NOT VOTING—21

Andrews	Hobson	Spratt
Carter	Johnson (GA)	Sullivan
Castor	Kennedy	Turner
Crenshaw	Lewis (GA)	Walden (OR)
Fossella	Paul	Walsh (NY)
Gillibrand	Rangel	Wexler
Herger	Rush	Young (AK)

□ 1342

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HERGER. Madam Speaker, I was unavoidably detained. I would have voted "yea."

Mr. CARTER. Madam Speaker, on rollcall No. 354, On Motion to Suspend the Rules and Agree to H. Res. 1194, Reaffirming the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora, I was unavoidably absent due to a family medical emergency. Had I been present, I would have voted "yea."

Mr. SULLIVAN. Madam Speaker, I rise to state that due to unforseen circumstances, I missed rollcall vote 354 to H. Res. 1194 taken on May 22, 2008. Had I been present for this vote, I would have voted "yea" on this measure.

ANNOUNCEMENT BY CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE REGARDING AVAILABILITY OF CLASSIFIED ANNEX

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Madam Speaker, I wish to inform my colleagues that the classified annex to H.R. 5959, the Intelligence Authorization Act for fiscal year 2009, will be available for review by Members only during regular committee business hours. Staff are requested to call the committee to schedule a viewing appointment for Members. Members will be required to fill out the appropriate security paperwork to view the classified documents.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore (Ms. DEGETTE). Pursuant to House Resolution 1218 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5658.

□ 1344

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5658) 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, with Mr. SERRANO (Acting Chairman) in the chair.

The Clerk read the title of the bill.

Mr. HOYER. Mr. Chairman, I first want to recognize Congressman IKE SKELTON, Chairman of the Armed Services Committee. I know how tirelessly he's worked to put this authorization bill together; and more than that, I know that no one in this House is a more dedicated advocate for our men and women in uniform.

This bill passed out of committee unanimously, and I expect it to pass the full House overwhelmingly, as well. That's because it's a bill that begins to repair our military while putting the needs of our troops first, a bill that responds to the Armed Forces' immense challenges while keeping them on the cutting edge. Let me touch on a few of its key provisions.

First, it authorizes $70 billion for operations in Iraq, Afghanistan, and the war on terrorism. No doubt, an overwhelming majority of the American public would agree that our mission in Iraq has been marred by gross errors of judgment from our highest-ranking civilian officials, unending bloodshed, and a chronic lack of political progress. But at the same time, 150,000 American troops are still on the ground in the midst of that violence, they have done everything our Nation has asked of them, and I believe they must have the resources they need to defend themselves and try to stabilize Iraq. This bill recognizes that reality, and it includes funds to keep our troops safer under fire: funds for Mine Resistant Ambush Protected Vehicles, up-armored Humvees, and personal body armor.

Second, this bill acknowledges the tremendous debt we owe our troops in this time of war. And the bill's military pay raise—a higher raise than the president requested—is a small way of beginning to pay that debt back. It also protects their access to health care by keeping down medical fees for our troops and retirees.

Third, this bill begins to restore our Nation's military readiness. With our forces stretched to the breaking point, Army National Guard units have, on average, less than two thirds of their required equipment. Army Vice Chief of Staff Richard Cody has testified that the Army "no longer has fully ready combat brigades on standby should a threat or conflict occur." That is simply too dangerous a risk to take. I'm glad that this bill takes some steps to mitigate it, authorizing nearly $2 billion for unfunded readiness initiatives, $800 million for National Guard and Reserve equipment, and larger active duty forces: 7,000 new soldiers, 5,000 more Marines, and more than 1,000 new sailors.

Fourth and finally, this bill's investments in high-tech equipment will keep our military the world's most advanced. It includes funding for next-generation fighters, like the F/A–22 Raptor and the F–35 Joint Strike Fighter; for advanced Navy vessels, from small littoral combat ships to new attack submarines; and for the initial deployment of a national missile defense system. At the same time, I realize that spending on this scale always opens the possibility of waste and abuse; that's why I'm grateful that this bill also comes equipped with increased congressional oversight of Defense acquisition programs.

Mr. Speaker, never in recent memory has our military been so worn down. The road back to readiness will be long and hard—but it can begin today. I urge my colleagues to support this vital piece of legislation—vital for our troops and our families, and equally vital for our Nation's security.

Mr. DINGELL. Mr. Chairman, I rise today in support of the Department of Defense (DOD) Authorization Act for Fiscal Year 2009. This legislation achieves a number of very important goals. First and foremost, it provides our troops and their families with the support they need. This includes a military a pay raise of 3.9 percent, which is larger than that requested by the President, a prohibition against fee increases for the military health care program known as TRICARE, an expansion of available health care services, and improved support for military families.

The bill also helps protect our troops by improving military readiness, and providing them with the equipment they need to keep them safe. The bill authorizes nearly $2 billion for unfunded readiness initiatives, and authorizes $800 million to provide the National Guard and Reserve, which are terribly stretched thin due to repeated deployments to Iraq, equipment they critically need. It also authorizes $2.6 billion for additional Mine Resistant Ambush Protected (MRAP) vehicles, $947 million for additional Up-Armored Humvees, and $783 million for the continued procurement and enhancement of personal body armor. This is equipment that will save countless lives in Iraq.

Finally, this legislation includes provisions making important changes to the government contracting system and adds increased accountability for those who are working for the government in Iraq. This bill reforms the DOD acquisition process, provides for a better trained acquisition workforce, and cracks down on conflicts of interest in defense contracts.

I want to thank my friend and colleague Chairman SKELTON for his hard work on this legislation. It has always been the bipartisan goal of the Congress to ensure that the United States military is the best trained, best equipped, and most capable fighting force in the world. This legislation accomplishes those goals, and has my strong support.

Mr. KIND. Mr. Chairman, I rise today in support of H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009.

I would like to start by commending the outstanding service provided by our men and women in the armed forces and thanking them for the terrific job they do for us across the globe each and every day, often in very difficult and dangerous circumstances. In return, I believe it is our duty as Congress to provide our troops with the support and resources they need to do their job as safely and effectively as possible. It is a credit to Chairman SKELTON and Ranking Member HUNTER that we have been able to fulfill this important obligation with strong bipartisan support.

I especially thank the committee for addressing an issue of particular importance to me and one of my constituents in this legislation. During a 15-month deployment in Afghanistan, U.S. Army Sergeant Jeff Frawley endured extremely harsh conditions in the mountains near Pakistan. Despite these hardships, he selflessly re-enlisted to serve his country for another 4 years.

Upon his return to the United States, Sergeant Frawley's company was forced to live in barracks at Fort Bragg that were infested with mold, suffered from decrepit plumbing, and

were structurally unsound. While visiting his son, Sergeant Frawley's father took pictures of the barracks and eventually posted a video of them on the internet.

The appalling conditions to which soldiers such as Sergeant Frawley have been subjected upon their return to the United States are an embarrassment. The improvement of these facilities must be of the highest priority for this country. Our returning troops deserve better. That is why I am proud to support H.R. 5658, which increases the Sustainment, Restoration, and Modernization account for the Department of Defense by $650 million. This additional funding is directly targeted at modernizing and fixing existing barracks, and will go a long way in ensuring that Sergeant Frawley and other soldiers are provided with the resources and facilities they deserve.

I thank Armed Services Committee Chairman SKELTON and Ranking Member HUNTER for their leadership on this critical issue. I applaud their work and urge my colleagues to support this important bill.

Mr. LANGEVIN. Mr. Chairman, I rise in support of the National Defense Authorization Act for Fiscal Year 2009. Having served on the House Armed Services Committee, I know that it handles some of the most complicated and contentious issues before Congress, but through a combination of hard work and a commitment to bipartisanship, it has been able to assemble a good bill that all Members should support. I would particularly like to thank Chairman SKELTON and Ranking Member HUNTER for their leadership and their efforts to enhance our national security.

The members of this body hold significantly different opinions about what our Nation's role should be in Iraq. Personally, having voted against the authorization of the use of force in Iraq, I believe that our current combat operations are doing significant and systemic damage to our military readiness and that we need a new strategy that emphasizes diplomatic and economic efforts and that allows us to bring our troops home. Despite our differences on Iraq policy, though, my colleagues and I stand in full support of the men and women in uniform who serve our Nation, as well as their families. This legislation recognizes their service by providing a pay raise of 3.9 percent—an increase of 0.5 percent over the President's budget request. It also rejects the President's ill-advised proposal to raise premiums and co-pays for participants of TRICARE, the military health care system. Congress recognizes that other options exist to reduce the cost of health care and that we must not place an undue burden on our military families. To that end, H.R. 5658 establishes several new preventive health initiatives, which will keep people healthier and reduce future costs.

As co-chair of the House Submarine Caucus, I am particularly pleased that the bill before us makes a major investment in our national security by providing an additional $722 million for advanced procurement of a second VIRGINIA-class submarine in FY2010—one year ahead of schedule. Last year, Congress provided $588 million to expedite the VIRGINIA-class construction schedule to attain two submarines in FY2011, and this legislation moves the target date even sooner. Submarines are one of the most effective and flexible platforms in our military, but if we don't build more quickly, we will lose our strategic advantage over nations that are rapidly expanding their naval forces. Furthermore, this funding will help our submarine industrial base, which, without additional work, will face layoffs, and our Nation could lose their specialized skills and expertise. The men and women who work at Electric Boat in my district make the best submarines in the world, and I am pleased that this legislation will allow them to expand their contributions to our national security. I am deeply grateful to Chairman IKE SKELTON and Seapower Subcommittee Chairman GENE TAYLOR—as well as my friend and neighbor JOE COURTNEY and my co-chair on the Submarine Caucus RANDY FORBES—for their commitment to our submarine force.

This Congress has shown a commitment to our Navy and recognizes the importance of shipbuilding. While I applaud many provisions in this bill that will help restore the size of our fleet, I have concerns about the decision to delay the purchase of the third Zumwalt-class destroyer (DDG–1000). Instead of funding the President's full request, the bill provides $400 million that may be used either to purchase long-lead materials for the thud DDG–1000 or to begin procurement of two Arleigh Burke-class destroyers (DDG–51). The DDG–1000 is the first installment in the Navy's Family of Ships line, which will develop new technology for later insertion in the next-generation cruiser and other surface ships. Delaying DDG–1000 will prevent the development of new technologies and weapons systems that are necessary to address current and future threats. Additionally, while purchasing additional DDG–51s will help us increase the size of our fleet, they cannot fulfill the mission requirements of the DDG–1000, which was specifically built to have greater capability and a smaller crew. As we move forward with this bill, I ask that the committee keep these concerns in mind.

I am very proud to support H.R. 5658, which provides our men and women in uniform with the resources, equipment and services they need to continue their excellent service to the Nation. I urge all of my colleagues to support this measure.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to discuss H.R. 5658, the Duncan Hunter National Defense Authorization Act for FY 2009 which has many important provisions to help our military personnel and their families. I want to thank my colleague Congressman SKELTON for his leadership on the House Armed Services Committee in bringing a bill to the floor that not only protects but supports our military and our veterans.

Samuel Adams, who was known as the Father of the American Revolution, stated ''All might be free if they valued freedom, and defended it as they should.'' Well, while most of us value freedom many of us do not risk our lives for it the way our men and women in the armed forces do on a daily basis.

This defense bill reflects our commitment to support the men and women who fight to secure not only our citizen's freedom but the freedom of others. This bill will provide the necessary resources to protect the American people and our national interests at home and abroad. The Armed Services committee has provided for military readiness; taking care of our troops and their families; increasing focus on the war in Afghanistan; and improving interagency cooperation, oversight, and accountability in this year's defense authorization bill.

DEFENSE PROVISIONS

We must maintain our efforts to restore military readiness in order to meet current military challenges and prepare for the future. This bill directs approximately $2 billion toward unfunded readiness initiatives requested by the services, which includes an additional $932 million to deal with equipment shortages and for equipment maintenance.

The bill also provides $800 million for National Guard and Reserve equipment and $650 million to keep defense facilities in good working order and to address urgent issues such as dilapidated military barracks. To boost readiness and to reduce the strain on our forces, the bill increases the size of the military by 7,000 Army troops and 5,000 Marines, and prevents further military to civilian conversions in the medical field by authorizing an additional 1,023 Navy sailors and 450 Air Force personnel.

To improve the quality of life for our forces and their families, the bill provides a 3.9 percent pay raise for all service members, which is .5 percent more than the President's budget request, and extends the authority for the Defense Department to offer bonuses and incentive pay. The bill also preserves important health benefits to improve the readiness of our force, keep servicemembers and their families healthy, and to reduce the overall need for care.

The bill establishes a Career Intermission Pilot Program to allow a servicemember to be released from active duty for a maximum of 3 years to focus on personal or professional goals outside of the military. The bill also provides tuition assistance to help military spouses establish their own careers, authorizes Impact Aid funding to assist schools with large enrollments of military children, and establishes a DoD School of Nursing to address the critical nursing shortage in our military services.

This bill addresses the need to improve the command and control structure for military forces operating in Afghanistan providing equipment to train and properly equip the Afghan National Security Forces (ANSF). This bill urges the President to appoint a Special Inspector General for Afghanistan Reconstruction (SIGAR), as required by law, at the earliest possible time.

More importantly this bill contains several layers of transparency and accountability. By requiring more detailed reporting to Congress on the status and strategies of our forces in Iraq and Afghanistan, as well as on the performance of Provincial Reconstruction Teams (PRTs) and information on U.S. contractors—this bill provides greater oversight by this body.

REP. JACKSON-LEE PROPOSED AMENDMENTS

While I do believe that Congressman SKELTON and the Armed Services Committee have done a great job at trying to address the needs of our servicemembers, their families, and our national interests, I am disappointed to see certain areas were not addressed. I offered two amendments to the defense authorization to improve its ultimate outcome.

My first amendment would have added three sense of Congress paragraphs: (1) the war in Iraq should end as safely and quickly as possible and our troops should be brought home; (2) the performance of United States military personnel in Iraq and Afghanistan should be commended, their courage and sacrifice have been exceptional, and when they

come home, their service should be recognized appropriately, including through the observance of a national day of celebration; and (3) the primary purpose of funds made available by this Act should be to transition the mission of United States Armed Forces in Iraq and undertake their redeployment, and not to extend or prolong the war.

This amendment was borne from my deeply held belief that we must commend our military for their exemplary performance and success in Iraq. As lawmakers continue to debate U.S. policy in Iraq, our heroic young men and women continue to willingly sacrifice life and limb on the battlefield. Our troops in Iraq did everything we asked them to do. The United States will not and should not permanently prop up the Iraqi government and military. Whether or not my colleagues agree that the time has come to withdraw our American forces from Iraq, I believe that all of us in Congress should be of one accord that our troops deserve our sincere thanks and congratulations.

My amendment explicitly stated that the goals laid out by the Authorization for Use of Military Force against Iraq Resolution of 2002 (AUMF) have all been achieved by our troops in Iraq.

Due to the skill and dedication of the members of the Armed Forces, the entire world has now been assured that Iraq does not possess weapons of mass destruction that could threaten the United States or any member nation of the international community. The United States Armed Forces successfully toppled the regime of Saddam Hussein and captured the key cities of Iraq in only 21 days. The Armed Forces performed magnificently in conducting military operations designed to ensure that the people of Iraq would enjoy the benefits of a democratically elected government governing a country that is capable of sustaining itself economically and politically and defending itself militarily.

While our troops have achieved the objectives for which they were sent to Iraq, they are now caught in the midst of a sectarian conflict. Unfortunately, there is no military solution to Iraq's ongoing political and sectarian conflicts.

My second amendment would have made a declaration of U.S. policy that "The Authorization for Use of Military Force against Iraq Resolution of 2002 (Public Law 107–243; approved on October 16, 2002) is the basis of authority pursuant to which the President launched the invasion of Iraq in March 2003."

Further, it describes the authorization's two stated objectives: to enforce all relevant United Nations Security Council resolutions regarding Iraq, and to defend the national security of the United States (i) by disarming Iraq of any weapons of mass destruction that could threaten the security of the United States and international peace in the Persian Gulf region, (ii) by ensuring that the regime of Saddam Hussein would not provide weapons of mass destruction to international terrorists, including al Qaida, (iii) by changing the Iraqi regime so that Saddam Hussein and his Baathist regime no longer pose a threat to the people of Iraq or Iraq's neighbors, and (iv) by bringing to justice any members of al Qaida bearing responsibility for the attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, known or found to be in Iraq.

Most crucially, my second amendment states unequivocally that "the objectives of Public Law 107–243 described in subparagraphs (A) and (B) of paragraph (2) have been achieved. This amendment would have provided an expressed acknowledgment by the Congress that the objectives for which the Authorization for Use of Military Force (AUMF) resolution of 2002 authorized the use of force in Iraq were achieved by the Armed Forces of the United States.

The objectives for which this Congress authorized war in Iraq have been met; therefore, that authorization should no longer be the basis for ongoing involvement by U.S. armed forces. Our military has already paid too heavy a price for this Administration's ill-advised and poorly planned war effort in Iraq. My amendment would have recognized the exemplary performance of our men and women in uniform, and emphasizes that our military has already achieved the objectives for which it was sent to Iraq.

Mr. Chairman, although I would have liked to see my amendments included in this bill I am supportive of much of the provisions of this bill; however since this legislation provides for continued funding of the Iraq war I will not be able to vote for the continuation of the war. I will vote no.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 21, 2008, all time for general debate pursuant to House Resolution 1213 had expired. Pursuant to House Resolution 1218, no further general debate is in order.

Pursuant to House Resolution 1218, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5658

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''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.

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Sec. 2106. Modification of authority to carry out certain fiscal year 2007 projects.
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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.
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Subtitle B—Program Authorizations, Restrictions, and Limitations

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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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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. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

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TITLE I—PROCUREMENT

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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

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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 requirement. 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 communications 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 subparagraph, 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 Department 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 PERSONNEL 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 appropriate 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 aircraft 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.

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Sec. 311. Authorization for Department of Defense participation in conservation banking programs.

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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.

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Subtitle D—Energy Security

Sec. 331. Annual report on operational energy management and implementation of operational energy strategy.

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Subtitle E—Reports

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

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Subtitle F—Other Matters

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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.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

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 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 employees 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 appropriate 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 RE-ENGINEERING.

(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 Secretary. 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 developed 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 affected 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 reducing 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 Committees 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 repair 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*
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 preceding 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 aggregated 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 responses 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 persons 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 country 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 disability, 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 available, 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 pursuing 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.

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2009 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 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 assignments, 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 striking ''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 striking ''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 section 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 expertise 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 member 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 convenience, 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 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 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 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, 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 COPAYMENTS 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 military 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 determined 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 partnerships 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 management 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.

