Do Americans want 3 million new jobs in this country for the cost of a postage stamp a day? You bet.

We are going to pass this bill. Americans want it.

COMPETITION IS NEEDED FOR HEALTH CARE REFORM

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

Mr. FLEMING. Mr. Speaker, as we continue to learn more about the single-payer, government takeover of the health care system proposed by my colleagues on the other side of the aisle, I would like to point out why this isn’t a good idea.

First, we can’t afford it. Cost estimates are now up to $3.5 trillion of money we don’t have. Medicare, even with heavy subsidies from private insurance, is on the course of bankruptcy. How will we afford a Medicare-for-all program?

Let me be clear, the government cannot be both competitor and make up the rules of the game. It would be like Microsoft being put in control of the Internet. How would other companies compete with Microsoft?

A single-payer system option will erode the private insurance market that is propping up the public health plan we have today. It is becoming very clear that the public option group has the ultimate goal of destroying competition and choice, and substituting it with a government takeover of our health care system.

So what is the end game here? The end game is that once the Federal Government gains full control of our health care system and steps between you and your doctor, we will have exploding budgets which will lead to rationing.

Ms. SHEA-PORTER. The Democratic Party has a new and better idea about health care. The Democratic Party, under the leadership of Barack Obama, is going to give Americans and American families what they’ve been asking for—begging for—relief from the spiraling budgets which will lead to rationing.

For the first time, people who are considered uninsurable will not have to worry about how they’re going to get the money to go to the doctor to take care of their child. They will be insured. Everybody in this country will be insured. There will be the insurance companies, but there will also be a public option so people who can’t find health insurance who do not have jobs will be insured. Everyone in this country will be insured.

I find it interesting that the opposing party talks about no competition and no choice. I have seen too many constituents who have no choice; they can’t go to the doctor, they can’t get surgery because they don’t have health insurance. And I have also seen the so-called “competition” refuse to insure some of my constituents because of preexisting conditions. So what we have now is the ability to keep your insurance. If Americans want to keep their insurance, they should, but if they don’t, or they can’t, then they finally have a public option.

I urge my colleagues to vote for this health insurance plan.

REJECT THE CAP-AND-TRADE TAX

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, we just heard an increase in national gas prices, and significant downward pressure on the State gross product. The cost estimates are staggering.” Pennsylvania Public Utility Commission.

I urge my colleagues to reject this national energy tax. The industrial and agricultural heartland States of America will pay and will pay big. It’s time that we reject this tax.

PERMISSION TO EXTEND TIME FOR DEBATE AND MODIFY AMENDMENT DURING FURTHER CONSIDERATION OF H.R. 2647

Mr. SKELTON (during the reading). I ask unanimous consent that the amendment be considered read.

The SPEAKER pro tempore. Is there objection to the initial request of the Gentleman from Missouri?

Mr. SKELTON (Mr. COHEN). The Clerk will report the modification.

The Clerk read as follows:

At the end of sec. 1030, paragraph (1), insert the following new paragraphs:

SEC. 1035. SENSE OF CONGRESS HONORING THE SERVICE OF REPRESENTATIVE JOHN M. MCHUGH.

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

(1) In 1993, Representative John M. Mchugh was elected to represent New York’s 23rd congressional district, which is located in northern New York and consists of Clinton, Hamilton, Lewis, Madison, and Saint Lawrence counties and parts of Essex, Franklin, Fulton, and Oneida counties.

(2) Representative McHugh also represents Fort Drum, home of the 10th Mountain Division.

(3) Prior to his service in Congress, Representative McHugh served four terms in the New York State Senate, representing the 48th district from 1984 to 1992.

(4) Representative McHugh began his public service career in 1971 in his hometown of Watertown, New York. He served for five years as a Confidential Assistant to the City Manager.

(5) Subsequently, Representative McHugh served for nine years as Chief of Research and Liaison with local governments for New York State Senator H. Douglas Barclay.

(6) Representative McHugh is known by his colleagues as a leader on national defense and security issues and a tireless advocate for America’s military personnel and their families.

(7) During his tenure, he has led the effort to increase Army and Marine Corps end-strength levels, increase military personnel pay, reduce the unfair tax on veterans’ disability and military retiree pay (concurrent receipt) and safeguard military retiree benefits for our troops.

(8) Since the 109th Congress, Representative McHugh has served on the Armed Services Committee of the House of Representatives and subsequently was appointed Chairman of the House of Representatives and subsequently was appointed Chairman of the House of Representatives and subsequently was appointed Chairman of the House of Representatives.

(9) Representative McHugh began serving on the United States Military Academy Board of Visitors in 1997 and he was appointed to the Board of Visitors by the Speaker of the House in 2007.

(10) In the 111th Congress, Representative McHugh was appointed Ranking Member of the Armed Services Committee of the House of Representatives by the Republican member of the House of Representatives.

(11) On June 2, 2009, the President announced his intention to nominate Representative McHugh to serve as the Secretary of the Army.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable John M. McHugh, Representative from New York, has served the House of Representatives and the American people selflessly and with distinction and that he deserves the sincere and humble gratitude of Congress and the Nation.

Mr. SKELTON (during the reading). I ask unanimous consent that the amendment be considered read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Missouri?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 572 and rule XVIII, the Chair is in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2647.
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. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for the Department of Defense, to provide for the conduct of military operations outside the United States, and for other purposes...

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, June 24, 2009, all time for general debate had expired.

Pursuant to the rule, 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. 2647

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2010”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.
(a) DIVISIONS.—This Act is organized into 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. Restriction on obligation of funds for certain programs and projects.
Sec. 112. Procurement of new military equipment.
Subtitle C—Navy Programs
Sec. 113. Report on 4.5 generation fighter procurement.
Sec. 114. Reports on strategic airlift aircraft.
Sec. 115. Strategic airlift force structure.
Sec. 116. Report on annual procurement of certain weapons systems.
Subtitle D—Air Force Programs
Sec. 117. Revise and increase the fiscal year 2010 military personnel strengths for the Department of Defense.
Sec. 118. Unmanned cargo-carrying-capable unmanned aerial vehicles.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
Subtitle A—Authorization of Appropriations
Sec. 201. Authorization of appropriations.
Subtitle B—Program Requirements, Restrictions, and Limitations
Sec. 203. Decrease program elements required for research and development of individual body armor and associated components.
Sec. 204. Decrease program research and resource development, test and evaluation line items and program elements for the F-35B and F-35C joint strike fighter aircraft.
Sec. 205. Restriction on obligation of funds pending submission of Selected Acquisition Report.
Sec. 206. Restriction on obligation of funds for Future Combat Systems program pending receipt of report.
Sec. 207. Limitation of obligation of funds for the Net-Enabled Command Control system.
Sec. 208. Limitation of obligation of funds for F-35 Lightning II program.
Sec. 209. Programs required to provide the Army with ground combat vehicle and self-propelled artillery capabilities.
Subtitle C—Missile Defense Programs
Sec. 211. Integrated Air and Missile Defense System program.
Sec. 212. Ground-based midcourse defense sustainment and modernization program.
Sec. 213. Limitation on availability of funds for acquisition or deployment of missile defenses in Europe.
Sec. 214. Sense of Congress reaffirming continued support for protecting the United States against limited ballistic missile attacks.
Sec. 215. Ascent phase missile defense strategy.
Sec. 216. Availability of funds for a missile defense system for Europe and the United States.
Subtitle D—Reports
Sec. 217. Comptroller General assessment of coordination of energy storage device requirements and investments.
Sec. 218. Annual Comptroller General report on the F-35 Lightning II aircraft acquisition program.
Sec. 219. Report on limitations of Department of Defense intelligence, surveillance, and reconnaissance capabilities.
Sec. 220. Report on future research and development of man-portable and vehicle-mounted guided missile systems.
Subtitle E—Other Matters
Sec. 221. Access of the Director of the Test Resource Management Center to Department of Defense information.

TITLE III—OPERATION AND MAINTENANCE
Subtitle A—Authorization of Appropriations
Sec. 301. Operation and maintenance funding.
Subtitle B—Environmental Provisions
Sec. 311. Clarification of requirement for use of available funds for Department of Defense participation in conservation banking programs.
Sec. 312. Reauthorization of title I of Sikes Act.
Sec. 313. Authority of Secretary of a military department to enter into interagency agreements for land management on Department of Defense installations.
Sec. 314. Reauthorization of pilot program for invasive species management for military installations in Guam.
Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.
Subtitle C—Workplace and Depot Issues
Sec. 321. Public-private competition required before conversion of any Department of Defense function performed by civilian employees to contractor performance.
Sec. 322. Time limitation on duration of public-private competitions.
Sec. 323. Inclusion of installation of major modifications in definition of depot-level maintenance and repair.
Sec. 324. Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
Sec. 325. Cost-benefit analysis of alternatives for performance of planned maintenance interval events and concurrent modifications performed on the AV-8B Harrier weapons system.
Sec. 326. Termination of certain public-private competitions for conversion of Department of Defense contracts to performance by a contractor.
Sec. 327. Temporary suspension of public-private competitions for conversion of Department of Defense contracts to performance by a contractor.
Sec. 328. Requirement for debriefings related to conversion of functions from performance by Federal employees to performance by a contractor.
Sec. 329. Amendments to bid protest procedures by Federal employees and agency officials in conversions of functions from performance by Federal employees to performance by a contractor.
Subtitle D—Energy Security
Sec. 331. Authorization of appropriations for research, development, testing, and evaluation.

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Sec. 322. Report on implementation of Comptroller General recommendations on fuel demand management at forward-deployed locations.

Sec. 333. Consideration of renewable fuels.

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

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

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

Sec. 352. Requirements for standard ground combat uniform.

Sec. 353. Restriction on use of funds for counterterror finance efforts.

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

Sec. 355. Condition-based maintenance demonstration programs.

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

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

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

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

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

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

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

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

Sec. 416. Submission of options for creation of Training, Transients, Holdays, and Students account for Army National Guard.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

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

**TITLE V—MILITARY PERSONNEL POLICY**

Subtitle A—Military Personnel Policy Generally

Sec. 501. Extension of temporary increase in maximum number of days’ leave members may accumulate and carryover.

Sec. 502. Rank requirement for officer serving as Chief of the Navy Dental Corps to correspond to Army and Air Force requirements.

Sec. 503. Computation of retirement eligibility for enlisted members of the Navy who completed the Seaman to Admiral (STA–21) officer candidate program.

Subtitle B—Joint Qualified Officers and Requirements

Sec. 511. Revisions to annual reporting requirement on joint officer management.

Subtitle C—General Service Authorities

Sec. 521. Medical examination required before separation of members diagnosed with or asserting post-traumatic stress disorder or traumatic brain injury.

Sec. 522. Evaluation of test of utility of test preparation guides and education programs in improving qualifications of recruits for the Armed Forces.

Sec. 523. Inclusion of email address on Certificate of Release or Discharge from Active Duty (DD Form 214).

Subtitle D—Education and Training

Sec. 531. Appointment of persons enrolled in Advanced Course of the Army Reserve Officers’ Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.

Sec. 532. Increase in number of private sector civilians authorized for admission to National Defense University.

Sec. 533. Appointments to military service academies from nominations made by Delegate from the Commonwealth of the Northern Mariana Islands.

Sec. 534. Pilot program to establish and evaluate Language Training Centers for members of the Armed Forces and civilian employees of the Department of Defense.

Sec. 535. Use of Armed Forces Health Professions Scholarship and Financial Assistance program to increase number of health professionals with skills to assist in providing mental health care.

Sec. 536. Establishment of Junior Reserve Officer’s Training Corps units for students in grades above sixth grade.

Subtitle E—Defense Dependents’ Education

Sec. 551. Continuation of authority to assist local educational agencies that benefit dependent members of the Armed Forces and Department of Defense civilian employees.

Sec. 552. Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid.

Sec. 553. Permanent authority for inclusion in defense dependents’ education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.

Subtitle F—Missing or Deceased Persons

Sec. 561. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilians listed as missing in conflicts occurring before enactment of new system for accounting for missing persons.

Sec. 562. Clarification of guidelines regarding return of remains and media access at cemeteries for the dignified transfer of remains at Dover Air Force Base.

Subtitle G—Decorations and Awards

Sec. 571. Award of Vietnam Service Medal to veterans who participated in Maguiguez rescue operation.

Sec. 572. Authorization and request for award of Medal of Honor to Anthony T. Koho‘ohanohano for acts of valor during the Korean War.

Sec. 573. Authorization and request for award of distinguished-service cross to Jack T. Stewart for acts of valor during the Vietnam War.

Sec. 574. Authorization and request for award of distinguished-service cross to William T. Miles, Jr., for acts of valor during the Korean War.

Subtitle H—Military Families

Sec. 581. Pilot program to secure internships for military spouses with Federal agencies.

Sec. 582. Report on progress made in implementing programs to reduce domestic violence in military families.

Sec. 583. Modification of Servicemembers Civil Relief Act regarding termination or suspension of service contracts and effect of violation of interest rate limitations.

Sec. 584. Protection of child custody arrangements for parents who are members of the armed forces deployed in support of a contingency operation.

Sec. 585. Definitions in Family and Medical Leave Act of 1993 related to active duty, servicemembers, and related matters.

Subtitle I—Other Matters

Sec. 591. Navy grants to Naval Sea Cadet Corps.

Sec. 592. Improved response and investigation of allegations of sexual assault involving members of the Armed Forces.

Sec. 593. Modification of matching fund requirements under National Guard Youth Challenge Program.

**TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2010 increase in military basic pay.

Sec. 602. Special monthly compensation allowance for members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability.

Sec. 603. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and warrant officers reappointed in a lower grade.

Sec. 604. Report on housing standards used to determine basic allowance for housing.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 615. One-year extension of authorities relating to payment of special title 37 bonuses and special pay.

Sec. 616. One-year extension of authorities relating to payment of referral bonuses.

Sec. 617. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.

Sec. 618. Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Transportation of additional motor vehicle of members on change of permanent station to or from nonforeign areas on the continental United States.

Sec. 632. Travel and transportation allowances for designated individuals of wounded, ill, or injured members for duration of inpatient treatment.
Sec. 633. Authorized travel and transportation allowances for non-medical attendants for very seriously and seriously wounded, ill, or injured members.

Sec. 634. Increased weight allowance for transportation of baggage and household effects for certain enlisted supply personnel.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.

Sec. 642. Election to receive retired pay for non-service upon retirement for service in an active reserve status permitted to members attaining eligibility for regular retirement.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.

Sec. 652. Limitation on Department of Defense entities offering personal information services to members and their dependents.

Sec. 653. Report on impact of purchasing from local distributors of all alcoholic beverages for resale on military installations on Guam.

Subtitle F—Other Matters

Sec. 661. Limitations on collection of overpayments of pay and allowances erroneously paid to members.

Sec. 662. Army authority to provide additional recruitment incentives.

Sec. 663. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.

Sec. 664. Sense of Congress regarding support for compensation, retirement, and other military personnel programs.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

Sec. 702. Chiropractic care for members on active duty.

Sec. 703. Expansion of survivor eligibility under TRICARE dental program.

Sec. 704. TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.

Sec. 705. Cooperative health care agreements between military installations and non-military health care systems.

Sec. 706. Health care for members of the reserve components.

Sec. 707. National casualty care research center.

Subtitle B—Reports


Sec. 713. Report on the health care needs of military family members.

Sec. 714. Report on stipends for members of reserve components for health care for certain dependents.

Sec. 715. Report on the required number of military mental health providers.

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

Subtitle A—Acquisition Policy and Management

Sec. 801. Temporary authority to acquire products and services produced in countries along a major route of supply to Afghanistan. Report.

Sec. 802. Assessment of improvements in service contracting.

Sec. 803. Display of annual budget requirements for procurement of contract services and related clarifying technical amendments.

Sec. 804. Demonstration authority for alternative acquisition process for defense information technology programs.

Sec. 805. Limitation on performance of product support integrator functions.

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

Sec. 811. Revision of Defense Supplement relating to payment of costs prior to defraying.

Sec. 812. Revisions to definitions relating to contracts in Iraq and Afghanistan.

Sec. 813. Amendment to notification requirements for award of single source task or delivery orders.

Sec. 814. Clarification of uniform suspension and debarment requirements.

Sec. 815. Extension of authority for use of simplified acquisition procedures for certain contracts.

Sec. 816. Revision to definitions of major defense acquisition program and major automated information systems.

Sec. 817. Small Arms Production Industrial Base.

Sec. 818. Publication of justification for bundling of contracts of the Department of Defense.

Sec. 819. Contract authority for advanced component development or prototype units.

Subtitle C—Other Matters

Sec. 821. Enhanced expedited hiring authority for defense acquisition workforce positions.

Sec. 822. Acquisition Workforce Development Fund amendments.

Sec. 823. Reports to Congress on full deployment decisions for major automated information system programs.

Sec. 824. Requirement for Secretary of Defense to deny award and incentive fees to companies found to jeopardize national security.

Sec. 825. Authorization for actions to correct the industrial resource shortfall for high-purity beryllium metal in amounts not in excess of $85,000,000.

Sec. 826. Review of post employment restrictions applicable to the Department of Defense.

Sec. 827. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accompaniments produced in the United States.

Sec. 828. Findings and report on the usage of rare earth materials in the defense supply chain.

Sec. 829. Furniture standards.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Role of commander of special operations command regarding personnel management policy and plans affecting special operations forces.

Sec. 902. Special operations activities.

Sec. 903. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.

Sec. 904. Authority to allow private sector civilians to receive instruction at Defense Cyber Investigations Training Academy of the Defense Cyber Crime Center.

Sec. 905. Organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.

Sec. 906. Requirement for Director of Operational Energy Plans and Programs to report directly to Secretary of Defense.

Sec. 907. Increased flexibility for Combatant Commander Initiative Fund.

Sec. 908. Repeal of requirement for a Deputy Under Secretary of Defense for Technology Security Policy within the Office of the Under Secretary of Defense for Policy.

Sec. 909. Recommendations to Congress by members of Joint Chiefs of Staff.

Subtitle B—Space Activities

Sec. 911. Submission and review of space science and technology strategy.

Sec. 912. Converting the space surveillance network pilot program to a permanent program.

Subtitle C—Intelligence-Related Matters

Sec. 913. Joint Program Office for Cyber Operations Capabilities.


Sec. 933. Department of Defense School of Nursing.

Sec. 934. Report on special operations command organization, manning, and management.

Sec. 935. Study on the recruitment, retention, and career progression of uniformed and civilian military cyber operations personnel.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. Incorporation of funding decisions into law.

Subtitle B—Counter-Drug and Counter-Terrorism Activities

Sec. 1011. One-year extension of Department of Defense counter-drug authorities and requirements.

Sec. 1012. Joint task force support to law enforcement agencies conducting counter-terrorism activities.

Sec. 1013. Border coordination centers in Afghanistan and Pakistan.

Sec. 1014. Controller General report on effectiveness of accountability measures for assistance from counter-narcotics central transfer account.

Subtitle C—Miscellaneous Authorities and Limitations

Sec. 1021. Operational procedures for experimental military prototypes.

Sec. 1022. Temporary reduction in minimum combat crew carriers.
Sec. 1023. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1024. Charter for the National Reconnaissance Office.

Subtitle D—Studies and Reports


Sec. 1032. Report on the force structure findings of the 2009 quadrennial defense review.

Sec. 1033. Sense of Congress and amendment relating to quadrennial defense review.

Sec. 1034. Strategic review of basing plans for United States European Command.


Sec. 1038. Studies to analyze alternative models for acquisition and funding of technologies supporting network-centric operations.

Subtitle E—Other Matters

Sec. 1041. Subtitle relating to propaganda.

Sec. 1042. Extension of certain authority for making rewards for combating terrorism.

Sec. 1043. Technical and clerical amendments.

Sec. 1044. Repeal of pilot program on commercial fee-for-service air refueling support for the Air Force.

Sec. 1045. Extension of sunset for congressional commission on the strategic posture of the United States.

Sec. 1046. Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense.

Sec. 1047. Combat forces restructuring.

Sec. 1048. Sense of Congress honoring the Honorable Ellen O. Tauscher.

Sec. 1049. Sense of Congress concerning the disposition of Submarine NR-1.

Sec. 1050. Compliance with requirement for plan on the disposition of detainees at Naval Station, Guantanamo Bay, Cuba.

Sec. 1051. Sense of Congress regarding carrier air wing force structure.

Sec. 1052. Sense of Congress on Department of Defense financial improvement and audit readiness; plan.

Sec. 1053. Justice for victims of torture and terrorism.

Sec. 1054. Repeal of certain laws pertaining to the Joint Committee for the Review of Counterproliferation Programs of the United States.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Authority to employ individuals completing the National Security Education Program.

Sec. 1102. Authority for employment by Department of Defense of individuals who have successfully completed the requirements of the science, mathematics, and research for transformation (SMART) defense scholarship program.

Sec. 1103. Authority for the employment of individuals who have successfully completed the Department of Defense information assurance scholarship program.

Sec. 1104. Additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

Sec. 1105. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.

Sec. 1106. Extension of certain benefits to Federal civilian employees on official duty in Pakistan.

Sec. 1107. Authority to carry out scope of provisions relating to unreduced compensation for certain reemployed annuitants.

Sec. 1108. Requirement for Department of Defense strategic workforce plans.

Sec. 1109. Adjustments to limitations on personnel and requirement for annual manpower reporting.

Sec. 1110. Modification to Department of Defense laboratory personnel authority.

Sec. 1111. Pilot program for the temporary exchange of information technology personnel.


Sec. 1114. Sense of Congress on pay parity for Federal employees service at Joint Base McGuire-Dix-Lakehurst.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Modification and extension of authority for security and stabilization assistance.

Sec. 1202. Increase of authority for support of special operations to combat terrorism.

Sec. 1203. Modification of report on foreign-assistance related programs carried out by the Department of Defense.

Sec. 1204. Report on authorities to build the capacity of foreign military forces and related matters.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.

Sec. 1212. Reauthorization of Commanders’ Emergency Response Program.

Sec. 1213. Reimbursing and funding certain Coalition nations for support provided to United States military operations.

Sec. 1214. Pakistan Countershare Fund.

Sec. 1215. Progressive measures for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan.

Sec. 1216. Reports on campaign plans for Iraq and Afghanistan.

Sec. 1217. Required assessments of United States Armed Forces efforts in Afghanistan.

Sec. 1218. Report on responsible redeployment of United States Armed Forces from Iraq.

Sec. 1219. Report on Afghan Public Protection Program.

Sec. 1220. Updates of report on command and control structure for military forces operating in Afghanistan.

Sec. 1221. Report on payments made by United States Armed Forces to residents of Afghanistan as compensation for losses caused by United States military operations.

Sec. 1222. Assessment and report on United States efforts to improve military relations and cooperation.

Sec. 1223. Required assessments of progress toward security and stability in Afghanistan.

Sec. 1224. Repeal of GAO war-related reporting requirement.

Sec. 1225. Plan to govern the disposition of specified defense items in Iraq.

Sec. 1226. Civilian ministry of defense advisor program.


Sec. 1228. Sense of Congress supporting United States policy for Afghanistan.

Sec. 1229. Analysis of required force levels and types of forces needed to secure southern and eastern regions of Afghanistan.

Subtitle C—Other Matters

Sec. 1231. NATO Special Operations Coordination Center.

Sec. 1232. Annual report on military power of the Islamic Republic of Iran.

Sec. 1233. Annual report on military and security developments involving the People’s Republic of China.


Sec. 1235. Risk assessment of United States space export control policy.

Sec. 1236. Patriot air and missile defense battery in Poland.

Sec. 1237. Report on potential foreign military sales of the F-22A fighter aircraft to Japan.

Sec. 1238. Expansion of United States-Russian Federation joint center to include exchange of data on missile defense.

TITLE XIII—COOPERATIVE THREAT REDUCTION

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

(2) A tactical radio system procured specifically for meeting operational needs described in subsection (b) do not apply to the following:

(a) An operational need as described in Army Regulation 71-9 or a successor regulation; or

(b) A joint urgent operational need as described in Chairman of the Joint Chiefs of Staff Instruction 3470.61 or a successor instruction.

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

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

SEC. 112. PROCUREMENT OF FUTURE COMBAT SYSTEMS SPIN OUT EARLY-INFANTRY BRIGADE COMBAT TEAM EQUIPMENT

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

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

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

(2) A tactical radio system procured specifically for meeting operational needs as described in subsection (b) do not apply to the following:

(a) An operational need as described in Army Regulation 71-9 or a successor regulation; or

(b) A joint urgent operational need as described in Chairman of the Joint Chiefs of Staff Instruction 3470.61 or a successor instruction.

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

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

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

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

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

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

(2) A tactical radio system procured specifically for meeting operational needs as described in subsection (b) do not apply to the following:

(a) An operational need as described in Army Regulation 71-9 or a successor regulation; or

(b) A joint urgent operational need as described in Chairman of the Joint Chiefs of Staff Instruction 3470.61 or a successor instruction.

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

(4) Commercially available tactical radios with joint tactical radio system capabilities.
EQUIPMENT DEFINED.—For the purposes of this section, the term "covered Future Combat Systems equipment" means the following:

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

(2) Future Combat Systems unattended ground sensors.

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

(4) Future Combat Systems small unmanned ground systems.

(5) Future Combat Systems integrated control system computers.

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

Subtitle C—Navy Programs

SEC. 121. LITTORAL COMBAT SHIP PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b) or (c), of the amounts authorized to be appropriated in this Act or otherwise made available for fiscal year 2010 or any fiscal year thereafter for the procurement of Littoral Combat Ship vessels, an amount in excess of $400,000,000 may be obligated or expended for each vessel procured (not including amounts obligated or expended for elements designated by the Secretary of the Navy as a mission package) after submitting to the congressional defense committees a report on Littoral Combat Ship vessels that are procured in order to ensure the best value to the Government.

(b) REPEAL.—The repeal of section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157) made by subsection (f) shall take effect on the 15th day after the date at which the certification under paragraph (1) is received by the congressional defense committees.

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

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

(1) With respect to the supplier base—
   (A) the stability of the shipbuilding suppliers; and
   (B) cost increases to the Ford-class aircraft carrier program.

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

(b) LIMITATION ON USE OF FUNDS.—With respect to the aircraft carrier designated CVN–79, none of the amounts authorized to be appropriated for fiscal year 2010 for research, development, test, and evaluation or advance procurement for such aircraft carrier may be obligated or expended for activities that would limit the ability of the Secretary of the Navy to award a contract for the construction of an aircraft carrier for fiscal year 2010.

(c) ADVANCE PROCUREMENT FUNDING.

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

   (i) such contract for fiscal year 2010; or
   (ii) such contract for any fiscal year thereafter.

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

   (i) such contract for fiscal year 2010; or
   (ii) such contract for any fiscal year thereafter.

(d) DEFINITIONS.—In this section:

(1) The term "mission package" means the contracts for construction of each vessel; and

(2) "Outfitting costs" means the following:

   (A) The cost of either such variant; and
   (B) the aircraft carrier designated CVN–80 in fiscal year 2010.

SEC. 115. CONSTRUCTION AND DELIVERY COSTS.—The amounts of increases or decreases in delivery costs incurred for the vessel.

(f) LIMITATION ON USE OF FUNDS.—With respect to the aircraft carrier designated CVN–79, none of the amounts authorized to be appropriated for fiscal year 2010 for research, development, test, and evaluation or advance procurement for such aircraft carrier may be obligated or expended for activities that would limit the ability of the Secretary of the Navy to award a contract for the construction of an aircraft carrier for fiscal year 2010.
through 2025 necessary to fulfill the requirement of the Air Force to maintain not less than 2,200 tactical fighter aircraft.

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

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

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

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

(6) A discussion regarding the feasibility of F-35s in fiscal years 2015 through fiscal year 2025 to proportionally and concur rently recapitalize the Air National Guard.

(7) The recommendations of the Secretary regarding whether Congress should authorize a multyear procurement contract for 4.5 generation fighter aircraft.

(b) CERTIFICATIONS.—If the Secretary recommends under subsection (a)(7) that Congress authorize a multyear procurement contract for a 4.5 generation fighter aircraft, the Secretary shall submit to Congress the certifications required by section 2306b of title 10, United States Code, at the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for fiscal year 2011.

(c) 4.5 GENERATION FIGHTER AIRCRAFT DEFINED.—In this section, the term ‘‘4.5 generation fighter aircraft’’ means current fighter aircraft, including the F-15, F-16, and F-18, that—

(1) have advanced capabilities, including—

(A) advanced electronics;

(B) high capacity data-link; and

(C) enhanced avionics; and

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

SEC. 134. REPORTS ON STRATEGIC AIRLIFT AIRCRAFT.

At least 120 days before the date on which a C-5 aircraft is retired, the Secretary of the Air Force, in coordination with the Director of the Air National Guard, shall submit to the congressional defense committees a report on the proposed force structure and basing of strategic airlift aircraft (as defined in section 8062(g)(2) of title 10, United States Code). Each report shall include the following:

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

(A) the type;

(B) the variant; and

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

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

(A) the type;

(B) the variant; and

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

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

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

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

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

SEC. 135. STRATEGIC AIRLIFT FORCE STRUCTURE.

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

(1) by striking ‘‘2008’’ and inserting ‘‘2009’’; and

(2) by striking ‘‘299’’ and inserting ‘‘316’’.

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

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

(1) by striking subsection (c);

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

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

Subtitle E—Joint and Multiservice Matters

SEC. 141. BODY ARMOR PROCUREMENT.

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

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

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

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

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Program Requirements, Restrictions, and Limitations

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

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

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

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

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

Sec. 216. Restriction on obligations of funds for Future Combat Systems program pending report.

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

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

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

Subtitle C—Missile Defense Programs

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

Sec. 222. Ground-based midcourse defense sustainment and modernization program.
Sec. 223. Limitation on availability of funds for acquisition or deployment of missile defenses in Europe.

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

Sec. 225. Ascent phase missile defense strategy.

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

Subtitle D—Reports

Sec. 231. Comptroller General assessment of coordination of energy storage device requirements and investments.

Sec. 232. Annual Comptroller General report on the F-35 Lightning II aircraft acquisition program.


Sec. 234. Report on future research and development of man-portable and vehicular-mounted guided missile systems.

Subtitle E—Other Matters

Sec. 241. Access of the Director of the Test Resource Management Center to Department of Defense information.

Sec. 242. Including section 1031(a) annual budget request and future-years defense program of sufficient amounts for continued development and procurement of competitive propulsion system for F-35 Lightning II.

Sec. 243. Establishment of program to enhance collaboration of historically black colleges and universities and minority-serving institutions in defense research programs.

Sec. 244. Extension of authority to award prizes for advanced technology achievements.

Sec. 245. Executive Agent for Advanced Energy Systems.

Sec. 246. Study on thorium-lithium fueled reactors for nuclear forces.

Sec. 247. Visiting NIH Senior Neuroscience Fellows.

Subtitle A—Authorization of Appropriations

Sec. 201. AUTHORIZATION OF APPROPRIATIONS.

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

(a) For the Army, $19,596,731,000.

(b) For the Navy, $22,528,000.

(c) For the Air Force, $24,598,561,000.

(d) For defense-wide activities, $21,016,672,000, of which $19,670,700,000 is authorized for the Director of Operational Test and Evaluation.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. LIMITATION ON OBLIGATION OF FUNDS FOR NAVY NEXT GENERATION ENTERPRISE NETWORK.

(a) LIMITATION.—Of the amounts authorized to be appropriated described in subsection (b), not more than 50 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of the Navy submits to the congressional defense committees a report that includes the status, schedule, cost estimates, and requirements for the programs specified in the report submitted under section 211(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 110-364).

(b) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—The amounts authorized to be appropriated described in this subsection are amounts authorized to be appropriated for fiscal year 2010 for the Navy Next Generation Enterprise Network.

Sec. 212. LIMITATION ON EXPENDITURE OF FUNDS FOR FUTURE COMBAT SYSTEMS PROGRAM PENDING RECEIPT OF REPORT.

(a) LIMITATION.—Of the amounts authorized to be appropriated described in subsection (b), not more than 25 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of the Navy submits to the congressional defense committees a report that includes the status, schedule, cost estimates, and requirements for the programs specified in the report submitted under section 211(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 110-364).

(b) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—The amounts authorized to be appropriated described in this subsection are amounts authorized to be appropriated for fiscal year 2010 for the Future Combat System program pending receipt of a report required by section 211(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 110-364).

Sec. 213. LIMITATION ON OBLIGATION OF FUNDS FOR THE NET-ENABLED COMMAND AND CONTROL SYSTEM.

(a) LIMITATION.—Of the amounts authorized to be appropriated described in subsection (b), not more than 25 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of the Navy submits to the congressional defense committees a plan for reorganizing and consolidating the management of the Net-Enabled Command and Control system and the Global Command and Control System family of systems.

(b) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—The amounts authorized to be appropriated described in this subsection are amounts authorized to be appropriated for fiscal year 2010 for the Net-Enabled Command and Control system in the following program elements:

(1) 33158k.

(2) 33158n.

(3) The date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committee certification in writing that all funds made available for fiscal year 2010 for the continued development and procurement of a competitive propulsion system for the F-35 Lightning II have been obligated.


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

Sec. 214. RESTRICTION ON OBLIGATION OF FUNDS FOR F-35 LIGHTNING II PROGRAM.

(a) LIMITATION.—Of the amounts authorized to be appropriated or otherwise made available for fiscal year 2010 for research, development, test, and evaluation of the F-35 Lightning II program, not more than 75 percent may be obligated until the later of the following dates:

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

(2) The date on which the Secretary of Defense submits to the congressional defense committees the report required by section 123 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 111-43).

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

Sec. 215. RESTRICTION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF SECURED ACQUISITION REPORT.

(a) LIMITATION.—Of the amounts authorized to be appropriated for fiscal year 2010 for Research and Development, Army, for the defense acquisition programs specified in subsection (b), not more than 50 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 the comprehensive annual Selected Acquisition Report for each program for fiscal year 2009, as required by section 2302 of title 10, United States Code.

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

(1) Future Combat Systems program.

(2) Warfighter information network tactical program.

(3) Stryker vehicle program.

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

(5) Bradley Base Sustain program.

(6) Abrams Tank Improvement program.

(7) Javelin program.
SEC. 221. INTEGRATED AIR AND MISSILE DEFENSE SYSTEM PROJECT.

Of the amounts authorized to be appropriated for research and development of the Army Integrated Air and Missile Defense project (program element 6327TA), not more than 25 percent may be obligated or expended until 15 days after the Secretary of Defense submits the report required under subsection (b).

(d) PROGRAMS SPECIFIED.—The restriction on use of funds in subsection (a) covers the following Army programs:

(1) Combat Vehicle Improvement Program, program element 0203735A.
(2) Joint Functional Armament System, program element 0603653A.
(3) Artillery Systems, program element 0604854A.

Subtitle C—Missile Defense Programs

SEC. 222. GROUND-BASED MIDCOURSE DEFENSE SUSTAINMENT AND MODERNIZATION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a sustainment and modernization program to ensure the long-term reliability, availability, maintainability, and supportability of the ground-based midcourse defense system capable of defending the United States against limited ballistic missile attacks. The midcourse defense system shall be operationally deployed GMD interceptors in Alaska and California and Aegis Ballistic Missile Defense system as currently planned.

