairman of the Joint Chiefs of Staff and to Congress a report setting forth the recommendations of the Chief of the National Guard Bureau as to which duty of officers of the National Guard in the Joint Force Headquarters of the National Guard of the States should qualify as joint duty or joint duty experience for purposes of the provisions of law requiring such duty or experience as a condition of assignment or promotion.

(d) REPORTS ON JOINT EDUCATION COURSES.—Not later than April 1 of each of 2009, 2010, and 2011, the Chairman of the Joint Chiefs of Staff shall submit to Congress a report setting forth information on the joint education courses available through the Department of Defense for purposes of the pursuit of joint careers by officers in the Armed Forces. Each report shall include, for the preceding year, the following:

(1) A list and description of the joint education courses so available during such year.

(2) A list and description of the joint education courses listed under paragraph (1) that are available to and may be completed by officers of the reserve components of the Armed Forces in other than an in-resident duty status under title 10 or 32, United States Code.

(3) For each course listed under paragraph (1), the number of officers from each Armed Force who pursued such course during such year, including the number of officers of the Army National Guard, and of the Air National Guard, who pursued such course.

(e) MEMORANDUM OF UNDERSTANDING REGARDING THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during re-

sponses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(f) REPORT ON DEFENSE OF THE HOMELAND.—

(1) REVIEW.—The Secretary of Defense, in consultation with the Chief of the National Guard Bureau, shall conduct a review of the role of the Department of Defense in the defense of the homeland. In conducting that review, the Secretary shall—

(A) assess section II of the Final Report to Congress and the Secretary of Defense of the Commission on the National Guard and Reserves, dated January 31, 2008, and titled

"Transforming the National Guard and Reserves into a 21st-Century Operational Force"; and

(B) comment on recommendation number 2 under section II of the report described in subparagraph (A).

(2) REPORT.—Not later than April 1, 2009, the Secretary of Defense shall issue to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the review.

Subtitle D—General Service Authorities

SEC. 531. INCREASE IN AUTHORIZED MAXIMUM REENLISTMENT TERM.

(a) INCREASE TO EIGHT-YEAR MAXIMUM.—Section 505(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "six years" and inserting "eight years"; and

(2) in paragraph (3)(A), by striking "six years" and inserting "eight years".

(b) CONFORMING AMENDMENT REGARDING REENLISTMENT BONUS.—Section 308(a)(2)(ii) of title 37, United States Code, is amended by striking "not to exceed six".

SEC. 532. CAREER INTERMISSION PILOT PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 40 of title 10, United States Code, is amended by inserting after section 708 the following new section:

"§ 708a. Career intermission pilot program

"(a) PROGRAM AUTHORIZED.—(1) The Secretary of a military department may establish a pilot program under which an officer or enlisted member of an armed force under the jurisdiction of the Secretary—

"(A) is released from active duty for a period not to exceed the period specified in subsection (c)(1) to meet personal or professional needs of the member;

"(B) is transferred to the Ready Reserve of that armed force during such period, as provided in subsection (d); and

"(C) is returned to active duty at the end of such period, as provided in subsection (c)(2).

"(2) The pilot program shall be known as the 'Career Intermission Pilot Program' (in this section referred to as the 'program').

"(b) NUMBER OF PARTICIPANTS.—No more than 20 officers and 20 enlisted members of each armed force under the jurisdiction of the Secretary of a military department may be selected per year for participation in the program.

"(c) MAXIMUM DURATION OF ABSENCE; RETURN TO ACTIVE DUTY.—(1) The period during which a member

participating in the program will be released from active duty shall be agreed upon by the Secretary concerned and the member, but the period may not exceed three years from the date of the member's release from active duty.

"(2) A member participating in the program shall return to active duty at the end of the agreed-upon period or such earlier date as the member may request.

"(d) RESERVE AGREEMENT.—(1) Before being released from active duty under the program, a member participating in the program shall—

"(A) be appointed or enlisted in the Ready Reserve for the member's armed force; and

"(B) enter into an agreement with the Secretary concerned to serve on active duty in a regular or reserve component, as determined by the Secretary, for a period of not less than two months for every month of program participation following the member's return to active duty.

"(2) During the period of release from active duty, a member participating in the program shall report at least once per month to a location designated by the Secretary concerned and be required to maintain the job specialty qualifications the member held immediately before being released from active duty under the program.

"(3) The Secretary of Defense shall issue regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by this subsection. At a minimum, the Secretary shall prescribe the procedures and standards to be used to instruct a member on the obligations to be assumed by the member under paragraph (2) while the member is released from active duty.

"(e) EXCLUSION OF TIME IN PROGRAM.—Time spent in the program shall not count toward—

"(1) determining eligibility for retirement or transfer to the Ready Reserve under chapter 367, 571, 867, or 1223 of this title;

"(2) computation of retired or retainer pay under chapter 71 or chapter 1223 of this title; or

"(3) computation of total years of commissioned service under section 14706 of this title.

"(f) MEDICAL AND DENTAL CARE.—While a member is participating in the program, the member shall remain entitled to medical and dental care on the same basis as a member of the armed forces on active duty, and dependents of a member participating in the program shall remain entitled to medical and dental care on the same basis as the dependents of a member of the armed forces on active duty.

"(g) PROMOTION ELIGIBILITY.—(1) An officer participating in the program shall not be eligible for consideration for promotion under chapter 36 or 1405 of this title during the period of the officer's release from active duty. Upon return to active duty—

"(A) the officer's date of rank shall be adjusted to a later date under regulations prescribed by the Secretary of Defense; and

"(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration.

"(2) An enlisted member participating in the program is ineligible for consideration for promotion during the period of the member's release from active duty and until such time after the member's return to active duty when the member becomes eligible for promotion by reason of time in grade and such other requirements as may be specified in regulations.

"(h) BASIC PAY.—For each month during which a member is released from active duty under the program, the member is entitled to two times one-thirtieth of the basic pay to which the member would be otherwise entitled based on grade and years of service if the member remained on active duty.

"(i) TRAVEL AND TRANSPORTATION ALLOWANCES.—(1) Notwithstanding any other provision of law, a member participating in the program is entitled to the travel and transportation allowances under section 404 of title 37 for travel—

"(A) performed from the member's location, at the time of the member's release from active duty under the program, to the location in the United States designated as the member's permanent residence; and

"(B) performed in connection with the member's return to active duty.

"(2) An allowance will be paid under this subsection for travel to and from only one residence.

"(j) SPECIAL AND INCENTIVE PAYS AND BONUSES.—While released from active duty under the program, a member may not receive any special or incentive pay or bonus under chapter 5 of title 37 to which the member would otherwise be entitled. When the member returns to active duty after the period of participation in the program, the member shall receive all of the special and incentive pays that the member was receiving before being released from active duty and for which the member remains qualified to receive upon the return to active duty.

"(k) DURATION OF PROGRAM AUTHORITY.—The authority to conduct the program commences on January 1, 2009, and no member may be released from active duty under the program after December 31, 2014.".

(b) EXCLUSION FROM COMPUTATION OF RESERVE OFFICER'S TOTAL YEARS OF SERVICE.—Section 14706(a) of such title is amended by adding at the end the following new paragraph:

"(4) Service while participating in the Career Intermission Pilot Program under section 708a of this title.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 708 the following new item:

"708a. Career intermission pilot program.".

Subtitle E—Education and Training

SEC. 541. REPEAL OF PROHIBITION ON PHASED INCREASE IN MIDSHIPMEN AND CADET STRENGTH LIMIT AT UNITED STATES NAVAL ACADEMY AND AIR FORCE ACADEMY.

(a) NAVAL ACADEMY.—Section 6954(h)(1) of title 10, United States Code, is amended by striking the last sentence.

(b) AIR FORCE ACADEMY.—Section 9342(j)(1) of title 10, United States Code, is amended by striking the last sentence.

SEC. 542. PROMOTION OF FOREIGN AND CULTURAL EXCHANGE ACTIVITIES AT MILITARY SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—

(1) IN GENERAL.—Chapter 403 of title 10, United States Code, is amended by inserting after section 4345 the following new section:

"§ 4345a. Foreign and cultural exchange activities

"(a) ATTENDANCE AUTHORIZED.—The Secretary of the Army may authorize the Academy to permit students, officers, and other representatives of a foreign country to attend the Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets.

"(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Academy under subsection (a).

"(c) EFFECT OF ATTENDANCE.—Persons attending the Academy under subsection (a) are not considered to be students enrolled at the Academy and are in addition to per-

sons receiving instruction at the Academy under section 4344 or 4345 of this title.

"(d) SOURCE OF FUNDS; LIMITATION.—(1) The Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Academy and from such additional funds as may be available to the Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendence.

"(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4345 the following new item:

"4345a. Foreign and cultural exchange activities.".

(b) NAVAL ACADEMY.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by inserting after section 6957a the following new section:

"§ 6957b. Foreign and cultural exchange activities

"(a) ATTENDANCE AUTHORIZED.—The Secretary of the Navy may authorize the Naval Academy to permit students, officers, and other representatives of a foreign coun-

try to attend the Naval Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of midshipmen.

"(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Naval Academy under subsection (a).

"(c) EFFECT OF ATTENDANCE.—Persons attending the Naval Academy under subsection (a) are not considered to be students enrolled at the Naval Academy and are in addition to persons receiving instruction at the Naval Academy under section 6957 or 6957a of this title.

"(d) SOURCE OF FUNDS; LIMITATION.—(1) The Naval Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Naval Academy and from such additional funds as may be available to the Naval Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendence.

"(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6957a the following new item:

"6957b. Foreign and cultural exchange activities.".

(c) AIR FORCE ACADEMY.—

(1) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9345 the following new section:

"§ 9345a. Foreign and cultural exchange activities

"(a) ATTENDANCE AUTHORIZED.—The Secretary of the Air Force may authorize the Air Force Academy to permit students, officers, and other representatives of a foreign country to attend the Air Force Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets.

"(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Air Force Academy under subsection (a).

"(c) EFFECT OF ATTENDANCE.—Persons attending the Air Force Academy under subsection (a) are not considered to be students enrolled at the Air Force Academy and are

in addition to persons receiving instruction at the Air Force Academy under section 9344 or 9345 of this title.

"(d) SOURCE OF FUNDS; LIMITATION.—(1) The Air Force Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Air Force Academy and from such additional funds as may be available to the Air Force Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendence.

"(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9345 the following new item:

"9345a. Foreign and cultural exchange activities.".

SEC. 543. COMPENSATION FOR CIVILIAN PRESIDENT OF NAVAL POSTGRADUATE SCHOOL.

Section 7042 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) If the individual holding the position of President of the Naval Postgraduate School is a civilian, the Secretary shall pay the individual such compensation for the

individual's service as President as the Secretary prescribes, except that—

"(A) basic pay for the President may not exceed the rate of compensation authorized for positions in level I of the Executive Schedule under section 5312 of title 5; and

"(B) total aggregate compensation for the President, including bonuses, awards, allowances, or other similar cash payments, may not exceed the total annual compensation payable under section 104 of title 3.

"(2) The limitations in section 5373 of title 5 do not apply to the authority of the Secretary under this subsection to prescribe the salary and other related benefits for the position of President of the Naval Postgraduate School.".

SEC. 544. INCREASED AUTHORITY TO ENROLL DEFENSE INDUSTRY EMPLOYEES IN DEFENSE PRODUCT DEVELOPMENT PROGRAM.

Section 7049(a) of title 10, United States Code, is amended by striking "25" and inserting "125".

SEC. 545. REQUIREMENT OF COMPLETION OF SERVICE UNDER HONORABLE CONDITIONS FOR PURPOSES OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENTS MEMBERS SUPPORTING CONTINGENCY OPERATIONS.

(a) REQUIREMENT OF HONORABLE SERVICE.—Section 16164(a)(2) of title 10, United States Code, is amended by striking "other than dishonorable conditions" and inserting "honorable conditions".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply to persons described in section 16163 of title 10, United States Code, who separate on or after that date from a reserve component.

SEC. 546. CONSISTENT EDUCATION LOAN REPAYMENT AUTHORITY FOR HEALTH PROFESSIONALS IN REGULAR COMPONENTS AND SELECTED RESERVE.

Section 16302(c) of title 10, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) The annual maximum amount of a loan that may be repaid under this section shall be the same as the maximum amount in effect for the same year under subsection

(e)(2) of section 2173 of this title for the education loan repayment program under such section.".

SEC. 547. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

(1) if the Secretary fails to receive an adequate number or requests for Junior Reserve Officers' Training Corps units by public and private secondary educational institutions; or

(2) during a time of national emergency when the Secretaries of the military departments determine that funding must be allocated elsewhere.

(c) COOPERATION.—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers' Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were

wounded or injured while deployed in a contingency operation.

(d) REPORT ON PLAN.—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense committees containing, at a minimum, the following:

(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many units will be established per year by each service.

(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) Efforts to improve the increased distribution of units geographically across the United States.

(5) Efforts to increase distribution of units in educationally and economically deprived areas.

(6) Efforts to enhance employment opportunities for qualified former military members retired for dis-

ability, especially those wounded while deployed in a contingency operation.

(e) TIME FOR SUBMISSION.—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees not later than March 31, 2009. The Secretary of Defense shall submit an up-dated report annually thereafter until the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a) is achieved.

(f) ADDITIONAL CURRICULUM ELEMENT.—The Secretary of each military department shall develop and implement a segment of the Junior Reserve Officers' Training Corps curriculum that includes the contribution and defense historiography of gender and ethnic specific groups.

Subtitle F—Military Justice

SEC. 551. GRADE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

Section 5046(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: "The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.".

SEC. 552. STANDING MILITARY PROTECTION ORDER.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 1567. STANDING MILITARY PROTECTIVE ORDER.

"The issuance of a military protective order by a military commander shall be deemed a standing order until—

"(1) the allegation prompting the protective order is resolved by investigation, courts martial, or other command determined adjudication; or

"(2) the military commander issues a new order.".

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

"1567. Standing military protective order.".

SEC. 553. MANDATORY NOTIFICATION OF ISSUANCE OF MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1567, as added by section 552, the following new section:

"SEC. 1567a. MANDATORY NOTIFICATION OF ISSUANCE OF MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.

"In the event a military protective order is issued against a member of the armed forces and any individual involved in the order does not reside on a military installation at any time during the duration of the military protective order, the commander of the military installation shall notify the appropriate civilian authorities of—

"(1) the issuance of the protective order;

"(2) the duration of the protective order; and

"(3) the individuals involved in the order.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1567 the following new item:

"1567a. Mandatory notification of issuance of military protective order to civilian law enforcement.".

SEC. 554. IMPLEMENTATION OF INFORMATION DATABASE ON SEXUAL ASSAULT INCIDENTS IN THE ARMED FORCES.

(a) DATABASE REQUIRED.—The Secretary of Defense shall implement a centralized, case-level database for the collection, in a manner consistent with Department of Defense regulations for restricted reporting, and maintenance of information regarding sexual assaults involving a member of the Armed Forces, including information, if avail-

able, about the nature of the assault, the victim, the offender, and the outcome of any legal proceedings in connection with the assault.

(b) AVAILABILITY OF DATABASE.—The database shall be available to personnel of the Sexual Assault Prevention and Response Office of the Department of Defense.

(c) IMPLEMENTATION.—

(1) PLAN FOR IMPLEMENTATION.—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 plan to provide for the implementation of the database.

(2) COMPLETION.—Not later than 15 months after the date of enactment of this Act, the Secretary shall complete implementation of the database.

(d) REPORTS.—The database shall be used to develop and implement congressional reports, as required by—

(1) section 577(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375);

(2) section 596(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163);

(3) section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364); and

(4) sections 4361, 6980, and 9361 of title 10, United States Code.

(e) TERMINOLOGY.—Section 577(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended by adding at the end the following new paragraph:

"(12) The Secretary shall implement clear, consistent, and streamlined sexual assault terminology for use across the Department of Defense, to include a clear definition of the following terms:

"(A) Restricted reports.

"(B) Unrestricted reports.

"(C) Substantiated reports.".

Subtitle G—Decorations, Awards, and Honorary Promotions

SEC. 561. REPLACEMENT OF MILITARY DECORATIONS.

(a) REPLACEMENT REQUIRED.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1135. Replacement of military decorations

"(a) REPLACEMENT.—In addition to other authorities available to the Secretary concerned to replace a military

decoration, the Secretary concerned shall replace, on a one-time basis and without charge, a military decoration upon the request of the recipient of the military decoration or the immediate next of kin of a deceased recipient.

"(b) EXCEPTION.—Subsection (a) does not apply to the medal of honor.

"(c) MILITARY DECORATION DEFINED.—In this section, the term 'decoration' means any decoration or award that may be presented or awarded to a member of the armed forces.".

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

"1135. Replacement of military decorations.".

SEC. 562. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO RICHARD L. ETCHBERGER FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 8744 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 8741 of such title to former Chief Master Sergeant Richard L. Etchberger 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 then Chief Master Sergeant Richard L. Etchberger as Ground Radar Superintendent of Detachment 1, 1043rd Radar Evaluation Squadron on March 11, 1968, during the Vietnam War for which he was originally awarded the Air Force cross.

SEC. 563. ADVANCEMENT OF BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), ON THE RETIRED LIST.

(a) ADVANCEMENT.—Brigadier General Charles E. Yeager, United States Air Force (retired), is entitled to hold the rank of major general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Charles E. Yeager on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Charles E. Yeager is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

SEC. 564. ADVANCEMENT OF REAR ADMIRAL WAYNE E. MEYER, UNITED STATES NAVY (RETIRED), ON THE RETIRED LIST.

(a) ADVANCEMENT AUTHORIZED.—The President is authorized and requested to appoint, by and with the advice and consent of the Senate, Rear Admiral Wayne E. Meyer, United States Navy (retired), to the grade of vice admiral on the retired list of the Navy.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Wayne E. Meyer on the retired list of the Navy under subsection (a) shall not affect the retired pay or other benefits from the United States to which Wayne E. Meyer is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

SEC. 565. AWARD OF VIETNAM SERVICE MEDAL TO VETERANS WHO PARTICIPATED IN MAYAGUEZ RESCUE OPERATION.

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

(b) ELIGIBLE VETERAN.—For purposes of this section, the term "eligible veteran" means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations known as the Mayaguez rescue operation of May 12–15, 1975.

Subtitle H—Impact Aid

SEC. 571. 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 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 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 pursuant to section 301(5) for

operation and maintenance for Defense-wide activities, $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. CALCULATION OF PAYMENTS UNDER DEPARTMENT OF EDUCATION'S IMPACT AID PROGRAM.

Paragraph (2) of section 8003(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(c)) is amended to read as follows:

"(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment—

"(A) if such agency is newly established by a State (first year of operation only); or

"(B) if—

"(i) such agency was eligible to receive a payment under this section in the previous fiscal year;

"(ii) such agency has had an overall increase (as determined by the Secretary of Education in consultation with the Secretary of Defense, the Secretary of Interior, or other Federal agencies) of not less than 100 students or 10 percent as described in—

"(I) subparagraphs (A), (B), and (D) of subsection (a)(1); or

"(II) subparagraphs (C), (E), (F) and (G) of subsection (a)(1) if those children described in subparagraphs (C), (E), (F) and (G) are civilian dependents of employees of the Department of Defense; and

"(iii) such increase occurred during the period between the end of the school year preceding the fiscal year for which the application is being made and the beginning of the school year immediately preceding that fiscal year as the result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as

part of force structure changes or movements of units or personnel between military installations.".

Subtitle I—Military Families

SEC. 581. PRESENTATION OF BURIAL FLAG.

(a) INCLUSION OF SURVIVING SPOUSE; CONSOLIDATION OF FLAG-RELATED AUTHORITIES.—Subsection (e) of section 1482 of title 10, United States Code, is amended—

(1) by designating the current text as paragraph (2) and redesignating current paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting before paragraph (2), as so designated, the following:

"(e) PRESENTATION OF FLAG OF THE UNITED STATES.—(1) In the case of a decedent covered by section 1481 of this title, the Secretary concerned may pay the necessary expenses for the presentation of a flag of the United States—

"(A) to the person designated under subsection (c) to direct disposition of the remains;

"(B) to the parents or parent of the decedent, if the person presented a flag under subparagraph (A) is other than a parent of the decedent; and

"(C) to the surviving spouse (including a remarried surviving spouse) of the decedent, if the person

presented a flag under subparagraph (A) is other than the spouse.''; and

(3) by inserting at the end the following new paragraphs:

''(3) A flag to be presented to a person under subparagraph (B) or (C) of paragraph (1) shall be of equal size to the flag presented under subparagraph (A) of such paragraph to the person designated to direct disposition of the remains of the decedent.

''(4) This subsection does not apply to a military prisoner who dies while in the custody of the Secretary concerned and while under a sentence that includes a discharge.

''(5) In this subsection, the term 'parent' includes a natural parent, a stepparent, a parent by adoption, or a person who for a period of not less than one year before the death of the decedent stood in loco parentis to the decedent. Preference under paragraph (1)(B) shall be given to the persons who exercised a parental relationship at the time of, or most nearly before, the death of the decedent.''.

(b) REPEAL OF SUPERSEDED PROVISIONS.—Subsection (a) of such section is amended by striking paragraphs (10) and (11).

SEC. 582. EDUCATION AND TRAINING OPPORTUNITIES FOR MILITARY SPOUSES.

(a) EMPLOYMENT AND CAREER OPPORTUNITIES FOR SPOUSES.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1784 the following new section:

"§ 1784a. Education and training opportunities for military spouses to expand employment and career opportunities

"(a) PROGRAMS AND TUITION ASSISTANCE.—(1) The Secretary of Defense may establish programs to assist the spouse of a member of the armed forces described in subsection (b) in achieving—

"(A) the education and training required for a degree or credential at an accredited college, university, or technical school in the United States that expands employment and career opportunities for the spouse; or

"(B) the education prerequisites and professional licensure or credential required, by a government or government sanctioned licensing body, for an occupation that expands employment and career opportunities for the spouse.

"(2) As an alternative to, or in addition to, establishing a program under this subsection, the Secretary may provide tuition assistance to an eligible spouse who is pur-

suing education, training, or a license or credential to expand the spouse's employment and career opportunities.

"(b) ELIGIBLE SPOUSES.—Assistance under this section is limited to a spouse of a member of the armed forces who is serving on active duty.

"(c) EXCEPTIONS.—Subsection (b) does not include—

"(1) a person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or territorial possession of the United States; and

"(2) a spouse of a member of the armed forces who is also a member of the armed forces.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to govern the availability and use of assistance under this section. The Secretary shall ensure that programs established under this section do not result in inequitable treatment for spouses of members of the armed forces who are also members, since they are excluded from participation in the programs under subsection (c)(2).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1784 the following new item:

"1784a. Education and training opportunities for military spouses to expand employment and career opportunities.".

Subtitle J—Other Matters

SEC. 591. INCLUSION OF RESERVES IN PROVIDING FEDERAL AID FOR STATE GOVERNMENTS, ENFORCING FEDERAL AUTHORITY, AND RESPONDING TO MAJOR PUBLIC EMERGENCIES.

(a) FEDERAL AID FOR STATE GOVERNMENTS.—Section 331 of title 10, United States Code, is amended by striking "armed forces, as he" and inserting "armed forces (including units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose), as the President".

(b) ENFORCEMENT OF FEDERAL AUTHORITY.—Section 332 of such title is amended—

(1) by striking "he may" and inserting "the President may"; and

(2) by striking "armed forces, as he" and inserting "armed forces (including units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose), as the President".

(c) RESPONSE TO PUBLIC EMERGENCIES.—Section 333(a)(1) of such title is amended by inserting after "Federal service" the following: "and units and members of the

Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose".

SEC. 592. INTEREST PAYMENTS ON CERTAIN CLAIMS ARISING FROM CORRECTION OF MILITARY RECORDS.

(a) INTEREST PAYABLE ON CLAIMS.—Subsection (c) of section 1552 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) If the correction of military records under this section involves setting aside a conviction by court-martial, the payment of a claim under this subsection in connection with the correction of the records shall include interest at not less than the rate of interest in effect under section 1035 of this title at the time the payment is made. The interest shall be calculated on an annual basis, and compounded, using the amount of the lost pay, allowances, compensation, emoluments, or other pecuniary benefits involved, and the amount of any fine or forfeiture paid, beginning from the date of the conviction through the date on which the payment is made.".

(b) CONFORMING AMENDMENT REGARDING CORRECTIONS BOARD AUTHORITY TO OVERTURN CONVICTIONS.—Subsection (f) of such section is amended by inserting "convened after May 4, 1950, and" after "court-martial cases".

(c) CLERICAL AMENDMENTS.—Subsection (c) of such section is further amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting "(1)" after "(c)";

(3) by striking "If the claimant" and inserting the following:

"(2) If the claimant"; and

(4) by striking "A claimant's acceptance" and inserting the following:

"(3) A claimant's acceptance".

(d) RETROACTIVE EFFECTIVENESS OF AMENDMENTS.—The amendment made by subsection (a) shall apply with respect to any sentence of a court-martial set aside by a Corrections Board on or after October 1, 2007, when the Corrections Board includes an order or recommendation for the payment of a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, that arose as a result of the conviction. In this subsection, the term "Corrections Board" has the meaning given that term in section 1557 of title 10, United States Code.

SEC. 593. EXTENSION OF LIMITATION ON REDUCTIONS OF PERSONNEL OF AGENCIES RESPONSIBLE FOR REVIEW AND CORRECTION OF MILITARY RECORDS.

Section 1559(a) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "December 31, 2010".

SEC. 594. AUTHORITY TO ORDER RESERVE UNITS TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY.

Section 12304(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" before "The authority"; and

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

"(2) The authority under subsection (a) includes authority to order any unit of the Selected Reserve of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve to active duty to provide assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the

Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).".

SEC. 595. SENIOR MILITARY LEADERSHIP DIVERSITY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is hereby established a commission to be known as the "Senior Military Leadership Diversity Commission".

(b) COMPOSITION.—

(1) MEMBERSHIP.—The commission shall be composed of 23 members, as follows:

(A) The Director of the Defense Manpower Management Center.

(B) The Director of the Defense Equal Opportunity Management Institute.

(C) 1 senior military leader from each of the Army, Navy, Air Force, and Marine Corps who serves or has served in a leadership position with either a military department command or combatant command shall be appointed by the Secretary of Defense.

(D) 1 retired general or flag officer from each of the Army, Navy, Air Force, and Marine Corps shall be appointed by the Secretary of Defense.

(E) 1 retired senior noncommissioned officer from each of the Army, Navy, Air Force, and Marine Corps shall be appointed by the Secretary of Defense.

(F) 5 retired senior officers who served in leadership positions with either a military department command or combatant command shall be appointed by the Secretary of Defense, of which no less than 3 shall represent the views of minority veterans.

(G) 4 individuals with expertise in cultivating diverse leaders in private or non-profit organizations shall be appointed by the Secretary of Defense.

(2) CHAIRMAN.—The Secretary of Defense shall designate one member described in paragraphs (1)(F) or (1)(G) as chairman of the commission.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the commission. Any vacancy in the commission shall be filled in the same manner as the original appointment.

(4) DEADLINE FOR APPOINTMENT.—All members of the commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(5) QUORUM.—12 members of the commission shall constitute a quorum but a lesser number may hold hearings.

(c) MEETINGS.—

(1) INITIAL MEETING.—The commission shall conduct its first meeting not later than 30 days after the date on which a majority of the appointed members of the commission have been appointed.

(2) MEETINGS.—The commission shall meet at the call of the chairman.

(d) DUTIES.—

(1) STUDY.—The commission shall study the diversity within the senior leadership of the Armed Forces. The study shall be a comprehensive evaluation and assessment of policies that provide opportunities for the advancement of minority members of the Armed Forces.

(2) SCOPE OF STUDY.—In carrying out the study, the commission shall examine the following:

(A) Efforts to develop and maintain diverse leadership at all levels of the Armed Forces.

(B) The successes and failures of developing and maintaining a diverse leadership, particularly at the general and flag officer positions.

(C) The effect of expanding Department of Defense secondary educational programs to diverse civilian populations, to include service academy preparatory schools.

(D) The ability of current recruitment and retention practices to attract and maintain a diverse pool of qualified individuals in sufficient numbers in officer pre-commissioning programs.

(E) The ability of current activities to increase continuation rates for ethnic and gender specific members of the Armed Forces.

(F) The benefits of conducting an annual conference attended by civilian military, active-duty and retired military, and corporate leaders on diversity, to include a review of current policy and the annual demographic data from the Defense Equal Opportunity Management Institute.

(G) The status of prior recommendations made to the Department of Defense and to Congress concerning diversity initiatives within the Armed Forces.

(H) The incorporation of private sector practices that have been successful in cultivating diverse leadership.

(I) The establishment and maintenance of fair promotion and command opportunities for ethnic and gender specific members of the Armed Forces at the O–5 grade level and above.

(J) An assessment of pre-command billet assignments of ethnic-specific members of the Armed Forces.

(K) An assessment of command selection of ethnic-specific members of the Armed Forces.

(3) CONSULTATION WITH PRIVATE PARTIES.—In carrying out the study under this subsection, the commission may consult with appropriate private, for profit, and non-profit organizations and advocacy groups to learn methods for developing, implementing, and sustaining senior diverse leadership within the Department of Defense.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 12 months after the date on which the commission first meets, the commission shall submit to the President and Congress a report on the study. The report shall include the following:

(A) the findings and conclusions of the commission;

(B) the recommendations of the commission for improving diversity within the Department of Defense; and

(C) other information and recommendations the commission considers appropriate.

(2) INTERIM REPORTS.—The commission may submit to the President and Congress interim reports as the Commission considers appropriate.

(f) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers appropriate.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the chairman of the commission, any department or agency of the Federal Government may provide information that the commission considers necessary to carry out its duties.

(h) TERMINATION OF COMMISSION.—The commission shall terminate 60 days after the date on which the commission submits the report under subsection (e)(1).

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2009 increase in military basic pay.
Sec. 602. Permanent prohibition on charges for meals received at military treatment facilities by members receiving continuous care.

Sec. 603. Equitable treatment of senior enlisted members in computation of basic allowance for housing.
Sec. 604. Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses.
Sec. 605. Availability of portion of a second family separation allowance for married couples with dependents.
Sec. 606. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade.
Sec. 607. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
Sec. 608. Guaranteed pay increase for members of the Armed Forces of one-half of one percentage point higher than Employment Cost Index.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 615. Extension of authorities relating to payment of referral bonuses.
Sec. 616. Increase in maximum bonus and stipend amounts authorized under Nurse Officer Candidate Accession Program.
Sec. 617. Maximum length of nuclear officer incentive pay agreements for service.
Sec. 618. Technical changes regarding consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
Sec. 619. Use of new skill incentive pay and proficiency bonus authorities to encourage training in critical foreign languages and foreign cultural studies.
Sec. 620. Temporary targeted bonus authority to increase direct accessions of officers in certain health professions.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.
Sec. 632. Additional weight allowance for transportation of materials associated with employment of a member's spouse or community support volunteer or charity activities.
Sec. 633. Transportation of family pets during evacuation of nonessential personnel.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Equity in computation of disability retired pay for reserve component members wounded in action.
Sec. 642. Effect of termination of subsequent marriage on payment of Survivor Benefit Plan annuity to surviving spouse or former spouse who previously transferred annuity to dependent children.

Sec. 643. Extension to survivors of certain members who die on active duty of special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
Sec. 644. 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. 645. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
Sec. 646. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.
Sec. 647. Presumption of death for participants in Survivor Benefit Plan in missing status.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Use of commissary stores surcharges derived from temporary commissary initiatives for reserve components and retired members.
Sec. 652. Requirements for private operation of commissary store functions.
Sec. 653. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.
Sec. 654. Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installations.
Sec. 655. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.
Sec. 656. Use of appropriated funds to pay post allowances or overseas cost of living allowances to nonappropriated fund instrumentality employees serving overseas.
Sec. 657. Study regarding sale of alcoholic wine and beer in commissary stores in addition to exchange stores.

Subtitle F—Other Matters

Sec. 661. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army.
Sec. 662. Continuation of entitlement to bonuses and similar benefits for members of the uniformed services who die, are separated or retired for disability, or meet other criteria.
Sec. 663. Providing injured members of the Armed Forces information concerning benefits.

1 # *Subtitle A—Pay and Allowances*

2 ***SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC***
3 ***PAY.***

4 *(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The ad-*
5 *justment to become effective during fiscal year 2009 re-*
6 *quired by section 1009 of title 37, United States Code, in*

the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2009, the rates of monthly basic pay for members of the uniformed services are increased by 3.9 percent.

SEC. 602. PERMANENT PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.

Section 402(h) of title 37, United States Code, is amended by striking paragraph (3).

SEC. 603. EQUITABLE TREATMENT OF SENIOR ENLISTED MEMBERS IN COMPUTATION OF BASIC ALLOWANCE FOR HOUSING.

Section 403(b)(2) of title 37, United States Code, is amended by adding at the end the following new sentence: "After June 30, 2009, the determination of what constitutes adequate housing for members in the pay grade E–8 with dependents shall be equivalent to the higher standard in effect for members in the pay grade E–9 with dependents.".

SEC. 604. INCREASE IN MAXIMUM AUTHORIZED PAYMENT OR REIMBURSEMENT AMOUNT FOR TEMPORARY LODGING EXPENSES.

(a) INCREASE.—Section 404a(e) of title 37, United States Code, is amended by striking "$180 a day" and inserting "$290 a day".

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

SEC. 605. AVAILABILITY OF PORTION OF A SECOND FAMILY SEPARATION ALLOWANCE FOR MARRIED COUPLES WITH DEPENDENTS.

(a) AVAILABILITY.—Section 427(d) of title 37, United States Code, is amended—

(1) by inserting "(1)" before "A member";

(2) by striking "Section 421" and inserting the following:

"(3) Section 421";

(3) by striking "However" and inserting "Except as provided in paragraph (2)"; and

(4) by inserting before paragraph (3), as so designated, the following new paragraph:

"(2) If a married couple, both of whom are members of the uniformed services, with dependents are simultaneously assigned to duties described in subparagraph (A), (B), or (C) of subsection (a)(1) and the members resided together with their dependents immediately before their as-

signments, the Secretary concerned shall pay one of the members the full amount of the monthly allowance specified in such subsection and the other member one-half of the monthly allowance amount until one of the members is no longer assigned to duties described in such subparagraphs. Upon expiration of the partial allowance, paragraph (1) shall continue to apply to the remaining member so long as the member is assigned to duties described in subparagraph (A), (B), or (C) of such subsection.".

(b) APPLICATION OF AMENDMENT.—Paragraph (2) of subsection (d) of section 427 of title 37, United States Code, as added by subsection (a), shall apply with respect to members of the uniformed services described in such paragraph who perform service covered by subparagraph (A), (B), or (C) of subsection (a)(1) such section on or after October 1, 2008.

SEC. 606. STABILIZATION OF PAY AND ALLOWANCES FOR SENIOR ENLISTED MEMBERS AND WARRANT OFFICERS APPOINTED AS OFFICERS AND OFFICERS REAPPOINTED IN A LOWER GRADE.

(a) IN GENERAL.—Section 907 of title 37, United States Code, is amended to read as follows:

"§ 907. Members appointed or reappointed as officers: no reduction in pay and allowances

"(a) STABILIZATION OF PAY AND ALLOWANCES.—A member of the armed forces who accepts an appointment or reappointment as an officer without a break in service shall, for service as an officer, be paid the greater of—

"(1) the pay and allowances to which the officer is entitled as an officer; or

"(2) the pay and allowances to which the officer would be entitled if the officer were in the last grade the officer held before the appointment or reappointment as an officer.

"(b) COVERED PAYS.—(1) Subject to paragraphs (2) and (3), for the purposes of this section, the pay of a grade formerly held by an officer described in subsection (a) include special and incentive pays under chapter 5 of this title.

"(2) In determining the amount of the pay of a grade formerly held by an officer, special and incentive pays may be considered only so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and would otherwise be eligible to receive that pay in the former grade.

"(3) Special and incentive pays that are dependent on a member being in an enlisted status may not be considered

in determining the amount of the pay of a grade formerly held by an officer.

"(c) COVERED ALLOWANCES.—(1) Subject to paragraph (2), for the purposes of this section, the allowances of a grade formerly held by an officer described in subsection (a) include allowances under chapter 7 of this title.

"(2) The clothing allowance under section 418 of this title may not be considered in determining the amount of the allowances of a grade formerly held by an officer described in subsection (a) if the officer is entitled to a uniform allowance under section 415 of this title.

"(d) RATES OF PAY AND ALLOWANCES.—For the purposes of this section, the rates of pay and allowances of a grade that an officer formerly held are those rates that the officer would be entitled to had the officer remained in that grade and continued to receive the increases in pay and allowances authorized for that grade, as otherwise provided in this title or other provisions of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 907 and inserting the following new item:

"907. Members appointed or reappointed as officers: no reduction in pay and allowances.".

SEC. 607. EXTENSION OF AUTHORITY FOR INCOME REPLACEMENT PAYMENTS FOR RESERVE COMPONENT MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

Section 910(g) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 608. GUARANTEED PAY INCREASE FOR MEMBERS OF THE ARMED FORCES OF ONE-HALF OF ONE PERCENTAGE POINT HIGHER THAN EMPLOYMENT COST INDEX.

Section 1009(c)(2) of title 37, United States Code, is amended by striking "fiscal years 2004, 2005, and 2006" and inserting "fiscal years 2010 through 2013".

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by strik-

ing "December 31, 2008" and inserting "December 31, 2009".

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended—

(1) by striking "before" and inserting "on or before"; and

(2) by striking "January 1, 2009" and inserting "December 31, 2009".

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by strik-

ing "December 31, 2008" and inserting "December 31, 2009".

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(h) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355(i) of such title, as redesignated by sec-

tion 661(c) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Subsection (i) of section 1030 of title 10, United States Code, as added by section 671(b) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) ARMY REFERRAL BONUS.—Subsection (h) of section 3252 of title 10, United States Code, as added by section 671(a) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 616. INCREASE IN MAXIMUM BONUS AND STIPEND AMOUNTS AUTHORIZED UNDER NURSE OFFICER CANDIDATE ACCESSION PROGRAM.

(a) ACCESSION BONUS.—Paragraph (1) of section 2130a(a) of title 10, United States Code, is amended—

(1) by striking "$10,000" and inserting "$20,000"; and

(2) by striking "$5,000" and inserting "$10,000".

(b) MONTHLY STIPEND.—Paragraph (2) of such section is amended by striking "$1,000" and inserting "$1,250".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 617. MAXIMUM LENGTH OF NUCLEAR OFFICER INCENTIVE PAY AGREEMENTS FOR SERVICE.

Section 312(a)(3) of title 37, United States Code, is amended by striking "three, four, or five years" and inserting "not less than three years".

SEC. 618. TECHNICAL CHANGES REGARDING CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES OF THE UNIFORMED SERVICES.

(a) ELIGIBILITY REQUIREMENTS FOR NUCLEAR OFFICER BONUS AND INCENTIVE PAY.—Section 333 of title 37, United States Code, is amended—

(1) in subsection (a)(2), by striking "and operational"; and

(2) in subsection (b)(2), by striking "and operational".

(b) RELATIONSHIP OF AVIATION INCENTIVE PAY TO OTHER PAY AND ALLOWANCES.—Section 334(f)(1) of such title is amended by striking "section 351" and inserting "section 351(a)(2)".

(c) HEALTH PROFESSIONS INCENTIVE PAY.—Section 335(e)(1)(D)(i) of such title is amended by striking "dental surgeons" and inserting "dental officers".

(d) NO PRO-RATED PAYMENT OF CERTAIN HAZARDOUS DUTY PAYS.—Section 351(c) of such title is amended by striking "subsection (a)" and inserting "paragraph (1) or (3) of subsection (a)".

(e) AVAILABILITY OF HAZARDOUS DUTY PAY.—Section 351(f) of such title is amended—

(1) by striking "in administering subsection (a)" and inserting "in connection with determining whether a triggering event has occurred for the provision of hazardous duty pay under subsection (a)(1)"; and

(2) by striking the last sentence.

(f) TERMINATION PROVISION FOR HAZARDOUS DUTY PAY.—Section 351(i) of such title is amended by inserting before the period the following: ", unless receipt of the hazardous duty pay is specified in an agreement entered into between the member and the Secretary concerned before that date".

SEC. 619. USE OF NEW SKILL INCENTIVE PAY AND PROFICIENCY BONUS AUTHORITIES TO ENCOURAGE TRAINING IN CRITICAL FOREIGN LANGUAGES AND FOREIGN CULTURAL STUDIES.

(a) ELIGIBILITY FOR SKILL PROFICIENCY BONUS.—Subsection (b) of section 353 of title 37, United States Code, is amended to read as follows:

"(b) SKILL PROFICIENCY BONUS.—

"(1) AVAILABILITY; ELIGIBLE PERSONS.—The Secretary concerned may pay a proficiency bonus to a member of a regular or reserve component of the uniformed services who—

"(A) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title or is enrolled in an officer training program; and

"(B) is determined to have, and maintains, certified proficiency under subsection (d) in a skill designated as critical by the Secretary concerned or is in training to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

"(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—A proficiency bonus may be paid under this subsection to a student who is enrolled in the Senior

Reserve Officers' Training Corps program even though the student is in the first year of the four-year course under the program. During the period covered by the proficiency bonus, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section 2103a of title 10. However, if the student receives incentive pay under subsection (g)(2) for the same period, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.".

(b) AVAILABILITY OF INCENTIVE PAY FOR PARTICIPATION IN FOREIGN LANGUAGE EDUCATION OR TRAINING PROGRAMS.—Such section is further amended—

(1) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) FOREIGN LANGUAGE STUDIES IN OFFICER TRAINING PROGRAMS.—

"(1) AVAILABILITY OF INCENTIVE PAY.—The Secretary concerned may pay incentive pay to a person enrolled in an officer training program to also participate in an education or training program to acquire proficiency in a critical foreign language or ex-

pertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

"(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—Incentive pay may be paid under this subsection to a student who is enrolled in the Senior Reserve Officers' Training Corps program even though the student is in the first year of the four-year course under the program. While the student receives the incentive pay, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section 2103a of title 10. However, if the student receives a proficiency bonus under subsection (b)(2) covering the same month, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.

"(3) CRITICAL FOREIGN LANGUAGE DEFINED.—In this section, the term 'critical foreign language' includes Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, or other language designated as critical by the Secretary concerned.".

(c) PILOT PROGRAM FOR FOREIGN LANGUAGE PROFICIENCY TRAINING FOR RESERVE MEMBERS.—

(1) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program to provide a skill proficiency bonus under section 353(b) of title 37, United States Code, to a member of a reserve component of the uniformed services who is entitled to compensation under section 206 of such title while the member participates in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical under such section 353.

(2) DURATION OF PILOT PROGRAM.—The Secretary shall conduct the pilot program during the period beginning on October 1, 2008, and ending on December 31, 2013. Incentive pay may not be provided under the pilot program after December 31, 2013.

(3) REPORTING REQUIREMENT.—Not later than March 31, 2012, the Secretary shall submit to Congress a report containing the results of the pilot program and the recommendations of the Secretary regarding whether to continue or expand the pilot program.

(d) EXPEDITED IMPLEMENTATION.—Notwithstanding section 662 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 180; 37

U.S.C. 301 note), the Secretary of a military department may immediately implement the amendments made by subsections (a) and (b) in order to ensure the prompt availability of proficiency bonuses and incentive pay under section 353 of title 37, United States Code, as amended by such subsections, for persons enrolled in officer training programs.

SEC. 620. TEMPORARY TARGETED BONUS AUTHORITY TO INCREASE DIRECT ACCESSIONS OF OFFICERS IN CERTAIN HEALTH PROFESSIONS.

(a) DESIGNATION OF CRITICALLY SHORT WARTIME HEALTH SPECIALTIES.—For purposes of section 335 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), the following health professions are designated as a critically short wartime specialty under subsection (a)(2) of such section:

(1) Psychologists who have been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology and are fully licensed and such other mental health practitioners as the Secretary concerned determines to be necessary.

(2) Registered nurses.

(b) SPECIAL AGREEMENT AUTHORITY.—Under the authority provided by this section, the Secretary concerned

may enter into an agreement under subsection (f) of section 335 of title 37, United States Code, to pay a health professions bonus under such section to a person who accepts a commission or appointment as an officer and whose health profession specialty is specified in subsection (a).

(c) EFFECTIVE PERIOD.—This section shall take effect on October 1, 2008. The designations made by subsection (a) and the authority to enter into an agreement under subsection (b) expire on September 30, 2010.

Subtitle C—Travel and Transportation Allowances

SEC. 631. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN ENLISTED MEMBERS.

(a) ALLOWANCE.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended by striking the items relating to pay grades E–5 through E–9 and inserting the following new items:

Pay Grade	*Without Dependents*	*With Dependents*
"E–9	*13,500*	*15,500*
E–8	*12,500*	*14,500*
E–7	*11,500*	*13,500*
E–6	*8,500*	*11,500*
E–5	*7,500*	*9,500".*

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

SEC. 632. ADDITIONAL WEIGHT ALLOWANCE FOR TRANSPORTATION OF MATERIALS ASSOCIATED WITH EMPLOYMENT OF A MEMBER'S SPOUSE OR COMMUNITY SUPPORT VOLUNTEER OR CHARITY ACTIVITIES.

(a) ADDITIONAL WEIGHT ALLOWANCE.—Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

"(H) In connection with a change of permanent station of a member, the Secretary concerned shall increase the weight allowance otherwise applicable under subparagraph (C) for the member by 200 pounds for the purpose of facilitating the shipment of materials associated with the employment of the member's spouse or community support volunteer or charity activities of the member and any dependents of the member.".

SEC. 633. TRANSPORTATION OF FAMILY PETS DURING EVACUATION OF NONESSENTIAL PERSONNEL.

Section 406(b)(1) of title 37, United States Code, is amended by inserting after subparagraph (H), as added by section 632, the following new subparagraph:

"(I) In connection with an evacuation from a permanent station located in a foreign area, a member is entitled to transportation of not more than two family household pets, including shipment and the payment of quarantine

fees, if any. As an alternative to the provision of transportation for the pets, the Secretary concerned may reimburse the member or provide a monetary allowance under subparagraph (F) if other commercial transportation means are used. A member is not entitled to transportation under this subparagraph for horses, livestock, or pets weighing in excess of 150 pounds or for animals that the Secretary concerned determines are exotic pets or endangered species.".

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. EQUITY IN COMPUTATION OF DISABILITY RETIRED PAY FOR RESERVE COMPONENT MEMBERS WOUNDED IN ACTION.

Section 1208(b) of title 10, United States Code, is amended—

(1) by striking "A member" and inserting "(1) Except as provided in paragraph (2), a member"; and

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

"(2) If a member of the uniformed services who is not a member of a regular component is retired under this chapter or is placed on the temporary disability retired list under this chapter because of a disability incurred after the date of the enactment of this paragraph for which the mem-

ber is awarded the Purple Heart, the member shall be credited, for the purposes of this chapter, with the number of years of service that would be counted if computing the member's years of service under section 12732 of this title.".

SEC. 642. EFFECT OF TERMINATION OF SUBSEQUENT MARRIAGE ON PAYMENT OF SURVIVOR BENEFIT PLAN ANNUITY TO SURVIVING SPOUSE OR FORMER SPOUSE WHO PREVIOUSLY TRANSFERRED ANNUITY TO DEPENDENT CHILDREN.

Section 1450(b)(3) of title 10, United States Code, is amended by adding at the end the following new sentence: "The payment of an annuity to a surviving spouse or former spouse under this paragraph shall be resumed even though the surviving spouse or former spouse previously transferred the annuity to a child or children under section 1448(d)(2)(B) of this title if, when the marriage is so terminated, the child or children, due to loss of dependent status, death, or other cause, are no longer eligible for the annuity under such section.".

SEC. 643. EXTENSION TO SURVIVORS OF CERTAIN MEMBERS WHO DIE ON ACTIVE DUTY OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR PERSONS AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

(a) EXTENSION.—Subsection (m) of section 1450 of title 10, United States Code, as added by section 644 of the National Defense Authorization Act for Fiscal Year 2008, is amended in paragraph (1)(B) by striking "section 1448(a)(1) of this title" and inserting "subsection (a)(1) of section 1448 of this title or by reason of coverage under subsection (d) of such section".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to the month beginning on October 1, 2008, and subsequent months as provided by paragraph (6) of subsection (m) of section 1450 of title 10, United States Code, as added by section 644 of the National Defense Authorization Act for Fiscal Year 2008.