''(B) Breast screening.

''(C) Cervical screening.

''(D) Prostate screening.

''(E) Annual physical exam.

''(F) Annual dental exam.

''(G) Vaccinations.

''(3) The Secretary of Defense shall ensure that members selected to receive the preventive health services allowance and their dependents are provided a reasonable opportunity to receive the services authorized under this subsection in their local area.

''(e) DATA COLLECTION.—At a minimum, the Secretary of Defense shall monitor and record the health of members receiving a preventive health services allowance and their dependents and the results the testing required to qualify for payment of the allowance, if conducted. The Secretary shall assess the medical utility of the testing required to qualify for payment of a preventive health allowance.

''(f) REPORTING REQUIREMENT.—Not later than March 31, 2010, and March 31, 2012, the Secretary of Defense shall submit to Congress a report on the status of the demonstration project, including findings regarding the 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.

SEC. 724. PEER-REVIEWED RESEARCH PROGRAM ON EXTREMITY WAR INJURIES.

(a) ESTABLISHMENT OF PEER-REVIEWED ORTHOPAEDIC EXTREMITY TRAUMA RESEARCH PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a competitive, peer-reviewed research program within the Defense Health Program's research and development function to conduct peer-reviewed medical research at military and civilian institutions designed to develop scientific information aimed at saving injured extremities, avoiding amputations, and preserving and restoring the function of injured extremities. Such research shall address military medical needs and include the full range of scientific inquiry encompassing basic, translational, and clinical research.

(b) 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 plans for establishment, management, and operation of the Peer-Reviewed Research Program on Extremity War Injuries required under this section.

(c) EFFECTIVE DATE.—This section shall be in effect 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 requirements 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 priority 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 domestic 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 reservation 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 advisory 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 compromise 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 contractor 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 nongovernment 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 congressional 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'), appointed 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 within 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 appropriate, 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 programming) 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 funding 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 relationships, 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 commissions 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 institution 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 INTER-AGENCY 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 congressional 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 organizations 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 section 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 INTER-CONNECTED 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 components 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 Representatives 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 war-fighting 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 interservice 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 Refueling 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 amended 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 beginning 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 practicable 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 structure 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 available 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 programs 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 operations 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 Coordinator, 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 nonmilitary 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 maintain 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 respect 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 congressional 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.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$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

Army: Inside the United States—*Continued*

State	Installation or Location	Amount
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

***Inside the United States**—Continued*

State	Installation or Location	Amount
	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

***Inside the United States**—Continued*

State	Installation or Location	Amount
	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
	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

***Inside the United States**—Continued*

State	Installation or Location	Amount
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

***Navy: Outside the United States**—Continued*

Country	Installation or Location	Amount
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

Location	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 Construction 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
	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

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Wyoming	Francis E. Warren Air Force Base.	$8,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram 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

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified.	Classified Location.	$891,000
Worldwide Unspecified.	Specified Worldwide Locations.	$52,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force 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:

Air Force: Family Housing

Country	Installation or Location	Purpose	Amount
United Kingdom	Royal Air Force Lakenheath	182 Units	$71,828,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,708,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(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
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

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(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), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act and extended by section 2307 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 519), 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 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
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 for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
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

***Special Operations Command**—Continued*

State	Installation or Location	Amount
Florida	Eglin Air Force Base.	$40,000,00
	Hurlburt Field	$8,900,000

Special Operations Command—*Continued*

State	Installation or Location	Amount
	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
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

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense 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

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(3), the Secretary of Defense may 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 contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $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

***Army Reserve—**Continued*

State	Location	Amount

Army Reserve—Continued—Continued

State	Location	Amount
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

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
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

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
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.

SEC. 2607. 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 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 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

SEC. 2608. 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 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 non-appropriated 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 relocation 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 realignment 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 standard. 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 environmental 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 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) 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 Management, 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 Secretary 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 memorial 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

***Army: Inside the United States**—Continued*

State	Installation or Location	Amount
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.

SEC. 2902. AUTHORIZED NAVY 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 Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
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

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Navy 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:

Navy: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonier	$22,390,000

(c) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, 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 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

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Oman	Masirah Air Base	$6,300,000
Qatar	Al Udeid	$100,400,000

(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 Air Force in the total amount of $150,927,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $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 agreement 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 implementation 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 agreement 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.''.

The Acting CHAIRMAN. No amendment to the amendment in the nature of a substitute is in order except those printed in House Report 110–666 and amendments en bloc described in section 3 of the resolution.

Each amendment printed in the report shall be offered only in the order printed in the report (except as specified in section 4 of the resolution); may be offered only by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

□ 1345

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Amendments en bloc shall be considered read; shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report out of the order printed, but not sooner than 30 minutes after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–666.

Mr. SKELTON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

In section 201(1), strike the dollar amount and insert the following: ''$10,688,695,000''.

In section 201(2), strike the dollar amount and insert the following: ''$19,764,738,000''.

In section 595(a), strike ''(1) IN GENERAL.—''.

In section 713(d)(1)(B), strike ''copayments for smoking cessation services had been waived pursuant to subsection (b) during that year'' and insert ''if the beneficiary had not been excluded under subsection (a) from the smoking cessation program under that subsection''.

In section 714, amend the section heading to read as follows:

SEC. 714. PREVENTIVE HEALTH ALLOWANCE.

In section 832, page 329, line 12, strike ''438(c)(1)(A)'' and insert ''438(d)(1)''.

In section 1001(a)(2), in lieu of the blank underscore after the dollar sign, insert ''4,000,000,000''.

In section 2902, strike subsection (a) and insert the following new subsection:

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$19,962,000
	China Lake	$7,210,000
	Point Mugu	$7,250,000
	San Diego	$17,930,000
	San Diego, Marine Corps Recruit Depot.	$43,200,000
	Twentynine Palms	$12,324,000
Florida	Eglin Air Force Base	$780,000
Mississippi	Gulfport	$6,570,000
North Carolina.	Camp Lejeune	$27,980,000
	Parris Island Marine Corps Recruit Depot.	$16,000,000
Virginia	Yorktown	$8,070,000

In section 2902(c), strike the dollar amounts in the matter preceding paragraph (1) and in paragraph (1) and insert ''$197,618,000'' and ''$171,176,000'', respectively.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, this is a technical corrections amendment to H.R. 5658, as reported by the Committee on Armed Services on May 16 of this year, and I certainly hope it will be adopted and I so move.

Mr. HUNTER. Would the gentleman yield?

Mr. SKELTON. I yield.

Mr. HUNTER. We've obviously cleared this on our side, and we totally support the distinguished gentleman from Missouri's amendment.

Mr. SKELTON. I yield back, Mr. Chairman.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SKELTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–666.

Mr. SKELTON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SKELTON:

At the end of title X, add the following new section:

SEC. 1071. STANDING ADVISORY PANEL ON IMPROVING INTEGRATION BETWEEN THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT ON MATTERS OF NATIONAL SECURITY.

(a) ESTABLISHMENT OF ADVISORY PANEL.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall jointly establish an advisory panel to review the respective roles and responsibilities of the Department of Defense, the Department of State, and the United States Agency for International Development in the national security collaborative system.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The advisory panel shall be composed of 12 members, of whom—

(A) three shall be appointed by the Secretary of Defense, in consultation with the Secretary of State and the Administrator;

(B) three shall be appointed by the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Secretary of State, and the Administrator;

(C) three shall be appointed by the Secretary of State, in consultation with the Secretary of Defense and the Administrator; and

(D) three shall be appointed by the Administrator, in consultation with the Secretary of Defense and the Secretary of State.

(2) CHAIRMAN.—The Secretary of Defense, the Secretary of State, and the Administrator shall jointly designate one member as chairman.

(3) VICE CHAIRMAN.—The Secretary of Defense, the Secretary of State, and the Administrator shall jointly designate one member as vice chairman. The vice chairman may not be a member appointed to the advisory panel under paragraph (1) by the same Secretary or Administrator that appointed the chairman to the advisory panel under paragraph (1).

(4) EXPERTISE.—Members of the advisory panel shall be private citizens of the United States with national recognition and significant experience in the Federal Government, the Armed Forces, public administration, foreign affairs, or development.

(5) DEADLINE FOR APPOINTMENT.—All members of the advisory panel shall be appointed not earlier than January 20, 2009, and not later than March 20, 2009.

(6) TERMS.—The term of each member of the advisory panel is for the life of the advisory panel.

(7) VACANCIES.—A vacancy in the advisory panel shall be filled not later than 30 days after such vacancy occurs and in the manner in which the original appointment was made.

(8) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the advisory panel in expeditiously providing to the members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(9) STATUS.—A member of the advisory board who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(10) EXPENSES.—The members of the advisory panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the advisory panel.

(c) MEETINGS AND PROCEDURES.—

(1) INITIAL MEETING.—The advisory panel shall conduct its first meeting not later than 30 days after the date that all appointments to the advisory panel have been made under subsection (b).

(2) MEETINGS.—The advisory panel shall meet not less often than once every three months. The advisory panel may also meet at the call of the Secretary of Defense, the Secretary of State, or the Administrator.

(3) PROCEDURES.—The advisory panel shall carry out its duties under procedures established under subsection (d).

(4) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory panel.

(d) SUPPORT OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State and the Administrator, shall enter into a contract with a federally funded research and development center for the provision of administrative and logistical support and assistance to the advisory panel in carrying out its duties under this section. Such support and assistance shall include the establishment of the procedures of the advisory panel under subsection (c)(3).

(2) DEADLINE FOR CONTRACT.—The Secretary of Defense shall enter into the contract required by this subsection not later than 60 days after the date of the enactment of this Act.

(e) DUTIES OF PANEL.—

(1) The advisory panel shall analyze the roles and responsibilities of the Department of Defense, the Department of State, and the United States Agency for International Development regarding—

(A) stability operations;

(B) non-proliferation;

(C) foreign assistance (including security assistance);

(D) strategic communications;

(E) public diplomacy;

(F) the role of contractors; and

(G) other areas the Secretary of Defense, the Secretary of State, and the Administrator consider appropriate.

(2) In providing advice, guidance, and recommendations to improve the national security collaborative system, the advisory panel shall review—

(A) the structures and systems that coordinate policy-making;

(B) the roles and responsibilities of the departments and agencies of the Federal Government involved in the national security collaborative system;

(C) integrating the expertise of the departments and agencies of the Federal Government involved in the national security collaborative system; and

(D) coordinating personnel assigned abroad as part of the national security collaborative system.

(f) COOPERATION OF OTHER AGENCIES.—Upon request by the advisory panel, any department or agency of the Federal Government shall provide information that the advisory panel considers necessary to carry out its duties.

(g) REPORTS.—

(1) INTERIM REPORT.—

(A) Not later than 180 days after the first meeting of the advisory panel, the advisory panel shall submit to the Secretary of Defense, the Secretary of State, and the Administrator, a report that identifies—

(i) aspects of the national security collaborative system that should take priority during the improvement of integration between the Department of Defense, the Department of State, and the United States Agency for International Development; and

(ii) methods to better integrate the national security collaborative system.

(2) ANNUAL REPORT.—

(A) Not later than December 31 of each year, the advisory panel shall submit to the

Secretary of Defense, the Secretary of State, and the Administrator, a report on—

(i) the activities of the advisory panel;

(ii) any deficiencies in the national security collaborative system;

(iii) any improvements made to the national security collaborative system;

(iv) methods to better integrate the national security collaborative system; and

(v) such findings, conclusions, and recommendations as the advisory panel considers appropriate.

(3) SUBMISSION OF REPORT TO CONGRESS.—The Secretary of Defense, the Secretary of State, and the Administrator shall submit to the appropriate committees of Congress the reports under this subsection and any additional information considered appropriate.

(4) CONGRESSIONAL BRIEFINGS.—Not later than 30 days after the submission of each report under this subsection, the advisory panel shall meet with the appropriate committees to brief such committees on the matters contained in the report.

(5) APPROPRIATE COMMITTEES.—For the purposes of this subsection, the appropriate committees of Congress are the following:

(A) The Committees on Foreign Relations, Armed Services, and Appropriations of the Senate.

(B) The Committees on Foreign Affairs, Armed Services, and Appropriations of the House of Representatives.

(h) TERMINATION OF ADVISORY PANEL.—The advisory panel shall terminate on September 30, 2013.

(i) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) NATIONAL SECURITY COLLABORATIVE SYSTEM.—The term ''national security collaborative system'' means the structures, mechanisms, and processes by which the Department of Defense, the Department of State, and the United States Agency for International Development coordinate and integrate their policies, capabilities, expertise, and activities to accomplish national security missions overseas.

(3) STABILITY OPERATIONS.—The term ''stability operations'' means stability and reconstruction operations conducted by departments or agencies of the Federal Government described by Department of Defense Directive 3000.05, National Security Presidential Directive 1, or National Security Presidential Directive 44.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, this is an amendment that deals with a very difficult situation that has arisen in recent years: the cooperation, or I should say, the lack of cooperation between various departments of our government that relate to national security. This in particular, however, deals with just the Defense Department and the State Department. We had a historic hearing in our committee touching on this subject with the Secretary of Defense and the Secretary of State testifying side by side.

This amendment provides both the Congress and the executive branch with specific recommendations by a specified panel to key issues based on practical experience. It will also serve as a useful tool to guide future congressional efforts in this area and demonstrate congressional commitment to long-term solutions and cooperation.

I wish to compliment my friend and colleague from California for his assistance on this as well, Mr. BERMAN, and I might say this also is a bipartisan amendment. Several people, the gentleman on the Armed Services Committee on the other side of the aisle, are strongly in favor of it, as well as on the Democratic side.

I also wish to thank, besides Mr. BERMAN, NITA LOWEY for her cosponsorship of this particular amendment.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I would yield to myself such time as I might consume.

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. I would simply say that this is an important amendment and one that I support strongly, and I think most of the members of the committee support strongly.

This is a joint effort. It's not just a DOD effort, when we discussed the two warfighting theaters and the standing up of a government that will be an ally of the United States and will have a modicum of democracy. It's important to have the other agencies that are so critical to this effort, to the coordination of this effort, that is, the Department of State and the USAID administrator, to be involved to ensure that we do have coordination and cooperation.

At this time, Mr. Chairman, I'd like to yield to Mr. FORBES, the gentleman from Virginia, 3 minutes.

Mr. FORBES. Thank you, Mr. Chairman.

Mr. Chairman, I rise in support of the amendment to create an advisory panel between the Department of Defense and the State Department.

Under the leadership of Chairman SKELTON, Chairman BERMAN and Chairwoman LOWEY, I believe we've taken the first of what I hope will be many steps to reform the Interagency process.

As Chairman SKELTON said yesterday, reforming the way our Federal agencies cooperate is not going to happen in 1 year.

We have 19 Federal departments that have Cabinet-level authority, each with their own mission, culture, and priorities. But whether it is coordinating a uniform and united response to a natural disaster such as Hurricane Katrina, whether it's organizing counterterrorism efforts between the CIA, FBI and the Department of Homeland Security, or whether it's coordinating food safety efforts between the Department of Agriculture and the Department of Homeland Security, it's critical that our agencies are not restricted by regulations or cultures that lead to distrust rather than one of cooperation.

The American people expect their government agencies to work together to be responsive and effective in carrying out the duties of government: keeping America safe, enforcing justice, and providing assistance in times of crisis. Americans expect this to be the case in our government's dealing, both at home and around the world.

So I urge my colleagues to support this amendment, which establishes an advisory panel between two of our largest departments. This panel will identify ways those departments can collaborate more effectively to address national security challenges we face.

I want to thank Chairman SKELTON for his leadership and his commitment to this issue.

Mr. SKELTON. At this time, I yield 3 minutes to my friend, the coauthor of this amendment, the gentleman from California (Mr. BERMAN) who is the distinguished chairman of the Foreign Affairs Committee and, as I mentioned, a cosponsor of the amendment.

Mr. BERMAN. I thank the gentleman for yielding.

I'm very proud to cosponsor this amendment with Mr. SKELTON, the Chair of the committee, along with the Chair of the Subcommittee on State and Foreign Operations, Mrs. LOWEY.

Among the many lessons learned from the wars in Iraq and Afghanistan is the stark fact that the State Department and Defense Department have failed to coordinate on critical policy issues in these two war zones. In fact, throughout the U.S. Government, there is a misalignment between resources and missions, expertise and funding.

The problems are most evident in the arena of stability and reconstruction operations, where the Defense Department has assumed the lion's share of responsibilities.

However, the Defense Department is now playing a greater role in a wide range of foreign assistance programs. By some estimates, more than 20 percent of foreign aid now flows through the Pentagon.

Some of this can be attributed to a lack of capacity at State and USAID, a problem we're trying to address through legislation authored by Mr. FARR, which the House passed and is now a part of this bill.

But to the extent these problems result from a lack of coordination, we need to take steps to help ensure that the day-to-day plumbing of our national security agencies is sufficiently welded so that personnel from different departments have incentive to work together, and that the objectives of these departments are properly calibrated with overall U.S. Government priorities.

This amendment constitutes a first step in that direction. It establishes an advisory panel, structured to ensure that the three key agencies charged with protecting U.S. national security and promoting American interests abroad, State, Defense and USAID, have equal presence. I hope that the panel will work closely with these agencies to produce a report that is

practical, well-informed and, most important, directly applicable to their day-to-day operations.

The one thing I know is that if this panel creates a dynamic where these agencies work as well together as I have found the ability to work with the chairman of the House Armed Services Committee, we can make a lot of progress here. It's a real honor to have been engaged with Chairman SKELTON, as well as Chairwoman LOWEY on the appropriations side, in trying to come to grips with this problem.

I think this is a good first step, and I urge my colleagues to adopt this amendment.

Mr. HUNTER. Mr. Chairman, we have one more speaker who I think is on his way. So if the gentleman from Missouri has another speaker, if we could pass and see if we can get our other speaker down here.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my friend, my colleague, the gentlelady from California (Mrs. DAVIS) who is the chairwoman of the Subcommittee on Military Personnel of our Armed Services Committee.

Mrs. DAVIS of California. I rise in support of the Skelton-Berman-Lowey amendment.

Mr. Chairman, the wars in Iraq and Afghanistan have highlighted why Congress and the executive branch must do a better job of marshalling all elements of national power in support of U.S. goals abroad and ensure that future missions are not military-centric but joint interagency efforts.

The creation of an interagency advisory panel required to make recommendations to each department is an excellent first step.

As important as the creation of this new panel is, the coordination between the committees that we see here today is also critical.