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

(1) Sustainment and operations.
(2) Aging and surveillance.
(3) System and component level assessments, engineering analysis, and modeling and simulation.
(4) Ground and flight testing.
(5) Research and development.
(6) Modernization and enhancement.
(7) Any other element the Secretary determines is appropriate.

(c) REPORT.—In implementing the program required by subsection (a), the Secretary of Defense shall consult with the commanders of the appropriate combatant commands to ensure the sustainment and modernization requirements of such commands are reflected in such program.

(d) BUDGET SUBMISSION REQUIREMENT.—For each budget submitted by the President to Congress under section 1105 of title 31, the Secretary of Defense shall concurrently submit to the congressional defense committees a report outlining the long-term sustainment and modernization plan of the Department of Defense for the ground-based midcourse defense system.

SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR ACQUISITION OR DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2010 or any fiscal year thereafter may be obligated or expended toward acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after consultation with the Secretary of State and the Director of the Missile Defense Agency, certifies to the congressional defense committees a report certifying that the proposed missile defense system in Europe is necessary and consistent with the national security interests of the United States.

SEC. 224. SENSE OF CONGRESS REAFFIRMING CONTINUED SUPPORT FOR PROTECTING THE UNITED STATES AGAINST LIMITED BALLISTIC MISSILE ATTACKS WHETHER ACCIDENTAL, UNAUTHORIZED, OR DELIBERATE.

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

(1) Congress passed and the President signed the National Missile Defense Act of 1999 (Public Law 106-38), which stated: ''It is the policy of the United States to deploy as soon as is technologically possible an operational missile defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).''
(2) The United States has thus far deployed 26 long-range, Ground-based, Midcourse Defense (GMD) interceptors in Alaska and California to defend against potential long-range missiles from rogue states such as North Korea.
(3) Congress has fully funded the President’s budget request for the GMD sites in Alaska and California in fiscal years 2008 and 2009, as well as continued development of the Standard Missile-3 Block IIA missile with Japan, which will provide the Aegis Ballistic Missile Defense system a capability to counter long-range ballistic missiles like the North Korean Taepo Dong-2.
(4) The United States has thus far deployed 26 long-range, Ground-based, Midcourse Defense (GMD) interceptors in Alaska and California to defend against potential long-range missiles from rogue states such as North Korea.
(5) Congress has fully funded the President’s budget request for the GMD sites in Alaska and California in fiscal years 2008 and 2009, as well as continued development of the Standard Missile-3 Block IIA missile with Japan, which will provide the Aegis Ballistic Missile Defense system a capability to counter long-range ballistic missiles like the North Korean Taepo Dong-2.
(6) Congress has fully funded the President’s budget request for the GMD sites in Alaska and California in fiscal years 2008 and 2009, as well as continued development of the Standard Missile-3 Block IIA missile with Japan, which will provide the Aegis Ballistic Missile Defense system a capability to counter long-range ballistic missiles like the North Korean Taepo Dong-2.
(7) There is currently no existing military requirement justifying the need to deploy 44 GMD interceptors, nor has that number been validated by the Department of Defense’s requirement process.
(8) In testimony before Congress this year, the Director of the Missile Defense Agency indicated that a number of GMD interceptors were removed from their silos for unscheduled maintenance and refurbishment because of unanticipated problems with the interceptors were discovered.

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

(1) reaffirm the principles articulated in the National Missile Defense Act of 1999;
(2) should continue to fund robust research, development, test, and evaluation for a limited midcourse ballistic system deployed in Alaska in California to ensure that the system will work in an operationally effective, suitable, maintainable, and affordable manner to support the national security interests of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate);
(3) should continue the development of the Standard Missile-3 Block IIA missile with Japan, which will provide the Aegis Ballistic Missile Defense system a capability to counter long-range ballistic missiles like the North Korean Taepo Dong-2; and
(4) should set further missile defense force structure and inventory requirements based on a clear threat against medium-range ballistic threats like the North Korean Taepo Dong-2.

SEC. 225. ASCENT PHASE MISSILE DEFENSE STRATEGY.

(a) DEPARTMENT OF DEFENSE STRATEGY FOR ASCENT PHASE MISSILE DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a strategy for ascent phase missile defense.

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

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

(A) the key technologies and associated technology readiness levels, plans for technology development, and any technology demonstrations for such capabilities;
(B) concepts of operation for how ascent phase capabilities would be employed, including the dependence of such capabilities on, and integration with, other functions, capabilities, and information, including those provided by other elements of the ballistic missile defense system;
(C) the criteria to be used to assess the technical effectiveness, suitability, and effectiveness of such capabilities;
(D) a comprehensive plan for development and investment in such capabilities, including an assessment of the specific defense and nondefense technology investments to be made in such capabilities;
subsection (b) may be obligated and expended by the Secretary of Defense; and
(c) FORM.—The strategy shall be submitted in unclassified form, but may include a classified annex.

SEC. 231. COMPTROLLER GENERAL ASSESSMENT OF COORDINATION OF ENERGY MANAGEMENT, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.

SEC. 232. ANNUAL COMPTROLLER GENERAL REPORT ON THE F-35 LIGHTNING II AIRCRAFT ACQUISITION PROGRAM.

SEC. 233. REPORT ON INTEGRATION OF DEPARTMENT OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.

Subtitle D—Reports

SEC. 231. COMPTROLLER GENERAL ASSESSMENT OF COORDINATION OF ENERGY MANAGEMENT, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.

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

(1) assess energy-oriented requirements and guidance for energy technologies and equipment; and
(2) assess the coordination of energy technologies with other military ventures.

(b) REPORT.—Not later than 90 days after the date of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the assessment conducted under subsection (a).

Subtitle E—USE OF FUNDS

SEC. 232. ANNUAL COMPTROLLER GENERAL REPORT ON THE F-35 LIGHTNING II AIRCRAFT ACQUISITION PROGRAM.

(a) ANNUAL GAO REVIEW.—The Comptroller General shall submit to the appropriate committees of Congress a report on the F-35 Lightning II aircraft acquisition program and shall, not later than March 15 of each of fiscal years 2010 through 2015, submit to the congressional defense committees a report certifying that the alternative missile defense system is expected to be—

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

(B) at least as cost-effective, technically reliable, and operationally available in protecting Europe and the United States from missile threats as the ground-based midcourse defense system described in paragraph (1) and the United States from the threats posed by all types of ballistic missiles, if the Secretary submits to the congressional defense committees a report certifying that the alternative missile defense system is expected to be—

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

SEC. 233. REPORT ON INTEGRATION OF DEPARTMENT OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.

Subtitle D—Reports

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

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

Subtitle D—Reports

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

(c) FORM.—The strategy shall be submitted in unclassified form, but may include a classified annex.
advanced technology (program element 0603313A), not more than 70 percent may be obligated or expended until the Secretary of the Army submits the report required by subsection (a).}

**Subtitle E—Other Matters**

**SEC. 241. ACCESS OF THE DIRECTOR OF THE TEST RESOURCE MANAGEMENT CENTER OF THE DEPARTMENT OF DEFENSE INFORMATION.**

Section 196 of title 10, United States Code, is amended by—

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

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

"(h) ACCESS TO INFORMATION.—The Director shall have access to all records and data of the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out the duties of the Director under this section."

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

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

"§235. Budget for competitive propulsion system for F-35 Lightning II."

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

"(b) Future-years defense program.—In each future-years defense program submitted to Congress under section 221 of this title, the Secretary of Defense shall ensure that the estimated expenditures and proposed appropriations for the F-35 Lightning II, for each fiscal year of sufficient annual amounts for the continued development and procurement of a competitive propulsion system for the F-35 Lightning II program, the Secretary of Defense shall ensure the obligation and expenditure in each such fiscal year of sufficient annual amounts for the continued development and procurement of two options for the propulsion system for the F-35 Lightning II in order to ensure the development and production for the propulsion system for the F-35 Lightning II."

(c) Requirement to obligate and expend funds.—Of the amounts authorized to be appropriated for fiscal years 2011 and any year thereafter, the Secretary of Defense shall obligate and expend such amounts as are necessary for the full funding of the continued development and procurement of a competitive propulsion system for the F-35 Lightning II program, the Secretary of Defense shall ensure the obligation and expenditure in each such fiscal year of sufficient annual amounts for the continued development and procurement of two options for the propulsion system for the F-35 Lightning II in order to ensure the development and production for the propulsion system for the F-35 Lightning II."

(d) Assistance provided.—Under the program established by subsection (a), the Secretary of Defense may obligate and expend funds to assist in the development and procurement of a competitive propulsion system for the F-35 Lightning II program.

**SEC. 243. ESTABLISHMENT OF PROGRAM TO ENHANCE PARTICIPATION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS IN DEFENSE RESEARCH AND ENGINEERING.**

(a) Program established.—Chapter 239 of title 10, United States Code, is amended by inserting after section 2361 the following new section:

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

"(a) Program established.—The Secretary of Defense, acting through the Director of Defense Research and Engineering and the Secretary of the Army, shall carry out a program to provide assistance to covered educational institutions to assist the Department in defense-related research, development, testing, and evaluation within the science, technology, engineering, and mathematics fields.

"(b) Program objective.—The objective of the program established pursuant to subsection (a) is to enhance science, technology, and engineering research and education at covered educational institutions. Such objective shall be accomplished through initiatives designated to—

1. enhance research and educational capabilities of the institutions in areas of science, technology, engineering, or mathematics that are important to national defense, as determined by the Secretary;

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

3. increase the capacity of such institutions to contribute to the national security functions of the Department, through partnerships with Departments or agencies of the Federal Government for research, development, testing, and evaluation programs and activities in which such institutions might not otherwise have the opportunity to participate;

4. increase the number of graduates engaged in scientific, technological, mathematical, and engineering disciplines important to the national security functions of the Department of Defense, as determined by the Secretary;

5. conduct collaborative research and educational opportunities between such institutions and defense research facilities;

6. encourage research and educational collaborations between such institutions and other institutions of higher education;

7. encourage research and educational collaborations between such institutions and business enterprises that historically perform defense-related research, development, testing, and evaluation.

(c) Assistance provided.—Under the program established by subsection (a), the Secretary of Defense may obligate and expend funds to assist in the development and procurement of a competitive propulsion system for the F-35 Lightning II program, the Secretary of Defense may provide technical assistance in support of research, development, testing, or evaluation contracts by the Secretary to institutions or corporations that have been identified as historically black colleges and universities, historically black technical institutions, historically black public institutions, historically black medical institutions, and historically black universities that historically perform defense-related research, development, testing, or evaluation.

In the tabular format:

**SEC. 244. EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.**

Under section 2374a of title 10, United States Code, is amended—

(1) by striking “September 30, 2010” and inserting “September 30, 2013”.

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

(a) Executive agent.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate an executive agent for advanced energetics.

(b) Roles, responsibilities, and authorities.—

(1) Establishment.—Not later than one year after the date of the enactment of this Act, and in accordance with Directive 5101.1, the Secretary of Defense shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) Specification.—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:

(A) Assessment of the current state of, and advances in, research, development, and manufacture of advanced technology in all energetic areas in both foreign countries and the United States.

(B) Development of strategies to address matters identified as a result of the assessment described in paragraph (2)(A).

(C) Development of recommended funding strategies to retain sufficient explosive domestic
production capacity, continue the development of innovative munitions, and recruit the next generation of scientists and engineers of advanced energetics. 

(d) Recommending changes to strengthen the energetic capabilities of the Department of Defense.

(e) Such other roles and responsibilities as the Secretary of Defense considers appropriate.

(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—In accordance with Directive 5101.1, the Secretary of Defense shall ensure that the military departments, Defense Agencies, and other components of the Department of Defense provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) DEFINITIONS.—In this section:

(1) "DoD" means Department of Defense Directive 5101.1.

(2) The term "executive agent" had the meaning given the term "DoD Executive Agent" in Directive 5101.1.

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

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

(b) CONTENTS OF STUDY.—In carrying out the study required under subsection (a), the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall, with respect to naval power requirements for the Navy strike and amphibious force—

(1) compare and contrast thorium-liquid fueled reactor concept to the 2006 Quick Look, 2006 Navy Alternative Propulsion Study, and the navy CQ(X) Analysis of Alternatives study;

(2) identify the benefits to naval operations which thorium-liquid fueled nuclear reactors or uranium reactors would provide to major surface combatants compared to conventionally fueled ships, including such benefits with respect to—

(A) fuel cycle, from mining to waste disposal;

(B) security of fuel supply;

(C) power needs for advanced weapons and sensors;

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

(E) no requirement to refuel and reduced logistics;

(F) ship upgrades and retrofitting;

(G) reduced manning;

(H) global range at flank speed, greater forward presence, and extended combat operations;

(I) power for advanced sensors and weapons, including electromagnetic guns and lasers;

(J) survivability due to increased performance and reduced signatures;

(K) high power density propulsion;

(L) operational tempo;

(M) operational effectiveness; and

(N) estimated cost-effectiveness; and

(3) conduct a ROM cost-effectiveness comparison of nuclear reactors in use by the Navy as of the date of enactment of this Act, thorium-liquid fueled reactors, and conventional fueled major surface combatants, which shall include a comparison of—

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

(B) nuclear proliferation issues;

(C) nuclear fuel safety, waste handling, and storage;

(D) power requirements and distribution for sensor and weapon propulsion; and

(E) capabilities to fully execute the Navy Maritime Strategic Concept.

(c) REPORT.—Not later than February 1, 2011, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees a report on the results of the study required under subsection (a).

SEC. 247. VISITING NIH SENIOR NEUROSCIENCE FELLOWSHIP PROGRAM.

(a) AUTHORITY TO ESTABLISH.—The Secretary of Defense may establish a program to be known as the Visiting NIH Senior Neuroscience Fellowship Program at—

(1) the Defense Advanced Research Projects Agency; and

(2) the National Institutes of Health and the Defense Advanced Research Projects Agency to enable identification and funding of the broadest range of innovative, highest quality clinical and experimental neuroscience studies for the benefit of members of the Armed Forces;

(b) ADMINISTRATION.—The Secretary of Defense shall administer the Visiting NIH Senior Neuroscience Fellowship Program under subsection (a), the Secretary of Defense shall require the program to—

(1) provide a partnership between the National Institutes of Health and the Defense Advanced Research Projects Agency to enable identification and funding of the broadest range of innovative, highest quality clinical and experimental neuroscience studies for the benefit of members of the Armed Forces;

(2) provide a partnership between the National Institutes of Health and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury, in establishing the Visiting NIH Senior Neuroscience Fellowship Program under subsection (a), the Secretary shall require the program to—

(E) such other roles and responsibilities as the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall, with respect to naval power requirements for the Navy strike and amphibious force—

(a) AUTHORITY TO ESTABLISH.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall, with respect to naval power requirements for the Navy strike and amphibious force—

(TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Sec. 302. Environment and energy.

Sec. 303. Operation and maintenance.

Sec. 304. Research and development.

Sec. 305. Procurement.

Sec. 306. Military personnel.

Sec. 307. Military compensation.

Sec. 308. Retirement benefits.

Sec. 309. Military health care.

Sec. 310. Civilian personnel.

Sec. 311. Property, plant, and equipment.

Sec. 312. Foreign military sales.

Sec. 313. Peacekeeping and peace enforcement operations.

Sec. 314. Congressionally directed transfers.

Sec. 315. Description of activities.

Sec. 316. Description of activities.

Sec. 317. Description of activities.

Sec. 318. Description of activities.

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Sec. 387. Description of activities.

Sec. 388. Description of activities.
SEC. 351. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS INCURRED IN CONNECTION WITH THE FORMER NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.

(a) AUTHORIZATION.—

(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 $65,623 during fiscal year 2010 to the Former Nansemond Ordnance Depot Site Special Account, within the Hazardous Substance Superfund.

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

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

Subtitle C—Workplace and Depot Issues

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

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

(1) by striking “‘A function’” and inserting “‘No function’”; and

(2) by inserting before the period at the end following the following:

“‘(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 conducted pursuant to Office of Management and Budget Circular A-94 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 of the enactment of this Act for operation and maintenance for Environmental Restoration Program for ordnance and explosive hazards at the Former Nansemond Ordnance Depot Site in December 1999.

(c) IN REIMBURSEMENT.—In this section, ‘preliminary analysis’ means any action taken to carry out a function as defined in subsection (b).”.

(b) EFFECTIVE DATE.—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 enactment of this Act.

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

(a) TIME LIMITATION.—Section 2461(a)(1) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A-94 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 conducted pursuant to Office of Management and Budget Circular A-94 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.

SEC. 323. MODIFICATION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE AGREEMENTS WITH NON-ARMY ENTITIES.

(a) COST-BENEFIT ANALYSIS REQUIRED.—The Secretary of the Army, in consultation with the Commandant of the Marine Corps, shall carry out a thorough economic analysis of the costs and benefits associated with each alternative. The Secretary of the Army shall determine which of the alternatives it is considering for the performance of the planned maintenance interval events and concurrent or stand alone modifications performed on the AV-8B Harrier weapons system. Such analysis shall be performed in accordance with Office of Management and Budget Circular A-94, entitled “Guidelines and Discount Rates for Benefit-Cost Analyses of Federal Programs”.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the cost-benefit analysis required in subsection (a). The report shall include each of the following:

(1) The criteria and methodology used in the analysis;

(2) A comparison of the outcomes of the analysis with the current method of performing maintenance or repair activities.

(c) CLARIFICATION.—Nothing in this section shall be construed to apply to decisions made with respect to Department of Defense components of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

SEC. 324. MODIFICATION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE AGREEMENTS WITH NON-ARMY ENTITIES.

(a) COST-BENEFIT ANALYSIS REQUIRED.—The Secretary of the Army, in consultation with the Commandant of the Marine Corps, shall carry out a thorough economic analysis of the costs and benefits associated with each alternative. The Secretary of the Army shall determine which of the alternatives it is considering for the performance of the planned maintenance interval events and concurrent or stand alone modifications performed on the AV-8B Harrier weapons system. Such analysis shall be performed in accordance with Office of Management and Budget Circular A-94, entitled “Guidelines and Discount Rates for Benefit-Cost Analyses of Federal Programs”.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the cost-benefit analysis required in subsection (a). The report shall include each of the following:

(1) The criteria and methodology used in the analysis;

(2) A comparison of the outcomes of the analysis with the current method of performing maintenance or repair activities.

(c) CLARIFICATION.—Nothing in this section shall be construed to apply to decisions made with respect to Department of Defense components of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

SEC. 325. COST-BENEFIT ANALYSIS OF ALTERNATIVES FOR PERFORMANCE OF PLANNED MAINTENANCE INTERVAL EVENTS, CONCURRENT OR STAND ALONE MODIFICATIONS PERFORMED ON THE AV-8B HARRIER WEAPONS SYSTEM.

(a) COST-BENEFIT ANALYSIS REQUIRED.—The Secretary of the Army, in consultation with the Commandant of the Marine Corps, shall carry out a thorough economic analysis of the costs and benefits associated with each alternative. The Secretary of the Army shall determine which of the alternatives it is considering for the performance of the planned maintenance interval events and concurrent or stand alone modifications performed on the AV-8B Harrier weapons system. Such analysis shall be performed in accordance with Office of Management and Budget Circular A-94, entitled “Guidelines and Discount Rates for Benefit-Cost Analyses of Federal Programs”.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the cost-benefit analysis required in subsection (a). The report shall include each of the following:

(1) The criteria and methodology used in the analysis;

(2) A comparison of the outcomes of the analysis with the current method of performing maintenance or repair activities.

(c) CLARIFICATION.—Nothing in this section shall be construed to apply to decisions made with respect to Department of Defense components of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).
(2) An explanation of the core logistics capabilities and associated workload requirements for the AV-8B weapon system, including an explanation of how such requirements were determined, nationally classified or requiring the planned maintenance interval events and concurrent or stand alone modifications on the AV-8B as above core workload.

(3) An assessment of the effects of proposed workload transfer on the Defense of the Navy’s division of depot maintenance funding between public and private sectors in accordance with section 2466(a) of title 10, United States Code.

(c) PROHIBITION ON CONTRACTING ACTIVITIES.—The Secretary of the Navy may not enter into or renew a contractual relationship for high-level maintenance activities, including concurrent A-76.

(3) The Secretary submits to Congress a report describing the Federal Acquisition Regulation to allow for pre-award and post-award debriefings of Federal employee representatives in the case of a conversion of any function from performance by Federal employees to performance by a contractor. Such debriefings will conform to the requirements of section 2466(b)(6)(A) of title 10, United States Code, section 303B(f) of the Federal Property and Administrative Services Act of 1949 (41 United States Code (section 253b(f))), and subparagraphs 15.505 and 15.506 (as in effect on the date of the enactment of this Act) of the Federal Acquisition Regulation.

SEC. 329. AMENDMENTS TO BID PROTEST PROCEEDURES OF FEDERAL EMPLOYEES AND AGENCY OFFICIALS IN CONVERSION OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

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

(1) in subparagraph (A) by inserting before ‘‘protest’’—

‘‘(E) Include any other relevant information to justify recommencement of the study.’’;

(2) in subparagraph (B) by inserting before ‘‘protest’’—

‘‘(C) In the case of a protest filed by an interested party described in subparagraph (A), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any specific actions that have been taken to implement the following three recommendations made by the Comptroller General:

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

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

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

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

‘‘(i) any official who is responsible for submitting the agency tender in such competition;’’;

(c) PREJUDICE TO FEDERAL EMPLOYEES.—

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

(A) by inserting before ‘‘protest’’—

‘‘(A) EXPEDITED ACTION.—’’;

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

‘‘(B) ‘‘A party may directly appeal to the Comptroller General for expedited consideration of a protest if the party is prejudiced by the proposed public-private competition and the party has a justifiable reason to appeal for such expedited consideration’’;’’;

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

SEC. 333. CONSIDERATION OF RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary of Defense shall consider renewable fuels, including domestically produced algae-based, biodiesel, and biomass-derived fuels, for testing, certification, and use in aviation, maritime, and ground transportation fleets.

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

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

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

SEC. 334. DEPARTMENT OF DEFENSE GOAL REGARDING PROCUREMENT OF RENEWABLE AVIATION FUELS.

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

‘‘$2922g. Goal regarding procurement of renewable aviation fuels.

‘‘It shall be the goal of the Department of Defense—

‘‘(1) for fiscal year 2025, and each subsequent fiscal year, to procure from renewable aviation fuel sources not less than 25 percent of the total quantity of aviation fuel consumed by the Department of Defense in the contiguous United States; and

‘‘(2) to procure from renewable aviation fuel sources whenever the use of such renewable

..."
aviation fuels is consistent with the operational energy strategy required by section 139(d) of this title.

(b) CLERICAL AMENDMENT.—The table of sections of this chapter is amended by inserting after the item relating to section 2922j the following new item:

2922g. Goal regarding procurement of renewal fuels.

Subtitle E—Reports

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


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

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

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

(1) The number of military working dogs procured from domestic breeders and the total number of military working dogs procured from foreign breeders by each military department or Defense Agency.

(2) The number of military working dogs procured from non-domestic breeders by each military department or Defense Agency.

(3) The total cost of procuring military working dogs from domestic breeders and the total cost of procuring such dogs from non-domestic breeders.

(4) The total cost of procuring military working dogs for each military department or Defense Agency.

Subtitle F—Other Matters

SEC. 351. AUTHORITY FOR AILIFT TRANSPORATION AT DEPARTMENT OF DEFENSE RATES FOR NON-DEPARTMENT OF DEFENSE FEDERAL CARRIERS.

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

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

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

(1) how the authority was used; and

(2) the frequency of use of the authority; and

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

(4) for which agencies the authority was used.

SEC. 352. REQUIREMENTS FOR STANDARD GROUND COMBAT UNIFORM.

The Secretary of Defense, in consultation with the Director of the Defense Logistics Agen-
greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2010 baseline minus 30,000.

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

(A) to support operational missions; and

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

(3) FISCAL-YEAR 2010 BASELINE.—In this subsection, the term ‘‘fiscal-year 2010 baseline’’, with respect to the Army, means the active-duty end strength authorized for those services in section 401(1).

(4) ACTIVE-DUTY END STRENGTH.—In this subsection—

(A) ‘‘active-duty end strength’’ means the strength for active-duty personnel of the Army Forces as of the last day of a fiscal year.

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

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

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

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

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

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 65,500.

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


(b) END STRENGTH REDUCTIONS.—The end strengths prescribed in subsection (a) for the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air National Guard may be proportionally 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 which are on active duty (other than for training) or for unsatisfactory participation in training without their consent at the end of the fiscal year.

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

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

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIAN PROGRAMS.

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

(1) For the Army Reserve, 595.

(2) For the Army National Guard of the United States, 2,191.

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

(4) For the Air National Guard of the United States, 39,600.

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

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

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

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

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

During fiscal year 2010, the maximum number of members of the reserve components of the Army 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) For the Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Marine Reserve, 6,200.

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

(5) The Air National Guard of the United States, 15,000.

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

SEC. 416. SUBMISSION OF OPTIONS FOR CREATION OF TRAINES, TRANSIENTS, HOLDIERS, AND STUDENTS ACCOUNT FOR ARMY NATIONAL GUARD.

(a) REPORT REQUIRED.—Not later than February 1, 2010, the Secretary of the Army shall submit to the congressional defense committees a report evaluating options, and including a recommendation, for the creation of a Trainees, Transients, Holdiels, and Students Account within the Army National Guard.

(b) ELEMENTS OF REPORT.—At a minimum, the report shall address—

(1) the timelines, cost, force structure changes, and end strength changes associated with each option;
Sec. 531. Appointment of persons enrolled in Advanced Course of the Army Reserve Officers’ Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.

Sec. 532. Increase in number of private sector civilian employees authorized for admission to National Defense University.

Sec. 533. Appointments to military service academies from nominations made by the Department of Defense from the Commonwealth of the Northern Mariana Islands.

Sec. 534. Pilot program to establish and evaluate Language Training Centers for members of the Armed Forces and civilian employees of the Department of Defense.

Sec. 535. Use of Armed Forces Health Professions Scholarship and Financial Assistance program to increase number of health professionals using the program in providing mental health care.

Sec. 536. Establishment of Junior Reserve Officer’s Training Corps units for students in grades above sixth grade.

Subtitle E—Defense Dependents’ Education

Sec. 551. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 552. Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid.

Sec. 553. Permanent authority for enrollment in defense dependents’ education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers Europe.

Subtitle F—Missing or Deceased Persons

Sec. 561. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing in conflicts occurring before enactment of new system for accounting for missing persons.

Sec. 562. Clarification of guidelines regarding return of remains and media access at ceremonies for the dignified transfer of remains at Dover Air Force Base.

Subtitle G—Decorations and Awards

Sec. 571. Award of Vietnam Service Medal to veterans who participated in Operation Rescue.

Sec. 572. Authorization and request for award of Medal of Honor to Anthony T. Koho‘ohanohano for acts of valor during the Korean War.

Sec. 573. Authorization and request for award of distinguished-service cross to Jack T. Stewart for acts of valor during the Vietnam War.

Sec. 574. Authorization and request for award of distinguished-service cross to William T. Miles, Jr., for acts of valor during the Korean War.

Subtitle H—Military Families

Sec. 581. Pilot program to secure internships for military spouses with Federal agencies.

Sec. 582. Report on progress made in implementing recommendations to reduce sexual assault in military families.

Sec. 583. Modification of Servicemembers Civil Relief Act regarding termination of service contracts and effect of violation of interest rate limitation.

Sec. 584. Protection of child custody arrangements for parents who are members of the armed forces deployed in support of a contingency operation.

Sec. 585. Definitions in Family and Medical Leave Act of 1993 related to active duty, servicemembers, and related matters.

Subtitle I—Other Matters

Sec. 591. Navy grants to Naval Sea Cadet Corps.

Sec. 592. Improved response and investigation of allegations of sexual assault involving members of the Armed Forces.

Subtitle A—Military Personnel Policy

Generally

Sec. 560. EXTENSION OF TEMPORARY INCREASE IN MAXIMUM NUMBER OF DAYS’ LEAVE MEMBERS MAY ACCUMULATE AND CARRYOVER.

Section 704(d) of title 10, United States Code, is amended by striking “December 31, 2010” and inserting “December 31, 2012”.

Sec. 562. RANK REQUIREMENT FOR OFFICER SERVING AS JOINT CHIEF OF THE NAVY DENTAL CORPS TO CORRESPOND TO ARMY AND AIR FORCE REQUIREMENTS.

Section 513(a)(1) of title 10, United States Code, is amended—

(1) by striking “not below the grade of rear admiral (lower half)” and inserting “shall be appointed”; and

(2) by adding at the end the following new sentence: “An appointee who holds a lower regular grade shall be appointed as Chief of the Naval Dental Corps in the regular grade of rear admiral.”.

Sec. 563. COMPUTATION OF RETIREMENT ELIGIBILITY FOR ENLISTED MEMBERS OF THE NAVY WHO COMPLETE THE SEA- MAN-TO-ADMIRAL (STA-21) OFFICER CANDIDATE PROGRAM.

Section 622 of title 10, United States Code, is amended by adding the following new subsection:

“(i) TIME SPENT IN SEAMAN TO ADMIRAL PROGRAM.—The months of active service after January 1, 2011, in pursuit of a baccalaureate-level degree under the Seaman to Admiral (STA-21) program of the Navy shall be counted as years of military service for purposes of determining the eligibility of the officer for voluntary retirement.

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

“(b) SECRETARIAL DISCRETION.—The Secretary concerned may not authorize the involuntary separation of the member or separation of the member under conditions other than honorable until after the member receives a medical examination to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury.

(3) In a case involving post-traumatic stress disorder, the medical examination shall be performed by a clinical psychologist or psychiatrist. In other cases, the examination may be performed by a physician, a clinical psychologist, a psychiatrist, or other health care professional, whoever is determined to be most appropriate.

(4) PURPOSE OF MEDICAL EXAMINATION.—The medical examination required by subsection (a) shall endeavor to assess the degree to which the behavior of the member, on which the initial recommendation for an involuntary separation was based, has been affected by post-traumatic stress disorder or traumatic brain injury.

(5) SECRETARIAL DISCRETION.—The Secretary concerned shall review the examination performed under subsection (a) with respect to a member, and the findings and conclusions of any physical evaluation board conducted with respect to the member, to determine the appropriate course of action with regard to the separation of the member.

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

“(i) Members diagnosed with or asserting post-traumatic stress disorder or traumatic brain injury: medical examination required before separation.

(a) MEDICAL EXAMINATION REQUIRED.—(1) If a member of the armed forces who has been deployed overseas in support of a contingency operation is diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing post-traumatic stress disorder or traumatic brain injury or otherwise asserts the influence of such condition, the Secretary concerned may not authorize the involuntary separation of the member or separation of the member under conditions other than honorable until after the member receives a medical examination to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury.

(b) REVIEW OF PREVIOUS DISCHARGE OR DISMISSAL.—Section 1553 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) In the case of a former member of the armed forces who, while a member, was diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing post-traumatic stress disorder or traumatic brain injury, a board established under this section to review
the former member’s discharge or dismissal shall include a member who is a physician, clinical psychologist, or psychiatrist.

(2) In the case of a former member described in paragraph (1) the former member whose case involves personal health care issues as supporting rationale or as justification for priority consideration, the Secretary concerned shall render a final decision within six months of the receipt of an application to review a discharge or dismissal. The Secretary may delay a final decision beyond six months if the Secretary determines that due to administrative reasons or to serve the best interest of the former member, a final decision cannot be rendered within such six-month period.

(3) When authorized by a former member described in paragraph (1) or (2), a Member of Congress shall be advised of the decision of the board conducting the review of the former member’s discharge or dismissal and the rationale used to support the decision."

SEC. 532. EVALUATION OF TEST OF UTILITY OF TEST PREPARATION GUIDES AND EDUCATION PROGRAMS IN IMPROVING QUALIFICATIONS OF RECRUITS FOR THE ARMED FORCES.

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

(1) in the second sentence, by striking “in training and unit settings” and inserting “during assessments”; and

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

SEC. 533. INCLUSION OF EMAIL ADDRESS ON CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

Section 506 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1185 note) is amended—

(1) by inserting “(a) ELECTION TO FORWARD CERTIFICATE TO YA OFFICER;” before “The Secretary of Defense”; and

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

“(b) INCLUSION OF EMAIL ADDRESS.—The Secretary of Defense shall further modify the DD Form 214 in order to permit a member of the Armed Forces to include an email address on the form.”.

Subtitle D—Education and Training

SEC. 534. PILOT PROGRAM TO ESTABLISH AND OPERATE LANGUAGE TRAINING CENTERS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to establish at least three Language Training Centers at accredited universities, senior military colleges, or other similar institutions of higher education to create the foundational critical and strategic language and regional area expertise, as defined by the Secretary of Defense, for members of the Armed Forces, including reserve components of the Armed Forces, and civilian employees of the Department of Defense.

(b) DURATION.—

(1) TERMINATION DATE.—The Language Training Centers under the pilot program shall be established not later than October 1, 2010, and the authority to support the Language Training Centers under this section shall terminate on September 30, 2015.

(2) EFFECT ON PARTICIPANTS.—Students participating in the pilot program before the termination date specified in paragraph (1) may be allowed to complete their studies under the program after that date.

(c) PILOT PROGRAM REQUIREMENTS.—At a minimum, the Language Training Centers shall—

(1) develop a program to graduate members of the Armed Forces and civilian employees of the Department who are skilled in critical and strategic languages from beginning through advanced skill levels;

(2) develop language proficiency training programs in designated critical and strategic languages tailored to meet operational readiness requirements;

(3) develop alternative training delivery systems and modalities to meet language and regional area requirements, prior to deployment, during deployment, and post-deployment;

(4) develop language training programs that can be incorporated into Reserve Officers’ Training Corps units to develop language skills among future military officers;

(5) develop training and education programs that would expand the pool of qualified instructors and educators for the Armed Forces; and

(6) develop a program to encourage native and heritage speakers of critical and strategic languages for recruitment into the Department of Defense or the Civilian Linguist Reserve Corps.

(d) PROGRAM EXPANSION.—The Language Training Centers may partner with elementary and secondary educational institutions to help develop critical and strategic language skills in students who are military children.

(e) PROGRAM COORDINATION.—The Secretary of Defense shall ensure that the Language Training Centers build upon and take advantage of the experience of the National Security Education Program and the Defense Language Institute.

(f) EVALUATION.—The Secretary of Defense shall evaluate the Language Training Center in order to assess the cost and the effectiveness of the pilot program, including the following:

(1) The success of the Language Training Center in providing critical and strategic language capabilities to members and Department of Defense employees;

(2) The ability of the Language Training Center to create foundational critical and strategic language and regional area expertise in support of the Defense Language Transformation Roadmap;

(3) The success of each Language Training Center to provide critical and strategic language capabilities to members and Department of Defense employees;

(4) Recommendations as to whether the pilot programs should be continued, and any modifications that may be necessary to continue the program.