SEC. 644. 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) 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—

"(A) the person satisfies the requirements specified in paragraphs (1) and (2) of section 12731(a) of this title for entitlement to retired pay under this chapter;

"(B) the person 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);

"(C) the person completed not less than two years of service in such active status (excluding any period of active service); and

"(D) the service of the person in such active status is determined by the Secretary concerned to have been satisfactory.

"(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1)(C) in the case of a person who—

"(A) completed at least six months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

"(B) failed to complete the minimum two 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) REPEAL OF RESTRICTION ON ELECTION TO RECEIVE RESERVE RETIRED PAY.—Section 12731(a) of such title is amended—

(1) by inserting "and" at the end of paragraph (2);

(2) by striking "; and" at the end of paragraph (3) and inserting a period; and

(3) by striking paragraph (4).

(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.".

(f) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

SEC. 645. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION.—Section 10145 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 under subsection (d) in the Selected Reserve of the Ready Reserve and completes not less than two years of service in such active status, the member is entitled to—

"(A) the recomputation of the retired pay of the member determined under section 12739 of this title; and

"(B) in the case of a commissioned officer, an adjustment in the retired grade of the member in the manner provided in section 1370 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 six months of service in such position; and

"(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.".

(b) RETROACTIVE APPLICABILITY.—The amendment made by this section shall take effect as of January 1, 2008.

SEC. 646. CORRECTION OF UNINTENDED REDUCTION IN SURVIVOR BENEFIT PLAN ANNUITIES DUE TO PHASED ELIMINATION OF TWO-TIER ANNUITY COMPUTATION AND SUPPLEMENTAL ANNUITY.

Effective as of October 28, 2004, and as if included therein as enacted, section 644(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1961; 19 U.S.C. 1450 note) is amended by adding at the end the following new paragraph:

"(3) SAVINGS PROVISION.—If, as a result of the recomputation of annuities under section 1450 of title 10, United States Code, and supplemental survivor annuities under section 1457 of such title, as required by paragraph (1), the total amount of both annuities to be paid to an annuitant for a month would be less (because of the offset required by section 1450(c) of such title for dependency and indemnity compensation) than the amount that would be paid to the annuitant in the absence of recomputation, the Secretary of Defense shall take such actions as are necessary to adjust the annuity amounts to eliminate the reduction.".

SEC. 647. PRESUMPTION OF DEATH FOR PARTICIPANTS IN SURVIVOR BENEFIT PLAN IN MISSING STATUS.

(a) CONDITIONS ON PRESUMPTION.—In the case of a participant in the Survivor Benefit Plan who has been determined by the Secretary of State to have been kidnapped in Iraq or Afghanistan on or after August 1, 2007, the Secretary of a military department may not make a determination under section 1450(l) of title 10, United States Code, that the participant is missing, with the presumption of death, until the earlier of—

(1) a period of at least 7 years expires after the date of the determination of the Secretary of State; or

(2) the date on which the participant is confirmed dead and a death certificate is delivered to the next of kin of the participant.

(b) RESUMPTION OF RETIRED PAY; PAYMENT OF BACK PAY.—In the case of a participant in the Survivor Benefit Plan described in subsection (a) who was presumed to be dead before the date of the enactment of this Act under section 1450(l) of title 10, United States Code, the Secretary of a military department concerned shall—

(1) resume payment of any retired pay to which the participant is entitled to as a retired member of the Armed Forces pending satisfaction of the conditions specified in subsection (a); and

(2) pay retired pay for periods occurring before the date of the enactment of this Act for which retired pay was not paid because of the presumption of death.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 651. USE OF COMMISSARY STORES SURCHARGES DERIVED FROM TEMPORARY COMMISSARY INITIATIVES FOR RESERVE COMPONENTS AND RETIRED MEMBERS.

Section 2484(h) of title 10, United States Code, is amended—

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

(2) in such paragraph (4), as so redesignated, by striking "paragraph (1) or (2)" and inserting "paragraph (1), (2), or (3)"; and

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

"(3)(A) The Secretary of Defense may use the proceeds derived from surcharges imposed under subsection (d) in connection with sales of commissary merchandise through initiatives described in subparagraph (B) to offset the cost of such initiatives.

"(B) Subparagraph (A) applies with respect to initiatives, utilizing temporary and mobile equipment, intended to provide members of reserve components, Retired members, and other persons eligible for commissary benefits, but without reasonable access to commissary stores, improved access to commissary merchandise.".

SEC. 652. REQUIREMENTS FOR PRIVATE OPERATION OF COMMISSARY STORE FUNCTIONS.

Section 2485(a)(2) of title 10, United States Code, is amended in the last sentence by striking "December 31, 2008" and inserting "December 31, 2013".

SEC. 653. ADDITIONAL EXCEPTION TO LIMITATION ON USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

Section 2491a of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) of subsection (b) as subsection (c) and, in such subsection (as so redesignated)—

(A) by inserting "REGULATIONS.—" before "The Secretary"; and

(B) by striking "this subsection" and inserting "subsection (b)"; and

(2) by inserting after paragraph (1) of subsection (b) the following new paragraph:

"(2) Subsection (a) does not apply to the purchase and maintenance of specialized golf carts designed to accommodate persons with disabilities and the use of the golf carts at a facility or installation where the Secretary determines the golf carts can be safely operated.".

SEC. 654. ENHANCED ENFORCEMENT OF PROHIBITION ON SALE OR RENTAL OF SEXUALLY EXPLICIT MATERIAL ON MILITARY INSTALLATIONS.

(a) ESTABLISHMENT OF RESALE ACTIVITIES REVIEW BOARD.—Section 2495b of title 10, United States Code, is amended—

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

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

"(c) RESALE ACTIVITIES REVIEW BOARD.—(1) The Secretary of Defense shall establish a nine-member board to make recommendations to the Secretary regarding whether material sold or rented, or proposed for sale or rental, on property under the jurisdiction of the Department of Defense is barred from sale or rental by subsection (a).

"(2)(A) The Secretary of Defense shall appoint six members of the board to broadly represent the interests of the patron base served by the defense commissary system and the exchange system. The Secretary shall appoint one

of the members to serve as the chairman of the board. At least one member appointed under this subparagraph shall be a person with experience managing or advocating for military family programs and who is also an eligible patron of the defense commissary system and the exchange system.

"(B) The Secretary of each of the military departments shall appoint one member of the board.

"(C) A vacancy on the board shall be filled in the same manner as the original appointment.

"(3) The Secretary of Defense may detail persons to serve as staff for the board. At a minimum, the Secretary shall ensure that the board is assisted at meetings by military resale and legal advisors.

"(4) The recommendations made by the board under paragraph (1) shall be made available to the public. The Secretary of Defense shall publicize the availability of such recommendations by such means as the Secretary considers appropriate.

"(5) Members of the board shall be allowed travel expense, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the board.".

(b) DEADLINE FOR ESTABLISHMENT AND INITIAL MEETING.—

(1) ESTABLISHMENT.—The board required by subsection (c) of section 2495b of title 10, United States Code, as added by subsection (a), shall be established, and its initial nine members appointed, not later than 120 days after the date of the enactment of this Act.

(2) MEETINGS.—The board shall conduct an initial meeting within one year after the date of the appointment of the initial members of the board. At the discretion of the board, the board may consider all materials previously reviewed under such section as available for reconsideration for a minimum of 180 days following the initial meeting of the board.

SEC. 655. REQUIREMENT TO BUY MILITARY DECORATIONS, RIBBONS, BADGES, MEDALS, INSIGNIA, AND OTHER UNIFORM ACCOUTERMENTS PRODUCED IN THE UNITED STATES.

(a) REQUIREMENT.—Subchapter III of chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions

"(a) BUY-AMERICAN REQUIREMENT.—A military exchange store or other nonappropriated fund instrumentality of the Department of Defense may not purchase for resale any military decorations, ribbons, badges, medals, insignia, and other uniform accouterments that are not produced in the United States.

"(b) EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary of Defense determines that—

"(1) a satisfactory quality and sufficient quantity of an item covered by such subsection and produced in the United States cannot be procured; or

"(2) the purchase of the item produced outside the United States is in the best interests of members of the armed forces.

"(c) CONGRESSIONAL NOTIFICATION.—As soon as practicable after an exception is granted under subsection (b), the Secretary of Defense shall submit to Congress a report explaining the reasons for the exception.

"(d) UNITED STATES DEFINED.—In this section, the term 'United States' includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American

Samoa, and any other territory or possession of the United States.".

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

"2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions.".

SEC. 656. USE OF APPROPRIATED FUNDS TO PAY POST ALLOWANCES OR OVERSEAS COST OF LIVING ALLOWANCES TO NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES SERVING OVERSEAS.

(a) AUTHORITY TO USE APPROPRIATED FUNDS.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1587a the following new section:

"§ 1587b. Employees of nonappropriated fund instrumentalities: payment of overseas post allowances or overseas cost of living allowances

"(a) USE OF APPROPRIATED FUNDS TO PAY ALLOWANCES.—Subject to the availability of appropriated funds for this purpose, the Secretary of Defense may pay post allowances or cost of living allowances to an nonappropriated fund instrumentality employee who is a citizen of the United States and is employed in a full-time position at a location outside of the continental United States.

"(b) DURATION.—The Secretary of Defense may use the authority provided by this section to pay post allowances or cost of living allowances that have been due to an nonappropriated fund instrumentality employee or former employee since December 1, 2001, but have not been previously paid. No allowance may be provided under this section after December 31, 2011.

"(c) DEFINITIONS.—In this section:

"(1) The term 'nonappropriated fund instrumentality employee' has the meaning given that term in section 1587 of this title.

"(2) The term 'continental United States' means the 48 contiguous States and the District of Columbia.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1587a the following new item:

"1587b. Employees of nonappropriated fund instrumentalities: payment of overseas post allowances or overseas cost of living allowances.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 657. STUDY REGARDING SALE OF ALCOHOLIC WINE AND BEER IN COMMISSARY STORES IN ADDITION TO EXCHANGE STORES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study evaluating the propriety, patron conven-

ience, and financial utility of including alcoholic wine and beer as an authorized commissary merchandise category for sale in, at, or by commissary stores.

(b) PILOT PROGRAM.—

(1) AUTHORIZED.—In connection with the study required by subsection (a), the Secretary may conduct a pilot program involving the sale of alcoholic wine and beer in commissary stores if the Secretary determines that such a pilot program would be useful in making the evaluations required by such subsection.

(2) SCOPE.—If the Secretary determines that the pilot program would be useful, the Secretary shall conduct the pilot program at a minimum of 10 locations for a period of not less than four months nor greater than one year.

(c) REPORT.—Within 120 days after completion of the study required in subsection (a), the Secretary shall submit to Congress a report containing the findings and recommendations of the Secretary developed as a result of the study and the results of the pilot program, if conducted under subsection (b). The Secretary may delay the submission of the report pending the conclusion of the pilot program.

Subtitle F—Other Matters

SEC. 661. BONUS TO ENCOURAGE ARMY PERSONNEL AND OTHER PERSONS TO REFER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) AVAILABILITY OF BONUS TO TRAINED CIVILIANS.—Subsection (a)(2) of section 3252 of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(F) A member of the general public who has completed a training course provided by the Secretary, directly or through an entity contracted to provide such training, regarding the appropriate procedures used to recruit persons for enlistment in the Army.".

(b) TIME FOR PAYMENT OF BONUS.—Subsection (b) of such section is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

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

"(3) when the individual concerned contacts an entity contracted to recruit persons for enlistment in the Army.".

(c) PAYMENT METHODS.—Such section is further amended—

(1) in subsection (d), by striking the second sentence; and

(2) by striking subsection (e) and inserting the following new subsection:

"(e) PAYMENT METHODS.—At the discretion of the Secretary, a bonus payable for a referral of a person under subsection (a) may be paid—

"(1) directly to the individual referred to in subsection (b) making the referral; or

"(2) through an entity contracted to make bonus payments under this section.".

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 3252. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 333 of such title is amended by striking the item relating to section 3252 and inserting the following new item:

"3252. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army.".

SEC. 662. CONTINUATION OF ENTITLEMENT TO BONUSES AND SIMILAR BENEFITS FOR MEMBERS OF THE UNIFORMED SERVICES WHO DIE, ARE SEPARATED OR RETIRED FOR DISABILITY, OR MEET OTHER CRITERIA.

(a) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES.—Section 303a(e) of title 37, United States Code, is amended—

(1) in the subsection heading, by inserting "; TERMINATION OF ENTITLEMENT TO UNPAID AMOUNTS" after "MET";

(2) in paragraph (1)—

(A) by striking "A member" and inserting "(A) Except as provided in paragraph (2), a member"; and

(B) by striking "the requirements, except in certain circumstances authorized by the Secretary concerned." and inserting "the eligibility requirements and may not receive any unpaid amounts of the bonus or similar benefit after the member fails to satisfy the requirements, unless the Secretary concerned determines that the imposition of the repayment requirement and termination of the payment of unpaid amounts of the bonus or similar benefit with regard to the

member 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.''; and

(3) by redesignating paragraph (2) as subparagraph (B) of paragraph (1).

(b) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UNEARNED AMOUNTS.—Section 303a(e) of title 37, United States Code, is amended by inserting after paragraph (1), as amended by subsection (a), the following new paragraph (2):

''(2)(A) If a member of the uniformed services dies (other than as a result the member's misconduct) or is retired or separated for disability under chapter 61 of title 10, the Secretary concerned—

''(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus or similar benefit previously paid to the member; and

''(ii) shall require the payment to the member or the member's estate of the remainder of any bonus or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the mem-

ber, and would be paid if not for the death, retirement, or separation of the member.

"(B) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus or similar benefit as if the member continued to be entitled to the bonus or similar benefit following the death, retirement, or separation.

"(C) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in a lump sum not later than 90 days after the date of the death, retirement, or separation of the member, whichever applies.".

(c) CONFORMING AMENDMENTS REFLECTING CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—

(1) CONFORMING AMENDMENTS.—Section 373 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by inserting "AND TERMINATION" after "REPAYMENT"; and

(ii) by inserting before the period at the end the following: ", and the member may not receive any unpaid amounts of the

bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement"; and

(B) by striking subsection (b) and inserting the following new subsection:

"(b) EXCEPTIONS.—

"(1) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS.—Pursuant to the regulations prescribed to administer this section, the Secretary concerned may grant an exception to the repayment requirement and requirement to terminate the payment of unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that the imposition of the repayment and termination requirements with regard to a member of the uniformed services 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.

"(2) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UNEARNED AMOUNTS.—(A) If a member of the uniformed services dies (other than as a result the member's misconduct) or is retired or separated for dis-

ability under chapter 61 of title 10, the Secretary concerned—

"(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

"(ii) shall require the payment to the member or the member's estate of the remainder of any bonus, incentive pay, or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

"(B) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus, incentive pay, or similar benefit as if the member continued to be entitled to the bonus, incentive pay, or similar benefit following the death, retirement, or separation.

"(C) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in a lump sum not later than 90 days after the

date of the death, retirement, or separation of the member, whichever applies.".

(2) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met".

(B) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by striking the item relating to section 373 and inserting the following new item:

"373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met.".

SEC. 663. PROVIDING INJURED MEMBERS OF THE ARMED FORCES INFORMATION CONCERNING BENEFITS.

Section 1651 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 476; 10 U.S.C. 1071 note) is amended to read as follows:

"SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

"(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—Not later than March 31, 2009, the Secretary of Defense shall develop and maintain a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the separation or retirement of the member from the Armed Forces as a result of a serious injury or illness. Such description shall be published—

"(1) in a handbook; and

"(2) on a publically available, searchable Internet website or comparable successor facility.

"(b) CONTENTS.—The comprehensive description shall include the following:

"(1) The range of compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and other factors affecting compensation and benefits as the Secretary considers appropriate.

"(2) Information concerning the Disability Evaluation System of each military department, including—

"(A) an explanation of the process of the Disability Evaluation System;

"(B) a general timeline of the process of the Disability Evaluation System;

"(C) the role and responsibilities of the military department throughout the process of the Disability Evaluation System; and

"(D) the role and responsibilities of a member of the Armed Forces throughout the process of the Disability Evaluation System.

"(3) Benefits administered by the Department of Veterans Affairs that a member of the Armed Forces would be entitled upon the separation or retirement from the Armed Forces as a result of a serious injury or illness.

"(4) A list of State veterans service organizations and their contact information and Internet website addresses.

"(c) CONSULTATION.—The Secretary of Defense shall develop and maintain the comprehensive description required by subsection (a) in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security.

"(d) UPDATE.—The Secretary of Defense shall update—

"(1) the handbook on a periodic basis, but not less often than annually; and

"(2) the Internet website or comparable successor facility immediately after any change has been made to the compensation or other benefits described in subsection (a).

"(e) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the handbook to each member of the Armed Forces under the jurisdiction of that Secretary as soon as practicable following an injury or illness for which the member may retire or separate from the Armed Forces.

"(f) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the handbook, the handbook shall be provided to the next of kin or a legal representative of the member, as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section.".

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.
Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
Sec. 703. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
Sec. 704. Chiropractic health care for members on active duty.

Sec. 705. Requirement to recalculate TRICARE Reserve Select premiums based on actual cost data.
Sec. 706. Program for health care delivery at military installations projected to grow.
Sec. 707. Guidelines for combined Federal medical facilities.

Subtitle B—Preventive Care

Sec. 711. Waiver of copayments for preventive services for certain TRICARE beneficiaries.
Sec. 712. Military health risk management demonstration project.
Sec. 713. Smoking cessation program under TRICARE.
Sec. 714. Availability of allowance to assist members of the Armed Forces and their dependents procure preventive health care services.

Subtitle C—Wounded Warrior Matters

Sec. 721. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries.
Sec. 722. Clarification to center of excellence relating to military eye injuries.
Sec. 723. National Casualty Care Research Center.
Sec. 724. Peer-reviewed research program on extremity war injuries.
Sec. 725. Review of policies and processes related to the delivery of mail to wounded members of the Armed Forces.

Subtitle D—Other Matters

Sec. 731. Report on stipend for members of reserve components for health care for certain dependents.
Sec. 732. Report on providing the Extended Care Health Option Program to autistic dependents of military retirees.
Sec. 733. Sense of Congress regarding autism therapy services.

Subtitle A—Improvements to Health Benefits

SEC. 701. ONE-YEAR EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking "September 30, 2008" and inserting "September 30, 2009".

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking "September 30, 2008" and inserting "September 30, 2009".

SEC. 702. TEMPORARY PROHIBITION ON INCREASE IN CO-PAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2008, and ending on September 30, 2009, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 703. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) PROHIBITION.—The Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position on or after October 1, 2008.

(b) RESTORATION OF CERTAIN POSITIONS TO MILITARY POSITIONS.—In the case of any military medical or

dental position that is converted to a civilian medical or dental position during the period beginning on October 1, 2004, and ending on September 30, 2008, if the position is not filled by a civilian by September 30, 2008, the Secretary of the military department concerned shall restore the position to a military medical or dental position that can be filled only by a member of the Armed Forces who is a health professional.

(c) DEFINITIONS.—In this section:

(1) The term "military medical or dental position" means a position for the performance of health care functions (or coded to work within a military treatment facility) within the Armed Forces held by a member of the Armed Forces.

(2) The term "civilian medical or dental position" means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term "conversion", with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from mili-

tary to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).

(d) REPEAL.—Section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is repealed.

SEC. 704. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

(a) REQUIREMENT FOR CHIROPRACTIC CARE.—Subject to such regulations as the Secretary of Defense may prescribe, the Secretary shall provide chiropractic services for members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code. Such chiropractic services may be provided only by a doctor of chiropractic.

(b) DEMONSTRATION PROJECTS.—The Secretary of Defense may conduct one or more demonstration projects to provide chiropractic services to deployed members of the uniformed services. Such chiropractic services may be provided only by a doctor of chiropractic.

(c) DEFINITIONS.—In this section:

(1) The term "chiropractic services"—

(A) includes diagnosis (including by diagnostic X-ray tests), evaluation and management,

and therapeutic services for the treatment of a patient's health condition, including neuromusculoskeletal conditions and the subluxation complex, and such other services determined appropriate by the Secretary and as authorized under State law; and

(B) does not include the use of drugs or surgery.

(2) The term "doctor of chiropractic" means only a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Columbia, or a territory or possession of the United States.

SEC. 705. REQUIREMENT TO RECALCULATE TRICARE RESERVE SELECT PREMIUMS BASED ON ACTUAL COST DATA.

(a) CALCULATION BASED ON ACTUAL COST DATA.—Paragraph (3) of section 1076d(d) of title 10, United States Code, is amended to read as follows:

"(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be not more than the lesser of—

"(A) the amount equal to 28 percent of the total average monthly amount for that coverage, as deter-

mined by the Secretary based on actual cost data for the preceding fiscal year; or

"(B) the amount in effect for the month of March 2006.".

(b) EFFECTIVE DATE.—Paragraph (3) of section 1076d(d) of title 10, United States Code, as amended by this section, shall apply with respect to fiscal year 2009 and fiscal years thereafter.

SEC. 706. PROGRAM FOR HEALTH CARE DELIVERY AT MILITARY INSTALLATIONS PROJECTED TO GROW.

(a) PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to establish a program to build cooperative health care arrangements and agreements between military installations projected to grow and local and regional non-military health care systems.

(b) REQUIREMENTS OF PLAN.—In developing the plan, the Secretary of Defense shall—

(1) identify and analyze health care delivery options involving the private sector and health care services in military facilities located on military installations;

(2) develop methods for determining the cost avoidance or savings resulting from innovative part-

nerships between the Department of Defense and the private sector;

(3) develop requirements for Department of Defense health care providers to deliver health care in civilian community hospitals; and

(4) collaborate with State and local authorities to create an arrangement to share and exchange, between the Department of Defense and nonmilitary health care systems, personal health information, and data of military personnel and their families.

(c) COORDINATION WITH OTHER ENTITIES.—The plan shall include requirements for coordination with Federal, State, and local entities, TRICARE managed care support contractors, and other contracted assets around installations selected for participation in the program.

(d) CONSULTATION REQUIREMENTS.—The Secretary of Defense shall develop the plan in consultation with the Secretaries of the military departments.

(e) SELECTION OF MILITARY INSTALLATIONS.—The program shall be implemented at each installation participating in the pilot program conducted pursuant to section 721 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1988) and other military installations selected by the

Secretary of Defense. Each selected military installation shall meet the following criteria:

(1) The military installation has members of the Armed Forces on active duty and members of reserve components of the Armed Forces that use the installation as a training and operational base, with members routinely deploying in support of the global war on terrorism.

(2) The military population of an installation will significantly increase by 2013 due to actions related to either Grow the Force initiatives or recommendations of the Defense Base Realignment and Closure Commission.

(3) There is a military treatment facility on the installation that has—

(A) no inpatient or trauma center care capabilities; and

(B) no current or planned capacity that would satisfy the proposed increase in military personnel at the installation.

(4) There is a civilian community hospital near the military installation, and the military treatment facility has—

(A) no inpatient services or limited capability to expand inpatient care beds, intensive care, and specialty services; and

(B) limited or no capability to provide trauma care.

(f) REPORTS.—Not later than one year after the date of the enactment of this Act, and every year thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report describing the results of the program.

SEC. 707. GUIDELINES FOR COMBINED FEDERAL MEDICAL FACILITIES.

Before a facility may be designated a combined Federal medical facility of the Department of Defense and the Department of Veterans Affairs, the Secretary of Defense and the Secretary of Veterans Affairs shall issue a signed agreement that specifies, at a minimum, a binding operational agreement on the following areas:

(1) Patient priority categories.

(2) Budgeting.

(3) Staffing.

(4) Construction.

(5) Physical plant management.

Subtitle B—Preventive Care

SEC. 711. WAIVER OF COPAYMENTS FOR PREVENTIVE SERVICES FOR CERTAIN TRICARE BENEFICIARIES.

(a) WAIVER OF CERTAIN COPAYMENTS.—Subject to subsection (b) and under regulations prescribed by the Secretary of Defense, the Secretary shall—

(1) waive all copayments under sections 1079(b) and 1086(b) of title 10, United States Code, for preventive services for all beneficiaries who would otherwise pay copayments; and

(2) ensure that a beneficiary pays nothing for preventive services during a year even if the beneficiary has not paid the amount necessary to cover the beneficiary's deductible for the year.

(b) EXCLUSION FOR MEDICARE-ELIGIBLE BENEFICIARIES.—Subsection (a) shall not apply to a medicare-eligible beneficiary.

(c) REFUND OF COPAYMENTS.—

(1) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary may pay a refund to a medicare-eligible beneficiary excluded by subsection (b), subject to the availability of appropriations specifically for such refunds, consisting of an amount up to the difference between—

(A) the amount the beneficiary pays for copayments for preventive services during fiscal year 2009; and

(B) the amount the beneficiary would have paid during such fiscal year if the copayments for preventive services had been waived pursuant to subsection (a) during that year.

(2) COPAYMENTS COVERED.—The refunds under paragraph (1) are available only for copayments paid by medicare-eligible beneficiaries during fiscal year 2009.

(3) FUNDING.—Of the amounts authorized to be appropriated under title XIV of this Act for the Defense Health Program, $10,000,000 is authorized for the purposes of the refund authorized under this subsection.

(d) DEFINITIONS.—In this section:

(1) PREVENTIVE SERVICES.—The term "preventive services" includes, taking into consideration the age and gender of the beneficiary:

(A) Colorectal screening.

(B) Breast screening.

(C) Cervical screening.

(D) Prostate screening.

(E) Annual physical exam.

(F) Vaccinations

(2) MEDICARE-ELIGIBLE.—The term "medicare-eligible" has the meaning provided by section 1111((b) of title 10, United States Code.

SEC. 712. MILITARY HEALTH RISK MANAGEMENT DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstration project designed to evaluate the efficacy of providing incentives to encourage healthy behaviors on the part of eligible military health system beneficiaries.

(b) ELEMENTS OF DEMONSTRATION PROJECT.—

(1) WELLNESS ASSESSMENT.—The Secretary shall develop a wellness assessment to be offered to beneficiaries enrolled in the demonstration project. The wellness assessment shall incorporate nationally recognized standards for health and healthy behaviors and shall be offered to determine a baseline and at appropriate intervals determined by the Secretary. The wellness assessment shall include the following:

(A) A self-reported health risk assessment.

(B) Physiological and biometric measures, including at least—

(i) blood pressure;

(ii) glucose level;

(iii) lipids; and

(iv) nicotine use.

(2) POPULATION ENROLLED.—Non-medicare eligible retired beneficiaries of the military health system and their dependents who are enrolled in TRICARE Prime and who reside in the demonstration project service area shall be enrolled in the demonstration project.

(3) GEOGRAPHIC COVERAGE OF DEMONSTRATION PROJECT.—The demonstration project shall be conducted in at least three geographic areas within the United States where TRICARE Prime is offered, as determined by the Secretary. The area covered by the project shall be referred to as the demonstration project service area.

(4) PROGRAMS.—The Secretary shall develop programs to assist enrollees to improve healthy behaviors, as identified by the wellness assessment.

(5) INCLUSION OF INCENTIVES REQUIRED.—For the purpose of conducting the demonstration project, the Secretary may offer monetary and non-monetary incentives to enrollees to encourage participation in the demonstration project.

(c) EVALUATION OF DEMONSTRATION PROJECT.—The Secretary shall annually evaluate the demonstration project for the following:

(1) The extent to which the health risk assessment and the physiological and biometric measures of beneficiaries are improved from the baseline (as determined in the wellness assessment).

(2) In the case of baseline health risk assessments and physiological and biometric measures that reflect healthy behaviors, the extent to which the measures are maintained.

(d) IMPLEMENTATION PLAN.—The Secretary of Defense shall submit a plan to implement the health risk management demonstration project required by this section not later than 90 days after the date of the enactment of this Act.

(e) DURATION OF PROJECT.—The health risk management demonstration project shall be implemented for a period of three years, beginning not later than March 1, 2009, and ending three years after that date.

(f) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report on the effectiveness of the health risk manage-

ment demonstration project in improving the health risk measures of military health system beneficiaries enrolled in the demonstration project. The first report shall be submitted not later than one year after the date of the enactment of this Act, and subsequent reports shall be submitted for each year of the demonstration project with the final report being submitted not later than 90 days after the termination of the demonstration project.

(2) MATTERS COVERED.—Each report shall address, at a minimum, the following:

(A) The number of beneficiaries who were enrolled in the project.

(B) The number of enrolled beneficiaries who participate in the project.

(C) The incentives to encourage healthy behaviors that were provided to the beneficiaries in each beneficiary category, and the extent to which the incentives encouraged healthy behaviors.

(D) An assessment of the effectiveness of the demonstration project.

(E) Recommendations for adjustments to the demonstration project.

(F) The estimated costs avoided as a result of decreased health risk conditions on the part of each of the beneficiary categories.

(G) Recommendations for extending the demonstration project or implementing a permanent wellness assessment program.

(H) Identification of legislative authorities required to implement a permanent program.

SEC. 713. SMOKING CESSATION PROGRAM UNDER TRICARE.

(a) TRICARE SMOKING CESSATION PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a smoking cessation program under the TRICARE program, to be made available to all beneficiaries under the TRICARE program who are not medicare-eligible. The Secretary may prescribe such regulations as may be necessary to implement the program.

(b) ELEMENTS.—The program shall include, at a minimum, the following elements:

(1) The availability, at no cost to the beneficiary, of pharmaceuticals used for smoking cessation, with a limitation on the availability of such pharmaceuticals to the national mail-order pharmacy program under the TRICARE program if appropriate.

(2) Access to a toll-free quit line that is available 24 hours a day, 7 days a week.

(3) Access to printed and Internet web-based tobacco cessation material.

(c) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to implement the program.

(d) REFUND OF COPAYMENTS.—

(1) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary may pay a refund to a medicare-eligible beneficiary otherwise excluded by this section, subject to the availability of appropriations specifically for such refunds, consisting of an amount up to the difference between—

(A) the amount the beneficiary pays for copayments for smoking cessation services described in subsection (b) during fiscal year 2009; and

(B) the amount the beneficiary would have paid during such fiscal year if the copayments for smoking cessation services had been waived pursuant to subsection (b) during that year.

(2) COPAYMENTS COVERED.—The refunds under paragraph (1) are available only for copayments paid

by medicare-eligible beneficiaries during fiscal year 2009.

(3) FUNDING.—Of the amounts authorized to be appropriated under title XIV for the Defense Health Program, $3,000,000 is authorized for the purposes of the refund authorized under this subsection.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report covering the following:

(1) The status of the program.

(2) The number of participants in the program.

(3) The cost of the program.

(4) The costs avoided that are attributed to the program.

(5) The success rates of the program compared to other nationally recognized smoking cessation programs.

(6) Findings regarding the success rate of participants in the program.

(7) Recommendations to modify the policies and procedures of the program.

(8) Recommendations concerning the future utility of the program.

(f) DEFINITIONS.—In this section:

(1) TRICARE PROGRAM.—The term "TRICARE program" has the meaning provided by section 1072(7) of title 10, United States Code.

(2) MEDICARE-ELIGIBLE.—The term "medicare-eligible" has the meaning provided by section 1111(b) of title 10, United States Code.

SEC. 714. AVAILABILITY OF ALLOWANCE TO ASSIST MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS PROCURE PREVENTIVE HEALTH CARE SERVICES.

(a) ALLOWANCE.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 438. Preventive health services allowance

"(a) DEMONSTRATION PROJECT.—During the period beginning on January 1, 2009, and ending on December 31, 2011, the Secretary of Defense shall conduct a demonstration project designed to evaluate the efficacy of providing an annual allowance (to be known as a 'preventive health services allowance') to members of the armed forces described in subsection (b) to increase the use of preventive health services by such members and their dependents.

"(b) ELIGIBLE MEMBERS.—(1) Subject to the numerical limitations specified in paragraph (2), a member of the armed forces who is serving on active duty for a period

of more than 30 days and meets the medical and dental readiness requirements for the armed force of the member may receive a preventive health services allowance.

"(2) Not more than 1,500 members of each of the Army, Navy, Air Force, and Marine Corps may receive a preventive health services allowance during any year, of which half in each armed force shall be members without dependents and half shall be members with dependents.

"(c) AMOUNT OF ALLOWANCE.—The Secretary of the military department concerned shall pay a preventive health services allowance to a member selected to receive the allowance in an amount equal to—

"(1) $500 per year, in the case of a member without dependents; and

"(2) $1,000 per year, in the case of a member with dependents.

"(d) AUTHORIZED PREVENTIVE HEALTH SERVICES.—(1) The Secretary of Defense shall specify the types of preventive health services that may be procured using a preventive health services allowance and the frequency at which such services may be procured.

"(2) At a minimum, authorized preventive health services shall include, taking into consideration the age and gender of the member and dependents of the member:

"(A) Colorectal screening.

1 *"(B) Breast screening.*

2 *"(C) Cervical screening.*

3 *"(D) Prostate screening.*

4 *"(E) Annual physical exam.*

5 *"(F) Annual dental exam.*

6 *"(G) Vaccinations.*

7 *"(3) The Secretary of Defense shall ensure that mem-*
8 *bers selected to receive the preventive health services allow-*
9 *ance and their dependents are provided a reasonable oppor-*
10 *tunity to receive the services authorized under this sub-*
11 *section in their local area.*

12 *"(e) DATA COLLECTION.—At a minimum, the Sec-*
13 *retary of Defense shall monitor and record the health of*
14 *members receiving a preventive health services allowance*
15 *and their dependents and the results the testing required*
16 *to qualify for payment of the allowance, if conducted. The*
17 *Secretary shall assess the medical utility of the testing re-*
18 *quired to qualify for payment of a preventive health allow-*
19 *ance.*

20 *"(f) REPORTING REQUIREMENT.—Not later than*
21 *March 31, 2010, and March 31, 2012, the Secretary of De-*
22 *fense shall submit to Congress a report on the status of the*
23 *demonstration project, including findings regarding the*
24 *medical status of participants, recommendations to modify*

the policies and procedures of the program, and recommendations concerning the future utility of the project.

"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.".

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

"438. Preventive health care allowance.".

Subtitle C—Wounded Warrior Matters

SEC. 721. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEARING LOSS AND AUDITORY SYSTEM INJURIES.

(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injury to carry out the responsibilities specified in subsection (c).

(b) PARTNERSHIPS.—The Secretary shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The center shall—

(A) implement a comprehensive plan and strategy for the Department of Defense, as developed by the Secretary of Defense, for a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of hearing loss and auditory system injury incurred by a member of the Armed Forces while serving on active duty;

(B) ensure the electronic exchange with the Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A); and

(C) enable the Secretary of Veterans Affairs to access the registry and add information pertaining to additional treatments or surgical procedures and eventual hearing outcomes for veterans who were entered into the registry and subsequently received treatment through the Veterans Health Administration.

(2) DESIGNATION OF REGISTRY.—The registry under this subsection shall be known as the "Hearing

Loss and Auditory System Injury Registry" (hereinafter referred to as the "Registry").

(3) CONSULTATION IN DEVELOPMENT.—The center shall develop the Registry in consultation with audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Defense and the audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Veterans Affairs. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other hearing loss.

(4) MECHANISMS.—The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of hearing loss and auditory system injury described in that paragraph as follows (to the extent applicable):

(A) Not later than 30 days after surgery or other operative intervention, including a surgery or other operative intervention carried out as a result of a follow-up examination.

(B) Not later than 180 days after the hearing loss and auditory system injury is reported or recorded in the medical record.

(5) COORDINATION OF CARE AND BENEFITS.—(A) The center shall provide notice to the National Center for Rehabilitative Auditory Research (NCRAR) of the Department of Veterans Affairs and to the auditory system impairment services of the Veterans Health Administration on each member of the Armed Forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of ongoing auditory system rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the Armed Forces.

(B) A member of the Armed Forces described in this subparagraph is a member of the Armed Forces with significant hearing loss or auditory system injury incurred while serving on active duty, including a member with auditory dysfunction related to traumatic brain injury.

(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Registry is available to appropriate audiologists, speech and language

pathologists, otolaryngologists, and other specialist personnel of the Department of Defense and the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on hearing loss or auditory system injury incurred by members of the Armed Forces.

(e) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Registry such records of members of the Armed Forces who incurred a hearing loss or auditory system injury while serving on active duty on or after September 11, 2001, but before the establishment of the Registry, as the Secretary considers appropriate for purposes of the Registry.

SEC. 722. CLARIFICATION TO CENTER OF EXCELLENCE RELATING TO MILITARY EYE INJURIES.

Section 1623(d) of Public Law 110–181 is amended by striking "in combat" at the end.

SEC. 723. NATIONAL CASUALTY CARE RESEARCH CENTER.

(a) REDESIGNATION OF RESEARCH PROGRAM AS CENTER.—Not later than October 1, 2009, the Secretary of Defense shall designate a center be known as the "National Casualty Care Research Center" (in this section referred to as the "Center"), which shall consist of the program known

as the combat casualty care research program at the Army Medical Research and Materiel Command as modified in accordance with this section.

(b) DIRECTOR.—There shall be a director of the Center, who shall be appointed by the Secretary after consultation with the commanding general of the Medical Research and Materiel Command.

(c) ACTIVITIES OF THE CENTER.—In addition to the functions already performed by the combat casualty care research program, the Center shall—

(1) provide a public-private partnership for funding clinical and experimental studies in combat injury;

(2) integrate laboratory and clinical research to hasten improvements in care to both civilians and members of the Armed Forces who are injured;

(3) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Data Bank, are optimally used to establish research agendas and measure improvements in outcomes; and

(4) fund the full spectrum of injury research and evaluation, including—

(A) laboratory, translational, and clinical research;

(B) point of wounding and pre-hospital care;

(C) early resuscitative management;

(D) initial and definitive surgical care;

(E) rehabilitation and reintegration into society; and

(F) coordinate multi-institutional civilian/military collaboration and trauma research.

(d) AUTHORIZATION.—In addition to amounts authorized for the combat casualty care research program of the Army Medical Research and Materiel Command, there is authorized to be appropriated $1,000,000 for the Center established pursuant to this section.

(e) FUNDING ADJUSTMENTS.—For the amounts authorized in subsection (d):

(1) The amount for the Defense Health Program, Research and Development, is hereby increased by $1,000,000, to be available for the United States Army Medical Research and Materiel Command.

(2) The amount for Weapons Procurement, Navy, is hereby reduced by $1,000,000, to be derived from other missiles.

1 ***SEC. 724. PEER-REVIEWED RESEARCH PROGRAM ON EX-***
2 ***TREMITY WAR INJURIES.***

3 *(a) ESTABLISHMENT OF PEER-REVIEWED*
4 *ORTHOPAEDIC EXTREMITY TRAUMA RESEARCH PRO-*
5 *GRAM.—Not later than 180 days after the date of the enact-*
6 *ment of this Act, the Secretary of Defense shall establish*
7 *a competitive, peer-reviewed research program within the*
8 *Defense Health Program's research and development func-*
9 *tion to conduct peer-reviewed medical research at military*
10 *and civilian institutions designed to develop scientific in-*
11 *formation aimed at saving injured extremities, avoiding*
12 *amputations, and preserving and restoring the function of*
13 *injured extremities. Such research shall address military*
14 *medical needs and include the full range of scientific in-*
15 *quiry encompassing basic, translational, and clinical re-*
16 *search.*

17 *(b) REPORT.—Not later than 180 days after the date*
18 *of the enactment of this Act, the Secretary of Defense shall*
19 *submit to Congress a report on the plans for establishment,*
20 *management, and operation of the Peer-Reviewed Research*
21 *Program on Extremity War Injuries required under this*
22 *section.*

23 *(c) EFFECTIVE DATE.—This section shall be in effect*
24 *until September 30, 2013.*

SEC. 725. REVIEW OF POLICIES AND PROCESSES RELATED TO THE DELIVERY OF MAIL TO WOUNDED MEMBERS OF THE ARMED FORCES.

(a) REVIEW OF DELIVERY POLICY AND PROCESSES.—The Secretary of Defense shall review the policies and processes related to the delivery of letters, packages, messages, and other communications that are intended as measures of support and addressed generally to wounded and injured members of the Armed Forces (such as "To any Wounded Warrior" or "To Any Wounded Service Member") in military medical treatment facilities and other locations where members of the Armed Forces are treated and rehabilitated.

(b) SPECIFIC PROCESSES.—In conducting the review under subsection (a), the Secretary of Defense shall determine the following:

(1) Whether the current Department of Defense prohibition on the direct delivery of such letters, packages, messages, and other communications to wounded and injured members of the Armed Forces should be modified.

(2) The adequacy, particularly from the perspective of wounded and injured members of the Armed Forces, of the current governmental and non-governmental delivery processes.

(c) CORRECTIVE ACTIONS.—Based on the review under subsection (a), the Secretary of Defense may take actions

to correct or modify the policies and processes related to the delivery of letters, packages, messages, and other communications to wounded and injured members of the Armed Forces as the Secretary determines appropriate.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review under subsection (a) and the ongoing and projected actions to correct or modify the policies and processes related to the delivery of letters, packages, messages, and other communications to wounded and injured members of the Armed Forces.

Subtitle D—Other Matters

SEC. 731. REPORT ON STIPEND FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.

The Secretary of Defense shall submit to the congressional defense committees a report on the extent to which the Secretary has exercised the authority provided in 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).

SEC. 732. REPORT ON PROVIDING THE EXTENDED CARE HEALTH OPTION PROGRAM TO AUTISTIC DEPENDENTS OF MILITARY RETIREES.

(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 that contains a plan for including autistic dependents of military retirees in the Extended Care Health Option program (hereafter in this section referred to as the "ECHO program").

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include the following:

(1) The most current data on the number of military retirees with autistic dependents and an estimate of the number of future military retirees with autistic dependents.

(2) The cost estimates of providing extended benefits under the ECHO program to autistic dependents of all current and future military retirees.

(3) The feasibility of including autistic dependents of military retirees in any ongoing demonstration or pilot programs within the ECHO program.

(4) The statutory and regulatory impediments to including autistic dependents of military retirees in the ECHO program.

SEC. 733. SENSE OF CONGRESS REGARDING AUTISM THERAPY SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should ensure that the process in determining eligibility for autistic therapy services provided to the children of members of the Armed Forces is conducted in an expeditious manner and without delay.

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Defense shall conduct a study on autistic therapy services in the Department of Defense. The study shall include—

(A) an evaluation of whether such services would be better managed under the TRICARE program; and

(C) the potential benefits and costs of a transition of the management of such services from the exceptional family member programs to the TRICARE program.

(2) REPORT.—Not later than July 30, 2009, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study.

(c) DEFINITIONS.—In this section:

(1) AUTISTIC THERAPY SERVICES.—The term "autistic therapy services" includes applied behavior analysis.

(2) TRICARE PROGRAM.—The term "TRICARE program" has the meaning provided by section 1072 of title 10, United States Code.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Review of impact of illegal subsidies on acquisition of KC–45 aircraft.
Sec. 802. Assessment of urgent operational needs fulfillment.
Sec. 803. Preservation of tooling for major defense acquisition programs.
Sec. 804. Prohibition on procurement from beneficiaries of foreign subsidies.
Sec. 805. Domestic industrial base considerations during source selection.
Sec. 806. Commercial software reuse preference.
Sec. 807. Comprehensive proposal analysis required during source selection.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Acquisition workforce expedited hiring authority.
Sec. 812. Definition of system for Defense Acquisition Challenge Program.
Sec. 813. Career path and other requirements for military personnel in the acquisition field.
Sec. 814. Technical data rights for non-FAR agreements.
Sec. 815. Clarification that cost accounting standards apply to Federal contracts performed outside the United States.

Subtitle C—Provisions Relating to Inherently Governmental Functions

Sec. 821. Policy on personal conflicts of interest by employees of Department of Defense contractors.
Sec. 822. Development of guidance on personal services contracts.
Sec. 823. Limitation on performance of product support integrator functions.

Subtitle D—Defense Industrial Security

Sec. 831. Requirements relating to facility clearances.
Sec. 832. Foreign ownership control or influence.
Sec. 833. Congressional oversight relating to facility clearances and foreign ownership control or influence; definitions.

Subtitle E—Other Matters

Sec. 841. Clarification of status of Government rights in the designs of department of defense vessels, boats, and craft, and components thereof.
Sec. 842. Expansion of authority to retain fees from licensing of intellectual property.

Sec. 843. Transfer of sections of title 10 relating to Milestone A and Milestone B for clarity.
Sec. 844. Earned value management study and report.
Sec. 845. Report on market research.
Sec. 846. System development and demonstration benchmark report.
Sec. 847. Additional matters required to be reported by contractors performing security functions in areas of combat operations.
Sec. 848. Report relating to munitions.

Subtitle A—Acquisition Policy and Management

SEC. 801. REVIEW OF IMPACT OF ILLEGAL SUBSIDIES ON ACQUISITION OF KC–45 AIRCRAFT.

(a) REVIEW OF ILLEGAL SUBSIDIES REQUIRED.—The Secretary of the Air Force, not later than 10 days after a ruling by the World Trade Organization that either or both of the United States or the European Union, or any political entity within the United States or the European Union, has provided illegal subsidies to a manufacturer of large commercial aircraft, shall begin a review, as described in subsection (b), of the impact of such illegal subsidies on the source selection for the KC–45 Aerial Refueling Aircraft Program.

(b) PERFORMANCE OF THE REVIEW.—In performing the review required by subsection (a), the Secretary of Air Force shall comply with the following requirements:

(1) The Secretary shall seek information from the public on the potential impact of illegal subsidies on the source selection process for the KC–45 Aerial Refueling Aircraft Program through a notice and

comment process. The Secretary shall adopt such procedures for handling information provided under such notice and comment process as are necessary to protect national security and confidential business information.

(2) The Secretary shall consult with experts within the Department of Defense, the Office of Management and Budget, the Office of the United States Trade Representative, and other agencies and offices of the Federal government, as appropriate, on the potential impact of illegal subsidies on the source selection process for the KC–45 Aerial Refueling Aircraft Program.

(3) The Secretary shall request information from each of the offerors in the source selection process for the KC–45 Aerial Refueling Aircraft Program on the potential impact of illegal subsidies on such process.

(c) COMPLETION OF REVIEW.—The Secretary of the Air Force shall complete the review required by subsection (a) not later than 90 days after the World Trade Organization has ruled on all illegal subsidy cases involving large commercial aircraft pending at the World Trade Organization as of the date of the enactment of this Act.

(d) DETERMINATION AND REMEDY REQUIRED.—If the Secretary of the Air Force determines, after performing the

review required by subsection (a), that an illegal subsidy or subsidies had a material impact on the source selection process for the KC–45 Aerial Refueling Aircraft Program sufficient to bring into question the fairness of such source selection process, the Secretary shall take such measures as are necessary and appropriate to ensure that the effect of such subsidy or subsidies is removed and the source selection process for the KC–45 Aerial Refueling Aircraft Program is fair to all offerors.

(e) DEFINITIONS.—In this section:

(1) The term "illegal subsidy" means a subsidy found to constitute a violation of the Agreement on Subsidies and Countervailing Measures.

(2) The term "Agreement on Subsidies and Countervailing Measures" means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(3) The term "source selection", with respect to a program of the Department of Defense, means the selection, through the use of competitive procedures or such other procurement procedures as may be applicable, of a contractor to perform a contract to carry out the program.

SEC. 802. ASSESSMENT OF URGENT OPERATIONAL NEEDS FULFILLMENT.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall commission a study and report by a federally funded research and development center to assess the effectiveness of the processes used by the Department of Defense for the generation of urgent operational need requirements, and the acquisition processes used to fulfill such requirements. Such assessment shall include the following:

(1) A description and evaluation of the effectiveness of the procedures used to generate warfighting requirements through the urgent operational need process.

(2) An evaluation of the extent to which urgent operational need statements are used to document required capability gaps or are used to request specific acquisition outcomes, such as specific systems or equipment.

(3) A description and evaluation of the effectiveness of the processes used by each of the military departments to prioritize and fulfill urgent operational needs, including the rapid acquisition processes of the military departments.

(4) A description and evaluation of the effectiveness of the procedures used to generate warfighting re-

quirements through the joint urgent operational need process.

(5) An evaluation of the extent to which joint urgent operational need statements are used to document urgent joint capability gaps or are used—

(A) to avoid using service-specific urgent operational need and acquisition processes;

(B) to document non-urgent capability gaps; or

(C) to request specific acquisition outcomes, such as specific systems or equipment.

(6) A description and evaluation of the effectiveness of the processes used by the various elements of the Department of Defense to prioritize and fulfill joint urgent operational needs, including the Joint Improvised Explosive Device Defeat Organization and the Joint Rapid Acquisition Cell.