We know that part of the interagency problem is the rigid stovepipe structure found right here in this body. So while this amendment seeks to influence the executive branch, it will take reforms on both ends of Pennsylvania Avenue to have the type of interagency coordination we need to address the challenges of the 21st century.

I applaud the sponsors of this bill, Chairman SKELTON, Chairman BERMAN and Chairwoman LOWEY. They deserve an enormous amount of credit for bringing this forward, and I urge all of my colleagues to support it.

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Mr. HUNTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I support this amendment. I want to commend Chairman SKELTON and Chairman BERMAN and Chairwoman LOWEY for working together. It is something that does not often happen in this body to have three different Chairs work together on a common purpose. In addition, Mrs. DAVIS from California and Mr. DAVIS from Kentucky have been pushing this very same issue.

Mr. Chairman, if we're going to be successful against the terrorists or any other number of challenges we face, we have to have all the instruments of national power and influence working together, not only coordinated, but integrated, so that it is a seamless unit.

I hope, as others have said, this is a first step. But it is clearly only one step towards greater reforms that need to take place to ensure that it is one integrated unit when this country seeks to accomplish things. I appreciate the spotlight being shown on the problem through this amendment. And I hope that we have this sort of cooperation going forward in the future as well.

Mr. SKELTON. At this time, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN), who is a member on leave from our Armed Services Committee.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Chairman, I rise today in strong support of the Skelton-Berman-Lowey amendment, and I want to commend the sponsors for proposing this amendment.

Having served on the Armed Services, Intelligence, and Homeland Security Committees, I have seen firsthand the stovepiping that occurs in the various parts of government responsible for national security. I recognize the urgent need to encourage greater interagency cooperation, both in strategic planning and at the operational level.

Our Nation has many ways to promote stability and peace throughout the world and protect our Nation. We often see a focus on our hard power assets, such as use of our military, but we also use our diplomacy, financial assistance, or other ''soft power'' assets such as cultural exchanges and communications. We need far better coordination and cooperation between our hard and soft power assets to truly achieve a comprehensive national security strategy for the United States.

This amendment would create an advisory panel to encourage collaboration among Department of Defense, State Department, and USAID. This is an important first step in promoting a comprehensive view of national security, and I'm confident that the sponsors of this amendment will build on this effort.

I look forward to working with them to encourage more interagency cooperation so that the United States can be more effective in reaching our national security goals.

Mr. SKELTON. Mr. Chairman, may I inquire as to the remaining time, please.

The Acting CHAIRMAN. The gentleman from Missouri has 3½ minutes remaining. The gentleman from California has 6½ minutes remaining.

Mr. SKELTON. Mr. Chairman, let me take this opportunity to say a special thanks to those who worked so hard and so long on this issue. Number one is recognizing the problem, number two is doing something about it.

Now, it really crosses more than two departmental lines or two committee lines, the Defense and the Foreign Affairs. This is a major step in the right direction, and Congress is doing something about it.

Let me say special thanks, first, to our ranking member, Mr. HUNTER, to Dr. SNYDER, Mrs. DAVIS of California, Mr. THORNBERRY of Texas, Mr. MURTHA, of course cosponsor Mr. BERMAN, cosponsor Mrs. LOWEY, Mr. COOPER, who chaired the panel on Roles and Missions, Mr. SCHIFF, Mr. LANGEVIN and Mr. GEOFF DAVIS. I'm sure there are others that have worked on it, but those need special recognition for the efforts that they put forth in this.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, at this time, I yield back the balance of my time unless the gentleman from Missouri needs it. I would yield it to his side.

Mr. SKELTON. I do have at least one additional speaker, Mr. Chairman.

Mr. HUNTER. Mr. Chairman, my speaker did just arrive. If I could impose on the gentleman, he is ready to go.

I would ask unanimous consent that I be allowed to retrieve my time.

The Acting CHAIRMAN (Mr. ROSS). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, I would yield 4 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Thank you, Congressman HUNTER, Chairman SKELTON.

I just want to make a statement that I rise in very strong support of this amendment. It is critical right now that we address the challenges between the agencies and the Federal Government.

Over a year ago, Congresswoman SUSAN DAVIS and I formed the bipartisan National Security Reform Caucus to begin to address these issues in a new flavor from what now Chairman SKELTON began to address as a young Member of Congress in the 1980s, leading to sweeping reforms in the Defense Department, and leading to the concept of jointness between our services that we have today.

We've seen this caucus grow. We've seen terrific hearings that have been done on the Oversight and Investigations Committee pointing to the need for better interoperability between the State Department and the Defense Department. We have many dedicated civil servants and many dedicated military personnel who are actually blocked, in many aspects, from working together because of the silos of the agencies, statutes and regulations in accounting that prevents them from interacting effectively.

I think that one of the things that we need to do as a Nation is to have the ability to more flexibly and agilely use our instruments of national power so that putting troops on the ground, using our kinetic power, is the last thing we do; that we can begin on the soft end with humanitarian efforts, peacekeeping, peace enforcement, reaching out with information, and using very powerful and often unheralded assets like the Agency for International Development, more expeditionary Foreign Service, and allow this interaction to take place in an effective manner. I think that by having this standard advisory panel, we can take the politics out of this and continue to work closely.

I appreciate the chairman's leadership, leading in a bipartisan manner on such a critical issue, convening many meetings and forums, and also participating over a year ago with us on this Council of Foreign Relations effort that brought together much of the interagency community.

Again, I encourage my colleagues to support this. Thank you for your time, and the chairman for his graciousness and procedure.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mr. SKELTON. Pursuant to section 4 of House Resolution 1218, and as the chairman of the Committee on Armed Services, I request that, during further consideration of H.R. 5658 in the Committee of the Whole, and following consideration of the en bloc amendments, the following amendments be considered in the following order: amendment No. 6, amendment No. 23, amendment No. 33, amendment No. 8, amendment No. 15, amendment No. 26, amendment No. 50, amendment No. 53.

Mr. Chairman, I yield 1 minute to my friend from Tennessee, (Mr. COOPER).

Mr. COOPER. I thank the chairman, IKE SKELTON of Missouri, who has done a tremendous job of leading this important bill through this Congress and including this very, very important amendment that I urge my colleagues to support.

No Member of this body has done more to promote roles and missions reform than IKE SKELTON. He was present at the creation of Goldwater-Nichols back in the 1980s, and he is pushing the Pentagon hard today to keep America number 1, to make sure that we're getting our roles and missions right.

I am personally grateful that he sponsored the panel in which seven Members, on a bipartisan basis, reached unanimous agreement that we need to tackle this important subject.

I want to thank, in particular, my ranking member, PHIL GINGREY, but all of the panel members, whether it's Mr. LARSEN, Ms. GILLIBRAND, Admiral Sestak, Mr. CONAWAY and Mr. DAVIS. It was a very important effort to work on. I look forward to the passage of this amendment, when we can have a standing committee within the Pentagon itself to focus on this important issue.

So I congratulate all of my colleagues in the House. This is the Duncan Hunter Defense Authorization bill. This is a landmark bill for the strength and safety of our country. This amendment will make that bill even stronger for future generations.

Mr. HUNTER. Mr. Chairman, I just want to say that the gentleman from Tennessee had it right in that the chairman has been a prime mover in forcing jointness with the military services. And it's only appropriate that, because this is an effort that requires other agencies, besides DOD, that we have a mechanism to get them together, move them together in a true jointness. I want to commend the chairman for his authorship of this.

At this point, Mr. Chairman, we have no more requests for time on this side. Unless the gentleman needs our time, I yield back our time.

Mr. SKELTON. I yield back the balance of my time, Mr. Chairman.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. AKIN

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–666.

Mr. AKIN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. AKIN:

At the end of subtitle A of title II, add the following new section:

SEC. 203. INCREASED FUNDING FOR FUTURE COMBAT SYSTEMS.

(a) INCREASE.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby increased by $193,000,000, of which—

(1) $101,000,000 shall be available for Future Combat Systems, MGV; and

(2) $92,000,000 shall be available for Future Combat Systems, SoS Engineering.

(b) CORRESPONDING OFFSETS.—The amount in section 201(2) for research, development, test, and evaluation, Navy, is hereby reduced by $30,000,000, to be derived from PE 0305205N, line 198 Endurance Unmanned Aerial Vehicles, Broad Area Maritime Surveillance. The amount in section 421, military personnel, is hereby reduced by $138,000,000, to be derived from unobligated balances. The amount in section 1403, Defense Health Program, is hereby reduced by $25,000,000, to be derived from unobligated balances.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. AKIN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today on a subject that is of great deal of interest to the Army, and that is what's called the Future Combat Systems.

The Army has one basic modernization program, the only comprehensive modernization program that they've had in the last more than 30 years. So obviously this is of great interest to the Army, and the Army would like to see it funded at the level that it came across from the administration. And what we've done is we've cut over $200 million from Future Combat Systems. My amendment simply restores a portion, $100 million plus, of that $200 million cut.

Now the thing that we have to understand about this is this is a very complicated program. And next year, at least in theory, there is a ''go, no go,'' either we're going to support this program or we're going to cancel it, and there is no fallback position. So here we are, 1 year before the final decision, and what we're doing is one more time inflicting a death of 1,000 slashes. Now, last year we tried to just slit its throat with $800 million, but this year we're simply cutting it a little over $200 million. It seems to be a very bad time when we are just 1 year away from making the final decision, go or no go, to cut money from it.

Now, if there is one way that you want to make a scheduled slip, the best way to do it is cut money out because then you don't have as many people working on it, it causes delays in the program. So do we want to cause delays in the program? I think not.

The one question might be, well, how do you fund this extra $100 million? Well, we're getting the money from the same place where we got $1 billion. The committee took $1 billion earlier, so this is a small amount more.

Mr. Chairman, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Chairman, I claim the time for those who oppose this amendment.

The Acting CHAIRMAN. The gentleman from Hawaii is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Chairman, I yield 1 minute to Mrs. Davis.

Mrs. DAVIS of California. Mr. Chairman, I rise in strong opposition to the Akin amendment.

Our men and women in uniform and their families are bearing the brunt of the wars. Those who volunteer to protect our freedom face deployment after deployment, and we know that. Their families at home are facing difficulty getting the health care they need from military hospitals because of resource shortages.

This amendment was offered in committee and failed by a vote of 33–24. The question, Mr. Chairman, for Members on the Akin amendment is clear, how much do we support our military families? Are they really our high priority?

I urge my colleagues to stand with our troops and their families and oppose the Akin amendment.

Mr. AKIN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MCHUGH).

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Mr. MCHUGH. Mr. Chairman, with all due respect to my Chair, on which I

serve as ranking on Personnel, it's really a case of ''Do as I say, not as I do.''

It's very important to recognize, whatever you feel about this amendment, the facts are these: The offsets both from the Defense Health Program that the gentlewoman just spoke in great emotional terms about as well as the cuts with respect to other offsets come from unexpended balances. And I think it's important to note as well, while our friends on the other side of the aisle are saying ''absolutely not'' to this very modest offset, that when it comes to these very same unexpended accounts, they spent $250 million out of the DHP, the Defense Health Program, while at the same time they took over $1 billion of unexpended balances.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. AKIN. I yield the gentleman an additional 30 seconds.

Mr. MCHUGH. So the gentleman from Missouri's efforts to cut very modest amounts would not in any way diminish the onboard dollars that are spent in support of our men and women in uniform. No one on this side of the aisle is proposing to do that. The gentleman from Missouri is not.

Quite frankly, the protestations that I'm hearing on the floor as I heard in the full committee markup coming from people that took over $1¼ billion of those same funds to spend on other accounts is rather disingenuous.

Mr. ABERCROMBIE. Mr. Chairman, I yield 2 minutes to the chairman of the committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I strongly oppose this amendment.

Back in law school when you had a question, the instructor would say, ''Read it. What does it say?'' And this amendment says that $163 million is attained from a military personnel account and from the health care account for our troops. That's what it says.

Let's be clear. The personnel account deals with pay and benefits and the health care for our military community. Cutting that is not acceptable.

Let me explain. The subcommittee system in the Armed Services Committee does a good job. This particular program, the Future Combat System, was scrubbed. As a matter of fact, some items in it were plussed up by several millions of dollars. Nothing well beyond 2015 was touched. It has come in at an estimate of nearly actually twice what the original estimate was.

I just think it's wrong to take this money or attempt to take this money from these accounts which take care of our troops. We are doing our best to increase the readiness of our troops, and readiness also touches families, families' attitude whether someone will reenlist and keep the skills in uniform or whether they will go home and not remain part of our military.

Consequently, I think this is just a wrong amendment and I do oppose it.

Mr. AKIN. Mr. Chairman, I yield to the gentleman from New York (Mr. MCHUGH) an additional 30 seconds.

Mr. MCHUGH. Mr. Chairman, I fully agree with the distinguished chairman: Read it. Read the budget that our Democrat friends put forward that shows how they cut from the President's request more than $580 million from personnel account recommendations. Read it, how the GAO report has shown that they expended from the unexpended balances of $1.8 billion available over $1 billion of that. And read it, how the GAO in expended balances in DHP listed $250 million a cut.

Mr. ABERCROMBIE. Mr. Chairman, how much more time did Mr. SKELTON have on his 2 minutes, please?

The Acting CHAIRMAN. His time had expired as he was ending, and the gentleman from Hawaii has 2 minutes remaining. The gentleman from Missouri has 1.

Mr. ABERCROMBIE. Mr. Chairman, I yield 15 seconds to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, we're talking about the amendment in front of us. That's what I think people should read. Not something else. Not something that is not on point in the middle of the discussion before us today.

Read it. It takes money from the personnel account and from the health care account. That's not treating the troops right.

Mr. AKIN. Mr. Chairman, I yield 1 minute to my friend from New Jersey (Mr. SAXTON).

Mr. SAXTON. I thank the gentleman for yielding.

Mr. Chairman, I am in very, very strong support of this amendment. The Future Combat System is a system that leverages technology in a way that it will help us in the future a great deal. This system has been underdevelopment for quite some years, and for the last 3 years in a row, not counting this year, for the last 3 years in a row, there have been significant cuts made to the program.

This year, as Mr. AKIN correctly pointed out, is the year where we get out the yardstick and say how much progress have we made? Do we want to continue the system or do we want to cancel it? A $233 million cut to this program this year to me seems to be very unwise because this is the yardstick year. This is the year where we make the decision, based on the progress that we have been able to measure, whether the program goes forward or is modified or is cancelled.

And so I believe that this amendment should be one we all support.

Mr. ABERCROMBIE. How much time is remaining, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Hawaii has 1¾ minutes remaining. The gentleman from Missouri's time has expired.

Mr. ABERCROMBIE. Mr. Chairman, I yield myself the balance of my time.

I oppose this amendment because it cuts funding to our troops and their families. The defense bill's purpose is to ensure that troops and their families needs are put first as they struggle to fight two wars.

The needs of the Army are shortchanged in this amendment. The needs of the Army should be put first as the service carrying the heaviest burdens in the wars in progress. Readiness above all.

Putting troops first involves making choices. As President Eisenhower said about ''the clearly necessary.''

This amendment decreases pay benefits, health care for troops and their families, benefits that are clearly necessary by any measure, and puts hundreds of millions of dollars into corporate overhead.

Hear me. Understand. You vote for this amendment, you're voting to cut funds for the troops and their health care and their families' to put it in corporate overhead accounts, and you're going to be held to account for it come November, guaranteed.

The defense bill already provides $3.3 billion for this program. No more is needed for corporate overhead. The 5 percent reduction in the program that this amendment seeks to roll back has been reallocated. We reallocated funds for serious equipment shortfalls in the Army, National Guard, and Reserve. The equipment readiness needs of the Army, Guard, and Reserve take priority over corporate overhead any day. Understand, to pay for this amendment, you cut military pay, benefits, health care, and equipment for the National Guard and Reserve in multiple deployments.

The choice could not be more clear. You are going to take funding from the troops and their families and give it to defense contractors who have already received over $15 billion. Defense contractors are well paid for their services. They do not come and their profits don't come before military families.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. AKIN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENTS EN BLOC OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 1218, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendments numbered 7, 9, 12, 13, 16, 17, 18, 21, 27, 29, 34, 35, 36, 37, 38, 39, 41, 44, 47, 48, 49, 54 and 57 printed in House Report 110–666 offered by Mr. SKELTON:

AMENDMENT NO. 7 OFFERED BY MRS. TAUSCHER

The text of the amendment is as follows:

At the end of title X, insert the following new section:

SEC. 1071. NONAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO THE CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 476) is amended by adding at the end the following new subsection:

''(h) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the commission, which advises Congress, because the Federal Advisory Committee Act applies only to commissions that advise the executive branch.''.

AMENDMENT NO. 9 OFFERED BY MR. CUMMINGS

The text of the amendment is as follows:

In section 595, redesignate subsection (h) as subsection (i) and insert after subsection (g) the following new subsection:

(h) INCLUSION OF COAST GUARD IN SENIOR MILITARY LEADERSHIP DIVERSITY COMMISSION.—

(1) EXPANSION OF COMMISSION.—The commission shall include two additional members, as follows:

(A) 1 retired flag officer of the Coast Guard appointed by the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard.

(B) 1 senior commissioned officer or noncommissioned officer of the Coast Guard on active duty appointed by the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard.

(2) ARMED FORCES DEFINED.—In this section, the term ''Armed Forces'' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

AMENDMENT NO. 12 OFFERED BY MR. BUYER

The text of the amendment is as follows:

At the end of title III, add the following new section:

SEC. 362. FUNDING FOR PROGRAMS RELATING TO DENTAL READINESS FOR THE ARMY RESERVE.

Of the amount authorized in section 301(6) to be appropriated for fiscal year 2009 for the Army Reserve—

(1) $22,300,000 is authorized for first term dental readiness; and

(2) $8,500,000 is authorized for demobilization dental treatment.

AMENDMENT NO. 13 OFFERED BY MS. SLAUGHTER

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 849. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.

(a) REQUIREMENTS FOR DEFENSE CONTRACTORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop requirements relating to covered offenses allegedly perpetrated by or against contractor personnel in the case of defense contractors performing covered contracts.

(2) SPECIFIC MATTERS COVERED.— The requirements developed under paragraph (1) shall include the following:

(A) REPORTING REQUIREMENT.—A requirement for defense contractors to report, in a manner prescribed by the Secretary of Defense, covered offenses allegedly perpetrated by or against contractor personnel.

(B) ASSISTANCE.—A requirement for defense contractors to provide for victim and witness safety, medical assistance, and psychological assistance in the case of a covered offense. The Secretary of Defense shall prescribe regulations to carry out this subparagraph, and the regulations shall be in accordance with regulations of the Department of Defense relating to restricted reporting for sexual assaults.