SEC. 535. USE OF ARMED FORCES HEALTH PROFESSIONALS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM TO INCREASE NUMBER OF HEALTH PROFESSIONALS WITH SKILLS TO ASSIST IN PROVIDING MENTAL HEALTH CARE.

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

(1) by inserting “(1) after “(a)”; and

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

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

“(2) The program shall include a requirement to conduct an evaluation of the success of the scholarship program and an assessment of the number of health care providers trained through the program that enter the health care profession.”.

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

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

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

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

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

(c) FUNDING SOURCE.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2010, not more than $20,000,000 shall be available—

(1) to carry out this section and other sections of this Act to implement the amendments made by this section.

SEC. 536. ESTABLISHMENT OF JUNIOR RESERVE OFFICERS’ TRAINING UNITS FOR STUDENTS IN GRADES ABOVE EIGHTH GRADE.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:
"(g)(1) In addition to units of the Junior Reserve Officers’ Training Corps established at public and private secondary educational institutions under subsection (a), the Secretary of each such unit may carry out the pilot program to establish and support units at public and private educational institutions that are not secondary educational institutions to permit the enrollment of students in the same manner as applies to the file of a missing person otherwise subject to such section.

Subtitle F—Missing or Deceased Persons

SECTION 561. ADDITIONAL REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING IN CONFLICTS OCCURRING BEFORE ENACTMENT OF THE SYSTEM FOR ACCOUNTING FOR MISSING PERSONS.

(a) Imposition of Additional Requirements.—Section 1509 of title 10, United States Code, is amended by adding at the end the following new subsection:

"§1509. Program to resolve pre-enactment missing person cases

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

"(1) World War II during the period beginning on December 7, 1941, and ending on December 31, 1946, including members of the Armed Forces who were lost during right operations in the Pacific Theater of operations covered by section 576 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 624; 10 U.S.C. 1201 note).";

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

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

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

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

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

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

"(2) The implementation of paragraph (1), the term ‘POW/MIA accounting community’ means—

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

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

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

"(D) The Services Identification and Research Laboratory of the Air Force (SIRL).";

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

"(F) Any other component of the Department of Defense, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, or the combatant commanders.

(c) Conforming Amendment.—Section 1513(1) of such title is amended in the matter after subsection (b) by striking ‘section 1509(b) of this title’ and inserting ‘section 1509(b) of this title and’.

(d) Clerical Amendment.—The table of sections at the end of chapter 76 of such title is amended by striking the item relating to section 1509 and inserting the following new item:

"1509. Program to resolve pre-enactment missing person cases."

SECTION 562. ADDITIONAL REQUIREMENTS FOR ACCOUNTING FOR DEFENSE CIVILIAN EMPLOYEES, АВМЕР ДЕФЕНС ВИЖСЕНИЕ САМЦИ И ПЕРСОНАЛ."
States Code, shall take such measures as the Secretary considers appropriate to increase significantly the capability and capacity of the Department of Defense, the Armed Forces, and combatant commands to account for missing persons, as defined by section 1513(3)(B) of such title. Such measures shall include fully funding, manning, and resourcing the Department of Defense-wide effort that, at a minimum—

(a) 200 missing persons are accounted for under the program annually beginning with fiscal year 2012; and

(b) 350 missing persons are accounted for under the program annually beginning with fiscal year 2020.

SEC. 562. CLARIFICATION OF GUIDELINES REGARDING RETURN OF REMAINS AND MEDIA ACCESS AT CEREMONIES FOR THE DIGNIFIED TRANSFER OF REMAINS AT DOVER AIR FORCE BASE.

(a) PROMPT RETURN.—The remains of a deceased member of the Armed Forces shall be recovered from the theater of combat operations and returned to the United States via the Dover Port Mortuary without delay unless very specific extenuating circumstances presented by the person designated pursuant to section 1482(c) of title 10, United States Code, to direct disposition of the remains of the decedent (in this section referred to as the “primary next of kin”) dictate otherwise and reasonably be accommodated by the Department.

(b) MEDIA ACCESS.—

(1) DECISION OF PRIMARY NEXT OF KIN.—The primary next of kin of a deceased member of the Armed Forces shall make the family decision regarding media access at ceremonies for the dignified transfer of the remains of the decedent at Dover Air Force Base. The option to allow media access shall be briefed to the primary next of kin at the time of initial notification or as soon as practicable thereafter. Media access to dignified transfers at Dover Port Mortuary may only be permitted with the approval of the primary next of kin. Media contact, filming or recording of family members shall be permitted only if specifically requested by the primary next of kin.

(2) RELATION TO CURRENT DOD CASUALTY INFORMATION POLICY.—Media access approved by the primary next of kin shall leave the Department of Defense policy on 24-hour delay in release of casualty information to the media and general public for that specific case.

(c) TRAVEL AND TRANSPORTATION ALLOWANCE.—The Secretary of a military department shall pay the travel and transportation allowance of the member if they ever become a casualty.

(d) DECISION OF SECRETARY.—The Secretary of Defense shall develop a long-term plan to obtain the preference of members of the Armed Forces regarding media access at ceremonies for the dignified transfer of the remains of the member if they ever become a casualty.

(e) DECISION OF SECRETARY.—The Secretary of Defense shall develop a long-term plan to obtain the preference of members of the Armed Forces regarding media access at ceremonies for the dignified transfer of the remains of the member if they ever become a casualty.

(f) DECISION OF SECRETARY.—The Secretary of Defense shall develop a long-term plan to obtain the preference of members of the Armed Forces regarding media access at ceremonies for the dignified transfer of the remains of the member if they ever become a casualty.

(g) DECISION OF SECRETARY.—The Secretary of Defense shall develop a long-term plan to obtain the preference of members of the Armed Forces regarding media access at ceremonies for the dignified transfer of the remains of the member if they ever become a casualty.

(h) DECISION OF SECRETARY.—The Secretary of Defense shall develop a long-term plan to obtain the preference of members of the Armed Forces regarding media access at ceremonies for the dignified transfer of the remains of the member if they ever become a casualty.

SEC. 572. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO ANTHONY T. KOHO’OHANOHANO FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Medal of Honor to Anthony T. Koho’ohanohano for acts during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Anthony T. Koho’ohanohano of Company H of the 17th Infantry Regiment of the 7th Infantry Division on September 1, 1951, during the Korean War for which he was initially awarded the distinguished-service cross.

SEC. 573. AUTHORIZATION AND REQUEST FOR AWARD OF THE MERITORIOUS SERVICE CROSS TO JACK T. STEWART FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the distinguished-service cross to Jack T. Stewart of the United States Army for 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 Jack T. Stewart as commander of a two-platoon Special Forces Mike Force elements of Captain Jack T. Stewart as commander of a two-platoon Special Forces Mike Force elements of Captain Jack T. Stewart as commander of a two-platoon Special Forces Mike Force elements of Captain Jack T. Stewart as commander of a two-platoon Special Forces Mike Force elements of Captain Jack T. Stewart as commander of a two-platoon Special Forces Mike Force.

SEC. 574. AUTHORIZATION AND REQUEST FOR AWARD OF THE ACHIEVEMENTS SERVICE CROSS TO WILLIAM T. MILES, JR., FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the distinguished-service cross to William T. Miles, Jr., for acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of William T. Miles, Jr., for acts of valor during the Korean War described in subsection (b).

SEC. 575. AUTHORIZATION AND REQUEST FOR AWARD OF THE ACHIEVEMENTS SERVICE CROSS TO WILLIAM T. MILES, JR., FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the distinguished-service cross to William T. Miles, Jr., for acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of William T. Miles, Jr., for acts of valor during the Korean War described in subsection (b).

SEC. 576. AUTHORIZATION AND REQUEST FOR AWARD OF THE ACHIEVEMENTS SERVICE CROSS TO JOHN W. MILLER, JR., FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the distinguished-service cross to John W. Miller, Jr., for acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of John W. Miller, Jr., for acts of valor during the Korean War described in subsection (b).

SEC. 581. PILOT PROGRAM TO SECURE INTERNSHIPS FOR MILITARY SPOUSES WHO SERVED IN THE RESERVE COMPONENT.

(a) TITLE.—The Secretary of Defense shall establish a pilot program to reduce domestic violence in military families.

(b) APPLICATION.—The Secretary of Defense shall enter into an agreement with the head of an executive department or agency that has an established internship program to reimburse the department or agency for authorized costs associated with the first year of employment of an eligible military spouse who is selected to participate in the internship program of the department or agency.

(c) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Medal of Honor to Anthony T. Koho’ohanohano of Company H of the 17th Infantry Regiment of the 7th Infantry Division on September 1, 1951, during the Korean War for which he was initially awarded the distinguished-service cross.

SEC. 582. REPORT ON PROGRESS MADE IN IMPLEMENTING RECOMMENDATIONS TO REDUCE DOMESTIC VIOLENCE IN MILITARY FAMILIES.

(a) ASSESSMENT.—The Comptroller General shall review and assess the progress made by the Department of Defense in implementing the recommendations contained in the report by the Comptroller General entitled “Military Personnel: Progress Made in Implementing Recommendations to reduce Domestic Violence, but Further Management Action Needed” (GAO-06-540).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review and assessment under subsection (a).
SEC. 583. MODIFICATION OF SERVICEMEMBERS CIVIL RELIEF ACT REGARDING TERMINATION OR SUSPENSION OF SERVICE CONTRACTS AND EFFECT OF VIOLATION OF INTEREST RATE LIMITATION
(a) TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. App. 535a) is amended to read as follows:

SEC. 305A. TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.

(a) TERMINATION OR SUSPENSION BY SERVICE-MEMBER.—A servicemember who is party to or enters into a contract described in subsection (b) may terminate or suspend, at the servicemember’s option, the contract at any time after the date of the servicemember’s military orders, as described in subsection (c).

(b) SPECIAL RULES.—

(1) A suspension under subsection (a) of a contract by a servicemember shall continue for the length of the servicemember’s deployment pursuant to the servicemember’s military orders.

(2) A service provider under a contract suspended or terminated under subsection (a) by a servicemember may not impose a suspension fee or early termination fee in connection with the suspension or termination of the contract, other than a nominal fee for the suspension; except that a service provider may impose a reasonable fee for any equipment remaining on the premises of the servicemember during the period of the suspension. The servicemember may defer, without penalty, payment of such a suspension fee or reasonable fee for the length of the servicemember’s deployment pursuant to the servicemember’s military orders.

(c) COVERED CONTRACTS.—This section applies to a contract for cellular telephone service, telephone exchange service, multichannel video programming service, Internet access service, water, electricity, oil, gas, or other utility if the servicemember enters into the contract and thereafter receives military orders.

(d) MANNER OF TERMINATION OR SUSPENSION.—

(1) IN GENERAL.—Termination or suspension of a contract under subsection (a) is made by delivery by the servicemember of written notice of such termination or suspension and a copy of the servicemember’s military orders to the other party to the contract (or to that party’s grantee or agent).

(2) NATURE OF NOTICE.—Delivery of notice under paragraph (1) may be accomplished—

(A) by hand delivery;

(B) by private business carrier;

(C) by facsimile; or

(D) by depositing with sufficient postage and with return receipt requested, and addressed as designated by the party, a certified copy (or that party’s grantee or agent), and depositing the envelope in the United States mails.

(e) DATE OF CONTRACT TERMINATION OR SUSPENSION.—The date of the expiration or suspension of a service contract under subsection (a) is effective as of the date on which the notice under subsection (d) is delivered.

(f) OBLIGATIONS AND LIABILITIES.—The service provider under the contract may not impose an early termination or suspension charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination or suspension, shall be paid or performed by the servicemember.

(g) FEES PAID IN ADVANCE.—A fee or amount paid in advance for a period after the effective date of the termination or suspension of the contract shall be refunded to the servicemember by the other party (or that party’s grantee or agent) within 60 days of the effective date of the termination of the contract.

(b) RELIEF TO OTHER PARTY.—Upon application by the other party to the contract to a court before the termination date provided in the written notice relating to the suspension of a service contract, the servicemember may be modified as justice and equity require.

(c) CRIMINAL PENALTY.—Whoever knowingly violates this section shall be fined not more than $5,000 in the case of an individual or $10,000 in the case of an organization.

(d) PRIVATE RIGHT OF ACTION.—(1) IN GENERAL.—A servicemember harmed by a violation of this section may bring an action in a civil action—

(A) obtain any appropriate equitable relief with respect to the violation; and

(B) recover an amount equal to three times the damages sustained as a result of the violation.

(2) COSTS AND ATTORNEY FEES.—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

(e) PRESERVATION OF OTHER REMEDIES.—Nothing in this section shall be construed to preclude or limit any remedy otherwise available under law to the servicemember with respect to conduct prohibited under this section.

(f) OTHER OBLIGATIONS AND LIABILITIES.—

(1) IN GENERAL.—Whoever knowingly violates this section shall be fined not more than $5,000 in the case of an individual or $10,000 in the case of an organization.

(2) COSTS AND ATTORNEY FEES.—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

(f) RIGHTS OF SERVICEMEMBERS.—

(g) VIOLATION OF INTEREST RATE LIMITATION.—

(1) PRIVATE RIGHT OF ACTION.—(1) IN GENERAL.—A servicemember harmed by a violation of this section may bring an action in a civil action—

(A) obtain any appropriate equitable relief with respect to the violation; and

(B) recover an amount equal to three times the damages sustained as a result of the violation.

(2) COSTS AND ATTORNEY FEES.—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

(b) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD’S BEST INTEREST.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is on active duty, the court may not consider the absence of the servicemember by reason of such active duty, unless the court finds that such a reinstatement of the child or the parent who is a servicemember than the parent who is not a servicemember will be in the best interest of the child.

(c) VIOLATION OF INTEREST RATE LIMITATION.—In any action under this section, the term ‘contingency operation’ has the meaning given that term under section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 522(13)).

(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize the collection of fees to cover the costs of the action, including a reasonable attorney fee.

(e) PREEMPTION.—In any case where State or Federal law applicable to a child custody proceeding under State or Federal law provides a higher standard of protection to the rights of the parent who is a servicemember than the rights provided under this section, the State or Federal court shall apply the State or Federal standard.

(f) CONTINGENCY OPERATION DEFINED.—In any proceeding for a change of custody of a child of a servicemember under section 584A, a ‘contingency operation’ has the meaning given that term in section 10(a)(13) of title 10, United States Code, except that the term may include such deployment as the Secretary may prescribe.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by
adding at the end of the items relating to title II the following new item:

“208. Child custody protection.”.

SEC. 585. DEFINITIONS IN FAMILY AND MEDICAL LEAVE ACT OF 1993 RELATING TO ACTIVE DUTY, SERVICEMEMBERS, AND RELATED MATTERS.

(a) DEFINITION OF COVERED ACTIVE DUTY.—

(1) In paragraph (14) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended—

(A) by striking all that precedes “under a call” and inserting “under a call or order from—”;

(14) COVERED ACTIVE DUTY.—The term “covered active duty” means—

(A) the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

(B) the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

(15) ACTIVE DUTY.—Section 101(a)(15) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(a)(15)) is amended—

(A) in subsection (a)(1)(E), by striking “active duty” each place it appears and inserting “covered active duty”; and

(B) in subsection—

(i) in the paragraph heading, by striking “ACTIVE DUTY” and inserting “COVERED ACTIVE DUTY”;

(ii) by striking “active duty” each place it appears and inserting “covered active duty”.

(b) DEFINITION OF COVERED SERVICEMEMBER.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is further amended by striking paragraph (16) and inserting the following new paragraph:

“(16) COVERED SERVICEMEMBER.—The term “covered servicemember” means—

(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, as otherwise in outpatient status, or the temporary disability retired list, for a serious injury or illness; or

(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

(C) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (16)(B), means an injury or illness incurred by the member in line of duty on covered active duty in the Armed Forces that manifested itself after the member became a veteran, and that may have rendered the member medically unfit to perform the duties of the veteran's office, grade, rank, or rating if the injury or illness had manifested itself on that date.

“(20) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.”.

(d) TECHNICAL AMENDMENT.—Section 102(e)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(e)(2)(A)) is amended by striking “or parent” and inserting “parent, or next of kin (for leave taken under subsection (a)(3))”.

(e) EFFECTIVE DATE AND REGULATIONS.—The amendments made by this section shall take effect on the date of the enactment of this Act. Not later than 120 days after such date, the Secretary of Labor shall issue final direct conforming regulations solely to implement such amendments.

Subtitle I—Other Matters

SEC. 591. NAVY GRANTS TO NAVAL SEA CADET CORPS.

(a) GRANTS AUTHORIZED.—Chapter 647 of title 10, United States Code, is amended by inserting after section 7541a the following new section:—

“§7541b. Authority to make grants to Naval Sea Cadet Corps

“Subject to the availability of funds for this purpose, the Secretary of the Navy may make grants to support the purposes of the Naval Sea Cadet Corps, a federally chartered corporation under chapter 3 of title 20, United States Code; and the Secretary of Defense shall submit to the congressional defense committees a report describing the progress made in implementing section 107(a)(17) of title 10, United States Code, as added by section 701 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–234; 120 Stat. 2279).”

(b) DEFINITION OF COVERED ACTIVE DUTY.—Section 101(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 261(f)) is amended, in the subsection heading, by striking “ACTIVE DUTY” both places it appears and inserting “COVERED ACTIVE DUTY”.

(c) DEFINITIONS.—Section 101(g) of the Family and Medical Leave Act of 1993 (29 U.S.C. 261(g)) is amended, in the subsection heading, by striking “ACTIVE DUTY” both places it appears and inserting “COVERED ACTIVE DUTY”.

(d) COMPLIANCE WITH FAMILY AND MEDICAL LEAVE.—Section 101(h) of the Family and Medical Leave Act of 1993 (29 U.S.C. 261(h)) is amended—

(A) in subsection (a)(1)(E), by striking “under a call or order from—” and inserting “under a call or order from the Secretary of the Navy for the performance of duty during the deployment of the member with the Armed Forces to a foreign country; and

(B) in subsection—

(i) in the paragraph heading, by striking “ACTIVE DUTY” and inserting “COVERED ACTIVE DUTY”;

(ii) by striking “active duty” each place it appears and inserting “covered active duty”.

Subtitle II—Functions

Sec. 603. Stabilization of pay and allowances

(a) AUTHORITY TO INCREASE DOD SHARE OF PAY.—Section 5501(a)(1) of title 38, United States Code, is amended by striking “60% of the cost” and inserting “75 percent of the costs.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect not later than 30 days after the date of enactment of this Act, and shall apply with respect to fiscal years beginning on or after that date.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2010 increase in military basic pay.

Sec. 602. Special monthly compensation allowances for members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability.

Sec. 603. Stabilization of pay and allowances for senior enlisted members and warrant officers appraised at one grade lower.
Sec. 661. Army authority to provide additional recruitment incentives.

Sec. 662. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.

Sec. 663. Sense of Congress regarding support for compensation, retirement, and other military personal programs.

Subtitle D—Retired Pay and Allowances

SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2010 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN GRADE.—Effective on January 1, 2010, the rates of monthly basic pay for members of the uniformed services are increased by 3.4 percent.

SEC. 602. SPECIAL MONTHLY COMPENSATION ALLOWANCE FOR MEMBERS WITH COMBAT-RELATED CATASTROPHIC INJURIES OR ILLNESSES PENDING THEIR RETIREMENT OR SEPARATION FOR PHYSICAL DISABILITY.

(a) In General.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§439. Special monthly compensation: members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability.

"(a) Compensation Authorized.—(1) The Secretary concerned may pay to any member of the uniformed services described in paragraph (2) a monthly compensation in an amount determined under subsection (b).

"(2) Subject to paragraph (3), a member eligible for the compensation authorized by paragraph (1) is a member who:

"(A) who has a combat-related catastrophic injury or illness; and

"(B) who has been certified by a licensed physician as being in need of assistance from another person to perform the personal functions required in everyday living;

"(3) The first month beginning after the date on which a member satisfies eligibility requirements for the special or incentive pay.

Subtitle E—Commissary and Nonappropriated Funds

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pay.

Sec. 616. Authorized travel and transportation allowances relating to payment of referral bonuses.

Sec. 617. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.

Sec. 618. Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay.

Subtitle F—Other Matters

Sec. 631. Transportation of additional motor vehicles on accountable use of member and family on change of permanent station to or from foreign areas outside the continental United States.

Sec. 632. Travel and transportation allowances for designated individuals of wounded, ill, or injured members for duration of inpatient treatment.

Sec. 633. Authorized travel and transportation allowances for non-medical attendants for very seriously and severely wounded, ill, or injured members.

Sec. 634. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.

Subtitle G—Tax Credits and Other Matters

Sec. 641. Reemployment allowance for non-defense civilian employment.

Sec. 642. Election to receive reemployment allowance after retirement.

Sec. 643. Election to receive reemployment allowance after retirement.

Subtitle H—Retirement

Sec. 661. Army authority to provide additional recruitment incentives.

Sec. 662. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.

Sec. 663. Sense of Congress regarding support for compensation, retirement, and other military personal programs.
(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 reenlisted or reappointed as officers: no reduction in pay and allowances.”.

SEC. 604. REPORT ON HOUSING STANDARDS USED TO DETERMINE BASIC ALLOWANCE FOR HOUSING.

(a) REPORT REQUIRED.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) a review of the housing standards used to determine the monthly rates of basic allowance for housing by redeploying section 403 of title 37, United States Code; and

(2) such recommended changes to the standards, including an estimate of the cost of each recommended change, as the Secretary considers appropriate.

(b) ELEMENTS OF REVIEW.—The Secretary shall consider whether the housing standards are suitable in terms of—

(1) recognizing the societal needs and expectations of families in the United States;

(2) providing for an appropriate quality of life for members of the Armed Forces in all grades; and

(3) recognizing the appropriate rewards and prestige associated with promotion to higher military grades throughout the rank structure.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 302a, relating to Selected Reserve health professionals in critically short wartime specialties.

(2) Section 302(b), relating to accession bonus for medical officers in critically short wartime specialties.

(3) Section 302(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

(4) Section 302(h), relating to accession bonus for dental officers.

(5) Section 302a(1), relating to accession bonus for dental officers.

(6) Section 302(a), relating to accession bonus for pharmacy officers.

(7) Section 302d, relating to accession bonus for medical officers extending period of active service.

(8) Section 312b(c), relating to nuclear career accession bonus.

(9) Section 312b(d), relating to nuclear career annual incentive bonus.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 1630(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302e(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR-CERTIFIED OFFICERS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312d(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 332(h), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(f), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 335(f), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 352(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(10) Section 359(f)(2), relating to Reserve enlistment bonus for persons without prior service.

(11) Section 360(b), relating to Reserve enlistment and enlistment bonus for persons with prior service.

(12) Section 360(f), relating to Selected Reserve enlistment and enlistment bonus for persons with prior service.

(13) Section 390(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAY.

The following sections of chapter 5 of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking paragraph (4)(B) and inserting paragraph (3) as follows:

“(3) the intentional misconduct or willful neglect by a member of the uniformed services results in the early separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

“(i) the father or mother or one or more siblings (A) served in the Armed Forces; and

“(B) was killed, died as a result of wounds, accident, or disease, in a captured or missing service or in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

“(iii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.

SEC. 616. EXTENSION OF CERTAIN SPECIAL AND INCENTIVE PAY PAYS TO REFLECT TIME IN ACTION STATUS.

(a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.—Section 310 of such title is amended—

(1) in subsection (a)(1), by striking “and special pay amount” in the subsection heading; and

(2) in subsection (a)(2), by striking “$200” and inserting “$300”.

(3) in subsection (a)(3), by striking “$300” and inserting “$400”.

(4) in subsection (a)(4), by striking “$200” and inserting “$300”.

SEC. 617. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS TO RECONCILE CONFLICTING AMENDMENTS REGARDING CONTINUATION OF BONUSES AND SIMILAR BENEFITS FOR CERTAIN MEMBERS.

(a) TECHNICAL CORRECTIONS.—Section 303a(e) of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(3) in paragraph (5), as so redesignated, by striking “paragraph (3)(B)” and inserting “paragraph (4)(B)”;

(4) by redesignating paragraph (2), as added by section 651(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-117; 122 Stat. 4495), as paragraph (3); and

(5) by redesigning the second subparagraph (B) of paragraph (1), originally added as paragraph (2) by section 260(k) of the Hubert H. HOOVER ACT (Public Law 110-317; 122 Stat. 2529) and erroneously designated as subparagraph (B) by section 651(a)(3) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-117; 122 Stat. 4495), as paragraph (2).

(b) INCLUSION OF HUBBARD ACT AMENDMENT IN CONTINUATION OF BONUSES AND SIMILAR AUTHORITIES.—Section 373(b) of such title is amended—

(1) in paragraph (2), by striking the paragraph heading and inserting “SPECIAL RULE FOR DECEASED AND DISABLED MEMBERS.”; and

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

“(3) SPECIAL RULE FOR MEMBERS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a member of the uniformed services receives a sole survivorship discharge, the Secretary of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

“(i) the father or mother or one or more siblings (A) served in the Armed Forces; and

“(B) was killed, died as a result of wounds, accident, or disease, in a captured or missing service or in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

“(iii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.

SEC. 618. PROHIBITION OF CERTAIN SPECIAL AND INCENTIVE PAYS TO REFLECT TIME IN ACTION STATUS.

(a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.—Section 310 of such title is amended—

(1) in subsection (a)(1), by striking “and special pay amount” in the subsection heading; and

(2) in subsection (a)(2), by striking “$200” and inserting “$300”.

(3) in subsection (a)(3), by striking “$300” and inserting “$400”.

(4) in subsection (a)(4), by striking “$200” and inserting “$300”.

H7282

CONGRESSIONAL RECORD — HOUSE

June 25, 2009
SEC. 631. TRANSPORTATION OF ADDITIONAL MOTOR VEHICLE OF MEMBERS TO MAKE A CHANGE OF PERMANENT STATION TO OR FROM NONFOREIGN AREAS OUTSIDE THE CONTINENTAL UNITED STATES.

(a) AUTHORITY TO TRANSPORT ADDITIONAL MOTOR VEHICLE.—Subsection (a) of section 2634 of title 10, United States Code, is amended—

(1) by striking the sentence following paragraph (4); 
(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively; and 
(3) by inserting "(1)" after "(a)"; and

(b) HAZARDOUS DUTY PAY.—Section 351 of such title is amended—

(1) by striking subsections (c) and (d) and redesignating subsections (e) through (j) as subsections (d) through (j), respectively; and

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

"(c) METHOD OF PAYMENT; PRORATION.—(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

"(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay, the Secretary concerned may prorate the amount to reflect the duration of the member's actual qualifying service during the month.

(c) ASSIGNMENT OR SPECIAL DUTY PAY.—Section 3520(h)(1) of such title is amended by adding at the end the following new sentence: "If paid monthly, the Secretary concerned may prorate the amount to reflect the duration of the member's actual qualifying service during the month.

(d) SKILL INCENTIVE PAY.—Section 353 of such title is amended—

(1) by striking subsection (f) and redesignating subsections (g) through (j) as subsections (f) through (j), respectively; and

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph:

"(1) SKILL INCENTIVE PAY.—(A) Skill incentive pay under subsection (a) may not exceed $225 a month.

"(B) The Secretary concerned may prorate the amount to reflect the duration of the member's actual qualifying service during the month.

(e) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to months beginning 90 or more days after the date of the enactment of this Act.

Title C—Travel and Transportation Allowances

SEC. 631. TRANSPORTATION OF ADDITIONAL MOTOR VEHICLE OF MEMBERS ON CHANGE OF PERMANENT STATION TO OR FROM NONFOREIGN AREAS OUTSIDE THE UNITED STATES.

(a) AUTHORITY TO TRANSPORT ADDITIONAL MOTOR VEHICLE.—Subsection (a) of section 2634 of title 10, United States Code, is amended—

(1) by striking the sentence following paragraph (4); 
(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively; and 
(3) by inserting "(1)" after "(a)"; and

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

"(2) One additional motor vehicle of a member (or a dependent of the member) may be transported as provided in paragraph (1) if—

(A) the member is ordered to make a change of permanent station to a nonforeign area outside the continental United States and the member has at least one dependent driving age who will use the vehicle; or

(B) the Secretary concerned determines that a replacement for the motor vehicle transported under paragraph (1) is necessary for reasons beyond the control of the member and is in the interest of the United States and the Secretary approves the transportation in advance.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) by striking "his dependents" and inserting "a dependent of the member";

(2) by striking "him" and inserting "the member";

(3) by striking "his" and inserting "the member";

(4) by striking "his new" and inserting "the member's new";

(5) in paragraph (1)(C), as redesignated by subsection (a), by striking "clauses (1) and (2)" and inserting "subparagraphs (A) and (B)";

(6) effective with respect to orders issued on or after the date of the enactment of this Act for members of the Armed Forces to make a change of permanent station to or from nonforeign areas outside the continental United States;

(c) FORMING AMENDMENT TO WOUNDED, ILL, OR INJURED MEMBERS FOR DURATION OF INPATIENT TREATMENT.

(a) AUTHORITY TO PROVIDE TRAVEL TO DESIGNATED INDIVIDUALS OF WOUNDED, ILL, OR INJURED MEMBERS FOR DURATION OF INPATIENT TREATMENT.

(1) in paragraph (1)—

(A) by striking "family members of a member described in paragraph (2)" and inserting "individuals who, with respect to a member described in paragraph (2), are designated individuals for that member";

(B) by striking "that the presence of the family member and inserting "that the presence of the designated individual"; and

(C) by striking "family members" and inserting "designated individuals"; and

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

"(4) In the case of a designated individual who is also a member of the uniformed services, that member may be provided travel and transportation under this section in the same manner as a designated individual who is not a member.

(b) DEFINITION OF DESIGNATED INDIVIDUAL.

Subsection (b) of such section is amended by striking paragraph (1) and (2) and inserting the following new paragraphs:

"(1) In this section, the term 'designated individual', with respect to a member, means—

(A) an individual designated by the member for the purposes of this section; or

(B) in the case of a member who has not made a designation under subparagraph (A) or (B) of section 501 of title 10, United States Code, as readjusted by subsection (a)(4), shall apply with respect to orders issued on or after the date of the enactment of this Act for members of the Armed Forces to make a change of permanent station to or from nonforeign areas outside the continental United States.

(c) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows: "411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 411h.

(d) SAME.—The item relating to section 411h is amended by striking the item relating to section 411h and inserting the following new item:

"411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.

(g) CONFORMING AMENDMENT TO WOUNDED WARRIOR ACT.—Paragraph (4) of section 1602 of title 38, United States Code (as added by Public Law 110–181; 10 U.S.C. 1071 note) is amended to read as follows:
"(4) ELIGIBLE FAMILY MEMBER.—(A) The term 'eligible family member' means a family member who is on invitational travel orders or serving as a non-medical attendant while caring for a recovering service member for more than 45 days during a one-year period.

(B) For purposes of subparagraph (A), the term 'family member', with respect to a recovering service member, means the following:

(i) The member.

(ii) Children of the member (including stepchildren, adopted children, and illegitimate children).

(iii) Parents of the member or persons in loco parentis to the member, including fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service, except that only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

(iv) Siblings of the member. Such term includes a person related to the member as described in clauses (i), (ii), (iii), or (iv) who is also a member of the uniformed services.

(b) APPLICABILITY OF AMENDMENTS.—No reimbursement may be provided under section 411h of title 37, United States Code, by reason of the amendments made by this section for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 633. AUTHORIZED TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR SERIOUSLY AND SERIOUSLY WOUNDED, ILL, OR INJURED MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411l the following new section:

"§411k. Travel and transportation allowances.

"(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—(1) A member of the uniformed services covered by this section for travel and transportation costs incurred before the date of the enactment of this Act.

(b) APPLICABILITY.—No reimbursement may be provided under section 411k of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 634. 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:

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Without Dependents</th>
<th>With Dependents</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-9</td>
<td>13,500</td>
<td>15,500</td>
</tr>
<tr>
<td>R-8</td>
<td>12,500</td>
<td>14,500</td>
</tr>
<tr>
<td>R-7</td>
<td>11,500</td>
<td>13,500</td>
</tr>
<tr>
<td>R-6</td>
<td>10,500</td>
<td>12,500</td>
</tr>
<tr>
<td>R-5</td>
<td>7,500</td>
<td>9,500</td>
</tr>
</tbody>
</table>

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009.

(c) FUNDING SOURCE.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2010, not more than $31,000,000 shall be available to cover the additional costs incurred to implement the amendment made by subsection (a).

SEC. 641. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF MEMBERS WHO SERVED IN THE RESERVE FOR REFLECTION SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION OF RETIRED PAY.—Section 12739 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) If a member of the Retired Reserve is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10304 of this title after serving for more than two years of service in such active status, the member is entitled to the recomputation under this section of the retired pay of the member.

(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

(B) completes at least 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) ADJUSTMENT OF RETIRED GRADE.—Section 12771 of such title is amended—

(1) by striking "Unless" and inserting "(a) GRADE ON TRANSFER.";

and

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

"(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE STATUS.—(1) If a member of the Retired Reserve who is a commissioned officer is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to an adjustment in the retired grade of the member in the manner provided in section 1370(d) of this title.

(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

(B) completes at least 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.;

(c) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

SEC. 642. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE SERVICE RESERVE 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 RETIRED PAY.—(1) Notwithstanding the requirement in paragraph (4) of section 12731(a) of this title that a person must be entitled to receive retired pay under this chapter when the person is entitled, under any other provision of law, to retired pay or retirement pay, a person may elect to receive retired pay under this chapter, instead of receiving retired or retirement pay under chapter 65, 367, 571, or 867 of this title, if the person—

(A) satisfies the requirements specified in paragraphs (1) and (2) of such section for entitlement to retired pay under this chapter; and

(B) served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or
867 of this title (without regard to whether the person actually retired or received retired or re- 
tainer pay under one of those chapters); and 
(3) the justification for the increase in the price of alcoholic beverages for resale on mili- 
tary installations on Guam.
(3) The ability of local distributors on Guam to meet demands for stocks of certain alcoholic beverages in the event that the local purchase requirement became permanent for Guam.
(b) CLERICAL AMENDMENT.—The table of sec- 
tions in the sectional chart for this Act is amended by inserting a reference to this section.
Sec. 652. LIMITATION ON DEPARTMENT OF DE- 
FENSE ENTITIES OFFERING PERSONAL INFORMATION SERVICES TO NON- 
AUTHORIZED PERSONS.
(a) IMPOSITION OF LIMITATION.—Subchapter 
III of chapter 147 of title 10, United States Code, is amended by inserting after section 2492 the 
following new section:
§2492a. Limitation on Department of Defense entities competing with private sector in of- 
ering personal information services
(a) LIMITATION.—Notwithstanding section 
2492 of this title, the Secretary of Defense may not authorize a Department of Defense entity to offer or provide personal information services using Department resources, personnel, or equipment. The Secretary of Defense shall require all such Department entities that provide such personal information services, if users will be charged a fee for the personal information services to recover the cost incurred to provide the services or to earn a profit.
(b) EXCEPTIONS.—(1) In subsection (a) shall not apply if the Secretary of Defense determines that—
(1) a private sector vendor is not available to provide the personal information services at specific locations; or
(2) the interests of the user population would be best served by allowing the Government to provide such services.
(c) PERSONAL INFORMATION SERVICES DE- 
FINED.—In this section—
(1) the term ‘personal information services’ means the provision of Internet, telephone, or television services to consumers;
(2) the term ‘regardless of the member’s duty, injury, illness, or status’ means the member’s injury or illness incurred during or as a result of active duty that is due to an enemy or hostile action.
Sec. 653. REPORT ON IMPACT OF PURCHASING 
FROM LOCAL DISTRIBUTORS ALL ALCOHOLIC BEVERAGES FOR RESALE ON MILITARY INSTALLATIONS ON GUAM.
(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evalu-
(b) EVALUATION REQUIREMENTS.—As part of the report, the Comptroller General shall specifi-
cally evaluate the following:
(1) The rationale for and validity of the con-
cerns of nonappropriated fund activities over the one-year imposition of the local-purchase re-
quirement and the impact the requirement had on alcoholic resale prices.
(2) The justification for the increase in the price of alcoholic beverages for resale on mili-
tary installations on Guam.
(3) The extent to which nonappropriated fund activities in complying with the local purchase requirements for resale of alcoholic beverages and their purchase of such affected products be-
fore and after the date of the imposition of the provision of law referred to in subsection (a).
(4) The potential cost savings in transpor-
tation costs, including use of second destination distribution and the effect on the local purchase of alcoholic beverages from local distribu-
tors on Guam.
the best interest of the United States," and inserting "if the Secretary determines that the person—

(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person’s annual income; or

(2) would suffer an undue hardship in repaying the indebtedness.