(7) An evaluation of the extent to which joint acquisition entities maintain oversight, once a military department or defense agency has been designated as responsible for execution and fielding of a capability in response to a joint urgent operational need statement, including oversight of—

(A) the responsiveness of the military department or agency in execution;

(B) the field performance of the capability delivered in response to the joint urgent operational need statement; and

(C) the concurrent development of a long-term acquisition and sustainment strategy.

(8) Recommendations regarding—

(A) common definitions and standards for urgent operational needs statements and joint urgent operational need statements;

(B) best practices and process improvements for the creation, evaluation, prioritization, and fulfillment of urgent operational need statements and joint urgent operational need statements; and

(C) the extent to which rapid acquisition processes should be consolidated or expanded.

(b) SUBMISSION TO CONGRESS.—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 the report resulting from the study conducted pursuant to subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term "urgent operational need" or "urgent operational need statement" means a high pri-

ority capability gap from an ongoing, named operation—

(A) that is validated and resourced by a specific military department or defense agency; and

(B) that, if not addressed immediately, will seriously endanger personnel or pose a major threat to ongoing operations.

(2) The term "joint urgent operational need" means a high priority capability gap from an ongoing, named operation—

(A) that is identified by a combatant commander;

(B) that requires validation and resourcing by the Joint Chiefs of Staff;

(C) that falls outside of the established processes of the military departments; and

(D) that, if not addressed immediately will seriously endanger personnel or pose a major threat to ongoing operations.

SEC. 803. PRESERVATION OF TOOLING FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall issue guidance requiring that all unique tooling associated with the production of hardware for a major defense

acquisition program be preserved and stored through the end of the service life of the end item associated with such a program. Such guidance shall—

(1) provide that either a component of the Department of Defense or a contractor (or subcontractor at any tier) may be responsible for preservation and storage of such tooling;

(2) require that the milestone decision authority approve a plan for the preservation and storage of such tooling prior to granting a Milestone C approval;

(3) if such tooling is to be preserved and stored by a component of the Department of Defense, require the component to ensure adequate funds and facilities are available to preserve and store such tooling through the projected service life of the end item;

(4) if such tooling is to be preserved and stored by a contractor, or a subcontractor at any tier, require that any production contract (or subcontract) awarded in support of the major defense acquisition program include a contract clause regarding the preservation and storage of such tooling; and

(5) provide a mechanism for the Secretary of Defense to waive such requirement if—

(A) the Secretary determines that such a waiver is in the best interest of national security; and

(B) notifies the congressional defense committees at least 15 days before taking such action.

(b) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term "major defense acquisition program" has the meaning provided in section 2430 of title 10, United States Code.

(2) MILESTONE DECISION AUTHORITY.—The term "milestone decision authority" has the meaning provided in section 2366a(f)(2).

(3) MILESTONE C APPROVAL.—The term "Milestone C approval" has the meaning provided in section 2366(e)(8) of title 10, United States Code.

SEC. 804. PROHIBITION ON PROCUREMENT FROM BENEFICIARIES OF FOREIGN SUBSIDIES.

(a) PROHIBITION.—Except as provided in subsections (c) and (d), the Secretary of Defense may not enter into a contract for the procurement of goods or services from any foreign person to which the government of a foreign country that is a member of the World Trade Organization has provided a subsidy if—

(1) the United States has requested consultations with that foreign country under the Agreement on Subsidies and Countervailing Measures on the basis, in whole or in part, that the subsidy is a prohibited subsidy under that Agreement; and

(2) either—

(A) the dispute before the World Trade Organization has not been resolved; or

(B) the World Trade Organization has ruled that the subsidy provided by the foreign country is a prohibited subsidy under the Agreement on Subsidies and Countervailing Measures.

(b) ADDITIONAL APPLICABILITY.—

(1) JOINT VENTURES.—The prohibition under subsection (a) with respect to a foreign person also applies to any joint venture, cooperative organization, partnership, or contracting team of which that foreign person is a member.

(2) SUBCONTRACTS AND TASK AND DELIVERY ORDERS.—The prohibition under subsection (a) with respect to a contract also applies to any subcontracts at any tier entered into under the contract and any task orders or delivery orders at any tier issued under the contract.

(c) EXCEPTIONS TO APPLICABILITY.—

(1) INAPPLICABILITY TO PROGRAMS WITH MILESTONE B APPROVAL.—The prohibition under subsection (a) shall not apply to any contract under a major defense acquisition program that has received Milestone B approval as of the date of the enactment of this Act.

(2) INAPPLICABILITY TO CERTAIN PROCUREMENTS.—The prohibition under subsection (a) shall not apply to a contract for the procurement of goods or services from a foreign person being provided a subsidy if—

(A) in any case in which goods or services are the subject of the consultation requested by the United States (as described in subsection (a)(1)), the goods or services to be procured under the contract are not related to the goods and services that are the subject of the consultation; or

(B) in any case in which the subject of the consultation requested by the United States (as described in subsection (a)) is not a good or service (but is law, regulations, or other policies of the foreign country), the Department of Defense contracting officer for the contract has certified that the foreign person has demonstrated that the

cost of the offeror's proposal is not materially affected by the subsidy.

(d) WAIVER.—The President may waive the prohibition in this section with respect to a specific contract if the President (without delegation) determines that failure to waive the prohibition would result in a significant and imminent threat to national security. The President shall submit to Congress a notice of any waiver granted under this subsection within 7 days after granting it.

(e) DURATION OF PROHIBITION.—In the case of a subsidy that the World Trade Organization has ruled is a prohibited subsidy as described in subsection (a)(2)(B), the prohibition under subsection (a) shall not apply to a contract for the procurement of goods or services that were the subject of the consultation after—

(1) the dispute is resolved; and

(2) either—

(A) a mutual agreement has been reached between the United States and the foreign government with respect to the prohibited subsidy; or

(B) the foreign government has agreed to comply with the requirements of the ruling issued by the World Trade Organization in the dispute.

(f) DEFINITIONS.—In this section:

(1) The term "Agreement on Subsidies and Countervailing Measures" means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3501(d)(12)).

(2) The term "foreign person" means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, or other nongovernmental entity which is not a United States person.

(3) The term "United States person" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

(4) The term "major defense acquisition program" means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of title 10, United States Code.

(5) The term "Milestone B approval" has the meaning provided that term in section 2366(e)(7) of such title.

SEC. 805. DOMESTIC INDUSTRIAL BASE CONSIDERATIONS DURING SOURCE SELECTION.

(a) REGULATIONS REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations regarding the application of a domestic industrial base evaluation factor during source selection for a major defense acquisition program of the Department of Defense. Such regulations shall—

(1) allow the source selection authority to consider impacts on the domestic industrial base as an evaluation factor during the source selection process;

(2) provide the source selection authority flexibility with regard to the importance assigned to such an evaluation factor; and

(3) provide defense acquisition officials with the authority to impose penalties on the contractor

awarded the contract resulting from the source selection, including fines and contract termination, if—

(A) the domestic industrial base evaluation factor was used during source selection;

(B) the evaluation factor had a material effect on the outcome of the source selection; and

(C) the official determines that the potential contractor knowingly or willfully misrepresented impacts to the domestic industrial base during source selection.

(b) IMPACTS ON DOMESTIC INDUSTRIAL BASE.—For purposes of the regulations, the Secretary shall consider, at a minimum, the following to be impacts on the domestic industrial base:

(1) The creation or maintenance of domestic capability for production of critical supplies.

(2) The creation or maintenance of domestic jobs.

(3) The creation or maintenance of domestic scientific and technological competencies or manufacturing skills.

(c) REPORT REQUIRED.—The Secretary of Defense shall notify the congressional defense committees at least 30 days before the issuance of a request for proposal for any major defense acquisition program that will not use a do-

mestic industrial base evaluation factor during the source selection process. Such notification shall include—

(1) a brief description of the major defense acquisition program;

(2) a justification for not using a domestic industrial base evaluation factor; and

(3) an assessment of potential impacts on the domestic industrial base, if known, as a result of not using a domestic industrial base evaluation factor.

(d) DEFINITIONS.—In this section:

(1) DOMESTIC INDUSTRIAL BASE.—The term "domestic industrial base" means—

(A) persons and organizations that are engaged in research, development, production, or maintenance activities conducted within the United States and United States territories; and

(B) includes, at a minimum, prime contractors, as well as second and third tier subcontractors, engaged in such activities.

(2) MAJOR DEFENSE ACQUISITION PROGRAM.—The term "major defense acquisition program" has the meaning provided in section 2430 of title 10, United States Code.

(3) SOURCE SELECTION.—The term "source selection", with respect to a major defense acquisition

program, means the selection, through the use of competitive procedures or such other procurement procedures as may be applicable, of a contractor to perform a contract to carry out the program.

(4) SOURCE SELECTION AUTHORITY.—The term "source selection authority", with respect to a major defense acquisition program, means the official in the Department of Defense designated as responsible for the source selection for that program.

SEC. 806. COMMERCIAL SOFTWARE REUSE PREFERENCE.

(a) IN GENERAL.—The Secretary of Defense shall ensure that contracting officials identify and evaluate, at all stages of the acquisition process (including concept refinement, concept decision, and technology development), opportunities for the use of commercial computer software and, if practicable, use such software instead of developing new software.

(b) REGULATIONS.—The Secretary of Defense shall review and revise the Defense Federal Acquisition Regulation Supplement, Part 207.103, to clarify that the preference for commercial items in the acquisition process includes a preference for commercial computer software, and the preference applies at all stages of the acquisition process.

SEC. 807. COMPREHENSIVE PROPOSAL ANALYSIS REQUIRED DURING SOURCE SELECTION.

(a) REGULATIONS REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations regarding the comprehensive evaluation of a proposal for a major defense acquisition program for which a significant proportion of the research, design, development, manufacturing, assembly, or test and evaluation will be performed outside the United States. Such regulations shall—

(1) require the offeror of such a proposal, in addition to providing a breakdown of costs as required by the Federal Acquisition Regulation, to provide a breakdown of costs not borne by the offeror as a result of activities performed outside the United States, and such costs shall—

(A) include, at a minimum, costs borne by a foreign government that are not borne by a local, State, or Federal Government in the United States, such as government-borne—

(i) health care;

(ii) retirement compensation; and

(iii) workman's compensation;

(B) not include direct labor and material costs; and

(C) be limited to those costs that would otherwise be allowable and allocable to the contract for the major defense acquisition program if all activities were performed in the United States;

(2) be applicable only to proposals submitted in response to a solicitation from the Department of Defense that requires cost or pricing data;

(3) require the contracting officer responsible for conducting proposal analysis to consider such costs in any cost and price analysis performed; and

(4) require the contracting officer to certify, prior to source selection, that the contracting officer has no reasonable grounds to believe that the final assessed price excludes any cost or other element of price (such as the monetary policy of a foreign government) that other offers performing in the United States could not also exclude.

(b) ADDITIONAL APPLICABILITY WITH RESPECT TO SUBCONTRACTORS.—The regulations under subsection (a) also shall apply with respect to any subcontractor (at any tier) of a prospective contractor if the subcontractor is expected to perform outside the United States a significant portion of the research, design, development, manufacturing, assembly, or test and evaluation under the proposal being evaluated.

(c) DEFINITION.—In this section, the term "major defense acquisition program" means a Department of Defense acquisition program that is a major defense acquisition program for the purposes of section 2430 of title 10, United States Code.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

Section 1705 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) EXPEDITED HIRING AUTHORITY.—

"(1) For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

"(A) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

"(B) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

"(2) The Secretary may not appoint a person to a position of employment under this subsection after September 30, 2012.".

SEC. 812. DEFINITION OF SYSTEM FOR DEFENSE ACQUISITION CHALLENGE PROGRAM.

Section 2359b of title 10, United States Code, is amended by adding at the end the following new subsection:

"(l) SYSTEM DEFINED.—In this section, the term 'system'—

"(1) means—

"(A) the organization of hardware, software, material, facilities, personnel, data, and services needed to perform a designated function with specified results (such as the gathering of specified data, its processing, and its delivery to users); or

"(B) a combination of two or more interrelated pieces (or sets) of equipment arranged in a functional package to perform an operational function or to satisfy a requirement; and

"(2) includes a major system (as defined in section 2302(5) of this title).".

SEC. 813. CAREER PATH AND OTHER REQUIREMENTS FOR MILITARY PERSONNEL IN THE ACQUISITION FIELD.

(a) ACQUISITION PERSONNEL REQUIREMENTS.—

(1) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1722 the following new section:

"§ 1722a. Special requirements for military personnel in the acquisition field

"(a) REQUIREMENT FOR POLICY AND GUIDANCE REGARDING MILITARY PERSONNEL IN ACQUISITION.—The Secretary of Defense shall require the Secretary of each military department (with respect to the military departments) and the Under Secretary of Defense for Acquisition, Technology, and Logistics (with respect to the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and Defense Field Activities), to establish policies and issue guidance to ensure the proper development, assignment, and employment of members of the armed forces in the acquisition field to achieve the objectives of this section as specified in subsection (b).

"(b) OBJECTIVES.—Policies established and guidance issued pursuant to subsection (a) shall ensure, at a minimum, the following:

"(1) A career path in the acquisition field that attracts the highest quality officers and enlisted personnel.

"(2) A number of command positions and senior non-commissioned officer positions, including acquisition billets reserved for general officers and flag officers under subsection (c), sufficient to ensure that members of the armed forces have opportunities for promotion and advancement in the acquisition field.

"(3) A number of qualified, trained members of the armed forces eligible for and active in the acquisition field sufficient to ensure the appropriate use of military personnel in contingency contracting.

"(c) RESERVATION OF ACQUISITION BILLETS FOR GENERAL OFFICERS AND FLAG OFFICERS.—(1) The Secretary of Defense shall establish for each military department a minimum number of billets coded or classified for acquisition personnel that are reserved for general officers and flag officers and shall ensure that the policies established and guidance issued pursuant to subsection (a) by the Secretary of that military department reserve at least that minimum number of billets and fill the billets with qualified and trained general officers and flag officers.

"(2) The Secretary of Defense shall ensure that a sufficient number of billets for acquisition personnel who are general officers or flag officers exist within the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and the Defense Field Activities.

"(3) The Secretary of Defense shall ensure that a portion of the billets referred to in paragraphs (1) and (2) involve command of organizations primarily focused on contracting.

"(d) RELATIONSHIP TO LIMITATION ON PREFERENCE FOR MILITARY PERSONNEL.—Any designation or reserva-

tion of a position for a member of the armed forces as a result of a policy established or guidance issued pursuant to this section shall be deemed to meet the requirements for an exception under paragraph (2) of section 1722(b) of this title from the limitation in paragraph (1) of such section.

"(e) REPORT.—Not later than January 1 of each year, the Secretary of each military department shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report describing how the Secretary fulfilled the objectives of this section in the preceding calendar year. The report shall include information on the reservation of acquisition billets for general officers and flag officers within the department.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1722 the following new item:

"1722a. Special requirements for military personnel in the acquisition field.".

(b) ADDITIONAL ITEM FOR INCLUSION IN STRATEGIC PLAN.—Section 543(f)(3)(E) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat 116) is amended by inserting after "officer assignments and grade requirements" the following: ", including requirements relating to the reservation of billets in the acquisition field for general and flag officers,".

SEC. 814. TECHNICAL DATA RIGHTS FOR NON-FAR AGREEMENTS.

(a) RIGHTS IN TECHNICAL DATA FOR NON-FAR AGREEMENTS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2320 the following new section:

"§ 2320a. Rights in technical data for non-FAR agreements

"(a) POLICY GUIDANCE.—

"(1) The Secretary of Defense shall issue policy guidance with respect to the use of a non-FAR agreement for the development of a major weapon system or an item of personnel protective equipment.

"(2) The guidance shall—

"(A) define the legitimate interest of the United States and a party to such an agreement in technical data pertaining to an item or process to be developed under the agreement, including, at a minimum, the interest of—

"(i) the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture;

"(ii) the United States in the ability to conduct emergency repair and overhaul; or

"(iii) the party to the agreement to restrict the release of technical data relating to an item or process developed at private expense; and

"(B) require that specific rights in technical data shall be established during agreement negotiations and be based upon negotiations between the United States and the potential party to the agreement, except in any case in which the Secretary of Defense determines, on the basis of criteria established in such policy guidance, that the establishment of rights during or through agreement negotiations would not be practicable.

"(b) PROVISIONS IN NON-FAR AGREEMENTS.—Whenever practicable, a non-FAR agreement described in subsection (a) shall contain appropriate provisions relating to technical data, including provisions—

"(1) defining the respective rights of the United States and the party to the agreement regarding any technical data to be delivered under the agreement;

"(2) specifying the technical data to be delivered under the agreement and delivery schedules for such delivery;

"(3) establishing or referencing procedures for determining the acceptability of technical data to be delivered under the agreement;

"(4) to the maximum practicable extent, identifying, in advance of delivery, technical data which is to be delivered with restrictions on the right of the United States to use such data;

"(5) requiring the party to the agreement to revise any technical data delivered under the agreement to reflect engineering design changes made during the performance of the agreement and affecting the form, fit, and function of the items specified in the agreement and to deliver such revised technical data to an agency within a time specified in the agreement; and

"(6) establishing remedies to be available to the United States when technical data required to be delivered or made available under the agreement is found to be incomplete or inadequate or to not satisfy the requirements of the agreement concerning technical data.

"(c) ASSESSMENT OF LONG-TERM TECHNICAL DATA NEEDS.—The Secretary of Defense shall require the program manager for a major weapon system or an item of personnel protective equipment that is to be developed using a non-FAR agreement described in subsection (a) to assess

the long-term technical data needs of such systems and items, in accordance with the requirements of section 2320(e) of this title.

"(d) DEFINITIONS.—In this section:

"(1) The term 'non-FAR agreement' means an agreement that is not subject to laws pursuant to which the Federal Acquisition Regulation is prescribed, including—

"(A) a transaction authorized under section 2371 of this title; and

"(B) a cooperative research and development agreement.

"(2) The term 'party', with respect to a non-FAR agreement, means a non-Federal entity and includes any of the following:

"(A) A contractor and its subcontractors (at any tier).

"(B) A joint venture.

"(C) A consortium.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2320 the following new item:

"2320a. Rights in technical data for non-FAR agreements.".

(b) REPORT ON LIFE CYCLE PLANNING FOR TECHNICAL DATA NEEDS.—Not later than 120 days after the

date of 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 implementation of the requirements in section 2320(e) of title 10, United States Code, for the assessment of long-term technical data needs to sustain major weapon systems. Such report shall include—

(1) a description of all relevant guidance or policies issued;

(2) the extent to which program managers have received training to better assess the long-term technical data needs of major weapon systems and subsystems;

(3) a description of the data rights strategies developed prior to the issuance of contract solicitations released since October 17, 2006; and

(4) a characterization of the extent to which such strategies made use of priced contract options for the future delivery of technical data or acquired all relevant technical data upon contract award.

SEC. 815. CLARIFICATION THAT COST ACCOUNTING STANDARDS APPLY TO FEDERAL CONTRACTS PERFORMED OUTSIDE THE UNITED STATES.

(a) CLARIFICATION.—Section 26(f)(2)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)(A))

is amended by adding at the end the following: ", whether the contracts or subcontracts are performed inside or outside the United States".

(b) IMPLEMENTING REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the cost accounting standards promulgated under section 26 of such Act shall be amended to take into account the amendment made by subsection (a).

Subtitle C—Provisions Relating to Inherently Governmental Functions

SEC. 821. POLICY ON PERSONAL CONFLICTS OF INTEREST BY EMPLOYEES OF DEPARTMENT OF DEFENSE CONTRACTORS.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a standard policy aimed at preventing personal conflicts of interest by employees of Department of Defense contractors that is similar to the policy of the Department of Defense aimed at preventing such conflicts by Department of Defense civilian employees.

(b) ELEMENTS OF POLICY.—The policy required under subsection (a) shall—

(1) provide a definition of the term "personal conflict of interest" as it relates to employees of Department of Defense contractors;

(2) identify types of contracts that raise heightened concerns for potential personal conflicts of interest; and

(3) require each contractor that participates in the Department's decision-making in such mission-critical areas as the development, award, and administration of Government contracts, and each contractor that is closely supporting inherently governmental functions, to—

(A) identify and prevent personal conflicts of interest for employees of the contractor who are performing such functions;

(B) report any personal conflict-of-interest violation to the applicable contracting officer or contracting officer's representative as soon as it is identified;

(C) maintain effective oversight to verify compliance with personal conflict-of-interest safeguards; and

(D) have procedures in place to screen for potential conflicts of interest for all employees in a position to make or materially influence findings, recommendations, and decisions regarding Department of Defense contracts and other advi-

sory and assistance functions, either by screening on a task-by-task basis or on an annual basis.

(c) CONTRACT CLAUSE.—The Secretary shall include in each contract entered into by the Secretary for the performance of functions described in subsection (b)(3) a clause that reflects the personal conflicts-of-interest policy developed under this section and that sets forth the contractor's responsibility under such policy.

(d) PANEL ON CONTRACTING INTEGRITY RECOMMENDATIONS.—The Department of Defense Panel on Contracting Integrity, established by the section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), shall consider and make recommendations on the feasibility of applying certain procurement integrity rules to employees of Department of Defense contractors to include such rules related to—

(1) improper business practices and personal conflicts of interest under Federal Acquisition Regulations 3.104;

(2) public corruption;

(3) financial conflicts of interest;

(4) seeking other employment conflicts of interest;

(5) gifts and travel; and

(6) misuse of position or endorsement.

SEC. 822. DEVELOPMENT OF GUIDANCE ON PERSONAL SERVICES CONTRACTS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall develop guidance to—

(1) establish a clear definition of the term "personal services contract";

(2) require a clear distinction between employees of the Department of Defense and employees of Department of Defense contractors;

(3) provide appropriate safeguards with respect to when, where, and to what extent the Secretary may enter into a contract for the procurement of personal services; and

(4) assess and take steps to mitigate the risk that, as implemented and administered, non-personal services contracts may become personal services contracts.

SEC. 823. LIMITATION ON PERFORMANCE OF PRODUCT SUPPORT INTEGRATOR FUNCTIONS.

(a) LIMITATION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410r. Performance-based logistics arrangements: limitation on product support integrator functions

"(a) LIMITATION.—A function that is a product support integrator function may be performed only by a member of the armed forces or an employee of the Department of Defense.

"(b) DEFINITIONS.—In this section:

"(1) The term 'product support integrator function' means, with respect to a performance-based logistics arrangement, the function of integrating all sources of support, both public and private, to achieve the specific outcomes specified in the arrangement.

"(2) The term 'performance-based logistics arrangement' means a performance-based contract, task order, or other arrangement for the logistics support—

"(A) of a weapon system or major end item over the life cycle of the system or item; or

"(B) of parts, assemblies, subassemblies, or platforms of a weapon system or major end item.

"(3) The term 'performance-based' has the meaning given such term in section 2331(g) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by

adding after the item relating to section 2410q the following new item:

"2410r. Performance-based logistics arrangements: limitation on product support integrator functions.".

(b) EFFECTIVE DATE.—Section 2410r of title 10, United States Code, as added by subsection (a), shall apply to performance-based logistics arrangements entered into after September 30, 2010.

Subtitle D—Defense Industrial Security

SEC. 831. REQUIREMENTS RELATING TO FACILITY CLEARANCES.

Chapter 21 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—DEFENSE INDUSTRIAL SECURITY

"Sec. 438. Facility clearances: requirements.

"§ 438. Facility clearances: requirements

"(a) FACILITY CLEARANCES: GENERAL PROVISIONS.—

"(1) ACCESS TO CLASSIFIED INFORMATION BY CONTRACTORS.—A contractor of the Department of Defense may not be granted custody of classified information unless the contractor has a facility clearance.

"(2) REQUIREMENTS FOR ENTITIES WITH FACILITY CLEARANCES.—An entity may not be granted a

facility clearance by the Department of Defense or continue to hold such a facility clearance unless the entity agrees to comply with, and maintains compliance with, the requirements set forth in this subchapter.

"(3) AUTHORITY TO REVOKE OR SUSPEND FACILITY CLEARANCES.—The Secretary of Defense may revoke or suspend a facility clearance granted by the Department of Defense at any time.

"(b) GENERAL REQUIREMENTS FOR FACILITY CLEARANCES.—The Secretary of Defense shall require an entity granted a facility clearance by the Department of Defense to comply with the following requirements:

"(1) The entity shall safeguard classified information in its possession.

"(2) The entity shall safeguard covered controlled unclassified information in its possession.

"(3) The entity shall ensure that it complies with Department of Defense security agreements, contract provisions regarding security, and relevant regulations of the Department of Defense pertaining to industrial security.

"(4) The entity shall ensure that its business and management practices do not result in the com-

promise of classified information or adversely affect the performance of classified contracts.

"(5) The entity shall undergo a determination under section 439 of this title of whether the entity is under foreign ownership control or influence and shall comply with ongoing notification requirements under that section related to foreign ownership and control.

"(c) REQUIREMENTS FOR DIRECTORS OF ENTITIES WITH FACILITY CLEARANCES.—

"(1) REQUIREMENTS.—Except as provided in paragraph (3), the Secretary of Defense shall require an entity with a facility clearance to require the directors on the entity's board of directors to ensure, in their capacity as fiduciaries of the entity, that the entity employs and maintains policies and procedures that meet the general requirements for facility clearances listed in subsection (b).

"(2) BY-LAWS REQUIREMENT.—The requirements of paragraph (1) shall be set forth in the by-laws of the entity.

"(3) EXCEPTIONS.—(A) The Secretary of Defense may waive the requirements of paragraph (1) for reasons of national security. In the event the Secretary grants such a waiver, the Secretary shall submit to

the Committees on Armed Services of the Senate and the House of Representatives a notification that such a waiver has been granted and a justification for granting the waiver.

"(B) The requirements of paragraph (1) shall not apply to an entity determined by the Secretary of Defense under section 439(a) of this title to be under foreign ownership control or influence.

"(d) REQUIREMENTS RELATING TO SECURITY MANAGEMENT OF ENTITIES WITH FACILITY CLEARANCES.—

"(1) DESIGNATION OF EMPLOYEE RESPONSIBLE FOR SECURITY.—The Secretary of Defense shall require an entity, in consultation with and subject to the approval of the chairman of its board of directors, to designate an employee who meets the requirements of paragraph (2) to be responsible for the following:

"(A) Reporting to the board of directors of the entity as its principal advisor concerning the general requirements for facility clearances listed in subsection (b), the manner in which they are carried out through the policies and procedures required by subsection (c), and the related Federal requirements for classified information.

"(B) Supervising and directing security measures necessary for implementing such requirements, policies, and procedures.

"(C) Establishing and administering all intracompany procedures to prevent unauthorized disclosure and export of controlled unclassified information and ensuring that the entity otherwise complies with the requirements of Federal export control laws.

"(2) QUALIFICATIONS OF EMPLOYEE.—An employee may not be designated to be responsible for the matters described in paragraph (1) unless the employee—

"(A) is a citizen of the United States;

"(B) obtains a security clearance at the same level as the facility clearance; and

"(C) completes security training that meets the requirements of the Department of Defense.

"(e) REQUIREMENTS RELATING TO MANAGEMENT RESPONSIBILITIES FOR ENTITIES WITH FACILITY CLEARANCES.—The Secretary of Defense shall require an entity with a facility clearance to provide a certification of security responsibilities to the Secretary. The certification of security responsibilities shall—

"(1) affirm the entity's responsibility—

"(A) to identify the key management personnel of the entity involved in the performance of classified contracts or in the setting of policies and practices for such contracts and to designate a security manager with primary responsibility for security functions;

"(B) to ensure that such key management personnel of the entity meet all eligibility requirements for the performance of classified contracts;

"(C) to provide such key management personnel of the entity with all the authority and capability necessary to safeguard classified information and covered controlled unclassified information in the performance of classified contracts in accordance with regulations prescribed by the Secretary; and

"(D) to manage all subcontractors and suppliers of the entity performing work on a classified contract to ensure that use of such subcontractors and suppliers does not result in the compromise of classified information or adversely affect the performance of classified contracts;

"(2) be signed by an appropriate member of the board of directors of the entity or a similar executive body determined by the Secretary to function as an equivalent to a board of directors;

"(3) be disseminated to all appropriate personnel of the entity; and

"(4) be updated as necessary according to procedures proscribed by the Secretary.

"(f) REPORTING REQUIREMENTS.—The Secretary of Defense shall require an entity with a facility clearance to submit to the Department of Defense a report on any event—

"(1) that affects the status of the facility clearance;

"(2) that affects proper safeguarding of classified information or that indicates classified information has been lost or compromised;

"(3) that affects the entity's compliance with Department of Defense security agreements, contract provisions regarding security, and relevant regulations of the Department of Defense pertaining to industrial security; or

"(4) that is related to the entity's business and management practices that results in the compromise of classified information.".

SEC. 832. FOREIGN OWNERSHIP CONTROL OR INFLUENCE.

(a) IN GENERAL.—Subchapter III of chapter 21 of title 10, United States Code, as added by section 831, is amended by adding at the end the following new section:

"§ 439. Foreign ownership control or influence

"(a) DETERMINATION OF FOREIGN OWNERSHIP CONTROL OR INFLUENCE.—

"(1) IN GENERAL.—Before granting a facility clearance to an entity, and while such entity holds a facility clearance, the Secretary of Defense shall determine whether an entity is under foreign ownership control or influence (in this subchapter referred to as 'FOCI').

"(2) DESCRIPTION OF FOCI.—For purposes of paragraph (1), the Secretary shall determine an entity to be under FOCI if a foreign interest has the power, direct or indirect, whether or not exercised, and whether or not exercisable through the ownership of the entity's securities, by contractual arrangements or other means, to direct or decide matters affecting the management or operations of that entity in a manner that may result in—

"(A) unauthorized access to classified information;

"(B) unauthorized access to covered controlled unclassified information;

"(C) an adverse effect on the performance of classified contracts; or

"(D) an adverse effect on the entity's compliance with Department of Defense security agreements, appropriate contract provisions regarding security, and relevant Department regulations pertaining to industrial security.

"(b) FOCI FACTORS.—

"(1) IN GENERAL.—The following factors relating to an entity, a foreign interest, or a government of a foreign interest shall be considered by the Secretary of Defense in determining under this section whether an entity is under foreign ownership control or influence and the protective measures that may be required to mitigate the FOCI of the entity:

"(A) Record of economic and government espionage against United States targets by the entity, by any foreign interest in the entity, and by the government of any such foreign interest.

"(B) Record of enforcement of covered controlled unclassified information or engagement in unauthorized technology transfer.

"(C) The type and sensitivity of the information expected to be accessed in performing a classified contract.

"(D) The source, nature, and extent of FOCI, including whether foreign interests hold a majority or substantial minority position in the entity, taking into consideration the immediate, intermediate, and ultimate parent entities, sister entities, joint ventures, and hedge funds.

"(E) Record of compliance with pertinent United States laws, regulations, and contracts by the entity, by the foreign interest (if any) in the entity, and by parent entities, sister entities, joint ventures, and hedge funds.

"(F) The nature of any bilateral and multilateral security and information exchange agreements that may pertain to the entity, any foreign interest in the entity, and the government of any such foreign interest.

"(G) Ownership, control, or influence of the entity, in whole or in part, by a foreign government.

"(2) MINORITY POSITION.—For purposes of paragraph (1)(D), a minority position shall be considered substantial if—

"(A) it consists of greater than 5 percent of the ownership interests;

"(B) it consists of greater than 10 percent of the voting interest; or

"(C) the minority position controls a seat on the entity's board of directors.

"(c) MITIGATION OF FOREIGN OWNERSHIP CONTROL OR INFLUENCE.—

"(1) PROTECTIVE MEASURES AUTHORIZED FOR MITIGATION OF FOCI.—With respect to any entity with a facility clearance under FOCI, as determined under subsection (a), the Secretary of Defense may impose any security method, safeguard, or restriction the Secretary believes necessary to ensure that the entity complies with the general requirements for facility clearances listed in subsection (b) of section 438 of this title.

"(2) GOVERNMENT SECURITY COMMITTEE REQUIREMENT FOR MITIGATION OF FOCI.—

"(A) IN GENERAL.—As part of the mitigation of foreign ownership control or influence of an entity determined to be under FOCI, the Secretary of Defense shall require the entity to establish a permanent committee of the entity's board of directors, or equivalent executive body, to be known as the entity's 'Government Security

Committee', for purposes of carrying out the requirements of this paragraph.

"(B) RESPONSIBILITIES OF GSC.—The responsibilities of the Government Security Committee of an entity are to ensure that the entity employs and maintains policies and procedures that ensure that the entity complies with the general requirements for facility clearances listed in subsection (b) of section 438 of this title.

"(C) ROLE OF SECURITY MANAGER IN GSC.—The employee of the entity designated pursuant to section 438(c)(1)(A) as the security manager shall be the principal advisor to the Government Security Committee and attend committee meetings. The chairman of the Government Security Committee must concur with the appointment and replacement of persons filling the position of security manager selected by management of the entity. The functions of the security manager shall be carried out under the authority of the Government Security Committee.

"(3) RELATIONSHIP TO FACILITY CLEARANCE.—In the case of an entity with a facility clearance under FOCI, as determined under subsection (a), the

following provisions apply with respect to the status of the facility clearance of the entity:

"(A) CONTINUATION IN EFFECT WHILE NEGOTIATING MITIGATION MEASURE.—The facility clearance of the entity shall continue in effect if the entity is negotiating with the Secretary a mitigation measure and the Secretary determines that there is no indication that classified information or covered controlled unclassified information is at risk of compromise.

"(B) INVALIDATION IF NO MITIGATION MEASURE WITHIN SIX MONTHS.—(i) Subject to subparagraph (C), the Secretary shall invalidate the facility clearance of the entity if an acceptable mitigation measure has not been agreed to by the Secretary and the entity by the end of the six-month period beginning on the date of the determination by the Secretary that the entity is under FOCI.

"(ii) The six-month period described in clause (i) may be extended for one additional three-month period upon request by the entity if the Secretary approves an extension.

"(C) REVOCATION IF POSSIBILITY OF UNAUTHORIZED ACCESS OR ADVERSE EFFECT.—The

Secretary shall revoke the facility clearance of the entity at any time if, regardless of whether the entity is negotiating a mitigation measure with the Secretary, the Secretary determines that security measures cannot be taken to remove the possibility of unauthorized access or an adverse effect on classified contracts.

"(d) NOTIFICATION TO DEPARTMENT OF DEFENSE REGARDING CHANGE IN FOCI.—The Secretary of Defense shall require an entity to notify the Secretary when material changes occur to information previously submitted to the Department of Defense pertaining to the FOCI factors affecting the entity as soon as such information is known to the entity.

"(e) NOTIFICATION TO DEPARTMENT OF DEFENSE REGARDING MERGERS, ACQUISITIONS, OR TAKEOVERS BY FOREIGN PERSONS.—The Secretary of Defense shall require that when an entity with a facility clearance enters into negotiations for a proposed merger, acquisition, or takeover by a foreign person, the entity shall submit to the Secretary of Defense a notification of the commencement of such negotiations and a plan to negate the FOCI resulting from the transaction.".

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

"Sec. 439. Foreign ownership control or influence.".

SEC. 833. CONGRESSIONAL OVERSIGHT RELATING TO FACILITY CLEARANCES AND FOREIGN OWNERSHIP CONTROL OR INFLUENCE; DEFINITIONS.

(a) NOTIFICATIONS AND REPORTS.—Subchapter III of chapter 21 of title 10, United States Code, as added by section 831, is further amended by adding at the end the following new section:

"§ 440. Notifications and reports

"(a) NOTIFICATIONS REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notification within 30 days after the occurrence of any of the following:

"(1) The revocation or suspension by the Secretary of a facility clearance of an entity previously determined to be under foreign ownership control or influence.

"(2) The receipt by the Secretary of a notification under section 439(d) from an entity that the entity has entered into negotiations for a proposed merger, acquisition, or takeover by a foreign person.

"(b) BIANNUAL REPORT.—(1) The Secretary of Defense shall, not later than September 1, 2009, and biannually thereafter, submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the following:

"(A) Specific, cumulative, and, as appropriate, trend information on the numbers of entities—

"(i) holding facility clearances;

"(ii) that have reported a material change relating to FOCI factors;

"(iii) that have measures in place to mitigate foreign ownership control or influence; or

"(iv) that have had a facility clearance suspended or revoked.

"(B) Specific, cumulative, and, as appropriate, trend information, on—

"(i) the entities that have filed for or maintain facility clearances;

"(ii) the number of such entities determined to be under foreign ownership control or influence;

"(iii) the countries from which such entities have originated;

"(iv) the number that went through the Committee on Foreign Investment in the United States; and

"(v) the types of security arrangements and conditions that the Government Security Committees of entities have used to mitigate foreign ownership control or influence.

"(C) An analysis of trends in the Industrial Security Program, including an assessment of the number and types of errors found in compliance within the Program.

"(D) An analysis of the details of companies that have committed violations of the Industrial Security Program and the frequency of the violations, including the number of companies that have committed recurring violations.

"(E) A description of the corrective actions, if any, taken by the Defense Security Service to address the violations.

"(2) The information required under paragraph (1)(B) shall be organized and set forth separately in the report by defense sector within the defense industrial base.

"(3) The report shall be submitted in an unclassified form, but may contain a classified annex.".

(b) DEFINITIONS.—Subchapter III of chapter 21 of title 10, United States Code, as added by section 831, is further amended by adding at the end the following new section:

"§ 440a. Definitions

"In this subchapter:

"(1) ENTITY.—The term 'entity' includes a corporation, company, association, firm, partnership, society, or joint stock company, but does not include an individual.

"(2) FACILITY CLEARANCE.—The term 'facility clearance', with respect to an entity, means an administrative determination by the Secretary of Defense that the entity is eligible for—

"(A) access to classified information; or

"(B) award of a classified contract.

"(3) CLASSIFIED INFORMATION.—The term 'classified information' means any information that has been determined pursuant to Executive Order 12958 or any predecessor order to require protection against unauthorized disclosure and is so designated. The classifications 'top secret', 'secret', and 'confidential' are used to designate such information.

"(4) CLASSIFIED CONTRACT.—The term 'classified contract' means any contract requiring access to

classified information by a contractor or the contractor's employees in the performance of the contract or in any phase of precontract activity or post-contract activity.

"(5) COVERED CONTROLLED UNCLASSIFIED INFORMATION.—The term 'covered controlled unclassified information' means unclassified information the export of which—

"(A) is controlled, in the case of technical data that is inherently military in nature, by the International Traffic in Arms Regulations (ITAR); and

"(B) is controlled, in the case of technical data that has both military and commercial uses, by the Export Administration Regulations (EAR).".

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

"Sec. 440. Notifications and reports.
"Sec. 440a. Definitions.".

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out subchapter III of chapter 21 of title 10, United States Code, not later than September 1, 2009.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study on investments in entities covered by subchapter III of chapter 21 of title 10, United States Code, as added by this title. The study shall examine investments in such entities by—

(A) foreign governments;

(B) entities controlled by or acting on behalf of a foreign government;

(C) persons of foreign countries; and

(D) hedge funds.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study conducted under paragraph (1). The information in the report shall be organized and set forth separately by defense sector within the defense industrial base.

Subtitle E—Other Matters

SEC. 841. CLARIFICATION OF STATUS OF GOVERNMENT RIGHTS IN THE DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, AND CRAFT, AND COMPONENTS THEREOF.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof

"Government rights in the design of a vessel, boat, or craft, or its components, including the hull, decks, and superstructure, shall be determined solely by operation of section 2320 of this title or by the instrument under which the design was developed for the Government.".

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

"7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof.".

SEC. 842. EXPANSION OF AUTHORITY TO RETAIN FEES FROM LICENSING OF INTELLECTUAL PROPERTY.

Section 2260 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "or the Secretary of Homeland Security" after "Secretary of Defense"; and

(2) in subsection (f)—

(A) by striking "(f) DEFINITIONS.—In this section, the" and inserting the following:

"(f) DEFINITIONS.—In this section:

"(1) The"; and

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

"(2) The term 'Secretary concerned' has the meaning provided in section 101(a)(9) of this title and also includes—

"(A) the Secretary of Defense, with respect to matters concerning the Defense Agencies and Department of Defense Field Activities; and

"(B) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.".

SEC. 843. TRANSFER OF SECTIONS OF TITLE 10 RELATING TO MILESTONE A AND MILESTONE B FOR CLARITY.

(a) REVERSAL OF ORDER OF SECTIONS.—Section 2366b of title 10, United States Code, is transferred so as to appear before section 2366a of such title.

(b) REDESIGNATION OF SECTIONS.—Section 2366b (relating to Milestone A) and section 2366a (relating to Milestone B) of such title, as so transferred, are redesignated as sections 2366a and 2366b, respectively.

(c) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code,

is amended by striking the items relating sections 2366a and 2366b and inserting the following new items:

"2366a. Major defense acquisition programs: certification required before Milestone A or Key Decision Point A approval.
"2366b. Major defense acquisition programs: certification required before Milestone B or Key Decision Point B approval.".

(d) CONFORMING AMENDMENTS.—

(1) SECTION 181 OF TITLE 10, UNITED STATES CODE.—Section 181(b)(4) of title 10, United States Code, is amended by striking "section 2366a(a)(4), section 2366b(b)," and inserting "section 2366a(b), section 2366b(a)(4),".

(2) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(A) in section 212(1) by striking "2366a" and inserting "2366b"; and

(B) in section 816—

(i) in subsection (a)(2) by striking "2366a" and inserting "2366b";

(ii) in subsection (a)(3) by striking "2366b of title 10, United States Code, as added by section 943 of this Act" and inserting "2366a of title 10, United States Code"; and

(iii) in subsection (c)(2) by striking "2366a" each place such term appears (including in the paragraph heading) and inserting "2366b".

(3) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended in section 812 (120 Stat. 2317), in each of subsections (c)(2)(A) and (d)(2), by striking "2366a" and inserting "2366b".

SEC. 844. EARNED VALUE MANAGEMENT STUDY AND REPORT.

(a) STUDY.—The Secretary of Defense shall conduct a study that—

(1) assesses weaknesses in earned value management implementation, including a review of the methodology, accuracy of data, training, and information technology systems used to develop earned value management data;

(2) audits the accuracy of the earned value management data provided by vendors to the Federal Government concerning acquisition categories I and II programs; and

(3) measures the success of utilizing earned value management to deliver program objectives.

(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 committees a report that—

(1) identifies recommendations for improving the implementation of earned value management, including alternatives; and

(2) contains the findings of the study conducted under subsection (a).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES.—The term "appropriate committees" means the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(2) EARNED VALUE MANAGEMENT.—The term "earned value management" has the meaning given that term in section 300 of part 7 of Office of Management and Budget Circular A–11.

SEC. 845. REPORT ON MARKET RESEARCH.

(a) REPORT REQUIRED.—Not later than October 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the market research conducted by

the Secretary in implementing section 2377 of title 10, United States Code.

(b) SAMPLE EXAMINED.—For purposes of the report, the Secretary shall examine a representative sample of contracts and task or delivery orders, each of which—

(1) is for an amount in excess of $5,000,000; and

(2) is for the acquisition of a mission critical or a complex military system in which computer software is a component or subcomponent.

(c) MATTERS COVERED.—The report shall contain the following:

(1) A statement of the total number of contracts and task or delivery orders awarded in fiscal year 2007 for a mission critical or complex military system in which software is a component or subcomponent.

(2) A statement of the number of contracts and task or delivery orders in the sample examined for purposes of the report (as described in subsection (b)), and a description of those contracts and orders.

(3) For the sampled contracts and orders, a description of how often market research was performed on the sampled contracts and orders.

(4) For the sampled contracts and orders, a description of whether a Government employee or a con-

tractor employee performed the market research and how the market research was performed.

(5) For the sampled contracts and orders, an identification of—

(A) instances when the market research identified software that was available as a commercial item and that could be used to meet the Government's requirements;

(B) instances when the software was modified or proposed to be modified to meet the Department's requirements; or

(C) instances when the Department's requirements were modified to meet the capability of the commercial item software.

(6) An identification of the training tools the Secretary of Defense has developed to assist contracting officials in performing market research.

(7) An identification of actions the Department of Defense intends to take to further implement section 2377 of title 10, United States Code, and section 826(b) of the National Defense Authorization Act for Fiscal year 2007 (Public Law 110–181; 10 U.S.C. 2377 note), including dissemination of best practices and corrective actions where necessary.

SEC. 846. SYSTEM DEVELOPMENT AND DEMONSTRATION BENCHMARK REPORT.

(a) SYSTEM DEVELOPMENT AND DEMONSTRATION BENCHMARK REPORT.—

(1) BENCHMARK REPORT REQUIRED.—The Secretary of a military department shall submit a system development and demonstration benchmark report as an annex to the baseline description required in section 2435 of title 10, United States Code, for each major defense acquisition program identified in subsection (b). Such a system development and demonstration benchmark report shall be based upon the most recent contractor proposal, the capabilities development document, and the systems requirements document approved prior to Milestone B approval and shall include the following information:

(A) The key performance parameters and technical requirements identified in the capabilities development document and systems requirements document.

(B) A detailed description of performance capabilities proposed by the contractor, matched to the capabilities and requirements in the capabilities development document and systems requirements document.

(C) A target cost for system development and demonstration, excluding incentive or award fees and including both government and non-government costs.

(D) A detailed outline of negotiated contract incentive or award fees.

(E) A detailed outline of contract ceiling price, target cost, target profit, and contract share line.

(F) A schedule of key events.

(G) An identification of critical technologies and associated technology readiness levels estimated for each upon both the initiation and the conclusion of system development and demonstration.

(H) Estimated percentage completion of detail design at each scheduled design readiness review and the scheduled Milestone C approval date.

(I) A discussion of development risk and concurrency within the program.

(J) Any other factors that the milestone decision authority considers relevant.

(2) TIMELINE FOR SUBMISSION OF BENCHMARK REPORT.—A system development and demonstration

benchmark report for a major defense acquisition program identified in subsection (b) shall be submitted to the congressional defense committees and prepared under this section—

(A) not later than 30 days after the date of the enactment of this Act, if the Department of Defense has entered into a contract for system development and demonstration for such a major defense acquisition program prior to the date of enactment of this Act; or

(B) in accordance with the requirements for the establishment of a baseline description required by section 2435 of title 10, United States Code, in any other case.

(3) ALTERATIONS.—No alterations or revisions may be made to a system development and demonstration benchmark report after the first such report is prepared in accordance with paragraph (2).

(b) MAJOR DEFENSE ACQUISITION PROGRAMS INCLUDED.—For the purposes of this section, the major defense acquisition programs to be included in the pilot program are the following:

(1) BAMS, broad area maritime surveillance unmanned aerial vehicle.

(2) CSAR–X, combat search and rescue helicopter.

(3) JLTV, joint light tactical vehicle.

(4) KC–45A, aerial refueling tanker.

(5) VH–71, presidential helicopter, increment II.

(6) Warrior-Alpha, unmanned aerial vehicle.

(c) SYSTEM DEVELOPMENT AND DEMONSTRATION CHANGES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish a Configuration Steering Board for each major defense acquisition program identified in subsection (b). The Board shall oversee any proposed alteration to the requirements or to the proposed technical configuration for such a major defense acquisition program during system development and demonstration. If such an alteration would increase the cost to the Government, extend the schedule by more than 30 days, or alter the proposed performance capabilities, as established in the system development and demonstration baseline required by subsection (a), the Configuration Steering Board shall not approve the alteration until—

(1) the chair of the Configuration Steering Board has submitted to the congressional defense committees a written description of the alteration and an explanation of the rationale for the alteration; and

(2) not less than 15 days have expired since the date of submission of such description and explanation to those committees.

(d) ADDITIONAL REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of a military department shall submit a semi-annual contract performance assessment report to the milestone decision authority and to the congressional defense committees on each major defense acquisition program identified in subsection (b). The report shall be in unclassified form, but may have a classified annex or an annex that is restricted to protect source selection, business-sensitive, or proprietary information.

(2) CONTENTS.—Each such report shall describe contract execution regarding contract cost performance, schedule performance, and incentive or award fee reviews and outlays, and an estimated cost at completion of the end item compared to the system development and demonstration benchmark report required in subsection (a)(1).

(3) FIRST REPORT.—The first such report shall be submitted not later than 180 days after—

(A) system design and development contract award; or

(B) after enactment of this Act in the case of a system design and development contract that was awarded before the date of the enactment of this Act.

(4) TERMINATION OF REPORTING REQUIREMENT.—The reporting requirement shall terminate upon a full rate production decision for each major defense acquisition program identified in subsection (b).