(C) INFORMATION.—A requirement that the contractor provide to all contractor personnel who will perform work on the contract, before beginning such work, information on the following:

(i) How and where to report an alleged covered offense.

(ii) Where to seek the assistance required by subparagraph (B).

(3) IMPLEMENTATION AS CONDITION OF CURRENT AND FUTURE CONTRACTS.—

(A) CURRENT CONTRACTS.—With respect to any covered contract in effect on the date of the enactment of this Act, the contract shall be modified to include the requirements under paragraph (1) as a condition of the contract.

(B) FUTURE CONTRACTS.—With respect to any covered contract entered into by the Department of Defense after the date of the enactment of this Act, the requirements developed under paragraph (1) shall be included as a condition of the covered contract.

(b) GOVERNMENT REQUIREMENTS.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall make publicly available a numerical accounting of alleged covered offenses reported under this section. The information shall be updated no less frequently than quarterly.

(c) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term ''covered contract''—

(A) means a contract with the Department of Defense performed—

(i) in Iraq or Afghanistan; or

(ii) in any area designated by the Secretary as being in support of the United States mission in Iraq or Afghanistan; and

(B) includes—

(i) any subcontract at any tier under the contract; and

(ii) any task order or delivery order issued under the contract or such a subcontract.

(2) COVERED OFFENSE.—The term ''covered offense'', with respect to a covered contract, means an offense under chapter 212 of title 18, United States Code—

(A) that is a crime of violence (as defined in section 16 of such title 18); and

(B) that is committed—

(i) by or against contractor personnel; and

(ii) in geographic areas where the covered contract is performed.

(3) CONTRACTOR PERSONNEL.—The term ''contractor personnel'' means any person performing work under a covered contract, including individuals and subcontractors at any tier.

AMENDMENT NO. 16 OFFERED BY MR. LAHOOD

The text of the amendment is as follows:

At the end of title V, add the following new section:

SEC. 5___. LIMITATION ON SIMULTANEOUS DEPLOYMENT TO COMBAT ZONES OF DUAL-MILITARY COUPLES WHO HAVE MINOR DEPENDENTS.

(a) AUTHORITY TO OBTAIN DEFERMENT.—In the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and the spouse is deployed in an area for which imminent danger pay is authorized under section 310 of title 37, United States Code, the member may request a deferment of a deployment to such an area until the spouse returns from such deployment.

(b) REPEAL OF LIMITED AUTHORITY.—Section 586 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 11–181; 112 Stat. 132; 10 U.S.C. 991 note) is amended by striking the second sentence.

AMENDMENT NO. 17 OFFERED BY MS. WOOLSEY

The text of the amendment is as follows:

At the end of subtitle E of title XXVIII add the following new section:

SEC. 28___. TRANSFER OF ADMINISTRATIVE JURISDICTION, DECOMMISSIONED NAVAL SECURITY GROUP ACTIVITY, SKAGGS ISLAND, CALIFORNIA.

(a) TRANSFER MEMORANDUM OF AGREEMENT.—The Secretary of the Navy and the Secretary of the Interior shall negotiate a memorandum of agreement that stipulates the conditions upon which the decommissioned Naval Security Group Activity, Skaggs Island, Sonoma, California shall be transferred from the administrative jurisdiction of the Department of the Navy to the United States Fish and Wildlife Service for inclusion in the National Wildlife Refuge System.

(b) ACCEPTANCE OF DONATIONS; USE.—The Secretary of the Navy and the Secretary of the Interior may accept contributions from the State of California and other entities to help cover the costs of demolishing and removing structures on the property described in subsection (a) and to facilitate future environmental restoration that furthers the ultimate end use of the property for conservation purposes. Amounts received may be merged with other amounts available to the Secretaries to carry out this section and shall remain available, without further appropriation and until expended.

AMENDMENT NO. 18 OFFERED BY MR. BERMAN

The text of the amendment is as follows:

In section 1602, add at the end the following new paragraph:

(5) The President's Fiscal Year 2009 Budget Request to Congress includes $248.6 million for a Civilian Stabilization Initiative that would vastly improve civilian partnership with United States Armed Forces in post-conflict stabilization situations, including by establishing a Active Response Corps of 250 persons, a Standby Response Corps of 2,000 persons, and a Civilian Response Corps of 2,000 persons.

In section 1604, in the proposed new section 618 to the Foreign Assistance Act of 1961, in the proposed new subsection (b) of such proposed new section, strike ''2008, 2009, and 2010'' and insert ''2009, 2010, and 2011''.

In section 1604, in the proposed new section 618 to the Foreign Assistance Act of 1961, in the proposed new subsection (b) of such proposed new section, strike ''$100,000,000'' and insert ''$200,000,000''.

AMENDMENT NO. 21 OFFERED BY MR. COOPER

The text of the amendment is as follows:

Page 353, after line 11, insert the following:

SEC. 849. REQUIREMENT FOR DEPARTMENT OF DEFENSE TO ADOPT AN ACQUISITION STRATEGY FOR DEFENSE BASE ACT INSURANCE.

(a) IN GENERAL.—The Secretary of Defense shall adopt an acquisition strategy for insurance required by the Defense Base Act (42 U.S.C. 1651 et seq.) which minimizes the cost of such insurance to the Department of Defense.

(b) CRITERIA.—The Secretary shall ensure that the acquisition strategy adopted pursuant to subsection (a) addresses the following criteria:

(1) Minimize overhead costs associated with obtaining such insurance, such as direct

or indirect costs for contract management and contract administration.

(2) Minimize costs for coverage of such insurance consistent with realistic assumptions regarding the likelihood of incurred claims by contractors of the Department.

(3) Provide for a correlation of premiums paid in relation to claims incurred that is modeled on best practices in government and industry for similar kinds of insurance.

(4) Provide for a low level of risk to the Department.

(5) Provide for a competitive marketplace for insurance required by the Defense Base Act to the maximum extent practicable.

(c) OPTIONS.—In adopting the acquisition strategy pursuant to subsection (a), the Secretary shall consider the following options:

(1) Entering into a single Defense Base Act insurance contract for the Department of Defense.

(2) Entering into a single Defense Base Act insurance contract for contracts involving performance in theaters of combat operations.

(3) Entering into a contract vehicle, such as a multiple award contract, that provides for competition among contractors for categories of insurance coverage, such as construction, aviation, security, and other categories of insurance.

(4) Using a retrospective rating approach to Defense Base Act insurance that adjusts rates according to actual claims incurred on a cost reimbursement basis.

(5) Adopting a self-insurance approach to Defense Base Act insurance for Department of Defense contracts.

(6) Such other options as the Secretary deems to best satisfy the criteria identified under subsection (b).

(d) REPORT.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the acquisition strategy adopted pursuant to subsection (a).

(2) The report shall include a discussion of each of the options considered pursuant to subsection (c) and the extent to which each option addresses the criteria identified under subsection (b), and shall include a plan to implement within 18 months after the date of enactment of this Act the acquisition strategy adopted by the Secretary.

(e) REVIEW OF ACQUISITION STRATEGY.—As considered appropriate by the Secretary, but not less often than once every 3 years, the Secretary shall review and, as necessary, update the acquisition strategy adopted pursuant to subsection (a) to ensure that it best addresses the criteria identified under subsection (b).

AMENDMENT NO. 27 OFFERED BY MR. FOSSELLA

The text of the amendment is as follows:

At the end of subtitle F of title VI, insert the following new section:

SEC. 664. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term ''qualified individual'' means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a ''voucher''), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) QUALIFIED MAILING.—In this section, the term ''qualified mailing'' means the mailing of a single mail piece which—

(A) is first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) TRANSFERS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) FUNDING.—

(1) INCREASE.—The amount authorized to be appropriated by section 421 for military personnel is hereby increased by $10,000,000, and such amount shall be available for postal benefits provided in this section.

(2) OFFSETTING REDUCTION.—Funds authorized to be appropriated in fiscal year 2009 for Military Personnel are reduced by $10,000,000.

AMENDMENT NO. 29 OFFERED BY MR. INSLEE

The text of the amendment is as follows:

At the end of title X, add the following new section:

SEC. 1071. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 34 OFFERED BY MR. MCDERMOTT

The text of the amendment is as follows:

At the end of title VII, add the following new section:

SEC. 7___. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN REPORT ON HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the measures underway to implement the recommendations contained in the report entitled ''Review of the Toxicologic and Radiologic Risks to Military Personnel from Exposure to Depleted Uranium During and After Combat'', which was conducted pursuant to section 716 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2391).

AMENDMENT NO. 35 OFFERED BY MR. KING OF IOWA

The text of the amendment is as follows:

Page 401, after line 14, insert the following new section:

SEC. 947. REPORT ON NATIONAL GUARD RESOURCE REQUIREMENTS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Chief of the National Guard Bureau shall submit to the Secretary of Defense a report—

(1) detailing the extent to which the various provisions in title XVIII of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) have been effective in giving the National Guard a clearer voice in policy and budgetary discussions in the Department of Defense; and

(2) assessing the adequacy of Department of Defense funding for the resource requirements of the National Guard.''

(b) REPORT TO CONGRESS.—Not later than 30 days after the Secretary of Defense receives the report under subsection (a), the

Secretary shall submit to Congress such report, along with any explanatory comments the Secretary considers necessary.

AMENDMENT NO. 36 OFFERED BY MS. MATSUI

The text of the amendment is as follows:

At the end of subtitle E of title V, add the following new section:

SEC. 5___. CORRECTION OF ERRONEOUS ARMY COLLEGE FUND BENEFIT AMOUNTS.

(a) CORRECTION AND PAYMENT AUTHORITY.—During the period beginning on January 1, 2009, and ending on June 30, 2009, the Secretary of the Army may—

(1) consider, through the Army Board for the Correction of Military Records, a request for the correction of military records relating to the amount of the Army College Fund benefit to which a member or former member of the Armed Forces may be entitled under an Army Incentive Program contract; and

(2) pay such amounts as the Secretary considers necessary to ensure fairness and equity with regard to the request if the Secretary determines that the correction of the records is appropriate.

(b) EXCEPTION TO PAYMENT LIMITS.—A payment under subsection (a)(2) may be made without regard to any limits on the total combined amounts established for the Army College Fund and the Montgomery G.I. Bill.

(c) FUNDING SOURCE.—Payments under subsection (a)(2) shall be made solely from funds appropriated for military personnel programs for fiscal year 2009.

AMENDMENT NO. 37 OFFERED BY MR. DEFAZIO

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 849. MOTOR CARRIER FUEL SURCHARGES.

(a) PASS THROUGH AND DISCLOSURE.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2652. Motor carrier fuel surcharges

''(a) PASS THROUGH TO COST BEARER.—In all carriage contracts in which a fuel-related adjustment is provided for, the Secretary of Defense shall require that a motor carrier, broker, or freight forwarder providing or arranging truck transportation or service using fuel for which it does not bear the cost pay to the person who bears the cost of such fuel the amount of all charges that relate to the cost of fuel that were invoiced or otherwise presented to the person responsible directly to the motor carrier, broker, or freight forwarder for payment for the transportation or service.

''(b) DISCLOSURE.—The Secretary shall require in a contract described in subsection (a) that a motor carrier, broker, or freight forwarder providing or arranging transportation or service using fuel not paid for by it disclose any fuel-related adjustment by making the amount of the adjustment publicly available, including on the Internet.

''(c) REGULATIONS.—The Secretary shall prescribe regulations to ensure contracts described in subsection (a) include measures necessary to ensure enforcement of this section.''.

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

''2652. Motor carrier fuel surcharges.''.

AMENDMENT NO. 38 OFFERED BY MR. TURNER

The text of the amendment is as follows:

Page 481, after line 13, insert the following:

SEC. 1110. STATUS REPORTS RELATING TO LABORATORY PERSONNEL DEMONSTRATION PROJECTS.

Section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 357) is amended by adding at the end the following:

''(e) STATUS REPORTS.—

''(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act and not later than March 1 of each year beginning after the date on which the first report under this subsection is submitted, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing, with respect to the year before the year in which such report is submitted, the information described in paragraph (2).

''(2) INFORMATION REQUIRED.—Each report under this subsection shall describe the following:

''(A) The actions taken by the Secretary of Defense under subsection (a) during the year covered by the report.

''(B) The progress made by the Secretary of Defense during such year in developing and implementing the plan required by subsection (b), including the anticipated date for completion of such plan and a list and description of any issues relating to the development or implementation of such plan.

''(C) With respect to any applications by laboratories seeking to be designated as a demonstration laboratory or to otherwise obtain any of the personnel flexibilities available to a demonstration laboratory—

''(i) the number of applications that were received, pending, or acted on during such year;

''(ii) the status or disposition of any applications under clause (i), including, in the case of any application on which a final decision was rendered, the laboratory involved, what the laboratory had requested, the decision reached, and the reasons for the decision; and

''(iii) in the case of any applications under clause (i) on which a final decision was not rendered, the date by which a final decision is anticipated.

''(3) DEFINITION.—For purposes of this subsection, the term 'demonstration laboratory' means a laboratory designated by the Secretary of Defense under the provisions of section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (as cited in subsection (a)) as a Department of Defense science and technology reinvention laboratory.''.

AMENDMENT NO. 39 OFFERED BY MR. STUPAK

The text of the amendment is as follows:

Add at the end of subtitle D of title VI, the following new section:

SEC. 6___. ELIGIBILITY FOR DISABILITY RETIRED PAY AND SEPARATION PAY OF CERTAIN FORMER CADETS AND MIDSHIPMEN WITH PRIOR ENLISTED SERVICE.

Section 1217(a) of title 10, United States Code, is amended by striking ''incurred after October 28, 2004.'' and inserting ''incurred—

''(1) after October 28, 2004; or

''(2) after January 1, 2000, in the case of a cadet or midshipman who was discharged from an enlisted grade in order to accept an appointment as a cadet or midshipman.''.

AMENDMENT NO. 41 OFFERED BY MR. EVERETT

The text of the amendment is as follows:

At the end of title subtitle E of title V, insert the following new section:

SEC. 5___. EXPANDED AUTHORITY FOR INSTITUTIONS OF PROFESSIONAL MILITARY EDUCATION TO AWARD DEGREES.

(a) NATIONAL DEFENSE INTELLIGENCE COLLEGE.—

(1) IN GENERAL.—Section 2161 of title 10, United States Code, is amended to read as follows:

"§ 2161. Degree granting authority for National Defense Intelligence College

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the President of the National Defense Intelligence College may, upon the recommendation of the faculty of the National Defense Intelligence College, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to section 2161 and inserting the following new item:

''2161. Degree granting authority for National Defense Intelligence College.''.

(b) NATIONAL DEFENSE UNIVERSITY.—

(1) IN GENERAL.—Section 2163 of such title is amended to read as follows:

"§ 2163. Degree granting authority for National Defense University

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the President of the National Defense University may, upon the recommendation of the faculty of the National Defense University, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to section 2163 and inserting the following new item:

''2163. Degree granting authority for National Defense University.''.

(c) UNITED STATES ARMY COMMAND AND GENERAL STAFF COLLEGE.—

(1) IN GENERAL.—Section 4314 of such title is amended to read as follows:

''§ 4314. Degree granting authority for United States Army Command and General Staff College

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army Command and General Staff College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4314 and inserting the following new item:

''4314. Degree granting authority for United States Army Command and General Staff College.''.

(d) UNITED STATES ARMY WAR COLLEGE.—

(1) IN GENERAL.—Section 4321 of title 10, United States Code, is amended to read as follows:

''§ 4321. Degree granting authority for United States Army War College

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4321 and inserting the following new item:

''4321. Degree granting authority for United States Army War College.''.

(e) UNITED STATES NAVAL POSTGRADUATE SCHOOL.—

(1) IN GENERAL.—Section 7048 of such title is amended to read as follows:

''§ 7048. Degree granting authority for United States Naval Postgraduate School

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval Postgraduate School may, upon the recommendation of the faculty of the Naval Postgraduate School, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4321 and inserting the following new item:

''4321. Degree granting authority for United States Army War College.''.

(e) UNITED STATES NAVAL POSTGRADUATE SCHOOL.—

(1) IN GENERAL.—Section 7048 of such title is amended to read as follows:

''§ 7048. Degree granting authority for United States Naval Postgraduate School

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval Postgraduate School may, upon the recommendation of the faculty of the Naval Postgraduate School, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 605 of such title is amended by striking the item relating to section 7048 and inserting the following new item:

''7048. Degree granting authority for United States Naval Postgraduate School.''.

(f) NAVAL WAR COLLEGE.—

(1) IN GENERAL.—Section 7101 of such title is amended to read as follows:

"§ 7101. Degree granting authority for Naval War College

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval War College may, upon the recommendation of the faculty of the Naval War College components, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 609 of such title is amended by striking the item relating to section 7101 and inserting the following new item:

''7101. Degree granting authority for Naval War College.''.

(g) MARINE CORPS UNIVERSITY.—

(1) IN GENERAL.—Section 7102 of such title is amended to read as follows:

"§ 7102. Degree granting authority for Marine Corps University

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Marine Corps University may, upon the recommendation of the directors and faculty of the Marine Corps University, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.

''(d) BOARD OF ADVISORS.—The Secretary of the Navy shall establish a board of advisors for the Marine Corps University. The Secretary shall ensure that the board is established so as to meet all requirements of the appropriate regional accrediting association.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 609 of such title is amended by striking the item relating to section 7102 and inserting the following new item:

''7102. Degree granting authority for Marine Corps University.''.

(h) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—

(1) IN GENERAL.—Section 9314 of such title is amended to read as follows:

"§ 9314. Degree granting authority for United States Air Force Institute of Technology

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Air Force, the commander of Air University may, upon the recommendation of the faculty of the United States Air Force Institute of Technology, confer appropriate degrees upon graduates of the United States Air Force Institute of Technology who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.

''(d) CIVILIAN FACULTY.—(1) The Secretary of the Air Force may employ as many civilian faculty members at the United States Air Force Institute of Technology as is consistent with the needs of the Air Force and with Department of Defense personnel limits.

''(2) The Secretary shall prescribe regulations determining—

''(A) titles and duties of civilian members of the faculty; and

''(B) pay of civilian members of the faculty, notwithstanding chapter 53 of title 5, but subject to the limitation set out in section 5373 of title 5.

''(e) REIMBURSEMENT.—(1) The Department of the Army, the Department of the Navy, and the Department of Homeland Security shall bear the cost of the instruction at the Air Force Institute of Technology that is received by members of the armed forces detailed for that instruction by the Secretaries of the Army, Navy, and Homeland Security, respectively.