(2) NAVAL SERVICE.—Section 616(a) of such title is amended by striking ", but only if the Secretary considers such action to be in the best interest of the United States," and inserting "if the Secretary determines that the person—

(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person’s annual income; or

(2) would suffer an undue hardship in repaying the indebtedness.

(3) AIR FORCE.—Section 9837(a) of such title is amended by striking ", but only if the Secretary considers such action to be in the best interest of the United States," and inserting "if the Secretary determines that the person—

(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person’s annual income; or

(2) would suffer an undue hardship in repaying the indebtedness.

(f) CONSTRUCTION WITH OTHER PAY AND LIABILITIES.—If benefits provided a member or former member of the Armed Forces under this section are not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in re integrating into civilian life after deployment or mobilization.

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (e) of such section is amended by inserting "(at the same time)" after "providing".

(g) DEFINITIONS.—In this section:

(1) The term "Post-Deployment/Mobilization Respite Absence program" means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in re integrating into civilian life after deployment or mobilization.

(2) The term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) In general.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) Construction.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized in subsection (d), for the benefit authorized to a member of the Armed Forces under subsection (b)(2), before the expiration of the authority in this section.

SEC. 666. SENSE OF CONGRESS REGARDING SUPPLEMENTAL MANNING AUTHORIZATIONS TO PROVIDE TRICARE DENTAL SERVICES TO FORMER MEMBERS OF THE ARMED FORCES WHO ARE ON ACTIVE DUTY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on the date of the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMDRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits authorized under this section are the following:

(1) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) TERMINATION.—A former member of the Armed Forces who is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS.—Not more than 40 days of benefits may be provided to a member or former member of the Armed Forces under this section.

(e) FORM OF PAYMENT.—The paid benefits authorized under this section shall be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LIABILITIES.—If benefits provided a member or former member of the Armed Forces under this section are not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in re integrating into civilian life after deployment or mobilization.

(2) The term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) In general.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) Construction.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized in subsection (d), for the benefit authorized to a member of the Armed Forces under subsection (b)(2), before the expiration of the authority in this section.

SEC. 646. SENSE OF CONGRESS REGARDING SUPPLEMENTAL MANNING AUTHORIZATIONS TO PROVIDE TRICARE DENTAL SERVICES TO FORMER MEMBERS OF THE ARMED FORCES WHO ARE ON ACTIVE DUTY.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary of Health and Human Services may authorize a member or former member of the Armed Forces with the benefits specified in subsection (b) to receive a benefit in the amount of not more than $200 for each day the member or former member would, on the date of the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMDRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits authorized under this section are the following:

(1) The term "chiropractic services"—

(A) includes diagnosis (including by diagnostic X-ray tests), health care services, and services that provide the treatment of a patient’s health condition, including chiropractic, manipulative, physical therapy, occupational therapy, and rehabilitative services; and

(B) does not include the use of drugs or substances.

(2) The term "chiropractor" means only a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractic surgeon by a jurisdiction of the United States, the District of Columbia, or a territory or possession of the United States.
SEC. 706. HEALTH CARE FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) In General.—Subsection (d) of section 1074 of title 10, United States Code, is amended to read as follows:

“(d) Effective Date.—Section 1074 of title 10, United States Code, is amended in subsection (f) by—

(B) the date that is 180 days before the date on which such agreement was entered into; and

(c) Activities of the Center.—In addition to other functions performed by the combat casualty care program, the Center shall—

(1) provide a public-private partnership for funding clinical trials and clinical research in combat injury;

(2) integrate basic and clinical research from both military and civilian populations to accelerate improvements to trauma care;

(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 strategies and measure improvements in outcomes.

(4) fund the full range of injury research and evaluation, including—

(A) basic, translational, and clinical research;

(B) research of injury and care processes;

(C) early resuscitative management;

(D) initial and definitive surgical care; and

(E) other activities of the Center referred to as the ‘Center’), which shall consist of the National Trauma Research Institute, the Army Medical Research and Materiel Command, and the Department of the Army. The Secretary shall appoint a director of the Center.

(b) Effective Date.—The amendment made by this subsection shall apply to Agreements entered into on or after January 1, 2010, to which such an Agreement is subject, and to military units that are undergoing such agreement or are under such agreement as of such date.

(c) Reimbursement.—The Secretary of Defense shall, for the purposes of this section, reimburse:—

(1) the costs of any activity, contract, or arrangement entered into under this section; and

(2) the costs of any activity, contract, or arrangement entered into under section 1076a of this title.
(E) rehabilitation and reintegration into society; and
(5) coordinate the collaboration of military and civilian institutions conducting trauma research.
(d) AUTHORIZATION.—In addition to any other funds authorized to be appropriated for the combat casualty care program of the Army Medical Research and Materiel Command, there is hereby authorized to be appropriated to the Secretary $1,000,000 for fiscal year 2010 for the purpose of carrying out activities under this section.

Subtitle B—Reports

SEC. 711. REPORT ON POST-TRAUMATIC STRESS DISORDER EFFORTS.
(a) REPORT REQUIRED.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees a report on the treatment of post-traumatic stress disorder. The report shall include the following:
(1) A list of each program and method available for the prevention, screening, diagnosis, treatment, or rehabilitation of post-traumatic stress disorder, including:
(A) rates of success for each such program or method (including an operational definition of the term “success” and a discussion of the process used to quantify such rates);
(B) members of the Armed Forces and veterans diagnosed by the Department of Defense or the Department of Veterans Affairs as having post-traumatic stress disorder and the number of such veterans who have been successfully treated; and
(C) any collaborative efforts between the Department of Defense and the Department of Veterans Affairs to prevent, present, screen, diagnose, treat, or rehabilitate post-traumatic stress disorder.
(2) The status of studies and clinical trials involving innovative treatments of post-traumatic stress disorder that are conducted by the Department of Defense, the Department of Veterans Affairs, or the private sector, including—
(A) efforts to identify physiopathological markers of post-traumatic stress disorder;
(B) with respect to efforts to determine causation of post-traumatic stress disorder, brain imaging studies and the correlation between brain region atrophy and post-traumatic stress disorder diagnoses and the results (including any interim results) of such efforts;
(C) the effectiveness of administering pharmaceutical agents before, during, or after a traumatic event in the prevention and treatment of post-traumatic stress disorder; and
(D) the incorporation of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.
(3) A description of each treatment program for post-traumatic stress disorder, including a comparison of the methods of treatment by each program, at the following locations:
(A) Fort Hood, Texas.
(B) Fort Bliss, Texas.
(C) Fort Campbell, Kentucky.
(D) Other locations the Secretary of Defense considers appropriate.
(4) The respective annual expenditure by the Department of Defense and the Department of Veterans Affairs for the treatment and rehabilitation of post-traumatic stress disorder.
(5) A description of gender-specific and racial and ethnic group-specific mental health treatment and services available for members of the Armed Forces, including—
(A) the availability of such treatment and services;
(B) the access to such treatment and services;
(C) the need for such treatment and services; and
(D) the efficacy and adequacy of such treatment and services.
(6) A description of areas for expanded future research with respect to post-traumatic stress disorder.
(7) Any other matters the Secretaries consider relevant.
(b) UPDATED REPORT REQUIRED.—Not later than December 31, 2012, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees an update of the report required by subsection (a).
(c) APPROPRIATE COMMITTEES DEFINED.—In this section, the term “appropriate committees” means—
(1) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Energy and Commerce of the House of Representatives; and
(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans’ Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 712. REPORT ON THE FEASIBILITY OF TRICARE PRIME IN CERTAIN COMMONWEALTHS AND TERRITORIES OF THE UNITED STATES.
(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study examining the feasibility and cost-effectiveness of offering TRICARE Prime in each of the following locations:
(1) American Samoa.
(2) Guam.
(3) The Commonwealth of the Northern Mariana Islands.
(5) The Virgin Islands.
(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study.
(c) TRICARE PRIME DEFINED.—In this section, the term “TRICARE Prime” has the meaning given that term in section 109A(a)(1)(J) of title 10, United States Code.

SEC. 713. REPORT ON THE HEALTH CARE NEEDS OF MILITARY FAMILY MEMBERS.
(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the health care needs of dependents of military family members (as defined in section 1072(2) of title 10, United States Code). The report shall include, at a minimum, the following:
(1) With respect to both the direct care system and the purchased care system, an analysis of the type of health care facility in which dependents seek care.
(2) The 10 most common medical conditions for which dependents seek care.
(3) The availability of and access to health care providers to treat the conditions identified under paragraph (2), both in the direct care system and the purchased care system.
(4) Any shortfalls in the ability of dependents to obtain required health care services.
(5) Recommendations on how to improve access to care for dependents.
(6) PILOT PROGRAM.—The report required under this section may include a pilot program to carry out a pilot program on the mental health care needs of military children and adolescents. In carrying out such a pilot program, the Secretary shall establish a center to—
(A) develop teams to train primary care managers in mental health evaluations and treatment of common psychiatric disorders affecting children and adolescents;
(B) develop protocols to reduce barriers to accessing behavioral health services and encourage better use of the programs and services by children and adolescents; and
(C) expand the education of mental health care using common indicators, including—
(i) psychiatric hospitalization rates;
(ii) non-psychiatric hospitalization rates; and
(iii) mental health relative value units.
(b) STUDY REQUIRED.—Not later than 90 days after establishing the pilot program, the Secretary shall submit to the congressional defense committees a report describing the
(i) structure and mission of the program; and
(ii) the resources allocated to the program.
(c) FINAL REPORT.—Not later than September 30, 2012, the Secretary of Defense shall submit to the congressional defense committees a report that addresses the elements described under paragraph (1).

SEC. 714. REPORT ON STIPENDS FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.
Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on stipends paid under section 704 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 185; 10 U.S.C. 1076 note). The report shall include—
(1) the number of stipends paid;
(2) the amount of the average stipend; and
(3) the number of members who received such stipends.

SEC. 715. REPORT ON THE REQUIRED NUMBER OF MILITARY MENTAL HEALTH PROVIDERS.
Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the appropriate number of military mental health providers required to meet the mental health care needs of members of the Armed Forces, retired members, and dependents. The report shall include, at a minimum, the following:
(2) The criteria and models used to determine the appropriate number of military mental health providers.
(3) A plan for how the Secretary of Defense will achieve the appropriate number of military mental health providers, including timelines, budgets, and any additional legislative authority the Secretary determines is required for such plan.

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

Subtitle A—Acquisition Policy and Management

Sec. 801. Temporary authority to acquire products and services produced in countries along a major route of supply to Afghanistan; Report.
Sec. 802. Assessment of improvements in service contracting.
Sec. 803. Display of annual budget requirements for procurement of contract services and the development of streamlined, clarifying technical amendments.
Sec. 804. Demonstration authority for alternative acquisition process for defense information technology programs.
Sec. 805. Limitation on performance of product support integrator functions.
Subtitle B—Amendments to “Contracting Authorities, Procedures, and Limitations”
Sec. 811. Revision of Defense Supplement relating to payment of costs prior to definitization.
Sec. 812. Revisions to definitions relating to contracts in Iraq and Afghanistan.
Sec. 813. Amendment to notification requirements for awards of single source task or delivery orders.

Sec. 814. Clarification of uniform suspension and debarment requirement.

Sec. 815. Extension of authority for use of simplified acquisition procedures for certain commercial items.

Sec. 816. Revisions to definitions of major defense acquisition program and major automated information system.

Sec. 817. Small Arms Production Industrial Base.

Sec. 818. Publication of justification for building and maintaining of the Department of Defense.

Sec. 819. Contract authority for advanced component development or prototype.

Subtitle C—Other Matters

Sec. 821. Enhanced expedited hiring authority for defense acquisition workforce positions.

Sec. 822. Acquisition Workforce Development Fund amendments.

Sec. 823. Reports to Congress on full deployment of military or stability operations in Afghanistan; or

Sec. 824. Requirement for Secretary of Defense to conduct an assessment of certain commercial items.

Sec. 825. Authorization for actions to correct the industrial resource shortfalls for high-purity beryllium metal.

Sec. 826. Review of post employment restrictions applicable to the Defense.

Sec. 827. Requirement to buy military decorations, insignias, and other uniform accoutrements produced in the United States.

Sec. 828. Findings and report on the usage of rare earth materials in the defense supply chain.

Sec. 829. Furniture standards.

Subtitle A—Acquisition Policy and Management

SEC. 801. TEMPORARY AUTHORITY TO ACQUIRE CONTRACT SERVICES AND PRODUCTS PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN: REPORT.

(a) In General.—In the case of a product or service to be acquired in support of military or stability operations in Afghanistan for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from one or more countries along a major route of supply to Afghanistan; or

(2) a preference is provided for products or services that are from one or more countries along a major route of supply to Afghanistan.

(b) Determination.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by personnel that ship goods, or provide support for shipping goods, for military forces, police, or security personnel of Afghanistan, or for military or civilian personnel of the United States, United States allies, or Coalition partners operating in military or stability operations in Afghanistan; or

(2) it is in the national security interest of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(A) to reduce overall United States transportation costs and risks in shipping goods in support of military or stability operations in Afghanistan;

(B) to encourage countries along a major route of supply to Afghanistan to cooperate in expanding supply routes through their territories in support of military or stability operations in Afghanistan; or

(C) to help develop more robust and enduring routes of supply to Afghanistan if it is mined, produced, or manufactured in a covered country.

(2) a service is from a country along a major route of supply to Afghanistan if it is performed in a covered country by citizens or permanent resident aliens of a covered country.

(3) a source is from a country along a major route of supply to Afghanistan if—

(A) it is located in a covered country; and

(B) offers products or services that are from a covered country.

(c) COVERED COUNTRY DEFINED.—In this section, the term ‘covered country’ means—

(A) Turkmenistan.

(B) Afghanistan.

(C) Pakistan.

(D) Uzbekistan.

(E) Tajikistan.

(F) Kazakhstan.

(G) Kyrgyzstan.

(H) Kazakhstan.

(I) Armenia.

(J) Azerbaijan.

(K) Turkmenistan.

(l) Georgia.

(m) Iran.

(n) Israel.

(o) Jordan.

(p) Lebanon.

(q) Oman.

(r) Pakistan.

(s) Qatar.

(t) Saudi Arabia.

(u) United Arab Emirates.

(v) United Kingdom.

(w) United States.

(x) Yemen.

(y) Afghanistan.

(z) Pakistan.

(aa) Uzbekistan.

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SEC. 805. LIMITATION ON PERFORMANCE OF CONTRACT SUSTAINMENT SUPPORT ACTIVITIES.

(a) AUTHORITY.—The Secretary of Defense shall require, in the solicitation for a major automated information system contract, that any contractor supporting a major automated information system program in any of the military departments or Defense Agencies that has received milestone A approval, but has not yet received milestone B approval, include in the solicitation a description of an alternative acquisition process for rapidly acquiring information technology capabilities. In designing the programs, the Secretary may select any information technology program in any of the military departments or Defense Agencies that has received milestone A approval, but has not yet received milestone B approval.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a), including a process to measure the effectiveness of the alternative acquisition process to be demonstrated. The Secretary of Defense shall notify the congressional defense committees of those procedures in the annual report to the congressional defense committees required by subsection (d).

(c) REQUIREMENT TO PAY FULL COST IN YEAR OF DELIVERY.—No contract to acquire an information technology system may be entered into using the authority under subsection (a) unless the funds for the full cost of such system are obligated or expended in the fiscal year of delivery of the system.

(d) ANNUAL REPORT.—By March 1 of each year, beginning March 1, 2010, and ending March 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a report on the activities carried out under the authority under subsection (a) unless the funds for the full cost of such system are obligated or expended in the fiscal year of delivery of the system.

(e) PERIOD OF AUTHORITY.—The authority under subsection (a) shall be in effect during each of fiscal years 2010 through 2015.

SEC. 806. 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. Contractor sustainment support arrangements: limitation on product support integrator functions.

(1) LIMITATION.—A product support integrator function for a covered major system may be performed only by a member of the armed forces or an employee of the Department of Defense.

(2) DEFINITIONS.—In this section:

(A) The term ‘product support integrator function’ means the function of integrating all sources of support for a major system, both public and private, and includes the integration of sustainment support arrangements at the level of the program office responsible for sustainment of such system.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 806(a) of title 10, United States Code, is repealed.

(c) CLARIFICATION OF CONTRACT SERVICES REQUIREMENTS.—Section 2301(e) of title 10, United States Code, is amended in paragraph (4) by inserting after ‘plan’ the following: ‘‘and a contracts services requirements approval process’’.

SEC. 804. DEMONSTRATION AUTHORITY FOR ALTERNATIVE ACQUISITION PROCESS FOR DEFENSE INFORMATION TECHNOLOGY PROGRAMS.

(a) AUTHORITY.—The Secretary of Defense may enter into a contract for the demonstration of an alternative acquisition process for rapidly acquiring information technology capabilities. In designing the programs, the Secretary may select any information technology program in any of the military departments or Defense Agencies that has received milestone A approval, but has not yet received milestone B approval.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a), including a process to measure the effectiveness of the alternative acquisition process to be demonstrated. The Secretary of Defense shall notify the congressional defense committees of those procedures in the annual report to the congressional defense committees required by subsection (d).

(c) REQUIREMENT TO PAY FULL COST IN YEAR OF DELIVERY.—No contract to acquire an information technology system may be entered into using the authority under subsection (a) unless the funds for the full cost of such system are obligated or expended in the fiscal year of delivery of the system.

(d) ANNUAL REPORT.—By March 1 of each year, beginning March 1, 2010, and ending March 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a report on the activities carried out under the authority under subsection (a) unless the funds for the full cost of such system are obligated or expended in the fiscal year of delivery of the system.

(e) PERIOD OF AUTHORITY.—The authority under subsection (a) shall be in effect during each of fiscal years 2010 through 2015.

SEC. 811. REVISION OF DEFENSE SUPPLEMENT RELATING TO PAYMENT OF COSTS PROGRAMS.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to require that, if a clause relating to payment of costs prior to definitization of costs is included in a contract of the Department of Defense, the clause shall apply:

(1) to the contract regardless of the type of contract; and

(2) to each contractual action pursuant to the contract.

(b) CONTRACTUAL ACTION.—In this section, the term ‘contractual action’ includes a task order or delivery order.

SEC. 812. REVISIONS DEFINITIONS RELATING TO CONTRACTS IN IRAQ AND AFGHANISTAN.

(a) REVISIONS TO DEFINITION OF CONTRACT IN IRAQ OR AFGHANISTAN.—Section 864a(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 258; 10 U.S.C. 2211 note) is amended—

(1) by striking ‘‘or’’ at the end of subparagraph (B) of section 2410q the following:

‘‘2410r. Contractor sustainment support arrangements: limitation on product support integrator functions.’’.

(2) by striking the period and inserting a semicolon

SEC. 813. AMENDMENT TO NOTIFICATION REQUIREMENTS FOR SINGLE SOURCE TASK OR DELIVERY ORDERS.

(a) CONGRESSIONAL DEFENSE COMMITTEES.—Subparagraph (B) of section 2044d(3)(A) of title 10, United States Code, is amended to read as follows:

(B) in the case of a covered contract that is a task order or delivery order, the contractor or subcontractor carrying out the covered contract.

(b) REVISION TO DEFINITION OF CONTRACTOR.—Paragraph (4) of section 664(a) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended to read as follows:

(4) the term ‘contractor’, with respect to a covered contract, means a contractor;

SEC. 814. CLARIFICATION OF UNIFORM SUSPENSION AND DEBARMENT REQUIREMENT.

Section 2455(a) of the Federal Acquisition Streamlining Act of 1994 (31 U.S.C. 7301 note) is amended by striking ‘‘any procurement or nonprocurement activity’’.

SEC. 815. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.

Section 4202 of the Clinger–Cohen Act of 1996 (Division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended by striking ‘‘any procurement or nonprocurement activity’’.
chapter, the Secretary of Defense may designate that program to be treated only as a major automated information system program or to be treated only as a major defense acquisition program. Paragraph (1).

(b) MAJOR AUTOMATED INFORMATION SYSTEM.—Section 2445(a)(2) of title 10, United States Code, is amended by striking the period at the end and inserting “of the Department of Defense after signing a contract”.

SEC. 817. SMALL ARMS PRODUCTION INDUSTRIAL BASE.

Section 2473 of title 10, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

“(a) SMALL ARMS PRODUCTION INDUSTRIAL BASE.—In this section, the term ‘small arms production industrial base’ means the persons and organizations that are engaged in the production or maintenance of small arms within the United States; and

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

“(6) Pistols.”.

SEC. 818. PUBLICATION OF JUSTIFICATION FOR BUNDLING AT THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT TO PUBLISH JUSTIFICATION FOR BUNDLING.—A contracting officer of the Department of Defense may not bundle items for a contract where the contractor is carrying out a covered acquisition unless—

(1) the contract option described in paragraph (2) is determined, through a criminal, civil, or administrative proceeding that results in a disposition in a covered contract, to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel; or

(2) that awarded a subcontract under a covered contract to a subcontractor that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition in a covered contract, to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel, but only to the extent that the defense contractor has been determined (through such a proceeding that results in such a disposition) that the defense contractor is also liable for such actions of the subcontractor.

(b) DETERMINATION OF DEBARMENT.—Not later than 90 days after a determination pursuant to subsection (a)(1) has been made, the Secretary shall determine whether the defense contractor is also liable for such actions of the subcontractor with the Department of Defense.

(c) LIST OF DISPOSITIONS IN CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDINGS.—For purposes of subsection (a), the dispositions listed in subsection (c), in the performance of a covered contract to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel, but only to the extent that the defense contractor has been determined (through such a proceeding that results in such a disposition) that the defense contractor is also liable for such actions of the subcontractor.

(d) BUNDLING AGAINT.—Not later than 90 days after a determination pursuant to subsection (a)(1) has been made, the Secretary shall determine whether the defense contractor is also liable for such actions of the subcontractor with the Department of Defense.

SEC. 822. ACQUISITION WORKFORCE WORKFORCE POSITIONS.

(a) REVISIONS TO CREDITS TO FUND.—(1) REVISION TO CREDITS TO FUND.—Subparagraph (B) of section 1705(d)(2) of title 10, United States Code, is amended—

(A) in the first sentence, by striking “the third fiscal year quarter” and inserting “each fiscal year”; and

(B) by striking “quarter” before “for services”.

(2) AUTHORITY TO SUSPEND REMITTANCE REQUIREMENT.—Section 1705(d)(2) of such title is further amended by adding at the end the following new subparagraph:

“(E) The Secretary of Defense may suspend the requirement under subparagraph (B), or reduce the amount required to be remitted under that subparagraph, for fiscal year 2010 or any subsequent fiscal year for which amounts appropriated to the Fund are in excess of the amount specified for that fiscal year in subparagraph (D).”.

(b) REVISION TO EMPLOYEES COVERED BY PROVISION OF PAYMENT OF BASE SALARY.—Paragraph 5 of section 1705(e) of such title is amended by striking “who was an employee of the Department of Defense as of the date of the enactment of the Military justice Improvement Act for Fiscal Year 2008” and inserting “who, as of January 28, 2008, was an employee of the Department serving in a position in the acquisition workforce of the Department”.

(c) TECHNICAL AMENDMENTS.—Section 1705(d)(2) of such title is further amended—

(1) in subsection (a), by inserting “Development” after “Workforce”; and

(2) in subsection (f), by striking “beginning with fiscal year 2008” in the matter preceding paragraph (1).
any of the outcomes specified in paragraph (1), (2), or (3).”

(d) Waiver.—The prohibition required by subsection (a) may be waived by the Secretary of Defense on a case-by-case basis if the Secretary finds that the prohibition would jeopardize national security. The Secretary shall notify the congressional defense committees of any exercise of the waiver authority under this subsection.

(e) Definitions.—In this section:

(1) The term “defense contractor” means a company awarded a covered contract.

(2) The term “covered contract” means a contract awarded by the Department of Defense for the procurement of goods or services.

(3) The term “serious bodily injury” means a grievous physical harm that results in a permanent disability.

(f) Regulations.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the prohibition required by subsection (a) and shall establish in such regulations—

(1) that the prohibition applies only to award and incentive fees under the covered contract concerned;

(2) the extent of the award and incentive fees covered by the prohibition, but shall include, at a minimum, all award and incentive fees associated with the performance of the covered contract that the Secretary determines to be necessary to avoid potential violations of post-employment restriction and conflicts of interest in interactions with former personnel of the Department;

(3) adequately address personnel performing duties in acquisition-related activities that are not covered by current restrictions relating to private sector employment following employment with the Department of Defense and procurement personnel performing duties in support of the performance of such activities, including, as appropriate, the development of new policies and procedures to prevent former personnel of the Department from exercising undue or inappropriate influence over the award and incentive fees under a covered contract or from having a significant role in the award and incentive fees under a covered contract;

(4) ensure that the Department of Defense has the authority to implement the prohibition required by subsection (a) and that the Secretary determines that such policies and procedures are adequate to ensure that former personnel of the Department do not have a significant role in the award and incentive fees under a covered contract or from having a significant role in the award and incentive fees under a covered contract;

(5) ensure that the Secretary of Defense will publish the regulations in the Federal Register;

(6) ensure that the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, consistent with the policies prescribed by the Secretary of Defense, implement the prohibition required by subsection (a); and

(7) ensure that service in the Department of Defense remains an attractive career option.

(g) Cooperating with Congress.—In the first report submitted by the Secretary under paragraph (e)(1), the Secretary shall certify to the Committees on Armed Services of the Senate and the House of Representatives that the prohibition and regulations prescribed under subsection (f) have been implemented and that the prohibition has been enforced consistent with that certification.

(h) Authorization of Appropriations.—There is authorized to be appropriated out of any funds available to the Department of Defense for fiscal year 2021, such sums as may be necessary to carry out the prohibition and regulations prescribed under subsection (f).

(i) Prohibitions on Employment.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall prescribe additional regulations to implement the prohibition required by subsection (a) and shall establish in such regulations—

(1) the prohibition applies only to award and incentive fees under the covered contract concerned;

(2) the extent of the award and incentive fees covered by the prohibition, but shall include, at a minimum, all award and incentive fees paid to a contractor or subcontractor under a covered contract prior to the determination.

(3) mechanisms for recovery by or repayment to the United States of any award and incentive fees paid to a contractor or subcontractor under a covered contract prior to the determination.

(4) Effective date.—The prohibition required by subsection (a) shall apply to covered contracts awarded on or after the date occurring 180 days after the date of the enactment of this Act.

SEC. 825. AUTHORIZATION FOR ACTIONS TO CORRECT THE INDUSTRIAL RESOURCE SHORTFALL FOR HIGH-PURITY BER-YLLIUM METAL IN AMOUNTS NOT IN EXCESS OF $85,000,000.

With respect to actions by the President under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2903) to correct the industrial resource shortfall for high-purity beryllium metal, the limitation in subsection (a)(6)(C) of such section shall be applied by substituting “$85,000,000” for “$50,000,000.”

SEC. 826. REVIEW OF POST EMPLOYMENT RESTRICTIONS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) Review Required.—The panel on Contracting Integrity, established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-338), shall review policies relating to post-employment restrictions on former Department of Defense personnel to determine whether such policies adequately protect the public interest without unduly limiting future employment options for former Department of Defense personnel.

(b) Panel Considered.—In performing the review required by subsection (a), the Panel shall consider the extent to which current post-employment restrictions—

(1) appropriately protect the public interest by preventing personal conflicts of interest and preventing former Department of Defense officials from exercising undue or inappropriate influence on the Department of Defense;

(2) appropriately require disclosure of personnel accepting employment with contractors of the Department of Defense involving matters related to the performance of secret or classified activities;

(3) use appropriate thresholds, in terms of salary or duties, for the establishment of such restrictions;

(4) are sufficiently straightforward and have been explained to personnel of the Department of Defense so that such personnel are able to avoid potential violations of post-employment restriction and conflicts of interest in interactions with former personnel of the Department;

(5) adequately address personnel performing duties in acquisition-related activities that are not covered by current restrictions relating to private sector employment following employment with the Department of Defense and procurement personnel performing duties in support of the performance of such activities, including, as appropriate, the development of new policies and procedures to prevent former personnel of the Department from exercising undue or inappropriate influence over the award and incentive fees under a covered contract or from having a significant role in the award and incentive fees under a covered contract;

(6) ensure that the Department of Defense has the authority to implement the prohibition required by subsection (a) and that the Secretary determines that such policies and procedures are adequate to ensure that former personnel of the Department do not have a significant role in the award and incentive fees under a covered contract or from having a significant role in the award and incentive fees under a covered contract;

(7) ensure that service in the Department of Defense remains an attractive career option.

(8) Authorization of Appropriations.—There is authorized to be appropriated out of any funds available to the Department of Defense for fiscal year 2021, such sums as may be necessary to carry out the prohibition and regulations prescribed under subsection (f).

SEC. 827. REQUIREMENT TO BUY MILITARY DECORATIONS, RIBBONS, BADGES, MEDALS, INsignias, AND OTHER UNIFORM ACCOUTERMENTS PRODUCED IN THE UNITED STATES.

(a) REQUIREMENT.—The Secretary of Defense may not purchase for resale any military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in or for use in entering into military contracts or military饰物；is permissible only if the United States证据证明这些物品不在其他协议中协议的范围内；

(1) it is necessary, to the maximum extent practicable, to ensure the uninterrupted supply of strategic materials critical to national security, including rare earth materials and other items covered under section 2533a(b)(1) of title 10, United States Code, to support the defense supply chain, particularly when many of those materials are supplied by primary producers in unrelated foreign nations;

(2) severe shortages exist for many of these materials, including numerous defense critical materials, and these technologies cannot be built without the use of these metals and materials produced from them and therefore could qualify as strategic materials, critical to national security, in which case the Strategic Materials Protection Board should recommend a strategy to the President to ensure the domestic availability of these materials; and

(3) it is necessary, to the maximum extent practicable, to ensure the uninterrupted supply of strategic materials critical to national security, including rare earth materials and other items covered under section 2533a(b)(1) of title 10, United States Code, to support the defense supply chain, particularly when many of those materials are supplied by primary producers in unrelated foreign nations;

(b) REPORT REQUIRED.—Not later than April 1, 2021, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the usage of rare earth materials in the supply chain of the Department of Defense.

(c) OBJECTIVES OF REPORT.—The objectives of the report required by subsection (b) shall be to determine the availability of rare earth materials, including ammunition and ammunition and other defense materials, components containing rare-earth materials, and other uses of rare earths by the Department of Defense in its weapon systems. The following items shall be considered:

(1) An analysis of past procurements and attempted procurements by foreign governments or government-controlled entities, including mines that are under the control of foreign nations, which have been procured by the United States Department of Defense in its weapons systems; and

(2) An analysis of the worldwide availability of rare earths, such as samarium, neodymium, thorium and lanthanum, and their potential domestic sources for use in defense systems, including a projected analysis of the projected availability of these materials in the foreseeable future; and

(3) A determination as to which defense systems are currently dependent on rare earths.
supplied by nondomestic sources, particularly neodymium iron boron magnets.

(d) RARE EARTH DEFINED.—In this section, the term “rare earth” means the chemical elements listed in section 57 of title 10, United States Code, and including all of the natural chemical elements in the periodic table following lanthanum up to and including lutetium, element number 57, and including all of the elements yttrium and scandium.

SEC. 929. FURNITURE STANDARDS.

All Department of Defense purchases of furniture in the United States and its territories made from Department of Defense funds, including under design-build contracts, must meet the same quality standards as specified by the General Services Administration schedule program and the Department of Defense.

TITLe IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Role of commander of special operations command regarding personnel management policy and plans affecting special operations forces.

Sec. 902. Special operations commands.

Sec. 903. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.


Sec. 905. Organizational structure of the Office of the Secretary of Defense for Health Affairs.

Sec. 906. Requirement for Director of Operational Energy Plans and Programs to report directly to Secretary of Defense.

Sec. 907. Increased flexibility for Commandant Marine Corps.

Sec. 908. Repeal of requirement for a Deputy Assistant Secretary of Defense for Technology Security Policy within the Office of the Under Secretary of Defense for Policy.

Sec. 909. Recommendations to Congress by members of Joint Chiefs of Staff.

Subtitle B—Space Activities

Sec. 910. Submission and review of space science and technology strategy.

Sec. 912. Authorization of a space surveillance network pilot program to a permanent program.

Subtitle C—Intelligence-Related Matters

Sec. 921. Plan to address foreign ballistic missile intelligence analysis.

Subtitle D—Other Matters

Sec. 931. Joint Program Office for Cyber Operations Capabilities.


Sec. 933. Department of Defense School of Nursing revisions.

Sec. 934. Report on special operations command organization, manning, and management.

Sec. 935. Study on the recruitment, retention, and career progression of uniformed in the special operations cyberspace personnel.

Subtitle A—Department of Defense Management

Sec. 901. ROLE OF COMMANDER OF SPECIAL OPERATIONS COMMAND REGARDING PERSONNEL MANAGEMENT POLICY AND PLANS AFFECTING SPECIAL OPERATIONS FORCES.

Section 167(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking subparagraph (J); and

(2) inserting at the end the following new paragraph:

‘‘(2) The Secretary of the Navy and the Secretary of the Marine Corps shall develop, in consultation with the Secretaries of the Army and the Air Force, the Department of the Navy and the Department of the Marine Corps, respectively, a cross-service joint special operations forces personnel training and education program.´´.