(e) PROHIBITION ON MILESTONE C APPROVAL.—(1) Except as provided in paragraph (2), the Milestone C approval shall not be granted if the milestone decision authority determines, on the basis of a report submitted pursuant to subsection (d), or has other reason to believe, that—

(A) the cost (including any increase for expected inflation or currency exchange rates) for system development and demonstration has increased by more than 25 percent over the system development and demonstration baseline established in (a)(1), or

(B) the schedule for key events is delayed by more than 15 percent of the total number of months between the award of the system development and demonstration contract and the scheduled Milestone C approval date, as provided in

the system development and demonstration baseline established in subsection (a)(1).

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the prohibition in paragraph (1) upon certification to the congressional defense committees, along with supporting rationale, that proceeding to low rate initial production is in the best interest of the Department of Defense.

(f) DEFINITIONS.—In this section:

(1) CONFIGURATION STEERING BOARD.—The term "Configuration Steering Board" means the committee described in the memorandum regarding Configuration Steering Boards from the Under Secretary of Defense for Acquisition, Technology, and Logistics dated July 30, 2007, for the secretaries of the military departments, Chairman of the Joint Chiefs of Staff, Under Secretaries of Defense, and Commander, U.S. Special Operations Command.

(2) MILESTONE B APPROVAL.—The term "Milestone B approval" has the meaning provided in section 2366(e)(7) of title 10, United States Code.

(3) MILESTONE C APPROVAL.—The term "Milestone C approval" has the meaning provided in section 2366(e)(8) of title 10, United States Code;

(4) MAJOR DEFENSE ACQUISITION PROGRAM.—The term "major defense acquisition program" has the meaning provided in section 2430 of title 10, United States Code.

SEC. 847. ADDITIONAL MATTERS REQUIRED TO BE REPORTED BY CONTRACTORS PERFORMING SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.

Section 862(a)(2)(D) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(1) by striking "or" at the end of clause (ii); and

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

"(iv) a weapon is discharged against personnel performing private security functions in an area of combat operations or personnel performing such functions believe a weapon was so discharged; or

"(v) active, non-lethal countermeasures (other than the discharge of a weapon) are employed by the personnel performing private security functions in an area of combat operations in response to a perceived immediate threat to such personnel;".

SEC. 848. REPORT RELATING TO MUNITIONS.

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report detailing how 60mm and 81mm munitions used by the Armed Forces are procured, including, where relevant, an explanation of the decision to procure such munitions from non-domestic sources and the justification for awarding contracts to non-domestic sources. The report shall also include a plan to develop a domestic producer as the source for 60mm and 81mm munitions used by the Armed Forces by 2012.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Revisions in functions and activities of special operations command.
Sec. 902. Requirement to designate officials for irregular warfare.
Sec. 903. Plan required for personnel management of special operations forces.
Sec. 904. Director of Operational Energy Plans and Programs.
Sec. 905. Corrosion control and prevention executives for the military departments.
Sec. 906. Alignment of Deputy Chief Management Officer responsibilities.
Sec. 907. Requirement for the Secretary of Defense to prepare a strategic plan to enhance the role of the National Guard and Reserves.
Sec. 908. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.
Sec. 909. Support to Committee review.

Subtitle B—Space Activities

Sec. 911. Extension of authority for pilot program for provision of space surveillance network services to non-United States Government entities.
Sec. 912. Investment and acquisition strategy for commercial satellite capabilities.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Chemical Demilitarization Citizens Advisory Commissions in Colorado and Kentucky.

Sec. 922. Prohibition on transport of hydrolysate at Pueblo Chemical Depot, Colorado.

Subtitle D—Intelligence-Related Matters

Sec. 931. Technical changes following the redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.
Sec. 932. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 933. Technical amendments relating to the Associate Director of the CIA for Military Affairs.

Subtitle E—Other Matters

Sec. 941. Department of Defense School of Nursing revisions.
Sec. 942. Amendments of authority for regional centers for security studies.
Sec. 943. Findings and Sense of Congress regarding the Western Hemisphere Institute for Security Cooperation.
Sec. 944. Restriction on obligation of funds for United States Southern Command development assistance activities.
Sec. 945. Authorization of non-conventional assisted recovery capabilities.
Sec. 946. Report on United States Northern Command development of interagency plans and command and control relationships.

Subtitle A—Department of Defense Management

SEC. 901. REVISIONS IN FUNCTIONS AND ACTIVITIES OF SPECIAL OPERATIONS COMMAND.

Subsection (j) of section 167 of title 10, United States Code, is amended to read as follows:

"(j) SPECIAL OPERATIONS ACTIVITIES.—For purposes of this section, special operations activities include each of the following insofar as it relates to special operations:

"(1) Unconventional warfare.

"(2) Irregular warfare.

"(3) Counterterrorism.

"(4) Counterinsurgency.

"(5) Counterproliferation of weapons of mass destruction.

"(6) Direct action.

"(7) Strategic reconnaissance.

"(8) Foreign internal defense.

"(9) Civil-military defense.

"(10) Psychological and information operations.

"(11) Humanitarian assistance.

"(12) Theater search and rescue.

"(13) Such other activities as may be specified by the President or the Secretary of Defense.".

SEC. 902. REQUIREMENT TO DESIGNATE OFFICIALS FOR IRREGULAR WARFARE.

The Secretary of Defense shall designate—

(1) a single executive agent for irregular warfare within the Department of Defense; and

(2) an Assistant Secretary of Defense to be responsible for overall management and coordination of irregular warfare.

SEC. 903. PLAN REQUIRED FOR PERSONNEL MANAGEMENT OF SPECIAL OPERATIONS FORCES.

(a) REQUIREMENT FOR PLAN.—Not later than 30 days after the date of the enactment of this Act, the commander of the special operations command shall submit to the con-

gressional defense committees a plan relating to personnel management of special operations forces.

(b) MATTERS COVERED.—The plan submitted under subsection (a) shall address the following:

(1) Coordination among the military departments in order to enhance the manpower management and improve overall readiness of special operations forces.

(2) Coordination by the commander of the special operations command with the Secretaries of the military departments in order to better execute his responsibility to maintain readiness of special operations forces, including in the areas of accessions, assignments, compensation, promotions, professional development, retention, sustainment, and training.

SEC. 904. DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS.

(a) ESTABLISHMENT OF POSITION; DUTIES.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139a the following new section:

"§ 139b. Director of Operational Energy Plans and Programs

"(a) APPOINTMENT.—There is a Director of Operational Energy Plans and Programs in the Department of Defense (in this section referred to as the 'Director'), ap-

pointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Director.

"(b) DUTIES.—The Director shall—

"(1) provide leadership and facilitate communication regarding, and conduct oversight to manage and be accountable for, operational energy plans and programs within the Department of Defense and the Army, Navy, Air Force, and Marine Corps;

"(2) establish the operational energy strategy;

"(3) coordinate and oversee planning and program activities of the Department of Defense and the Army, Navy, Air Force, and the Marine Corps related to—

"(A) implementation of the operational energy strategy;

"(B) the consideration of operational energy demands in defense planning, requirements, and acquisition processes; and

"(C) research and development investments related to operational energy demand and supply technologies; and

"(4) monitor and review all operational energy initiatives in the Department of Defense.

"(c) PRINCIPAL ADVISOR FOR OPERATIONAL ENERGY PLANS AND PROGRAMS.—(1) The Director is the principal adviser to the Secretary of Defense and the Deputy Secretary of Defense regarding operational energy plans and programs and the principal policy official within the senior management of the Department of Defense regarding operational energy plans and programs.

"(2) The Director may communicate views on matters related to operational energy plans and programs and the energy strategy required by subsection (d) directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

"(d) OPERATIONAL ENERGY STRATEGY.—(1) The Director shall be responsible for the establishment and maintenance of a department-wide transformational strategy for operational energy. The strategy shall establish near-term, mid-term, and long-term goals, performance metrics to measure progress in meeting the goals, and a plan for implementation of the strategy within the military departments, the Office of the Secretary of Defense, and Defense Agencies.

"(2) Not later than 90 days after the date on which the Director is first appointed, the Secretary of each of the military departments shall designate a senior official with-

in each armed force under the jurisdiction of the Secretary who will be responsible for operational energy plans and programs for that armed force. The officials shall be responsible for coordinating with the Director and implementing initiatives pursuant to the strategy with regard to that official's armed force.

"(3) By authority of the Secretary of Defense, the Director shall prescribe policies and procedures for the implementation of the strategy. The Director shall provide guidance to, and consult with, the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the officials designated under paragraph (2) with respect to specific operational energy plans and programs to be carried out pursuant to the strategy.

"(4) The initial strategy shall be submitted to the congressional defense committees not later than 180 days after the date on which the Director is first appointed. Subsequent updates to the strategy shall be submitted to the congressional defense committees as soon as practicable after the modifications to the strategy are made.

"(e) BUDGETARY AND FINANCIAL MATTERS.—(1) The Director shall review and make recommendations to the Secretary of Defense regarding all budgetary and financial matters relating to the operational energy strategy.

"(2) The Secretary of Defense shall require that the Secretary of each military department and the head of each Defense Agency with responsibility for executing activities associated with the strategy transmit their proposed budget for those activities for a fiscal year to the Director for review before submission of the proposed budget to the Under Secretary of Defense (Comptroller).

"(3) The Director shall review a proposed budget transmitted under paragraph (2) for a fiscal year and, not later than January 31 of the preceding fiscal year, shall submit to the Secretary of Defense a report containing the comments of the Director with respect to the proposed budget, together with the certification of the Director regarding whether the proposed budget is adequate for implementation of the strategy.

"(4) Not later than 10 days after the date on which the budget for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report on the proposed budgets for that fiscal year that the Director has not certified under paragraph (3). The report shall include the following:

"(A) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers ap-

propriate, to address the inadequacy of the proposed budgets.

"(B) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.

"(5) The report required by paragraph (4) shall also include a separate statement of estimated expenditures and requested appropriations for that fiscal year for the activities of the Director in carrying out the duties of the Director.

"(f) ACCESS TO INITIATIVE RESULTS AND RECORDS.—(1) The Secretary of a military department shall submit to the Director the results of all studies and initiatives conducted by the military department in connection with the operational energy strategy.

"(2) The Director shall have access to all records and data in the Department of Defense (including the records and data of each military department) necessary in order to permit the Director to carry out the duties of the Director.

"(g) STAFF.—The Director shall have a dedicated professional staff of military and civilian personnel in a number sufficient to enable the Director to carry out the duties and responsibilities of the Director.

"(h) DEFINITIONS.—In this section:

"(1) OPERATIONAL ENERGY.—The term 'operational energy' means the energy required for moving and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.

"(2) OPERATIONAL ENERGY STRATEGY.—The terms 'operational energy strategy' and 'strategy' mean the operational energy strategy developed under subsection (d).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 139a the following new item:

"139b. Director of Operational Energy Plans and Programs.".

SEC. 905. CORROSION CONTROL AND PREVENTION EXECUTIVES FOR THE MILITARY DEPARTMENTS.

(a) REQUIREMENT TO DESIGNATE CORROSION CONTROL AND PREVENTION EXECUTIVE.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of each military department with responsibility for acquisition, technology, and logistics shall designate an employee of the military department as the corrosion control and prevention executive. Such executive shall be the senior official in the department with responsibility for coordinating department-level corrosion control and prevention program activities (including budget program-

ming) with the military department and the Office of the Secretary of Defense, the program executive officers of the military departments, and relevant major subordinate commands of the military departments.

(b) DUTIES.—(1) The corrosion control and prevention executive of a military department shall ensure that corrosion control and prevention is maintained in the department's policy and guidance for management of each of the following:

(A) System acquisition and production, including design and maintenance.

(B) Research, development, test, and evaluation programs and activities.

(C) Equipment standardization programs, including international standardization agreements.

(D) Logistics research and development initiatives.

(E) Logistics support analysis as it relates to integrated logistic support in the materiel acquisition process.

(F) Military infrastructure design, construction, and maintenance.

(2) The corrosion control and prevention executive of a military department shall be responsible for identifying

the funding levels necessary to accomplish the items listed in subparagraphs (A) through (F) of paragraph (1).

(3) The corrosion control and prevention executive of a military department shall, in cooperation with the appropriate staff of the department, develop, support, and provide the rationale for resources—

(A) to initiate and sustain an effective corrosion control and prevention program in the department;

(B) to evaluate the program's effectiveness; and

(C) to ensure that corrosion control and prevention requirements for materiel are reflected in budgeting and policies of the department for the formulation, management, and evaluation of personnel and programs for the entire department, including its reserve components.

(4) The corrosion control and prevention executive of a military department shall be the principal point of contact of the department to the Director of Corrosion Policy and Oversight (as assigned under section 2228 of title 10, United States Code).

(5) The corrosion control and prevention executive of a military department shall submit an annual report to the Secretary of Defense containing recommendations pertaining to the corrosion control and prevention program of the military department, including corrosion-related fund-

ing levels to carry out all of the duties of the executive under this section.

SEC. 906. ALIGNMENT OF DEPUTY CHIEF MANAGEMENT OFFICER RESPONSIBILITIES.

Section 192(e) of title 10, United States Code, is amended to read as follows:

"(e) SPECIAL RULE FOR DEFENSE BUSINESS TRANSFORMATION AGENCY.—Notwithstanding the results of any periodic review under subsection (c) with regard to the Defense Business Transformation Agency, the Secretary of Defense shall designate that the Director of the Agency shall report directly to the Deputy Chief Management Officer of the Department of Defense.".

SEC. 907. REQUIREMENT FOR THE SECRETARY OF DEFENSE TO PREPARE A STRATEGIC PLAN TO ENHANCE THE ROLE OF THE NATIONAL GUARD AND RESERVES.

(a) PLAN.—Not later than April 1, 2009, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the Chief of the National Guard Bureau, shall prepare a plan for enhancing the roles of the National Guard and Reserve—

(1) when federalized in the case of the National Guard, or activated in the case of the Reserves, in

support of operations conducted under title 10, United States Code; and

(2) in support of operations conducted under title 32, United States Code, or in support of State missions.

(b) MATTERS TO BE ASSESSED.—In preparing the plan, the Secretary shall assess—

(1) the findings, conclusions, and recommendations of the Final Report to Congress and the Secretary of Defense of the Commission on the National Guard and Reserves, dated January 31, 2008, and titled "Transforming the National Guard and Reserves into a 21st-Century Operational Force"; and

(2) the provisions of H.R. 5603 of the 110th Congress, as introduced on March 13, 2008 (the National Guard Empowerment and State-National Defense Integration Act of 2008).

(c) REPORT.—Not later than April 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plan required under this section. The report shall include recommendations on—

(1) any changes to the current Department of Defense organization, structure, command relation-

ships, budget authority, procurement authority, and compensation and benefits;

(2) any legislation that the Secretary considers necessary; and

(3) any other matter the Secretary considers appropriate.

SEC. 908. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.—

(1) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy

are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF "MILITARY DEPARTMENT".—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

"(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.".

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: "The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.".

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking "There is a Secretary of the Navy" and inserting "There is a Secretary of the Navy and Marine Corps".

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

"CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS".

(B) The heading of chapter 507 of such title is amended to read as follows:

"CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS".

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking "Department of the Navy" and "Secretary of the Navy" each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting "Department of the Navy and Marine Corps" and "Secretary of the Navy and Marine Corps", respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking "Assistant Secretaries of the

Navy" and inserting "Assistant Secretaries of the Navy and Marine Corps".

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting "and Marine Corps" after "of the Navy", with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking "Department of the Navy" and "Secretary of the Navy" each place they appear and inserting "Department of the Navy and Marine Corps" and "Secretary of the Navy and Marine Corps", respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2)

shall be considered to be a reference to that officer as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 909. SUPPORT TO COMMITTEE REVIEW.

(a) FINDINGS.—Congress finds the following:

(1) In accordance with section 118 of title 10, United States Code, the Department of Defense conducts a Quadrennial Defense Review as a comprehensive examination of "the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years".

(2) In submitting reports on these reviews to the Committees on Armed Services of the Senate and the House of Representatives, the Secretary is mandated to include the threats to the assumed or defined national security interests of the United States, the threat-based scenarios developed to conduct the review, and other assumptions that impact the ability to

counter such threats, including force readiness, cooperation of allies, warning times, and levels of engagement in operations other than war and smaller-scale contingencies.

(3) There is no statutory requirement to assume certain funding levels available to the Department of Defense in the conduct of this review because Congress reserves its prerogative to provide the resources necessary to address threats to United States national security interests and uses this review as a data point in determining the proper level of those resources.

(4) The reports associated with the 1997, 2001, and 2006 reviews clearly demonstrated that the Secretary made certain assumptions about anticipated funding.

(5) As a result, the reported recommendations were unnecessarily constrained by those funding assumptions.

(6) As the Department of Defense is preparing to conduct another Quadrennial Defense Review with a report due to the Congress by 2010, the Committee on Armed Services of the House of Representatives should review in a bipartisan, thorough manner the military capabilities required to address challenges to United

States national security interests over the next 20 years.

(b) SUPPORT REQUIRED.—Within 15 days after receiving a request, the Secretary of Defense shall provide the Committee on Armed Services of the House of Representatives with any information or data requested by that Committee so that it can review in a comprehensive, threat-based, and bipartisan manner the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years, as well as preparing for the upcoming Quadrennial Roles and Missions Review and Quadrennial Defense Review.

Subtitle B—Space Activities

SEC. 911. EXTENSION OF AUTHORITY FOR PILOT PROGRAM FOR PROVISION OF SPACE SURVEILLANCE NETWORK SERVICES TO NON-UNITED STATES GOVERNMENT ENTITIES.

Section 2274(i) of title 10, United States Code, is amended by striking "September 30, 2009" and inserting "September 30, 2010".

SEC. 912. INVESTMENT AND ACQUISITION STRATEGY FOR COMMERCIAL SATELLITE CAPABILITIES.

(a) REQUIREMENT.—The Secretary of Defense shall conduct an assessment to determine a recommended investment and acquisition strategy for commercial satellite capabilities.

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

(1) Review of national and defense policy relevant to the requirements for, acquisition of, and use of commercial satellite capabilities, and the relationship with commercial satellite providers.

(2) Assessment of the manner in which commercial satellite capabilities are utilized by the Department of Defense and options for expanding such utilization or identifying new means to leverage commercial satellite capabilities, such as hosting payloads.

(3) Review of military requirements for satellite communications and remote sensing by quantity, quality, timeline, and any other metric considered appropriate.

(4) Description of current and planned commercial satellite capabilities and an assessment of their ability to meet the requirements identified in paragraph (3).

(5) Assessment of the ability of commercial satellite capabilities to meet other military requirements not identified in paragraph (3).

(6) Description of the utilization of and resources allocated to commercial satellite communications and remote sensing in the past (past five years), present (current date through Future Years Defense Plan (FYDP)), and future (beyond the FYDP) to meet the requirements identified in paragraph (3).

(7) Assessment of purchasing patterns that may lead to recommendations in which the Department may consolidate requirements, centralize operations, aggregate purchases, or leverage purchasing power (including the use of multiyear contracting).

(8) Assessment of various models for acquiring commercial satellite capabilities, including funding, management, and operations models.

(c) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the assessment required under subsection (a) and provide recommendations, to include—

(A) the recommended investment and acquisition strategy or strategies of the Department for commercial satellite capabilities;

(B) how the investment and acquisition strategy or strategies should be addressed in fiscal years after fiscal year 2009; and

(C) a proposal for such legislative action as the Secretary considers necessary to acquire appropriate types and amounts of commercial satellite capabilities.

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

(d) DEFINITIONS.—In this section:

(1) The term "commercial satellite capabilities" means the system, capability, or service provided by a commercial satellite provider.

(2) The term "commercial satellite provider" refers to privately owned and operated space systems, their technology, components, products, data, services, and related information, as well as foreign systems whose products and services are sold commercially.

Subtitle C—Chemical Demilitarization Program

SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS IN COLORADO AND KENTUCKY.

Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended by adding at the end the following:

"(i) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS.—Notwithstanding subsections (b), (f), and (g), and consistent with section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note) and section 8122 of the Department of Defense Appropriations Act, 2003 (50 U.S.C. 1521 note), responsibilities for the Chemical Demilitarization Citizens Advisory Commissions in Colorado and Kentucky shall be transferred from the Secretary of the Army to the Program Manager for Assembled Chemical Weapons Alternatives. The Program Manager for Assembled Chemical Weapons Alternatives shall ensure the ability to receive citizen and State concerns regarding the ongoing chemical destruction program in these States. A representative from the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall meet with these commis-

sions not less often than twice a year. Funds appropriated for the Assembled Chemical Weapons Alternatives Program shall be used for travel and associated travel costs for these Citizens Advisory Commissioners, when such travel is conducted at the invitation of the Department of Defense Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs.''.

SEC. 922. PROHIBITION ON TRANSPORT OF HYDROLYSATE AT PUEBLO CHEMICAL DEPOT, COLORADO.

(a) PROHIBITION.—During fiscal year 2009, the Secretary of Defense may not transport hydrolysate from the Pueblo Chemical Depot, Colorado, to an off-site location for treatment, storage, or disposal.

(b) SAVINGS CLAUSE.—Nothing in this section limits or otherwise affects section 8119 of the Department of Defense Appropriations Act, 2008 (Public Law 110–116; 50 U.S.C. 1521 note).

(c) REPORT.—Not later than February 15, 2009, the Secretary shall submit to the congressional defense committees a report on hydrolysate stockpiled at the Pueblo Chemical Depot, Colorado. The report shall include a comprehensive cost-benefit analysis between on-site and off-site methods for disposing of such hydrolysate.

Subtitle D—Intelligence-Related Matters

SEC. 931. TECHNICAL CHANGES FOLLOWING THE REDESIGNATION OF NATIONAL IMAGERY AND MAPPING AGENCY AS NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TECHNICAL CHANGES TO UNITED STATES CODE.—

(1) TITLE 5.—Title 5, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency".

(2) TITLE 44.—Title 44, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency".

(b) TECHNICAL CHANGES TO OTHER ACTS.—

(1) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (Public Law 95–521; 5 U.S.C. App. 4) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(2) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) is amended—

(A) in subsection (a)(1)(A), by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency"; and

(B) in subsection (g)(1), by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(3) EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(4) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1993.—Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (Public Law 102–392; 44 U.S.C. 501 note), is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(5) HOMELAND SECURITY ACT OF 2002.—Section 201(e)(2) of the Homeland Security Act of 2002 (6

U.S.C. 121(e)(2)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

SEC. 932. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of National Intelligence" in the following:

(1) Section 193(d)(2).

(2) Section 193(e).

(3) Section 201(a).

(4) Section 201(b)(1).

(5) Section 201(c)(1).

(6) Section 425(a).

(7) Section 431(b)(1).

(8) Section 441(c).

(9) Section 441(d).

(10) Section 443(d).

(11) Section 2273(b)(1).

(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" each place it appears and inserting "DIRECTOR OF NATIONAL INTELLIGENCE" in the following:

(1) Section 441(c).

(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of the Central Intelligence Agency".

SEC. 933. TECHNICAL AMENDMENTS RELATING TO THE ASSOCIATE DIRECTOR OF THE CIA FOR MILITARY AFFAIRS.

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking "MILITARY SUPPORT" and inserting "MILITARY AFFAIRS"; and

(2) by striking "Military Support" and inserting "Military Affairs".

Subtitle E—Other Matters

SEC. 941. DEPARTMENT OF DEFENSE SCHOOL OF NURSING REVISIONS.

(a) SCHOOL OF NURSING.—The text of section 2117 of title 10, United States Code, is amended to read as follows:

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the University a School of Nursing, not later than July 1, 2010. It shall be so organized as to graduate not less than 25 students with a bachelor of science in nursing in the first class not later than June 30, 2012, not less than 50 in the second class, and not less than 100 annually thereafter.

"(b) MINIMUM REQUIREMENT.—The School of Nursing shall include, at a minimum, a program that awards a bachelor of science in nursing.

"(c) PHASED DEVELOPMENT.—The development of the School of Nursing may be by such phases as the Secretary may prescribe, subject to the requirements of subsection (a).".

(b) RETIRED NURSE CORPS OFFICER DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary of Defense may conduct a demonstration project to encourage retired military nurses to serve as faculty at civilian nursing schools.

(2) ELIGIBILITY REQUIREMENTS.—

(A) INDIVIDUAL.—An individual is eligible to participate in the demonstration project if the individual—

(i) is a retired nurse corps officer of one of the Armed Forces;

(ii) has had at least 26 years of active Federal commissioned service before retiring; and

(iii) possesses a doctoral or master degree in nursing that qualifies the officer to become a full faculty member of an accredited school of nursing.

(B) INSTITUTION.—An accredited school of nursing is eligible to participate in the demonstration project if the school or its parent institution of higher education—

(i) is a school of nursing that is accredited to award, at a minimum, a bachelor of science in nursing and provides educational programs leading to such degree;

(ii) has a resident Reserve Officer Training Corps unit at the institution of higher education that fulfils the requirements of sections 2101 and 2102 of title 10, United States Code;

(iii) does not prevent ROTC access or military recruiting on campus, as defined

in section 983 of title 10, United States Code;

(iv) provides any retired nurse corps officer participating in the demonstration project a salary and other compensation at the level to which other similarly situated faculty members of the accredited school of nursing are entitled, as determined by the Secretary of Defense; and

(v) agrees to comply with paragraph (4).

(3) COMPENSATION.—

(A) The Secretary of Defense may authorize a Secretary of a military department to authorize qualified institutions of higher education to employ as faculty those eligible individuals (as described in paragraph (2)) who are receiving retired pay, whose qualifications are approved by the Secretary and the institution of higher education concerned, and who request such employment, subject to the following:

(i) A retired nurse corps officer so employed is entitled to receive the officer's retired pay without reduction by reason of any additional amount paid to the officer

by the institution of higher education concerned. In the case of payment of any such additional amount by the institution of higher education concerned, the Secretary of the military department concerned may pay to that institution the amount equal to one-half the amount paid to the retired officer by the institution for any period, up to a maximum of one-half of the difference between the officer's retired pay for that period and the active duty pay and allowances that the officer would have received for that period if on active duty. Payments by the Secretary concerned under this paragraph shall be made from funds specifically appropriated for that purpose.

(ii) Notwithstanding any other provision of law contained in title 10, title 32, or title 37, United States Code, such a retired nurse corps officer is not, while so employed, considered to be on active duty or inactive duty training for any purpose.

(4) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—For purposes of the eligibility of an insti-

tution under paragraph (2)(B)(v), the following requirements apply:

(A) Each accredited school of nursing at which a retired nurse corps officer serves on the faculty under this subsection shall provide full academic scholarships to individuals undertaking an educational program at such school leading to a bachelor of science in nursing degree who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of one of the Armed Forces.

(B) The total number of scholarships provided by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be such number as the Secretary of Defense shall specify for purposes of this subsection.

(C) Each accredited school of nursing shall pay to the Department of Defense an amount equal to the value of the scholarship for every nurse officer candidate who fails to be accessed as a nurse corps officer into one of the Armed Forces within one year of receiving a bachelor of science degree in nursing from that school.

(D) The Secretary concerned is authorized to discontinue the demonstration project authorized in this subsection at any institution of higher education that fails to fulfill the requirements of subparagraph (C).

(5) REPORT.—

(A) Not later than 24 months after the commencement of any demonstration project under this subsection, the Secretary of Defense shall submit to the congressional defense committees a report on the demonstration project. The report shall include a description of the project and a description of plans for the continuation of the project, if any.

(B) ELEMENTS.—The report shall also include, at a minimum, the following:

(i) The current number of retired nurse corps officers who have at least 26 years of active Federal commissioned service who would be eligible to participate in the program.

(ii) The number of retired nurse corps officers participating in the demonstration project.

(iii) The number of accredited schools of nursing participating in the demonstration project.

(iv) The number of nurse officer candidates who have accessed into the military as commissioned nurse corps officers.

(v) The number of scholarships awarded to nurse officer candidates.

(vi) The number of nurse officer candidates who have failed to access into the military, if any.

(vii) The amount paid to the Department of Defense in the event any nurse officer candidates awarded scholarships by the accredited school of nursing fail to access into the military as commissioned nurse corps officers.

(viii) The funds expended in the operation of the demonstration project.

(ix) The recommendation of the Secretary of Defense as to whether the demonstration project should be extended.

(6) SUNSET.—The authority in this subsection shall expire on June 30, 2014.

(7) DEFINITIONS.—In this subsection, the terms "school of nursing" and "accredited" have the meeting given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

SEC. 942. AMENDMENTS OF AUTHORITY FOR REGIONAL CENTERS FOR SECURITY STUDIES.

(a) IN GENERAL.—Section 184(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) Funds available to the Department of Defense for a Regional Center for any fiscal year (beginning with funds available for fiscal year 2009), including funds available under paragraphs (4) and (5), are available for use for programs that begin in such fiscal year but end in the next fiscal year.".

(b) ESTABLISHMENT OF A PILOT PROGRAM FOR NONGOVERNMENTAL PERSONNEL.—

(1) IN GENERAL.—In fiscal years 2009 and 2010, the Secretary of Defense, with the concurrence of the Secretary of State, may waive reimbursement of the costs of activities of the Regional Centers for nongovernmental and international organization personnel who participate in activities that enhance cooperation of nongovernmental organizations and international organizations with Armed Forces of the

United States, if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States. Costs for which reimbursement is waived pursuant to this subsection shall not exceed $1,000,000 in each of fiscal years 2009 and 2010 and shall be paid from appropriations available to the Regional Centers in each of those fiscal years.

(2) REPORT REQUIRED.—.For each of fiscal years 2009 and 2010, the Secretary of Defense shall include in the annual report required under section 184(h) of title 10, United States Code, a description of the extent of nongovernmental and international organization participation in the programs of each regional center, including the costs incurred by the United States for the participation of each organization.

SEC. 943. FINDINGS AND SENSE OF CONGRESS REGARDING THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The mission of the Western Hemisphere Institute for Security Cooperation (hereafter in this section referred to as "WHINSEC") is to provide professional education and training to military personnel,

law enforcement officials, and civilian personnel in support of the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations, and promoting democratic values, respect for human rights, and knowledge and understanding of United States customs and traditions.

(2) WHINSEC supports the Security Cooperation Guidance of the Secretary of Defense by addressing the education and training needs of the United States Southern Command and United States Northern Command.

(3) In enacting legislation establishing WHINSEC, Congress specified that the curriculum of WHINSEC may include leadership development, counterdrug operations, peacekeeping, resource management, and disaster relief planning. Congress also mandated a minimum of eight hours of instruction on human rights, due process, the rule of law, the role of the Armed Forces in a democratic society, and civilian control of the military. WHINSEC averages twelve hours of such instruction per course.

(4) On March 21, 2007, Admiral Stavridis, Commander of United States Southern Command,

stated before the House Armed Services Committee that WHINSEC "is the military's crown jewel for human rights training.".

(5) WHINSEC does not select students for participation. A partner nation nominates students to attend WHINSEC, and in accordance with the law of the United States and the policies of the Departments of Defense and State, the United States Embassy in such partner nation screens and conducts background checks on such nominees. The vetting process of WHINSEC nominees includes a background check by United States embassies in partner nations, as well as checks by the Bureau of Western Hemisphere Affairs and the Bureau of Democracy, Human Rights, and Labor. Further, the Abuse Case Evaluation System of the Department of State, a central database that aggregates human rights abuse data into a single, searchable location, is used as a resource for checking abuse allegations when conducting vetting requests.

(6) WHINSEC operates in accordance with the "Leahy Law," which was first enacted in 1997 and has since expanded to prohibit United States military assistance to foreign military units that violate human rights including security assistance programs

funded through foreign operations appropriations Acts and training programs made available pursuant to Department of Defense appropriations Acts.

(7) Independent review, observation, and recommendation regarding operations of WHINSEC is provided by a Board of Visitors which is chaired by Bishop Robert Morlino of Wisconsin and includes four Members of Congress, two from each political party.

(8) WHINSEC is open to visitors at any time. Anyone can visit, sit in classes, talk with students and faculty, and review instructional materials.

(9) On May 7, 2008, the Department of Defense provided Congress requested information regarding the students, instructors, and courses at WHINSEC.

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

(1) WHINSEC is one of the most effective mechanisms that the United States has to build relationships with future leaders throughout the Western Hemisphere, influence the human rights records and democracy trajectory of countries in the Western Hemisphere, and mitigate the growing influence of non-hemispheric powers;

(2) WHINSEC is succeeding in meeting its stated mission of providing professional education and training to eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere that support the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations and promoting democratic values and respect for human rights; and

(3) WHINSEC is an invaluable education and training facility which the Department of Defense should continue to utilize in order to help foster a spirit of partnership that will ensure security and enhance stability and interoperability among the United States military and the militaries of participating nations.

SEC. 944. RESTRICTION ON OBLIGATION OF FUNDS FOR UNITED STATES SOUTHERN COMMAND DEVELOPMENT ASSISTANCE ACTIVITIES.

(a) REPORT AND CERTIFICATION REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the development assistance activities carried out by the United States

Southern Command during fiscal year 2008 and planned for fiscal year 2009 and containing a certification by the Secretary that such development assistance activities—

(1) will not adversely diminish the ability of the United States Southern Command or its components to carry out its combat or military missions;

(2) do not divert resources from funded or unfunded requirements of the United States Southern Command in connection with the role of the Department of Defense under section 124 of title 10, United States Code, as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States;

(3) are not unnecessarily duplicative of activities already conducted or planned to be conducted by any other Federal department or agency during fiscal year 2009; and

(4) are designed, planned, and conducted to complement joint training and exercises, host-country capacity building, or similar activities directly connected to the responsibilities of the United States Southern Command.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING CERTIFICATION.—Of the amounts appropriated pursuant

to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for operation and maintenance for the United States Southern Command, not more than 90 percent may be obligated or expended until 30 days after the certification required by subsection (a) is received by the congressional defense committees.

(c) DEVELOPMENT ASSISTANCE ACTIVITIES DEFINED.—In this section, the term "development assistance activities" means assistance activities carried out by the United States Southern Command that are comparable to the assistance activities carried out by the United States under—

(1) chapters 1, 10, 11, and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151, 2293, 2295, and 2296 et seq.); and

(2) any other provision of law for purposes comparable to the purposes for which assistance activities are carried out under the provisions of law referred to in paragraph (1).

SEC. 945. AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.—Upon a determination by a combatant commander that an action is necessary in connection with a non-conventional assisted recovery effort, an amount not to

exceed $20,000,000 of the funds appropriated pursuant to an authorization of appropriations or otherwise made available for "Operation and Maintenance, Navy" may be used to establish, develop, and maintain non-conventional assisted recovery capabilities.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a). The Secretary shall notify the congressional defense committees of those procedures before any exercise of that authority.

(c) AUTHORIZED ACTIVITIES.—Non-conventional assisted recovery capabilities authorized under subsection (a) may, in limited and special circumstances, include the provision of support to foreign forces, irregular forces, groups, or individuals in order to facilitate the recovery of Department of Defense or Coast Guard military or civilian personnel, or other individuals who, while conducting activities in support of United States military operations, become separated or isolated and cannot rejoin their units without the assistance authorized in subsection (a). Such support may include the provision of limited amounts of equipment, supplies, training, transportation, or other logistical support or funding.

(d) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is

in effect, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under that subsection during that fiscal year.

(e) LIMITATION ON INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(f) LIMITATION ON FOREIGN ASSISTANCE ACTIVITIES.—This section does not constitute authority—

(1) to build the capacity of foreign military forces or provide security and stabilization assistance, as described in sections 1206 and 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456 and 3458), respectively; and

(2) to provide assistance that is otherwise prohibited by any other provision in law, including any provision of law relating to the control of exports of defense articles or defense services.

(g) PERIOD OF AUTHORITY.—The authority under this section is in effect during each of the fiscal years 2009 through 2012.

SEC. 946. REPORT ON UNITED STATES NORTHERN COMMAND DEVELOPMENT OF INTERAGENCY PLANS AND COMMAND AND CONTROL RELATIONSHIPS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Homeland Security and the heads of other appropriate Federal agencies, shall submit a report to Congress describing the progress made to address certain deficiencies in the United States Northern Command identified in the Comptroller General report 08–251/252. To prepare the report, the Secretary of Defense shall direct the United States Northern Command to perform the following:

(1) Provide a compendium of all roles, mission requirements and resources from all 50 States. Each role and mission in the docket will be accompanied by a brief explanation of the requirement and proof of endorsement by the respective State Adjutant Generals and the Department of Homeland Security.

(2) Synchronize and continually update its unit requirements with the deployment schedules of the units it depends on. The commander of the United States Northern Command shall develop plans for primary and secondary units to cover the roles and missions coordinated in paragraph (1).

(3) Coordinate with all source units and other commands. The report shall include copies of all these unit and command mission statements.

(4) Coordinate with its interagency partners to form charters that govern the agreements among them, including qualifications for personnel with liaison functions between interagency partners.

(b) IMPROVED COORDINATION.—The commander of the United States Northern Command shall coordinate with its Federal interagency partners to ascertain requirements for plans, training, equipment, and resources in support of—

(1) homeland defense;

(2) domestic emergency response; and

(3) military support to civil authorities.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Requirement for separate display of budget for Afghanistan.
Sec. 1003. Requirement for separate display of budget for Iraq.
Sec. 1004. One-time shift of military retirement payments.

Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Conveyance, Navy drydock, Aransas Pass, Texas.
Sec. 1012. Report on repair of naval vessel in foreign shipyards.
Sec. 1013. Policy relating to major combatant vessels of the strike forces of the United States Navy.
Sec. 1014. National Defense Sealift Fund amendments.
Sec. 1015. Report on contributions to the domestic supply of steel and other metals from scrapping of certain vessels.

Subtitle C—Counter-Drug Activities

Sec. 1021. Continuation of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
Sec. 1022. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.

Sec. 1023. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia and continuation of numerical limitation on assignment of United States personnel.
Sec. 1024. Expansion and extension of authority to provide additional support for counter-drug activities of certain foreign governments.
Sec. 1025. Comprehensive Department of Defense strategy for counter-narcotics efforts for West Africa and the Maghreb.
Sec. 1026. Comprehensive Department of Defense strategy for counter-narcotics efforts in South and Central Asian regions.

Subtitle D—Boards and Commissions

Sec. 1031. Strategic Communication Management Board.
Sec. 1032. Extension of certain dates for Congressional Commission on the Strategic Posture of the United States.
Sec. 1033. Extension of Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack.

Subtitle E—Studies and Reports

Sec. 1041. Report on corrosion control and prevention.
Sec. 1042. Study on using Modular Airborne Fire Fighting Systems (MAFFS) in a Federal response to wildfires.
Sec. 1043. Study on rotorcraft survivability.
Sec. 1044. Studies to analyze alternative models for acquisition and funding of inter-connected cyberspace systems.
Sec. 1045. Report on nonstrategic nuclear weapons.
Sec. 1046. Study on national defense implications of section 1083.
Sec. 1047. Report on methods Department of Defense utilizes to ensure compliance with Guam tax and licensing laws.

Subtitle F—Congressional Recognitions

Sec. 1051. Sense of Congress honoring the Honorable Duncan Hunter.
Sec. 1052. Sense of Congress in honor of the Honorable Jim Saxton, a Member of the House of Representatives.
Sec. 1053. Sense of Congress honoring the Honorable Terry Everett.
Sec. 1054. Sense of Congress honoring the Honorable Jo Ann Davis.

Subtitle G—Other Matters

Sec. 1061. Amendment to annual submission of information regarding information technology capital assets.
Sec. 1062. Restriction on Department of Defense relocation of missions or functions from Cheyenne Mountain Air Force Station.
Sec. 1063. Technical and clerical amendments.
Sec. 1064. Submission to Congress of revision to regulation on enemy prisoners of war, retained personnel, civilian internees, and other detainees.
Sec. 1065. Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense.
Sec. 1066. State Defense Force Improvement.
Sec. 1067. Barnegat Inlet to Little Egg Inlet, New Jersey.
Sec. 1068. Sense of Congress regarding the roles and missions of the Department of Defense and other national security institutions.
Sec. 1069. Sense of Congress relating to 2008 supplemental appropriations.
Sec. 1070. Sense of Congress regarding defense requirements of the United States.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2009 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 $_____.

(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. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR AFGHANISTAN.

For any annual or supplemental budget request submission for the Department of Defense, beginning with fiscal year 2010, the Secretary of Defense shall set forth separately any funding requested for any United States operations or other activities concerning Afghanistan. The submission shall clearly display the amounts requested for such operations or activities at the appropriation account level and at the program, project, or activity level. The submission by the Secretary shall also include a separate detailed

description of the assumptions underlying the funding request.

SEC. 1003. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR IRAQ.

For any annual or supplemental budget request submission for the Department of Defense, beginning with fiscal year 2010, the Secretary of Defense shall set forth separately any funding requested for any United States operations or other activities concerning Iraq. The submission shall clearly display the amounts requested for such operations or activities at the appropriation account level and at the program, project, or activity level. The submission by the Secretary shall also include a separate detailed description of the assumptions underlying the funding request.

SEC. 1004. ONE-TIME SHIFT OF MILITARY RETIREMENT PAYMENTS.

(a) REDUCTION OF PAYMENTS.—Notwithstanding any other provision of law, any amounts that would otherwise be payable from the fund to individuals for the month of August 2013 (with disbursements scheduled for September 2013) shall be reduced by 1 percent.

(b) REVERSION.—Beginning on September 1, 2013 (with disbursements beginning in October 2013), amounts payable to individuals from the fund shall revert back to

amounts as specified in law as if the reduction in subsection (a) did not take place.

(c) REFUND.—Any individual who has a payment reduced under subsection (a) shall receive a one-time payment, from the fund, in an amount equal to the amount of such reduction. This one-time payment shall be included with disbursements from the fund scheduled for October 2013.

(d) FUND.—In this section, the term "fund" refers to the Department of Defense Military Retirement Fund established by section 1461 of title 10, United States Code.

(e) TRANSFER.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $40,000,000 from the unobligated balances of the National Defense Stockpile Transaction Fund to the Miscellaneous Receipts Fund of the United States Treasury to offset estimated costs arising from section 702 and the amendments made by such section.

Subtitle B—Policy Relating to Vessels and Shipyards

SEC. 1011. CONVEYANCE, NAVY DRYDOCK, ARANSAS PASS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to convey the floating drydock AFDL–23, located in Aransas Pass, Texas, to Gulf Copper Ship

Repair, that company being the current lessee of the drydock.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Gulf Copper Ship Repair, at Aransas Pass, Texas, until at least September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall provide compensation to the United States the value of which, as determined by the Secretary, is equal to the fair market value of the drydock, as determined by the Secretary. The Secretary shall take into account amounts paid by, or due and owing from, the lessee.

(d) TRANSFER AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1012. REPORT ON REPAIR OF NAVAL VESSEL IN FOREIGN SHIPYARDS.

Section 7310 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) REPORT.—The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report any time it is determined that a naval vessel (or any other vessel under the jurisdiction of the Secretary) is to undergo work for the repair of the vessel in a shipyard outside the United States or Guam. The report shall be submitted at least 30 days before the repair work begins and shall contain the following:

"(1) The justification under law for the repair in a foreign shipyard.

"(2) The vessel to be repaired.

"(3) The shipyard where the repair work will be carried out.

"(4) The cost of the repair.

"(5) The schedule for repair.

"(6) The homeport or location of the vessel prior to its voyage for repair.".

SEC. 1013. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

Section 1012(c)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended by adding at the end the following:

"(D) Amphibious assault ships, including dock landing ships (LSD), amphibious transport–dock ships (LPD), helicopter assault ships (LHA/LHD), and amphibious command ships (LCC), if such vessels exceed 15,000 dead weight ton light ship displacement.".

SEC. 1014. NATIONAL DEFENSE SEALIFT FUND AMENDMENTS.

Section 2218 of title 10, United States Code, is amended—

(1) by striking subsection (j) and redesignating subsections (k) and (l) as subsections (j) and (k), respectively; and

(2) in paragraph (2) of subsection (k) (as so redesignated), by striking subparagraphs (B) thru (I) and inserting the following new subparagraph (B):

"(B) Any other auxiliary vessel that was procured or chartered with specific authorization in law for the vessel, or class of vessels, to be funded in the National Defense Sealift Fund.".

SEC. 1015. REPORT ON CONTRIBUTIONS TO THE DOMESTIC SUPPLY OF STEEL AND OTHER METALS FROM SCRAPPING OF CERTAIN VESSELS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report containing—

(1) the estimated contribution to the domestic market for steel and other metals from the scrapping of each vessel over 50,000 tons displacement stricken from the Naval Vessel Register but not yet disposed of by the Navy; and

(2) a plan for the sale and disposal of such vessels.

Subtitle C—Counter-Drug Activities

SEC. 1021. CONTINUATION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE 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 1024 of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2383), is further amended by striking "and February 15, 2008" and inserting "February 15, 2008, and February 15, 2009".

SEC. 1022. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), is amended by striking "2008" and inserting "2009".

SEC. 1023. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA AND CONTINUATION OF NUMERICAL LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended—

(1) in subsection (a), by striking "2008" and inserting "2009"; and

(2) in subsection (c), by striking "2008" and inserting "2009".

SEC. 1024. EXPANSION AND EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) EXTENSION OF AUTHORITY.—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136, 117 Stat. 1593), section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2137), and section 1022 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), is further amended by striking "2008" and inserting "2009".

(b) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

"(19) The Government of Guinea–Bissau.

"(20) The Government of Senegal.

"(21) The Government of Ghana.".

(c) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended—

(1) by striking "or" after "2006,"; and

(2) by striking the period at the end and inserting ", or $65,000,000 during fiscal year 2009.".

(d) CONDITION ON PROVISION OF SUPPORT.—Subsection (f) of such section is amended—

(1) in paragraph (2), by inserting after "In the case of" the following: "funds appropriated for fiscal year 2009 to carry out this section and"; and

(2) in paragraph (4)(B), by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(e) COUNTER-DRUG PLAN.—Subsection (h) of such section is amended—

(1) in the matter preceding paragraph (1), by striking "fiscal year 2004" and inserting "fiscal year 2009"; and

(2) in subparagraph (7), by striking "For the first fiscal year" and inserting "For fiscal year 2009, and thereafter, for the first fiscal year".

SEC. 1025. COMPREHENSIVE DEPARTMENT OF DEFENSE STRATEGY FOR COUNTER-NARCOTICS EFFORTS FOR WEST AFRICA AND THE MAGHREB.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy of the Department of the Defense with regard to counter-narcotics efforts in Africa, with an emphasis on West Africa and the

Maghreb. The Secretary of Defense shall prepare the strategy in consultation with the Secretary of State.

(b) MATTERS TO BE INCLUDED.—The comprehensive strategy shall consist of a general overview and a separate detailed section for each of the following:

(1) The roles and missions of the Department of Defense in support of the overall United States counter-narcotics policy for Africa.

(2) The priorities for the Department of Defense to meet programmatic objectives one-year, three-years, and five-years after the end of fiscal year 2009, including a description of the expected allocation of resources of the Department of Defense to accomplish these priorities.

(3) The efforts to coordinate the counter-narcotics activities of the Department of Defense with the counter-narcotics activities of the governments eligible to receive support under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881) and the counter-narcotics activities in Africa of European countries and other international and regional partners.

(c) PLANS.—The comprehensive strategy shall also include the following plans:

(1) A detailed and comprehensive plan to utilize the capabilities and assets of Joint Inter-Agency Task Force-South of the United States Southern Command for the counter-narcotics efforts and activities of the United States Africa Command on a temporary basis until the United States Africa Command develops its own commensurate capabilities and assets, including in the plan a description of what measures will be taken to effectuate the transition of the missions, which are accomplished using such capabilities and assets, from Joint Inter-Agency Task Force-South to United States Africa Command.

(2) A detailed and comprehensive plan to enhance cooperation with certain African countries, which are often geographically contiguous to other African countries that have a significant narcotics-trafficking challenges, to increase the effectiveness of the counter-narcotics activities of the Department of Defense and its international and regional partners.

SEC. 1026. COMPREHENSIVE DEPARTMENT OF DEFENSE STRATEGY FOR COUNTER-NARCOTICS EFFORTS IN SOUTH AND CENTRAL ASIAN REGIONS.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congres-

sional defense committees a comprehensive strategy of the Department of the Defense with regard to counter-narcotics efforts in the South and Central Asian regions, including the countries of Afghanistan, Turkmenistan, Tajikistan, Kyrgyzstan, Kazakhstan, Pakistan, and India, as well as the countries of Armenia, Azerbaijan, and China.