''(2) Members of the Army, Navy, Marine Corps, and Coast Guard may only be detailed for instruction at the Institute on a space-available basis.

''(3) In the case of an enlisted member of the Army, Navy, Marine Corps, and Coast Guard permitted to receive instruction at the Institute, the Secretary of the Air Force shall charge that member only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space- available basis).

''(f) ACCEPTANCE OF RESEARCH GRANTS.—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

''(2) A qualifying research grant under this subsection is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

''(3) A grant may be accepted under this subsection only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

''(4) The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant of the Institute shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

''(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Institute may be used

to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

''(6) The Secretary shall prescribe regulations for the administration of this subsection.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9314 and inserting the following new item:

''9314. Degree granting authority for United States Air Force Institute of Technology.''.

(i) AIR UNIVERSITY.—

(1) IN GENERAL.—Section 9317 of such title is amended to read as follows:

''§ 9317. Degree granting authority for Air University

''(a) AUTHORITY.—Except as provided in sections 9314 and 9315 of this title, under regulations prescribed by the Secretary of the Air Force, the commander of Air University may, upon the recommendation of the faculty of the Air University components, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9317 and inserting the following new item:

''9317. Degree granting authority for Air University.''.

(j) EFFECTIVE DATE.—This section shall apply to any degree granting authority established, modified, redesignated or terminated on or after the date of enactment of this Act.

AMENDMENT NO. 44 OFFERED BY MR. BLUMENAUER

The text of the amendment is as follows:

At the end of subtitle B of title III, add the following new section:

SEC. 314. DETECTION INSTRUMENT TECHNOLOGY RESEARCH AND DEPLOYMENT OF RESULTING DETECTION INSTRUMENTS AND TECHNOLOGICAL IMPROVEMENTS.

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

(1) make the research, development, testing, and evaluation of technology related to unexploded ordnance detection a priority; and

(2) accelerate the transition of promising detection instrument technology across the Department of Defense.

(b) DEPLOYMENT AND TRAINING.—The Secretary shall facilitate the deployment of unexploded ordnance detection instrument technology developed through research funded by the Department of Defense or developed by entities other than the Department of Defense. The Secretary may consider allocating a portion of the amount appropriated for such research and development activities to assist in the training of operators of unexploded ordnance detection instruments on the use of new detection instruments.

(c) REPORT.—Not later than February 1, 2009, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing and evaluating the following:

(1) The amounts allocated for research, development, test, and evaluation for unexploded ordnance detection technologies.

(2) The amounts allocated for transition of new unexploded ordnance technologies.

(3) Activities undertaken by the Department to transition such technologies and train operators on emerging detection instrument technologies.

(4) Any impediments to the transition of new unexploded ordnance detection instrument technologies to regular operation in remediation programs.

(5) The transfer of such technologies to private companies involved in the detection of unexploded ordnance.

(6) Activities undertaken by the Department to raise public awareness regarding unexploded ordnance.

(d) UNEXPLODED ORDNANCE DEFINED.—In this section, the term ''unexploded ordnance'' has the meaning given such term in section 101(e)(5) of title 10, United States Code.

AMENDMENT NO. 47 OFFERED BY MR. ORTIZ

The text of the amendment is as follows:

At the end of title I, add the following new section:

SEC. 144. REPORT ON FUTURE JET CARRIER TRAINER REQUIREMENTS OF THE NAVY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on future jet carrier trainer requirements. The report shall include—

(1) an assessment of the Navy Strategic Planning Study concerning future jet carrier trainer requirements;

(2) an assessment of studies conducted by independent organizations concerning future jet carrier trainer requirements;

(3) a cost-benefit analysis of creating a new program to fulfill future jet carrier trainer requirements;

(4) a cost-benefit analysis of modifying current programs to fulfill future jet carrier trainer requirements; and

(5) a plan to address future jet carrier trainer requirements beginning fiscal year 2010.

AMENDMENT NO. 48 OFFERED BY MR. KENNEDY

The text of the amendment is as follows:

At the end of subtitle A of title VII, add the following new section:

SEC. 708. RESERVE COMPONENT BEHAVIORAL HEALTH CARE PROVIDER LOCATOR AND APPOINTMENT ASSISTANCE DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT.—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a behavioral health care provider locator and appointment assistance service to members of the reserve components of the Armed Forces.

(b) ELEMENTS.—The demonstration project shall include, at a minimum, a toll-free hotline, staffed and available 24 hours a day 7 days a week, to help members of the reserve components find behavioral health care providers and schedule outpatient appointments in the TRICARE network.

(c) ELIGIBILITY.—In order to be eligible for the demonstration project, a member of the Armed Forces shall meet the following requirements:

(1) Be a member of the Selected Reserve.

(2) Be enrolled in TRICARE Reserve Select.

(d) IMPLEMENTATION.—The demonstration project shall be implemented not later than 180 days after the date of the enactment of this Act.

(e) SUNSET.—The authority for the demonstration project required by this section shall expire on September 30, 2011.

(f) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees the following reports:

(1) PLAN.—Not later than 90 days after the date of the enactment of this Act, a report containing a plan to implement the demonstration project required by this section.

(2) UPDATES.—Not later than 180 days after such date of enactment and every 180 days thereafter, a report containing an update on the demonstration project.

(3) FINAL EVALUATION.—Not later than January 1, 2012, a report containing a final written evaluation, including recommendations for the extension or expansion of the demonstration project.

AMENDMENT NO. 49 OFFERED BY MR. ISRAEL

The text of the amendment is as follows:

Add at the end of subtitle B of title III the following new section:

SEC. 314. CLOSED LOOP RECYCLING FOR MOTOR VEHICLE LUBRICATING OIL.

(a) STUDY AND EVALUATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report which reviews the Department of Defense's policies concerning the sale and disposal of used motor vehicle lubricating oil, and shall include in the report an evaluation of the feasibility and desirability of implementing policies to require closed loop recycling of used oil as a means of reducing total indirect energy usage and greenhouse gas emissions.

(b) IMPLEMENTATION.—To the extent that the evaluation included in the report submitted under subsection (a) indicates that closed loop recycling of used motor vehicle lubricating oil can reduce total indirect energy usage and greenhouse gas emissions without significant increase in overall cost to the Department of Defense, the Secretary shall implement policies to require closed loop recycling of used oil whenever feasible.

(c) DEFINITION.— For purposes of this section, the term ''closed loop recycling'' means

the sale of used oil to entities that re-refine used oil into base oil and vehicle lubricants that meet Department of Defense and industry standards, and the purchase of re-refined oil produced through such re-refining process.

AMENDMENT NO. 54 OFFERED BY MR. CARNEY

The text of the amendment is as follows:

Page 187, after the matter at the end of the page, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 583. SENSE OF THE CONGRESS REGARDING HONOR GUARD DETAILS FOR FUNERALS OF VETERANS.

It is the sense of the Congress that the Secretaries of the military departments should, to the maximum extent practicable, provide honor guard details for the funerals of veterans as is required under section 1491 of title 10, United States Code, as added by section 567(b) of Public Law 105-261 (112 Stat. 2030).

AMENDMENT NO. 57 OFFERED BY MR. YARMUTH

The text of the amendment is as follows:

At the end of subtitle B of title XII of the bill, add the following new section:

SEC. 12xx. DECLARATION OF POLICY RELATING TO STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States to ensure that any agreement between the United States and the Republic of Iraq relating to the legal status of United States military personnel or the establishment of or access to military bases includes as part of the agreement measures requiring the provision of support by the Government of Iraq for United States Armed Forces stationed in Iraq.

(b) SUPPORT DESCRIBED.—Support referred to in subsection (a) may include the provision of financial or other types of support to assist United States Armed Forces stationed in Iraq in the conduct of their assigned mission.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the Committee to adopt the amendments en bloc, all of which have been examined by the majority as well as the minority.

Mr. Chairman, I yield at this time 1 minute to my friend from Maryland, from the Armed Services Committee (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I rise today in support of H.R. 5658, and I thank Chairman SKELTON and Ranking Member HUNTER for including a vital amendment introduced by myself and Congresswoman WATSON concerning the United States Coast Guard as part of the en bloc.

This amendment would ensure that the U.S. Coast Guard is represented on the Senior Military Leadership Diversity Commission, created in section 595 of H.R. 5658.

As chairman of the Coast Guard and Maritime Transportation Subcommittee, I am committed to expanding diversity throughout the United States Coast Guard. With merely 22 minorities in a graduating class of 222 cadets at the Coast Guard Academy, including them in the commission is imperative.

I am proud to say that this amendment brings us closer to achieving diversity in the senior leadership levels in all of the services, something that the Tuskegee Airmen only dreamed about nearly 67 years ago.

I urge my colleagues to vote in favor of the en bloc and final passage of this great bill.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana, distinguished ranking member of the Veterans' Affairs Committee (Mr. BUYER).

(Mr. BUYER asked and was given permission to revise and extend his remarks.)

Mr. BUYER. Mr. Chairman, in the fall of 2005, I had the House Veterans' Affairs Committee track OIF and OEF dental costs in the VA. In the fall of 2006, I requested the Army to report on and document Army reserve component dental demobilization treatment costs.

The Army Medical Command tasked its DENCOM to then study and document demobilization dental treatment requirements no later than 30 November, 2006. This study was considered insufficient by the then Surgeon General, General Kiley. We then spoke. He then instituted another study that was conducted in the fall of 2007.

I was briefed on the second study this past February by the Chief of the Army Dental Corps in San Antonio, Texas, and considered this study seriously flawed in its methodology, study construct, and assumptions. The DENCOM told me that dental care during demobilization was not their mission.

Shockingly, I then called upon General Cody, the Vice Chief of Staff of the Army; and Lieutenant General Schoomaker, the Army Surgeon General, the next day to express my concerns with the study and the lack of mission concern by the General of the Army Dental Corps for the demobilization dental requirements of our returning soldiers.

General Cody then quickly convened a study group to identify options and expeditious solutions to provide the same level of mobilization and demobilization dental care to the reserve components as it provides to the active component. General Cody signed the decision brief that recognizes and funds this serious gap in reserve component dental care. He signed the two decision memos last Friday, the day after the Armed Services Committee marked up the bill. I spoke then with the Vice Chief of the Army on Friday.

The amendment that I offer fully supports General Cody's decision to fund $22.3 million for mobilization and $8.5 million for demobilization of the reserve component dental readiness for fiscal year 2009. General Cody's decision will fund 2008 requests out of existing funds resulting in a rapid, measurable improvement, I believe, in overall reserve component readiness.

In an informal request of CBO, I've been informed that this amendment will have no impact on direct spending revenues.

I would like to thank Chairman SKELTON,, Ranking Member HUNTER Congresswoman SUSAN DAVIS, Congressman JOHN MCHUGH, and Congressman VIC SNYDER, as well as the staff of the Armed Services Committee for their hard work on this issue, and I urge my colleagues to support my amendment.

□ 1430

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my friend, the gentlelady from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I rise to speak on the Watson-Cummings amendment to section 595 of the National Defense Authorization Act. Our amendment would strengthen the Senior Military Leadership Diversity Commission by including the U.S. Coast Guard as part of the commission's membership and including them in the overall scope of the study.

The U.S. Coast Guard has the worst diversity rates among minority commissioned officers of the Armed Forces. The Coast Guard's membership on the commission would help ensure that the study provides insight into ways to increase the number of minority senior commissioned officers within the services.

Mr. Chairman, I thank Representative CUMMINGS for working with me on this amendment, and ask our colleagues to support diversity within the Armed Forces by supporting this amendment.

Mr. HUNTER. Mr. Chairman, we have no more speakers, and we would yield back the balance of our time.

Mr. SKELTON. I yield 2 minutes to my colleague and good friend, the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I would like to rise today to congratulate the committee chair, IKE SKELTON, and the ranking member, DUNCAN HUNTER, for producing a bill that includes a component that may not be a traditional national defense item but will certainly make our Nation more secure.

I would further like to thank VIC SNYDER, MAC THORNBERRY, and Foreign Affairs Committee Chairman HOWARD BERMAN for making sure the military will have a strong and capable civilian partner to do stabilization work in the future.

Mr. Chairman, included within this en bloc amendment is a provision that will improve what is already a very good bill. For nearly half a decade, Members of Congress and foreign policy experts have been wringing their hands about our civilian capacity to effectively conduct stabilization and reconstruction operations.

Now, in a bipartisan fashion, in this bill and with this en bloc amendment, we are strengthening our government's ability to respond to crisis by standing

up a civilian response corps. Our Nation must do a better job, not just in waging wars, but also in winning the peace. If we cannot translate security gains into economic growth, social well-being and justice and reconciliation, all of the military power in world cannot secure long-term peace and prosperity for the world.

This bill, together with this en bloc amendment, will improve our Nation's ability to win the peace. I encourage all the Members to support the en bloc amendment.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the chairman and the ranking member for their support on this amendment. It's quite simple. The Department of Defense spends nearly $1 billion a year moving freight and cargo around the United States of America. Much of that moved on truck. Many shippers these days, or brokers, are charging shippers, including the Department of Defense, a fuel surcharge or a fuel-related adjustment, as DOD calls it.

It has come to the attention of the Surface Transportation Subcommittee that oftentimes those surcharges that are charged to the shippers are not passed on to the truckers who have got to buy the fuel. Hundreds of trucking firms have gone out of business this year. We are looking at record diesel prices.

This amendment simply says that when DOD is charged a fuel-related adjustment, a fuel surcharge, that that must be passed on to the person who has to buy the fuel, generally the trucker, and it has to be posted visibly on the Internet by the broker so that it is known to the trucker and others who purchase the fuel that a fuel surcharge was in place.

I thank the gentleman for his support on this important issue.

Mr. SKELTON. Madam Chairman, I yield 1 minute to our colleague, the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Madam Chairman, I rise on behalf of Mr. KLEIN of Florida and myself to offer an amendment to the fiscal year 2009 National Defense Authorization Act, requiring Iraq to help support our troops stationed in their country.

Oil revenues have helped generate a multibillion-dollar surplus in Iraq that is expected to reach $180 billion within 3 years. Still, American taxpayers send $339 million to Iraq each day, money that can be invested here, as gas prices are soaring, education is lagging, health care is increasingly out of reach, and everywhere American families are struggling.

When the administration negotiates a Status of Forces Agreement this year, this amendment will require them to negotiate commonsense terms for Iraq to provide support for our military operations on their soil. This arrangement could be similar to the plan we have with South Korea, where they pay our security costs, or in Japan, which pays for 75 percent of the cost of maintaining troops and grants U.S. base rights.

Whatever the arrangement, this amendment would ensure that Americans no longer have to shoulder the burden alone. I urge my colleagues to join me in supporting this amendment.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

We take great pride in the United States, being the best fighting force the world. However, as a result of the training, bombs and shells that have failed to explode during exercises are located in every State of the Union on millions of acres of land. The cleanup of the 3,500 military Munitions Response Program sites alone is going to cost over $20 billion, and at the current rate, take 200 to 300 years.

Unexploded ordnance technologies and levels of funding are clearly inadequate. Refining detection technologies will significantly reduce cleanup costs and allow for more rapid cleanup. This amendment moves us in the direction by making research and development of UXO detection a priority, facilitates the deployment of this in the field where it's needed through partnership with outside entities and training of skilled operators. It requires the Department of Defense to provide a detailed review of its activities in this area by February, 2009.

I deeply appreciate the cooperation of the committee in leveraging scarce funding for environmental remediation and the focus of the Department's efforts to clean up the millions of unexploded ordnance in our lands and waters. We will save money, protect the environment, and make our soldiers safer.

Mr. SKELTON. At this time, I yield 1 minute to my friend and also a member of the Armed Services Committee, the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I would like to thank my colleague and my friend from Rhode Island for his hard work to bring this bill to the floor. Mr. PATRICK KENNEDY has been an advocate for improving health care in the Congress, a tradition that we know is a very proud family legacy.

This amendment will provide for a new pilot program that connects Reservists to behavioral health care that they need. It will establish a call center that is available to assist servicemembers and their families around the clock.

This commonsense provision helps us fulfill the promises that we have made to care for our troops. I am proud to be here with my friend from Rhode Island to offer it.

Mr. SKELTON. Madam Chairman, I yield 1 minute to my friend, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I would like to thank my good friend and colleague, Congressman CAROL SHEA-PORTER, for working with me on this amendment. Before I speak about this important amendment, I'd like to thank all of my colleagues on both sides of the aisle for their great expression of support for me and my family over the last several days. It means so much to me and to my family that all of you have kept us in your prayers.

I'd like to say on behalf of this amendment my gratitude to the chairman and to the ranking member for their support for our troops, our Guard and Reserve, who are carrying the brunt of this battle in Afghanistan and in Iraq, and for whom we are just trying to extend this 24-hour suicide hotline so as to provide them the same extensive care and outreach that we have now provided those others of our veterans who now have benefited from such a hotline in our VA.

I think this is an appropriate addition to this DOD bill, and I am glad to see that it's adopted in this bill. I thank the chairman for including it in this bill.

Mr. SKELTON. I yield 1 minute to the gentleman from Washington (Mr INSLEE).

Mr. INSLEE. I want to thank Chairman SKELTON for his help. A couple of amendments, one en bloc, will help advance the cause of efficiency and environmental responsibility. In this amendment we have an amendment that will encourage the DOD to look at systems to save energy in their computer networks. We have the ability to reduce our electric usage 20 to 30 percent. That helps us in our load growth.

It's a great amendment. I want to thank the Chair. Later today we will have an amendment that will assist the service to move forward to judge our global warming emissions as well, and our procurement policy. A great thing for the environment, great thing for the service as part of our universal effort to advance several causes.

I want to thank the Chair for getting both of these in there.

Mr. SKELTON. I thank the gentleman from Washington.

Mr. POE. Madam Chairman, I am proud to introduce this Amendment with Congresswoman LOUISE MCINTOSH SLAUGHTER.

Nearly 3 years ago, a distraught father contacted my office asking for help for his daughter, Jamie Leigh Jones. Jamie was a 20 year old, KBR contractor in Iraq. After only 4 days in the Green Zone, Jamie was drugged and gang-raped by her coworkers. When she woke up in the morning, she was naked, bruised, and bleeding. She saw 1 of her coworkers beside her and he confirmed that they had unprotected sex. She immediately contacted her supervisors and was taken to an Army hospital, where an Army doctor performed a rape kit. Rape kits are essential in future prosecutions because they preserve forensic evidence. The Army doctor took photographs of Jamie and informed Jamie that she was raped by multiple men. She has had reconstructive surgery.