Sec. 902. SPACE OPERATIONS ACTIVITIES.

Section 167(h) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking subparagraph (J); and

(2) inserting at the end the following new paragraph:

‘‘(2) The Secretary of the Navy and the Secretary of the Marine Corps shall develop, in consultation with the Secretaries of the Army and the Air Force, the Department of the Navy and the Department of the Marine Corps, respectively, a cross-service joint special operations forces personnel training and education program.´´.


(a) REDESIGNATION OF 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.

(b) OTHER STATUTORY OFFICES.—

(1) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(2) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, the General Counsel of the Department of the Navy, and the General Counsel of the Department 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 are redesignated as the Department of the Navy and Marine Corps, respectively.

(c) 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 501 of such title is amended to read as follows:

‘‘501. Organization of Department.—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(b)(1) of such title is amended by striking ‘‘Secretary of the Navy’’ and inserting ‘‘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:


(B) The heading of chapter 507 of such title is amended to read as follows:


(4) OTHER AMENDMENTS.—

(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 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 office 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. 904. AUTHORITY TO ALLOW PRIVATE SECTOR EMPLOYEES TO RECEIVE INSTRUCTION AT DEFENSE CYBER INVESTIGATIONS TRAINING ACADEMY OF THE DEPARTMENT OF DEFENSE CYBER CRIME CENTER.

(a) ADMISSION OF PRIVATE SECTOR CITIZENS.—Section 108 of Public Law 110-175 (124 Stat. 227, 50 U.S.C. App. 2401 note), as added by section 2 of chapter 36 of the Act (124 Stat. 321), is amended by inserting after section 2167 the following new section:


“(a) AUTHORITY FOR ADMISSION.—The Secretary of Defense may permit eligible private sector employees to receive instruction at the Defense Cyber Investigations Training Academy operating under the direction of the Defense Cyber Crime Center. No more than the equivalent of 200 full-time student positions may be filled at any one time by private sector employees enrolled under this section, on a yearly basis. Upon successful completion of the course of instruction in which any such private sector employee is enrolled, that employee may be awarded an appropriate certification or diploma.

“(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For purposes of this section, a private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense or other Government department or agency substantial defense-related systems, products, or services, or whose work product is relevant to national security policy or strategy. A private sector employee may: (1) be employed by an eligible private firm and may receive instruction only as long as that person remains employed by an eligible private sector firm.”

“CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS.”

(3) OTHER AMENDMENTS.—
“(c) PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

“(1) the curriculum in which private sector employees may be enrolled under this section is not modified through other sections of this Act;

“(2) the course offerings at the Defense Cyber Investigations Training Academy continue to be determined solely by the needs of the Department of Defense;

“(d) TUITION.—The Secretary of Defense shall charge private sector employees enrolled under this section tuition at a rate that is at least equal to the rate charged for employees of the United States. In determining tuition rates, the Secretary shall include overhead costs of the Defense Cyber Investigations Training Academy.

“(e) STANDARDS OF CONDUCT.—While receiving instruction at the Defense Cyber Investigations Training Academy, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the Academy.

“(f) USE OF FUNDS.—Amounts received by the Defense Cyber Investigations Training Academy for instruction of students enrolled under this section shall be retained by the Academy to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the Academy.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by inserting after the section relating to Secretary of Defense, the Defense Agencies, and the combatant commands.

SEC. 905. ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS WITHIN THE TRICARE MANAGEMENT ACTIVITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity showing, at a minimum, the senior positions in such office and such activity.

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

(1) ORGANIZATIONAL CHARTS.—Organizational charts of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity showing, at a minimum, the senior positions in such office and such activity:

(2) SENIOR POSITION DESCRIPTIONS.—A description of the policy-making functions and oversight responsibilities of each senior position in the Office of the Assistant Secretary of Defense for Health Affairs and the policy and program execution responsibilities of each senior position of the TRICARE Management Activity.

(c) POSITIVES—SAME INDIVIDUAL.—A description of which positions in both organizations are filled by the same individual.

(d) ASSESSMENT.—An assessment of whether the senior personnel of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity, as currently organized, are able to appropriately perform the discrete functions of policy formulation, policy and program execution, and program oversight.

(c) DEFINITIONS.—In this section—

(1) THE TERM "EXECUTIVE SCHEDULE"—The term "senior position" means a position fill by a member of the senior executive service or a position on the Executive Schedule established pursuant to title 5, United States Code.

(2) SENIOR PERSONNEL.—The term "senior personnel" means personnel who are members of the senior executive service or who fill a position listed on the Executive Schedule established pursuant to title 5, United States Code.

SEC. 906. REQUIREMENT FOR DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS TO REPORT DIRECTLY TO SECRETARY OF DEFENSE.

Paragraph (c) of section 120(a) of title 10, United States Code, is amended to read as follows:

“(2) The Director shall report directly to the Secretary of Defense.”

SEC. 907. INCREASED FLEXIBILITY FOR COMBAT-COMMANDER INITIATIVE FUND.

(a) INCREASE IN FUNDING LIMITATIONS.—Subparagraph (A) of paragraph (1) of title 10, United States Code, is amended—

(1) by striking "$10,000,000" and inserting "$20,000,000"; and

(2) by striking "$15,000" and inserting "the investment unit cost threshold in effect under section 2245a of this title.”

(b) COVERAGE ACTION DEFINED.—In this section, the term "covered action" means—

(1) the transfer of the Defense Technology Security Administration, including the Defense Cyber Investigations Training Academy, students enrolled under this section shall be retained by the Academy to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the Academy.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by inserting after the section relating to Secretary of Defense, the Defense Agencies, and the combatant commands.

SEC. 908. REPEAL OF REQUIREMENT FOR A DEPUTY SECRETARY OF DEFENSE WITHIN THE TRICARE MANAGEMENT ACTIVITY.

(a) REPEAL OF REQUIREMENT FOR POSITION.—

(1) REPEAL.—Section 134b of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 134b.

(b) PRIOR NOTIFICATION OF CHANGE IN REPORTING RELATIONSHIP FOR THE DEFENSE TECHNOLOGY SECURITY ADMINISTRATION.—The Secretary of Defense shall ensure that no covered action is taken without a notification of such action to the Committees on Armed Services of the Senate and the House of Representatives.

(c) COVERAGE ACTION DEFINED.—In this section, the term "covered action" means—

(1) the transfer of the Defense Technology Security Administration to an Under Secretary or other office of the Department of Defense other than the Under Secretary of Defense for Policy;

(2) the consolidation of the Defense Technology Security Administration with another office, agency, or field activity of the Department of Defense; or

(3) the addition of management layers between the Defense Technology Security Administration and the Under Secretary of Defense for Policy.

SEC. 909. RECOMMENDATIONS TO CONGRESS BY MEMBERS OF JUNIOR CHIEFS OF STAFF.

Section 151(f) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "After first"; and

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

“(2) The members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisers, shall provide advice to Congress on a particular matter when Congress requests such advice.”

Subtitle B—Space Activities

SEC. 911. SUBMISSION AND REVIEW OF SPACE SCIENCE AND TECHNOLOGY STRATEGIES AND PROGRAMS.

(a) STRATEGY.—

(1) REQUIREMENTS.—Paragraph (2) of section 227(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(b) The process for transitioning space science and technology programs to new or existing organizations.”

(2) SUBMISSION TO CONGRESS.—Paragraph (5) of such section is amended to read as follows:

“(5) The Secretary of Defense shall annually submit the strategy developed under paragraph (1) to the congressional defense committees on the date on which the President submits to Congress the budget for the fiscal year under section 1105 of title 31, United States Code.”

(b) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF STRATEGIES.—The Comptroller General shall review and assess the first space science and technology strategy submitted under paragraph (5) of section 227(a) of title 10, United States Code, amended by subsection (a)(2) of this section, and the effectiveness of the coordination process required under section 227(b) of such title.

(2) REPORT.—Not later than 90 days after the date on which the Secretary of Defense submits the first space science and technology strategy required to be submitted under paragraph (5) of section 227(a) of title 10, United States Code, as amended by subsection (a)(2) of this section, the Comptroller General shall submit to the congressional defense committees a report containing the findings and assessment under paragraph (1).

SEC. 912. CONVERTING THE SPACE SURVEILLANCE NETWORK PILOT PROGRAM TO A PERMANENT PROGRAM.

Section 2274 of title 10, United States Code, is amended—

(1) in the heading, by striking "PILOT";

(2) in subsection (a)—

(A) in the heading, by striking "PILOT"; and

(B) by striking "a pilot program to determine the feasibility and desirability of providing" and inserting "a program to provide";

(3) in subsection (b) in the matter preceding paragraph (1), by striking "a pilot program" and inserting "the program";

(4) in subsection (c) in the matter preceding paragraph (1), by striking "pilot"; and

(5) in subsection (d) in the matter preceding paragraph (1), by striking "pilot";

(6) in subsection (h), by striking "pilot"; and

(7) by striking subsection (j).

Subtitle C—Intelligence-Related Matters

SEC. 921. PLAN TO ADDRESS FOREIGN BALLISTIC MISSILE INTELLIGENCE ANALYSIS.

(a) ASSESSMENT AND PLAN.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall—

(1) conduct an assessment of foreign ballistic missile intelligence to identify gaps and shortfalls; and

(2) develop a plan to ensure that the appropriate intelligence centers have sufficient analytical capabilities to address such gaps and shortfalls.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Defense shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

(1) the results of the assessment conducted under subsection (a)(1); and

(2) the plan developed under subsection (a)(2); and

(3) a description of the resources required to implement such plan.

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

Subtitle D—Other Matters

SEC. 931. JOINT PROGRAM OFFICE FOR CYBER OPERATIONS CAPABILITIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a Joint Program Office for Cyber Operations Capabilities to assist the Under Secretary of Defense for Acquisition, Technology, and Logistics in improving the development of specific leap-ahead capabilities, including manpower development, tactics, and technologies for offensive and defensive operations, the Defense Agencies, and the combatant commands.
(h) DIRECTOR.—The Joint Program Office for Cyber Operations Capabilities (in this section referred to as the “JPO-COC”) shall be headed by a Director, who shall be appointed by the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Networks and Information Integration, the Assistant Secretary of Defense for Intelligence, and the commander of United States Strategic Command. The Director shall be selected from among individuals with significant technical and management expertise in information technology system development, and shall serve for three years.

c) SUPERVISION.—The Director shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Assistant Secretary of Defense for Networks and Information Integration may provide policy guidance to the Director on issues within the Director’s areas of responsibilities.

(d) RESPONSIBILITIES.—The JPO-COC shall be responsible for the following:

(1) Coordinating cyber operations capabilities, both offensive and defensive, between the military departments, Defense Agencies, and combatant commands to identify and prioritize joint capability gaps.

(2) Developing advanced, leap-ahead capabilities to address joint capability gaps.

(3) Developing and implementing joint, interagency cyber exercise, similar to the exercise known as Eligible Receiver, that would occur at least biennially, and, to the extent possible, that would involve participation from individual infrastructure sector providers, international militaries, and non-governmental organizations.

(4) Such other responsibilities as the Under Secretary determines are appropriate.

(c) ANNUAL REPORT.—By March 1 of each year, beginning March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on all of the activities of the JPO-COC during the preceding year.

SEC. 932. DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM TRANSITION COUNCIL.

(a) IN GENERAL.—The Secretary of Defense shall establish a Defense Integrated Military Human Resources System Transition Council (in this section referred to as the “Council”) to provide advice to the Secretary of Defense and the Secretary of the Treasury on implementing the Defense integrated military human resources system (in this section referred to as the “DIMHRS”) throughout the Department of Defense, including within each military department.

(b) COMPOSITION.—The Council shall include the following members:

(1) The Chief Management Officer of the Department of Defense.

(2) The Director of the Business Transformation Agency.

(3) One representative from each of the Army, Navy, Air Force, and Marine Corps who is a lieutenant general or rear admiral.

(4) One civilian employee of the National Guard who occupies a position of responsibility and receives compensation comparable to a lieutenant general or rear admiral.

(5) Such other individuals as may be designated by the Secretary of Defense.

(c) MEETINGS.—The Council shall meet at least once a quarter, or more often as specified by the Secretary of Defense.

(d) DUTIES.—The Council shall have the following responsibilities:

(1) Resolution of significant policy, programmatic, and organizational issues impacting transition of DIMHRS to the military departments.

(2) Coordination of implementation of DIMHRS within each military department to ensure coordination between and among the Department of Defense as a whole and each military department.

(3) Such other responsibilities as the Secretary of Defense determines are appropriate.

(4) Options and recommendations for reducing staffing levels at special operations command headquarters by 5 and 10 percent, respectively, and an assessment of the opportunity costs and management risks associated with each option.

(5) A plan to sustain the cultural engagement group of special operations command central.

(6) An assessment of the resourcing requirements to establish capability similar to the cultural engagement group capability at the other special operations command locations.

(7) A review and assessment for improving the relationship between special operations command and each of the theater special operations commands under the geographical combatant commands and the establishment of a more direct administrative and collaborative link between them.

(8) A review and assessment of existing Defense intelligence committees in report assessing the sufficiency of the numbers and types of personnel available for cyber operations, including an assessment of the balance between military and civilian positions.

(9) The definition and coherence of career fields for both members of the Armed Forces and civilian employees of the Department of Defense.

(10) Recommendations for increasing recruitment levels at special operations command headquarters by 5 and 10 percent, respectively, and an assessment of the opportunity costs and management risks associated with each option.

(11) A recommendation and plan for including international development and conflict prevention representatives as participants in the Center for Special Operations Interagency Task Force process.

(12) A recommendation to provide executive agent support from the Defense Logistics Agency for special operations command.

(13) A recommendation and plan for including international development and conflict prevention representatives as participants in the Center for Special Operations Interagency Task Force process.
In this section, the term “cyber operations personnel” refers to members of the Armed Forces and civilian employees of the Department of Defense involved with the operations and maintenance of a computer network connected to the global information grid, as well as offensive, defensive, and exploitation functions of such a network.

TITLe X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. Incorporation of funding decisions into law.

Subtitle B—Counter-Drug and Counter-Terrorism Activities

Sec. 1011. One-year extension of Department of Defense counter-drug authorities and requirements.

Sec. 1012. Joint task forces support to law enforcement agencies conducting counter-terrorism activities.

Sec. 1013. Border coordination centers in Afghanistan and Pakistan.

Sec. 1014. Comptroller General report on effectiveness of accountability measures for assistance from counter-narcotics central transfer account.

Subtitle C—Miscellaneous Authorities and Limitations

Sec. 1021. Operational procedures for experimental military prototypes.

Sec. 1022. Temporary reduction in minimum number of operational aircraft carriers.

Sec. 1023. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1024. Charter for the National Reconnaissance Office.

Subtitle D—Studies and Reports


Sec. 1032. Report on the force structure findings of the 2009 quadrennial defense review.

Sec. 1033. Sense of Congress and amendment relating to quadrennial defense review.

Sec. 1034. Strategic review of basing plans for the United States European Command.


Sec. 1038. Studies to analyze alternative models for acquisition and funding of technologies supporting network-centric operation.

Subtitle E—Other Matters

Sec. 1041. Prohibition relating to propaganda.

Sec. 1042. Extension of certain authority for making rewards for combating drug trafficking.

Sec. 1043. Technical and clerical amendments.

Sec. 1044. Repeal of pilot program on commercial fee-for-service air refueling supporting special operations.

Sec. 1045. Extension of sunset for congressional commission on the strategic posture of the United States.

Sec. 1046. Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense.

Sec. 1047. Combat forces restructuring.

Sec. 1048. Sense of Congress honoring the Honorable Ellen O. Tauscher.
(2) Rule of Construction.—Paragraph (1) does not prohibit or limit the use of other funds available to the Department of Defense to construct, expand, repair, or operate and maintain border coordination centers.

(b) Limitation on Establishment of Additional Centers.—The Secretary of Defense may not authorize the establishment, or any construction in connection with the establishment, of a third border coordination center in the area of operations of Regional Command-East in the Islamic Republic of Afghanistan until a border coordination center has been constructed, or is under construction, in either—

(1) the area of operations of Regional Command-South in the Islamic Republic of Afghanistan; or

(2) Baluchistan in the Islamic Republic of Pakistan.

(c) Border Coordination Center Defined.—In this section, the term ‘‘border coordination center’’ means multilateral military coordination and intelligence center that is located, or evaluation has been or is to be conducted, under the Secretary of Defense to assess the effectiveness of assistance provided for foreign nations to achieve the counter-narcotics objectives of the Department of Defense. The report shall be unclassified, but may contain a classified annex.

(d) ELIGIBILITY.—The report required by subsection (a) shall contain the following:

(1) A description of the performance evaluation system of the Department of Defense used to determine the efficiency and effectiveness of counter-narcotics assistance provided by the Department of Defense to foreign nations.

(2) An assessment of the ability of the performance evaluation system to accurately measure the efficiency and effectiveness of such counter-narcotics assistance.

(3) Detailed recommendations on how to improve the performance evaluation system for the evaluation system for the counter-narcotics central transfer account.

Subtitle C—Miscellaneous Authorities and Limitations

SEC. 1021. OPERATIONAL PROCEDURES FOR EXPERIMENTAL MILITARY PROTOTYPES.

(a) In General.—For the purposes of conducting test and evaluation of experimental military prototypes, including major systems, as defined in section 2302 of title 10, United States Code, the Secretary of Defense may, without substantially modifying the test program, use test hardware and equipment to accomplish test objectives, to test the effects of changes to existing operational instructions and procedures, and to test existing operational instructions and procedures that have been substantially modified for the purpose of research, development, or testing. The Secretary shall:

(1) Coordinate consideration of the safety of personnel conducting such tests and evaluations;

(2) ensure that, prior to the approval of any such test program that involves test hardware and equipment, the management analysis has been completed by a competent technical authority to provide a reasonable basis for determining that the proposed deviation will not result in an unreasonable risk of injury or damage to the United States;

(3) provide full and fair opportunity for all contractors, including defense contractors, who have developed or proposed promising technologies, to test and evaluate experimental military prototypes in a manner that—

(A) allows both the contractor and the military service to assess the full potential of the technology prior to the establishment of a formal acquisition program; and

(B) does not unduly restrict the operating environment, or conditions approved for use during test and evaluation on the basis of existing operating instructions and procedures developed for sustained operations of proven military hardware, but does ensure that deviations from existing operating instructions and procedures have been subjected to appropriate technical review consistent with any modifications made to the system or equipment; and

(4) ensure that documentation and approval of such deviations—

(A) can be accomplished in a transparent, cost-effective, and expeditious manner, generally within the period of performance of the contract for the development of the experimental military prototype;

(B) address the use of a major system as an experimental military prototype or, as appropriate, and the conduct of test and evaluation of such system by the contractor; and

(C) identify the scope of test and evaluation to be conducted in accordance with the responsibilities of the parties conducting the test and evaluation, including the assumption of liability, and the responsibility for disposal of the experimental military prototype or, as appropriate, the return of a major system to its original condition;

(b) Report.—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 a report documenting the guidance developed in accordance with subsection (a) and describing how such guidance fulfills the objectives under paragraphs (1) through (4) of such subsection.

(c) One Time Authority to Convey.—

(1) IN GENERAL.—In advance of the development of a process required by subsection (a), the Secretary of the Navy is authorized to convey, without consideration, to Piascki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as ‘‘transferee’’), all right, title, and interest of the United States, except as provided in paragraph (2), in and to the X-49A aircraft and associated components and test equipment, previously specified as Government furnished equipment in contract N00019-00-C-0284. The conveyance shall be made by means of a deed of gift.

(2) CONDITIONS.—The conveyance under paragraph (1) may only be made under the following conditions:

(A) The aircraft shall be conveyed in its current condition.

(B) The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(C) The conveyance shall be made at no cost to the United States. Any costs associated with the conveyance shall be borne by the transferee.

(D) The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States, except that such terms and conditions shall not include—

(i) a provision stipulating that the conveyance of the X-49A aircraft is for the sole purpose of further development, test, and evaluation of the vectored thrust ducted propeller (VTDP) technology and that all items referenced in paragraph (1) will transfer back to the United States Navy, at no cost to the United States, in the event that the X-49A aircraft is utilized for any other purpose; and

(ii) a provision providing the Secretary, at the time the conveyance is made, to procure the vectored thrust ducted propeller (VTDP) technology demonstrated under this program at a discounted cost based on the value of the X-49A aircraft and associated equipment at the time of such conveyance and terms determined by the Secretary.

(E) Upon such conveyance, the United States shall not be liable for any death, injury, loss, or damage that results from the use of that aircraft by any person other than the United States.

SEC. 1022. Temporary Reduction in Minimum Number of Operational Aircraft Carriers.

(a) Temporary Waiver.—Notwithstanding subsection 5062(b) of title 10, United States Code, during the period beginning on the date of the inactivation of the U.S.S. Enterprise (CVN-65) scheduled, as of the date of the enactment of this Act, for fiscal year 2013 and ending on the date of the commissioning into active service of the U.S.S. Gerald R. Ford (CVN-78), the number of operational aircraft carriers in the naval forces of the United States shall be 11.

(b) Evaluation and Report.—

(1) Evaluation.—During the fiscal year 2012, the Chairman of the Joint Chiefs of Staff, in coordination with the combatant commanders, shall evaluate the required postures and capabilities of each of the combatant commands to assess the level of increased risk that would result due to the reduction in the total number of operational aircraft carriers following the inactivation of the U.S.S. Enterprise (CVN-65).

(2) Report to Congress.—Together with the budget materials submitted to Congress by the Secretary of Defense in support of the President’s budget for fiscal year 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the findings of the evaluation conducted pursuant to paragraph (1), and the basis for each such finding.

SEC. 1023. Limitation on Use of Funds for the Transfer or Release of Individual Detained at United States Naval Station, Guantanamo Bay, Cuba.

(a) In General.—The Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense for fiscal year 2010 or any subsequent fiscal year to release or transfer any individual described in subsection (d) to the United States, its territories, or possessions, until 120 days after the President has submitted to the congressional defense committees the plan described in subsection (b).

(b) Plan Required.—The President shall submit to the congressional defense committees a plan for the disposition of each individual described in subsection (d). Such plan shall include—

(1) an assessment of the risk that the individual described in subsection (d) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition of such individual;

(3) a plan to mitigate any risks described in paragraph (1) should the proposed disposition required by paragraph (2) include the release or transfer to the United States, its territories, or possessions of any such individual; and

(4) a summary of the consultation required in subsection (c).

(c) Consultation Required.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the individual described in subsection (d) is released or transferred to that State, District of Columbia, or territory or possession.
RELEASES THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

SEC. 1032. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNOIAL DEFENSE REVIEW.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the appropriate congressional committees a report addressing the areas of deviation not later than 30 days after the submission of the report by the Comptroller General required pursuant to paragraph (1).

(b) ANALYSES.—In this section:

(1) UNIT.—The term "unit" has the meaning determined by the Secretary of Defense for purposes of this section.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations of the Senate and the Committee on Armed Services of the House of Representatives; and

(C) the Senate Select Committee on Intelligence and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1033. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—There is established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the "Panel"). The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of twelve members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(1) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Three by the chairman of the Committee on Armed Services of the Senate.

(3) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(4) Two by the ranking member of the Committee on Armed Services of the Senate.

(5) Two by the Secretary of Defense.

(c) CHAIRPERSON.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee of Armed Services of the Senate shall each designate one of their appointees under subsection (b) to serve as co-chair of the Panel.

(d) APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as other regular appointments.

(e) DUTIES.—The Panel shall—

(1) review the national defense strategy, the military strategy, the Secretary of Defense's terms of reference for development and generation of requirements in title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report on the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the "2009 QDR"), as well as the 2009 QDR itself;

(2) conduct an assessment of the assumptions, strategy, findings, costs, and risks of the report of the 2009 QDR, with particular attention paid to the risks described in that report;

(3) submit to the congressional defense committees and the Secretary an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR, suitable to meet the requirements identified in the review required in paragraph (1);

(4) estimate the funding required by fiscal year, in constant fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment under paragraph (3); and

(5) provide to Congress and the Secretary of Defense, through the reports under subsection (a), any recommendations it considers appropriate for their consideration.

(f) FIRST MEETING.—Not later than April 15, 2010, the Panel shall hold its first meeting no later than 30 days after the date as of which all appointments to the Panel under paragraphs (1), (2), (3), and (4) of subsection (b) have been made.

(g) REPORTS.—Not later than January 15, 2011, the Panel shall submit its final report, together with any recommendations, to the congressional defense committees and to the Secretary of Defense.

(h) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(i) FFORCE SUPPORT.—The co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(j) PERSONNEL MATTERS.—The Panel shall have the authorities provided in section 113(a) of title 5, United States Code, and shall be subject to the conditions set forth in such section.

(k) PAYMENT OF PANEL.—Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

(l) TERMINATION.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (g)(3).
SEC. 1036. REPORT REQUIRED ON NOTIFICATION OF DETAINEE RIGHTS UNDER MIRANDA V. ARIZONA.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on how the rights under Miranda v. Arizona (384 U.S. 436 (1966)) to individuals detained by the United States in Afghanistan may affect—

(1) the rules of engagement of the Armed Forces deployed in support of Operation Enduring Freedom;

(2) post-capture interrogations and intelligence-gathering activities conducted as part of Operation Enduring Freedom;

(3) the overall counterinsurgency strategy and objectives of the United States for Operation Enduring Freedom;

(4) United States military operations and objectives in Afghanistan; and

(5) potential risks to members of the Armed Forces deploying in Afghanistan.

SEC. 1037. ANNUAL REPORT ON THE ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT REQUIRED.—At the same time the President submits to Congress the budget under section 1105(a) of title 31, United States Code, for fiscal year 2010, and for each subsequent fiscal year, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Secretary of each of the military departments, shall submit an annual report on the electronic warfare strategy of the Department of Defense.

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

(1) A description and overview of—

(A) the Department of Defense’s electronic warfare strategy;

(B) how such strategy supports the National Defense Strategy;

(C) the organizational structure assigned to oversee the development of the Department’s electronic warfare strategy, requirements, capabilities, programs, and projects;

(D) a list of all the electronic warfare acquisition programs and research and development projects of the Department of Defense and a description of how each program or project supports the Department’s electronic warfare strategy.

(3) For each unclassified program or project on the list required under paragraph (2)—

(A) the senior acquisition executive and organization responsible for oversight of the program or project;

(B) whether or not validated requirements exist for each program or project and, if such requirements exist, the date on which the requirements were validated and by which organizational authority;

(C) the total amount of funding appropriated, obligated, and forecasted by fiscal year for the program or project, to include the program element or procurement line number from which the program or project receives funding;

(D) the development or procurement schedule for the program or project.

(4) An assessment of the cost, schedule, and performance of the program or project as it relates to the program or project’s current program baseline and the original program baseline if such baselines are not the same;

(5) The technological readiness level of each critical technology that is part of the program or project;

(6) Whether or not the program or project is redundant or overlaps with the efforts of another department or agency;

(7) What capability gap the program or project is being developed or procured to fulfill.

(4) A classified annex that contains the items described in paragraphs (A) through (H) for each classified program or project on the list required under paragraph (2).

SEC. 1038. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR ACQUISITION AND FUNDING OF TECHNOLOGIES SUPPORTING NETWORK-CENTRIC OPERATIONS.

(a) STUDIES REQUIRED.—

(1) INDEPENDENT STUDY.—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 federal agency funded to develop a comprehensive study of policies, procedures, organization, and regulatory constraints affecting the acquisition of technologies supporting network-centric operations. Such a contract shall be funded from amounts appropriated pursuant to an authorization of appropriations for this Act or otherwise made available for fiscal year 2010 for operation and maintenance for Defense-wide activities.

(2) JOINT CHIEFS OF STAFF STUDY.—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 Secretary of Defense.

(b) MATTERS TO BE ADDRESSED.—Each study required by subsection (a) shall address the following matters:

(1) Development of a system for understanding the various foundational components that contribute to network-centric operations, such as data transport, processing, storage, data collection, and dissemination of information.

(2) Determining how acquisition and funding programs that are in place as of the date of the enactment of this Act relate to the system developed under paragraph (1).

(3) Development of acquisition and funding models using the system developed under paragraph (1), including—

(A) a model under which a joint entity independent of any military department (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 to manage and oversee the acquisition of technologies for network-centric operations, but without inclusive control of the funding for such programs;

(C) a model under which the acquisition and funding programs that are in place as of the date of the enactment of this Act are maintained; and

(D) any other model that the entity carrying out the study considers relevant.

(4) An analysis of each of the models developed under paragraph (3) with respect to potential benefits in—

(A) collecting, processing, and disseminating information;

(B) network commonality;

(C) common communications;

(D) interoperability;

(E) mission impact and success; and

(F) cost effectiveness.

(5) An evaluation of each of the models developed under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that may impede the implementation of such model.

(c) REPORT REQUIRED.—Not later than September 30, 2010, 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) OFFICE OF THE SECRETARY OF DEFENSE RESPONSIBILITIES.—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, by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

Subtitle II—Other Matters

SEC. 1041. PROHIBITION RELATING TO PROPAGANDA.

(a) IN GENERAL.—

(1) PROHIBITION.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2241 the following new section:

"§ 2241a. Prohibition on use of funds for propaganda or propaganda purposes within the United States

"(a) Funds available to the Department of Defense may not be obligated or expended for propaganda or propaganda purposes within the United States other than—

(1) to individuals detained by the United States in Afghanistan; and

(2) for the reading of rights under the rules of engagement of the Armed Forces deployed in support of Operation Enduring Freedom.

(b) EFFECTIVE DATE.—Section 2241a of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 1042. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.

Section 127b(c)(2)(C) of title 19, United States Code, is amended by striking "2009" and inserting "2010".

SEC. 1043. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The heading of section 1567 is amended to read as follows:

"§ 1567. Duration of military protective orders."

(2) The heading of section 1567a is amended to read as follows:

"§ 1567a. Mandatory notification of issuance of military protective order to civilian law enforcement."

(3) Section 2306(c) is amended by striking "section 2290(2)(c)" and inserting "section 2290(4)(c)".

(4) Section 2607(g)(1) is amended by striking "Secretary concerned" and inserting "Secretary concerned".

(b) TITLE 37, UNITED STATES CODE.—Section 398(a)(2)(A)(ii) of title 37, United States Code, is amended by striking the comma before the period at the end.

(c) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—Effective as of October 14, 2008, and as included therein as enacted, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) Section 314(a) (122 Stat. 4410; 10 U.S.C. 2710 note) is amended by striking "Secretary" and inserting "Secretary of Defense."

(2) Section 523(1) (122 Stat. 4446) is amended by striking "serving or" and inserting "serving or".

(3) Section 616 (122 Stat. 4486) is amended by striking "of title" in subsections (b) and (c) and inserting "of such title".

(4) Section 732 (122 Stat. 4511) is amended by striking "year" and inserting "year".

(5) Section 812(c)(4)(A)(iv)(D) (122 Stat. 4524) is amended by striking "after of the program" and inserting "after of the program."
(7) Section 825(b) (122 Stat. 4534) is amended in the new item being added by inserting a period after “thereof”.

(8) Section 834(a)(2) (122 Stat. 4557) is amended by inserting “subchapter II of” before “chapter 87”.

(9) Section 845(a) (122 Stat. 4541) is amended—
(A) in the matter preceding paragraph (2) by striking “subsection (a)” and inserting “subsection (f)”, and
(B) by striking the words “and subsection (a)” and inserting “and subsections (f), (g), and (h)”.

(10) Section 921(c)(6) (122 Stat. 4575) is amended—
(A) by striking “Section 201(2)” and inserting “Section 201(2)(E)”; and
(B) by striking “(6 U.S.C. 121(f)(E))” and inserting “(6 U.S.C. 121(f)(2)(E))”.

(11) Section 921(c)(6) (122 Stat. 4576) is repealed.

(12) Section 1033(b) (122 Stat. 4593) is amended by striking “chapter 941” and inserting “chapter 921”.

(13) Section 1059 (122 Stat. 4611) is amended by striking “Act of” and inserting “Act for”.

(14) Section 1061(b)(2) (122 Stat. 4613) is amended by striking “1991” and inserting “1988”.

(15) Section 1109 (122 Stat. 4618) is amended in subsection (e)(1) of the matter proposed to be added by inserting “the date of the enactment of this Act” and inserting “October 14, 2006.”.

(16) Section 1204(b) (122 Stat. 4664) is amended in the matter preceding paragraph (1) by striking “paragraph (1)” and inserting “paragraph (2)”.

(17) Section 3508 (122 Stat. 4769) is amended to read as follows:

(a) CONFORMING AMENDMENT.—The chapter 541 of title 46, United States Code, as inserted and amended by the amendments made by paragraphs (A) through (D) of section 3523(a)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 599), is repealed.

(b) Section 3511(a) (122 Stat. 4770) is amended by inserting before the period the following: “;

(c) and by striking “CALENDAR” and inserting “FISCAL” in the heading for paragraph (2)”.

SEC. 1044. REPEAL OF PLOY PROGRAM ON COMMERCIAL FUEL-PER-SERVICE AIR RE-FUELING SUPPORT FOR THE AIR FORCE.


SEC. 1045. EXTENSION OF SUNSET FOR CONGRESSIONAL OVERSIGHT 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. 319) is amended—

(1) by redesignating subsections (i) and (j) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1) of this subsection, by striking “June 1, 2009”, and inserting “September 30, 2010”;

(3) by inserting after subsection (e) the following new subsection (f):

(f) FOLLOW-ON REPORT.—Not later than May 1, 2010, the Under Secretary of Defense for Acquisition, Technology and Logistics 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, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives a follow-on report on the follow-on report submitted under subsection (e). With respect to the matters described under subsection (c), the follow-on report shall include, at a minimum, the following:

(A) “The nuclear posture review required by section 1070 of this Act; and

(B) CAPABILITIES REVIEW.—The Secretary of Defense Review required to be submitted under section 110 of title 10, United States Code.

(2) A review of legislative actions taken by the 111th Congress.

SEC. 1046. AUTHORIZATION OF APROPRIATIONS FOR PAYMENTS TO PORTUGUESE NA-TIONAL WAGE SURVEYS FOR SURVEY YEARS 2006 AND 2007.

(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. 1544 note) and section 8002 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1271; 10 U.S.C. 1544 note); and

(2) salary increases supported by the Department of Defense in 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 wages survey methodology described in the United States—Portugal Agreement on Cooperation on Operation and Defense, with supplemental technical and labor agreements and exchange of services signed on June 1, 1995, and entered into force on November 21, 1995, is eliminated; and

(2) the agreements and exchange of notes referred to in paragraph (1) and any implementing regulations thereto are revised to provide that the obligations of the United States regarding annual pay increases are subject to an annual cap and limit, as provided in section 1059(b)(6) of the Defense Authorization Act for Fiscal Year 2007 (Public Law 109–289; 120 Stat. 1271; 10 U.S.C. 1544 note); and

SEC. 1047. COMBAT AIR FORCES RESTRUCTURING.