(b) MATTERS TO BE INCLUDED.—The comprehensive strategy shall consist of a general overview and a separate detailed section for each of the following:

(1) The roles and missions of the Department of Defense in support of the overall United States counter-narcotics policy for countries of the South and Central Asian regions and the other countries specified in subsection (a).

(2) The priorities for the Department of Defense to meet programmatic objectives for fiscal year 2010, including a description of the expected allocation of resources of the Department of Defense to accomplish these priorities.

(3) The ongoing and planned counter-narcotics activities funded by the Department of Defense for such regions and countries, including a description of the accompanying allocation of resources of the Department of Defense to carry out these activities.

(4) The efforts to coordinate the counter-narcotics activities of the Department of Defense with the counter-narcotics activities of such regions and countries and the counter-narcotics activities of other international partners in such regions and countries.

(5) The specific metrics used by the Department of Defense to evaluate progress of activities to reduce the production and trafficking of illicit narcotics in such regions and countries.

Subtitle D—Boards and Commissions

SEC. 1031. STRATEGIC COMMUNICATION MANAGEMENT BOARD.

(a) IN GENERAL.—The Secretary of Defense shall establish a Strategic Communication Management Board (in this section referred to as the "Board") to provide advice to the Secretary on strategic direction and to help establish priorities for strategic communication activities.

(b) COMPOSITION.—

(1) IN GENERAL.—The Board shall be composed of members selected in accordance with this subsection.

(2) MEMBERS.—The Secretary of Defense shall appoint members within 30 days after the date of the enactment of this Act, selected from among organiza-

tions within the Department of Defense responsible for strategic communication, public diplomacy, and public affairs, including the following:

(A) Civil affairs, strategic communication, or public affairs offices of the military departments.

(B) The Joint Staff.

(C) The combatant commands.

(D) The Office of the Secretary of Defense.

(3) ADVISORY MEMBERS.—The Board shall appoint advisory members of the Board after the members have been selected under paragraph (2), upon petition from entities seeking advisory membership. Advisory members shall be selected from the broader interagency community, and may include representatives from the following;

(A) The Department of State.

(B) The Department of Justice.

(C) The Department of Commerce.

(D) The United States Agency for International Development.

(E) The Office of the Director of National Intelligence.

(F) The National Security Council.

(G) The Broadcasting Board of Governors.

(4) LEADERSHIP.—The Under Secretary of Defense for Policy (or his designee) shall chair the Board.

(c) DUTIES.—The duties of the Board are as follows:

(1) Provide strategic direction for efforts of the Department of Defense related to strategic communication and military support to public diplomacy.

(2) Establish Department of Defense priorities in these areas.

(3) Evaluate and select proposals for efforts that support the Department of Defense strategic communication mission.

(4) Such other duties as the Secretary may assign.

SEC. 1032. EXTENSION OF CERTAIN DATES FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) EXTENSION OF DATES.—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(1) in subsection (e) by striking "December 1, 2008" and inserting "March 1, 2009"; and

(2) in subsection (g) by striking "June 1, 2009" and inserting "September 30, 2009".

(b) INTERIM REPORT.—Not later than December 1, 2008, the Congressional Commission on the Strategic Posture of the United States shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives an interim report on the commission's initial findings, conclusions, and recommendations. To the extent practicable, the interim report shall address the matters required to be included in the report under subsection (e) of such section 1062.

SEC. 1033. EXTENSION OF COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK.

(a) EXTENSION.—Section 1409 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–348; 50 U.S.C. 2301 note), as amended by section 1052(j) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3435), is amended by striking "The Commission shall terminate" and all that follows through the period at the end and inserting "The Commission shall terminate March 31, 2012.".

(b) ANNUAL REPORTS.—Section 1403 of that Act (114 Stat. 1654A–346; 50 U.S.C. 2301 note), as amended by sec-

tion 1052(f) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434), is amended by adding at the end the following:

"(c) ANNUAL REPORTS.—The Commission shall, not later than March 1 of each of years 2010, 2011, and 2012, submit to Congress a report—

"(1) assessing the changes to the vulnerability of United States military systems and critical civilian infrastructures resulting from the EMP threat and changes in the threat;

"(2) describing the progress, or lack of progress, in protecting United States military systems and critical civilian infrastructures from EMP attack; and

"(3) containing recommendations to address the threat and protect United States military systems and critical civilian infrastructures from attack.".

(c) FUNDING.—Section 1408 of that Act (114 Stat. 1654A–348; 50 U.S.C. 2301 note), as amended by section 1052(i) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3435), is amended by adding at the end the following: "Such funds shall not exceed $3,000,000 per fiscal year.".

(d) ADDITIONAL MEMBERS.—Effective as of the date that is 90 days after the date of the enactment of this Act—

(1) section 1401 of that Act (114 Stat. 1654A–346; 50 U.S.C. 2301 note), as amended by section 1052(d) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434), is amended by striking subsections (c) and (d) and inserting the following:

"(c) COMPOSITION.—

"(1) IN GENERAL.—The Commission shall be composed of eleven members.

"(2) DOD AND FEMA MEMBERS.—Seven of the members shall be appointed by the Secretary of Defense, and two of the members shall be appointed by the Director of the Federal Emergency Management Agency. In the event of a vacancy in the membership of the Commission under this paragraph, the Secretary of Defense shall appoint a new member. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives.

"(3) FCC AND HHS MEMBERS.—One of the members shall be appointed by the Chairman of the Federal Communications Commission, and one of the members shall be appointed by the Secretary of

Health and Human Services. In the event of a vacancy in the membership of the Commission under this paragraph, the vacancy shall be filled in the same manner as the original appointment under this paragraph. In selecting an individual for appointment to the Commission, the Chairman of the Federal Communications Commission shall consult with the chairmen and ranking minority members of the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives. In selecting an individual for appointment to the Commission, the Secretary of Health and Human Services shall consult with the chairmen and ranking minority members of the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

"(d) QUALIFICATIONS.—Members of the Commission appointed by the Secretary of Defense and the Director of the Federal Emergency Management Agency shall be appointed from among private United States citizens with knowledge and expertise in the scientific, technical, and military aspects of electromagnetic pulse effects referred to in subsection (b). The member of the Commission appointed

by the Chairman of the Federal Communications Commission shall be appointed from among private United States citizens with knowledge and expertise in telecommunications, network infrastructure and management, information services, and emergency preparedness communications. The member of the Commission appointed by the Secretary of Health and Human Services shall be appointed from among private United States citizens with knowledge and expertise in public health, including preparedness for, and response to, public health emergencies.''; and

(2) section 1405 of that Act (114 Stat. 1654A–347; 50 U.S.C. 2301 note) is amended in subsection (b)(1) by striking ''Five'' and inserting ''Six''.

Subtitle E—Studies and Reports

SEC. 1041. REPORT ON CORROSION CONTROL AND PREVENTION.

(a) REPORT REQUIRED.—The Secretary of Defense, acting through the Director of Corrosion Policy and Oversight, shall prepare and submit to the Committees on Armed Services of the Senate and the House of Representatives a report on corrosion control and prevention in weapons systems and equipment.

(b) MATTERS COVERED.—The report shall include the comments and recommendations of the Department of Defense regarding potential improvements in corrosion control

and prevention through earlier planning. In particular, the report shall include an evaluation and business case analysis of options for improving corrosion control and prevention in the requirements and acquisition processes of the Department of Defense for weapons systems and equipment. The evaluation shall include an analysis of the impact of such potential improvements on system acquisition costs and life cycle sustainment. The options for improved corrosion control and prevention shall include corrosion control and prevention—

(1) as a key performance parameter for assessing the selection of materials and processes;

(2) as a key performance parameter for sustainment;

(3) as part of the capability development document in the joint capabilities integration and development system; and

(4) as a requirement for weapons systems managers to assess their corrosion control and prevention requirements over a system's life cycle and incorporate the results into their acquisition strategies prior to issuing a solicitation for contracts.

(c) DEADLINE.—The report shall be submitted not later than February 1, 2009.

(d) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General shall review the report required under subsection (a), including the methodology used in the Department's analysis, and shall provide the results of the review to the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days after the Department submits the report.

SEC. 1042. STUDY ON USING MODULAR AIRBORNE FIRE FIGHTING SYSTEMS (MAFFS) IN A FEDERAL RESPONSE TO WILDFIRES.

(a) IN GENERAL.—The Secretary of Defense shall carry out a study to determine—

(1) how to utilize the Department's Modular Airborne Fire Fighting Systems (MAFFS) in all contingencies where there is a Federal response to wildfires; and

(2) how to decrease the costs of using the Department's MAFFS when supporting National Interagency Fire Center (NIFC) fire fighting operations.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the study.

SEC. 1043. STUDY ON ROTORCRAFT SURVIVABILITY.

(a) STUDY REQUIRED.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall carry out a study on Department of Defense rotorcraft survivability. The study shall—

(1) with respect to actual losses of rotorcraft in combat—

(A) identify the rates of such losses from 1965 through 2008, measured in total annual losses by type of aircraft and by cause, with rates for loss per flight hour and loss per sortie provided;

(B) identify by category of hostile action (such as small arms, Man-Portable Air Defense Systems, and so on), the causal factors for the losses; and

(C) propose candidate solutions for survivability (such as training, tactics, speed, countermeasures, maneuverability, lethality, technology, and so on), in a prioritized list with explanations, to mitigate each such causal factor, along with recommended funding adequate to achieve rates at least equal to the experience in the Vietnam conflict;

(2) with respect to actual losses of rotorcraft in combat theater not related to hostile action—

(A) identify the causal factors of loss in a ranked list; and

(B) propose candidate solutions for survivability (such as training, tactics, speed, countermeasures, maneuverability, lethality, technology, and so on), in a prioritized list, to mitigate each such causal factor, along with recommended funding adequate to achieve the Secretary's Mishap Reduction Initiative goal of not more than 0.5 mishaps per 100,000 flight hours;

(3) with respect to losses of rotorcraft in training or other non-combat operations during peacetime or interwar years—

(A) identify by category (such as inadvertent instrument meteorological conditions, wire strike, and so on) the causal factors of loss in a ranked list; and

(B) identify candidate solutions for survivability and performance (such as candidate solutions referred to in paragraph (2)(B) as well as maintenance, logistics, systems development, and so on) in a prioritized list, to mitigate each such causal factor, along with recommended funding adequate to achieve the goal of rotorcraft loss rates to non-combat causes being reduced to 1.0;

(4) identify the key technical factors (causes of mishaps that are not related to human factors) negatively impacting the rotorcraft mishap rates and survivability trends, to include reliability, availability, maintainability, and other logistical considerations; and

(5) identify what TACAIR is and has done differently to have such a decrease in losses per sortie when compared to rotorcraft, to include—

(A) examination of aircraft, aircraft maintenance, logistics, operations, and pilot and operator training;

(B) an emphasis on the development of common service requirements that TACAIR has implemented already which are minimizing losses within TACAIR; and

(C) candidate solutions, in a prioritized list, to mitigate each causal factor with recommended funding adequate to achieve the goal of rotorcraft loss rates stated above.

(b) REPORT.—Not later than August 1, 2009, the Secretary and the Chairman shall submit to the congressional defense committees a report on the results of the study.

SEC. 1044. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR ACQUISITION AND FUNDING OF INTERCONNECTED CYBERSPACE SYSTEMS.

(a) STUDIES REQUIRED.—

(1) FFRDC.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent federally funded research and development center (FFRDC) to carry out a comprehensive study of policies, procedures, organization, and regulatory constraints affecting the acquisition of technologies supporting network-centric operations. The contract shall be funded from amounts appropriated or otherwise made available to the Secretary for fiscal year 2009 for operation and maintenance, Defense-wide.

(2) JOINT CHIEFS OF STAFF.—Concurrently, the Chairman of the Joint Chiefs of Staff shall carry out a comprehensive study of the same subjects covered by paragraph (1). The study shall be independent of the study required by paragraph (1) and shall be carried out in conjunction with the military departments and in coordination with the Secretary of Defense.

(b) MATTERS TO BE ADDRESSED.—Each study required by subsection (a) shall address the following matters:

(1) Development of a taxonomy for understanding the different yet key foundational compo-

nents that contribute to network-centric operations, such as data transport, processing, storage, data collection, and dissemination.

(2) Mapping ongoing acquisition programs to this taxonomy.

(3) Development of alternative acquisition and funding models utilizing this network-centric taxonomy, which might include—

(A) a model under which a joint entity independent of any military service (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric operations, and with authority to oversee the incorporation of such technologies into the acquisition programs of the military departments;

(B) a model under which an executive agent is established that would manage and oversee the acquisition of technologies for network-centric operations, but would not have exclusive ownership or control of funding for such programs;

(C) a model under which the current approach to the acquisition and funding of technologies supporting network-centric operations is maintained; and

(D) any other models that the entity carrying out the study considers relevant and deserving of consideration.

(4) An analysis of each of the alternative models under paragraph (3) with respect to potential gains in—

(A) information sharing (collecting, processing, disseminating);

(B) network commonality;

(C) common communications;

(D) interoperability;

(E) mission impact and success; and

(F) cost effectiveness.

(5) An evaluation of each of the alternative models under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that would impede implementation.

(c) REPORT REQUIRED.—Not later than September 30, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

(d) NETWORK-CENTRIC OPERATIONS DEFINED.—In this section, the term "network-centric operations" refers to the ability to exploit all human and technical elements of the Joint Force and mission partners through the full integration of collected information, awareness, knowledge, experience, and decision-making, enabled by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

SEC. 1045. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that—

(1) numerous nonstrategic nuclear weapons are held in the arsenals of various countries around the world and that their prevalence and portability make them attractive targets for theft and for use by terrorist organizations;

(2) the United States should identify, track, and monitor these weapons as a matter of national security;

(3) the United States should reevaluate the roles and missions of nonstrategic nuclear weapons within the United States nuclear posture;

(4) the United States should assess the security risks associated with existing stockpiles of nonstrategic nuclear weapons and should assess the risks of

nonstrategic nuclear weapons being developed, acquired, or utilized by other countries, particularly rogue states, and by terrorists and other non-state actors; and

(5) the United States should work cooperatively with other countries to improve the security of nonstrategic nuclear weapons and to promote multilateral reductions in the numbers of nonstrategic nuclear weapons.

(b) REVIEW.—The Secretary of Defense, in consultation with the Secretary of State, the Secretary of Energy, and the Director of National Intelligence, shall conduct a review of nonstrategic nuclear weapons world-wide that includes—

(1) an inventory of the nonstrategic nuclear arsenals of the United States and each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons, which indicates, as accurately as possible, the nonstrategic nuclear weapons that are known, or are believed, to exist according to nationality, type, yield, and form of delivery, and an assessment of the methods that are currently employed to identify, track, and monitor nonstrategic nuclear weapons and their component materials;

(2) an analysis of the reliance placed on nonstrategic nuclear weapons by the United States and each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons, and an evaluation of nonstrategic nuclear weapons as deterrents against the use of nuclear weapons and other weapons of mass destruction by state or non-state actors;

(3) an assessment of the risks associated with the deployment, transfer, and storage of nonstrategic nuclear weapons by the United States and each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons and the risks of nonstrategic nuclear weapons being employed by rogue states, terrorists, and other state or non-state actors; and

(4) recommendations for—

(A) mechanisms and procedures to improve security safeguards for the nonstrategic nuclear weapons of the United States and of each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons;

(B) mechanisms and procedures for implementing transparent multilateral reductions in nonstrategic nuclear weapons arsenals; and

(C) methods for consolidating, dismantling, and disposing of the nonstrategic nuclear weapons of the United States and of each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons, including methods of monitoring and verifying consolidation, dismantlement, and disposal.

(c) REPORT.—

(1) 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 findings and recommendations of the review required under subsection (b).

(2) CLASSIFICATION OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form, but it may be accompanied by a classified annex.

(d) DEFINITION.—For purposes of this section, the term "nonstrategic nuclear weapon" means a nuclear weapon employed by land, sea, or air (including, without limitation, by short, medium and intermediate range ballistic missiles, air and sea launched cruise missiles, gravity bombs, torpedoes, land mines, sea mines, artillery shells, and personnel carried devices) against opposing forces, supporting installations, or facilities in support of operations

that contribute to the accomplishment of a military mission of limited scope.

SEC. 1046. STUDY ON NATIONAL DEFENSE IMPLICATIONS OF SECTION 1083.

The Department of Defense shall study the national defense implications of section 1083 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 338).

SEC. 1047. REPORT ON METHODS DEPARTMENT OF DEFENSE UTILIZES TO ENSURE COMPLIANCE WITH GUAM TAX AND LICENSING LAWS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy and the Joint Guam Program Office, shall submit to the congressional defense committees a report on the steps that the Department is taking to ensure that all contractors of the Department performing work on Guam comply with local tax and licensing requirements. The report shall—

(1) include what language will be utilized in contract documents requiring compliance with local tax and licensing laws;

(2) identify what authorities the Department will use to compliance with such local laws; and

(3) also include the steps being taken by the Department to partner with the Government of Guam Department of Revenue and Taxation to ensure that there is transparency and a coordination of effort to ensure that the local government has visibility of contractors performing work on Guam.

Subtitle F—Congressional Recognitions

SEC. 1051. SENSE OF CONGRESS HONORING THE HONORABLE DUNCAN HUNTER.

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

(1) Representative Duncan Hunter was elected to serve northern and eastern San Diego in 1980 and served in the House of Representatives until the end of the 110th Congress in 2009, representing the people of California's 52d Congressional district.

(2) Previous to his service in Congress, Representative Hunter served in the Army's 173rd Airborne and 75th Ranger Regiment from 1969 to 1971.

(3) Representative Hunter was awarded the Bronze Star, Air Medal, National Defense Service Medal, and Vietnam Service Medal for his heroic acts during the Vietnam Conflict.

(4) Representative Hunter served on the Committee on Armed Services of the House of Representa-

tives for 28 years, including service as Chairman of the Subcommittee on Military Research and Development from 2001 through 2002 and the Subcommittee on Military Procurement from 1995 through 2000, the Chairman of the full committee from 2003 through 2006, and the ranking member of the full committee from 2007 through 2008.

(5) Representative Hunter has persistently advocated for a more efficient military organization on behalf of the American people, to ensure maximum warfighting capability and troop safety.

(6) Representative Hunter is known by his colleagues to put the security of the Nation above all else and to provide for the men and women in uniform who valiantly dedicate and sacrifice themselves for the protection of the Nation.

(7) Representative Hunter has demonstrated this devotion to the troops by authorizing and ensuring quick deployment of add-on vehicle armor and improvised explosive device jammers, which have been invaluable in protecting the troops from attack in Iraq.

(8) Representative Hunter worked to increase the size of the U.S. Armed Forces, which resulted in significant increases in the size of the Army and Marine Corps.

(9) Representative Hunter has been a leader in ensuring sufficient force structure and end-strength, including through the 2006 Committee Defense Review, to meet any challenges to the Nation. His efforts to increase the size of the Army and Marine Corps have been enacted by the Congress and implemented by the Administration.

(10) Representative Hunter is a leading advocate for securing America's borders.

(11) Representative Hunter led efforts to strengthen the United States Industrial Base by enacting legislation that ensures the national industrial base will be able to design and manufacture those products critical to America's national security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Duncan Hunter, Representative from California, has discharged his official duties with integrity and distinction, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1052. SENSE OF CONGRESS IN HONOR OF THE HONORABLE JIM SAXTON, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

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

(1) Representative Hugh James "Jim" Saxton was elected in November 1984 to fill both the unexpired term of Congressman Edwin B. Forsythe in the 98th Congress, and the open seat for the 99th Congress.

(2) Representative Saxton is a senior member of the Committee on Armed Services, having served on the committee since 1989, and is today the ranking Member of its Air and Land Forces Subcommittee in the 110th Congress, 2007–2008.

(3) Representative Saxton is one of the few Members to have ever represented a district that included active-duty Army, Navy, and Air Force bases.

(4) Representative Saxton served as Chairman of the Military Installations and Facilities Subcommittee from 2001 to 2002, and Chairman of the Terrorism and Unconventional Threats and Capabilities Subcommittee from 2003 to 2006.

(5) Representative Saxton has served soldiers, sailors, airmen, and Department of Defense civilians and military families in New Jersey, the United States, and around the world, regarding issues of fair pay, housing modernization, benefits, health care, force protection, and other issues.

(6) Representative Saxton worked diligently and successfully to save all three military bases in southern New Jersey—Fort Dix, McGuire Air Force Base, and Lakehurst Naval Air Engineering Station.

(7) Representative Saxton secured the future of the three bases by having the foresight to encourage them to participate in multiple inter-service joint projects and exercises for more than 10 years prior to the 2005 base realignment and closure (BRAC) action that directed that they become a single, joint installation, the Nation's only Army-Navy-Air Force base, to be stood-up in 2009 as Joint Base McGuire-Dix-Lakehurst.

(8) Representative Saxton has helped modernize Fort Dix, McGuire Air Force Base, and Lakehurst Navy Base, by working with Secretaries and Chiefs of the Army, Navy, Marines, and Air Force, and other officials, and in particular the Army Reserve, Army National Guard, National Guard Bureau, Air National Guard, Air Mobility Command, and Air Force Reserve, to enhance the three bases' national security missions and bring $1,800,000,000 in infrastructure during his tenure.

(9) Representative Saxton saved the 1,400-member 108th New Jersey Air National Guard Air Refuel-

ing Wing from dismantlement in 2005 by directing that newer KC–135R Stratotanker aircraft be sent to replace retiring KC–135 E model aircraft.

(10) Representative Saxton saved the cargo airlift mission of McGuire Air Force Base by bringing a squadron of C–17 Globemasters to McGuire after the mandatory retirement of all of the bases' C–141 Starlifter transports, and worked to procure many other C–17s for other bases across the country to perform the Nation's airlift missions.

(11) Representative Saxton took the leadership role in bringing the mothballed battleship USS New Jersey home to the Delaware River from where it was launched in 1943, so it could become a naval museum and monument to the 20th Century conflicts in which the dreadnought served.

(12) Representative Saxton, a long time advocate of anti terrorism efforts, served as the Chairman of the House Task Force on Terrorism and Unconventional Warfare from 1996 to 2003.

(13) Representative Saxton in 1998 helped create and later expand the Weapons of Mass Destruction Civil Support Teams (WMD–CST) program in the National Guard, ultimately leading to a WMD–CST

in each State and territory to respond to domestic terrorism.

(14) Representative Saxton was appointed by the Speaker of the House of Representatives in March 2000 to be chairman of the Committee on Armed Services' newly formed Special Oversight Panel on Terrorism, due to long advocacy of anti-terrorism preparedness.

(15) Representative Saxton is a long-time supporter of the warriors of the Special Operations Command (SOCOM), both before and after the attacks of September 11, 2001, and has met with special operators in Washington, DC, at SOCOM bases in the United States, and in theater.

(16) Representative Saxton worked for over a decade to create the first terrorism subcommittee on the Committee on Armed Services, becoming its first chairman when the Subcommittee on Terrorism and Unconventional Threats and Capabilities organized in 2003 with oversight of United States elite forces, including Army Rangers, Green Berets, Navy SEALS, and Marine Special Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Jim Saxton, Representative from New Jersey, has discharged his official duties with integrity and

distinction, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1053. SENSE OF CONGRESS HONORING THE HONORABLE TERRY EVERETT.

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

(1) Representative Terry Everett was elected to represent Alabama's 2d Congressional district in 1992 and served in the House of Representatives until the end of the 110th Congress in 2008 with distinction, class, integrity, and honor.

(2) Representative Everett served on the Committee on Armed Services of the House of Representatives for 16 years, including service as Chairman of the Subcommittee on Strategic Forces from 2002 through 2006 and, from 2006 through 2008, as Ranking Member of the Subcommittee on Strategic Forces.

(3) Representative Everett's colleagues know him to be a fair and effective lawmaker who worked for the national interest while always serving Southeastern Alabama.

(4) Representative Everett's efforts on the Committee on Armed Services have been instrumental to the military value of, and quality of life at, military installations in Southeastern Alabama, including

Maxwell-Gunter Air Force Base in Montgomery, home of Air University, and Fort Rucker in the Wiregrass area, home of the Army's Aviation Warfighting Center.

(5) Representative Everett has been a leader in efforts to develop and deploy robust and effective space and intelligence capabilities and missile defense systems to enhance the capabilities of the Armed Forces and protect the American people, the United States and its deployed troops, and allies of the United States.

(6) Representative Everett also has been a leader on issues relating to national security space activities and missile defense space activities.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that the Honorable Terry Everett, Representative from Alabama, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1054. SENSE OF CONGRESS HONORING THE HONORABLE JO ANN DAVIS.

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

(1) Representative Jo Ann Davis was elected to the House of Representatives in November 2000 following the late Congressman Herbert H. Bateman.

(2) Representative Davis was the second woman elected to Congress in the Commonwealth of Virginia, and the first Republican woman elected to Congress in the Commonwealth of Virginia.

(3) Representative Davis was a member of the Committee on Armed Services, serving as Ranking Member of the Readiness Subcommittee in the 110th Congress.

(4) Representative Davis served soldiers, sailors, airmen and Department of Defense civilians and military personnel regarding issues of health care, modernization, benefits, force protection and other issues.

(5) Representative Davis also served on the House Permanent Select Committee on Intelligence in the 109th Congress and as Chairwoman of the Subcommittee on Intelligence Policy.

(6) Representative Davis, a strong proponent of Naval Force Structure, helped secure construction on the Navy's next-generation aircraft carrier, CVN–21, during her tenure.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Jo Ann Davis, a late Representative from Virginia, performed her official duties with integrity and distinction, served the House of Representatives and

the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

Subtitle G—Other Matters

SEC. 1061. AMENDMENT TO ANNUAL SUBMISSION OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.

Section 351(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2516), is amended to read as follows:

"(2) Information technology capital assets that—

"(A) have an estimated total cost for the fiscal year for which the budget is submitted in excess of $30,000,000;

"(B) have been determined by the Chief Information Officer of the Department of Defense and the Director of the Office of Management and Budget to be significant investments; and

"(C) with respect to which the Department of Defense is required to submit a capital asset plan to the Office of Management and Budget in accordance with section 300 of Office of Management and Budget Circular A–11.".

SEC. 1062. RESTRICTION ON DEPARTMENT OF DEFENSE RELOCATION OF MISSIONS OR FUNCTIONS FROM CHEYENNE MOUNTAIN AIR FORCE STATION.

The Secretary of Defense may not relocate, make preparations for relocation, or undertake the relocation of any mission or function from Cheyenne Mountain Air Force Station until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees certification in writing that the Secretary intends to relocate the mission or function. Such certification shall be comprised of a report, which shall include—

(1) a description of the mission or function to be relocated;

(2) the validated requirements for relocation of the mission or function, and the benefits of such relocation;

(3) the estimate of the total costs associated with such relocation;

(4) the results of independent vulnerability, security, and risk assessments of the relocation of the mission or function; and

(5) the Secretary's implementation plan for mitigating any security or vulnerability risk identified through an independent assessment referred to in

paragraph (4), including the cost, schedule, and personnel estimates associated with such plan.

SEC. 1063. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 2 is amended by inserting after the item relating to 118a the following new item:

"118b. Quadrennial roles and missions review.".

(2) The table of sections at the beginning of chapter 5 is amended in the item relating to section 156 by inserting a period at the end.

(3) The table of sections at the beginning of chapter 7 is amended in the item relating to section 183 by inserting a period at the end.

(4) Section 1477(e) is amended by inserting a period at the end.

(5) Section 2192a is amended—

(A) in subsection (e)(4), by striking "title 11, United States Code," and inserting "title 11"; and

(B) in subsection (f), by striking "title 10, United States Code" and inserting "this title".

(6) The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such subtitle, are each amend-

ed by striking the item relating to chapter 667 and inserting the following new item:

"667. Issue of Serviceable Material Other Than to Armed Forces ..... 7911".

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—Effective as of January 28, 2008, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 371(c) is amended by striking "'operational strategies'" and inserting "'operational systems'".

(2) Section 585(b)(3)(C) (122 Stat. 132) is amended by inserting "both places it appears" before the period at the end.

(3) Section 703(b) is amended by striking "as amended by" and inserting "as inserted by".

(4) Section 805(a) is amended by striking "Act ," and inserting "Act,".

(5) Section 883(b) is amended by striking "Section 832(c)(1) of such Act, as redesignated by subsection (a), is amend by" and inserting "Section 832(b)(1) of such Act is amended by".

(6) Section 890(d)(2) is amended by striking "sections" and inserting "parts".

(7) Section 904(a)(4) is amended by striking "131(b)(2)" and inserting "131(b)".

(8) Section 954(a)(3)(B) (122 Stat. 294) is amended by inserting ", as redesignated by section 524(a)(1)(A)," after "of such title".

(9) Section 954(b)(2) (122 Stat. 294) is amended—

(A) by striking "2114(e) of such title" and inserting "2114(f) of such title, as redesignated by section 524(a)(1)(A),"; and

(B) by striking the period at the end and inserting "and inserting 'President'.".

(10) Section 1063(d)(1) (122 Stat. 323) is amended by striking "semicolon" and inserting "comma".

(11) Section 1229(i)(3) (122 Stat. 383) is amended by striking "publically" and inserting "publicly".

(12) Section 1422(e)(2) (122 Stat. 422) is amended by striking "subsection (c)" and inserting "subsection (c)(1)".

(13) Section 1602(4) (122 Stat. 432) is amended by striking "section 411 h(b)" and inserting "section 411h(b)(1)".

(14) Section 1617(b) (122 Stat. 449) is amended by striking "by adding at the end" and inserting "by inserting after the item relating to section 1074k".

(15) Section 2106 (122 Stat. 508) is amended by striking "for 2007" both places it appears and inserting "for Fiscal Year 2007".

(16) Section 2826(a)(2)(A) (122 Stat. 546) is amended by striking "the Army" and inserting "Army".

(c) TITLE 31, UNITED STATES CODE.—Title 31, United States Code, is amended as follows:

(1) Chapter 35 is amended by striking the first section 3557.

*(2) The second section 3557 is amended in the section heading by striking "**Public-Private**" and inserting "**public-private**".*

(3) The table of sections at the beginning of chapter 35 is amended by striking the second item relating to section 3557.

(d) TITLE 28, UNITED STATES CODE.—Section 1491(b) of title 28, United States Code, is amended by striking the first paragraph (5).

(e) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—Section 721(e) of the Ronald W. Reagan National Defense Authorization

Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1988; 10 U.S.C. 1092 note) is amended by striking "fiscal years 2005" and all that follows through "2010" and inserting "fiscal years 2005 through 2010".

(f) PUBLIC LAW 106–113.—Effective as of November 29, 1999, and as if included therein as enacted, section 553 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106–113 (113 Stat. 1535, 1501A–99)) is amended by striking "five-year period" and inserting "eight-year period".

SEC. 1064. SUBMISSION TO CONGRESS OF REVISION TO REGULATION ON ENEMY PRISONERS OF WAR, RETAINED PERSONNEL, CIVILIAN INTERNEES, AND OTHER DETAINEES.

(a) SUBMISSION TO CONGRESS.—No activity relating to a successor regulation to Army Regulation 190–8 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees (dated October 1, 1997) may be carried out until the date that is 60 days after the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives such successor regulation.

(b) SAVINGS CLAUSE.—Nothing in this section shall affect the continued effectiveness of Army Regulation 190–

8 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees (dated October 1, 1997).

SEC. 1065. 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 explicitly state the requirement that future increases in the pay of Portuguese nationals employed by the Department of Defense in Portugal are to be made in compliance with United States law and regulations prescribed by the Secretary of Defense.

(c) AUTHORIZATION FOR APPROPRIATION.—There is authorized to be appropriated to the Secretary of Defense $240,000 for fiscal year 2009 for the purpose of the payments authorized by subsection (a).

SEC. 1066. STATE DEFENSE FORCE IMPROVEMENT.

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

(1) Domestic threats to national security and the increased use of National Guard forces for out-of-State deployments greatly increase the potential for service by members of State defense forces established under section 109(c) of title 32, United States Code.

(2) The efficacy of State defense forces is impeded by lack of clarity in the Federal regulations concerning those forces, particularly in defining levels

of coordination and cooperation between those forces and the Department of Defense.

(3) The State defense forces suffer from lack of standardized military training, arms, equipment, support, and coordination with the Department of Defense as a result of real and perceived Federal regulatory impediments.

(b) RECOGNITION AND SUPPORT FOR STATE DEFENSE FORCES.—Section 109 of title 32, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (j) and (k), respectively; and

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

"(d) RECOGNITION.—Congress hereby recognizes forces established under subsection (c) as an integral military component of the United States, while reaffirming that those forces remain entirely State regulated, organized, and equipped and recognizing that those forces will be used exclusively at the local level and in accordance with State law.

"(e) ASSISTANCE BY DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense may coordinate with, and provide assistance to, a defense force established under subsection (c) to the extent such assistance is requested by a State or

by a force established under subsection (c) and subject to the provisions of this section.

"(2) The Secretary may not provide assistance under paragraph (1) if, in the judgment of the Secretary, such assistance would—

"(A) impede the ability of the Department of Defense to execute missions of the Department;

"(B) take resources away from warfighting units;

"(C) incur nonreimbursed identifiable costs; or

"(D) consume resources in a manner inconsistent with the mission of the Department of Defense.

"(f) USE OF DEPARTMENT OF DEFENSE PROPERTY AND EQUIPMENT.—The Secretary of Defense may authorize qualified personnel of a force established under subsection (c) to use and operate property, arms, equipment, and facilities of the Department of Defense as needed in the course of training activities and State active duty.

"(g) TRANSFER OF EXCESS EQUIPMENT.—(1) The Secretary of Defense may transfer to a State or a force established under subsection (c) any personal property of the Department of Defense that the Secretary determines is—

"(A) excess to the needs of the Department of Defense; and

"(B) suitable for use by a force established under subsection (c).

"(2) The Secretary of Defense may transfer personal property under this section only if—

"(A) the property is drawn from existing stocks of the Department of Defense;

"(B) the recipient force established under subsection (c) accepts the property on an as-is, where-is basis;

"(C) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment; and

"(D) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient.

"(3) Subject to paragraph (2)(D), the Secretary may transfer personal property under this section without charge to the recipient force established under subsection (c).

"(h) FEDERAL/STATE TRAINING COORDINATION.—(1) Participation by a force established under subsection (c) in a training program of the Department of Defense is at the discretion of the State.

"(2) Nothing in this section may be construed as requiring the Department of Defense to provide any training program to any such force.

"(3) Any such training program shall be conducted in accordance with an agreement between—

"(A) the Secretary of Defense; and

"(B) the State or the force established under subsection (c) if so authorized by State law.

"(4) Any direct costs to the Department of Defense of providing training assistance to a force established under subsection (c) shall be reimbursed by the State. Any agreement under paragraph (3) between the Department of Defense and a State or a force established under subsection (c) for such training assistance shall provide for payment of such costs.

"(i) FEDERAL FUNDING OF STATE DEFENSE FORCES.—Funds available to the Department of Defense may not be made available to a State defense force.".

(c) DEFINITION OF STATE.—

(1) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(l) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.".

(2) CONFORMING AMENDMENTS.—Such section is further amended in subsections (a), (b), and (c) by striking "a State, the Commonwealth of Puerto Rico,

the District of Columbia, Guam, or the Virgin Islands" each place it appears and inserting "a State".

(d) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "PROHIBITION ON MAINTENANCE OF OTHER TROOPS.—" after "(a)";

(2) in subsection (b), by inserting "USE WITHIN STATE BORDERS.—" after "(b)";

(3) in subsection (c), by inserting "STATE DEFENSE FORCES AUTHORIZED.—" after "(c)";

(4) in subsection (j), as redesignated by subsection (a)(1), by inserting "EFFECT OF MEMBERSHIP IN DEFENSE FORCES.—" after "(j)"; and

(5) in subsection (k), as redesignated by subsection (a)(1), by inserting "PROHIBITION ON RESERVE COMPONENT MEMBERS JOINING DEFENSE FORCES.—" after "(k)".

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 109. Maintenance of other troops: State defense forces".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the begin-

ning of chapter 1 of such title is amended to read as follows:

"109. Maintenance of other troops: State defense forces.".

SEC. 1067. BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.

(a) PROJECT MODIFICATION.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey, authorized by section 101(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary of the Army to undertake, at Federal expense, such measures as the Secretary determines to be necessary and appropriate in the public interest to address the handling of munitions placed on the beach during construction of the project before the date of enactment of this section.

(b) TREATMENT OF COSTS.—Costs incurred in carrying out subsection (a) shall not be considered to be a cost of constructing the project.

(c) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the costs incurred by the non-Federal interest with respect to the removal and handling of the munitions referred to in subsection (a).

(d) ELIGIBLE ACTIVITIES.—Measures authorized by subsection (a) include monitoring, removal, and disposal of the munitions referred to in subsection (a).

(e) FUNDING.—Of the amounts authorized to be appropriated by section 301(13) of this Act, $7,175,000 is authorized to carry out subsection (a).

SEC. 1068. SENSE OF CONGRESS REGARDING THE ROLES AND MISSIONS OF THE DEPARTMENT OF DEFENSE AND OTHER NATIONAL SECURITY INSTITUTIONS.

It is the sense of Congress as follows:

(1) To ensure the future security of the United States, all of the national security organizations of the Federal Government must work together more effectively.

(2) The conflicts in Iraq and Afghanistan have demonstrated a need to expand the definition of national security organizations to include all departments and agencies that contribute to the relations of the United States with the world.

(3) As the largest national security organization, the Department of Defense must effectively collaborate in both a supported and supporting role with other departments and agencies.

(4) Section 941 of Public Law 110–181 created an opportunity for the Department of Defense to address internal assignments of functions.

(5) The Initial Perspectives report of the Panel on Roles and Missions of the Committee on Armed Services of the House of Representatives illustrated the following three levels of coordination that must be improved:

(A) Inter-agency coordination.

(B) Department of Defense-wide coordination.

(C) Inter-service coordination.

(6) Institutionalizing effective coordination within and among the national security organizations of the Federal Government may require fundamental reform.

SEC. 1069. SENSE OF CONGRESS RELATING TO 2008 SUPPLEMENTAL APPROPRIATIONS.

It is the sense of Congress that readiness shortfalls exist within the Armed Forces of the United States, thus increasing risk to the national security of the United States. Congress has provided, and will continue to provide, funds to address the readiness shortfalls in the Armed Forces of the United States.

SEC. 1070. SENSE OF CONGRESS REGARDING DEFENSE REQUIREMENTS OF THE UNITED STATES.

It is the sense of Congress that the defense requirements of the United States should be based upon a comprehensive national security strategy and fully funded to counter present and emerging threats.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Temporary authority to waive limitation on premium pay for Federal employees.
Sec. 1102. Extension of authority to make lump-sum severance payments.
Sec. 1103. Extension of voluntary reduction-in-force authority of Department of Defense.
Sec. 1104. Technical amendment to definition of professional accounting position.
Sec. 1105. Expedited hiring authority for health care professionals.
Sec. 1106. Authority to adjust certain limitations on personnel and reports on such adjustments.
Sec. 1107. Temporary discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.
Sec. 1108. Requirement relating to furloughs during the time of a contingency operation.
Sec. 1109. Direct hire authority for certain positions at personnel demonstration laboratories.

SEC. 1101. TEMPORARY AUTHORITY TO WAIVE LIMITATION ON PREMIUM PAY FOR FEDERAL EMPLOYEES.

(a) WAIVER AUTHORITY.—Subject to subsection (b), the head of an agency may waive the limitation under section 5547(a) of title 5, United States Code, with respect to premium pay for any service which is performed by an employee of such agency—

(1) in an overseas location within the area of responsibility of the Commander of the United States Central Command; and

(2) in direct support of or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to an emergency declared by the President.

(b) LIMITATIONS.—Waiver authority under this section shall be available only with respect to premium pay for service performed in 2009, and only to the extent that its exercise would not cause an employee's total basic pay and premium pay for 2009 to exceed $212,100.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—Any amount of premium pay that would not have been payable but for a waiver under this section shall not be considered to be basic pay for any purpose and shall not be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(d) REGULATIONS.—The Director of the Office of Personnel Management may prescribe any regulations which may be necessary to ensure consistency among heads of agencies in the application of this section.

(e) DEFINITIONS.—For purposes of this section—

(1) the terms "agency" and "employee" have the respective meanings given such terms by section 5541 of title 5, United States Code;

(2) the term "premium pay" refers to any premium pay described in section 5547(a) of such title 5; and

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

SEC. 1102. EXTENSION OF AUTHORITY TO MAKE LUMP-SUM SEVERANCE PAYMENTS.

Section 5595(i)(4) of title 5, United States Code, is amended by striking "October 1, 2010" and inserting "October 1, 2014".

SEC. 1103. EXTENSION OF VOLUNTARY REDUCTION-IN-FORCE AUTHORITY OF DEPARTMENT OF DEFENSE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking "September 30, 2010" and inserting "September 30, 2014".

SEC. 1104. TECHNICAL AMENDMENT TO DEFINITION OF PROFESSIONAL ACCOUNTING POSITION.

Section 1599d(e) of title 10, United States Code, is amended by striking "GS–510, GS–511, and GS–505" and inserting "0505, 0510, or 0511 (or an equivalent)".

SEC. 1105. EXPEDITED HIRING AUTHORITY FOR HEALTH CARE PROFESSIONALS.

(a) EXPEDITED HIRING AUTHORITY.—Section 1599c(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The Secretary of Defense may"; and

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

"(2)(A) For purposes of sections 3304, 5333, and 5753 of title 5, the Secretary of Defense may—

"(i) designate any category of medical or health professional positions within the Department of Defense as shortage category positions; and

"(ii) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

"(B) In using the authority provided by this paragraph, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter 1 of chapter 33 of title 5.".

(b) TERMINATION OF AUTHORITY.—Section 1599c(c) of such title is amended—

(1) by inserting "(1)" before "The authority of";

(2) by striking "September 30, 2010" and inserting "September 30, 2012"; and

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

"(2) The Secretary may not appoint a person to a position of employment under subsection (a)(2) after September 30, 2012.".

SEC. 1106. AUTHORITY TO ADJUST CERTAIN LIMITATIONS ON PERSONNEL AND REPORTS ON SUCH ADJUSTMENTS.

(a) AUTHORITY TO ADJUST LIMITATIONS ON OSD PERSONNEL.—

(1) Section 143 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "The number" and inserting "Subject to subsection (b), the number";

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(C) by inserting after subsection (a) the following new subsection (b):

"(b) AUTHORITY TO ADJUST LIMITATION.—(1) For fiscal year 2009 and fiscal years thereafter, the Secretary of Defense may adjust the limitation on OSD personnel in accordance with paragraph (2) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

"(2) The Secretary may adjust the baseline personnel limitation under paragraph (1) by increasing it by no more than 5 percent in a fiscal year."; and

(D) by amending subsection (c) (as so redesignated) to read as follows:

"(c) DEFINITIONS.—In this section:

"(1) The term 'OSD personnel' means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).

"(2) The term 'baseline personnel limitation', with respect to OSD personnel, means—

"(A) for fiscal year 2009, the number described in subsection (a); and

"(B) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subsection (b) during preceding fiscal years.".

(b) DEFENSE AGENCIES AND FIELD ACTIVITIES.—Section 194 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking "The total" each place it appears and inserting "Subject to subsection (c), the total";

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

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

"(c) AUTHORITY TO ADJUST LIMITATION.—(1) For fiscal year 2009 and fiscal years thereafter, the Secretary of Defense may adjust the baseline personnel limitations in subsection (a) in accordance with paragraph (2) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

"(2) The Secretary may adjust a baseline personnel limitation under paragraph (1) by increasing it by no more than 5 percent in a fiscal year."; and

(4) by amending subsection (g) (as so redesignated)—

(A) by striking "In this section, the" and inserting "In this section:

"(1) The"; and

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

"(2) The term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in subsection (a) or subsection (b), means—

"(A) for fiscal year 2009, the number described in subsection (a) or (b), respectively; and

"(B) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subsection (c) during preceding fiscal years.".

(c) OFFICE OF THE SECRETARY OF THE ARMY AND ARMY STAFF.—Subsection (f) of section 3014 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) For fiscal year 2009 and fiscal years thereafter, the Secretary of the Army may adjust the baseline personnel limitation in paragraph (1), (2), or (3) in accordance with subparagraph (B) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

"(B) The Secretary may adjust a baseline personnel limitation under subparagraph (A) by increasing it by no more than 5 percent in a fiscal year.

"(C) In this subsection, the term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in paragraph (1), (2), or (3), means—

"(i) for fiscal year 2009, the number described in paragraph (1), (2), or (3), respectively; and

"(ii) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subparagraph (A) during preceding fiscal years.".

(d) OFFICE OF THE SECRETARY OF THE NAVY, OFFICE OF THE CHIEF OF NAVAL OPERATIONS, AND HEADQUARTERS, MARINE CORPS.—Subsection (f) of section 5014 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) For fiscal year 2009 and fiscal years thereafter, the Secretary of the Navy may adjust the baseline personnel limitation in paragraph (1), (2), or (3) in accordance with subparagraph (B) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

"(B) The Secretary may adjust a baseline personnel limitation under subparagraph (A) by increasing it by no more than 5 percent in a fiscal year.

"(C) In this subsection, the term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in paragraph (1), (2), or (3), means—

"(i) for fiscal year 2009, the number described in paragraph (1), (2), or (3), respectively; and

"(ii) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subparagraph (A) during any preceding fiscal years.".

(e) OFFICE OF THE SECRETARY OF THE AIR FORCE AND AIR STAFF.—Subsection (f) of section 8014 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) For fiscal year 2009 and fiscal years thereafter, the Secretary of the Air Force may adjust the baseline personnel limitation in paragraph (1), (2), or (3) in accordance with subparagraph (B) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

"(B) The Secretary may adjust a baseline personnel limitation under subparagraph (A) by increasing it by no more than 5 percent in a fiscal year.

"(C) In this subsection, the term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in paragraph (1), (2), or (3), means—

"(i) for fiscal year 2009, the number described in paragraph (1), (2), or (3), respectively; and

"(ii) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subparagraph (A) during preceding fiscal years.".

(f) REPORT REQUIRED.—The Secretary of Defense shall submit a report to the congressional defense committees at the same time that the defense budget materials for each fiscal year are presented to Congress. The report shall include the following information:

(1) During the preceding fiscal year, the average number of military personnel and civilian employees of the Department of Defense assigned to or detailed to permanent duty in—

(A) the Office of the Secretary of Defense;

(B) the management headquarters activities and management headquarters support activities in the Defense Agencies and Department of Defense Field Activities;

(C) the Office of the Secretary of the Army and the Army Staff;

(D) the Office of the Secretary of the Navy, the Office of Chief of Naval Operations, and the Headquarters, Marine Corps; and

(E) the Office of the Secretary of the Air Force and the Air Staff.

(2) The total increase in personnel assigned to the activities or entities described in paragraph (1), if any, during the preceding fiscal year—

(A) attributable to the replacement of contract personnel with military personnel or civilian employees of the Department of Defense, including the number of positions associated with the replacement of contract personnel performing inherently governmental functions or performing lead system integrator functions; and

(B) attributable to reasons other than the replacement of contract personnel with military personnel or civilian employees of the Department, such as workload or operational demand increases.

(3) The number of military personnel and civilian employees of the Department of Defense assigned to the activities or entities described in paragraph (1) as of October 1 of the preceding fiscal year.

(4) An analysis and justification for any increase in personnel assigned to the activities or entities described in paragraph (1), if any, during the preceding fiscal year, including an analysis of the workload of the activity or entity and the management of the workload.

(g) DEFINITIONS.—In this section:

(1) DEFENSE BUDGET MATERIALS.—The term "defense budget materials", with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year that is submitted to Congress by the President under section 1105 of title 31, United States Code.

(2) CONTRACT PERSONNEL.—The term "contract personnel" means persons hired under a contract with the Department of Defense for the performance of major Department of Defense headquarters activities.

(h) COMPTROLLER GENERAL EVALUATION.—Not later than April 15, 2009, the Comptroller General shall—

(1) conduct an evaluation of the overall management of the staffing processes and procedures for the personnel affected by the amendments made by this section; and

(2) submit to the congressional defense committees a report on the results of such evaluation, with such findings and recommendations as the Comptroller General considers appropriate.

SEC. 1107. TEMPORARY DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

(a) IN GENERAL.—Section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443) is amended—

(1) by striking "During fiscal years 2006, 2007, and 2008" and inserting "(1) During fiscal years 2006 (including the period beginning on October 1, 2005, and ending on June 15, 2006), 2007, and 2008"; and

(2) by adding at the end the following:

"(2) During fiscal years 2009, 2010, and 2011, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980, if such

individual is on official duty in a combat zone (as defined by section 112(c) of the Internal Revenue Code of 1986).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

SEC. 1108. REQUIREMENT RELATING TO FURLOUGHS DURING THE TIME OF A CONTINGENCY OPERATION.