What happened next is appalling. Jamie was locked in a guarded shipping container for 24 hours. Her supervisors told her this was for her safety, but she was not provided food or water and she was not allowed to contact anyone. Jamie finally convinced a sympathetic guard to let her use his cell phone and Jamie called her dad for help.

After speaking with Jamie's father, my staff and I contacted the State Department and within 2 days, 2 agents from the State Department had rescued Jamie.

Since Jamie's return in America, she has not had justice. Although a grand jury was finally convened, 2½ years later, there is still no indictment. We learned that Jamie's important rape kit was turned over to her employer, KBR, instead of to the proper law enforcement personnel. KBR then lost and recovered the rape kit, but it is incomplete. KBR has stonewalled cooperation with authorities on the investigation regarding what occurred to this and other victims in Iraq.

This Amendment is very straight forward. It requires defense contractors in Iraq and Afghanistan to report violent crimes committed against or by their contracted employees to the Department of Defense and that the information must be made public. It also requires defense contractors to provide for victims with medical and psychological assistance.

This Amendment is one step in the right direction for bringing justice to victims. And that's just the way it is.

Mr. VAN HOLLEN. Madam Chairman, I rise today in strong support of the National Defense Authorization 2009.

This bipartisan bill authorizes $531 billion for the DoD and national defense programs of the Department of Energy and reflects Congress' commitment to supporting our troops and their families while protecting the national interests of the United States and improving the oversight and accountability of funding for operations in Iraq and Afghanistan.

I believe passage of this bill will be welcome news to our service members and their families. To help our troops readjust to civilian life and to help military families deal with the economic pressures here at home as a spouse serves overseas, the bill provides a 3.9 percent pay raise for all servicemembers and extends the President's authority to offer bonuses and other incentive pay. The bill provides tuition assistance to help military spouses establish their own careers, authorizes funds to assist area schools with large enrollments of children from military families, and reverses the rise in health care costs by prohibiting fee increases in TRICARE and the TRICARE pharmacy program.

As a member of the House Oversight and Government Reform Committee, where oversight of war contracting has been a priority, I am encouraged by language in the bill to increase transparency and accountability of federal contracts. The Defense Department has made over 180,000 payments to contractors from offices in Iraq, Kuwait, and Egypt. These payments are for everything from bottled water to assault rifles. But due to poor DoD accountability and oversight, billions of dollars of taxpayer money are unaccounted for or have simply gone missing.

Today, the DoD Deputy Inspector General told the Oversight and Government Reform Committee that, after reviewing approximately $8.2 billion in Defense spending in Iraq, they estimate that the Department failed to properly account for $7.8 billion. Additionally, the IG reported that the Defense Department has paid $135 million to Britain, South Korea, Poland, and other countries to conduct their own operations in Iraq. The DoD Inspector General tried to find out what this money was used for, but could find no answers.

The bill addresses the lack of accountability in war contracting in two ways. First, by requiring a separate budget request for operations in Afghanistan and Iraq, it will be easier for Congress and American people to follow more closely how U.S. tax dollars are being spent. Second, with the passage of the Waxman amendment to the bill, anti-fraud measures will be enhanced and transparency in contracting Increased by limiting the use of abuse-prone contracts and by rebuilding the federal acquisition workforce.

I am also supporting this bill for the assistance it provides the many thousands of federal employees who work for the DoD and who are fearful of administration efforts to use the OMB A–76 Circular to compete out their jobs. I am pleased that I was able to help ensure that the 2008 National Defense Authorization Act included a provision that prohibits the Pentagon from undertaking, preparing for, continuing, or completing public-private competitions of federal jobs as directed by the Office of Management and Budget. The provision also overturns the mandatory requirement that the jobs of federal employees be re-competed every 5 years.

The Department of Defense has yet to issue guidance to the Department to implement past congressional A–76 recommendations nor has it listened to the recommendations of military commanders who have warned that these A–76 competitions are harming the Pentagon's mission. So, the National Defense Authorization Act again urges the Pentagon to immediately implement guidelines recommended by Congress.

Like most bills, this one contains provisions that I would not have included. However, on balance it is a good bill that strengthens our national security.

Mr. KLEIN of Florida. Madam Chairman, I rise today to support the amendment that I authored with my friend, Congressman JOHN YARMUTH of Kentucky.

Although some of my colleagues and I have differing views on our strategy in Iraq, one thing is clear: after five years and $600 billion of American taxpayer dollars spent, ''enough is enough.''

That is why Mr. YARMUTH and I are offering this amendment today. Our amendment declares that any future Status of Forces Agreement that is negotiated between Iraq and the United States must include cost-sharing measures so that that the Iraqi government can take more responsibility.

With an expected Iraqi budget windfall of some $60 billion this year, it is time for Iraq to stand up and take responsibility for its own future.

All of our districts are feeling the pinch of tough economic times here at home. Critical domestic priorities are being underfunded or not funded at all.

Our amendment would help put our economy back on track and would send a message to the Iraqi government that they must participate in their own future.

Mr. STUPAK. Madam Chairman, I rise today in support of my amendment, labeled Stupak #39, to extend eligibility for disability pay to certain cadets at our military academies.

Each year, a small number of enlisted military personnel voluntarily separate from the military in order to attend one of the military academies. In doing so, they give up many of the privileges and protections that came with their regular military status.

In the Fiscal Year 2005 Defense Authorization Act, Congress recognized the sacrifices and risks that military cadets undergo by bringing them into the military health care and disability system. However, this protection is effective only from the date of enactment, which was October 2004.

Enlisted soldiers who choose to leave the service today to attend a military academy will be covered by the military disability system, but soldiers who attended before 2004 are not.

A problem with this arrangement came to my attention in 2006 and I have been working in Congress since then to make an effective change. James Hildgendorf, a constituent of mine, was serving as an enlisted soldier, and was selected to attend West Point. He de-enlisted and became a cadet. However, while at school, he sustained severe injuries that ended his military career.

Because he had given up his enlisted status to become a cadet, and because he graduated prior to October 2004, he was found ineligible for the disability pay that he would have received as an ordinary soldier.

My amendment would rectify James' situation and that of soldiers in the same situation, by taking the changes made by Congress in 2004 and pushing their effective date back to January 1, 2000 for personnel who gave up their enlisted status in order to attend a military academy. The amendment effectively extends eligibility for military disability retired pay to individuals who left enlisted service in order to attend a military academy between January 1, 2000 and October 28, 2004, and who suffered a disabling injury while attending the academy.

This amendment would not affect all cadets, but it would give recognition to the special risks taken by those enlisted men and women who gave up their enlisted status to attend an academy prior to 2004.

The affected population would likely be relatively small. The Congressional Research Service estimates that fewer than 575 individuals gave up military status in order to attend an academy between 2000 and 2004, and only a small percentage of those individuals incurred a disability at the academy. Additionally, a preliminary cost estimate conducted by the Congressional Budget Office shows this amendment would result in less than $500,000 in direct spending.

However, for those individuals to whom this amendment does apply, it will make a big difference. The soldiers who are chosen to attend the military academies are the best and brightest from among our enlisted ranks. Congress should not continue to deny them their disability benefits.

I urge my colleagues to join me in voting for this amendment and I encourage members to vote for final passage of the Fiscal Year 2009 National Defense Authorization Act.

Vote ''yes'' on the Stupak amendment.

Mr. FOSSELLA. Madam Chairman, today I rise in support of my amendment to the FY2009 Defense Authorization bill (amendment number 27), authorizing free mailing

privileges for the family members of our service men and women deployed in Iraq and Afghanistan. This amendment provides a tremendous opportunity for us to increase the morale of our troops overseas, which, as we are all aware, is necessary for having a confident and motivated military.

First, I would like to thank Chairman SKELTON, Ranking Member HUNTER, Personnel SubCommittee Chairwoman DAVIS and of course my fellow New York colleague, Ranking Member MCHUGH for their help in cultivating this amendment. I drafted this amendment in response to concerns expressed to me by many military families that it was becoming too costly to send regular care packages to loved ones overseas. I heard story after story of families, already finding it hard to make ends meet, having to spend as much as $1,500 a year to mail care packages. Each package our men and women in uniform receive arrives with a touch of home. Personal items in these packages, like pictures, cards and school, projects from their children make deployments much more bearable.

Mail from home also serves a second and important purpose providing our military men and women with basic necessities like shampoo, foot powder, phone cards and even the ever essential fly paper.

In my district of Staten Island and Brooklyn, local residents joined together and raised money to help military families send these packages over seas. I was inspired by the outpouring of support for our service men and women in Dyker Heights, Brooklyn, where postal service employees raised money to cover the postage for every package sent to our troops. In Staten Island, residents formed Staten Island Project Homefront, Incorporated: a non-profit organization dedicated to serving our deployed troops and their families by sending thousands of care packages to the troops in theater. This month alone, over 200 packages were mailed overseas by this group with a postage cost of over $2,000.

It was these acts of great generosity and patriotism which prompted me to advocate for this essential program in Congress.

This amendment has received the support of organizations such as the VFW, American Legion, and the National Association of Uniformed Services. To quote the VFW, ''letters and packages from home do wonders in boosting the morale of our men and women serving in harms way, and high morale transfers to combat ready and effectiveness.'' Comments such as this, I whole heartedly agree with.

I recently heard from Debbie Parsons from Staten Island; Debbie had two sons in the Marine Corps serving in Iraq; both of whom will return for their second tours in the fall. Six days a week Debbie volunteers her time at Staten Island Project Homefront, packing boxes to send over to our troops. She would hear from her sons regularly and they often request she send supplies such as snacks, Power bars, soft drinks, books and foot powder, among other things. Prior to the donations from Staten Island Project Homefront, the packages she sent to her sons cost hundreds of dollars every month.

It goes without saying our servicemen and women are making enormous sacrifices fighting the War on Terrorism and defending freedom and liberty. They face great challenges under trying circumstances, and often without the benefit of basic necessities like socks and foot powder. It falls upon their families to get them these supplies and to cover the cost of shipping them overseas. This amendment will help make life a little better for our soldiers and ease the financial burden on those supporting them. It is a simple way to bring a touch of home to America's heroes overseas.

I urge my colleagues to support this amendment and provide our military families an easier path to sending a piece of home to their loved ones.

Mr. KING of Iowa. Mr. Chairman, I rise today to offer an amendment asking the Chief of the National Guard Bureau to develop a report on the effectiveness of certain Guard ''empowerment'' provisions that were contained in the FY08 Defense Authorization Act.

Mr. Chairman, since September 11, 2001, the United States has increasingly turned to the men and women of the National Guard to provide much needed support in our efforts to prosecute a global war against radical Islamic jihaddists. Answering their Nation's call to arms, Guard units from across the country have faithfully and courageously served in harm's way on the front lines of this historic struggle.

The men and women of the Iowa National Guard are no different. Just last month, constituents from my congressional district in Western Iowa welcomed home members of the Iowa Army National Guard who returned from deployments in Iraq. As has been the case with many Guard units across the country, this is not the first welcome home ceremony that these units have enjoyed in the past few years.

And yet, while the Guard is deploying many of its members to distant battlefields, it is still expected to meet the many demands of its domestic mission. Despite the Nation's need for men and women of the Guard to serve on the battlefield, our State Governors must continue to have ready access to the Guard to respond to the emergency and disaster relief needs of their States.

There is no doubt that the services and capabilities of the Guard are in high demand. In many respects, this is due to the fact that both active duty commanders and governors know that when they call, the Guard will be there. They also know that Guard members can always be counted upon to complete their mission in the most efficient and professional manner possible.

The many demands placed upon the Guard, however, have begun to wear down its capabilities. To address this, Congress included several provisions in the FY08 National Defense Authorization Act intended to boost the standing of the Guard within the Department of Defense. The ''empowerment'' provisions included the elevation of the Chief of the Guard Bureau from the rank of Lieutenant General to the rank of full General. The bill also made the Guard Chief the primary advisor to the Chairman of the Joint Chiefs on Guard matters.

In addition to these important changes, the bill also made the National Guard a joint agency, charges the Secretary of Defense with writing the Guard's charter, and requires that the Deputy Commander of the Northern Command be a member of the Guard.

All of these changes, Mr. Chairman, were aimed at ensuring the National Guard would have a clearer voice in policy and budgetary discussions within the Department of Defense. To determine the extent to which these empowerment provisions have accomplished this goal, my amendment asks the Chief of the Guard Bureau to submit a report to the Secretary of Defense analyzing the effectiveness of the empowerment provisions. My amendment then requires the Secretary of Defense to submit the Chief's report to Congress with the Secretary's own comments on the matter.

Mr. Chairman, as we continue to wage a global war against radical Islamic jihaddists, it is imperative that we give the National Guard the resources and pull necessary to ensure it is able to remain an integral part of this fight and to ensure it is able to carry out its duties with respect to its domestic mission here at home. To do this, we must see to it that we are responsive to the needs of the Guard. With the passage of the empowerment provisions in last year's Defense Authorization bill, we have taken some important first steps toward addressing the 21st century needs of the Guard. But only the Guard itself will be able to tell us if these changes have hit their mark and are having their intended effect.

This amendment will allow Congress to get important, first-hand feedback from the Guard on this important issue, and I ask my colleagues to join me in supporting its passage.

Mr. BERMAN. Madam Chairman, I rise in strong support of this en bloc amendment and want to make a few comments about Amendment #18, which was included in this amendment.

Title XVI of H.R. H658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, is the text of H.R. 1084, 110th Congress, as passed by the House on March 7, 2008, introduced by our colleagues SAM FARR and JIM SAXTON. That text differed to some degree from the introduced text and is identical to what was reported out by the Committee on Foreign Affairs, as I explained at the time of House passage.

In discussions with the sponsors of this legislation in the other body, however, certain modifications to the text were deemed desirable, and this amendment, which has been agreed to by the Ranking Member of the Committee on Foreign Affairs, the Gentlewoman from Florida, Ms. ROS-LEHTINEN, and by MR. FARR, represents those changes.

I thank the Chairman and the ranking Member of the Committee on Armed Services for supporting this amendment, which will smooth the way towards the inclusion of title XVI in the final version of the bill.

Mr. SKELTON. I yield back the balance of my time.

The Acting CHAIRMAN (Ms. WATSON). The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENT NO. 6 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–666.

Mr. FRANKS of Arizona. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FRANKS of Arizona:

At the end of title II, add the following new section:

SEC. 2____. INCREASED AMOUNT FOR MISSILE DEFENSE AGENCY.

(a) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, defense-wide, is hereby increased by $719,000,000, to be derived by increasing the amounts, as the Secretary of Defense determines, for—

(1) the Terminal High Altitude Area Defense program;

(2) the Aegis ballistic missile defense program; and

(3) the ballistic missile defense testing and targets program.

(b) OFFSET.—The total amount authorized in title II for research, development, test, and evaluation is hereby reduced by $719,000,000, to be derived from any account other than the Missile Defense Agency, as determined by the Secretary of Defense.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Madam Chair, I yield myself such time as I may consume.

I rise today to urge support for my amendment to restore funding to the Missile Defense Agency to fund against short and medium-range ballistics missiles. My amendment restores $719 million in funding to the Missile Defense Agency, to return the President's budget request to $9.3 billion. My amendment directs that this $719 million be specifically targeted toward the Theater High Altitude Area Defense System and the AEGIS Ballistic Missile Defense Systems and the test and targets necessary to test those systems.

I agree with the Democrats, Madam Chairman, which is pretty unusual. I agree with the Democrats that we need to be concerned about the threat of short and medium-range ballistic missiles to our forward-deployed troops on the Korean peninsula, North Japan, and throughout southwest Asia. Today, these forces are at risk of attack by thousands of lethal ballistic missiles that may carry conventional, chemical, or, in some cases, nuclear warheads. Our close allies, South Korea, Japan, Israel, and Turkey are held at risk by these missiles as well.

Deployed Patriot batteries provide some limited point defense to shield some, but not all, of our key command and control centers. We can improve upon this very limited defense and offer a larger umbrella of protection against ballistic missiles to our forces with area defense. Both the land-based Theater High Altitude Area Defense system, or THAAD, as well as the sea-based AEGIS Ballistic Missile system, offer significant area missile defense capabilities to our theater commanders.

I want to applaud the entire House Armed Services Committee for increasing funding for both of these programs. Unfortunately, I fear these increases do not do enough for our theater commanders, who cannot get these systems deployed fast enough because they simply are not yet available to apportion. The House Armed Services Committee has received testimony from Admiral Keating, Commander of U.S. Pacific Command, and General Bell, Commander of U.S. Forces in Korea, to this effect.

The administration should accelerate production of THAAD fire units and interceptors, as well as the AEGIS 3 standard missile 3 interceptors to adequately source the combatant commands with area defense against short and medium-range or theater class ballistic missiles.

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The committee has authorized $75 million above the President's budget for each of these programs, but I am concerned that this increase will not deliver capability to the warfighter soon enough in the most expeditious manner. The short and medium-range ballistic missile threat exists today, and we can procure more interceptors to defend our troops in harm's way.

Mr. Chairman, very simply, probably one of our best hedges against proliferation of nuclear arms today in the world is missile defense, and it is very important that we do everything we can to be prepared for any eventuality. So I offer this amendment and urge the support of my colleagues.

I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the Franks amendment and claim the time in opposition.

The Acting CHAIRMAN (Mr. ROSS). The gentlewoman from California is recognized for 10 minutes.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the Franks amendment. This amendment would increase fiscal year 2009 funding for the Missile Defense Agency by $719 million, back up to the level of the President's budget request. The Bush administration's request of $9.3 billion in fiscal year 2009 for the Missile Defense Agency already represents an increase of $680 million above last year's funded level.

With prudent reductions and selected increases, H.R. 5658 authorizes $8.6 billion in FY 2009 for the Missile Defense Agency, roughly equivalent to the fiscal year 2008 level. We provide increases in funding for assistance geared to current threats, like Aegis BMD, THAAD, the missile defense testing program and missile defense cooperation with Israel, all of these by $185 million. At the same time, we make prudent reductions to longer-term, less-mature systems, like the Multiple Kill Vehicle and the Airborne Laser.

Unfortunately, the Franks amendment would unravel the thoughtful work of the committee. First, Mr. FRANKS proposes that the offset would come from any Pentagon research and development account, except the Missile Defense Agency, unfairly placing missile defense programs above all other R&D priorities.

Second, it is unlikely that the proposed increase in the funding for the programs outlined in this amendment can be executed in fiscal year 2009.

Third, and perhaps more important, the amendment is inconsistent of section 223 of the fiscal year 2008 National Defense Authorization Act, which requires that procurement funds be used for procurement activities, not research and development activities.

Also, as written, the amendment would not allow any of the funding to be used for additional THAAD or Aegis Standard Missile Interceptors, because it provides only research and development funding.