(a) LIMITATIONS RELATING TO LEGACY AIRCRAFT.—Until the expiration of the 90-day period beginning on the date the Secretary of the Air Force submits a report in accordance with subsection (b), the following provisions apply:

(1) PROHIBITION ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force may not retire any fighter aircraft pursuant to the Combat Air Forces restructuring plan announced by the Secretary of Defense on July 1, 2008, and entered into force on November 21, 1995, is terminated.

(2) The agreements and exchange of notes referred to in paragraph (1) and any implementing regulations thereto are revised to provide that the obligations of the United States regarding annual pay increases are subject to an annual cap and limit, as provided in section 1059(b)(6) of the Defense Authorization Act for Fiscal Year 2007 (Public Law 109–289; 120 Stat. 1271; 10 U.S.C. 1544 note); and

(3) A description of the funding needed in fiscal years 2010 through 2015 to cover operation and maintenance for the Air Force, at least $344,600,000 shall be expended for continued operation and maintenance of the aircraft, if the restructuring plan is not carried out.

(7) An identification of the reassignment and manpower authorized necessary for the restructuring plan to proceed, and a description of how such funds would be invested during the future-years defense plan to ensure the continued capability for the fighter aircraft achieves the desired service life and is sufficiently modernized to outpace the threat.

(b) EXCEPTION FOR CERTAIN AIRCRAFT.—The prohibition in subsection (a)(1) shall not apply to the 50 freight aircraft scheduled for retirement in fiscal year 2010, as announced when the budget for fiscal year 2009 was submitted to Congress.

SEC. 1048. SENSE OF CONGRESS HONORING THE HONORABLE ELLEN O. TAUSCHER.

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

(1) In 1996, Representative Ellen O. Tauscher was elected to represent California’s 10th Congressional district, which is located in the East Bay region of northern California and consists of parts of Solano, Contra Costa, Alameda, and Sacramento counties.

(2) Representative Tauscher also represents two of the Nation’s defense laboratories, Lawrence Livermore and the California campus of Sandia, as well as Travis Air Force Base, home of the 60th Air Mobility Wing and the Camp Paris Army Reserve facility.

(3) Prior to her service in Congress, Representative Tauscher worked in the private sector for 20 years, 14 of which were on Wall Street.

(4) At age 25, Representative Tauscher became one of the first women, and the youngest at the time, to hold a seat on the New York Stock Exchange, and she later served as an officer of the American Stock Exchange.

(5) Representative Tauscher moved to California in 1969 and shortly afterwards founded the first national research service to help parents verify the background of childcare workers while she sought quality childcare for her own daughter.

(6) Subsequently, Representative Tauscher published a book to help working parents make informed decisions about their own childcare needs.

(7) Representative Tauscher is known by her colleagues in Congress as a leader on national security and nonproliferation issues.

(8) During her tenure, she has introduced legislation to increase and expand the Nation’s nonproliferation programs, strengthen the Stockpile Stewardship Program, and provide the Nation’s troops with the support and equipment they need.

(9) In the 110th Congress, Representative Tauscher was appointed Chairman of the Strategic Forces Subcommittee of the Armed Services Committee of the House of Representatives, becoming only the third woman in history to chair an Armed Services Subcommittee.

(10) Representative Tauscher is also the first California Democrat to be elevated to an Armed Services Subcommittee Chairmanship since 1992.

(11) Representative Tauscher is currently serving in her second term as Chairman of the House New Democrat Coalition, and she was appointed by the Speaker of the House to serve as the Vice Chair for the Future Security and Defense Component of the Senate and Security Committee of NATO’s Parliamentary Assembly.
(12) On May 5, 2009, the President nominated Representative Tauscher to serve as Under Secretary of State for Arms Control and International Security at the Department of State.

(b) Sense of Congress—It is the sense of Congress that—

(1) in addition to the forces described in section 5062(b) of title 10, United States Code, the Department of Defense, not later than December 31, 2010, shall identify a specific plan to become compliant with the law well in advance of 2017.

(c) Plan.—In the next update of the Financial Improvement and Audit Readiness Plan, the Secretary of Defense shall outline a plan to achieve a full, unqualified audit of the Department of Defense by September 30, 2013. In the plan, the Secretary shall also set forth a strategy to conduct audits of the military intelligence programs and agencies and to submit audited financial statements for such agencies to Congress in a classified manner.

SEC. 1053. JUSTICE FOR VICTIMS OF TERRORISM AND TERRORISM.

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

(1) The Department of Defense is the largest agency in the Federal Government, owning 86 percent of the Government's assets, estimated at $4.5 trillion.

(2) It is essential that the Department maintain strong financial management and business systems that allow for comprehensive auditing, in order to improve financial management governance and accountability and in opinion on the Federal Government's consolidated financial statements.

(3) Several major pieces of legislation, such as the Chief Financial Officers Act of 1990 (Public Law 101-576) and the Federal Financial Management Improvement Act of 1996 (Public Law 104-208) at 31 U.S.C. 301-307 required published financial statement audits, reporting by auditors regarding whether the Department's financial management systems comply substantially with Federal accounting standards, and other measures intended to ensure financial management systems of the Department provide accurate, reliable, and timely financial management information.

(4) Nevertheless, according to the January 2009 update to the Government Accountability Office High Risk Series, to date, only . . . the U.S. Army Corps of Engineers, Civil Works has achieved a clean audit opinion on its financial statements. None of the military services have received favorable financial statement audit opinions, and the Department has annually acknowledged that long-standing pervasive weaknesses in its business systems, processes, and controls have prevented auditors from determining the completeness of reported financial statement information.

(5) In response to a congressional mandate, the Department issued its first biennial Financial Improvement and Audit Readiness Plan in December 2005, to delineate its strategy for addressing financial management challenges and achieving clean audit opinions. This 2005 report projected that 69 percent of assets and 60 percent of liabilities would be "clean" by 2009, yet in the latest report in March 2009 the Department projects it will achieve an unqualified audit on only 45 percent of its assets and liabilities by 2009. The Department of Defense is falling behind its original plan to achieve full compliance with the law by 2017.

(6) Following the passage of the Sarbanes-Oxley Act of 2002 (Public Law 107-204), publicly traded corporations in the United States would face severe penalties for similar deficiencies in financial management and accountability.

(b) Sense of Congress.—It is the sense of Congress that it is no longer excusable to allow for financial management and audit readiness standards a top priority and should be fully integrated into the audit requirements of the Department of Defense, that each component of the Department develop and implement a specific plan to become compliant with the law well in advance of 2017.

(7) Plan.—In the next update of the Financial Improvement and Audit Readiness Plan, the Secretary of Defense shall outline a plan to achieve a full, unqualified audit of the Department of Defense by September 30, 2013. In the plan, the Secretary shall also set forth a strategy to conduct audits of the military intelligence programs and agencies and to submit audited financial statements for such agencies to Congress in a classified manner.
Sec. 1106. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.

Sec. 1107. Authority to expand scope of provisions relating to unreduced compensation for certain reemployed annuitants.

Sec. 1108. Requirement for Department of Defense strategic workforce plans.

Sec. 1109. Adjustments to limitations on personnel authorized for annual manpower reporting.

Sec. 1110. Modification to Department of Defense laboratory personnel authority.

Sec. 1111. Pilot program for the temporary exchange of information technology personnel.


Sec. 1114. Sense of Congress on pay parity for Department of Defense employees and joint Base McGuire/Dix/Lakehurst.

SEC. 1101. AUTHORITY TO EMPLOY INDIVIDUALS COMPLETING THE NATIONAL SECURITY PERSONNEL SYSTEM PROGRAM.

(a) AUTHORITY FOR EMPLOYMENT.—Section 802 of the David L. Boren National Security Education Act of 1992 (42 U.S.C. 2132d) is amended by adding at the end the following new subsection:

(8) Employment of Program Participants.—The Secretary of Defense, the head of an element of the intelligence community, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

(1) may, without regard to any provision of title 5 governing appointment of employees to positions in the Department of Defense, an element of the intelligence community, the Department of Homeland Security, the Department of State, or such Federal agency or office, appoint to a position that is identified under subsection (b)(2)(A)(i) as having national security responsibilities, an individual who has successfully completed an academic program in which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to such Department, such element, or such Federal agency or office; and

(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.

Sec. 1102. Pilot Program for the Temporary Exchange of Information Technology Personnel.

Sec. 1103. Authorization for the Employment of Individuals Successfully Completed the Department of Defense Information Assurance Scholarship Program.

Section 2206a of title 10, United States Code, is amended by adding at the end the following new subsection:

(6) Employment of Program Participants.—The Secretary of Defense—

(1) may, without regard to any provision of title 5 governing appointment of employees to positions in the Department of Defense, an excepted service position under the authority of para- graph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment;

(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment; and

(3) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.

Sec. 1104. Additional Personnel Authorities for the Special Inspector General for Afghanistan Reconstruction.

Section 1229(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 381) is amended by striking paragraph (1) and inserting the following:

(1) PERSONNEL.

(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of chapter 73 of title 5, as may be provided for under such regulations prescribed by the President, so as to be made available with respect to reemployed annuitants within the Department of Defense who are subject to such other retirement systems for Government employees as may be provided for under such regulations.


Section 603(a)(2) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as amended by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616), is amended by inserting “Pakistan or” after “is on official duty in”.

Sec. 1107. Authority to Expand Scope of Provisions Relating to Unreduced Compensation for Certain Reemployed Annuitants.

(a) IN GENERAL.—Section 9602(h) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4), and

(2) by inserting after paragraph (2) the following:

(3) Benefits similar to those provided by paragraphs (1) and (2) may be extended, in accordance with regulations prescribed by the President, so as to be made available with respect to reemployed annuitants within the Department of Defense who are subject to such other retirement systems for Government employees as may be provided for under such regulations.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9602(h) of such title 5 (as so redesignated by subsection (a)(1)) is amended by striking the period and inserting “,” excluding paragraph (3), “.”.

Sec. 1108. Requirement for Department of Defense Strategic Workforce Plans.

(a) Codification of Requirement for Strategic Workforce Plans.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

“§ 115b. Annual strategic workforce plan

(a) ANNUAL PLAN REQUIRED.—(1) The Secretary of Defense shall submit to the congressional defense committees on an annual basis a strategic workforce plan to shape and improve the civilian employee workforce of the Department of Defense.

(2) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for developing and implementing the strategic workforce plan, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(b) CONTENTS.—Each strategic workforce plan shall include—

(1) an assessment of—

(A) the critical skills and competencies that will be needed in the future within the civilian employee workforce by the Department of Defense to support national security requirements and effectively manage the Department during the seven-year period following the year in which the plan is submitted;
TECHNICAL WORKFORCE.—Each strategic workforce plan under this section during the pre-

paragraph (A).

necessary to achieve the goals referred to in sub-

pay for any category of personnel listed in sub-

force that may be needed to address such gaps

ment, including the program objectives of the

The Secretary of Defense shall establish a dead-

submittal of reports under this sub-

section to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic workforce plan required by this section.

DEFINITIONS.—In this section:

(1) the term ‘senior management, functional, and technical workforce of the Department of Defense’ includes the following categories of Department of Defense civilian personnel:

(A) Appointees in the Senior Executive Service under section 3113 of title 5.

(B) Persons serving in positions described in section 3376(a) of title 5.

(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; 114 Stat. 1654A-155).


(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

The plan for the continued review of contract workyears associated with the replacement of contracts performing inherently governmental or exempt functions.

(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.

(4) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the Secretary of a military department, and, for each adjustment made pursuant to section 1111(b)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 143 note), the purpose of the adjustment.

(2) TECHNICAL AMENDMENTS TO REFLECT NAME OF REPEALED PROVISION.

(A) Subsection (a) of section 115a of such title is amended by inserting “defense” before “manpower requirements report.”

(B) The heading of such section is amended to read as follows: “115b. Annual defense manpower requirements report.”
SECTION 1111. PAY PERM FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.

(a) ASSIGNMENT AUTHORITY.—The Secretary of Defense may, with the agreement of the private sector organization concerned, arrange for the temporary assignment of an employee to such private sector organization, or from such private sector organization to a Department of Defense organization under this section. An employee shall be eligible for such an assignment only if—

(1) the employee—

(A) works in the field of information technology management;

(B) is considered to be an exceptional employee;

(C) is expected to assume increased information technology management responsibilities in the future;

(D) is compensated at not less than the GS-11 level (or the equivalent); and

(E) the assignment meets applicable requirements of section 209(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note).

(b) AGREEMENT.—The Secretary of Defense shall enter into a written agreement with the Department of Defense and the employee concerned regarding the terms and conditions of the employee’s assignment under this section. The agreement shall—

(1) require that Department of Defense employees, upon completion of the assignment, will serve in the civil service for a period equal to the period of the assignment;

(2) provide that if the Department of Defense or private sector employee fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason (as determined by the Secretary of Defense);

(3) be in writing;

(4) provide for the payment of fees to be determined by the Secretary of Defense; and

(5) may be modified, amended, or terminated by the Department of Defense or the private sector organization concerned.

(c) LENGTH OF ASSIGNMENT.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private sector organization concerned.

(d) DURATION.—An assignment under this section shall be for a period of not less than 3 months and not more than 1 year, and may be extended for a total of not more than 1 additional year; however, no assignment under this section may commence after September 30, 2013.

(e) CONSIDERATIONS.—In carrying out this section, the Secretary of Defense—

(1) shall ensure that, of the assignments made under this section each year, at least 20 percent are from small business concerns (as defined by section 3703(e)(2)(A) of title 5, United States Code); and

(2) shall take into consideration the question of how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees in information technology management.

(f) REPORTING REQUIREMENT.—For each of fiscal years 2010 through 2015, the Secretary of Defense shall submit to the congressional defense committees a report, not later than 1 month after the end of the fiscal year involved, a report on any activities carried out under this section during such fiscal year, including information concerning—

(1) the respective organizations (as referred to in subsection (a)) to and from which any employee was assigned under this section;

(2) the positions those employees held while they were so assigned; and

(3) a description of the tasks they performed while they were so assigned.

(g) HIST REPURSEMENT.—Section 1139 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 350) is amended by striking “2011” each place it appears and inserting “2014”.

SEC. 1112. PROVISIONS RELATING TO THE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term “National Security Personnel System” or “NSPS” refers to a human resources management system established under authority of chapter 99 of title 5, United States Code; and

(2) the term “statutory pay system” means a pay system applied; and

(b) subchapter IV of chapter 53 of title 5, United States Code (relating to prevailing rate systems); and

(c) such other provisions of law as would apply if chapter 99 of title 5, United States Code, had never been enacted.

(b) REQUIREMENT THAT ALL APPOINTMENTS MADE AFTER JUNE 16, 2009, BE SUBJECT TO THE AUTHORITY TO EXTEND ASSIGNMENT TO NSPS.—Notwithstanding any other provision of law—

(1) the National Security Personnel System—

(A) shall not apply to any individual who is not subject to such System as of June 16, 2009; and

(B) shall not apply to any position which is not subject to such System as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to any position within the Department of Defense shall accordingly be subject to the statutory pay system and all other aspects of the personnel system which would otherwise apply (with respect to the individual or position involved) if the National Security Personnel System had never been established.

(c) TERMINATION OF NSPS AND CONVERSION OF ANY EMPLOYEES AND POSITIONS REMAINING SUBJECT TO NSPS.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to put into effect the provisions of this Act on the date of enactment of this Act, for the termination of the National Security Personnel System and for the conversion of any employees and positions which, as of such date of enactment, remain subject to such System, to—

(A) the statutory pay system and all other aspects of the personnel system that last applied to such employee or position (as the case may be) before the National Security Personnel System applied; or

(B) if subparagraph (A) does not apply, the statutory pay system and all other aspects of the personnel system that would have applied if the National Security Personnel System had never been established.

No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the National Security Personnel System should not be terminated in accordance with paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but not later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary’s views and the reasons therefor. Such report shall specifically include—

(A) the Secretary’s opinion as to whether the System should be continued with or without changes; and

(B) if, in the opinion of the Secretary, the System should be continued with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

(d) RESTORATION OF FULL ANNUAL PAY ADJUSTMENTS UNDER NSPS PENDING ITS TERMINATION.—Section 9902(c)(7) of title 5, United States Code, is amended by striking “no less than 60 percent” and all that follows and inserting “the full amount of such adjustment.”.

SEC. 1113. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term “defence intelligence position in the Department of Defense” means an Intelligence Senior Level position designated under section 1607 of title 5, United States Code, excluding an Intelligence Senior Level position designated under section 1607 of such title and any position in the Defense Intelligence Service.

(2) the term “DCIPS pay system”, as used with respect to a covered position, means the...
provisions of the Defense Civilian Intelligence Personnel System under which the rate of salary or basic pay for such position is determined, excluding any provisions relating to bonuses, awards, or any other amounts not in the nature of salary or basic pay;

(3) the term ‘‘Defense Civilian Intelligence Personnel System’’ means the personnel system established under chapter 43 of title 10, United States Code; and

(4) the term ‘‘appropriate pay system’’, as used with respect to a covered position, means—

(A) a system under which, as of September 30, 2007, the rate of salary or basic pay for such position was determined; or

(B) if subparagraph (A) does not apply, the system or systems under which employees of the position were paid without changes, with respect to covered positions, excluding any provisions relating to bonuses, awards, or any other amounts which are not in the nature of salary or basic pay.

(b) REQUIREMENT THAT APPOINTMENTS TO COVERED POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE PAY SYSTEM.—

Notwithstanding any other provision of law—

(1) the DCIPS pay system;

(A) shall apply to any individual holding a covered position who is not subject to such system as of June 16, 2009; and

(B) shall not apply to any covered position which is not subject to such system as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to a covered position shall accordingly be subject to the appropriate pay system.

(c) TERMINATION OF DCIPS PAY SYSTEM FOR COVERED POSITIONS AND CONVERSION OF EMPLOYEES HOLDING COVERED POSITIONS TO THE APPROPRIATE PAY SYSTEM.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the DCIPS pay system with respect to covered positions and for the conversion of any employees holding any covered positions which, as of such date of enactment, remain subject to the DCIPS pay system, to the appropriate pay system. No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) The Secretary of Defense is of the view that the DCIPS pay system should not be terminated with respect to covered positions, as required by paragraph (1), the Secretary shall so advise the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary’s view of the reasons therefore. Such report shall specifically include—

(A) the Secretary’s opinion as to whether the DCIPS pay system should be continued, with or without changes, with respect to covered positions; and

(B) if, in the opinion of the Secretary, the DCIPS pay system should be continued with respect to covered positions, with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

The requirements of this paragraph shall be carried out by the Secretary of Defense in conjunction with the Director of the Office of Personnel Management.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect—

(1) provisions of the Defense Civilian Intelligence Personnel System governing aspects of compensation apart from salary or basic pay; or

(2) the application of such provisions with respect to any individual holding a covered position, including after June 16, 2009.

SEC. 1201. MODIFICATION AND EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

Subtitle A—Assistance and Training

Sec. 1202. Increase of authority for support of special operations to combat terrorism.

Sec. 1203. Modification of report on foreign-assistance related programs carried out by the Department of Defense.

Sec. 1204. Report on authorizations to build the capacity of foreign military forces abroad and with respect to covered positions.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq, Afghanistan, and Pakistan.

Sec. 1212. Reauthorization of Commanders’ Emergency Response Program.

Sec. 1213. Reauthorization of certain Coalition nations for support provided to United States military operations.

Sec. 1214. Pakistan Counterinsurgency Fund.

Sec. 1215. Programs provided for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan.

Sec. 1216. Reports on campaign plans for Iraq and Afghanistan.

Sec. 1217. Required assessments of United States efforts in Afghanistan.


Sec. 1219. Report on Afghan Public Protection Program.

Sec. 1220. Update of report on command and control structure for military forces operating in Afghanistan.

Sec. 1221. Report on payments made by United States Armed Forces to residents of Afghanistan as compensation for losses caused by United States military operations.

Sec. 1222. Assessment and report on United States-Pakistan military relations and cooperation.

Sec. 1223. Required assessments of progress toward security and stability in Pakistan.

Sec. 1224. Repeal of GAO war-related reporting requirement.

Sec. 1225. Plan to govern the disposition of specified defense items in Iraq.

Sec. 1226. Civilian ministry of defense advisor program.

Sec. 1227. Report on the status of Interagency coordination in the Afghanistan and Pakistan region, and operations and coordination of the Department of Defense.

Sec. 1228. Sense of Congress regarding United States military strategy for Afghanistan.

Sec. 1229. Analysis of required force levels and types of forces needed to secure southern and eastern regions of Afghanistan.

Subtitle C—Other Matters

Sec. 1230. NATO Special Operations Coordination Center.
SEC. 1204. REPORT ON AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES AND RELATED MAT- 
TERS.
(a) REPORT REQUIRED.—Not later than March 1, 2010, the President shall transmit to the congressional committees specified in subsection (b) a report that includes—
(1) the relationship between authorities of the Department of Defense to conduct security cooperation programs to train and equip, or otherwise build the capacity of, foreign military forces, including the distinction, if any, between the purposes of such authorities, the procedures and requirements for the purposes such authorities, and the contribution such authorities make to the core missions of such department and agency.
(2) the strengths and weaknesses of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Arms Export Control Act (22 U.S.C. 2771 et seq.), title 10, United States Code, and any other provision of law relating to training and equipping, or otherwise building the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military assistance programs in which the United States Armed Forces are a participant.
(3) the changes, if any, that should be made to the notification requirements described in paragraph (2) that would improve the ability of the United States Government to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military assistance programs in which the United States Armed Forces are a participant.
(4) the organizational and procedural changes, if any, that should be made in the Department of Defense and the Department of State and other foreign assistance agencies to improve the ability of such departments and agencies to conduct programs to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United States Armed Forces are a participant.
(5) the resources and funding mechanisms required to ensure adequate funding for such programs.
(b) SPECIFIED CONGRESSIONAL COMMITTEES.—
(1) The Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representa- tives.
(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.
Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan
SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.
No funds appropriated pursuant to an authorization or appropriation in this Act may be obligated or expended for a purpose as follows:
(1) to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.
(2) to exercise United States control of the oil resources of Iraq.
SEC. 1212. REAUTHORIZATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.
(a) AUTHORITY FOR FISCAL YEAR 2010.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–181; 122 Stat. 4369), is further amended—
(1) by striking “FISCAL YEARS 2008 and 2009” and inserting “FISCAL YEAR 2010”.
(2) in the matter preceding paragraph (1)—
(A) by striking “2008 and 2009” and inserting “fiscal year 2010”; and
(B) by striking “$1,700,000,000 in fiscal year 2008” and “$1,500,000,000 in fiscal year 2009” and inserting “$2,000,000,000 in fiscal year 2010”.
(3) by adding at the end the following:
(b) QUARTERLY REPORTS.—Subsection (b) of such section is amended by striking “fiscal years 2008 and 2009” and inserting “fiscal year 2010”.
SEC. 1213. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.
(a) AUTHORITY.—From funds made available for the Department of Defense by section 1510 for operation and maintenance, Defense-wide activities, the Secretary of Defense may reim-
burse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military op-
erations in Operation Iraqi Freedom or Oper-
ation Enduring Freedom.
(b) AMOUNTS OF REIMBURSEMENT.—Reim-
bursement authorized by subsection (a) may be in such amounts as the Secretary of De-
fense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may de-
termine, based on documentation determined by the Secretary of Defense to adequately account for the support provided.
(c) LIMITATIONS.—
(1) LIMITATION ON AMOUNT.—The total amount of reimbursements made under the au-
thority in subsection (a) during fiscal year 2010 may not exceed $1,600,000,000.
(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary of Defense may not enter into any contractual ob-
ligation to make a reimbursement under the au-
thority in subsection (a).
(d) NOTICE TO CONGRESS.—The Secretary of Defense shall notify the appropriate congres-
sional committees of any reimbursement made.
(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropri-
ate congressional committees” means—
(1) the Committee on Armed Services, the Com-
mitee on Foreign Affairs, and the Committee on Appropriations of the House of Representa-
tives;
(2) the Committee on Armed Services, the Com-
mitee on Foreign Relations, and the Committee on Appropriations of the Senate.
Subtitle C. Pakistan Counterinsurgency Fund.
SEC. 1214. PAKISTAN COUNTERINSURGENCY FUND.
(a) AMOUNTS FOR FUND.—The Pakistan Coun-
terinsurgency Fund (in this section referred to as the “Fund”) shall consist of the following:
(1) Amounts appropriated to the Fund for fis-
cal year 2009.
(2) Amounts transferred to the Fund pursuant to subsection (d).
(b) USE OF FUNDS.—
(1) In general.—Amounts in the Fund shall be made available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance to the security forces of Pakistan (including program management and the provision of equipment, supplies, services, training, and other expenses), and in connection to improve the counterinsurgency capability of Pakistan’s security forces (including Pakistan’s military, Frontier Corps, other police, etc.) which, if not more than $2,000,000 may be made available to provide humanitarian assistance to the peo-
lings of Pakistan only as part of civil-military training exercises for Pakistan security forces receiving assistance under the Fund.
(2) RELATION TO OTHER AUTHORITIES.—Except as provided in this subsection, the authority provided in section 1215 of this Act (relating to the program to provide for the reg-
istration and end-use monitoring of defense arti-
cles and defense services transferred to Afghani-
tan and Pakistan), amounts in the Fund are authorized to be made available notwithstanding any other provision of law. The authority to provide assistance under this sub-
section is in addition to and not in lieu of other authorities to provide assistance to foreign countries.
(c) TRANSFERS FROM FUND.—
(1) IN GENERAL.—The Secretary of Defense may transfer such amounts as the Secretary de-
termines to be appropriate from the Fund—
(A) to any account available to the Depart-
mint of Defense, or
(B) with the concurrence of the Secretary of State and head of the relevant Federal depart-
ment or agency, to any other non-intelligence related Federal account,
for purposes consistent with this section.
(2) TRANSFERS OF FUNDS.—
(1) TREATMENT OF TRANSFERS FUNDS.—
(1) Amounts transferred to an account under the authority of paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.
(2) TRANSFERS BACK TO FUND.—Upon a deter-
mination by the Secretary of Defense with re-
spect to funds transferred under paragraph (1), the Secretary of Defense shall transfer such funds to the Fund in such amounts as may be appro-
riated for the same purposes, and subject to the same condi-
tions and limitations, as originally applicable under subsection (b).
(d) TRANSFERS TO FUND.—
(1) IN GENERAL.—The Fund may include amounts transferred by the Secretary of Defense, with the concurrence of the Secretary of State, to transfer under the authority of the Secretary of Defense, under any authority of the Secretary of State to transfer funds under any provision of law.
(2) TREATMENT OF TRANSFERRED FUNDS.—
(1) Amounts transferred to the Fund under the au-
thority of paragraph (1) shall be merged with amounts in the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in the Fund.
(e) CONGRESSIONAL NOTIFICATION.—
(1) IN GENERAL.—Amounts in the Fund shall be made available to the Secretary of Defense, with the concurrence of the Secretary of State, to transfer under the authority of the Secretary of Defense, under any authority of the Secretary of State to transfer funds under any provision of law.
(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—
(1) the Committee on Armed Services, the Com-
mitee on Foreign Affairs, and the Commit-
mite on Appropriations of the House of Rep-
(a) The Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(b) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(f) SUNDAY.—Except as provided in paragraph (2), the authority provided under this section terminates at the close of September 30, 2010.

(2) EXCEPTION.—Any program supported from amounts in the Fund established before the close of September 30, 2010, may be completed after that date but only using amounts appropriated or transferred to the Fund on or before that date.

SEC. 1215. PROGRAM TO PROVIDE FOR THE REGISTRATION AND END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES TRANSFERRED TO AFGHANISTAN AND PAKISTAN.

(a) Program Required.—

(1) IN GENERAL.—The Secretary of Defense shall establish and carry out a program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan in accordance with the requirements under subsection (b) and the transfer of such defense articles and defense services without the consent of the United States. The program required under this subsection shall be limited to the transfer of defense articles and defense services—

(A) pursuant to authorities other than the Arms Export Control Act or the Foreign Assistance Act of 1961, and

(B) using funds made available to the Department of Defense, including funds available pursuant to the Pakistan Counterinsurgency Fund.

(2) REVIEW; EXEMPTION.—

(C) the Government of Pakistan or any other non-governmental organization, citizen, or resident of Pakistan; or

(D) the Government of Afghanistan or any other non-governmental organization, citizen, or resident of Afghanistan, until the Secretary of Defense certifies to the specified congressional committees that the program required under this subsection has been established.

(b) Registration and End-Use Monitoring Requirements.—The registration and end-use monitoring program required under this subsection shall include the following:

(1) A detailed record of the origin, shipping, and distribution of defense articles and defense services transferred to—

(A) the Government of Afghanistan and other organizations, citizens, and residents of Afghanistan; and

(B) the Government of Pakistan and other organizations, citizens, and residents of Pakistan;

(2) A program of end-use monitoring of lethal defense articles and defense services transferred to the entities and individuals described in subparagraphs (A) and (B) of paragraph (1),

(c) Review.—

(1) REVIEW.—The Secretary of Defense shall periodically review the defense articles and defense services subject to the registration and end-use monitoring program. With respect to subsection (b) to determine which defense articles and defense services, if any, should no longer be subject to such registration and monitoring requirements. The Secretary of Defense shall submit to the Congress a description of the results of each review conducted under this paragraph.

(2) ADOPTION.—The Secretary of Defense may exempt a defense article or defense service from the registration and end-use monitoring requirements under subsection (b) beginning on the date that is 30 days after the date on which the Secretary provides notice of the proposed exemption to the specified congressional committees. The Secretary of Defense shall submit to the congressional defense committees separate reports containing assessments of the extent to which the program for Iraq and the program for Afghanistan each adhere to military doctrine (as defined in the Joint Publication 5–0, Joint Operation Planning), including the elements set forth in subsection (d).

(b)Requirement To Be Absolute.—The matters to be included in the assessments required under subsection (a) are as follows:

(1) The extent to which each campaign plan identifies and prioritizes the assets that must be achieved in each phase of the campaign.

(2) The extent to which each campaign plan requires the number of combat brigade teams and other forces required for each campaign phase.

(3) The extent to which each campaign plan estimates the time needed to reach the desired end state and complete the military portion of the campaign.

(c) Update of Report.—The Comptroller General shall submit to the congressional defense committees an update of the report on the campaign plan for Iraq or the campaign plan for Afghanistan required under subsection (a) whenever the campaign plan for Iraq or the campaign plan for Afghanistan, as the case may be, is substantially updated or altered.

(d) Definitions.—In this section:

(1) PROGRAM REQUIRED.—The term "program" means—

(A) a handbook or pistol;

(B) a shoulder-fired weapon, including a sub-machine gun, cartridge, or rifle;

(C) a light, medium, or heavy automatic weapon up to and including a .50 caliber machine gun;

(D) a recoilless rifle up to and including 106mm;

(E) a mortar up to and including 81mm; and

(F) a rocket launcher, man-portable;

(2) DESIGN.—The term "defense article" means—

(A) a program of end-use monitoring of lethal defense articles and defense services subject to the registration and end-use monitoring program.

(3) SMALL ARM.—The term "small arm" means—

(A) a handgun or pistol;

(b) A REAS TO BE ASSESSED.—In carrying out subsection (a), the President should assess the following:

(1) Preventing the establishment of safe havens in Afghanistan and the campaign plan for Afghanistan, as the case may be, to the extent to which—

(A) the enemies of the United States should be assessed in subsection (a), the President should assess the following:

(2) Preventing the establishment of safe havens in Afghanistan and the campaign plan for Afghanistan, as the case may be, to the extent to which—

(A) the enemies of the United States should be assessed in subsection (a), the President should assess the following:

(2) R EPORTS ON AFGHANISTAN.—The requirements of subsection (a), the President should assess the following:

(2) P ROLLBACK OF TERRORIST GROUPS.—The President should assess the following:

(3) Spreading the rule of law.

(2) Spreading legitimate and functional government institutions and structures.

(3) Spreading the rule of law.

(2) Spreading legitimate and functional government institutions and structures.

(3) Willingness to participate in its reconstruction and development.

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall conduct an assessment, which shall be no more than 30 days in duration, of the progress toward defeating al Qa'ida and its affiliated networks and extremist alliances.

(2) ABBREVIATION.—In this section, the term "campaign plan for Iraq" means the campaign plan for Iraq under subsection (c) shall terminate on December 31, 2011.

(2) ABBREVIATION.—In this section, the term "campaign plan for Afghanistan" means the campaign plan for Afghanistan under subsection (c) shall terminate on September 30, 2012.

SEC. 1215. REQUIRED ASSESSMENTS OF UNITED STATES EFFORTS IN AFGHANISTAN.

(a) Assessments Required.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall conduct an assessment, which shall be no more than 30 days in duration, of the progress toward defeating al Qa'ida and its affiliated networks and extremist alliances and preventing the establishment of safe havens in Afghanistan for al Qa'ida and its affiliated networks and extremist alliances.

(b) ABBREVIATION.—In this section, the term "campaign plan for Iraq" means the campaign plan for Iraq under subsection (c) shall terminate on December 31, 2011.

(b) ABBREVIATION.—In this section, the term "campaign plan for Afghanistan" means the campaign plan for Afghanistan under subsection (c) shall terminate on September 30, 2012.

SEC. 1216. REPORTS ON CAMPAIGN PLANS FOR IRAQ AND AFGHANISTAN.

(a) Reports Required.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees separate reports containing assessments of the extent to which the campaign plan for Iraq and the campaign plan for Afghanistan each adhere to military doctrine (as defined in the Joint Publication 5–0, Joint Operation Planning), including the elements set forth in subsection (b).
and along each timeline required under subsection (c).

(e) REPORT REQUIRED.—Not later than 90 days after the completion of each assessment required under subsection (a), the President shall transmit to Congress a report on the assessment.

(2) ELEMENTS.—The report required under paragraph (1) shall include, at a minimum, the following elements:

(A) The results of the assessment.

(i) The progress of the government and people of Afghanistan, with the assistance of the international community, in each area required to be assessed under subsection (b); and

(ii) The United States efforts to assist the government and people of Afghanistan to make progress in each area required to be assessed under subsection (b).

(B) The goals and timelines for meeting such goals required under subsection (c).

(C) A description of the metrics required to be developed under subsection (d) and how such metrics were used to assess progress in each area required to be assessed under subsection (b).

(D) FORM.—The report required under paragraph (1) should include, at a minimum, a classified annex in unclassified form, but may contain a classified annex if necessary.

(E) SUNSET.—The requirement to conduct assessments under subsection (a) shall not apply beginning on the date that is 5 years after the date of the enactment of this Act.

SEC. 1218. REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, or December 31, 2009, whichever occurs later, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report concerning United States Armed Forces from Iraq in accordance with the policy announced by the President on February 27, 2009, and the Agreement between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces From Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq.

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

(1) The number of United States military personnel in Iraq by service and component for each month of the preceding 90-day period and an estimate of the personnel levels in Iraq for the 90-day period following submission of the report.