(a) IN GENERAL.—Subchapter I of chapter 35 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 3505. Furloughs within Department of Defense

"(a) For purposes of this section—

"(1) the term 'furlough' means the placing of an employee in a temporary status without duties and pay because of a lack of funds;

"(2) the term 'contingency operation' has the meaning given such term by section 101(a)(13) of title 10; and

"(3) the term 'defense committees' has the meaning given such term by section 119(g) of title 10.

"(b)(1) The Secretary of Defense may not issue notice of a furlough described in paragraph (2) until the Secretary

has certified to the defense committees that the Secretary has no other legal measures to avoid such furloughs.

"(2) This subsection applies with respect to any furlough that impacts substantial portions of the civilian workforce of the Department of Defense commencing during the time of a contingency operation.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 35 of title 5, United States Code, is amended by inserting after the item relating to section 3504 the following new item:

"3505. Furloughs within Department of Defense.".

SEC. 1109. DIRECT HIRE AUTHORITY FOR CERTAIN POSITIONS AT PERSONNEL DEMONSTRATION LABORATORIES.

(a) AUTHORITY.—The Secretary of Defense may make appointments to positions described in subsection (b) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) POSITIONS DESCRIBED.—This section applies with respect to any scientific or engineering position within a laboratory identified in section 9902(c)(2) of title 5, United States Code, appointment to which requires an advanced degree.

(c) LIMITATION.—(1) Authority under this section may not, in any calendar year and with respect to any

laboratory, be exercised with respect to a number of positions greater than the number equal to 2 percent of the total number of positions within such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) For purposes of this subsection, positions shall be counted on a full-time equivalent basis.

(d) EMPLOYEE DEFINED.—As used in this section, the term "employee" has the meaning given such term by section 2105 of title 5, United States Code.

(e) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2013.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Extension of authority to build the capacity of the Pakistan Frontier Corps.
Sec. 1202. Military-to-military contacts and comparable activities.
Sec. 1203. Enhanced authority to pay incremental expenses for participation of developing countries in combined exercises.
Sec. 1204. Extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1205. One-year extension of authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability.
Sec. 1206. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1207. Extension of authority for security and stabilization assistance.
Sec. 1208. Authority for support of special operations to combat terrorism.
Sec. 1209. Regional Defense Combating Terrorism Fellowship Program.

Subtitle B—Matters Relating to Iraq and Afghanistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.

Sec. 1212. Report on status of forces agreements between the United States and Iraq.
Sec. 1213. Strategy for United States-led Provincial Reconstruction Teams in Iraq.
Sec. 1214. Commanders' Emergency Response Program.
Sec. 1215. Performance monitoring system for United States-led Provincial Reconstruction Teams in Afghanistan.
Sec. 1216. Report on command and control structure for military forces operating in Afghanistan.
Sec. 1217. Report on enhancing security and stability in the region along the border of Afghanistan and Pakistan.
Sec. 1218. Study and report on Iraqi police training teams.

Subtitle C—Other Matters

Sec. 1221. Payment of personnel expenses for multilateral cooperation programs.
Sec. 1222. Extension of Department of Defense authority to participate in multinational military centers of excellence.
Sec. 1223. Study of limitation on classified contracts with foreign companies engaged in space business with China.
Sec. 1224. Sense of Congress and congressional briefings on readiness of the Armed Forces and report on nuclear weapons capabilities of Iran.

Subtitle A—Assistance and Training

SEC. 1201. EXTENSION OF AUTHORITY TO BUILD THE CAPACITY OF THE PAKISTAN FRONTIER CORPS.

(a) AUTHORITY.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 366) is amended by striking "during fiscal year 2008" and inserting "during fiscal years 2008, 2009, and 2010".

(b) FUNDING LIMITATION.—Subsection (c)(1) of such section is amended by striking "for fiscal year 2008 to provide the assistance under subsection (a)" and inserting "for a fiscal year specified in subsection (a) to provide the assistance under such subsection for such fiscal year".

SEC. 1202. MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

Section 168(e) of title 10, United States Code, is amended by adding at the end the following:

"(5) Funds available under this section for fiscal year 2009 or any subsequent fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.".

SEC. 1203. ENHANCED AUTHORITY TO PAY INCREMENTAL EXPENSES FOR PARTICIPATION OF DEVELOPING COUNTRIES IN COMBINED EXERCISES.

Section 2010 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) Funds available under this section for fiscal year 2009 or any subsequent fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.".

SEC. 1204. EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) SEMIANNUAL REPORTS TO CONGRESSIONAL COMMITTEES.—Subsection (b)(3) of 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 Public Law 110–181 (122 Stat. 402), is further amended by adding at the end the following:

"(E) With respect to equipment provided to each foreign force that is not returned to the United States, a description of the terms of disposition of the equipment to the foreign force.

"(F) The percentage of equipment provided to foreign forces under the authority of this section that is not returned to the United States.".

(b) EXPIRATION.—Subsection (e) of such section is amended by striking "September 30, 2009" and inserting "September 30, 2010".

SEC. 1205. ONE-YEAR EXTENSION OF AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY.

(a) LIMITATIONS.—Section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2419) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

"(g) LIMITATIONS.—

"(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority provided in this section to provide any type of assistance described in this section that is otherwise prohibited by any other provision of law.

"(2) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of Defense may not use the authority provided in this section to provide any type of assistance described in this section to the personnel referred to in subsection (b) of any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.".

(b) ANNUAL REPORT.—Subsection (h)(1) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking "and 2008" and inserting ", 2008, and 2009".

(c) TERMINATION.—Subsection (i) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking "2008" and inserting "2009".

SEC. 1206. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) LIMITATIONS.—Subsection (c)(1) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended

by section 1206 of Public Law 109–364 (120 Stat. 2418), is further amended by adding at the end the following new sentence: "Amounts available under the authority of subsection (a) for fiscal year 2009 or any subsequent fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.".

(b) TWO-YEAR EXTENSION OF PROGRAM AUTHORITY.—Subsection (g) of such section is amended—

(1) in the first sentence, by striking "2008" and inserting "2010"; and

(2) in the second sentence, by striking "2006, 2007, or 2008" and inserting "2009 or 2010".

SEC. 1207. 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 Public Law 110–181 (122 Stat. 369), is further amended by striking "September 30, 2008" and inserting "September 30, 2010".

SEC. 1208. AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127d the following new section:

"§ 127e. Authority for support of special operations to combat terrorism

"(a) AUTHORITY.—The Secretary of Defense may expend up to $35,000,000 during any fiscal year to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

"(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a). The Secretary shall notify the congressional defense committees of those procedures before any exercise of that authority.

"(c) NOTIFICATION.—Upon using the authority provided in subsection (a) to make funds available for support of an approved military operation, the Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event within 48 hours, of the use of such authority with respect to that operation. Such a notification need be provided only once with respect to any such operation. Any such notification shall be in writing.

"(d) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to make funds available under subsection (a) for support of a military operation may not be delegated.

"(e) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

"(f) ANNUAL REPORT.—

"(1) REPORT REQUIRED.—Not later than 120 days after the close of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under subsection (a) during that fiscal year.

"(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall describe the support provided, including—

"(A) the country involved in the activity, the individual or force receiving the support, and, to the maximum extent practicable, the specific region of each country involved in the activity;

"(B) the respective dates and a summary of congressional notifications for each activity;

"(C) the unified commander for each activity, as well as the related objectives, as established by that commander;

"(D) the total amount obligated to provide support;

"(E) for each activity that amounts to more than $500,000, specific budget details that explain the overall funding level for that activity; and

"(F) a statement providing a brief assessment of the outcome of the support, including specific indications of how the support furthered the mission objective of special operations forces and the type of follow-on support, if any, that may be necessary.

"(g) ANNUAL LIMITATION.—Support may be provided under subsection (a) from funds made available for operations and maintenance.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 127d the following new item:

"127e. Authority for support of special operations to combat terrorism.".

(c) REPEAL.—Section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is hereby repealed.

SEC. 1209. REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

Section 2249c(b) of title 10, United States Code, is amended in the first sentence by striking "$25,000,000" and inserting "$35,000,000".

Subtitle B—Matters Relating to Iraq and Afghanistan

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

(a) LIMITATION.—No funds appropriated pursuant to an authorization of appropriations in this Act or any other Act for any fiscal year 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.

(b) DEFINITION.—In this section, the term "permanent stationing of United States Armed Forces in Iraq" means the stationing of United States Armed Forces in Iraq on a continuing or lasting basis, as distinguished from temporary, although the basis may be permanent even though it may be dissolved eventually at the request either of the United States or of the Government of Iraq, in accordance with law.

SEC. 1212. REPORT ON STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.

(a) REQUIREMENT FOR REPORT.—

(1) IN GENERAL.—(A) Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on each agreement between the United States and Iraq relating to—

(i) the legal status of United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government;

(ii) the establishment of or access to military bases;

(iii) the rules of engagement under which United States Armed Forces operate in Iraq; and

(iv) any security commitment, arrangement, or assurance that obligates the United States to respond to internal or external threats against Iraq.

(B) If, on the date that is 90 days after the date of the enactment of this Act, no agreement between the United States and Iraq described in subparagraph (A) has been completed, the President shall notify the appropriate congressional committees that no such agreement has been completed, and shall transmit to the appropriate congressional committees the report required under subparagraph (A) as soon as prac-

ticable after such an agreement or agreements are completed.

(2) UPDATE OF REPORT.—The President shall transmit to the appropriate congressional committees an update of the report required under paragraph (1) whenever an agreement between the United States and Iraq relating to the matters described in the report is entered into or is substantially revised.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include, with respect to each agreement described in subsection (a), the following:

(1) A discussion of limits placed on United States combat operations by the Government of Iraq, including required coordination, if any, before such operations can be undertaken.

(2) An assessment of the extent to which conditions placed on United States combat operations are greater than the conditions under which United States Armed Forces operated prior to the signing of the agreement, and any constraints placed on United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government as a result of such conditions.

(3) A discussion of the conditions under which United States military personnel, civilian personnel, or contractor personnel of contracts awarded by any department or agency of the United States Government could be tried by an Iraqi court for alleged crimes occurring both during the performance of official duties and during other such times. The discussion should include an assessment of the protections that such personnel would be extended in an Iraqi court, if applicable.

(4) An assessment of the protections accorded by the agreement to third country nationals who carry out work for the United States Armed Forces.

(5) An assessment of authorities under the agreement for United States Armed Forces and Coalition partners to apprehend, detain, and interrogate prisoners and otherwise collect intelligence.

(6) A description and discussion of any security commitment, arrangement, or assurance by the United States to respond to internal or external threats against Iraq, including the manner in which such commitment, arrangement, or assurance may be implemented.

(7) An assessment of any payments required under the agreement to be paid to the Government of

Iraq or other Iraqi entities for rights, access, or support for bases and facilities.

(8) An assessment of any payments required under the agreement for any claims for deaths and damages caused by United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government in the performance of their official duties.

(9) An assessment of any other provisions in the agreement that would restrict the performance of the mission of United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government.

(10) A discussion of how the agreement or modification to the agreement was approved by the Government of Iraq, and if this process was consistent with the Constitution of Iraq.

(11) A description of the arrangements required under the agreement to resolve disputes arising over matters contained in the agreement or to consider changes to the agreement.

(12) A discussion of the extent to which the agreement applies to other Coalition partners.

(13) A description of how the agreement can be terminated by the United States or Iraq.

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

(d) 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.

(e) TERMINATION OF REQUIREMENT.—The requirement to submit the report and updates of the report under subsection (a) terminates on September 30, 2013.

SEC. 1213. STRATEGY FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN IRAQ.

(a) IN GENERAL.—The President shall—

(1) establish a strategy to ensure that United States-led Provincial Reconstruction Teams (PRTs), including embedded PRTs and Provincial Support Teams, in Iraq are supporting the operational and strategic goals of Coalition Forces in Iraq; and

(2) establish measures of effectiveness and performance in meeting PRT-specific work plans with clearly defined objectives in furtherance of the strategy required under paragraph (1).

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter through the end of fiscal year 2010, the President shall transmit to the appropriate congressional committees a report on the implementation of the strategy required under subsection (a) and an assessment of the specific contributions PRTs are making in supporting the operational and strategic goals of Coalition Forces in Iraq. The initial report required under this subsection should include a description of the strategy and a general discussion of the measures of effectiveness and performance required under subsection (a).

(2) INCLUSION IN OTHER REPORT.—The report required under this subsection may be included in the report required by section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465).

(c) 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. 1214. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEARS 2008 AND 2009.—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 Public Law 110–181 (122 Stat. 366), is further amended in the matter preceding paragraph (1)—

(1) by striking "$977,441,000" and inserting "$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009,"; and

(2) by striking "in such fiscal year".

(b) LIMITATION ON AMOUNTS FOR IRAQ FOR FISCAL YEAR 2009.—Such section is further amended by adding at the end the following:

"(f) LIMITATION ON AMOUNTS FOR IRAQ FOR FISCAL YEAR 2009.—

"(1) LIMITATION.—The amount obligated and expended under this section for the Commanders' Emergency Response Program in Iraq for fiscal year 2009 may not exceed twice the amount obligated by the Government of Iraq during calendar year 2008 under the Government of Iraq Commanders' Emergency Response Program (commonly known as 'I–CERP'), as established pursuant to the Memorandum of Understanding Between the Supreme Reconstruction Council of the Secretariat of Ministers and the Multi-National Force-Iraq Concerning Implementation of the Government of Iraq Commanders' Emergency Response Program (I–CERP), signed by the parties on March 25, 2008, and April 3, 2008, respectively.

"(2) WAIVER.—The Secretary of Defense may waive the limitation under paragraph (1) if the Secretary of Defense—

"(A) determines that such a waiver is required to meet urgent and compelling needs that would not otherwise be met and which, if unmet, could rationally be expected to lead to increased

threats to United States military or civilian personnel; and

"(B) submits in writing to the appropriate congressional committees a notification of the waiver, together with a discussion of—

"(i) the unmet urgent and compelling needs and the impact on the threat level facing United States military or civilian personnel, if the waiver is not exercised;

"(ii) efforts undertaken by the Department of Defense to convince the Government of Iraq to provide funds to meet the urgent and compelling needs and the reason these efforts were unsuccessful; and

"(iii) efforts of the Department of Defense to convince the Government of Iraq to provide additional funds in the future to meet such urgent and compelling needs or to undertake other measures to meet such needs on their own.

"(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means—

"(A) the Committees on Armed Services of the House of Representatives and the Senate; and

"(B) the Committees on Appropriations of the House of Representatives and the Senate.".

SEC. 1215. PERFORMANCE MONITORING SYSTEM FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN AFGHANISTAN.

(a) IN GENERAL.—The President, acting through the Secretary of Defense and the Secretary of State, shall develop and implement a system to monitor the performance of United States-led Provincial Reconstruction Teams (PRTs) in Afghanistan.

(b) ELEMENTS OF PERFORMANCE MONITORING SYSTEM.—The performance monitoring system required under subsection (a)—

(1) shall include PRT-specific work plans that incorporate the long-term strategy, mission, and clearly defined objectives required by section 1230(c)(3) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 386); and

(2) shall include comprehensive performance indicators and measures of progress toward sustainable long-term security and stability in Afghanistan, and include performance standards and progress goals together with a notional timetable for achieving such goals, consistent with the requirements of section

1230(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 388).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the implementation of the performance monitoring system required under subsection (a).

(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 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. 1216. REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the command and control structure for military forces operating in Afghanistan, which consist of North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) forces and separate United States

forces operating under Operation Enduring Freedom, should be modified to better coordinate and de-conflict military operations and achieve unity of command and unity of effort whenever possible in Afghanistan.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, or December 1, 2008, whichever occurs later, the Secretary of Defense shall submit to the appropriate congressional committees a report on the command and control structure for military forces operating in Afghanistan.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) A detailed description of efforts by the Secretary of Defense, in coordination with senior leaders of NATO ISAF forces, including the commander of NATO ISAF forces, to modify the chain of command structure for military forces operating in Afghanistan to better coordinate and de-conflict military operations and achieve unity of command whenever possible in Afghanistan, and the results of such efforts.

(B) A comprehensive assessment of options for improving the command and control struc-

ture for military forces operating in Afghanistan, including—

(i) the establishment by the United States Central Command of a United States headquarters in Kabul, Afghanistan, led by a commander holding the grade of lieutenant general, or in the case of the Navy, vice admiral, and charged with—

(I) leading United States Armed Forces operating under Operation Enduring Freedom;

(II) leading country-wide Department of Defense–led initiatives; and

(III) closely coordinating efforts with NATO ISAF forces, the United States Embassy in Afghanistan, and other United States and international elements in Afghanistan; and

(ii) authorization for the highest-ranking United States commander of NATO ISAF forces to have additional command authority over separate United States forces operating under Operation Enduring Freedom.

(C) A detailed description of any United States or NATO ISAF plan or strategy for improving the command and control structure for military forces operating in Afghanistan.

(D) A description of how rules of engagement are determined and managed for United States forces operating under NATO ISAF or Operation Enduring Freedom, and a description of any key differences between rules of engagement for NATO ISAF forces and separate United States forces operating under Operation Enduring Freedom.

(E) An assessment of how possible modifications to the command and control structure for military forces operating in Afghanistan would impact coordination of military and civilian efforts in Afghanistan.

(3) FORM.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex, if necessary.

(4) 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.

SEC. 1217. REPORT ON ENHANCING SECURITY AND STABILITY IN THE REGION ALONG THE BORDER OF AFGHANISTAN AND PAKISTAN.

(a) REPORT REQUIRED.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392) is amended by striking paragraph (5).

(b) NOTIFICATION RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Subsection (b)(1)(A) of such section is amended by striking "congressional defense committees" and inserting "appropriate congressional committees".

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—Such section is further amended by adding at the end the following:

"(c) 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. 1218. STUDY AND REPORT ON IRAQI POLICE TRAINING TEAMS.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Government of Iraq, shall conduct a study and submit to the appropriate congressional committees a report containing the recommendations of the Secretary of Defense on—

(1) the number of advisors needed to sufficiently staff enough Iraqi police training teams to cover a majority of the approximately 1,100 Iraqi police stations in fiscal year 2009 and estimated levels in fiscal year 2010;

(2) the funding required to staff the Iraqi police training teams in fiscal year 2009 and estimated levels in fiscal year 2010; and

(3) the feasibility of transferring responsibility for the program to staff and support the Iraqi police

training teams from the Department of Defense to the Department of State.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—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 C—Other Matters

SEC. 1221. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL COOPERATION PROGRAMS.

(a) IN GENERAL.—Section 1051 of title 10, United States Code, is amended—

*(1) in the heading, by striking "**Bilateral or regional**" and inserting "**Bilateral, multilateral, or regional**";*

(2) in subsection (a), by striking "bilateral or regional" and inserting "bilateral, multilateral, or regional";

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "to and within" and inserting "to, from, and within"; and

(ii) by striking "bilateral or regional" and inserting "bilateral, multilateral, or regional"; and

(B) in paragraph (2), by striking "bilateral or regional" and inserting "bilateral, multilateral, or regional"; and

(4) by adding at the end the following:

"(e) Funds available under this section for fiscal year 2009 and subsequent fiscal years may be used for programs that begin in such fiscal year but end in the next fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051 and inserting the following:

"1051. Bilateral, multilateral, or regional cooperation programs: payment of personnel expenses.".

SEC. 1222. EXTENSION OF DEPARTMENT OF DEFENSE AUTHORITY TO PARTICIPATE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416), as amended by section 1204 of Public Law 110–181 (122 Stat. 365), is further amended by striking

"fiscal years 2007 and 2008" and inserting "fiscal years 2007, 2008, and 2009".

(b) LIMITATION ON AMOUNTS AVAILABLE FOR PARTICIPATION.—Subsection (e)(2) of such section is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) in fiscal year 2009, $5,000,000.".

(c) REPORTS.—Subsection (g)(1) of such section is amended—

(1) by striking "and October 31, 2008," and inserting "October 31, 2008, and October 31, 2009,"; and

(2) by striking "fiscal years 2007 and 2008" and inserting "fiscal years 2007, 2008, and 2009".

SEC. 1223. STUDY OF LIMITATION ON CLASSIFIED CONTRACTS WITH FOREIGN COMPANIES ENGAGED IN SPACE BUSINESS WITH CHINA.

(a) LIMITATION.—

(1) IN GENERAL.—Subject to subsection (b), no funds appropriated pursuant to an authorization of appropriations in this Act or otherwise made avail-

able for the Department of Defense for fiscal year 2009 or any fiscal year thereafter may be obligated or expended under one or more contracts for classified work between the Department of Defense and a foreign-owned company if that company, or any parent, sister, subsidiary, or affiliate of that company, is engaged with China in the development, manufacture, or launch of ITAR-free satellites.

(2) EXCEPTION.—Paragraph (1) does not apply to a foreign-owned company if the Secretary of Defense, in consultation with the Secretary of State, submits to Congress a certification that—

(A) no satellite or space launch vehicle technology, technical information, or intellectual property gained by the foreign-owned company through the contracts for classified work referred to in paragraph (1) is being disclosed (intentionally or unintentionally) in a manner that may improve China's satellite, rocket, or missile capabilities; and

(B) it is in the national security interests of the Department to continue to enter into contracts for classified work with the foreign-owned company.

(b) STUDY AND SUSPENSION OF LIMITATION.—

(1) STUDY.—The Secretary of Defense shall conduct a study of the implications of imposing a limitation such as the limitation in subsection (a) and shall provide the study to the congressional defense committees not later than 60 days after the date of the enactment of this Act.

(2) SUSPENSION OF LIMITATION.—The Secretary shall suspend the application of the limitation in subsection (a) until—

(A) the Secretary has completed the study required by paragraph (1);

(B) the Secretary has determined, as a result of the study, that applying the limitation in subsection (a) promotes the national interest; and

(C) the Secretary has submitted to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study, including the rationale for the determination described in subparagraph (B).

(c) DEFINITIONS.—In this section:

(1) The term "ITAR-free satellite" applies to a satellite if no component of the satellite and no technical information relating to the satellite is subject to

export controls specified in the International Traffic in Arms Regulations.

(2) The term "International Traffic in Arms Regulations" means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

SEC. 1224. SENSE OF CONGRESS AND CONGRESSIONAL BRIEFINGS ON READINESS OF THE ARMED FORCES AND REPORT ON NUCLEAR WEAPONS CAPABILITIES OF IRAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should return the Armed Forces to a state of full readiness so that they are fully prepared to execute the National Military Strategy, including the full range of contingencies that could occur in the Middle East region.

(b) REQUIREMENT FOR BRIEFINGS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until July 1, 2010, the Secretary of Defense shall provide for briefings for the Committees on Armed Services of the Senate and the House of Representatives on matters pertaining to the preparation for contingencies described in subsection (a), including a comprehensive description of the information used in the preparation of contingency plans relating to the military and nuclear

capabilities of countries in the Middle East that are part of the Central Command Area of Responsibility.

(c) REPORT ON NUCLEAR WEAPONS CAPABILITIES OF IRAN.—

(1) REPORT REQUIREMENT.—Not later than March 1 each year, the Secretary of Defense shall submit a report to the congressional defense committees, in both classified and unclassified form, on the elements identified in paragraph (2) addressing the current and future nuclear weapons capabilities of the Islamic Republic of Iran.

(2) ELEMENTS.—The elements that shall be included in the report, at a minimum, include—

(A) locations, types, and number of centrifuges that the Islamic Republic of Iran has installed and in operation to enrich uranium at the Natanz facility and any other facility to enrich uranium;

(B) locations, types, and number of centrifuges that the Islamic Republic of Iran plans to install and operate at the Natanz facility and any other facility to enrich uranium, estimated by time periods of near, mid, and far-term epochs;

(C) number of nuclear weapons that could be made from the enriched uranium that the Islamic Republic of Iran has produced to date and is anticipated to produce, estimated by time periods of near, mid, and far-term epochs;

(D) number of nuclear weapons that could be made from the plutonium produced by the Bushehr nuclear reactor and any other nuclear reactor in the Islamic Republic of Iran to date, and number of weapons that could be made in the future, estimated by time periods of near, mid, and far-term epochs;

(E) a description of the safeguard and security measures in place at the Bushehr nuclear reactor and at any other nuclear reactor in the Islamic Republic of Iran to prevent Iran from reprocessing spent plutonium;

(F) a description of weaponization activities, such as the design, development, or test of nuclear weapon or weapon related-components, estimated by time periods of near, mid, and far-term epochs;

(G) numbers, types, and performance of systems which could provide a means to deliver a

nuclear warhead, estimated by time periods of near, mid, and far-term epochs; and

(H) a summary of assessments of other key nations, such as Israel and France, of the Islamic Republic of Iran's nuclear program, capabilities, and timelines for acquiring nuclear weapons capabilities, and their judgment of the threat.

(3) NOTIFICATION.—The Secretary of Defense shall provide the congressional defense committees with written notification within 15 days of assessing that the Islamic Republic of Iran produces enough enriched uranium or plutonium for a nuclear weapon.

(4) DEFINITION.—In this subsection, the term "nuclear weapons capabilities" means the nuclear material, weaponization activities, and delivery system.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction pro-

grams are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note), as amended by section 1303 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 412).

(b) FISCAL YEAR 2009 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2009 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 2009, 2010, and 2011.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $445,135,000 authorized to be appropriated to the Department of Defense for fiscal year 2009 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $79,985,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,400,000.

(3) For nuclear weapons storage security in Russia, $24,101,000.

(4) For nuclear weapons transportation security in Russia, $40,800,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $70,286,000.

(6) For biological threat reduction in the former Soviet Union, $184,463,000.

(7) For chemical weapons destruction, $1,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For new Cooperative Threat Reduction initiatives, $10,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $20,100,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress

a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2009 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 2009 for a purpose listed in paragraphs (1) through (9) 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 (9) 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.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical agents and munitions destruction, Defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1406. Defense Inspector General.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Revisions to previously authorized disposals from the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Armed Forces Retirement Home.

Subtitle D—Inapplicability of Executive Order 13457

Sec. 1431. Inapplicability of Executive Order 13457.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 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, $198,150,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,291,084,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the National Defense Sealift Fund in the amount of $1,401,553,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $24,746,172,000, of which—

(1) $24,259,029,000 is for Operation and Maintenance;

(2) $198,738,000 is for Research, Development, Test, and Evaluation; and

(3) $288,405,000 is for Procurement.

(b) TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND TO SUPPORT DEFENSE HEALTH PROGRAM.—Of the total amount specified in subsection (a), up to $1,300,000,000 shall be derived, to the extent specifically provided in advance in an appropriations Act for fiscal year 2009, by transfer from the unobligated balances of the National Defense Stockpile Transaction Fund.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,485,634,000, of which—

(1) $1,152,668,000 is for Operation and Maintenance;

(2) $268,881,000 is for Research, Development, Test, and Evaluation; and

(3) $64,085,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-

Drug Activities, Defense-wide, in the amount of $1,060,463,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $273,845,000, of which—

(1) $270,445,000 is for Operation and Maintenance; and

(2) $3,400,000 is for Procurement.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2009, the National Defense Stockpile Manager may obligate up to $41,153,000 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.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISIONS TO PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

(a) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Section 3303(a)(7) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 418), is further amended by striking "$1,066,000,000 by the end of fiscal year 2015" and inserting "$1,476,000,000 by the end of fiscal year 2016".

(b) FISCAL YEAR 1998 DISPOSAL AUTHORITY.—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 3302(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2513), is further amended by striking "2008" and inserting "2009".

Subtitle C—Armed Forces Retirement Home

SEC. 1421. ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust Fund the sum of $63,010,000 for the operation of the Armed Forces Retirement Home.

Subtitle D—Inapplicability of Executive Order 13457

SEC. 1431. INAPPLICABILITY OF EXECUTIVE ORDER 13457.

Executive Order 13457, and any successor to that Executive Order, shall not apply to this Act or to the Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany this Act or to H. Rept. _____ or S. Rept. _____.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Air Force procurement.
Sec. 1505. Defense-wide activities procurement.
Sec. 1506. Rapid acquisition fund.
Sec. 1507. Joint Improvised Explosive Device Defeat Fund.
Sec. 1508. Limitation on obligation of funds for the Joint Improvised Explosive Devices Defeat Organization pending notification to Congress.
Sec. 1509. Research, development, test, and evaluation.
Sec. 1510. Operation and maintenance.
Sec. 1511. Other Department of Defense programs.
Sec. 1512. Iraq Security Forces Fund.
Sec. 1513. Afghanistan Security Forces Fund.
Sec. 1514. Military personnel.
Sec. 1515. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1516. Special transfer authority.
Sec. 1517. Treatment as additional authorizations.

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $84,000,000.

(2) For weapons and tracked combat vehicles procurement, $822,674,000.

(3) For ammunition procurement, $46,500,000.

(4) For other procurement, $1,255,050,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for other procurement for the Navy in the amount of $476,248,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $565,425,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $4,624,842,000.

(2) For other procurement, $1,500,644,000.

SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide in the amount of $177,237,000.

SEC. 1506. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Rapid Acquisition Fund in the amount of $102,000,000.

SEC. 1507. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,496,300,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439) shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) REVISION OF MANAGEMENT PLAN.—The Secretary of Defense shall revise the management plan required by section 1514(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 to identify projected transfers and obligations through September 30, 2009.

(d) FUNDS FOR ADDITIONAL ARMS PLATFORMS.—Of the funds appropriated pursuant to the authorization of appropriations in subsection (a), $50,000,000 shall be made available for the rapid fielding of additional Aerial Reconnaissance Multi-Sensor (ARMS) platforms for tactical op-

erations in Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1508. LIMITATION ON OBLIGATION OF FUNDS FOR THE JOINT IMPROVISED EXPLOSIVE DEVICES DEFEAT ORGANIZATION PENDING NOTIFICATION TO CONGRESS.

(a) LIMITATION.—Of the amounts appropriated pursuant to each of the authorizations of appropriations described in subsection (b) for research, development, test, and evaluation for the Joint Improvised Explosive Devices Defeat Organization (in this section referred to as "JIEDDO"), not more than 50 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until JIEDDO submits to the congressional defense committees a report describing the investment strategy of JIEDDO for science and technology.

(b) COVERED AUTHORIZATIONS OF APPROPRIATIONS.—

(1) SCOPE OF LIMITATION.—The limitation contained in subsection (a) applies with respect to amounts appropriated pursuant to the authorizations of appropriations specified in paragraph (2) for all science and technology efforts within the account for research, development, test, and evaluation for

JIEDDO applied to efforts of Technology Readiness Level 5 or lower.

(2) AUTHORIZATIONS.—Paragraph (1) applies to—

(A) the authorization of appropriations in section 1507 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 425); and

(B) the authorization of appropriations in section 1508 of this Act.

SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

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

(1) For the Navy, $113,228,000.

(2) For the Air Force, $72,041,000.

(3) For Defense-wide activities, $202,559,000.

SEC. 1510. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 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, $37,363,243,000.

(2) For the Navy, $3,500,000,000

(3) For the Marine Corps, $2,900,000,000.

(4) For the Air Force, $5,000,000,000.

(5) For Defense-wide activities, $2,648,569,000.

(6) For the Army Reserve, $79,291,000.

(7) For the Navy Reserve, $42,490,000.

(8) For the Marine Corps Reserve, $47,076,000.

(9) For the Air Force Reserve, $12,376,000.

(10) For the Army National Guard, $333,540,000.

(11) For the Air National Guard, $52,667,000.

SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,100,000,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $188,000,000.

SEC. 1512. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009

for the Iraq Security Forces Fund in the amount of $1,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, and funding.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and

funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE OF OBLIGATION OR TRANSFER OF FUNDS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by

subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional committees referred to in subsection (e), in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) PROHIBITION RELATED TO FACILITIES.—

(1) PROHIBITION.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), for the acquisition, conversion, rehabilitation, or installation of facilities.

(2) EXCEPTIONS.—Nothing in this section shall be construed as to forbid—

(A) the provision of technical assistance necessary to assist the Government of Iraq to carry out the acquisition, conversion, rehabilitation, or installation of facilities on its own behalf; or

(B) the acquisition, conversion, rehabilitation, or installation of facilities utilizing amounts contributed to the Iraq Security Forces

Fund under subsection (f) by the Government of Iraq or another foreign country.

(h) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional committees referred to in subsection (e) a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(i) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Iraq Security Forces Fund during fiscal year 2009 are available for obligation or transfer from the Iraq Security Forces Fund in accordance with this section until September 30, 2010.

SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Afghanistan Security Forces Fund in the amount of $2,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the

provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE OF OBLIGATION OR TRANSFER OF FUNDS.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional committees referred to in subsection (e), in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional committees referred to in subsection (e) a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Afghanistan Security Forces Fund during fiscal year 2009 are available for obligation or transfer from the Afghanistan Security Forces Fund in accordance with this section until September 30, 2010.

SEC. 1514. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2009 a total of $1,194,000,000.

SEC. 1515. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

The Secretary of Defense may use the transfer authority provided by section 1516 to transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2009 from such authorizations to the Mine Resistant Ambush Protected Vehicle Fund in the total amount of $2,610,000,000.

SEC. 1516. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1517. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

TITLE XVI—RECONSTRUCTION AND STABILIZATION CIVILIAN MANAGEMENT

Sec. 1601. Short title.
Sec. 1602. Findings.
Sec. 1603. Definitions.
Sec. 1604. Authority to provide assistance for reconstruction and stabilization crises.
Sec. 1605. Reconstruction and stabilization.
Sec. 1606. Authorities related to personnel.
Sec. 1607. Reconstruction and stabilization strategy.
Sec. 1608. Annual reports to Congress.

SEC. 1601. SHORT TITLE.

This title may be cited as the "Reconstruction and Stabilization Civilian Management Act of 2008".

SEC. 1602. FINDINGS.

Congress finds the following:

(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the "Coordinator") was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) In December 2005, the Coordinator's mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary's direction, the Coordi-

nator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator's assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the

Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

SEC. 1603. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term "agency" means any entity included in chapter 1 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) DEPARTMENT.—Except as otherwise provided in this title, the term "Department" means the Department of State.

(5) PERSONNEL.—The term "personnel" means individuals serving in any service described in section

2101 of title 5, United States Code, other than in the legislative or judicial branch.

(6) SECRETARY.—The term "Secretary" means the Secretary of State.

SEC. 1604. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

"SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.

"(a) ASSISTANCE.—

"(1) IN GENERAL.—If the President determines that it is in the national security interests of the United States for United States civilian agencies or non-Federal employees to assist in reconstructing and stabilizing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), subject to paragraph (2) of this subsection but notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to such country or region for reconstruction or stabilization using funds under paragraph (3).

"(2) PRE-NOTIFICATION REQUIREMENT.—The President may not furnish assistance pursuant to paragraph (1) until five days (excepting Saturdays, Sundays, and legal public holidays) after the requirements under section 614(a)(3) of this Act are carried out.

"(3) FUNDS.—The funds referred to in paragraph (1) are funds made available under any other provision of law and under other provisions of this Act, and transferred or reprogrammed for purposes of this section, and such transfer or reprogramming shall be subject to the procedures applicable to a notification under section 634A of this Act.

"(b) LIMITATION.—The authority contained in this section may be exercised only during fiscal years 2008, 2009, and 2010, except that the authority may not be exercised to furnish more than $100,000,000 in any such fiscal year.".

SEC. 1605. RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 62. RECONSTRUCTION AND STABILIZATION.

"(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

"(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

"(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

"(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

"(A) Monitoring, in coordination with relevant bureaus and offices of the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the reconstruction and stabilization of a country or region that is at risk of, in, or are in transition from, conflict or civil strife.

"(B) Assessing the various types of reconstruction and stabilization crises that could occur and cataloging and monitoring the non-

military resources and capabilities of agencies (as such term is defined in section 1603 of the Reconstruction and Stabilization Civilian Management Act of 2008) that are available to address such crises.

"(C) Planning, in conjunction with USAID, to address requirements, such as demobilization, disarmament, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in reconstruction and stabilization crises.

"(D) Coordinating with relevant agencies to develop interagency contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

"(E) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008.

"(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps established under subsection (b) or to

otherwise participate in or contribute to reconstruction and stabilization activities.

"(G) Taking steps to ensure that training and education of civilian personnel to perform such reconstruction and stabilization activities is adequate and is carried out, as appropriate, with other agencies involved with stabilization operations.

"(H) Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication.

"(I) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

"(b) RESPONSE READINESS CORPS.—

"(1) RESPONSE READINESS CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate agencies of the United States Government, may establish and main-

tain a Response Readiness Corps (referred to in this section as the 'Corps') to provide assistance in support of reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife. The Corps shall be composed of active and standby components consisting of United States Government personnel, including employees of the Department of State, the United States Agency for International Development, and other agencies who are recruited and trained (and employed in the case of the active component) to provide such assistance when deployed to do so by the Secretary to support the purposes of this Act.

"(2) CIVILIAN RESERVE CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, may establish a Civilian Reserve Corps for which purpose the Secretary is authorized to employ and train individuals who have the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose. The Secretary may deploy members of the Civilian Reserve Corps pursuant to a determination by the President under section 618 of the Foreign Assistance Act of 1961.

"(3) MITIGATION OF DOMESTIC IMPACT.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantively impairing the capacity and readiness of any State and local governments from which Civilian Reserve Corps personnel may be drawn.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary for fiscal years 2007 through 2010 for the Office and to support, educate, train, maintain, and deploy a Response Readiness Corps and a Civilian Reserve Corps.

"(d) EXISTING TRAINING AND EDUCATION PROGRAMS.—The Secretary shall ensure that personnel of the Department, and, in coordination with the Administrator of USAID, that personnel of USAID, make use of the relevant existing training and education programs offered within the Government, such as those at the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School and the Interagency Training, Education, and After Action Review Program at the National Defense University.".

SEC. 1606. AUTHORITIES RELATED TO PERSONNEL.

(a) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of any agency with re-

spect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1605 of this title), the benefits or privileges set forth in sections 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) AUTHORITY REGARDING DETAILS.—The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or nonreimbursable basis for the purpose of carrying out this title, and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or nonreimbursable basis to the Department of State for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 1605 of this title.

SEC. 1607. RECONSTRUCTION AND STABILIZATION STRATEGY.

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency

strategy to respond to reconstruction and stabilization operations.

(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.

SEC. 1608. ANNUAL REPORTS TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act and annually for each of the five years thereafter, the Secretary of State shall submit to the appropriate con-

gressional committees a report on the implementation of this title. The report shall include detailed information on the following:

(1) Any steps taken to establish a Response Readiness Corps and a Civilian Reserve Corps, pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1605 of this title).

(2) The structure, operations, and cost of the Response Readiness Corps and the Civilian Reserve Corps, if established.

(3) How the Response Readiness Corps and the Civilian Reserve Corps coordinate, interact, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps, if any, has had on the capacity and readiness of any domestic agencies or State and local governments from which Civilian Reserve Corps personnel are drawn.

(5) The reconstruction and stabilization strategy required by section 1607 and any annual updates to that strategy.

(6) Recommendations to improve implementation of subsection (b) of section 62 of the State Department Basic Authorities Act of 1956, including

measures to enhance the recruitment and retention of an effective Civilian Reserve Corps.

(7) A description of anticipated costs associated with the development, annual sustainment, and deployment of the Civilian Reserve Corps.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2009".

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 XXVI 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, 2011; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012.

(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, 2011; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

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 2008 projects.
Sec. 2106. Modification of authority to carry out certain fiscal year 2007 projects.
Sec. 2107. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2108. Extension of authorization of certain fiscal year 2005 project.

1 ***SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND***
2 ***ACQUISITION PROJECTS.***

3 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
4 *propriated pursuant to the authorization of appropriations*
5 *in section 2104(a)(1), the Secretary of the Army may ac-*
6 *quire real property and carry out military construction*
7 *projects for the installations or locations inside the United*
8 *States, and in the amounts, set forth in the following table:*

Army: Inside the United States

State	***Installation or Location***	***Amount***
Alabama	*Anniston Army Depot*	*$46,400,000*
	Fort Rucker	*$6,800,000*
Alaska	*Fort Richardson*	*$15,000,000*
	Fort Wainwright	*$110,400,000*
Arizona	*Fort Huachuca*	*$13,200,000*
	Yuma Proving Ground	*$3,800,000*
California	*Fort Irwin*	*$39,600,000*
	Presidio, Monterey	*$15,000,000*
	Sierra Army Depot	*$12,400,000*
Colorado	*Fort Carson*	*$534,000,000*
Georgia	*Fort Benning*	*$267,800,000*
	Fort Stewart/Hunter Army Air Field	*$432,300,000*
Hawaii	*Pohakuloa Training Area*	*$9,000,000*
	Schofield Barracks	*$279,000,000*
	Wahiawa	*$40,000,000*
Kansas	*Fort Leavenworth*	*$4,200,000*
	Fort Riley	*$158,000,000*
Kentucky	*Fort Campbell*	*$108,113,000*
Louisiana	*Fort Polk*	*$29,000,000*
Missouri	*Fort Leonard Wood*	*$33,850,000*
New Jersey	*Picatinny Arsenal*	*$9,900,000*
New York	*Fort Drum*	*$96,900,000*
	USMA, West Point	*$67,000,000*
North Carolina	*Fort Bragg*	*$58,400,000*
Oklahoma	*Fort Sill*	*$63,000,000*
	McAlester Army Ammunition Plant	*$5,800,000*
Pennsylvania	*Carlisle Barracks*	*$13,400,000*
	Letterkenny Army Depot	*$7,500,000*
	Tobyhanna Army Depot	*$15,000,000*
South Carolina	*Fort Jackson*	*$30,000,000*
Texas	*Camp Bullis*	*$4,200,000*
	Corpus Christi Army Depot	*$39,000,000*
	Fort Bliss	*$1,044,300,000*
	Fort Hood	*$49,500,000*
	Fort Sam Houston	*$96,000,000*
	Red River Army Depot	*$6,900,000*
Virginia	*Fort Belvoir*	*$7,200,000*
	Fort Eustis	*$18,300,000*
	Fort Lee	*$100,600,000*
	Fort Myer	*$14,000,000*
Washington	*Fort Lewis*	*$158,000,000*

(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*	*$67,000,000*
Germany	*Katterbach*	*$19,000,000*
	Wiesbaden Air Base	*$119,000,000*
Japan	*Camp Zama*	*$2,350,000*
	Sagamihara	*$17,500,000*
Korea	*Camp Humphreys*	*$20,000,000*

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	*Wiesbaden Air Base*	*326*	*$133,000,000*
Korea	*Camp Humphreys*	*216*	*$125,000,000*

(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 $579,000.

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 $420,001,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $6,008,226,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $4,062,763,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $185,350,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $175,823,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $646,580,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $716,110,000.

(6) For the construction of increment 3 of a barracks 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 2 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, $81,600,000.

(8) For the construction of increment 2 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, $7,500,000.

(9) For the construction of increment 2 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, $7,500,000.

(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) $59,500,000 (the balance of the amount authorized under section 2101(b) for the construction of a headquarters element in Wiesbaden, Germany).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504) is amended—

(1) in the item relating to Hawthorne Army Ammunition Plant, Nevada, by striking "$11,800,000" in the amount column and inserting "$7,300,000";

(2) in the item relating to Fort Drum, New York, by striking "$311,200,000" in the amount column and inserting "$304,600,000"; and

(3) in the item relating to Fort Bliss, Texas, by striking "$118,400,000" in the amount column and inserting "$111,900,000".

(b) CONFORMING AMENDMENTS.—Section 2104(a) of that Act (122 Stat. 506) is amended—

(1) in the matter preceding paragraph (1), by striking "$5,106,703,000" and inserting "$5,089,103,000"; and

(2) in paragraph (1), by striking "$3,198,150,000" and inserting "$3,180,550,000".

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) INSIDE THE UNITED STATES PROJECTS.—The table in 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) and section 2105(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 507), is further amended in the item relating to Fort Bragg, North Carolina, by striking "$96,900,000" in the amount column and inserting "$75,900,000".

(b) OUTSIDE THE UNITED STATES PROJECTS.—The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2446), as amended by section 2106(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), is further amended in the item relating to Vicenza, Italy, by striking "$223,000,000" in the amount column and inserting "$208,280,000".

(c) CONFORMING AMENDMENTS.—Section 2104(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2447), as amended by section 2105(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), is further amended—

(1) in the matter preceding paragraph (1), by striking "$3,275,700,000" and inserting "$3,239,980,000";

(2) in paragraph (1), by striking "$1,119,450,000" and inserting "$1,098,450,000"; and

(3) in paragraph (2), by striking "$510,582,00" and inserting "$495,862,000".

SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, 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
Virginia	Fort Belvoir	Defense Access Road	$18,000,000

SEC. 2108. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (118 Stat. 2101) and extended by section 2108 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
Hawaii	Schofield Barracks.	Training Facility	$35,542,000

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 of authority to carry out certain fiscal year 2005 project.
Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects.
Sec. 2207. Report on impacts of surface ship homeporting alternatives.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$19,490,000
California	Marine Corps Logistics Base, Barstow	$7,830,000
	Marine Corps Base, Camp Pendleton	$799,870,000
	Naval Air Facility, El Centro	$8,900,000
	Marine Corps Air Station, Miramar	$48,770,000
	Naval Post Graduate School Monterey	$9,900,000
	Naval Air Station, North Island	$60,152,000
	Naval Facility, San Clemente Island	$34,020,000
	Naval Station, San Diego	$51,220,000
	Marine Corps Base, Twentynine Palms	$155,310,000
Connecticut	Naval Submarine Base, Groton	$46,060,000
District of Columbia	Naval Support Activity, Washington	$24,220,000
Florida	Naval Air Station, Jacksonville	$12,890,000
	Naval Station, Mayport	$18,280,000
	Naval Support Activity, Tampa	$29,000,000
Georgia	Marine Corps Logistics Base, Albany	$15,320,000
	Naval Submarine Base Kings Bay	$6,130,000
Hawaii	Pacific Missile Range, Barking Sands	$28,900,000
	Marine Corps Base, Hawaii	$28,200,000
	Naval Station, Pearl Harbor	$80,290,000
Illinois	Recruit Training Command, Great Lakes	$62,940,000
Maine	Naval Shipyard Portsmouth	$9,980,000
Maryland	Naval Surface Warfare Center Carderock	$6,980,000
	Naval Surface Warfare Center, Indian Head	$25,980,000
Mississippi	Naval Construction Battalion Center, Gulfport.	$12,770,000
New Jersey	Naval Air Warfare Center, Lakehurst	$15,440,000
North Carolina	Marine Corps Air Station, Cherry Point	$77,420,000

***Inside the United States**—Continued*

State	*Installation or Location*	*Amount*
	Marine Corps Air Station, New River	*$86,280,000*
	Marine Corps Base, Camp Lejeune	*$353,090,000*
Pennsylvania	*Naval Support Activity, Philadelphia*	*$22,020,000*
Rhode Island	*Naval Station, Newport*	*$39,800,000*
South Carolina	*Marine Corps Air Station, Beaufort*	*$5,940,000*
	Marine Corps Recruit Depot, Parris Island	*$64,750,000*
Texas	*Naval Air Station Corpus Christi*	*$3,500,000*
	Naval Air Station Kingsville	*$11,580,000*
Virginia	*Marine Corps Base, Quantico*	*$150,290,000*
	Naval Station, Norfolk	*$73,280,000*
Washington	*Naval Air Station Whidbey Island*	*$6,160,000*
	Naval Base Kitsap	*$5,110,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	*Installation or Location*	*Amount*
Cuba	*Naval Air Station, Guantanamo Bay*	*$20,600,000*
Diego Garcia	*Diego Garcia*	*$35,060,000*
Djibouti	*Camp Lemonier*	*$31,410,000*
Guam	*Naval Activities, Guam*	*$88,430,000*

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(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: Unspecified Worldwide

Location	*Installation or Location*	*Amount*
Worldwide Unspecified	*Unspecified Worldwide*	*$94,020,000*

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(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

State	Installation or Location	Units	Amount
Guantanamo Bay	Naval Air Station, Guantanamo Bay.	146	$62,598.000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(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 $2,169,000.

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(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $318,011,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,996,449,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,518,152,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $175,500,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $94,020,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,670,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $247,128,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $382,778,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $376,062,000.

(7) For the construction of increment 2 of the wharf extension at Naval Forces Marianas Islands, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $50,912,000.