Mr. Chairman, H.R. 5858 provides our warfighters the real capabilities to meet the real threats to our homeland, deployed forces and allies. It also makes prudent reductions to systems geared to less urgent threats, ensuring that other important national defense priorities, such as readiness, strategic programs and nonproliferation efforts, are well-funded.

The House defeated a similar floor amendment last year, and I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 3 minutes to the distinguished gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I rise today in support of the gentleman Mr. FRANKS' amendment. Mr. FRANKS serves along with myself as cochairman of the Missile Defense Caucus.

This amendment restores critical funding to our layered missile defense system, which protects the United States and its allies from short and medium-range ballistic missiles. This bill that we have heard talked about cuts funding for missile defense to $719 million below the President's budget request of $9.3 billion, an unacceptable funding level to provide for our national defense.

The Democrats' authorization to the Aegis Ballistic Missile Defense System would not even cover the expenses incurred by the Missile Defense Agency to conduct what was recently the shootdown of the US–193 satellite, which cost the agency upwards of $100 million. I would add that the very recent successful shootdown of the satellite is evidence of the successes and importance of the missile defense program and the ongoing necessity to make sure these programs are fully funded and in development.

The Democrats have also authorized inadequate funding for the THAAD, or Theater High Altitude Area Defense System. I think it is an embarrassment that out of the $890 million requested for the project by the administration, only $75 million was authorized for THAAD; $75 million out of $890 million requested.

Finally, my friends in the Democrat majority inserted language into the bill that requires the Secretary of Defense to certify that the two-stage intercepter missile proposed for the European site ''has demonstrated through successful, operationally realistic testing, a high priority of operating in an operationally effective manner and the ability to accomplish the mission.''

Unfortunately, the Democrats only provide an additional $25 million for these tests and targets. This not-so-subtle attempt to starve the program puts our country at risk and it is an attempt that I oppose.

Congressman FRANKS' amendment restores the $719 million to our missile defense program, putting the necessary defense capacities in the hands of our commanders and providing for the continued success of our short and medium-range ballistic missile program.

Mr. Chairman, I believe this is a matter of national security and it is very important, and I urge all of my colleagues to support this amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume prior to introducing my colleague from Washington.

I just wanted to correct the record. My colleague from Texas must have very old talking points. The subcommittee increased the money for both THAAD, a $75 million increase above the President's budget, and Aegis BMD, $75 million over the President's budget. So what the gentleman just said is totally incorrect.

I would now like to yield 3 minutes to my friend and colleague, the gentleman from Washington (Mr. LARSEN), who is a very valuable member of the Armed Services Committee and a member of the Subcommittee on Strategic Forces.

Mr. LARSEN of Washington. Mr. Chairman, I rise in opposition to this proposed amendment. As we have noted, this amendment seeks to increase fiscal year 2009 funding for the Missile Defense Agency by $719 million to the level of the budget request. The administration did in fact request $9.3 billion in fiscal year 2009 for MDA, an increase of $680 million above the 2008 funded level. This bill authorizes $8.6 billion in 2009 for the Missile Defense Agency, roughly equivalent to the 2008 level. Furthermore, this bill provides our warfighters with the capabilities that they need to respond to the real missile threats to our homeland, our deployed forces and our allies.

For example, this bill increases funding for systems geared to near-term threats such as Aegis BMD and THAAD. And to clear up that misunderstanding that I believe we heard on this side of the aisle, this bill actually increases Aegis and THAAD $75 million each above the President's request; not a total of $75 million, but $75 million above the request each for Aegis and THAAD. Also, we improve the missile defense testing program and cooperation with Israel.

I have a number of concerns about the proposed amendment. First, this amendment is an attempt to restore the reduction to the MDA, but this is at a time when we have so many other unmet national security needs that equally meet the standard of providing for the common defense, and the House defeated a similar floor amendment last year.

Second, the proposed offset would come from the RDT&E account, except for the Missile Defense Agency, unfairly placing that agency above all other critical RDT&E priorities.

Third, it is my understanding as well that it is unlikely that the proposed increase in funding for the programs outlined in this amendment are even executable in fiscal year 2009.

Fourth, the amendment is inconsistent with section 223 of the 2008 Defense Authorization Act, which states that RDT&E funding in 2009 may not be used for ''procurement or advance procurement of long-lead items for THAAD firing units 3 and 4, and for Standard Missile-3 Block 1A interceptors.'' Therefore, as written, the amendment would not allow any of the funding to be used for THAAD, additional THAAD, or SM–3 Block 1A.

Mr. Chairman, this bill provides a well-balanced approach to missile defense, and it provides a well-balanced approach when balanced against other key national security needs overall in our defense budget such as readiness, strategic programs and nonproliferation, all of which are well-funded as well.

I urge my colleagues to defeat the proposed amendment.

Mr. FRANKS of Arizona. Mr. Chairman, this bill being labeled the Duncan Hunter National Defense Authorization Act, named after the distinguished ranking member of our committee, who has been the former chairman for a long period of time, he has been here for 26 years, he should have been chairman for that time, I now yield to the gentleman from California, it is my honor, perhaps for the last time, to yield to him for 1 minute.

Mr. HUNTER. I thank my great colleague for yielding to me.

My friends, this is the age of missiles. The people that we listen to so carefully in our hearings are the combatant commanders. Those are the guys who are in charge of running military operations in the case of an attack on the United States or a military operation or a contingency.

Our combatant commanders have reported to us that we are short missile defense. Specifically, they have said that we should nearly double the inventory of THAAD and Aegis Standard Missile Interceptors. And I quote from Admiral Keating. He said increased inventories are needed, and he goes through these short-range BMD systems that are so key to countering this emerging threat, like the one that is coming from North Korea, like the Shahab-3 being developed now by Iran, and by the increasing short-range and medium-range ballistic missile inventories around the world.

This is crucial to the survival of our troops in theater and to the survival of the United States in wars that are going to occur in the future, and in the least we should listen to the combatant commanders and plus these inventories up. That is what the gentleman from Arizona's amendment does, and I would recommend it to all Members.

Vote ''yes'' on Franks.

Mrs. TAUSCHER. Mr. Chairman, I am happy to yield 2 minutes to my friend and colleague, the gentleman from South Carolina (Mr. SPRATT), a senior member of the Armed Services Committee and the chairman of the Budget Committee.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the Franks amendment. This amendment would increase fiscal year 2009 funding for the Missile Defense Agency, MDA, by $719 million, backing up the bill to the level of the budget request. The administration asked for $9.3 billion in fiscal year 2009. This represented an increase of $680 million above the 2008 level.

With prudent reductions and selected increases, this bill authorizes $8.6 billion, a substantial sum of money for the Missile Defense Agency, which is roughly equivalent to the level of current spending. We provide for increases in funding for systems that are geared to current threats, like the Aegis BMD and THAAD systems that the combatant commanders have told us they need and need now. At the same time, we make prudent reductions in longer-term, less-mature vehicles like the Multiple Kill Vehicle and the Airborne Laser.

We don't know, looking at this amendment, that the money can really be executed, spent wisely. Even if we do, we have to ask where is this money coming from? We find when we look that the $719 million is coming out of RDT&E, which is tantamount to saying that MDA, missile defense, is over and above more important than the UAVs, more important than the F–35 Joint Strike Fighter, the FCS, the Army's Future Combat Systems, and the Navy's DDG–1000. A whole host of other systems that will depend on adequate funding will be denied that funding by the $719 million hit which this amendment would impose upon those particular systems.

This is a balanced bill. The cuts and adjustments have been made to it so we that could come up with a system that covers our comprehensive needs. Missile defense is just one of many. They have all been judiciously done, and we should not disrupt the pattern of this balanced bill by making the cuts that the gentleman would propose.

So I urge everyone to take a close look at this, but to stick with the committee chairman's very careful and very balanced view.

Mr. FRANKS of Arizona. Mr. Chairman, I request the time remaining.

The Acting CHAIRMAN. The gentleman from Arizona has 3 minutes remaining. The gentlewoman from California has 2 minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 1 minute to the distinguished gentleman from Colorado (Mr. LAMBORN).

□ 1500

Mr. LAMBORN. Mr. Chairman, I rise today in support of an amendment by my good friend, Congressman FRANKS of Arizona. This amendment will restore $719 million in the defense authorization bill for missile defense.

As Members of Congress, we have sworn an oath to provide for the common defense of this great Nation. This amendment will do just that. There are over 25 countries globally with ballistic missiles, and nine of those countries have intercontinental ballistic missiles. Rogue nations like North Korea and Iran continue to push for nuclear and ballistic missile technologies. It is critical that we fund systems that will deter these threats. We must provide the funding necessary to support the warfighters. This money will specifically go to Aegis and THAAD defense systems that we all agree, on both sides of the aisle, are critically needed.

Should our best efforts at diplomacy fail, the U.S. cannot afford to be without defenses.

Mrs. TAUSCHER. Mr. Chairman, I am happy to yield 1 minute to my friend and colleague, the gentleman from Missouri (Mr. SKELTON), our distinguished chairman of the Armed Services Committee.

Mr. SKELTON. Mr. Chairman, I rise in opposition to this amendment.

In doing so, I want to reflect on the work that the subcommittees do in the Armed Services Committee. The gentlelady from California (Mrs. TAUSCHER) chairs the subcommittee that deals with this subject matter that Mr. FRANKS seeks to amend. Hearings, witnesses, briefings discussions, markups, all of that goes into the work product that this gentlelady's subcommittee did. And for us to second-guess on anything of this magnitude or on any subject that has been studied as thoroughly as this one has, and I compliment all the members of that subcommittee on the work that they did.

I think it would be improper to do so, and I do oppose this amendment.

Mr. FRANKS of Arizona. Mr. Chairman, the $75 million increase to the Aegis BMD that the Democrats have spoken of here does not even fund the necessary upgrades to the Aegis weapons systems BMD signal processing capability necessary to keep pace with the evolving short-range and medium-range ballistic missile threat. So we are definitely not doing enough there.

This $75 million increase to the Aegis ballistic missile defense budget that they speak of does not even cover the expenses incurred by the Missile Defense Agency to conduct a shootdown of the U.S. 193 satellite. This cost the agency approximately $100 million.

My Democrat friends have often stated that far-term systems are much less important than near-term systems. So I believe it is reasonable to assume that the RTD&E accounts are the appropriate offset for such an amendment.

The bottom line is this: A $9.3 billion request budget from the President has been decreased by $719 million. And in an age of missiles, as the ranking member mentioned, this is not a time to cut our missile defense capability. Missile defense is not only the last line of defense against an incoming missile, perhaps with a nuclear warhead representing the most dangerous weapon in the history of humanity, it is the first line of defense against proliferation. And, Mr. Chairman, proliferation I believe, given the examples that Mr. LAMBORN mentioned of Iran and others, represents the greatest threat to human peace in the world today.

Missile defense is an opportunity for us to devalue those programs in the hands of such enemies, and perhaps help this generation and others to walk a little bit longer in the sunlight of freedom.

With that, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I oppose this amendment for many reasons. I think it is interesting that my colleague from the other side of the aisle sloughs off the fact that we plussed up the President's budget by $75 million for THAAD, $75 million for Aegis. But what he doesn't want to tell anyone is that the President's budget actually cut funding for THAAD firing units, and it wasn't until the majority, the Democrats, went to the administration and said we thought that was a really, really bad idea, and gave the money back to the account. We would have been in a deeper hole.

So I think that my colleague is doing a good job supporting the Missile Defense Agency, but that is not what our job is. Our job is to make sure that we have a balanced portfolio of investments for the American people and our warfighters. This mark does it. I think that is why we have such strong support. I think that it is also important for people to know that Mr. FRANKS wants to buy more Aegis and THAAD inventory; but under the current law his amendment cannot do that because he is using RDT&E funds. So I ask my colleagues to oppose this amendment.

I yield back the balance of my time.

Mr. FRANKS of Arizona. Mr. Chairman, this bill emphasizes the need to counter short- and medium-ranged missiles in five different places. The committee report highlights that the warfighters themselves have suggested and asked for increased inventory, and we shouldn't be second-guessing them in a time such as we live.

Mr. LAMBORN. Mr. Chairman, I rise today in support of an amendment of my good friend Congressman FRANKS. This amendment will restore $719 million to the defense authorization bill for missile defense.

As members of Congress, we have sworn an oath to "provide for the common defense" of this great Nation. This amendment will do just that. Today there are over 25 countries globally with ballistic missiles. The number of nations currently in possession of intercontinental missiles has increased to nine. As rogue nations like North Korea and Iran continue to push for nuclear and ballistic missile technologies, it is critical that we fund systems that will deter such threats. We must provide the funding necessary to support the War Fighters.

This money will specifically go to AEGIS and THAAD defense systems that we all agree, on both sides of the aisle, are critically needed.

Should our best efforts at diplomacy fail, the United States cannot afford to be without defenses. Mr. Chairman, I yield back.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FRANKS of Arizona. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 23 OFFERED BY MR. TIERNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 23 printed in House Report 110–666.

Mr. TIERNEY. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. TIERNEY:

At the end of subtitle C of title II, add the following new section:

SEC. 2___. MISSILE DEFENSE FUNDING REDUCTIONS TO PROVIDE ADDITIONAL FUNDS FOR ACTIVITIES TO COUNTER WEAPONS OF MASS DESTRUCTION AND TERRORISM.

(a) MISSILE DEFENSE FUNDING REDUCTIONS.—The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by $996,200,000, to be derived from amounts for the Missile Defense agency as follows:

(1) $100,000,000 reduction from the Airborne Laser program.

(2) $100,000,000 reduction from the Kinetic Energy Interceptor (KEI) program.

(3) $100,000,000 reduction from the Multiple Kill Vehicle (MKV) program.

(4) $341,200,000 from the termination of any funding for the proposed long-range missile defense sites in Europe.

(5) $355,000,000 from the termination of any further deployment in the Ground-Based Midcourse Defense program, with this reduction not interfering with development or testing activities under the program.

(b) ADDITIONAL FUNDS TO COUNTER WEAPONS OF MASS DESTRUCTION AND TERRORISM.—

(1) COOPERATIVE THREAT REDUCTION PROGRAM.—The amount provided in section 1302(a) for the Cooperative Threat Reduction is hereby increased by $75,000,000.

(2) NONPROLIFERATION AND WEAPONS OF MASS DESTRUCTION PROGRAMS.—The amount

provided in section 3101(a)(2) for nonproliferation and weapons of mass destruction programs of the Department of Energy is hereby increased by $529,000,000, which shall be available as follows:

(A) $50,000,000 for Global Threat Reduction Initiative.

(B) $30,000,000 for International Nuclear Materials Protection and Cooperation program.

(C) $60,000,000 for Second Line of Defense program to cooperate with other countries to deter, detect, and interdict illicit transfers of nuclear and radioactive materials at border crossings and ports.

(D) $15,000,000 for NNSA's export control assistance program for the purpose of developing a plan for making sure all countries fulfill their UNSC 1540 obligation to put effective controls in place.

(E) $50,000,000 increase of conditional appropriation to encourage Russia to blend down additional HEU, to finance such incentives if an agreement is reached that requires such funding.

(F) $50,000,000 for safeguards work at the Department of Energy National Laboratories.

(G) $100,000,000 increase for non-proliferation research and development, such as treaty monitoring and verification.

(H) $10,000,000 for completing the experimental study on analyzing the impacts of sabotage of spent-fuel transportation in the United States.

(I) $50,000,000 for accelerated or further dismantlement of nuclear weapons (and removal of pits from nuclear weapons).

(J) $41,000,000 for chemical weapons destruction at the Bluegrass facility in Kentucky.

(K) $73,000,000 for chemical weapons destruction at the Pueblo facility in Colorado.

(c) ADDITIONAL SUPPORT FOR WOUNDED WARRIORS AND THEIR FAMILIES.—

(1) IMPACT AID.—The amount provided in section 571 is hereby increased by $30,000,000 to increase funding for impact aid to help local educational agencies provide support to students who are dependents of members of the Armed Forces.

(2) FAMILY SUPPORT FOR WOUNDED WARRIORS.—Amounts provided for family support of wounded members of the Armed Forces is hereby increased by $30,000,000.

(3) SUICIDE PREVENTION.—Amounts available for programs to prevent suicides by members of the Armed Forces is hereby increased by $30,000,000.

(4) WOUNDED WARRIORS AS HEALTHCARE PROVIDERS.—An amount equal to $10,000,000 is authorized to be appropriated for a pilot program to identify and retrain wounded members as military health professionals who would then treat and care for other wounded members.

(d) NATIONAL GUARD AND RESERVE SHORTFALLS.—The balance of amounts reduced under subsection (a), after application of subsections (b) and (c) shall be available to increase amounts available for the National Guard and Reserve to fund identified shortfalls, especially in connection with homeland security activities.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Thank you, Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, this amendment follows a series of hearings with eminent physicists and security experts all testifying, as well as reports from the General Accountability Office, the Congressional Research Service, and others on the status of our weapons programs and their costs, together with an evaluation of the threats realistically facing the United States.

The amendment seeks to ensure that we have appropriate resources directed to address our most urgent risks, our most pressing national security priorities. We seek to reallocate $996 million, just under $1 billion, to nonproliferation programs and initiatives aimed at countering weapons of mass destruction and terrorism, to support our wounded warriors and their families, included critical suicide prevention programs, and to cover the National Guard and Reserve shortfalls, especially in connection with homeland security activities.

Mr. Chairman, as you know, governing means choosing. Our amendment allows members to consider the importance of increasing funds for our most serious threats, those being nonproliferation of nuclear weapons and materials and national security programs. Slightly reducing the missile defense program's $10.1 billion budget to meet these needs is, we believe, the right choice and the right balance.

The pressing national security threat of our time is asymmetric action, some terror-based group attempting to introduce to United States soil some aspect of weapons of mass destruction. Our national intelligence experts and I think other experts all agree on that. And it is common sense to know that such threats won't come from al Qaeda or other groups through sophisticated intercontinental ballistic missiles. In fact, the CIA said in 2000, and I quote, ''The United States territory is probably more likely to be attacked with weapons of mass destruction from nonmissile delivery means, most likely from nonstate entities, than by missiles. September 11 only underscores the susceptibility to asymmetric attack.

Mr. Chairman, we just don't seem to be getting that message. In 2005, the 9/11 Commission gave the United States Government a ''D'' with respect to our efforts to secure weapons of mass destruction, calling this, and again I quote, ''The greatest threat to American security,'' and that it should be, and I quote, ''the top national security priority of the President and the Congress.''