(2) The number and type of military installations in Iraq on or before December 31, 2011, and any transfers before December 31, 2011, of military forces from Iraq to other employment.

(3) An estimate of the number of military vehicles, containers of equipment, tons of ammunition, or other significant items belonging to the Department of Defense removed from Iraq during the preceding 90-day period, an estimate of the remaining amount of such items belonging to the Department of Defense, and an assessment of the likelihood of successfully removing, demilitarizing, or otherwise transferring all items belonging to the Department of Defense from Iraq on or before December 31, 2011.

(4) An assessment of United States detainee operations and releases. Such assessment should include the total number of detainees held by the United States in Iraq, the number of detainees in each category, the number of detainees who are not nationals of Iraq, the number of detainees transferred to Iraqi authorities, the number of detainees who were released, any custody and control reasons for their release, and the number of detainees who have been released in the past were recaptured or had their remains identified planning or after carrying out attacks on United States or Coalition forces.

(5) A listing of the objective and subjective factors utilized by the commander of Multi-National Force–Iraq, including any changes to that list in the case of an update to the report, to determine risk levels associated with the movement of United States Forces in Iraq, and the process and timing that will be utilized by the commander of Multi-National Force–Iraq and the Secretary of Defense to assess risk and make recommendations to the President about either continuing the redeployment of United States Armed Forces from Iraq in accordance with the schedule announced by the President or modifying the pace or timing of that redeployment.

(b) INCLUSION IN OTHER REPORTS.—The report required under subsection (a) and any updates to the report may be included in any other required report on Iraq submitted to Congress by the Secretary of Defense.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Appropriations, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 1219. REPORT ON AFGHAN PUBLIC PROTECTION PROGRAM.

(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 on the Afghan Public Protection Program (in this section referred to as the “program”).

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the program in the initial pilot districts in Afghanistan, including, at a minimum, the following elements:

(A) An evaluation of the changes in security conditions in the initial pilot districts from the program’s inception to the date of the report.

(B) The extent to which the forces developed under the program in the initial pilot districts are generally representative of the ethnic groups in the respective districts.

(C) If the forces developed under the program are appropriately representative of the geographic area of responsibility.

(D) An assessment of the views of the local communities, to include both Afghan national, governmental officials, and leaders of the local communities, of the success and failures of the program.

(2) Any program the program that are planned for the future and the timelines on which the reviews would be conducted, by whom the reviews would be conducted, and the criteria that would be used to make that decision.

(F) The selection criteria that were used to select members of the program in the initial pilot districts and how the members were selected.

(G) The costs to the Department of Defense to support the program in the initial pilot districts, to include any Commanders’ Emergency Response Program funds spent as formal or informal incentives.

(H) The roles of the Afghanistan National Security Forces (ANSF) in supporting and training forces under the program.

(I) An assessment to evaluate the program in the initial pilot districts by the Commander of United States Forces–Afghanistan.

(b) INCLUSION IN OTHER REPORTS.—The report required under subsection (a) and any updates to the report may be included in any other required report on Afghanistan submitted to Congress by the Secretary of Defense.

(2) An assessment of the future of the program, including, at a minimum, the following elements:

(A) A description of the goals and objectives expected to be met by the expansion of the program.

(B) A description of how such an expansion supports the functions of the Afghan National Police.

(C) A description of how the decision will be made whether to expand the program outside the initial pilot districts and the criteria that will be used to make that decision.

(D) A description of how districts or provinces outside of the initial pilot districts will be chosen to participate in the program, including an examination of the following:

(i) What mechanisms the Government of Afghanistan will use to select additional districts or provinces, including participants in the decision process and the criteria used.

(ii) How the views of relevant United States Government departments and agencies will be taken into account by the Government of Afghanistan when choosing districts or provinces to participate in the program.

(iii) How the views of other North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) Coalition partners will be taken into account during the decision process.

(iv) What process will be used to evaluate any changes to the program as executed in the initial pilot districts to account for different or unique circumstances in additional areas of expansion.

(E) An assessment of personnel or assets of the Department of Defense that would likely be required to support any expansion of the program, including a description of the following:

(i) Any requirement for personnel to train or mentor additional forces developed under the program or to train additional members of the ANSF to take the forces under the program.

(ii) Any Department of Defense funding that would be provided to support additional forces under the program.

(iii) Any assistance that would reasonably be required to assist the Government of Afghanistan manage any additional forces developed under the program.

(F) A description of the formal process, led by the Government of Afghanistan, that will be used to evaluate the program, including a description of the following:

(i) A listing of the criteria that are expected to be considered in the process.

(ii) The roles in the process of—

(I) The Government of Afghanistan; and

(II) relevant United States Government departments and agencies;

(III) NATO-ISAF Coalition partners;

(IV) nongovernmental representatives of the people of Afghanistan; and

(V) any other appropriate individuals and entities.

(G) If members of the forces developed under the program will be transitioned to the ANSF or to other employment in the future, a description of the following:

(i) The process that will be used to transition the forces;

(ii) additional training that may be required;

(iii) how decisions will be made to transition the forces to the ANSF or other employment; and

(iv) any other relevant information.

(H) Any Afghan chain of command that will be used to implement the program and provide command and control over the units created by the program.

SEC. 1220. REPORTS OF RECONSTRUCTION AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

amended by adding at the end the following new sentence: "Any update of the report required under subsection (c) may be included in the report required under section 1230 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 110–181; 122 Stat. 385)."

SEC. 1221. REPORT ON PAYMENTS MADE BY UNITED STATES ARMED FORCES TO RESIDENTS OF AFGHANISTAN FOR COMPENSATION FOR LOSSES CAUSED BY UNITED STATES MILITARY OPERATIONS.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall conduct an assessment, which shall not be more than 30 days, of the progress toward long-term security and stability in Pakistan.

(b) Matters to be Included.—The report required under subsection (a) shall include—

(1) the total amount of funds provided for losses caused by United States military operations;

(2) a breakdown of the number of payments by type, to include—

(A) compensation for the death of a noncombatant Afghan resident;

(B) compensation for the injury of a noncombatant Afghan resident;

(C) compensation for property damage caused during combat operations or noncombat operations;

(D) any other category for which compensation was paid by United States Armed Forces; and

(3) the average amount of compensation for each type of payment described in paragraph (2).

(c) Scope of Report.—The initial report required under subsection (a) shall include the information required under subsection (b) for the 5-year period ending on the date of submission of the initial report and each update of the report required under subsection (a) shall include the information required under subsection (b) for the period since the submission of last report.

(d) Termination.—The requirement to submit reports under subsection (a) shall terminate on September 30, 2012.

SEC. 1222. ASSESSMENT AND REPORT ON UNITED STATES-Pakistan MILITARY RELATIONS AND COOPERATION.

(a) Assessment Required.—The Secretary of Defense, in consultation with the Secretary of State, shall conduct an assessment of possible alternative arrangements for Pakistan to continue to receive equipment and support provided by Pakistan to or in connection with United States military operations, which could encourage the Pakistani military to undertake counterterrorism and counteringinsurgency operations and achieve the goals and objectives for long-term United States-Pakistan military relations and cooperation.

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the assessment required under subsection (a).

(c) Form.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex if necessary.

(d) Appropriate Congressional Committees Defined.—In this section, the terms "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1223. REQUIRED ASSESSMENTS OF PROGRESS TOWARD SECURITY AND STABILITY IN PAKISTAN.

(a) Assessments Required.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall conduct an assessment, which shall not be more than 30 days, of the progress toward long-term security and stability in Pakistan.

(b) Areas to be Assessed.—In carrying out subsection (a), the President should assess—

(1) the effectiveness of efforts—

(A) to disrupt, dismantle, and defeat al Qaeda, its affiliated networks, and other extremist foreign terrorist organizations;

(B) to eliminate the safe havens for such forces in Pakistan; and

(C) to prevent the return of such forces to Pakistan or Afghanistan; and

(2) the effectiveness of United States security assistance to Pakistan to achieve the strategic goal described in paragraph (1).

(c) Requirement to Develop Goals and Objectives and Timelines.—For any area assessed under subsection (b), the President, in consultation with the Government of Pakistan and the governments of other countries the President determines to be necessary, shall establish goals and objectives and timelines for meeting such goals.

(d) Requirement to Develop Metrics.—The President shall develop metrics that allow for the accurate and thorough assessment of progress toward each goal and objective and along each timeline required under subsection (c).

(e) Report Required.—(1) In general.—Not later than 30 days after the completion of each assessment required under subsection (a), the President shall transmit to Congress a report on the assessment.

(2) Elements.—The report required under paragraph (1) should include, at a minimum, the following elements:

(A) The results of the assessment required under subsection (a).

(B) A description of the goals and objectives and timelines for meeting such goals and objectives required under subsection (c).

(3) Elements.—The report required under subsection (a) shall, at a minimum, address the following elements:

(A) A description of the metrics required to be developed under subsection (d) and how such metrics were used to assess progress in each area required to be assessed under subsection (b).

(B) Form.—The report required under paragraph (1) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

(j) Sunset.—The requirement to conduct assessments under subsection (a) shall not apply beginning on the date that is 5 years after the date of the enactment of this Act.

SEC. 1224. REPEAL OF GAO WAR-RELATED REPORTING REQUIREMENT.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462) is amended by striking the following: "Based on these reports, the Comptroller General shall make to the Congress quarterly updates on the costs of Operation Iraqi Freedom and Operation Enduring Freedom."

SEC. 1225. PLAN TO GOVERN THE DISPOSITION OF SPECIFIED DEFENSE ITEMS IN IRAQ.

(a) Plan Required.—The Secretary of Defense shall prepare a plan to govern the disposition of specified defense items in Iraq.

(b) Elements of Plan.—The plan required under subsection (a) shall—

(1) be developed by an individual, position, or office that will be responsible for making recommendations to the Secretary of Defense regarding the disposition of specified defense items in Iraq;

(2) provide a mechanism for conducting a thorough inventory of specified defense items in Iraq owned by the Department of Defense, including specified defense items in Iraq that are operated by contractors; and

(3) use other mechanisms to provide input regarding potential requirements for specified defense items in Iraq, such potential requirements may include—

(A) use in other overseas contingency operations involving the Armed Forces;

(B) use to rearm the Armed Forces;

(C) use by other United States combatant commanders to enhance their capability to carry out missions in their respective combatant areas;

(D) use to refit prepositioned stocks;

(E) transfer to the security forces of Iraq or Afghanistan;

(F) use by other Federal departments and agencies or political subdivisions of the United States.

(b) Rule of Construction.—Nothing in this section shall be construed to authorize the transfer of specified defense items in Iraq to any entity outside the Department of Defense except pursuant to relevant laws currently in force.

(c) Limitation.—The transfer of specified defense items in Iraq—

(1) is prohibited except to the extent specifically authorized by United States law; and

(2) is prohibited except to the extent specifically authorized by United States law.

SEC. 1226. CIVILIAN MINISTRY OF DEFENSE ADVISOR PROGRAM.

(a) Authority.—The Secretary of Defense, with the concurrence of the Secretary of State, may provide civilian advisors to senior civilian and military officials of the Governments of Iraq and Afghanistan for the purpose of providing institutional, ministerial-level advice and other training to such officials in support of stabilization efforts and United States military operations in those countries.

(b) Formulation of Advice and Training Program.—The Secretary of Defense and the Secretary of State shall jointly formulate a program to provide advice and training under subsection (a).

(c) Limitation.—The Secretary of Defense may not expend more than $13,100,000 for any fiscal year in carrying out any program in Iraq and Afghanistan as described in subsection (a).
(d) ADDITIONAL AUTHORITY.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations or forces.

SEC. 1227. REPORT ON THE STATUS OF INTER-AGENCY COORDINATION IN THE AFGHANISTAN AND OPERATION ENDURING FREEDOM THEATER OF OPERATIONS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense and the Secretary of Treasury shall submit to the appropriate congressional committees a report on the status of interagency coordination in the Afghanistan and Operation Enduring Freedom Theater of Operations.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of the following:

(1) The staffing structure of United States-led Provincial Reconstruction Teams (PRTs) in Afghanistan, including the roles of members of the Armed Forces, the roles of non-Defense Forces personnel, and unfilled staffing, training, and resource needs.

(2) The use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense.

(3) Coordination between United States-led and NATO ISAF-led programs to develop the capacity of national, provincial, and local government and the civil society in all of Afghanistan.

(4) Unfilled staffing and resource requirements for reconstruction, development, and civil institutions building programs.

(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. 1228. SENSE OF CONGRESS SUPPORTING UNITED STATES POLICY FOR IRAN.

It is the sense of Congress that—

(1) Iran represents a threat to the United States, its allies, and its interests throughout the world; and

(2) the United States has a vital national security interest in ensuring that Afghanistan does not revert back to its pre-September 11, 2001, status and become a sanctuary for transnational terrorists.

(3) The President outlined a strategy for Afghanistan and Pakistan on March 27, 2009, that is based on the following:

(a) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, on the current and future military strategy, and military strategy, includ- ing the following:

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran’s unconventional forces.

(B) Iran’s conventional forces.—The term ‘Iran’s conventional forces’—

(i) includes Iran’s armed forces, including the regular army, the Islamic Revolutionary Guard Corps–Quds Force.

(ii) does not include Iran’s unconventional forces.

(iii) includes Iran’s strategic missile forces, including the following:

(A) The size and capability of Iranian special operations units, including the Iranian Revolution Guard Corps and the tenets and probable development of its special operations forces and terrorist groups.

(B) An estimate of the amount of funds spent by Iran to develop and support special operations forces and terrorist groups.

(C) An estimate of the amount of funds spent by Iran to develop and support Iran’s strategic missile forces and other weapons of mass destruction.

(D) An estimate of the funding provided for activities related to nuclear and missile forces, including the following:

(A) A summary of nuclear capabilities and developments in the preceding year, including the location of major facilities believed to be involved in a nuclear weapons program.

(B) A summary of the capabilities of Iran’s strategic missile forces, including the size of the Iranian strategic missile arsenal and the locations of missile launch sites.

(C) A detailed analysis of Iran’s strategic missile forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(D) An appropriate congressional committee means—

(1) the Committee on Armed Services, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Select Committee on Intelligence, and the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) Conventional forces.—The term ‘Iran’s conventional forces’ includes those forces as having been assessed as to being willing or capable of carrying out military operations; undertook the role of executive agent responsibility for the NSCC to oversee and coordinate the Department of Defense, and detail the steps being undertaken by the Department of Defense to strengthen the role of the NSCC in fostering special operations forces and terrorist groups.

The report shall include a classification of Iran’s unconventional forces as follows:

(1) The Central Command for Afghanistan.

(2) The implementation of the President’s security strategy, and military strategy, includ- ing the following:

(A) The goals of Iran’s grand strategy, security strategy, and military strategy, includ- ing the following:

(A) The size and capability of Iran’s strategic nuclear forces, including the following:

(B) An estimate of the amount of funds spent by Iran to develop and support Iran’s strategic missile forces and other weapons of mass destruction.

(C) An estimate of the funding provided for activities related to nuclear and missile forces, including the following:

(A) The size and capability of Iranian special operations units, including the Iranian Revolution Guard Corps–Quds Force.

(B) The types and amount of support provided to groups designated by the United States as terrorist organizations, including Hezbollah, Hamas, and the Special Groups in Iraq, in particular the forces as having been assessed as to being willing or capable of carrying out military operations.

(C) An appropriate congressional committee means—

(1) the Committee on Appropriations of the Senate; and

(2) the Select Committee on Intelligence, and the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) Iran’s geographic and political area.

(3) Iran’s economic and financial area.

(4) Iran’s military and its military and national security concerns.

(5) Iran’s political and social stability.

(6) Iran’s government and political systems;

(7) Iran’s international relations;

(8) Iran’s regional and international security;

(9) Iran’s regional and international economy;

(10) Iran’s cultural and intellectual concerns;

(11) Iran’s religious and social concerns;

(12) Iran’s technological and scientific concerns;

(13) Iran’s legal and political concerns;

(14) Iran’s human rights concerns;

(15) Iran’s environmental and ecological concerns;

(16) Iran’s natural resources and economic concerns;

(17) Iran’s international and regional security concerns;

(18) Iran’s political and economic interests;

(19) Iran’s foreign policy and national security interests;

(20) Iran’s regional and international security concerns;

(21) Iran’s regional and international economic concerns;

(22) Iran’s regional and international security concerns;

(23) Iran’s regional and international economic concerns;

(24) Iran’s regional and international security concerns;

(25) Iran’s regional and international economic concerns;

(26) Iran’s regional and international security concerns;

(27) Iran’s regional and international economic concerns;

(28) Iran’s regional and international security concerns;

(29) Iran’s regional and international economic concerns;

(30) Iran’s regional and international security concerns;

(31) Iran’s regional and international economic concerns;
SEC. 1233. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 77; 10 U.S.C. 168 note) is amended by striking subsections (c) and (f).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

(2) STRATEGY AND PLAN.—The strategy and plan for future contacts.

(a) CONFORMING AMENDMENT.—Such section is further amended by striking “MILITARY POWER OF” and inserting “MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE’S REPUBLIC OF CHINA.”

(b) MATTERS TO BE INCLUDED.—Subsection (b) of such section, as amended by section 1263 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 111–84; 123 Stat. 3073; 10 U.S.C. 168 note) is amended by striking “of the People’s Liberation Army” and inserting “of the People’s Liberation Army, which shall include the following:

(1) A comprehensive and coordinated strategy of the People’s Republic of China and the People’s Republic of China.

(2) A summary of the types and quantities of equipment transferred as part of each drawdown, not including any depreciable equipment that was provided under each drawdown in the preceding year.

(3) An examination of the degree to which such space and space-related technologies could be used for military or other purposes.

(4) The safeguards and verifications necessary to ensure that the space and space-related technologies identified under paragraph (2) are for peaceful purposes.

(5) The impact of transfers carried out as part of the process of developing a drawdown package in the preceding year.

(6) An assessment of the ability of the Armed Forces to meet the requirements of ongoing overseas contingency operations.

(b) MATTERS TO BE INCLUDED.—The assurance that the space and space-related technologies identified under paragraph (1) of the report submitted by the Secretary of Defense is effective.

(c) CONSULTATION.—In conducting the assessment required under section 1234(a) of the report submitted by the Secretary of Defense, the report shall include—

(1) A review of the space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components of equipment.

(2) An assessment of the national security risks of removing certain space and space-related technologies identified under paragraph (1) of the United States Munitions List; and

(3) An examination of the degree to which other nations’ export control policies control or limit the export of space and space-related technologies for national security reasons.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees and
the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the assessment required under subsection (a). The report shall be in unclassified form but may include a classified annex.

e) DEFINITION.—In this section, the term "United States Munitions List" means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1236. PATHFINDER AIR AND MISSILE DEFENSE SYSTEM FOR POLAND.

Consistent with United States national security interests and the Declaration on Strategic Cooperation Between the United States of America and the Republic of Poland (signed in Warsaw, Poland, on August 20, 2008), and subject to the availability of appropriations, the Secretary of Defense shall seek to deploy a United States Army Patriot air and missile defense battery and the personnel required to operate and maintain such battery to Poland by 2012.

SEC. 1237. REPORT ON POTENTIAL FOREIGN MILITARY SALES OF THE F-22A FIGHTER AIRCRAFT TO JAPAN.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State and in consultation with the Secretary of the Air Force, shall submit to the congressional defense committees a report on potential foreign military sales of the F-22A fighter aircraft to the Government of Japan.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall detail:

(1) the cost of developing an exportable version of the F-22A fighter aircraft to the United States Government, industry, and the Government of Japan;

(2) whether an exportable version of the F-22A fighter aircraft is technically feasible and executable for achieving such an exportable version of the aircraft;

(3) the potential strategic implication for allowing the sale of the F-22A fighter aircraft to Japan;

(4) the impact of foreign military sales of the F-22A fighter aircraft on the United States aerospace and aviation industry and the benefit or drawback such sales might have on sustaining such industry; and

(5) any changes to existing law needed to allow foreign military sales of the F-22A fighter aircraft to Japan.

SEC. 1238. EXPANSION OF UNITED STATES-RUSSIAN FEDERATION JOINT CENTER TO INCLUDE EXCHANGE OF DATA ON MISSILE DEFENSE.

(a) EXPANSION AUTHORIZED.—In conjunction with the Russian Federation, the Secretary of Defense may expand the United States-Russian Federation joint center for the exchange of data from early warning systems for launches of ballistic missiles, as established pursuant to section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398, signed on December 18, 2000), to include a change of data on missile defense-related activities.

(b) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on plans for expansion of the joint center.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated pursuant to a request for research, development, test, and evaluation for the Army, $5,000,000, to be derived from PE 0604869A, shall be available to carry out this section.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

SEC. 1302. Funding allocations.

SEC. 1303. Utilization of contributions to the Cooperative Threat Reduction Program.

SEC. 1304. National Academy of Sciences study of metrics for the Cooperative Threat Reduction Program.

SEC. 1305. Cooperative Threat Reduction program to support urgent threat reduction activities.

SEC. 1306. Cooperative Threat Reduction Defense and Military Contacts Program.

SEC. 1307. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $343,093,000 appropriated for fiscal years 2010, 2011, and 2012 for the Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $65,385,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,900,000.

(3) For nuclear weapons storage security in Russia, $15,090,000.

(4) For nuclear weapons transportation security in Russia, $46,400,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $90,886,000.

(6) For biological threat reduction in the former Soviet Union, $152,132,000.

(7) For chemical weapons destruction, $1,000,000.

(8) For defense and military contacts, $5,000,000.

(9) For new Cooperative Threat Reduction initiatives, $29,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $21,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2010 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than purposes listed in paragraphs (1) through (10) of subsection (a) only after the Secretary of Defense submits to Congress a report on the obligation or expenditure of such funds.

(c) LIMITATION ON AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2010 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIREMENT.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(3) RETURNS OF FUNDS.—If an amount appropriated under an agreement under subsection (a) is not used under this section within five years after it was contributed, the Secretary of Defense shall return that amount to the person who contributed it.

(d) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the receipt and use of amounts under this section during the period covered by the report. Each report shall set forth—

(A) 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;

(B) a statement of any amounts used under this section, including, for each such amount, the purposes for which the amount was used; and

(C) a statement of the amounts retained but not used under this section including, for each such amount, the purpose(s) for which the Secretary intends to use the amount.

(2) IMPLEMENTATION PLAN.—In addition to the statements described in subparagraphs (A) through (C) of paragraph (1), the first report submitted under such paragraph shall include an implementation plan for the authority provided under this section.

(e) EXPIRATION.—The authority to accept contributions under this section shall expire on December 31, 2012. The authority to retain and use contributions under this section shall expire on December 31, 2015.

(f) 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...
SEC. 1304. NATIONAL ACADEMY OF SCIENCES STUDY OF METRICS FOR THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) STUDY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences of the United States to carry out a study to identify metrics to measure the impact and effectiveness of activities under the Cooperative Threat Reduction Program of the Department of Defense to address threats arising from the proliferation of chemical, nuclear, and biological weapons and weapons-related materials, technologies, and expertise.

(b) SUBMISSION OF REPORT.—The report of the National Academy of Sciences shall submit to Congress and the Secretary of Defense a report on the results of the study carried out under subsection (a).

(c) SECRETARY OF DEFENSE REPORT.—

(1) IN GENERAL.—Not later than 90 days after receipt of the report submitted under subsection (a), the Secretary of Defense shall submit to Congress a report on the study carried out under subsection (a).

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall include the following:

(A) A summary of the results of the study carried out under subsection (a).

(B) An assessment by the Secretary of the study.

(C) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the study.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) LIMITATIONS.—Amounts appropriated pursuant to the authorization of appropriations in section 301(20) or otherwise made available for Cooperative Threat Reduction Programs for fiscal years 2010 and 2011 may be obligated or expended to carry out this section.

SEC. 1305. COOPERATIVE THREAT REDUCTION PROGRAM AUTHORITY FOR URGENT THREAT REDUCTION ACTIVITIES.

(a) IN GENERAL.—Subject to the notification requirement under subsection (b), not more than 10 percent of the total amount appropriated or otherwise made available in any fiscal year for the Cooperative Threat Reduction Program of the Department of Defense may be expended, notwithstanding any provision of law identified pursuant to subsection (b)(2)(B), for activities described under subsection (b)(1)(A).

(b) DETERMINATION AND NOTICE.—

(1) The Secretary of Defense, in consultation with the Secretary of State, may make a written determination that—

(A) certain activities of the Cooperative Threat Reduction Program of the Department of Defense are urgently needed to address threats arising from the proliferation of chemical, nuclear, and biological weapons or weapons-related materials, technologies, and expertise;

(B) certain provisions of law would unnecessarily impede the Secretary’s ability to carry out such activities;

(c) (C) it is necessary to expend amounts described in subsection (a) to carry out such activities;

(2) NOTICE REQUIRED.—Not later than 15 days before expending funds under the authority provided in subsection (a), the Secretary of Defense shall notify the appropriate congressional committees that the activities described in such notice are to be undertaken pursuant to the determination;

(d) the expected time frame for such activities; and

(E) the expected costs of such activities.

APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

SEC. 1306. COOPERATIVE THREAT REDUCTION DEFENSE AND MILITARY CONTACTS PROGRAM.

The Secretary of Defense shall ensure the following:

(1) The Defense and Military Contacts Program under the Cooperative Threat Reduction Program of the Department of Defense—

(A) is strategically used to advance the mission of the Cooperative Threat Reduction Program;

(B) is focused and expanded to support specific relationship-building opportunities, which could lead to Cooperative Threat Reduction Program development in new geographic areas and achieve other Cooperative Threat Reduction Program benefits;

(C) is directed and administered as part of the Cooperative Threat Reduction Program; and

(D) includes, within an overall strategic framework, cooperation and coordination with—

(i) the unified combatant commands that operate in areas in which Cooperative Threat Reduction activities are carried out; and

(ii) related diplomatic efforts.

(2) Beginning with fiscal year 2010, the Secretary of Defense shall provide to the Congress an annual report on the implementation of Cooperative Threat Reduction activities.

(3) For Fiscal Year 2011—

(1) $278,224,000 is for Operation and Maintenance, Defense-wide;

(2) $401,269,000 is for Research, Development, Test, and Evaluation;

(3) $177,532,000 is for Procurement;

(4) $1,702,758,000 is for Cooperative Threat Reduction Program Activities, Defense-wide; and

$1,560,760,000, of which—

(1) (1) $1,146,802,000 is for Operation and Maintenance, Defense-wide;

(2) $401,269,000 is for Research, Development, Test, and Evaluation; and

(3) $12,689,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Defense Authorization Act, 1998 (50 U.S.C. 1522); and

(2) the destruction of weapon systems and the remaining weapon system material of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTIO AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,050,984,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $279,224,000, of which—

(1) $278,224,000 is for Operation and Maintenance, Defense-wide; and

(2) $1,000,000 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 2010, the National Defense Stockpile Manager may obligate up to $41,179,000 of the funds in the National Defense Stockpile Account established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a) for the authorized uses of such funds under subsection (b)(1)(A) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may make additional obligations described in the notification under the authority provided in subsection (a), as may be provided in appropriations Acts.
SEC. 1501. PURPOSE.

SEC. 1502. ARMY PROCUREMENT.

SEC. 1510. NAVY AND MARINE CORPS PROCUREMENT.

SEC. 1509. NAVY AND MARINE CORPS PROCUREMENT.

SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

SEC. 1503. JOINT IMPROVED EXPLOSIVE DEVICE DEFECT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Joint Improved Explosive Device Defect Fund in the amount of $1,435,000,000.

(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. 3243), as amended by section 1509 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a) and made available to the Department of Defense for the Joint Improved Explosive Device Defect Fund.

(c) MONTHLY COMMITMENTS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2010, the Secretary of Defense shall provide to the congressional defense committees a report containing the following information:

(1) A description of the purpose, funding, and schedule of the project.

(2) A description of completed projects.

(3) An acquisition strategy.

(b) COVERED AUTHORIZATION OF APPROPRIATIONS.—The limitation contained in subsection (a) applies to amounts made available pursuant to the authorization of appropriations—

(1) in section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649); and

(2) in section 1504(a) of this Act.

(c) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary determines that the waiver is necessary to fulfill a critical need by United States military forces deployed in overseas contingency operations.

(d) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) The reasons for the waiver.

(2) The duration of the waiver.

SEC. 1511. WORKING CAPITAL FUNDS.

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

(1) For the Army, $51,970,661,000.

(2) For the Navy, $5,219,583,000.

(3) For the Marine Corps, $3,701,600,000.

(4) For the Air Force, $10,152,666,000.

(5) For Defense-wide anticorruption programs, $83,300,000.

(6) For the Army Reserve, $204,326,000.

(7) For the Navy Reserve, $68,059,000.

(8) For the Marine Corps Reserve, $66,667,000.

(9) For the Air Force Reserve, $7,925,900.

(10) For the Army National Guard, $321,546,000.

(11) For the Air National Guard, $289,862,000.

SEC. 1512. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces for the military personnel accounts in the total amount of $13,386,341,000.

SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Afghanistan Security Forces Fund in the amount of $7,462,769,000.

(b) LIMITATION.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) may be transferred to any other account made available to the Department of Defense for the Afghanistan Security Forces Fund and shall be subject to the conditions contained in subsection (c).

(c) REVIEWS.—The Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) An assessment of the reasons for the waiver.

(2) An assessment of the impact of the waiver on the Authorized Force Structure.

(3) An assessment of the impact of the waiver on the extent to which the authorized force structure is representative of the population of the country.

(4) A recommendation for changes to the Authorized Force Structure.

SEC. 1514. IRAQ FREEDOM FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Iraq Freedom Fund in the amount of $115,300,000.

(b) LIMITATION.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) may be transferred to any other account made available to the Department of Defense for the Iraq Freedom Fund and shall be subject to the conditions contained in subsection (c).

(c) REVIEWS.—The Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) An assessment of the reasons for the waiver.

(2) An assessment of the impact of the waiver on the Authorized Force Structure.

(3) An assessment of the impact of the waiver on the extent to which the authorized force structure is representative of the population of the country.

(4) A recommendation for changes to the Authorized Force Structure.

(5) An assessment of the impact of the waiver on the extent to which the authorized force structure is representative of the population of the country.

(6) An assessment of the impact of the waiver on the extent to which the authorized force structure is representative of the population of the country.

(7) An assessment of the impact of the waiver on the extent to which the authorized force structure is representative of the population of the country.

(8) An assessment of the impact of the waiver on the extent to which the authorized force structure is representative of the population of the country.

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Navy in the amount of $2,019,051,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Marine Corps in the amount of $1,164,445,000.

SEC. 1506. AIR FORCE PROCUREMENT.

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

(1) For aircraft procurement, $1,151,776,000.

(2) For weapon system development, $265,819,000.

(3) For missile procurement, $36,625,000.

(4) For other procurement, $2,321,549,000.

SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for Defense-wide in the amount of $799,830,000.

SEC. 1508. MINES RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $5,456,000,000.

SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

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

(1) For the Army, $57,962,000.

(2) For the Navy, $107,180,000.

(3) For the Air Force, $263,800,000.

(4) For Defense-wide activities, $215,826,000.

SEC. 1510. OPERATION AND MAINTENANCE.

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

(1) For the Army, $51,970,661,000.

(2) For the Navy, $5,219,583,000.

(3) For the Marine Corps, $3,701,600,000.

(4) For the Air Force, $10,152,666,000.

(5) For Defense-wide activities, $83,300,000.

(6) For the Army Reserve, $204,326,000.

(7) For the Navy Reserve, $68,059,000.

(8) For the Marine Corps Reserve, $66,667,000.

(9) For the Air Force Reserve, $7,925,900.

(10) For the Army National Guard, $321,546,000.

(11) For the Air National Guard, $289,862,000.
until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred under authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(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.

SEC. 1515. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,155,235,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $33,803,000.

(c) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $8,876,000 for operation and maintenance.

SEC. 1516. LIMITATIONS ON IRAQ SECURITY FORCES FUND.

Funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2010 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 426).

SEC. 1517. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1518. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(2) LIMITATION.—The total amount of authorizations that may be transferred under authority of this section may not exceed $4,000,000,000.

(b) TRANSFER CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(2) The Secretary of Defense may transfer amounts of 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) shall expire on the later of—

(1) October 1, 2012, or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

(b) EXCEPTION.—Subsection (a) shall not apply to transfers for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2012, or

(2) the date of the enactment of an Act authorizing military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

(a) TITLES XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, XXX, XXXI, XXXII, XXXIII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX, and XLI shall take effect on the later of—

(1) October 1, 2009; or

(2) the date of the enactment of this Act.

(b) TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.

Sec. 2106. Extension of authorizations of certain fiscal year 2006 projects.

(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:

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<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
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<tbody>
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<td>Alabama</td>
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<tr>
<td>New Jersey</td>
<td>Picatinny Armory</td>
<td>$10,200,000</td>
</tr>
</tbody>
</table>
| North Carlo-
| lina      |                         | $11,150,000 |
| South Carolina |                 | $21,800,000 |
| Texas     |                        | $103,500,000|
| Utah      |                        | $25,000,000  |
| Virginia  |                        | $23,000,000  |
| Washington|                        | $18,700,000  |

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Army: Outside the United States

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Army: Family Housing

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<tr>
<td>Germany</td>
<td>Baumholder</td>
<td>38</td>
</tr>
</tbody>
</table>

(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 improve existing military family housing units in an amount not to exceed $239,300,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.— Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $4,427,076,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $2,738,150,000.
(2) For military construction projects outside the United States authorized by section 2101(b), $238,000,000.
(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $35,900,000.
(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $27,330,000.

(b) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $523,410,000.


(7) For the construction of increment 3 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $23,500,000.

(8) For the construction of increment 3 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $23,500,000.

(9) For the construction of increment 3 of the barracks and dining complex at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4659), $80,000,000.

(10) For the construction of increment 2 of a barracks and dining complex at Fort Stewart, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4659), $90,000,000.

(11) For the construction of increment 2 of a barracks and dining complex at Fort Bragg, North Carolina, for construction of a chapel at the installation, the Secretary of the Army may construct up to a 22,600 square-feet (409 person) chapel consistent with the Army's standard square footage for chapel construction guidelines.