(8) For the construction of increment 2 of the submarine drive-in magnetic silencing facility at Naval Submarine Base, Pearl Harbor, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $41,088,000.

(9) For the construction of increment 3 of the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $12,439,000.

(10) For the construction of increment 2 of hangar 5 recapitalizations at Naval Air Station, Whidbey Island, Washington, authorized by section 2201(a) of

the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $34,000,000.

(11) For the construction of increment 5 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514) $50,700,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construc-

tion Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat.514), is further amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking "$295,000,000" in the amount column and inserting "$311,670,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$1,084,497,000".

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) MODIFICATIONS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), as amended by section 2205(a)(17) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 513) is further amended—

(1) in the item relating to NMIC/Naval Support Activity, Suitland, Maryland, by striking "$67,939,000" in the amount column and inserting "$76,288,000"; and

(2) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking

"$57,653,000" in the amount column and inserting "$60,500,000".

(b) CONFORMING AMENDMENTS.—Section 2204(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452), is amended—

(1) in paragraph (2), by striking "$56,159,000" and inserting "$64,508,000"; and

(2) in paragraph (3), by striking "$31,153,000" and inserting "$34,000,000".

SEC. 2207. REPORT ON IMPACTS OF SURFACE SHIP HOMEPORTING ALTERNATIVES.

(a) REPORT REQUIRED.—The Secretary of the Navy shall not issue a record of decision for the proposed action of homeporting additional surface ships at Naval Station Mayport, Florida, until at least 30 days after the date on which the Secretary submits to Congress a report containing an analysis of the socio-economic impacts and an economic justification on each location from which a vessel is proposed to be removed for homeporting at Naval Station Mayport under the preferred alternative identified in the final environmental impact statement for the proposed action.

(b) ADDITIONAL REPORTING REQUIREMENT.—If the final environmental impact statement does not contain a

preferred alternative or if the Secretary intends to select an alternative other than the preferred alternative in the record of decision, then the Secretary shall submit to Congress a report (in the case where no preferred alternative is identified) or an additional report (in the case where the preferred alternative is not selected) containing an analysis of the socio-economic impacts and an economic justification on each location from which a vessel is proposed to be removed for homeporting at Naval Station Mayport.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2306. Extension of authorizations of certain fiscal year 2005 projects.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	*Installation or Location*	*Amount*
Alabama	*Maxwell Air Force Base*	*$15,556,000*
Alaska	*Elmendorf Air Force Base*	*$138,300,000*
California	*Edwards Air Force Base*	*$9,100,000*
Colorado	*United States Air Force Academy*	*$18,000,000*
Delaware	*Dover Air Force Base*	*$19,000,000*
Florida	*Eglin Air Force Base*	*$19,000,000*
	MacDill Air Force Base	*$26,000,000*

***Air Force: Inside the United States**—Continued*

State	Installation or Location	Amount
	Tyndall Air Force Base	*$11,600,000*
Georgia	*Robins Air Force Base*	*$29,350,000*
Kansas	*McConnell Air Force Base*	*$6,800,000*
Maryland	*Andrews Air Force Base*	*$77,648,000*
Mississippi	*Columbus Air Force Base*	*$8,100,000*
Missouri	*Whiteman Air Force Base*	*$4,200,000*
Nevada	*Creech Air Force Base*	*$48,500,000*
	Nellis Air Force Base	*$53,300,000*
New Jersey	*McGuire Air Force Base*	*$7,200,000*
New Mexico	*Cannon Air Force Base*	*$8,300,000*
	Holloman Air Force Base	*$25,450,000*
Ohio	*Wright Patterson Air Force Base*	*$14,000,000*
Oklahoma	*Tinker Air Force Base*	*$54,000,000*
South Carolina	*Charleston Air Force Base*	*$4,500,000*
	Shaw Air Force Base	*$9,900,000*
Texas	*Fort Hood*	*$10,800,000*
	Lackland Air Force Base	*$75,515,000*
Utah	*Hill Air Force Base*	*$41,400,000*
Washington	*McChord Air Force Base*	*$5,500,000*
Wyoming	*Francis E. Warren Air Force Base*	*$8,600,000*

1 *(b) OUTSIDE THE UNITED STATES.—Using amounts*
2 *appropriated pursuant to the authorization of appropria-*
3 *tions in section 2304(2), the Secretary of the Air Force may*
4 *acquire real property and carry out military construction*
5 *projects for the installations or locations outside the United*
6 *States, and in the amounts, set forth in the following table:*

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	*Bagram Airfield*	*$57,200,000*
Guam	*Andersen Air Force Base*	*$10,600,000*
Kyrgyzstan	*Manas Air Base*	*$6,000,000*
United Kingdom	*Royal Air Force Lakenheath*	*$7,400,000*

7 *(c) UNSPECIFIED WORLDWIDE.—Using the amounts*
8 *appropriated pursuant to the authorization of appropria-*
9 *tions in section 2304(3), the Secretary of the Air Force may*
10 *acquire real property and carry out military construction*
11 *projects for unspecified installations or locations in the*
12 *amounts set forth in the following table:*

Air Force: Unspecified Worldwide

Location	*Installation or Location*	*Amount*
Worldwide Classified	*Classified Location*	*$891,000*
Worldwide Unspecified	*Unspecified Worldwide Locations*	*$52,500,000*

1 ***SEC. 2302. FAMILY HOUSING.***

2 *(a) CONSTRUCTION AND ACQUISITION.—Using*
3 *amounts appropriated pursuant to the authorization of ap-*
4 *propriations in section 2304(6)(A), the Secretary of the Air*
5 *Force may construct or acquire family housing units (in-*
6 *cluding land acquisition and supporting facilities) at the*
7 *installations or locations, in the number of units, and in*
8 *the amounts set forth in the following table:*

Air Force: Family Housing

State	*Installation or Location*	*Purpose*	*Amount*
United Kingdom	*Royal Air Force Lakenheath*	*182 Units*	*$71,828,000*

9 *(b) PLANNING AND DESIGN.—Using amounts appro-*
10 *priated pursuant to the authorization of appropriations in*
11 *section 2304(6)(A), the Secretary of the Air Force may*
12 *carry out architectural and engineering services and con-*
13 *struction design activities with respect to the construction*
14 *or improvement of family housing units in an amount not*
15 *to exceed $7,708,000.*

16 ***SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING***
17 ***UNITS.***

18 *Subject to section 2825 of title 10, United States Code,*
19 *and using amounts appropriated pursuant to the author-*

ization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $316,343,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,966,868,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $749,619,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $81,200,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $53,391,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $77,314,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $395,879,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $594,465,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, 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
		Purchase Build/Lease Housing (300 units)	$18,144,000
California	Edwards Air Force Base	Replace Family Housing (226 units)	$59,699,000
Florida	MacDill Air Force Base	Replace Family Housing (109 units)	$40,982,000
Missouri	Whiteman Air Force Base	Replace Family Housing (111 units)	$26,917,000

***Air Force: Extension of 2006 Project Authorizations**—Continued*

State	Installation or Location	Project	Amount
North Carolina	*Seymour Johnson Air Force Base*	*Replace Family Housing (255 units)*	*$48,868,000*
North Dakota	*Grand Forks Air Force Base*	*Replace Family Housing (150 units)*	*$43,353,000*

1 ***SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN***
2 ***FISCAL YEAR 2005 PROJECTS.***

3 *(a) EXTENSION.—Notwithstanding section 2701 of the*
4 *Military Construction Authorization Act for Fiscal Year*
5 *2005 (division B of Public Law 108–375; 118 Stat. 2116),*
6 *authorizations set forth in the table in subsection (b), as*
7 *provided in section 2302 of that Act and extended by section*
8 *2307 of the Military Construction Authorization Act for*
9 *Fiscal Year 2008 (division B of Public Law 110–181; 122*
10 *Stat. 519), shall remain in effect until October 1, 2009, or*
11 *the date of the enactment of an Act authorizing funds for*
12 *military construction for fiscal year 2010, whichever is*
13 *later.*

14 *(b) TABLE.—The table referred to in subsection (a) is*
15 *as follows:*

Air Force: Extension of 2005 Project Authorizations

State/Country	Installation or Location	Project	Amount
Arizona	*Davis-Monthan Air Force Base*	*Replace Family Housing (250 units)*	*$48,500,000*
California	*Vandenberg Air Force Base*	*Replace Family Housing (120 units)*	*$30,906,000*
Florida	*MacDill Air Force Base*	*Construct Housing Maintenance Facility*	*$1,250,000*

***Air Force: Extension of 2005 Project Authorizations**—Continued*

State/Country	Installation or Location	Project	Amount
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	$37,087,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (167 units)	$32,693,000
Germany	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center	$24,204,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 2007 project.
Sec. 2405. Modification of authority to carry out certain fiscal year 2005 projects.
Sec. 2406. Extension of authorization of certain fiscal year 2006 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorized chemical demilitarization program construction and land acquisition projects.
Sec. 2412. Authorization of appropriations, chemical demilitarization construction, defense-wide.
Sec. 2413. Modification of authority to carry out certain fiscal year 1997 project.
Sec. 2414. Modification of authority to carry out certain fiscal year 2000 project.

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 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects

1 *for the installations or locations inside the United States,*
2 *and in the amounts, set forth in the following tables:*

Defense Education Activity

State	Installation or Location	Amount
Kentucky	*Fort Campbell*	*$21,400,000*
North Carolina	*Fort Bragg*	*$78,471,000*

Defense Intelligence Agency

State	Installation or Location	Amount
Illinois	*Scott Air Force Base*	*$13,977,000*

Defense Logistics Agency

State	Installation or Location	Amount
California	*Defense Distribution Depot, Tracy*	*$50,300,000*
Delaware	*Defense Fuel Supply Center, Dover Air Force Base.*	*$3,373,000*
Florida	*Defense Fuel Support Point, Jacksonville*	*$34,000,000*
Georgia	*Hunter Army Air Field*	*$3,500,000*
Hawaii	*Pearl Harbor*	*$27,700,000*
New Mexico	*Kirtland Air Force Base*	*$14,400,000*
Oklahoma	*Altus Air Force Base*	*$2,850,000*
Pennsylvania	*Philadelphia*	*$1,200,000*
Utah	*Hill Air Force Base*	*$20,400,000*
Virginia	*Craney Island*	*$39,900,000*

National Security Agency

State	Installation or Location	Amount
Maryland	*Fort Meade*	*$14,000,000*

Special Operations Command

State	Installation or Location	Amount
California	*Naval Amphibious Base, Coronado*	*$9,800,000*
Florida	*Eglin Air Force Base*	*$40,000,00*
	Hurlburt Field	*$8,900,000*
	MacDill Air Force Base	*$10,500,000*
Kentucky	*Fort Campbell*	*$15,000,000*
New Mexico	*Cannon Air Force Base*	*$18,100,000*
North Carolina	*Fort Bragg*	*$38,250,000*
Virginia	*Fort Story*	*$11,600,000*
Washington	*Fort Lewis*	*$38,000,000*

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	*Fort Richardson*	*$6,300,000*
Colorado	*Buckley Air Force Base*	*$3,000,000*
Georgia	*Fort Benning*	*$3,900,000*
Kansas	*Fort Riley*	*$52,000,000*

***TRICARE Management Activity**—Continued*

State	Installation or Location	Amount
Kentucky	*Fort Campbell*	*$24,000,000*
Maryland	*Aberdeen Proving Ground*	*$430,000,000*
Missouri	*Fort Leonard Wood*	*$22,000,000*
Oklahoma	*Tinker Air Force Base*	*$65,000,000*
Texas	*Fort Sam Houston*	*$13,000,000*

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	*Pentagon Reservation*	*$38,940,000*

1 *(b) OUTSIDE THE UNITED STATES.—Using amounts*
2 *appropriated pursuant to the authorization of appropria-*
3 *tions in section 2403(a)(2), the Secretary of Defense may*
4 *acquire real property and carry out military construction*
5 *projects for the installations or locations outside the United*
6 *States, and in the amounts, set forth in the following tables:*

Defense Logistics Agency

Country	Installation or Location	Amount
Germany	*Germersheim*	*$48,000,000*
Greece	*Souda Bay*	*$8,000,000*

Special Operations Command

Country	Installation or Location	Amount
Qatar	*Al Udeid*	*$9,200,000*

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	*Naval Activities*	*$30,000,000*

7 *(c) UNSPECIFIED WORLDWIDE.—Using the amounts*
8 *appropriated pursuant to the authorization of appropria-*
9 *tions in section 2403(a)(3), the Secretary of Defense may*
10 *acquire real property and carry out military construction*

projects for unspecified installations or locations in the amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	***Installation or Location***	***Amount***
Worldwide Classified	*Classified Project*	*$837,480,000*

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $80,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, 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 $1,510,550,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $767,511,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $95,200,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2401(c), $101,160,000.

(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $28,853,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $133,025,000.

(7) For energy conservation projects authorized by section 2402 of this Act, $80,000,000.

(8) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $54,581,000.

(9) For the construction of increment 4 of the regional security operations center at Augusta, Georgia,

authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriation Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $100,220,000.

(10) For the construction of increment 2 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), $109,000,000.

(11) For the construction of increment 2 of the special operations forces operational 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), $31,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2) and (3) of subsection (a).

(2) $100,000,000 (the balance of the amount authorized under section 2401(a) for the construction of the United States Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland).

(3) $80,000,000 (the balance of the amount authorized under section 2401(c) for the construction of the Ballistic Missile Defense, European Interceptor Site).

(4) $60,000,000 (the balance of the amount authorized under section 2401(c) for the construction of the Ballistic Missile Defense, European Midcourse Radar Site).

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECT.

(a) MODIFICATION.—The table relating to the TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457) is amended in the item relating to Fort Detrick, Maryland, by striking "$550,000,000" in the amount column and inserting "$683,000,000".

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of that Act (120 Stat. 2461) is amended by striking "$521,000,000" and inserting "$654,000,000".

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2112) is amended—

(1) by striking the item relating to Defense Fuel Support Point, Naval Air Station, Oceana, Virginia; and

(2) by striking the amount identified as the total in the amount column and inserting "$485,193,000".

(b) CONFORMING AMENDMENTS.—Section 2404(a) of that Act (118 Stat. 2113) is amended—

(1) in the matter preceding paragraph (1), by striking "$1,055,663,000" and inserting "$1,052,074,000"; and

(2) in paragraph (1), by striking "$411,782,000" and inserting "$408,193,000".

SEC. 2406. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year

2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Extension of 2006 Project Authorization

Installation or Location	*Project*	*Amount*
Defense Logistics Agency	*Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania.*	*$6,500,000*

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION PROGRAM CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2412(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Chemical Demilitarization Program: Inside the United States

Army	*Installation or Location*	*Amount*
Army	*Blue Grass Army Depot, Kentucky*	*$12,000,000*

SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction and land acquisition for chemical demilitarization in the total amount of $134,278,000, as follows:

(1) For military construction projects inside the United States authorized by section 2411(a), $12,000,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $65,060,000.

(3) For the construction of phase 9 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) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $57,218,000.

SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in 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) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), is amended—

(1) under the agency heading relating to the Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking "$261,000,000" in the amount column and inserting "$484,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$830,454,000".

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking "$261,000,000" and inserting "$484,000,000".

SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATIONS.—The table in 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) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking "$290,325,000" in the amount column and inserting "$492,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$949,920,000".

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839),

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) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is further amended by striking "$267,525,000" and inserting "$469,200,000".

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, 2008, for contribu-

tions 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 $240,867,000.

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 2006 projects.
Sec. 2608. Extension of Authorization of certain fiscal year 2005 project.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Arizona	Camp Navajo	$13,000,000
	Florence	$13,800,000
	Papago Military Reservation	$24,000,000

***Army National Guard**—Continued*

State	*Location*	*Amount*
Arkansas	*Cabot*	*$10,868,000*
Colorado	*Denver*	*$9,000,000*
	Grand Junction	*$9,000,000*
Connecticut	*Camp Rell*	*$28,000,000*
	East Haven	*$13,800,000*
Delaware	*New Castle*	*$28,000,000*
Florida	*Camp Blanding*	*$33,307,000*
Georgia	*Dobbins Air Reserve Base*	*$45,000,000*
Idaho	*Orchard Training Area*	*$1,850,000*
Indiana	*Camp Atterbury*	*$5,800,000*
	Lawrence	*$21,000,000*
	Muscatatuck	*$6,000,000*
Iowa	*Camp Dodge*	*$1,500,000*
	Davenport	*$1,550,000*
	Mount Pleasant	*$1,500,000*
Kentucky	*London*	*$7,191,000*
Maine	*Bangor*	*$20,000,000*
Maryland	*Edgewood*	*$28,000,000*
	Salisbury	*$9,800,000*
Massachusetts	*Methuen*	*$21,000,000*
Michigan	*Camp Grayling*	*$4,000,000*
Minnesota	*Arden Hills*	*$15,000,000*
New York	*Fort Drum*	*$11,000,000*
	Queensbury	*$5,900,000*
Ohio	*Camp Perry*	*$2,000,000*
	Ravenna	*$2,000,000*
Pennsylvania	*Honesdale*	*$6,117,000*
South Carolina	*Anderson*	*$12,000,000*
	Beaufort	*$3,400,000*
	Eastover	*$28,000,000*
	Hemingway	*$4,600,000*
South Dakota	*Rapid City*	*$29,000,000*
Tennessee	*Tullahoma*	*$10,372,000*
Utah	*Camp Williams*	*$17,500,000*
Virginia	*Arlington*	*$15,500,000*
	Fort Pickett	*$2,950,000*
Washington	*Fort Lewis (Gray Army Airfield)*	*$32,000,000*
West Virginia	*Camp Dawson*	*$9,000,000*

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	*Location*	*Amount*
California	*Fort Hunter Liggett*	*$3,950,000*
Hawaii	*Fort Shafter*	*$19,199,000*
Idaho	*Hayden Lake*	*$9,580,000*
Kansas	*Dodge City*	*$8,100,000*
Maryland	*Baltimore*	*$11,600,000*
Massachusetts	*Fort Devens*	*$1,900,000*
Michigan	*Saginaw*	*$11,500,000*
Missouri	*Weldon Springs*	*$11,700,000*
Nevada	*Las Vegas*	*$33,900,000*
New Jersey	*Fort Dix*	*$3,825,000*
New York	*Kingston*	*$13,494,000*
	Shoreham	*$15,031,000*
	Staten Island	*$18,550,000*
North Carolina	*Raleigh*	*$25,581,000*
Pennsylvania	*Letterkenny Army Depot*	*$14,914,000*
Tennessee	*Chattanooga*	*$10,600,000*
Texas	*Sinton*	*$9,700,000*
Washington	*Seattle*	*$37,500,000*
Wisconsin	*Fort McCoy*	*$4,000,000*

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	*Location*	*Amount*
California	*Lemoore*	*$15,420,000*
Delaware	*Wilmington*	*$11,530,000*
Georgia	*Marietta*	*$7,560,000*
Virginia	*Norfolk*	*$8,170,000*
	Williamsburg	*$12,320,000*

1 ***SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-***
2 ***TION AND LAND ACQUISITION PROJECTS.***

3 *Using amounts appropriated pursuant to the author-*
4 *ization of appropriations in section 2606(3)(A), the Sec-*
5 *retary of the Air Force may acquire real property and*
6 *carry out military construction projects for the Air Na-*
7 *tional Guard locations, and in the amounts, set forth in*
8 *the following table:*

Air National Guard

State	***Location***	***Amount***
Arkansas	*Little Rock Air Force Base*	*$4,000,000*
Connecticut	*Bradley International Airport*	*$7,200,000*
Delaware	*New Castle County Airport*	*$3,200,000*
Georgia	*Savannah Combat Readiness Training Center.*	*$7,500,000*
Indiana	*Fort Wayne International Airport*	*$5,600,000*
Iowa	*Fort Dodge*	*$5,600,000*
Maryland	*Martin State Airport*	*$7,900,000*
Minnesota	*Duluth*	*$4,500,000*
	Minneapolis-St. Paul	*$1,500,000*
New Jersey	*Atlantic City International Airport*	*$8,400,000*
New York	*Gabreski Airport*	*$7,500,000*
	Hancock Field	*$10,400,000*
Ohio	*Springfield Air National Guard Base*	*$12,800,000*
South Dakota	*Joe Foss Field*	*$4,500,000*
Texas	*Ellington Field*	*$7,600,000*
	Fort Worth Naval Air Station Joint Reserve Base.	*$5,000,000*
Vermont	*Burlington International Airport*	*$6,600,000*
Washington	*McChord Air Force Base*	*$8,600,000*
Wyoming	*Cheyenne Municipal Airport*	*$7,000,000*

9 ***SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-***
10 ***TION AND LAND ACQUISITION PROJECTS.***

11 *Using amounts appropriated pursuant to the author-*
12 *ization of appropriations in section 2606(3)(B), the Sec-*
13 *retary of the Air Force may acquire real property and*
14 *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*
Oklahoma	*Tinker Air Force Base*	*$9,900,000*
New York	*Niagara Falls Air Reserve Station*	*$9,000,000*

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, 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—

(A) for the Army National Guard of the United States, $628,668,000; and

(B) for the Army Reserve, $282,607,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $57,045,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $142,809,000; and

(B) for the Air Force Reserve, $30,018,000.

1 ***SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN***
2 ***FISCAL YEAR 2006 PROJECTS.***

3 *(a) EXTENSION.—Notwithstanding section 2701 of the*
4 *Military Construction Authorization Act for Fiscal Year*
5 *2006 (division B of Public Law 109–163; 119 Stat. 3501),*
6 *the authorizations set forth in the table in subsection (b),*
7 *as provided in section 2601 of that Act, shall remain in*
8 *effect until October 1, 2009, or the date of the enactment*
9 *of an Act authorizing funds for military construction for*
10 *fiscal year 2010, whichever is later.*

11 *(b) TABLE.—The table referred to in subsection (a) is*
12 *as follows:*

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Roberts	Urban Assault Course	$1,485,000
Idaho	Gowen Field	Railhead, Phase 1	$8,331,000
Mississippi	Biloxi	Readiness Center	$16,987,000
	Camp Shelby	Modified Record Fire Range.	$2,970,000
Montana	Townsend	Automated Qualification Training Range.	$2,532,000
Pennsylvania	Philadelphia	Stryker Brigade Combat Team Readiness Center.	$11,806,000
		Organizational Maintenance Shop #7.	$6,144,930

13 ***SEC. 2608. EXTENSION OF AUTHORIZATION OF CERTAIN***
14 ***FISCAL YEAR 2005 PROJECT.***

15 *(a) EXTENSION.—Notwithstanding section 2701 of the*
16 *Military Construction Authorization Act for Fiscal Year*
17 *2005 (division B of Public Law 108–375; 118 Stat. 2116),*
18 *the authorization set forth in the table in subsection (b),*

as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
California	*Dublin*	*Readiness Center, Add/Alt (ADRS).*	*$11,318,000*

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—Amendments to Base Closure and Related Laws

Sec. 2711. Repeal of commission approach for development of recommendations in any future round of base closures and realignments.
Sec. 2712. Modification of annual base closure and realignment reporting requirements.
Sec. 2713. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.

Subtitle C—Other Matters

Sec. 2721. Conditions on closure of Walter Reed Army Medical Hospital and relocation of operations to National Naval Medical Center and Fort Belvoir.
Sec. 2722. Report on use of BRAC properties as sites for refineries or nuclear power plants.

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, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $393,377,000, as follows:

(1) For the Department of the Army, $72,855,000.

(2) For the Department of the Navy, $178,700,000

(3) For the Department of the Air Force, $139,155,000.

(4) For the Defense Agencies, $2,667,000.

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 $7,138,021,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense

Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $9,065,386,000, as follows:

(1) For the Department of the Army, $4,486,178,000.

(2) For the Department of the Navy, $871,492,000.

(3) For the Department of the Air Force, $1,072,925,000.

(4) For the Defense Agencies, $2,634,791,000.

Subtitle B—Amendments to Base Closure and Related Laws

SEC. 2711. REPEAL OF COMMISSION APPROACH FOR DEVELOPMENT OF RECOMMENDATIONS IN ANY FUTURE ROUND OF BASE CLOSURES AND REALIGNMENTS.

(a) REPEAL OF PROVISIONS RELATED TO DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.—Sections 2902, 2903(d), 2912(d), and 2914 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) are repealed.

(b) CONFORMING AMENDMENTS.—Section 2903 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 subsection (c)—

(A) in paragraph (1), by striking "and to the Commission";

(B) in paragraph (2), by striking "and the Commission";

(C) in paragraph (3)(C), by striking "the Commission and";

(D) in paragraph (5)(A), by striking "or the Commission"; and

(E) by striking paragraph (6); and

(2) in subsection (e)—

(A) in paragraph (1), by striking "the Commission makes recommendations under subsection (d), transmit to the Commission and to the Congress a report containing the President's approval or disapproval of the Commissions" and inserting "the Secretary makes recommendations under subsection (c), transmit to the Congress a report containing the President's approval or disapproval of the Secretary's";

(B) in paragraphs (2), (4), and (5) and the second sentence of paragraph (3), by striking "the Commission" each place it appears and inserting "the Secretary";

(C) in the first sentence of paragraph (3), by striking "the Commission, in whole or in

part, the President shall transmit to the Commission and" and inserting "the Secretary, in whole or in part, the President shall transmit to the".

(c) EFFECT OF REPEAL.—The amendments made by this section do not affect the validity of the recommendations submitted by the Defense Base Closure and Realignment Commission in the 2005 or earlier rounds of closures and realignments of military installations.

SEC. 2712. MODIFICATION OF ANNUAL BASE CLOSURE AND REALIGNMENT REPORTING REQUIREMENTS.

(a) TERMINATION OF REPORTING REQUIREMENTS AFTER FISCAL YEAR 2014.—Section 2907 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) by striking "As part of the budget request for fiscal year 2007 and for each fiscal year thereafter" and inserting "(a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2007 and for each fiscal year thereafter through fiscal year 2016"; and

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

"(b) TERMINATION OF REPORTING REQUIREMENTS RELATED TO REALIGNMENT ACTIONS.—The reporting requirements under subsection (a) shall terminate with respect to realignment actions after the report submitted with the budget for fiscal year 2014.".

(b) EXCLUSION OF DESCRIPTIONS OF REALIGNMENT ACTIONS.—Subsection (a) of such section, as designated and amended by subsection (a)(1) of this section, is further amended—

(1) in paragraph (1), by striking "and realignment" both places it appears;

(2) in paragraph (2), by striking "and realignments"; and

(3) in paragraphs (3), (4), (5), (6), and (7), by striking "or realignment" each place it appears.

SEC. 2713. TECHNICAL CORRECTIONS REGARDING AUTHORIZED COST AND SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS RELATED TO BASE CLOSURES AND REALIGNMENTS.

(a) CORRECTION OF CITATION IN AMENDATORY LANGUAGE.—

(1) IN GENERAL.—Section 2704(a) of the Military Construction Authorization Act for Fiscal Year

2008 (division B of Public Law 110–181; 122 Stat. 532) is amended—

(B) in subsection (a), by striking "Section 2905A" and inserting "Section 2906A"; and

(C) in subsection (b), by striking "section 2905A" and inserting "section 2906A".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 28, 2008, as if included in the enactment of section 2704 of the Military Construction Authorization Act for Fiscal Year 2008.

(b) CORRECTION OF SCOPE OR WORK VARIATION LIMITATION.—Subsection (f) of section 2906A 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), as added by section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) and amended by subsection (a), is amended by striking "20 percent or $2,000,000, whichever is greater" and inserting "20 percent or $2,000,000, whichever is less".

Subtitle C—Other Matters

SEC. 2721. CONDITIONS ON CLOSURE OF WALTER REED ARMY MEDICAL HOSPITAL AND RELOCATION OF OPERATIONS TO NATIONAL NAVAL MEDICAL CENTER AND FORT BELVOIR.

(a) REQUIRED CERTIFICATION.—The Secretary of Defense may not commence the closure of Walter Reed Army Medical Hospital or continue with the construction at the National Naval Medical Center in Bethesda, Maryland, and Fort Belvoir, Virginia, of replacement facilities beyond the construction necessary to complete the foundations of the replacement facilities until—

(1) the Secretary certifies to the congressional defense committees that each of the conditions imposed by this section has been satisfied; and

(2) a period of 7 days has expired following the date on which the certification is received by the committees.

(b) PROGRESS ON DESIGN FOR REPLACEMENT FACILITIES.—

(1) PREPARATION.—The Secretary of Defense shall replace the conceptual design prepared for the new National Military Medical Center at the National Naval Medical Center with a design for the facility that is certified as at least 90 percent complete

by an engineer or architect registered in the State of Maryland.

(2) COLLABORATIVE DESIGN PROCESS.—The Secretary of Defense may not delegate the responsibility for the preparation of the design for the National Military Medical Center to the prime contractor selected for construction of the facility. The design for the National Military Medical Center shall be prepared through a collaborative process involving—

(A) personnel of the Department of Defense;

(B) representatives of premier health care facilities in the United States; and

(C) current and former patients of the military medical system.

(c) INDEPENDENT COST ESTIMATE.—

(1) PREPARATION.—The Cost Analysis Improvement Group of the Department of Defense shall prepare an independent cost estimate of the total cost to be incurred by the United States to close Walter Reed Army Medical Hospital, design and construct replacement facilities at the National Naval Medical Center and Fort Belvoir, and relocate operations to the replacement facilities. In preparing the cost estimate, the Cost Analysis Improvement Group shall not consider the possibility of private funds being obtained to

construct the proposed traumatic brain injury treatment facility at the National Naval Medical Center.

(2) SUBMISSION.—The Secretary of Defense shall submit the resulting cost estimate to the congressional defense committees as soon as possible after the date of the enactment of this Act, but in no case later than the date on which the Secretary makes the certification under subsection (a) with regard to compliance with this subsection.

(d) MILESTONE SCHEDULE.—

(1) PREPARATION.—The Secretary of Defense shall prepare a complete milestone schedule for the closure of Walter Reed Army Medical Hospital, the design and construction of replacement facilities at the National Naval Medical Center and Fort Belvoir, and the relocation of operations to the replacement facilities. The schedule shall include a detailed plan regarding how the Department of Defense will carry out the transition of operations between Walter Reed Army Medical Hospital and the replacement facilities.

(2) SUBMISSION.—The Secretary of Defense shall submit the resulting milestone schedule and transition plan to the congressional defense committees as soon as possible after the date of the enactment of this Act,

but in no case later than the date on which the Secretary makes the certification under subsection (a) with regard to compliance with this subsection.

SEC. 2722. REPORT ON USE OF BRAC PROPERTIES AS SITES FOR REFINERIES OR NUCLEAR POWER PLANTS.

Not later than October 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the feasibility of using military installations selected for closure under the base closure and realignment process as locations for the construction of petroleum or natural gas refineries or nuclear power plants.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Incorporation of principles of sustainable design in documents submitted as part of proposed military construction projects.
Sec. 2802. Extension of authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2803. Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount.
Sec. 2804. Use of military family housing constructed under build and lease authority to house members without dependents.
Sec. 2805. Lease of military family housing to the Secretary of Defense for use as residence.
Sec. 2806. Repeal of reporting requirement in connection with installation vulnerability assessments.
Sec. 2807. Modification of alternative authority for acquisition and improvement of military housing.
Sec. 2808. Report on capturing housing privatization best practices.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Clarification of exceptions to congressional reporting requirements for certain real property transactions.
Sec. 2812. Authority to lease non-excess property of military departments and Defense Agencies.
Sec. 2813. Modification of utility system conveyance authority.
Sec. 2814. Permanent authority to purchase municipal services for military installations in the United States.
Sec. 2815. Defense access roads.
Sec. 2816. Protecting private property rights during Department of Defense land acquisitions.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2821. Guam Defense Policy Review Initiative Account.
Sec. 2822. Sense of Congress regarding use of Special Purpose Entities for military housing related to Guam realignment.
Sec. 2823. Sense of Congress regarding Federal assistance to Guam.
Sec. 2824. Comptroller General report regarding interagency requirements related to Guam realignment.
Sec. 2825. Energy and environmental design initiatives in Guam military construction and installations.
Sec. 2826. Department of Defense Inspector General report regarding Guam realignment.
Sec. 2827. Eligibility of the Commonwealth of the Northern Mariana Islands for military base reuse studies and community planning assistance.
Sec. 2828. Prevailing wage applicable to Guam.

Subtitle D—Energy Security

Sec. 2841. Certification of enhanced use leases for energy-related projects.
Sec. 2842. Annual report on Department of Defense installations energy management.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance, former Naval Air Station, Alameda, California.
Sec. 2852. Land conveyance, Norwalk Defense Fuel Supply Point, Norwalk, California.
Sec. 2853. Land conveyance, former Naval Station, Treasure Island, California.
Sec. 2854. Condition on lease involving Naval Air Station, Barbers Point, Hawaii.
Sec. 2855. Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio.
Sec. 2856. Land conveyance, John Sevier Range, Knox County, Tennessee.
Sec. 2857. Land conveyance, Bureau of Land Management land, Camp Williams, Utah.
Sec. 2858. Land conveyance, Army property, Camp Williams, Utah.
Sec. 2859. Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia.

Subtitle F—Other Matters

Sec. 2871. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.

Sec. 2872. Decontamination and use of former bombardment area on island of Culebra.
Sec. 2873. Acceptance and use of gifts for construction of additional building at National Museum of the United States Air Force, Wright-Patterson Air Force Base.
Sec. 2874. Establishment of memorial to American Rangers at Fort Belvoir, Virginia.
Sec. 2875. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.
Sec. 2876. Naming of health facility, Fort Rucker, Alabama.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCORPORATION OF PRINCIPLES OF SUSTAINABLE DESIGN IN DOCUMENTS SUBMITTED AS PART OF PROPOSED MILITARY CONSTRUCTION PROJECTS.

(a) DEFINITION OF LIFE-CYCLE COST-EFFECTIVE.—Subsection (c) of section 2801 of title 10, United States Code, is amended—

(1) by transferring paragraph (4) to appear as the first paragraph in the subsection and redesignating such paragraph as paragraph (1);

(2) by redesignating the subsequent three paragraphs as paragraphs (2), (4), and (5), respectively; and

(3) by inserting after paragraph (2), as so redesignated, the following new paragraph:

"(3) The term 'life-cycle cost-effective', with respect to a project, product, or measure, means that

the sum of the present values of investment costs, capital costs, installation costs, energy costs, operating costs, maintenance costs, and replacement costs, as estimated for the lifetime of the project, product, or measure, does not exceed the base case (current or standard) for the practice, product, or measure.''.

(b) INCLUSION.—Section 2802 of such title is amended by adding at the end the following new subsection:

''(c) In determining the scope of a proposed military construction project, the Secretary concerned shall submit to the President such recommendations as the Secretary considers to be appropriate regarding the incorporation and inclusion of life-cycle cost-effective practices as an element in the project documents submitted to Congress in connection with the budget submitted pursuant to section 1105 of title 31 for the fiscal year in which a contract is proposed to be awarded for the project.''.

SEC. 2802. EXTENSION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year

2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), and section 2801(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), is further amended by striking "2008" and inserting "2009".

SEC. 2803. REVISION OF MAXIMUM LEASE AMOUNT APPLICABLE TO CERTAIN DOMESTIC ARMY FAMILY HOUSING LEASES TO REFLECT PREVIOUSLY MADE ANNUAL ADJUSTMENTS IN AMOUNT.

Section 2828(b)(7)(A) of title 10, United States Code, is amended by striking "$18,620 per unit" and inserting "$35,000 per unit".

SEC. 2804. USE OF MILITARY FAMILY HOUSING CONSTRUCTED UNDER BUILD AND LEASE AUTHORITY TO HOUSE MEMBERS WITHOUT DEPENDENTS.

(a) IN GENERAL.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2835 the following new section:

"§ 2835a. Use of military family housing constructed under build and lease authority to house other members

"(a) INDIVIDUAL ASSIGNMENT OF MEMBERS WITHOUT DEPENDENTS.—(1) To the extent that the Secretary concerned determines that military family housing constructed and leased under section 2835 of this title is not needed to house members of the armed forces eligible for assignment to military family housing, the Secretary may assign, without rental charge, members without dependents to the housing.

"(2) A member without dependents who is assigned to housing pursuant to paragraph (1) shall be considered to be assigned to quarters pursuant to section 403(e) of title 37.

"(b) CONVERSION TO LONG-TERM LEASING OF MILITARY UNACCOMPANIED HOUSING.—(1) If the Secretary concerned determines that military family housing constructed and leased under section 2835 of this title is excess to the long-term needs of the family housing program of the Secretary, the Secretary may convert the lease contract entered into under subsection (a) of such section into a long-term lease of military unaccompanied housing.

"(2) The term of the lease contract for military unaccompanied housing converted from military family housing

under paragraph (1) may not exceed the remaining term of the lease contract for the family housing so converted.

"(c) NOTICE AND WAIT REQUIREMENTS.—(1) The Secretary concerned may not convert military family housing to military unaccompanied housing under subsection (b) until—

"(A) the Secretary submits to the congressional defense committees a notice of the intent to undertake the conversion; and

"(B) a period of 21 days has expired following the date on which the notice is received by the committees or, if earlier, a period of 14 days has expired following the date on which a copy of the notice is provided in an electronic medium pursuant to section 480 of this title.

"(2) The notice required by paragraph (1) shall include—

"(A) an explanation of the reasons for the conversion of the military family housing to military unaccompanied housing;

"(B) a description of the long-term lease to be converted;

"(C) amounts to be paid under the lease; and

"(D) the expiration date of the lease.

"(d) APPLICATION TO HOUSING LEASED UNDER FORMER AUTHORITY.—This section also shall apply to housing initially acquired or constructed under the former section 2828(g) of this title (commonly known as the 'Build to Lease program'), as added by section 801 of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat 782).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2835 the following new item:

"2835a. Use of military family housing constructed under build and lease authority to house other members.".

SEC. 2805. LEASE OF MILITARY FAMILY HOUSING TO THE SECRETARY OF DEFENSE FOR USE AS RESIDENCE.

(a) LEASE OF HOUSING AUTHORIZED .—Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§2838. Lease of military family housing to the Secretary of Defense for use as residence

"(a) LEASE AUTHORIZED.—The Secretary of a military department may lease military family housing in the National Capital Region (as such term is defined in section 2674 of this title) to the person serving as the Secretary of Defense for the purpose of permitting the person to use

the housing as a personal residence while the person is serving as Secretary of Defense. In determining the unit of military family housing to lease under this section, the Secretary of Defense and the Secretaries of the military departments should first consider any units then available that are already substantially equipped for executive communications and security.

"(b) RENTAL RATE.—A lease under subsection (a) of a unit of military family housing shall provide for the payment by the person serving as the Secretary of Defense of consideration in an amount equal to the higher of the following:

"(1) 105 percent of the monthly rate for the basic allowance for housing prescribed under section 403(b) of title 37 for a member of the armed forces in the pay grade of O–10, with dependents, assigned to duty at the military installation on which the housing unit is located.

"(2) The assessed fair market value of the housing unit, offset by the security and infrastructure savings associated with housing the lessee on a military installation.

"(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all money rentals received pursuant to a lease entered into by that Secretary

under this section into a special account in the Treasury established for such military department.

"(2) The proceeds deposited into a special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, in such amounts as are provided in advance in appropriation Acts, for maintenance, protection, alteration, repair, improvement, or restoration of military housing on the installation at which the housing leased pursuant to subsection (a) is located.".

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

"2838. Lease of military family housing to the Secretary of Defense for use as residence.".

SEC. 2806. REPEAL OF REPORTING REQUIREMENT IN CONNECTION WITH INSTALLATION VULNERABILITY ASSESSMENTS.

Section 2859 of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 2807. MODIFICATION OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) PARTNERSHIP WITH ELIGIBLE ENTITY REQUIRED.—Section 2871(5) of title 10, United States Code, is amended by inserting before the period at the end the following: "that is prepared to enter into a contract as a partner with the Secretary concerned for the construction of military housing units and ancillary supporting facilities".

(b) BONDING REQUIREMENTS FOR ELIGIBLE ENTITIES.—Section 2872 of such title is amended—

(1) by inserting "(a) AVAILABILITY OF ALTERNATIVE AUTHORITIES.—" before "In addition"; and

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

"(b) BONDING REQUIREMENTS FOR ELIGIBLE ENTITIES.—The Secretary concerned shall ensure that an eligible entity that will acquire or construct housing units or ancillary supporting facilities under this subchapter is fully bonded for the construction of the units or facilities by obtaining payment and performance bonds in an amount not less than 100 percent of the maximum price allowable under the contract for the overall project.".

(c) COMPETITIVE PROCESS FOR CONVEYANCE OR LEASE OF PROPERTY.—Section 2878 of such title is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e); respectively; and

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

"(c) COMPETITIVE PROCESS.—The Secretary concerned shall ensure that the time, method, and terms and conditions of the conveyance or lease of property or facilities under this section permit full and free competition consistent with the value and nature of the property or facilities involved.".

(d) TREATMENT OF ACQUIRED OR CONSTRUCTED HOUSING UNITS.—

(1) REPEAL OF SEPARATE ASSIGNMENT AUTHORITY.—Section 2882 of such title is amended to read as follows:

"§ 2882. Effect of assignment of members to housing units acquired or constructed under alternative authority

"(a) TREATMENT AS QUARTERS OF THE UNITED STATES.—Except as provided in subsection (b), housing units acquired or constructed under this subchapter shall be considered as quarters of the United States or a housing

facility under the jurisdiction of a uniformed service for purposes of section 403 of title 37.

"(b) AVAILABILITY OF BASIC ALLOWANCE FOR HOUSING.—A member of the armed forces who is assigned to a housing unit acquired or constructed under this subchapter that is not owned or leased by the United States shall be entitled to a basic allowance for housing under section 403 of title 37.

"(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary concerned may require members of the armed forces who lease housing in housing units acquired or constructed under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2882 and inserting the following new item:

"2882. Effect of assignment of members to housing units acquired or constructed under alternative authority.".

(e) ANNUAL REPORT ON MAINTENANCE AND REPAIR TO PRIVATIZED GENERAL AND FLAG OFFICER QUARTERS.—Section 2884(b) of such title is amended by adding at the end the following new paragraph:

"(7) A report identifying each family housing unit acquired or constructed under this subchapter

that is used, or intended to be used, as quarters for a general officer or flag officer and for which the total operation, maintenance, and repair costs for the unit exceeded $35,000. For each housing unit so identified, the report shall also include the total of such operation, maintenance, and repair costs.".

SEC. 2808. REPORT ON CAPTURING HOUSING PRIVATIZATION BEST PRACTICES.

Section 2884(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(7) A separate report on best practices for the execution of housing privatization initiatives, covering the full range of issues that arise throughout the life of the project, from the identification of requirements, through construction, to sustainment of the public private venture following conclusion of the contract. Issues covered by this reporting requirement include project oversight requirements, community, subcontractor, bond holder, and project owner relations, and such other topics that are identified as pertinent by the Department of Defense.".

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CLARIFICATION OF EXCEPTIONS TO CONGRESSIONAL REPORTING REQUIREMENTS FOR CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2662(c) of title 10, United States Code, is amended—

(1) by striking "river and harbor projects or flood control projects" and inserting "Army civil works water resource development projects"; and

(2) by striking "acquisition specifically authorized in a Military Construction Authorization Act" and inserting "transaction specifically authorized in a Military Construction Authorization Act or other Act authorizing or directing activities of the Department of Defense".

SEC. 2812. AUTHORITY TO LEASE NON-EXCESS PROPERTY OF MILITARY DEPARTMENTS AND DEFENSE AGENCIES.

(a) CONSOLIDATION OF SEPARATE AUTHORITIES.—

(1) ESTABLISHMENT OF SINGLE AUTHORITY.—Subsection (a) of section 2667 of title 10, United States Code, is amended to read as follows:

"(a) LEASE AUTHORITY.—Whenever the Secretary concerned considers it advantageous to the United States,

the Secretary concerned may lease to such lessee and upon such terms as the Secretary concerned considers will promote the national defense or to be in the public interest, real or personal property that—

"(1) is under the control of the Secretary concerned;

"(2) is not for the time needed for public use; and

"(3) is not excess property, as defined by section 102 of title 40.".

(2) SECRETARY CONCERNED DEFINED.—Subsection (i) of such section is amended by adding at the end the following new paragraph:

"(4) The term 'Secretary concerned' means—

"(A) the Secretary of a military department, with respect to matters concerning that military department; and

"(B) the Secretary of Defense, with respect to matters concerning the Defense Agencies.".

(b) LIMITATION ON DURATION OF LEASE.—Subsection (b)(1) of such section is amended by inserting ", but not to exceed 50 years," after "longer period".

(c) PROHIBITION ON LEASEBACK WITH EXCESSIVE ANNUAL PAYMENTS.—Subsection (b) of such section is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

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

"(7) may not provide for a leaseback by the Secretary concerned with an annual payment in excess of $500,000.".

(d) IMPROVED CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Paragraph (4) of subsection (c) of such section is amended to read as follows:

"(4)(A) Not later than 30 days before issuing a contract solicitation or other lease offering under this section for a lease whose annual payment, including any in-kind consideration to be accepted under subsection (b)(5) or this subsection, will exceed $500,000, the Secretary concerned shall submit to the congressional defense committees a report containing—

"(i) a description of the proposed lease, including the proposed duration of the lease;

"(ii) a description of the authorities to be used in entering the lease and the intended participation of the United States in the lease, including a justification of the intended method of participation;

"(iii) a statement of the scored cost of the lease, determined using the scoring criteria of the Office of Management and Budget;

"(iv) a determination that the property involved in the lease is not excess property, as required by subsection (a)(3), including the basis for the determination; and

"(v) a determination that the lease is directly compatible with the mission of the military installation or Defense Agency whose property is to be subject to the lease and the anticipated long-term use of the property at the conclusion of the lease.

"(B) In the case of a lease described in subparagraph (A), the Secretary concerned also shall submit to the congressional defense committees a report at least 30 days before the date on which the Secretary concerned enters into a lease the following information:

"(i) A copy of the report submitted under subparagraph (A).

"(ii) A description of the differences between the report submitted under that subparagraph and the new report.

"(iii) A description of the agreement reached with the local municipality on taxation issues and

other development issues related to the proposed project, including payments-in-lieu-of taxes.

"(iv) A description of the lessee payment required under this section.".

(e) PROHIBITION ON ACCEPTANCE OF IN-KIND TO SUPPORT CERTAIN MWR PROJECTS.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(5) The Secretary concerned may not accept in-kind consideration under paragraph (1) with respect to a lease under this section to support the development of a project for a nonappropriated fund activity of the Department of Defense conducted for the morale, welfare, and recreation of members of the armed forces if the revenues estimated to be generated from the resulting facility would generally cover the operating expenses of the facility.".

(f) CONFORMING AMENDMENTS TO REFERENCES TO MILITARY DEPARTMENTS AND INSTALLATIONS.—

(1) COMMUNITY SUPPORT FACILITIES AND COMMUNITY SUPPORT SERVICES.—Subsection (d) of such section is amended—

(A) in paragraph (2), by striking "Secretary of a military department" and inserting "Secretary concerned"; and

(B) in paragraphs (3), (4), and (6), by striking "of the military department" each place it appears.

(2) DEPOSIT AND USE OF PROCEEDS.—Subsection (e) of such section is amended—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i)—

(I) by striking "Secretary of a military department" and inserting "Secretary concerned"; and

(II) by striking "such military department" and inserting "that Secretary";

(ii) in clause (iii), by striking "military department" and inserting "Secretary"

(B) in paragraph (1)(B)(i), by striking "Secretary of a military department" and inserting "Secretary concerned";

(C) in paragraph (1)(C), by striking "of a military department pursuant to subparagraph (A) shall be available to the Secretary of that military department" and inserting "established for the Secretary concerned shall be available to the Secretary";

(D) in paragraph (1)(D)—

(i) by striking "of a military department under subparagraph (A)" and inserting "established for the Secretary concerned"; and

(ii) by inserting "or Defense Agency location" after "military installation";

(E) in paragraph (1)(E), by striking "installation" and inserting "military installation or Defense Agency location"; and

(F) in paragraph (3), by striking "Secretary of a military department" and inserting "Secretary concerned".

(3) BASE CLOSURE PROPERTY.—Subsection (g)(1) of such section is amended by striking "Secretary of a military department" and inserting "Secretary concerned".

(g) REPEAL OF SEPARATE DEFENSE AGENCY AUTHORITY.—

(1) REPEAL.—Section 2667a of such title is repealed.

(2) EFFECT ON EXISTING CONTRACTS.—The repeal of section 2667a of title 10, United States Code, shall not affect the validity or terms of any lease with respect to property of a Defense Agency entered into

by the Secretary of Defense under such section before the date of the enactment of this Act.