Our amendment leaves intact funding for defenses for our troops that they might rely upon for protection against short-range and intermediate missiles. The reductions are solely made from high-risk long-term research projects and from systems from which there currently is not a pressing threat.

Experts note that with respect to the long-range programs, realistic operational tests have yet to be successfully conducted so as to provide any appreciable belief that they would operate efficiently. We have plenty of funding left then for research and development, but we decrease funds that would be putting procurement and deployment ahead of capability. We have spent $150 billion, Mr. Chairman, on this program already, an amount that exceeds more than our country spent on the Manhattan Project and the Apollo Program.

The Congressional Budget Office estimates that assuming that the Missile Defense Agency continues its present course, the taxpayers will spend an additional $213 billion to $277 billion between now and 2025. Mr. Chairman, we simply seek to allocate our resources so as to provide the best defense that we need currently facing the threats that we realistically expect might be directed at this country.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. HUNTER. I yield myself 3 minutes.

My colleagues, we are in a race against those who would build offensive missiles and in fact have built missiles.

I remember, I think it was 1987 when members of this committee, the Armed Services Committee, sent a letter to the leadership of Israel, and we said this—and I know this because I drafted that letter. We said, at some point in the future—and this was 1987, before the Gulf War. We said, you will be attacked at some point in the future by probably Russian-made missiles coming from a neighboring country. And even though you could defend against an aircraft attack, just as you did in the Bekaa Valley with your F–16s, you will not be able to stop a single incoming ballistic missile coming into Israel.

A few years later in the Gulf War, we saw just that. In fact, we saw ballistic missiles kill Americans. Some of them were shot down by deployed Patriots, but we saw missiles coming into Israel totally unprotected. We saw people being rushed to the hospital not from the effects of the missiles, but because they were so afraid that poison gas would be on the head of those missiles launched by Saddam Hussein, that many people went into the hospital with heart problems.

We are in a race, my friends, my colleagues, and we have seen the manifestations of that race on the other side. We have seen those TD–2s and those NoDong missiles and SCUD missiles launched by the North Koreans that fell into the Sea of Japan, the TD–2 having the ability now to reach some parts of the United States. We have seen the tests of the Iranian Shahab-3s. We have seen now the complicity of North Korea and Syria in developing nuclear weapons capability, which was stopped short by a strike that was made by our allies. We know that that throat through which the Iranian missiles might one day travel going into

Western Europe could be defended by the missile sites that we have now proposed to be established in Czechoslovakia and Poland.

We are in a race. Our combatant commanders tell us that we need to double the number of THAAD missiles and Aegis missiles. Incidentally, those sea-based missile system are testing out very, very well. We have had a series of successes.

The idea that we cut back on this one massive area of vulnerability, that we cut back on defenses against this massive area of vulnerability—and for my friends that said we want to use this money for quality of life for our troops, ladies and gentleman, I am the father of one of our marines who has been deployed, and let me tell you quality of life. It is when that family that is sitting there in Pendleton or in Savannah, Georgia, or at Fort Bragg or in Camp Lejeune knows that their family member, their servicemember is not going to be vulnerable to a short-range or ballistic missile attack. That gives you quality of life, because that gives you assurance that they are going to be able to survive that very, very real threat which is now being developed.

This is a misplaced amendment, and I would urge everyone to vote against it.

Mr. TIERNEY. Mr. Chairman, I recognize myself for 30 seconds.

Just to note that it is all very interesting that the gentleman just spoke about a race that we are in. But if we are going to run a race, let's run it wisely and let's run it to win.

The comments that the gentleman makes about Israel being susceptible to attacks and missiles is also very interesting, but he is talking about short- and medium-ranged missiles. My amendment doesn't address short- and medium-ranged missiles; it addresses intercontinental ballistic missiles, long-range missiles which have never been operationally or realistically tested. All I am saying is, let's put our research and development monies into the future where that may take us on those long-range programs, and leave the money that we have for the short- and medium-ranged ones for those threats that might realistically exist.

I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield at this time to the gentlelady from California (Mrs. TAUSCHER), the chairman of the Strategic Subcommittee, 3 minutes.

□ 1515

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the Tierney amendment. The amendment seeks to reduce funding for the Missile Defense Agency by about $1 billion beyond the $719 million that the committee has already reduced.

I have several concerns with the amendment. Our bill strikes the right balance between the current requirements of the warfighter and the need to invest in future technologies. Our bill increases funding for systems geared toward current threats like Aegis BMD and THAAD, while reducing funding for longer term projects.

Our bill already reduces funding for most of the programs the amendment seeks to cut, like the kinetic energy interceptor, the multiple kill vehicle, and the airborne laser. Our bill makes the different reductions to the proposed missile defense sites in Europe based on the slow pace of diplomacy and the technological immaturity of the proposed system.

The Tierney amendment, on the other hand, is ill-conceived. First, the amendment undercuts deployment of the existing ground-based mid course defense system in Alaska and California.

Second, by eliminating any and all funding for the potential missile defense system in Europe, the amendment would undercut U.S.-NATO cooperation on missile defense against emerging Iranian missile threats to Europe and U.S. troops in the region.

Third, the amendment's additional reduction to ABL could actually lead to more missile defense spending because it would delay the planned shootdown demonstration scheduled for next year, leading to increased costs in 2010.

Missile defense provisions in this bill by the committee were carefully crafted to balance the need to deliver missile defense capabilities that address current threats, and make prudent investments in future capabilities. It pares back spending on immature science projects, like last year's bill did, and includes a host of provisions to improve accountability for MDA programs. That is why, Mr. Chairman, I urge my colleagues to oppose the Tierney amendment.

I would like to yield to the gentleman from Washington.

Mr. LARSEN of Washington. Mr. Chairman, I too rise in opposition to the Tierney amendment. Just a little bit different focus here. The bill, as it stands, includes provisions to improve oversight and accountability for MDA, including required independent studies of boost phase ballistic missile defense systems, and requires strategy to increase the frequency and rigor of testing for mid course defense systems.

Large increases would undercut the prudent path forward established in this bill, and undermine the accountability provisions. Large additional decreases would undercut deployment of mature systems, and could lead to increased missile defense spending in the future if important demonstrations are postponed from fiscal year 2009 to 2010.

This is already a well-balanced budget within the missile defense budget, and well balanced with other needs, such as readiness, strategic programs and nonproliferation. So I'm asking my colleagues to oppose this amendment.

Mr. TIERNEY. Mr. Chairman, at this time I recognize the gentleman from New Jersey (Mr. HOLT) for 1 minute.

Mr. HOLT. Mr. Chairman, I thank my friend from Massachusetts for, once again, asking me to join him in the effort to refocus our military spending priorities toward more useful purposes. You know, one of the craziest ideas I've ever heard is that we should deploy this missile defense system as a way to test it. It should be tested before it's deployed. And I can tell you, even if it worked, it would never be so reliable that we would think of it as leak-proof, that it would actually change our strategy. So it just becomes another expense.

And simple strategic analysis tells us that a provocative yet permeable defense is destabilizing, and really leads to reduced security for all.

What we do here is provide over $600 million for the Nunn-Lugar Cooperative Threat Reduction Program, much more in keeping with the real threat that faces us, and money for the Second Line of Defense Initiative and other programs aimed at nonproliferation of weapons of mass destruction.

We would also provide $100 million for the care and support of wounded soldiers and their families, and $300 million more to address the National Guard and Reserve shortfalls, especially for homeland security activities. This is a commonsense amendment. I urge its adoption.

Mr. HUNTER. Mr. Chairman, I would like to yield to a gentleman who's leaving us this year, but the guy who has accomplished so much in confidential briefings and sessions in which you analyze our space systems and our missile systems, and a guy who hasn't been elbowing his way into press conferences, but who does enormous work for the people of this House and for the people of this Nation, the gentleman from Alabama (Mr. EVERETT). I would like to yield 3 minutes to the gentleman. He's the ranking member on Strategic.

Mr. EVERETT. Mr. Chairman, I oppose this amendment for many of the reasons that have already been stated. I believe that the Iranian intent is clearly demonstrated. It continues to enrich uranium, install advanced P–2 centrifuges, has not answered IAEA's questions about previous weaponization activities, and continues to defy U.N. Security Council sanctions.

North Korea's intent is also clearly demonstrated. In July 2006 it launched six short-range missiles (Scuds and NoDongs) and one longer-range Taepo Dong 2 missile. In October of 2006 it tested a nuclear device.

The Tierney amendment terminates European missile defense with a $341.2 million cut. This sends a terrible signal to our allies. The amendment also demonstrates a lack of U.S. commitment to collective security, after NATO recognized a missile threat in April 2008, unanimously endorsing substantial contributions of the European missile defenses. The amendment sends a message to Iran that we don't take missile threats or nuclear enrichment activities seriously.

Our key allies, Israel, Japan and NATO are pursuing missile defense capabilities in partnership with the U.S. to address growing missile and nuclear threats. This is critical that we do not accept a cut like this.

Finally, Mr. Chairman, the bill reported out already reduced it $719 million. The Nation's missile defense system has shown remarkable improvement over the years, with 34 of 44 hit-to-kill intercepts since 2001.

So why in the world—as a matter of fact, I will state it differently. I think it would be crazy to accept a cut like this.

Mr. TIERNEY. Mr. Chairman, I acknowledge myself for 15 seconds just to make a point. With respect to the testing records that the gentleman from Alabama just read, I hope that they've read the amendment. But I certainly appreciate the fact that they understand what it is we're talking about here.

But conflating the tests for short, medium and long-range is not going to be effective in addressing the amendment that is before the House. The amendment before the House is dealing strictly with the long-range for that, and those testing results are not reflected accurately by the statement that was just made.

So we're not talking about Aegis, we are not talking about THAAD, we're not talking about Patriot attack systems. We're talking about intercontinental ballistic missiles. Those tests have not been done operationally, they have not been done realistically, and they have not been done successfully to show that there's any efficient way that those are going to be successful. All of the testimony by all the physicists and all of the experts who came there indicate that clearly.

Mr. HUNTER. How much time do we have left, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from California has 2½ minutes remaining. The gentleman from Massachusetts, 4¾.

Mr. HUNTER. Mr. Chairman, I started off by talking about that letter that the Armed Services Committee, Democrats and Republicans, sent to Israel in 1987 telling them that at some point in the future they would be attacked by ballistic missiles coming from a neighboring nation, probably Russian-made missiles, and that was a prophetic letter because in the Gulf War they were attacked. And I described some of the effects. Even though there wasn't poison gas on those missiles, they had an incredible effect, a traumatic effect on the citizens of Israel.

You know, we could have written a letter to ourselves and to our own leadership and the administration at that time and said, at some point ballistic missiles will be launched at the United States.

I don't take much comfort from Mr. TIERNEY's statement that he only wants to stop the funding of long-range missile defense systems, not short-range missile defense systems. We've had a series of successes with our long-range missile defense systems. We've had these collisions 148 miles above the surface of the Earth, the interceptor and the target missile both going about three times the speed of a .30–06 bullet. And because of the incredible dedication of our scientists and our engineers, we've been able to achieve some successes with these long-range missile defense systems.

The facts are, you have to defend against all types, against short-range, medium-range and long-range. And you have to try to get as many shots as you can at these missiles. If you can get them when they're taking off, if you can get them in the ascent phase, if you can get them in mid course, then you don't put as much pressure on that terminal missile defense system when they're coming in to American cities.

We are in a race, Mr. Chairman. And I would just remind my colleagues that the TD–2 missile, which was tested by the North Koreans, has the ability, according to some of our scientists, to reach parts of the United States of America. And our intelligence people tell us that Iran, it is estimated, will have, by 2015, the capability with ICBMs to reach parts of the United States of America.

Just in time is a concept for building products in our domestic economy. You get the steel just in time to build the car so that you don't have a big inventory of steel piling up. That saves you money. You're not paying interest on it. You get the tires just in time to put them on.

Just in time missile defenses is not a very good idea. We, in my estimation, we are behind the clock. And Mr. TIERNEY's amendment is a gutting amendment. We should vote ''no'' on this amendment.

Mr. TIERNEY. I yield myself the balance of the time.

Mr. Chairman, again, it's all very interesting what we hear for comments from our colleagues. But the interesting part of this is it does matter whether it's short and medium-range or whether it's long-range. The short and medium-range, some of the testing has, in fact, been effective and does lead us to believe and experts to believe that there might be an effective defense against those.

But the experts look at the long-range system and they say, you know, we are procuring and we are deploying way ahead of our capability. These do not work. There has been no realistic operational testing to indicate that they would. There have been sporadic tests that have been successful on some aspects of it. There have been a number of tests that have been abject failures on a large part of it.

The fact of the matter is, if we're going to have defense, it should be smart defense. We have spent $150 billion so far for nothing, nothing in terms of that long-range missile system and its effectiveness.

You want to spend another $217 billion to $250 billion in the next several years when we have other pressing needs, the ones that the Congressional Budget Office, the General Accountability Office, the 9/11 Commission, our own common sense tell us are the more likely threats to this country, some asymmetric threat, some weapon of mass destruction by a terrorist group, or some short-range or medium-range missile coming in our direction. That's what we should be defending against.

We can still test, we can still have research and development and testing for the long-range, but that would mean cutting it back substantially so we're not deploying and not procuring ahead of the game, so that we don't find ourselves owning these things, having them deployed and fielded and have to retract all of it and start over again, having a false sense of security, and having things on the ground that only need to be redone, at huge, huge cost. None of that adds to our security. It ignores the real security needs of this country that should be put first and foremost.

This is the sensible thing to do. I urge the House Members to support this amendment and let us move forward in a more secure way in this country.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mrs. TAUSCHER. Mr. Chairman, pursuant to section 4 of House Resolution 1218, and as the designee of the chairman of the Committee on Armed Services, I request that, during further consideration of H.R. 5658 in the Committee of the Whole, and following consideration of the second en bloc amendment, the following amendment be considered in the following order: amendment No. 22, amendment No. 52, amendment No. 25, amendment No. 32, amendment No. 31, amendment No. 55, amendment No. 56, amendment No. 58, amendment No. 51, amendment No. 4.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LARSEN of Washington) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5658) 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, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 5658

Mrs. TAUSCHER. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 5658 pursuant to House Resolution 1218, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1218 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5658.

□ 1531

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5658) 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, with Mr. ROSS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 23 printed in House Report 110–666 by the gentleman from Massachusetts (Mr. TIERNEY) had been postponed.

AMENDMENT NO. 33 OFFERED BY MR. PEARCE

The Acting CHAIRMAN. It is now in order to consider amendment No. 33 printed in House Report 110–666.

Mr. PEARCE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. PEARCE:

At the end of title XXXI, insert the following:

SEC. 31___. INCREASED FUNDING FOR RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) INCREASE.—The amount in section 3101 for weapons activities, National Nuclear Security Administration, is hereby increased by $10,000,000, to be available for the Reliable Replacement Warhead program.

(b) OFFSET.—The amount in section 2402 is hereby reduced by $10,000,000, to be derived from energy conservation on military installations.

The Acting CHAIRMAN. Pursuant to House Resolution 1218, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

(Mr. PEARCE asked and was given permission to revise and extend his remarks.)

Mr. PEARCE. Mr. Chairman, I rise today to offer an amendment to restore a small sum of money into an important program, the Reliable Replacement Warhead program. The RRW is critically important for our national security. Our current nuclear stockpile is aging. As it ages, we must constantly pour more money into maintaining the aging weapons.

We have a choice to make as a Nation: Do we continue to rely on current weapon stockpiles and pay an increasing cost of maintaining the readiness and reliability of these weapons, or do we develop a new line of weapons to replace the current stockpile? The RRW would improve the overall shelf life of a warhead from 30 to over 50 years, and the program is true to its name.

RRW does not pursue new nuclear weapons capabilities. Rather, it pursues making our weapons more reliable, and more reliable weapons will help reduce the maintenance costs of our nuclear stockpile and ensure that we have stable and reliable weapons ready, and most notably, reduce our overall nuclear stockpile by potentially as many as 1,000 warheads.

Without RRW, we will continue to have a larger weapon stockpile. Not pursuing RRW is essentially counterproductive to our stated goals of arms reduction. Not only is my amendment the responsible thing to do for our national security, it's the fiscally responsible choice as well. The current life extension programs that are designed to extend the shelf life of expired warheads are at a great cost to the taxpayer.

I think we should all agree on the goal of reducing our total stockpile of nuclear arms, and if you agree with that goal, then I urge you to adopt my amendment to restore funding for the RRW program, the Reliable Replacement Warhead program.

I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Pearce amendment to H.R. 5658, the fiscal year 2009 defense authorization bill. The Pearce amendment would restore $10 million for the Reliable Replacement Warhead that our bill currently redirects to a more broad-based, advanced certification program. Our bill focuses on sustaining and modernizing the stockpile stewardship program, the core of this Nation's effort to ensure that our nuclear weapons are safe, secure, and reliable.

Before any decisions are made about RRW, we must first answer fundamental questions about our strategic posture and nuclear weapons policies. That's why Congress established the bipartisan Congressional Commission on the Strategic Posture of the United States in last year's National Defense Authorization Act.

The Commission's report, due in several months, and the nuclear posture review required of the next administration will help frame the looming decisions about sustaining our nuclear deterrent and modernizing the nuclear weapons complex.

One day, something like RRW may be part of a stockpile stewardship program. But no funds were appropriated to conduct the RRW design and cost study last year, and this year's request did not include nearly enough to complete the study. In this context, the committee-approved bill shifts $10 million requested for RRW to advance certification and authorizes the National Nuclear Security Administration to address questions raised by the JASON panel last year about the challenge of certifying RRW without underground testing.

The Pearce amendment offset is also a big problem. The offset is a $10 million cut to the DOD Energy Conservation Investment Program, or ECIP. The Department of Defense uses ECIP to reduce energy consumption and greenhouse gas emissions, increase the use of renewable energy and meet national energy policy goals. And ECIP works. Its projects have a nearly 2-to-1 savings to investment ratio on average. A $10 million reduction would be a 12½ percent cut to ECIP.

Our bill, H.R. 5658, takes a prudent, sound approach to stewardship of our Nation's nuclear deterrent.

I urge my colleagues to oppose the Pearce amendment.

I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, I would yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I appreciate the gentleman for bringing this amendment, and we lament the fact that our nuclear warheads are getting older, that we don't have a testing regime in place any longer and that that necessarily deteriorates the reliability factor. So the idea was let's build a reliable replacement warhead, and the fact that we haven't proceeded down that path is really a tragedy.

Now, I know the gentleman has $10 million in this amendment for this Reliable Replacement Warhead. He takes some money from the energy conservation program, which has many, many good aspects. I know that some Members are torn between these two important goals, one of developing energy