(3) TREATMENT OF MONEY RENTS.—Amounts in any special account established for a Defense Agency pursuant to subsection (d) of section 2667a of title 10, United States Code, before repeal of such section by paragraph (1), and amounts that would be deposited in such an account in connection with a lease referred to in paragraph (2), shall—

(A) remain available until expended for the purposes specified in such subsection, notwithstanding the repeal of such section by paragraph (1); or

(B) to the extent provided in appropriations Acts, be transferred to the special account required for the Secretary of Defense by subsection (e) of section 2667 of such title, as amended by subsection (f)(2) of this section.

(h) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 2667 of such title is amended to read as follows:

"§ 2667. Leases: non-excess property of military departments and Defense Agencies".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 159 of such title is

amended by striking the items relating to sections 2667 and 2667a and inserting the following new item:

"2667. Leases: non-excess property of military departments and Defense Agencies.".

SEC. 2813. MODIFICATION OF UTILITY SYSTEM CONVEYANCE AUTHORITY.

(a) CONVEYANCE OF UTILITY SYSTEM INFRASTRUCTURE.—Section 2688 of title 10, United States Code, is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) CONVEYANCE OF UTILITY INFRASTRUCTURE AFTER PRIVATIZATION OF UTILITY SYSTEM.—(1) The Secretary concerned may convey all right, title, and interest of the United States, or such lesser estate as the Secretary considers appropriate, in and to utility system infrastructure under the jurisdiction of the Secretary to the entity to which a utility system has been conveyed under subsection (a) if the infrastructure will be used as part of the utility system.

"(2) In making a conveyance under paragraph (1), the Secretary concerned may use other than competitive procedures. As consideration for the conveyance, the Secretary

concerned shall receive an amount equal to the fair market value of the conveyed utility infrastructure, determined in the same manner as the consideration the Secretary could require under subsection (c) for the conveyance of a utility system under subsection (a).".

(b) ASSISTANCE FOR CONSTRUCTION, REPAIR, OR REPLACEMENT OF UTILITY INFRASTRUCTURE.—Subsection (h) of such section is amended—

(1) in the subsection heading, by striking "SYSTEMS.—" and inserting "SYSTEMS OR INFRASTRUCTURE.—(1)"; and

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

"(2) In lieu of carrying out a military construction project to construct, repair, or replace utility infrastructure to be used with a utility system conveyed under subsection (a), the Secretary concerned may provide, from amounts authorized and appropriated for the project for fiscal year 2009 or subsequent fiscal years, funds to the entity to which the utility system has been conveyed for use by the entity to construct, repair, or replace the utility infrastructure if the infrastructure will be used as part of the utility system. As consideration for the provision of such funds, the Secretary may require a reduction in charges for utility services in the same manner as a reduction in charges may

be required under subsection (c) for the conveyance of a utility system under subsection (a).".

SEC. 2814. PERMANENT AUTHORITY TO PURCHASE MUNICIPAL SERVICES FOR MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) PERMANENT AUTHORITY.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2465 the following new section:

"§ 2465a. Contracts for procurement of municipal services for military installations in the United States

"(a) CONTRACT AUTHORITY.—Subject to section 2465 of this title, the Secretary a military department may enter into a contract for the procurement of municipal services described in subsection (b) for a military installation in the United States under the jurisdiction of the Secretary from a county or municipal government for the geographic area in which the installation is located.

"(b) COVERED MUNICIPAL SERVICES.—Only the following municipal services may be procured for a military installation under the authority of this section:

"(1) Refuse collection.

"(2) Refuse disposal.

"(c) EXCEPTION FROM COMPETITIVE PROCEDURES.—The Secretary may enter in a contract under subsection (a) using procedures other than competitive procedures if—

"(1) the term of the proposed contract does not exceed five years;

"(2) the Secretary determines that the price for the municipal services to be provided under the contract is fair and reasonable and represents the least cost to the Federal Government; and

"(3) the business case supporting the Secretary's determination under paragraph (2)—

"(A) describes the availability, benefits, and drawbacks of alternative sources; and

"(B) establishes that performance by the county or municipal government will not increase costs to the Federal government, when compared to the cost of continued performance by the current provider of the services.

"(d) LIMITATION ON DELEGATION.—The authority to make the determination described in subsection (c)(2) may not be delegated to a level lower than a Deputy Assistant Secretary for Installations and Environment or another official of the Department of Defense at an equivalent level.

"(e) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into a contract under subsection (a) for the

procurement of municipal services until the Secretary notifies the congressional defense committees of the proposed contract and a period of 14 days elapses from the date the notification is received by the committees. The notification shall include a summary of the business case and an explanation of how the adverse impact, if any, on civilian employees of the Department will be minimized.

"(f) GUIDANCE.—The Secretary of Defense shall issue guidance to address the implementation of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2465 the following new item:

"2465a. Contracts for purchase of municipal services for military installations in the United States.".

(c) TERMINATION OF PILOT PROGRAM.—Section 325 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461 note) is repealed. The repeal of such section shall not affect the terms or validity of any contract entered into before the date of the enactment of this Act under the pilot program authorized by such section.

SEC. 2815. DEFENSE ACCESS ROADS.

(a) BASIS FOR TRANSPORTATION NEEDS ASSESSMENT.—Section 210(a) of title 23, United States Code, is amended—

(1) by striking "(a)" and inserting "(a)(1)"; and

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

"(2) If it is determined that an action of the Department of Defense will cause a significant transportation impact to access to a military reservation, the Secretary of Defense shall conduct a transportation needs assessment to assess the magnitude of the improvement required to address the impact.".

(b) REPORT ON RECENTLY IDENTIFIED TRANSPORTATION IMPACTS.—Not later than April 1, 2009, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Transportation and Infrastructure of the House of Representatives a report that details the significant transportation impacts resulting from actions of the Department of Defense since January 1, 2005. In the report, the Secretary shall assess the funding requirements necessary to address transportation needs resulting from these significant transportation impacts.

SEC. 2816. PROTECTING PRIVATE PROPERTY RIGHTS DURING DEPARTMENT OF DEFENSE LAND ACQUISITIONS.

(a) PROTECTION OF PRIVATE PROPERTY.—The Secretary of Defense and the Secretaries of the military departments shall make every reasonable effort to acquire real property expeditiously by negotiation. Real property offered

shall meet the requirements of Secretary-approved real property acquisition plans.

(b) WILLING SELLERS.—The Secretary of Defense or the Secretary of a military department shall not be precluded from acquiring real property from willing sellers so long as the real property offered meet the requirements of Secretary-approved real property acquisition plans

Subtitle C—Provisions Related to Guam Realignment

SEC. 2821. GUAM DEFENSE POLICY REVIEW INITIATIVE ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—There is established on the books of the Treasury an account to be known as the "Guam Defense Policy Review Initiative Account" (in this section referred to as the "account").

(b) CREDITS TO ACCOUNT.—

(1) AMOUNTS IN FUND.—There shall be credited to the account all contributions received during fiscal year 2009 and subsequent fiscal years under section 2350k of title 10, United States Code, for the realignment of military installations and the relocation of military personnel on Guam.

(2) NOTICE OF RECEIPT OF CONTRIBUTIONS.—The Secretary of Defense shall submit to the congressional defense committees written notice of the receipt

of contributions referred to in paragraph (1), including the amount of the contributions, not later than 30 days after receiving the contributions.

(c) USE OF ACCOUNT.—

(1) AUTHORIZED USES.—Subject to paragraph (2), to the extent provided in advance in appropriations Acts, amounts in the account may be used as follows:

(A) To carry out or facilitate the carrying out of a transaction authorized by this section in connection with the realignment of military installations and the relocation of military personnel on Guam, including military construction, military family housing, unaccompanied housing, general facilities constructions for military forces, and utilities improvements.

(B) To carry out improvements of property or facilities on Guam as part of such a transaction.

(C) To obtain property support services for property or facilities on Guam resulting from such a transaction.

(D) To develop military facilities or training ranges in the Commonwealth of the Northern Mariana Islands.

(2) COMPLIANCE WITH GUAM MASTER PLAN.—Transactions authorized by paragraph (1) shall be consistent with the Guam Master Plan, as incorporated in decisions made in the manner provided in section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(3) LIMITATION REGARDING MILITARY HOUSING.—To extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of Defense, the Secretary shall use such authorities to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities in connection with the relocation of military personnel on Guam.

(4) SPECIAL REQUIREMENTS REGARDING USE OF CONTRIBUTIONS.—

(A) TREATMENT OF CONTRIBUTIONS.—Except as provided in subparagraph (C), the use of contributions referred to in subsection (b)(1) shall not subject to conditions imposed on the use of appropriated funds by chapter 169 of title 10, United States Code, or contained in annual military construction appropriations Acts.

(B) NOTICE OF OBLIGATION.—Contributions referred to in subsection (b)(1) may not be obligated for a transaction authorized by paragraph (1) until the Secretary of Defense submits to the congressional defense committees notice of the transaction, including a detailed cost estimate, and a period of 21 days has elapsed after the date on which the notification is received by the committees or, if earlier, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium.

(C) COST AND SCOPE OF WORK VARIATIONS.—Section 2853 of title 10, United States Code, shall apply to the use of contributions referred to in subsection (b)(1).

(D) COMPLIANCE WITH WAGE RATE REQUIREMENTS.—Subchapter IV of chapter 31 of title 40, United States Code, shall apply to the use of contributions referred to in subsection (b)(1).

(d) TRANSFER AUTHORITY.—

(1) TRANSFER TO HOUSING FUNDS.—The Secretary of Defense may transfer funds from the Guam Defense Policy Review Initiative Account to the following funds:

(A) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(B) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of such title.

(2) TREATMENT OF TRANSFERRED AMOUNTS.—Amounts transferred under paragraph (1) to a fund referred to in that paragraph shall be available in accordance with the provisions of section 2883 of title 10, United States Code for activities on Guam authorized under subchapter IV of chapter 169 of such title.

(e) REPORT REGARDING GUAM MILITARY CONSTRUCTION.—Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report containing information on each military construction project included in the budget submission for the next fiscal year related to the realignment of military installations and the relocation of military personnel on Guam. The Secretary shall present the information in manner consistent with the presentation of projects in the military construction accounts for each of the military departments in the budget submission. The report shall also include projects associated with the realignment of military installations and reloca-

tion of military personnel on Guam that are included in the future-years defense program pursuant to section 221 of title 10, United States Code.

SEC. 2822. SENSE OF CONGRESS REGARDING USE OF SPECIAL PURPOSE ENTITIES FOR MILITARY HOUSING RELATED TO GUAM REALIGNMENT.

(a) NATURE OF SPECIAL PURPOSE ENTITIES.—It is the sense of Congress that any Special Purpose Entity established to assist in the provision of military family housing in connection with the realignment of military installations and the relocation of military personnel on Guam should—

(1) be operated, to the extent practicable, in the manner provided for public-private ventures under subchapter IV of chapter 169 of title 10, United States Code; and

(2) be conducted as joint ventures between Japanese and United States private firms, except that any military family housing venture carried out by such a joint venture should be primarily managed by a United States private firm.

(b) SCOPE OF ACTIVITIES.—It is the sense of Congress that funding for such a Special Purpose Entity should not be limited to only utility improvements and the construction of military family housing in connection with the re-

alignment of military installations and the relocation of military personnel on Guam.

(c) UTILITY INFRASTRUCTURE IMPROVEMENTS.—It is the sense of Congress that funding for such a Special Purpose Entity 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.

(d) MILITARY FAMILY HOUSING.—It is the sense of Congress that the building requirements imposed for any military family housing constructed by such a Special Purpose Entity in connection with the realignment of military installations and the relocation of military personnel on Guam should be established by the Department of Defense in accordance with current building standards that are used with other projects.

(e) SPECIAL PURPOSE ENTITY DEFINED.—In this section, the term "Special Purpose Entity" means a wholly independent entity established for a specific and limited purpose to facilitate the realignment of military installations and the relocation of military personnel on Guam.

SEC. 2823. SENSE OF CONGRESS REGARDING FEDERAL ASSISTANCE TO GUAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, in coordination with the

Interagency Group on Insular Areas, should enter into a memorandum of understanding with the Government of Guam to identify, before the realignment of military installations and the relocation of military personnel on Guam, local funding requirements for civilian infrastructure development and other needs related to the realignment and relocation. The memorandum of understanding would stipulate the commitment of Federal agencies to assist the Government of Guam in carrying out the Guam realignment in a responsible and consistent manner.

(b) INTERAGENCY GROUP ON INSULAR AREAS DEFINED.—In this section, the term "Interagency Group on Insular Areas" means the interagency group established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451). The term includes any sub-group or working group of that interagency group.

SEC. 2824. COMPTROLLER GENERAL REPORT REGARDING INTERAGENCY REQUIREMENTS RELATED TO GUAM REALIGNMENT.

(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 on the status of interagency coordination through the Interagency Group on Insular Areas of budgetary requests to assist the Government of Guam with its budgetary requirements related to

the realignment of military forces on Guam. The report shall address to what extent and how the Interagency Group on Insular Areas will be able to coordinate interagency budgets so the realignment of military forces on Guam will meet the 2014 completion date as stipulated in the May 2006 security agreement between the United States and Japan.

(b) INTERAGENCY GROUP ON INSULAR AREAS DEFINED.—In this section, the term "Interagency Group on Insular Areas" means the interagency group established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451). The term includes any sub-group or working group of that interagency group.

SEC. 2825. ENERGY AND ENVIRONMENTAL DESIGN INITIATIVES IN GUAM MILITARY CONSTRUCTION AND INSTALLATIONS.

(a) LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN PRINCIPLES.—With respect to all new military construction projects on Guam and military housing to be constructed on Guam related to the realignment of military forces on Guam, the Secretary of Defense shall require the incorporation of design criteria promulgated in the Leadership in Energy and Environmental Design Green Building Rating System, as developed by the United States Green Building Council, to achieve not less than the silver stand-

ard. This requirement shall apply regardless of the source of funds for the project.

(b) RENEWABLE ENERGY GOAL.—The Secretary of Defense shall establish a goal for the use of renewable energy sources on all military installations on Guam. Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the plan of the Secretary to achieve the renewable energy goal. The report shall identify the renewable sources of energy that will be utilized and describe how the renewable sources will be utilized and installed at military installations on Guam.

SEC. 2826. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT REGARDING GUAM REALIGNMENT.

Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report on the efforts of the Inspector General to address potential waste and fraud associated with the realignment of military forces on Guam.

SEC. 2827. ELIGIBILITY OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR MILITARY BASE REUSE STUDIES AND COMMUNITY PLANNING ASSISTANCE.

(a) INCLUSION IN DEFINITION OF MILITARY INSTALLATION.—Section 2687(e)(1) of title 10, United States Code, is amended by inserting after "Virgin Islands," the following: "the Commonwealth of the Northern Mariana Islands,".

(b) INCLUSION OF FACILITIES OWNED AND OPERATED BY COMMONWEALTH.—Section 2391(d)(1) of title 10, United States Code, is amended by inserting after "Guam," the following: "the Commonwealth of the Northern Mariana Islands,".

SEC. 2828. PREVAILING WAGE APPLICABLE TO GUAM.

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2816. Application of prevailing wage for construction on Guam

"Subchapter IV of chapter 31 of title 40, United States Code, shall apply to any military construction authorized under this chapter of any facilities on Guam. In order to carry out the requirements of this section, 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.".

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

"2816. Application of prevailing wage for construction on Guam.".

Subtitle D—Energy Security

SEC. 2841. CERTIFICATION OF ENHANCED USE LEASES FOR ENERGY-RELATED PROJECTS.

Section 2667(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) If a proposed lease under subsection (a) involves a project related to energy production and the term of the lease exceeds 20 years, the Secretary concerned may not enter into the lease until at least 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a certification that the lease is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.".

SEC. 2842. ANNUAL REPORT ON DEPARTMENT OF DEFENSE INSTALLATIONS ENERGY MANAGEMENT.

Section 2925(a) of title 10, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: "ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT.—"

(2) in paragraph (1), by inserting ", the Energy Independence and Security Act of 2007 (Public Law 110–140)," after "58)"; and

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

"(6) A description and estimate of the progress made by the military departments to meet the certification requirements for sustainable green-building standards in construction and major renovations.".

Subtitle E—Land Conveyances

SEC. 2851. LAND CONVEYANCE, FORMER NAVAL AIR STATION, ALAMEDA, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey to the redevelopment authority for the former Naval Air Station Alameda, California (in this section referred to as the "redevelopment authority"), all right, title and interest of the United States in and to the real and personal property comprising Naval Air Station Alameda, except those parcels identified for public benefit conveyance and certain surplus lands at the Naval Air Station Alameda described in the Federal Register on November 5, 2007. In this section, the real and personal property to be conveyed under this section is referred to as the "NAS Property".

(b) MULTIPLE CONVEYANCES.—The conveyance of the NAS Property may be conducted through multiple parcel transfers.

(c) CONSIDERATION OPTIONS.—As consideration for the conveyance of the NAS Property under subsection (a), the Secretary of the Navy and the redevelopment authority shall agree upon one of the following options:

(1) Not later than nine months after the date of the enactment of this Act, the redevelopment authority shall accept the consideration terms described in the document negotiated between the redevelopment authority and the Secretary of the Navy known as the draft "Summary of Acquisition Terms and Conditions" and dated September 18, 2006, as such language may be amended, with value to be determined for the portion of the NAS Property known as Parcel 3, and subsequently make payments to the Secretary in accordance with such document.

(2)(A) The redevelopment authority shall ensure that the entity that acquires title to the NAS Property for development (in this paragraph referred to as the "development entity") submits to the Secretary of the Navy a down payment of $10,000,000 dollars at the time the initial portion of the NAS Property is conveyed to the development entity.

(B) In addition, the redevelopment entity shall submit to the Secretary 12 percent of all gross residential and commercial building sales to the first bona-fide, arms-length third-party buyer, whether as new construction or the sale of rehabilitated existing structures. In the event that the development entity transfers all or any portion of the NAS Property to a third party, including any subsidiaries, before the completion of new or rehabilitated construction, the development entity shall satisfy the payment requirement as prescribed in this paragraph at such time as the NAS Property is conveyed to a bona-fide, arms-length third-party buyer. This obligation shall not apply to the sale of any buildings on land held in the public trust by the State of California or sales of land or buildings for the purposes of constructing or otherwise providing affordable housing, as determined by the Secretary.

(3)(A) The redevelopment authority shall submit 80 percent of the gross proceeds received by the redevelopment authority from the redevelopment authority's competitive solicitation of any portion of the NAS Property not encumbered by the public trust.

(B) To comply with this paragraph, the redevelopment authority shall—

(i) prepare, for review and approval by the Secretary of the Navy, commercially reasonable solicitation materials consisting of a request for qualifications and a request for proposals for the conveyance or lease of the NAS Property, as appropriate, in accordance with established contract principles, and such approval by the Secretary shall not be unreasonably withheld; and

(ii) pay to the Secretary the required share of monies received by the redevelopment authority by reason of any contract or agreement executed as a result of the solicitation.

(d) EXISTING USES.—During the three-year period beginning on the date on which the first conveyance under this section is made, the redevelopment authority shall make reasonable efforts to accommodate the continued use by the United States of those portions of the NAS Property covered by a request for Federal Land Transfer so long as the accommodation of such use is at no cost or expense to the redevelopment authority. Such accommodations shall provide adequate protection for the endangered California Least Tern in accordance with the requirements of the existing Biological Opinion for Naval Air Station Alameda dated March 22, 1999, and any future amendments to the Biological Opinion.

(e) REMEDIATION.—The Secretary of the Navy shall, to the extent practicable, remediate the NAS Property to the standard included by the Secretary and the redevelopment authority in the document referred to in subsection (c)(1).

(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 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 this section shall be determined by a survey satisfactory to the Department.

(h) MASTER LEASE.—The Lease in Furtherance of Conveyance, dated June 2000, as amended, between the Secretary of the Navy and the redevelopment authority shall remain in full force and effect until conveyance of the NAS Property in accordance with this section, and a lease amendment recognizing this section shall be offered by the Secretary.

(i) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the United States under this section shall be

credited to the fund or account intended to receive proceeds from the disposal of the NAS Property pursuant to 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).

(j) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsections (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. LAND CONVEYANCE, NORWALK DEFENSE FUEL SUPPLY POINT, NORWALK, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Norwalk, California (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 improvements thereon, consisting of approximately 10 acres of the Norwalk Defense Fuel Supply Point in Norwalk, California, for the purpose of permitting the City to utilize the property for recreational purposes as an addition to the adjacent Holifield Park. In connection with the conveyance, the Secretary may make a payment to the City to assist the City in making municipal upgrades in the vicinity of the Norwalk Defense Fuel Supply Point.

(b) ENVIRONMENTAL REMEDIATION.—The Secretary shall manage and carry out environmental remediation activities with respect to the property to be conveyed under subsection (a) that, at a minimum, achieve the standard sufficient to allow the property to be used for the purposes specified in such subsection. The Secretary shall endeavor to enter into an agreement with the holder of an easement on the property to ensure that the easement holder participates in the remediation of the property.

(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 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 in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) 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. 2853. LAND CONVEYANCE, FORMER NAVAL STATION, TREASURE ISLAND, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy shall convey to the redevelopment authority for former Naval Station, Treasure Island, California (in this section referred to as the "redevelopment authority"), all right, title, and interest of the United States in and to a parcel of real property consisting of those portions of the former Naval Station still retained by the Navy as of the date of the enactment of this Act and personal property and related utilities and improvements thereon.

(b) CONSIDERATION.—As consideration for the conveyance of the property under subsection (a), the Secretary and the redevelopment authority shall agree upon at least one of the following options:

(1) Subject to subsection (c), the redevelopment authority shall assume the remaining obligations of the Department of Defense to address releases or threatened releases of hazardous substances and petroleum and its constituents, to the extent necessary to obtain regulatory closure from relevant California and Federal environmental regulatory agencies, including a CERCLA covenant deferral by the Governor of the State of California.

(2) The redevelopment authority shall pay the United States a share of the gross revenues that the

redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property.

(c) ENVIRONMENTAL REMEDIATION EXCEPTIONS.—Under the consideration option provided by subsection (b)(1), the redevelopment authority shall not be required to accept any responsibility for—

(1) ordnance, explosives, munitions or similar devices or materials located on the conveyed property;

(2) radiological materials located on the conveyed property, where those materials were not identified before the conveyance under subsection (a) and were authorized to remain in place subject to the establishment of institutional controls enforced by a covenant with the California Department of Toxic Substances Control and deed restrictions to the property recipient;

(3) chemical or biological weapons or constituents thereof located on the conveyed property; and

(4) releases of hazardous substances and petroleum and its constituents located on the conveyed property, if the release of the hazardous substances or petroleum and its constituents was not discovered at the time of the conveyance and the costs of remediation of such unknown releases is not covered by envi-

ronmental insurance procured by or benefitting the redevelopment authority.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the redevelopment authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, appraisal costs, and other costs related to the conveyance. If amounts are collected from the redevelopment authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the redevelopment authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a), and not refunded under such paragraph, shall be—

(A) counted toward the consideration otherwise required from the redevelopment authority under subsection (b); and

(B) credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance.

(3) USE OF AMOUNTS RECEIVED.—Amounts credited to a fund or account under paragraph (2)(B) shall be merged with amounts in the fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsections (a) as the Secretary considers appropriate to protect the interests of the United States, so long as such additional terms and

conditions do not materially change the terms and conditions of this section, including the consideration to be provided the United States under subsection (b).

SEC. 2854. CONDITION ON LEASE INVOLVING NAVAL AIR STATION, BARBERS POINT, HAWAII.

As a condition of any lease executed by the Secretary of the Navy pursuant to section 2843 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2482) with Ford Island Properties/Hunt Development involving the former Naval Air Station, Barbers Point, Hawaii, the Secretary of the Navy shall require that Ford Island Properties/Hunt Development enter into a memorandum of understanding with the Hawaii Community Development Authority to ensure that the development plan for the real property covered by the lease conforms with the final Kalaeloa Master Plan and appropriate land use controls of the Hawaii Community Development Authority.

SEC. 2855. LAND CONVEYANCE, SERGEANT FIRST CLASS M.L. DOWNS ARMY RESERVE CENTER, SPRINGFIELD, OHIO.

(a) CONVEYANCE AUTHORIZED.—At such time as the Army Reserve vacates the Sergeant First Class M.L. Downs Army Reserve Center at 1515 West High Street in Springfield, Ohio, the Secretary of the Army may convey, without

consideration, to the City of Springfield, Ohio (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, containing the Reserve Center for the purpose of permitting the City to utilize the property for municipal government activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs in-

curred 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 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. 2856. LAND CONVEYANCE, JOHN SEVIER RANGE, KNOX COUNTY, TENNESSEE.

(a) CONVEYANCE AUTHORIZATION.—The Secretary of the Army may convey, without consideration, to the State of Tennessee 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 124 acres known as the John Sevier Range in Knox County, Tennessee, if the State agrees to use such real property as a public firing range and for associated recreational activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the terms of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) ADMINISTRATIVE EXPENSES.—In accordance with section 2695 of title 10, United State Code, the Secretary may accept amounts provided by the State to cover administrative expenses incurred by the Secretary with respect to

the conveyance authorized under subsection (a), including survey expenses, expenses related to environmental documentation, and other administrative expenses related to such conveyance. Such amounts shall be credited, pursuant to subsection (c) of section 2695 of such title, to the appropriation, fund, or account from which such expenses were paid. If amounts are collected from the State in advance of the Secretary incurring such expenses, and the amount collected exceeds the expenses actually incurred by the Secretary, the Secretary shall refund the excess amount to the State.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Bureau of Land Manage-

ment, shall convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 431 acres, as generally depicted on a map entitled "Proposed Camp Williams Land Transfer" and dated March 7, 2008, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order No. 1922 of April 24, 1914, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101–628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this subsection shall be made in consultation with the Sec-

retary of Defense and the Governor of Utah and on the record after an opportunity for comment.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

SEC. 2858. LAND CONVEYANCE, ARMY PROPERTY, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Utah on behalf of the Utah National Guard (in this section referred to as the "State") all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, that are located within the boundaries of Camp Williams, Utah, consist of approximately 608 acres and 308 acres, respectively, and are identified in the Utah National Guard master plan as being necessary acquisitions for future missions of the Utah National Guard.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a), or any portion thereof, has been sold or is being used solely for non-defense, commercial purposes, all right, title, and interest in and to the property 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. It is not a violation of the reversionary interest for the State to lease the property, or any portion thereof, to private, commercial, or governmental interests if the lease facilitates the construction and operation of buildings, facilities, roads, or other infrastructure that directly supports the defense missions of the Utah National Guard. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the State 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 State 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 State.

(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.

(d) 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.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2859. EXTENSION OF POTOMAC HERITAGE NATIONAL SCENIC TRAIL THROUGH FORT BELVOIR, VIRGINIA.

(a) AGREEMENT AUTHORITY.—The Secretary of the Army may enter into a revocable at will easement with the Secretary of the Interior to provide land along the perimeter of Fort Belvoir, Virginia, to be used as a segment the Potomac Heritage National Scenic Trail.

(b) SELECTION CRITERIA.—In determining the extent of the easement, the Secretary of the Army shall provide for a single trail, and select alignments of the trail, along the perimeter of Fort Belvoir. In making that determination, the Secretary shall consider—

(1) the perimeter security requirements to protect the assets, people, and agency missions located at Fort Belvoir;

(2) the appropriate setback from adjacent roadways to provide for a safe and enjoyable experience for users of the trail; and

(3) any planned future expansion of roadways, including United States Route 1, so that the trail will not be adversely impacted by roadway construction.

(c) TRAIL ADMINISTRATION AND MANAGEMENT.—Any segment of the Potomac Heritage National Scenic Trail along the perimeter of Fort Belvoir shall be administered by the Secretary of the Interior, acting through the National

Park Service, and shall be managed by the Secretary of the Army, by an appropriate local agency, or by any other party mutually acceptable to the Secretary of the Army and the National Park Service. A written agreement confirming this management arrangement shall be co-signed by the parties to the easement agreement.

Subtitle F—Other Matters

SEC. 2871. REVISED DEADLINE FOR TRANSFER OF ARLINGTON NAVAL ANNEX TO ARLINGTON NATIONAL CEMETERY.

Section 2881(h)(1) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879), as amended by section 2871 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 561), is further amended by striking "January 1, 2011" and inserting "January 1, 2012".

SEC. 2872. DECONTAMINATION AND USE OF FORMER BOMBARDMENT AREA ON ISLAND OF CULEBRA.

Section 204 of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668) is amended by striking subsection (c).

SEC. 2873. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF ADDITIONAL BUILDING AT NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE, WRIGHT-PATTERSON AIR FORCE BASE.

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit corporation, gifts in the form of cash, treasury instruments, or comparable United States securities for the purpose of paying the costs of design and construction of a fourth building for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio. In making a gift, the Air Force Museum Foundation may specify that all or part of the amount of the gift be utilized solely for the purpose of the design and construction of a particular portion of the building.

(b) ESCROW ACCOUNT.—

(1) DEPOSIT OF GIFTS.—The Secretary of the Air Force, acting through the Director of Financial Management of the Air Force Materiel Command (in this section referred to as the "Director"), shall deposit the amount of any gift accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—Amounts in the escrow account not required to meet current requirements of the

account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Director, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. The income on such investments shall be credited to and form a part of the account.

(3) LIQUIDATION.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary shall terminate the escrow account. Any amounts remaining in the account upon termination shall be available to the Secretary, in such amounts as are provided in advance in appropriations Acts, for such purposes as the Secretary considers appropriate.

(c) USE OF GIFTS.—

(1) DESIGN AND CONSTRUCTION.—The Director shall use amounts in the escrow account, including income on investments, to pay the costs of the design and construction of a fourth building for the National Museum of the United States Air Force, including progress payments for such design and construction, subject to any conditions imposed by the Air Force

Museum Foundation under subsection (a). Amounts in the account shall be available to the Director, in such amounts as are provided in advance in appropriations Acts, until expended.

(2) TIME FOR PAYMENT.—Amounts shall be payable under paragraph (1) upon receipt by the Director of a notification from the technical representative of the contracting officer that construction activities for which such amounts are payable under paragraph (1) have been undertaken. To the maximum extent practicable consistent with good business practice, the Director shall limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(d) LIMITATION ON CONTRACTS.—The Secretary of the Air Force may not initiate a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account are sufficient to cover the amount of the contract.

SEC. 2874. ESTABLISHMENT OF MEMORIAL TO AMERICAN RANGERS AT FORT BELVOIR, VIRGINIA.

(a) AUTHORITY TO ESTABLISH MEMORIAL.—The Secretary of the Army may permit the American Ranger Memorial Association, Inc., to establish and maintain, at a suitable location on Fort Belvoir, Virginia, a national me-

morial to honor the sacrifice and service of American Rangers during their almost four hundred years of existence.

(b) LOCATION AND DESIGN.—The actual location and final design of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary. In selecting the location, the Secretary shall seek to maximize visitor access to the resulting memorial.

(c) MAINTENANCE.—The maintenance of the memorial authorized by subsection (a) by the American Ranger Memorial Association, Inc., shall be subject to such conditions regarding access to the memorial, and such other conditions, as the Secretary considers appropriate to protect the interests of the United States.

(d) LIMITATION ON PAYMENT OF EXPENSES.—The United States Government shall not pay any expense for the establishment or maintenance of the memorial authorized by subsection (a).

SEC. 2875. LEASE INVOLVING PIER ON FORD ISLAND, PEARL HARBOR NAVAL BASE, HAWAII.

(a) LEASE.—The Secretary of the Navy shall enter into a lease with the USS Missouri Memorial Association to authorize the USS Missouri Memorial Association to use the pier Foxtrot Five and related real property on Ford Island, Pearl Harbor Naval Base, Hawaii, during calendar years 2009 and 2010.

(b) CONSIDERATION.—The lease required by subsection (a) shall be made without consideration.

(c) CONDITION ON USE OF LEASED PROPERTY.—As a condition on the lease under subsection (a), the USS Missouri Memorial Association shall agree to preserve and maintain the USS Missouri for education purposes, historic preservation, and community outreach.

(d) EFFECT OF VIOLATION.—If the Secretary determines at any time that the USS Missouri Memorial Association is not in compliance with the condition imposed by subsection (c), the Secretary may terminate the lease referred to in subsection (a). Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

SEC. 2876. NAMING OF HEALTH FACILITY, FORT RUCKER, ALABAMA.

The health facility located at 301 Andrews Avenue in Fort Rucker, Alabama, shall be known and designated as the "Lyster Army/VA Health Clinic". Any reference in a law, map, regulation, document, paper, or other record of the United States to such facility shall be deemed to be a reference to the Lyster Army/VA Health Clinic.

TITLE XXIX—ADDITIONAL WAR-RELATED AND EMERGENCY MILITARY CONSTRUCTION AUTHORIZATIONS FOR FISCAL YEAR 2008

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2905. Termination of authority to carry out fiscal year 2008 Army projects for which funds were not appropriated.

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(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
Alaska	Fort Wainwright	$17,000,000
California	Fort Irwin	$11,800,000
Colorado	Fort Carson	$8,400,000
Georgia	Fort Benning	$30,500,000
	Fort Gordon	$39,800,000
Hawaii	Schofield Barracks	$12,500,000
Kentucky	Fort Campbell	$9,900,000
	Fort Knox	$7,400,000
Missouri	Fort Leonard Wood	$50,000,000
North Carolina	Fort Bragg	$8,500,000
Oklahoma	Fort Sill	$9,000,000
South Carolina	Fort Jackson	$27,000,000
Texas	Fort Bliss	$17,300,000
	Fort Hood	$7,200,000
	Fort Sam Houston	$54,000,000
Virginia	Fort Eustis	$50,000,000
	Fort Lee	$7,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(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	*Various Locations*	*$54,000,000*
Iraq	*Baghdad*	*$13,000,000*
	Camp Adder	*$13,200,000*
	Camp Ramadi	*$6,200,000*
	Fallujah	*$5,500,000*

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $440,700,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $367,700,000.

(2) For military construction projects outside the United States authorized by subsection (b), $67,000,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $6,000,000.

1 ***SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND***
2 ***ACQUISITION PROJECTS.***

3 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
4 *propriated pursuant to the authorization of appropriations*
5 *in subsection (c)(1), the Secretary of the Navy may acquire*
6 *real property and carry out military construction projects*
7 *for the installations or locations inside the United States,*
8 *and in the amounts, set forth in the following table:*

Navy: Inside the United States

State	***Installation or Location***	***Amount***
California	*Camp Pendleton*	*$9,270,000*
	China Lake	*$7,210,000*
	Point Mugu	*$7,250,000*
	San Diego	*$12,299,000*
	Twentynine Palms	*$11,250,000*
Florida	*Elgin Air Force Base*	*$780,000*
Mississippi	*Gulfport*	*$6,570,000*
North Carolina	*Camp Lejeune*	*$27,980,000*
Virginia	*Yorktown*	*$8,070,000*

9 *(b) OUTSIDE THE UNITED STATES.—Using amounts*
10 *appropriated pursuant to the authorization of appropria-*
11 *tions in subsection (c)(2), the Secretary of the Navy may*
12 *acquire real property and carry out military construction*
13 *projects for the installations or locations outside the United*
14 *States, and in the amounts, set forth in the following table:*

Navy: Outside the United States

Country	***Installation or Location***	***Amount***
Djibouti	*Camp Lemonier*	*$22,390,000*

15 *(c) AUTHORIZATION OF APPROPRIATIONS.—Subject to*
16 *section 2825 of title 10, United States Code, funds are here-*
17 *by authorized to be appropriated on or after the date of*

the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $94,731,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $90,679,000.

(2) For military construction projects outside the United States authorized by subsection (b), $22,390,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $4,052,000.

(4) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $11,766,000.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(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

Country	*Installation or Location*	*Amount*
California	*Beale Air Force Base*	*$17,600,000*
Florida	*Eglin Air Force Base*	*$11,000,000*
New Jersey	*McGuire Air Force Base*	*$6,200,000*
New Mexico	*Cannon Air Force Base*	*$8,000,000*

1 *(b) OUTSIDE THE UNITED STATES.—Using amounts*
2 *appropriated pursuant to the authorization of appropria-*
3 *tions in subsection (c)(2), the Secretary of the Air Force*
4 *may acquire real property and carry out military construc-*
5 *tion projects for the installations or locations outside the*
6 *United States, and in the amounts, set forth in the following*
7 *table:*

Air Force: Outside the United States

Country	*Installation or Location*	*Amount*
Oman	*Masirah Air Base*	*$6,300,000*
Qatar	*Al Udeid*	*$100,400,000*

8 *(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
9 *hereby authorized to be appropriated on or after the date*
10 *of the enactment of this Act for military construction, land*
11 *acquisition, and military family housing functions of the*
12 *Department of the Air Force in the total amount of*
13 *$150,927,000, as follows:*
14 *(1) For military construction projects inside the*
15 *United States authorized by subsection (a),*
16 *$42,800,000.*

(2) For military construction projects outside the United States authorized by subsection (b), $106,700,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $1,427,000.

SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Country	*Installation or Location*	*Amount*
Georgia	*Fort Benning*	*$350,000,000*
Kansas	*Fort Riley*	*$404,000,000*
North Carolina	*Camp Lejeune*	*$122,000,000*

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated on or after the date of the enactment of this Act 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 $956,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $876,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $80,000,000.

SEC. 2905. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2008 ARMY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

The table in section 2901(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 570) is amended—

(1) in the item relating to Bagram Air Base, Afghanistan, by striking "$249,600,000" in the amount column and inserting "$195,600,000";

(2) in the item relating to Camp Adder, Iraq, by striking "$80,650,000" in the amount column and inserting "$75,800,000";

(3) in the item relating to Camp Anaconda, Iraq, by striking "$53,500,000" in the amount column and inserting "$10,500,000";

(4) in the item relating to Camp Victory, Iraq, by striking "$65,400,000" in the amount column and inserting "$60,400,000";

(5) by striking the item relating to Tikrit, Iraq; and

(6) in the item relating to Camp Speicher, Iraq, by striking "$83,900,000" in the amount column and inserting "$74,100,000".

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

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

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Utilization of international contributions to the Russian plutonium disposition program.
Sec. 3112. Extension of deadline for Comptroller General report on Department of Energy protective force management.

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 2009 for the activities of the National

Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,301,922,000, to be allocated as follows:

(1) For weapons activities, $6,609,639,000.

(2) For defense nuclear nonproliferation activities, $1,455,148,000.

(3) For naval reactors, $828,054,000.

(4) For the Office of the Administrator for Nuclear Security, $409,081,000.

(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 projects:

Project 09–D–404, Test Capabilities Revitalization, Phase 2, Sandia National Laboratories, New Mexico, $3,000,000.

Project 08–D–806, Ion Beam Laboratory Refurbishment, Sandia National Laboratories, New Mexico, $10,014,000.

(2) For naval reactors, the following new plant projects:

Project 09–D–902, Naval Reactor Facilities Production Support Complex, Naval Reactors Facility, Idaho, $8,300,000.

Project 09–D–190, KAPL Infrastructure Upgrades, Schenectady, New York, $1,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,317,256,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for other defense activities in carrying out programs necessary for national security in the amount of $1,321,461,000, of which $487,008,000 is for construction of the Mixed Oxide Fuel Fabrication Facility at the Savannah River Site, South Carolina, and associated program activities and functions.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 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 $247,371,000.

SEC. 3105. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for energy security and assurance programs necessary for national security in the amount of $7,622,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. UTILIZATION OF INTERNATIONAL CONTRIBUTIONS TO THE RUSSIAN PLUTONIUM DISPOSITION PROGRAM.

(a) IN GENERAL.—The Secretary of Energy may, in consultation with the Secretary of State, enter into one or more agreements with any person (including a foreign government, international organization, or multinational entity) that the Secretary of Energy considers appropriate, under which the person contributes funds for the effective and transparent disposition of excess weapon-grade Russian plutonium in the Russian Federation, known as the Russian Plutonium Disposition Program.

(b) RETENTION AND USE OF AMOUNTS.—Subject to the availability of appropriations, the Secretary of Energy may retain and use amounts contributed under an agree-

ment under subsection (a) for purposes of the Russian Plutonium Disposition Program. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes, subject to the availability of appropriations, consistent with an agreement under subsection (a).

(c) RETURN OF AMOUNTS NOT USED WITHIN 5 YEARS.—If an amount contributed under an agreement under subsection (a) is not used under this section within 5 years after it was contributed, the Secretary of Energy shall return that amount to the person who contributed it.

(d) NOTICE TO APPROPRIATE CONGRESSIONAL COMMITTEES.—Not later than 30 days after the receipt of an amount contributed under subsection (b), the Secretary of Energy shall submit to the appropriate congressional committees a notice specifying the purpose and value of the contribution and identifying the person who contributed it. The Secretary may not use such amount until 15 days after the notice is submitted.

(e) ANNUAL REPORT.—Not later than October 31 of each year, beginning in the fiscal year in which the first contributions are retained under subsection (b), the Secretary of Energy shall submit to the appropriate congressional committees a report on the receipt and use of amounts under this section during the preceding fiscal year. Each report for a fiscal year shall set forth—

(1) a statement of any amounts received under this section, including, for each such amount, the value of the contribution and the person who contributed it;

(2) a statement of any amounts used under this section, including, for each such amount, the purposes for which the amount was used; and

(3) a statement of the amounts retained but not used under this section including, for each such amount, the purposes (if known) for which the Secretary intends to use the amount.

(f) EXPIRATION.—The authority to accept, retain, and use contributions under this section shall expire on December 31, 2013.

(g) 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. 3112. EXTENSION OF DEADLINE FOR COMPTROLLER GENERAL REPORT ON DEPARTMENT OF ENERGY PROTECTIVE FORCE MANAGEMENT.

Section 3124(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 580) is amended by striking "Not later than 180 days after the date of the enactment of this Act," and inserting "No later than March 1, 2009,".

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2009, $25,499,000 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 $19,099,000 for fiscal year 2009 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 2009.
Sec. 3502. Limitation on export of vessels owned by the Government of the United States for the purpose of dismantling, recycling, or scrapping.
Sec. 3503. Student incentive payment agreements.
Sec. 3504. Riding gang member requirements.
Sec. 3505. Maintenance and Repair Reimbursement Program for the Maritime Security Fleet.
Sec. 3506. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

Funds are hereby authorized to be appropriated for fiscal year 2009, 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, $117,848,000, of which—

(A) $8,150,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and

(B) $8,306,000 shall remain available until expended for maintenance and repair of school ships of the State Maritime Academies.

(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, Unites States Code, $193,500,000, of which $19,500,000 will be available for costs associated with the maintenance reimbursement pilot program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C 53101 note).

(4) For assistance to small shipyards and maritime communities under section 54101 of title 46, United States Code, $25,000,000.

(5) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $18,000,000.

(6) 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, $30,000,000.

(7) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implemen-

tation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $3,531,000.

SEC. 3502. LIMITATION ON EXPORT OF VESSELS OWNED BY THE GOVERNMENT OF THE UNITED STATES FOR THE PURPOSE OF DISMANTLING, RECYCLING, OR SCRAPPING.

(a) IN GENERAL.—Except as provided in subsection (b), no vessel that is owned by the Government of the United States shall be approved for export to a foreign country for purposes of dismantling, recycling, or scrapping.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to a vessel if the Administer of the Maritime Administration certifies that—

(1) a compelling need for dismantling, recycling, or scrapping the vessel exists;

(2) there is no available capacity in the United States to conduct the dismantling, recycling, or scrapping of the vessel;

(3) any dismantling, recycling, or scrapping of the vessel in a foreign country will be conducted in full compliance with environmental, safety, labor, and health requirements for ship dismantling, recycling, or scrapping that are equivalent to the laws of the United States; and

(4) the export of the vessel under this section will only be for dismantling, recycling, or scrapping of the vessel.

(c) CERTIFICATION.—The certification required in subsection (b) must be provided to the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 90 days before any vessel is approved for transport to a foreign country for purposes of dismantling, recycling, or scrapping.

(d) UNITED STATES DEFINED.—In this section the term "United States" means the States of the United States, Puerto Rico, and Guam.

SEC. 3503. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509(b) of title 46, United States Code, is amended—

(1) by striking "$4,000" and inserting "$8,000";

(2) by inserting "tuition," after "uniforms,"; and

(3) by inserting "before the start of each academic year" after "and be paid".

SEC. 3504. RIDING GANG MEMBER REQUIREMENTS.

Section 1018 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2380) is amended to read as follows:

"SEC. 1018. RIDING GANG MEMBER REQUIREMENTS.

"(a) IN GENERAL.—The Secretary of Defense may not award, renew, extend, or exercise an option to extend any charter of a vessel documented under chapter 121 of title 46, United States Code, for the Department of Defense, or any contract for the carriage of cargo by a vessel documented under that chapter for the Department of Defense, unless the charter or contract, respectively, includes provisions that—

"(1) subject to paragraph (2), allow riding gang members to perform work on the vessel during the effective period of the charter or contract only under terms, conditions, restrictions, and requirements as provided in section 8106 of title 46, United States Code; and

"(2) require that riding gang members hold a merchant mariner's document issued under chapter 73 of title 46, United States Code, or a transportation security card issued under section 70105 of such title.

"(b) EXEMPTION.—

"(1) IN GENERAL.—In accordance with regulations issued by the Secretary of Defense, an individual shall not be treated as a riding gang member for the purposes of section 8106 of title 46, United States Code, and this section if—

"(A) the individual is aboard a vessel that is under charter or contract for the carriage of cargo for the Department of Defense, for purposes other than engaging in the operation or maintenance of the vessel; and

"(B) the individual—

"(i) accompanies, supervises, guards, or maintains unit equipment aboard a ship, commonly referred to as supercargo personnel;

"(ii) is one of the force protection personnel of the vessel;

"(iii) is a specialized repair technician; or

"(iv) is otherwise required by the Secretary of Defense to be aboard the vessel.

"(2) BACKGROUND CHECK.—

"(A) IN GENERAL.—This section shall not apply to an individual unless—

"(i) the name and other necessary identifying information for the individual is submitted to the Secretary for a background check; and

"(ii) except as provided in subparagraph (B), the individual successfully passes

a background check by the Secretary prior to going aboard the vessel.

"(B) WAIVER.—The Secretary may waive the application of subparagraph (A)(ii) for an individual who holds a merchant mariner's document issued under chapter 73 of title 46, United States Code, or a transportation security card issued under section 70105 of such title.

"(3) EXEMPTED INDIVIDUAL NOT TREATED AS IN ADDITION TO THE CREW.—An individual who, under paragraph (1), is not treated as a riding gang member shall not be counted as an individual in addition to the crew for the purposes of section 3304 of title 46, United States Code.".

SEC. 3505. MAINTENANCE AND REPAIR REIMBURSEMENT PROGRAM FOR THE MARITIME SECURITY FLEET.

Section 3517(a) of the Maritime Security Act of 2003 (46 U.S.C. 53101 note; as amended by section 3503 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3548)) is amended by adding at the end the following:

"(3) EXISTING OPERATING AGREEMENTS.—The Secretary of Transportation shall, subject to the availability of appropriations, seek to enter into an agree-

ment under this section with one or more contractors under an operating agreement under that chapter that is in effect on the date of the enactment of this paragraph, regarding maintenance and repair of all vessels that are subject to the operating agreement.".

SEC. 3506. TEMPORARY PROGRAM AUTHORIZING CONTRACTS WITH ADJUNCT PROFESSORS AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—The Maritime Administrator may establish a temporary program for the purpose of, subject to the availability of appropriations, 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;

(2) subject to paragraph (3), 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; and

(3) shall terminate not later than 6 months after the termination of contract authority under subsection (d).

(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contacts under the program, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under the program.

(d) TERMINATION OF CONTRACTING AUTHORITY.—The authority to award contracts under the program shall terminate upon the expiration of December 31, 2009.

(e) EXISTING CONTRACTS.—Any contract entered into before the effective date of this section for the services of an adjunct professor at the Academy shall remain in effect for the trimester (or trimesters) for which the services were contracted.

(f) DEFINITIONS.—In this section:

(1) ACADEMY.—The term "Academy" means the United States Merchant Marine Academy.

(2) MARITIME ADMINISTRATOR.—The term "Maritime Administrator" means the Administrator of the Maritime Administration, or a designee of the Administrator.

(3) PROGRAM.—The term "program" means the program established under subsection (a).

Amend the title so as to read: ''A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

Union Calendar No. 413

110th CONGRESS
2d Session

H. R. 5658

[Report No. 110–652]

A BILL

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

May 16, 2008

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