Army: Extension of 2006 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>Pohakuloa</td>
<td>Tactical Vehicle Wash Facility</td>
<td>$9,207,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Battle Area Complex</td>
<td>$33,600,000</td>
</tr>
</tbody>
</table>
SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) of the Navy, 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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station, Yuma</td>
<td>$29,770,000</td>
</tr>
<tr>
<td>California</td>
<td>Mountain Warfare Training Center Bridgeport</td>
<td>$17,200,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>$775,162,000</td>
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<tr>
<td></td>
<td>Edwards Air Force Base</td>
<td>$3,007,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station Monterey</td>
<td>$10,000,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Twentynine Palms</td>
<td>$1,613,680,000</td>
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<tr>
<td></td>
<td>Marine Corps Air Station, Miramar</td>
<td>$9,200,000</td>
</tr>
<tr>
<td></td>
<td>Point Loma Annex</td>
<td>$17,060,000</td>
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<tr>
<td></td>
<td>Naval Station, San Diego</td>
<td>$23,590,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Naval Submarine Base, New London</td>
<td>$6,570,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Blount Island Command</td>
<td>$3,760,000</td>
</tr>
<tr>
<td></td>
<td>Egin Air Force Base</td>
<td>$26,287,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Jacksonville</td>
<td>$8,317,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Mayport</td>
<td>$56,042,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Pensacola</td>
<td>$26,161,000</td>
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<tr>
<td></td>
<td>Naval Air Station, Whiting Field</td>
<td>$4,120,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Logistics Base, Albany</td>
<td>$4,870,000</td>
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<tr>
<td></td>
<td>Oahu</td>
<td>$5,380,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Naval Station, Pearl Harbor</td>
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<tr>
<td></td>
<td>Portsmouth Naval Shipyard</td>
<td>$7,090,000</td>
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<tr>
<td>Maryland</td>
<td>Naval Air Station, Jacksonville</td>
<td>$6,520,000</td>
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<td></td>
<td>Naval Air Station, Patuxent River</td>
<td>$11,043,000</td>
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<td>North Carolina</td>
<td>Marine Corps Base, Camp Lejeune</td>
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<td></td>
<td>Marine Corps Air Station, Cherry Point</td>
<td>$22,260,000</td>
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<td>Marine Corps Air Station, New River</td>
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<td>Rhode Island</td>
<td>Naval Station, Newport</td>
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<tr>
<td>South Carolina</td>
<td>Marine Corps Air Station, Beaufort</td>
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<tr>
<td></td>
<td>Marine Corps Recruit Depot, Parris Island</td>
<td>$6,572,000</td>
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<tr>
<td>Texas</td>
<td>Naval Air Station, Corpus Christ</td>
<td>$19,764,000</td>
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<td></td>
<td>Naval Air Station, Kingsville</td>
<td>$4,470,000</td>
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<tr>
<td>Virginia</td>
<td>Naval Amphibious Base, Little Creek</td>
<td>$13,095,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station Norfolk</td>
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</tr>
<tr>
<td></td>
<td>Naval Special Weapons Center, Dahlgren</td>
<td>$8,257,000</td>
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<tr>
<td></td>
<td>Norfolk Naval Shipyard, Portsmouth</td>
<td>$226,969,000</td>
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<tr>
<td>Washington</td>
<td>Marine Corps Base, Quantico</td>
<td>$105,240,000</td>
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<tr>
<td></td>
<td>Naval Station, Everett</td>
<td>$3,810,000</td>
</tr>
<tr>
<td></td>
<td>Naval Magazine, Indian Island</td>
<td>$11,134,000</td>
</tr>
<tr>
<td></td>
<td>Spokane</td>
<td>$12,707,000</td>
</tr>
</tbody>
</table>

(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 States, and in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Naval Magazine, Indian Island</td>
<td>$11,134,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Everett</td>
<td>$3,810,000</td>
</tr>
<tr>
<td></td>
<td>Naval Magazine, Indian Island</td>
<td>$11,134,000</td>
</tr>
<tr>
<td></td>
<td>Spokane</td>
<td>$12,707,000</td>
</tr>
</tbody>
</table>

SEC. 2202. FAMILY HOUSING.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,771,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $118,692,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $4,220,719,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,792,210,000.
(2) For military construction projects outside the United States authorized by section 2201(b), $463,845,000.
(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $17,483,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $179,652,000.
(5) For military family housing functions:
(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $166,569,000.
(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $368,540,000.


(9) For the construction of increment 3 of a submarine drive-in magazine silencing facility at Naval Base Pearl Harbor, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $8,645,000.

SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490) is amended in the item relating to Naval Submarine Base, Bangor, Washington, by striking "$60,160,000" and inserting "$127,153,000".

(b) CONFORMING AMENDMENT.—Section 2204(b) of that Act (119 Stat. 3492) is amended by adding at the end the following new paragraph:

"(11) $67,003,000 (the balance of the amount authorized under section 2201(a) for construction of a waterfront security enclave at Naval Submarine Base, Bangor, Washington)."

(c) EXTENSION.—Notwithstanding section 2201 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization relating to enclave fencing/parking at Naval Submarine Base, Bangor, Washington (formerly referred to as a project at Naval Submarine Base, Bangor, Washington), as provided in section 2201 of that Act, shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

Air Force: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Clear Air Force Station</td>
<td>$24,390,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Elmendorf Air Force Base</td>
<td>$15,700,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Davis-Monthan Air Force Base</td>
<td>$41,900,000</td>
</tr>
<tr>
<td>California</td>
<td>Little Rock Air Force Base</td>
<td>$10,300,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Los Angeles Air Force Base</td>
<td>$9,600,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Travis Air Force Base</td>
<td>$12,900,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Vandenberg Air Force Base</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Peterson Air Force Base</td>
<td>$32,300,000</td>
</tr>
<tr>
<td>Florida</td>
<td>United States Air Force Academy</td>
<td>$17,500,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Dover Air Force Base</td>
<td>$17,400,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Eglin Air Force Base</td>
<td>$84,360,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Hurlburt Field</td>
<td>$19,900,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Warner Robins Air Force Base</td>
<td>$6,200,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Hickam Air Force Base</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Wheeler Air Force Base</td>
<td>$15,300,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Scott Air Force Base</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Andrews Air Force Base</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>$12,900,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Creech Air Force Base</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>McGuire Air Force Base</td>
<td>$7,900,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Holloman Air Force Base</td>
<td>$15,900,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>$22,500,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Seymour Johnson Air Force Base</td>
<td>$6,900,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Minot Air Force Base</td>
<td>$11,500,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright Patterson Air Force Base</td>
<td>$58,600,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$20,300,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Tinker Air Force Base</td>
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</tr>
<tr>
<td>Texas</td>
<td>Shaw Air Force Base</td>
<td>$21,183,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Dyess Air Force Base</td>
<td>$4,300,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Goodfellow Air Force Base</td>
<td>$4,200,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
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<tr>
<td>Utah</td>
<td>MacDill Air Force Base</td>
<td>$113,879,000</td>
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<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>$10,500,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fairchild Air Force Base</td>
<td>$4,150,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>F. E. Warren Air Force Base</td>
<td>$9,100,000</td>
</tr>
</tbody>
</table>

(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

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>Bagram Air Base</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Algeria</td>
<td>Palanquero Air Base</td>
<td>$46,000,000</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>Ramstein Air Base</td>
<td>$34,700,000</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>Spangdahlem Air Base</td>
<td>$23,500,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Force Base</td>
<td>$67,702,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Air Station Sigonella</td>
<td>$3,300,000</td>
</tr>
<tr>
<td>Oman</td>
<td>Al Masannah Air Base</td>
<td>$116,000,000</td>
</tr>
<tr>
<td>Qair</td>
<td>Al Udeid Air Base</td>
<td>$69,000,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Incirlik Air Base</td>
<td>$9,200,000</td>
</tr>
</tbody>
</table>
SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(3)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,314,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(3)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,787,000.

SEC. 2304. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act (119 Stat. 3495) and extended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-417; 122 Stat. 4684), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>Replace Family Housing (107 units)</td>
<td>$9,977,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>Replace Family Housing (75 units)</td>
<td>$6,200,000</td>
</tr>
</tbody>
</table>

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-163; 119 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>Replace Family Housing (100 units)</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Grand Forks Air Force Base</td>
<td>Replace Family Housing (150 units)</td>
<td>$41,533,000</td>
</tr>
</tbody>
</table>

TITLe XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

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


Sec. 2403. Modification of authority to carry out certain fiscal year 2008 project.

Sec. 2404. Modification of authority to carry out certain fiscal year 2009 project.

Sec. 2405. Extension of authorizations of certain fiscal year 2007 project.

Subtitle B—Chemical Demilitarization Authorizations

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

Defense Education Activity

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$2,330,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$4,503,000</td>
</tr>
</tbody>
</table>

Defense Information Systems Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>Naval Station Pearl Harbor, Ford Island</td>
<td>$9,633,000</td>
</tr>
</tbody>
</table>

Defense Logistics Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>El Centro</td>
<td>$17,000,000</td>
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<tr>
<td>Florida</td>
<td>Jacksonville International Airport (Air National Guard)</td>
<td>$15,357,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Duluth International Airport (Air National Guard)</td>
<td>$11,501,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$7,792,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fairchild Air Force Base</td>
<td>$3,000,000</td>
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</table>
### Missile Defense Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Naval Support Facility, Dahlgren</td>
<td>$24,500,000</td>
</tr>
</tbody>
</table>

### National Security Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>$203,800,000</td>
</tr>
</tbody>
</table>

### Special Operations Command

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Naval Amphibious Base, Coronado</td>
<td>$15,722,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$49,246,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>$3,046,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Hurlburt Field</td>
<td>$8,156,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Benning</td>
<td>$3,046,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$32,335,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$101,488,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Naval Amphibious Base, Little Creek</td>
<td>$18,669,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Naval Surface Warfare Center, Dam Neck</td>
<td>$610,000</td>
</tr>
</tbody>
</table>

### TRICARE Management Activity

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Elmendorf Air Force Base</td>
<td>$25,017,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$5,518,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$32,335,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$101,488,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Detrick</td>
<td>$3,046,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$3,046,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$5,518,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$3,046,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Lackland Air Force Base</td>
<td>$3,046,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$3,046,000</td>
</tr>
</tbody>
</table>

### Washington Headquarters Services

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Pentagon Reservation</td>
<td>$27,672,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

### Defense Education Activity

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>Brussels</td>
<td>$38,124,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Kaiserslautern</td>
<td>$93,545,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Lakenheath</td>
<td>$4,509,000</td>
</tr>
</tbody>
</table>

### Defense Intelligence Agency

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korea</td>
<td>K–16 Airfield</td>
<td>$5,050,000</td>
</tr>
</tbody>
</table>

### Defense Logistics Agency

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuba</td>
<td>Naval Air Station, Guantanamo Bay</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Air Station, Agana</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Osan Air Base</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Mildenhall</td>
<td>$4,700,000</td>
</tr>
</tbody>
</table>
National Security Agency

United Kingdom ........................................ Royal Air Force Menwith Hill Station ...................... $37,588,000

TRICARE Management Activity

Country Installation or Location
Guam .................................................. Naval Activities, Guam $440,450,000
United Kingdom .................................. Royal Air Force Alconbury $14,227,000

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,132,024,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,170,314,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $857,678,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $33,025,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $90,000,000.

(6) 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 2833 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1023 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $77,898,000.

(7) For the construction of increment 4 of the Army Medical Research Institute of Infectious Diseases, 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. 3267), $20,000,000.


(11) For the construction of increment 2 of the United States Army Medical Research Institute of Chemical Defense replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110-147; 122 Stat. 689), $111,400,000.

(12) For the construction of a fuel storage tanks and pipeline replacement at Souda Bay, Greece, authorized by section 2401(b) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 689), $77,898,000.

(13) For the construction of increment 2 of a National Security Agency data center at Camp Lemonnier, Djibouti, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 689), as amended by section 2406 of this Act, $24,000,000.

(14) For the construction of increment 4 of the United States Army Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110-147; 122 Stat. 4692), as determined by the Secretary.

SEC. 2403. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-147; 122 Stat. 4691) in amended in the item relating to Point Loma Annex, California, by striking "$10,000,000" in the amount column and inserting "$19,600,000".

(b) CONFORMING AMENDMENT.—Section 2403(b)(2) of that Act (122 Stat. 524) is amended by striking "$84,300,000" and inserting "$39,300,000".

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-147; 122 Stat. 4691) is amended in the item relating to Souda Bay, Greece, by striking "$8,000,000" in the amount column and inserting "$32,000,000".

(b) CONFORMING AMENDMENT.—Section 2403(b) of that Act (122 Stat. 4692) is amended by adding at the end the following new paragraph:

“(5) $34,000,000 (the balance of the amount authorized for the Defense Logistics Agency for the Souda Bay, Greece, under Public Law 106-65; 113 Stat. 835, as amended by section 2413 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-81; 123 Stat. 2059), authorizations set forth in the table in subsection (b), as provided in section 2402 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.”

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Location or Activity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Defense Supply Center, Richmond</td>
<td>$484,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Whole House Renovation</td>
<td>$484,000</td>
</tr>
</tbody>
</table>

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 116 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in section 2402 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Title XXV—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. Authorized NATO construction and land acquisition projects.
The funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program 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 2902 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**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.**

---

### Army National Guard: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort McClellan</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Camp Navajo</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Los Alamitos Joint Forces Training Base</td>
<td>$31,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Gowen Field</td>
<td>$8,967,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Muscatatuck Urban Training Center</td>
<td>$10,100,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michigan</td>
<td>Fort Custer</td>
<td>$7,732,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Arden Hills</td>
<td>$6,700,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Camp Ripley</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Camp Shelby</td>
<td>$16,100,000</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Boonville</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Lincoln Municipal Airport</td>
<td>$23,000,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>North Las Vegas</td>
<td>$26,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>East Flat Rock</td>
<td>$2,516,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>Fort Bragg</td>
<td>$6,038,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>McEntire Joint National Guard Base</td>
<td>$12,190,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Austin</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Pickett</td>
<td>$52,000,000</td>
</tr>
</tbody>
</table>

### Army National Guard: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Barrigada</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>St. Croix</td>
<td>$20,000,000</td>
</tr>
</tbody>
</table>

---

**Sec. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

### Army Reserve: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$19,500,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Los Angeles</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Colorado Springs</td>
<td>Bridgeport</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Panama City</td>
<td>$7,300,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Atlantic</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Chicago</td>
<td>$23,000,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Fort Snelling</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Rochester</td>
<td>$13,650,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Cincinnati</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Ashley</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Newton Square</td>
<td>$7,600,000</td>
</tr>
<tr>
<td></td>
<td>Unionslown</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Austin</td>
<td>$11,800,000</td>
</tr>
</tbody>
</table>

(b) **OUTSIDE THE UNITED STATES.**—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 National Guard locations outside the United States, and in the amounts, set forth in the following table:

---

**Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.**

**Sec. 2606. Authorization of appropriations, National Guard and Reserve.**

**Sec. 2607. Extension of authorizations of certain fiscal year 2007 projects.**

**Sec. 2608. Extension of authorizations of certain fiscal year 2008 projects.**
Army Reserve: Outside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Puerto Rico</td>
<td>Caguas</td>
<td>$12,400,000</td>
</tr>
</tbody>
</table>

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)(B), 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:

<table>
<thead>
<tr>
<th>Navy Reserve and Marine Corps Reserve</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>Arizona</td>
</tr>
<tr>
<td>California</td>
</tr>
<tr>
<td>Illinois</td>
</tr>
<tr>
<td>South Carolina</td>
</tr>
<tr>
<td>Texas</td>
</tr>
<tr>
<td>Virginia</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

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

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3), 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:

<table>
<thead>
<tr>
<th>Air National Guard</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
</tr>
<tr>
<td>Arizona</td>
</tr>
<tr>
<td>California</td>
</tr>
<tr>
<td>Hawaii</td>
</tr>
<tr>
<td>Illinois</td>
</tr>
<tr>
<td>Kansas</td>
</tr>
<tr>
<td>Maine</td>
</tr>
<tr>
<td>Maryland</td>
</tr>
<tr>
<td>Massachusetts</td>
</tr>
<tr>
<td>Mississippi</td>
</tr>
<tr>
<td>Nebraska</td>
</tr>
<tr>
<td>Ohio</td>
</tr>
<tr>
<td>Oklahoma</td>
</tr>
<tr>
<td>Texas</td>
</tr>
<tr>
<td>Wisconsin</td>
</tr>
</tbody>
</table>

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

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4)(A), 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:

<table>
<thead>
<tr>
<th>Air Force Reserve</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
</tr>
<tr>
<td>California</td>
</tr>
<tr>
<td>Colorado</td>
</tr>
<tr>
<td>Mississippi</td>
</tr>
<tr>
<td>New York</td>
</tr>
<tr>
<td>Texas</td>
</tr>
<tr>
<td>Utah</td>
</tr>
</tbody>
</table>
SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 103, Title 10 of United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

1. For the Department of the Army, for the Army National Guard of the United States—
   (A) for military construction projects inside the United States authorized by section 2601(a), $509,129,000; and
   (B) for military construction projects outside the United States authorized by section 2601(b), $20,000,000.

2. For the Department of the Army, for the Army Reserve—
   (A) for military construction projects inside the United States authorized by section 2602(a), $420,116,000; and
   (B) for military construction projects outside the United States authorized by section 2602(b), $12,400,000.

3. For the Department of the Navy, for the Navy and Marine Corps Reserve, $177,177,000.

4. For the Department of the Air Force—
   (A) for the Air National Guard of the United States, $226,126,000; and
   (B) for the Air Force Reserve, $103,169,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act (119 Stat. 3501) and extended by section 2608 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4719), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>Army National Guard: Extension of 2007 Project Authorizations</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California .......................................................................</td>
<td>Fresno ............................................................</td>
<td>AVCRAD Add/Alt, PH I ...........................................</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>New Jersey ........................................................................</td>
<td>Lakehurst ..........................................................</td>
<td>Consolidated Logistics Training Facility, PH II ..........</td>
<td>$20,024,000</td>
</tr>
</tbody>
</table>

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act (119 Stat. 3501) and extended by section 2608 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4719), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>Army National Guard: Extension of 2006 Project Authorization</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montana ...........................................................................</td>
<td>Townsend ...........................................................</td>
<td>Automated Qualification Training Range ..................</td>
<td>$2,532,000</td>
</tr>
</tbody>
</table>

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 1999.

Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

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

Subtitle B—Amendments to Base Closure and Related Laws

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

Subtitle C—Other Matters

Sec. 2721. Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness.

Sec. 2722. Modification of closure instructions regarding Paul Doble Army Reserve Center, Portsmouth, New Hampshire.

Subtitle A—Authorizations

Sec. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1999.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1999 established by section 2906A of that Act, in the total amount of $356,768,000, as follows:

1. For the Department of the Army, $133,723,000.

2. For the Department of the Navy, $228,000,000.

3. For the Department of the Navy, for the Naval Nuclear Propulsion Program, $172,177,000.

4. For the Defense Agencies, $2,681,000.


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 (12 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 $418,260,000.


Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (12 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $7,129,488,000, as follows:

1. For the Department of the Army, $4,081,037,000.

2. For the Department of the Navy, $591,572,000.

3. For the Department of the Air Force, $418,260,000.

4. For the Defense Agencies, $2,038,629,000.

Subtitle B—Amendments to Base Closure and Related Laws

SEC. 2711. USE OF ECONOMIC DEVELOPMENT CONVEYANCES TO IMPLEMENT BASE CLOSURE AND REALIGNMENT PROPERTY RECOMMENDATIONS.

(a) ECONOMIC REDEVELOPMENT CONVEYANCE AUTHORITY.—Subsection (b)(4) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking “job generation” and inserting “economic redevelopment”;

(2) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) Real or personal property at a military installation shall be conveyed, without consideration, under subparagraph (A) to the redeveloping authority with respect to the installation if the authority—

(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of the property under subparagraph (A) or the completion of the initial redevelopment of the property, whichever is earlier, shall be used to support the economic redevelopment of, or related to, the installation; and

(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the requirements associated with subsection (c) are satisfied.”; and

(3) in subparagraph (C), by adding at the end the following new clause:

“(iii) Environmental restoration, waste management, and environmental compliance activities provided pursuant to subsection (e);”.

(b) RECOUPMENT AUTHORITY.—Subsection (b)(4)(D) of such section is amended—

(1) by striking the Secretary and inserting “the Secretary”.

(2) by striking “and inserting “At the conclusion of the period specified in subparagraph (B) applicable to an installation, the Secretary”.

and (3) by striking “for the period specified in subparagraph (B)” and inserting “before the conclusion of such period”.


Subtitle C—Other Matters

SEC. 2721. SENSE OF CONGRESS ON ENSURING JOINT BASING RECOMMENDATIONS DO NOT ADVERSELY AFFECT OPERATIONAL READINESS.

It is the sense of Congress that, in implementing the joint basing recommendations of the Defense Bases Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(c) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of division A of Public Law 104–101; 10 U.S.C. 2687 note), the Secretary of Defense should ensure that the joint basing of military installations at any of the recommended locations does not adversely impact—
(1) the ability of commanders, and the units of the Armed Forces under their command, to perform their operational missions; (2) the command and control of commanders at each military installation that has an operational mission requirement; and (3) the readiness of the units of the Armed Forces under their command.

SEC. 2722. MODIFICATION OF CLOSURE INSTRUCTIONS REGARDING PAUL DOBLE ARMY RESERVE CENTER, PORTSMOUTH, NEW HAMPSHIRE.

With respect to the closure of the Paul Doble Army Reserve Center in Portsmouth, New Hampshire, and relocation of units to a new reserve center and associated training and maintenance facilities, the new reserve center and associated training and maintenance facilities may be located adjacent to or in the vicinity of Pease National Guard Base.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Modification of unspecified minor construction authorities.

Sec. 2802. Congressional notification of facility repair projects carried out using operation and maintenance funds.

Sec. 2803. Authorized scope of work variations for military construction projects and military family housing projects.

Sec. 2804. Imposition of requirement that acquisition of reserve component facilities be authorized by law.

Sec. 2805. Report on Department of Defense construction projects to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities.

Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.

Sec. 2807. Expansion of First Sergeants Barracks Initiative.

Sec. 2808. Reports on privatization initiatives for military unaccompanied housing.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Imposition of requirement that leases of real property to the United States with annual rental costs of more than $750,000 be authorized by law.

Sec. 2812. Consolidation of notice-and-wait requirements applicable to leases of real property owned by the United States.

Sec. 2813. Clarification of authority of military departments to acquire low-cost interests in land and interests in land when need is urgent.

Sec. 2814. Modification of utility systems conveyance authority.

Sec. 2815. Decontamination and use of former bombardment area on island of Culebra.

Sec. 2816. Disposal of excess property of Armed Forces Retirement Home.

Sec. 2817. Acceptance of contributions to support cleanup efforts at former Whiteman Air Force Station, California.

Sec. 2818. Limitation on establishment of Navy outlying landing fields.

Sec. 2819. Prohibition on using outlying landing field at Sandbank or Hale's Lake, North Carolina, for Oceana Naval Air Station.

Sec. 2820. Selection of military installations to serve as locations of brigade combat teams.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2831. Role of Under Secretary of Defense for Policy in management and coordination of Department of Defense activities relating to Guam realignment.

Sec. 2832. Clarifications regarding use of special purpose entities to assist with Guam realignment.

Sec. 2833. Workforce issues related to military construction and certain other transactions on Guam.

Sec. 2834. Composition of workforce for construction projects funded through the Support for United States Forces on Guam Account.

Sec. 2835. Interagency Coordination Group of Inspector Generals for Guam Realignment.

Sec. 2836. Construction with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Beaufort, South Carolina.

Sec. 2837. Report and sense of Congress on Marine Corps training requirements in Asia-Pacific region.

Subtitle D—Energy Security

Sec. 2841. Adoption of unified energy monitoring, management, and system specification for military construction and military family housing activities.

Sec. 2842. Department of Defense use of electric and hybrid motor vehicles.

Sec. 2843. Department of Defense goal regarding use of renewable energy sources to meet facility energy needs.

Sec. 2844. Comptroller General report on Department of Defense renewable energy initiatives.

Sec. 2845. Authorization of Department of Energy to use operation and maintenance funds.

Subtitle E—Land Conveyances

Sec. 2851. Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California.

Sec. 2852. Land conveyance, Naval Air Station, Barbers Point, Hawaii.


Sec. 2854. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.

Sec. 2855. Land conveyance, Naval Air Station, Fort Worth, Texas.

Sec. 2856. Land conveyance, Haines Tank Farm, Haines, Alaska.

Sec. 2857. Completion of land exchange and consolidation, Fort Lewis, Washington.

Subtitle F—Other Matters

Sec. 2871. Revised authority to establish national monument to honor United States Armed Forces working dog teams.

Sec. 2872. Naming of child development center at Port Livingood, Missouri, in honor of Mr. S. Lee King.

Sec. 2873. Conditions on establishment of Cooperative Security Location in Palau.

Sec. 2874. Military activities at United States Marine Corps Mountain Warfare Training Center.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITY.

(a) REPEAL OF LIMITATIONS ON EXERCISE-RELATED PROJECTS OUTSIDE.—Section 2805 of title 10, United States Code, is amended—
(1) in subsection (a)—
(A) by striking “‘(1) Except as provided in paragraph (2), within’” and inserting “Within’’; (B) by striking paragraph (2); and (C) by striking “‘An unspecified’ and inserting the following:

(2) if the current estimate of the cost of a military construction project to

(f) REAL PROPERTY AND FACILITIES.

Subsection (f) of such section is amended—
(1) in subsection (a)—
(A) by striking “‘(1) Except as provided in paragraph (2), within’” and inserting “Within’’; (B) by striking paragraph (2); and (C) by redesignating paragraph (3) as paragraph (2).

(2) LABORATORY REVITALIZATION.—Subsection (b) of such section is amended—
(A) in paragraph (1)(B), by inserting ‘‘or from funds authorized to be available under section 2532 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note)’’ after ‘‘authorized by law’’; (B) by striking paragraph (3); and (C) by redesigning paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(3) MECHANISMS TO PROVIDE FUNDS FOR REVITALIZATION.—Section 2519A(k) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note) is amended by striking at the end the following new subparagraph:

(‘‘(D) To fund the revitalization and recapitalization of the laboratory pursuant to section 2505(d) of title 10, United States Code.’’).

SEC. 2802. CONGRESSIONAL NOTIFICATION OF FACILITY REPAIR PROJECTS CARRIED OUT USING OPERATION AND MAINTENANCE FUNDS.

Section 2811(d) of title 10, United States Code, is amended—
(1) in paragraph (1), by striking “and” at the end; and
(2) by striking paragraph (2) and inserting the following new paragraphs:

‘‘(2) if the current estimate of the cost of the repair project exceeds 50 percent of the estimated cost of a military construction project to
replace the facility, an explanation of the reasons why replacement of the facility is not in the best interest of the Government; and

(3) a description of the elements of military construction or alteration of facilities specified in section 2002(b) of this title, incorporated into the repair project.

SEC. 2803. AUTHORIZED SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

(a) AUTHORIZED PROCESS TO INCREASE SCOPE OF WORK.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)—

(i) by striking “Except,” and inserting “LIMITATION ON SCOPE OF WORK VARIATIONS.—(1) Except;”;

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

“(2) Except as provided in subsection (c), the scope of work for a military construction project or for the construction, improvement, or acquisition by Congress.”; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “(c)” and inserting “(d)”;

(B) in paragraph (1), by striking “or reduction”;

(C) in paragraph (2), by striking “in cost or reduction”;

(D) in paragraph (3), by striking “its estimate”;

(E) by striking “(2) in paragraph (1), the Secretary of Defense may authorize the obligation”;

(F) by striking “of military unaccompanied housing;” and

(G) by striking “or (e), as authorized by law.”

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by inserting “LIMITATION ON COST VARIATIONS.—” before “Except”;

(2) in subsection (c), by inserting “EXCEPTION;”;

(3) in subsection (d), by inserting “ADDITIONAL EXCEPTION TO LIMITATION ON COST VARIATIONS.—” after “(a)”.

SEC. 2804. IMPOSITION OF REQUIREMENT THAT ACQUISITION OF RESERVE COMPONENT FACILITIES BE AUTHORIZED BY LAW.

Section 18233(a)(1) of title 10, United States Code, is amended by striking “as he determines to be necessary” and inserting “as are authorized by law”.

SEC. 2805. REPORT ON DEPARTMENT OF DEFENSE CONTRIBUTIONS TO STATES FOR ACQUISITION, CONSTRUCTION, EXPANSION, REHABILITATION, OR CONVERSION OF RESERVE COMPONENT FACILITIES.

(a) REPORT.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report specifying, for each of fiscal years 2005 through 2009, the total amount of contributions made by the Secretary to each State under the authority of paragraphs (2) through (6) of section 18233(a) of title 10, United States Code, for reserve component facilities, as well as the amounts contributed under each of such paragraphs for each State shall be specified separately.

(b) DEFINITIONS.—In this section, the terms “State” and “facility” have the meanings given those terms in section 18232 of this title.

SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—


(1) in subsection (a), by striking “During fiscal year 2004” and all that follows through “obligate”; and

“(c) AUTHORIZATION REQUIRED.—Section 2661 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

“(c) AUTHORIZATION OF CERTAIN LEASES TO THE UNITED STATES REQUIRED BY LAW.—If the Secretary of Defense authorizes a lease or license in connection with a proposed lease of real property to the United States is more than $750,000, the Secretary of a military department or, with respect to a Department of Defense Agency, the Secretary may enter into the lease or utilize the General Services Administration to enter into the lease on the Secretary’s behalf only if the lease is specifically authorized by law.”

(b) REPEAL OF NOTICE AND WAIT REQUIREMENTS REGARDING SUCH LEASES.—

(1) REPEAL.—Section 2662 of such title is amended—

(A) in subsection (a)(1)—

(i) by striking “(B) in paragraph (1),”;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) through (G) as subparagraphs (A) through (F), respectively; and

(B) by striking subsection (e).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (a)(2)—

(i) by striking “(B) by striking “or leases to be made;”;

(ii) by striking “(except the” and inserting “paragraphs”; and

(iii) by striking “(e), as authorized by law.”;

(B) in paragraph (1), by striking “and the reporting requirement set forth in subsection (e) shall not apply with respect to a real property transaction otherwise covered by that subsection;” and

(ii) in paragraph (3), by striking “or, as the case may be”.

SEC. 2812. CONSOLIDATION OF NOTICE-AND-WAIT REQUIREMENTS APPLICABLE TO LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—

(a) NOTICE-AND-WAIT REQUIREMENTS.—Section 2662 of title 10, United States Code, as amended by section 2821(b), is further amended by inserting after subsection (d) the following new subsection:

“(e) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—(1) In the case of a proposed lease or license of real property owned by the United States covered by paragraph (1) or (2) of section 1850 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(A) a description of the proposed transaction, including the proposed duration of the lease or license.

(B) a description of the authorities to be used in entering into the transaction and the intended participation of the United States in the lease or license, including a justification of the intended method of participation.

(C) a statement of the expected cost of the transaction, determined using the scoring criteria of the Office of Management and Budget.

(D) a determination that the property involved in the transaction is not excess property, as required by section 2667(a)(3) of this title, including the basis for the determination.

(E) a determination that the proposed transaction is directly compatible with the mission of the military installation or Defense Agency at which the property is located and a description of the anticipated long-term use of the property after the completion of the transaction.

(F) a description of the requirements or conditions within the contract solicitation or other lease offering for the offeror to address taxation issues, including payments, and other development issues related to local municipalities.

SEC. 2811. IMPOSITION OF REQUIREMENT THAT LEASE OF REAL PROPERTY TO THE UNITED STATES WITH ANNUAL RENTAL COSTS OF MORE THAN $750,000 BE AUTHORIZED BY LAW.

(a) AUTHORIZATION REQUIRED.—Section 2661 of title 10, United States Code, is amended by
“(2) The Secretary of a military department or the Secretary of Defense may not enter into the actual lease or license with respect to property for which the information required by paragraph (a) is submitted under subsection (a)(3) unless the Secretary again complies with the notice-and-wait requirements of such subsection. The subsequent monthly report shall include the following with regard to the proposed transaction:

“(A) A cross reference to the prior monthly report that contained the information submitted under paragraph (1) with respect to the transaction.

“(B) A description of the differences between the information submitted under paragraph (1) and the information regarding the transaction being submitted in the subsequent report.

“(C) A description of the payment to be required with the lease or license, including a description of any in-kind consideration that will be accepted.

“(D) A description of any community support facility or provision of community support services under the lease or license, regardless of whether the facility will be operated by a covered entity (as defined in section 2667(d) of this title), and whether or not the services will be provided by a covered entity or the lessee.

“(E) A description of the competitive procedures used to select the lessee or, in the case of a lease or license for public benefit, the public benefit as authorized by section 2667(h)(2) of this title, a description of the public benefit to be served by the lease.

“(F) If the proposed lease or license involves a project related to energy production, and the term of the lease or license exceeds 20 years, a certification that the project is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.”.

(b) Exception.—Subsection (a)(3) of such title is amended—

“(1) by striking paragraphs (3) and (5); and

“(2) in subsection (d), by striking paragraph (1).”.

SEC. 2817. ACCEPTANCE OF CONTRIBUTIONS TO FORGERY AT ALMADEN AIR FORCE STATION, CALIFORNIA.

(a) Acceptance.—The Secretary of the Air Force may accept contributions from other Federal entities, the State of California, and other entities, both public and private, for the purposes of helping to cover the costs of—

“(1) demolition of property at former Almaden Air Force Station, California; and

“(2) environmental remediation and restoration and other efforts to further the ultimate end use of the property for conservation and recreation purposes.

(b) Availability.—Amounts received as contributions under subsection (a) may be merged with other amounts available to the Secretary to carry out the purposes described in such subsection and shall be available, in such amounts as may be provided in advance in appropriation Act, for such purposes.

SEC. 2818. AUTHORIZATION FOR NAVY OUTLYING LANDING FIELD.

(a) Limitation.—The Secretary of the Navy may not establish an outlying landing field at a proposed location described in subsection (b)(1) if, within 90 days after the issuance of the final environmental assessment or environmental impact statement regarding the proposed location pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), the Secretary determines that the governmental body of the political subdivision of a State concerned opposes the establishment of the proposed location.

(b) Exception.—Subsection (a) shall not apply if Congress enacts a law authorizing the Secretary to proceed with the outlying landing field notwithstanding the local government action.
(b) REPORT ON IMPLEMENTATION GUIDANCE FOR SPECIAL PURPOSE ENTITIES.—
(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the implementation guidance developed regarding the use of special purpose entities to assist with the realignment of military installations and the relocation of military personnel on Guam.

(2) NOTICE AND WAIT.—The Secretary of Defense may not authorize the use of the implementation guidance referred to in paragraph (1) until the end of the 30-day period (15-day period if the report is submitted electronically) beginning on the date on which the report required by such paragraph is submitted.

(c) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—

(1) APPLICABILITY TO SECTION 2395 CONTRIBUTIONS.—Section 2824(c)(4) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-117; 10 U.S.C. 267 note) is amended by adding at the end the following new subparagraph:

...(D) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—The facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, or any successor to such criteria shall apply to acquisition of contributions referred to in subsection (b)(1) for a transaction authorized by paragraph (1).''.

(2) APPLICABILITY TO SPECIAL PURPOSE ENTITIES.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, or any successor to such criteria shall apply to contributions of funds made available for the realignment of military installations and the relocation of military personnel on Guam.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an evaluation of various options, including a preferred option, that the Secretary could utilize to comply with the unified facilities criteria referred to in paragraph (2) in the acquisition of military housing on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam.

(d) DETERMINATION OF MILITARY PERSONNEL ON GUAM.—

The reports required by this subsection shall be submitted to the congressional defense committees, the Committee on Education and Labor of the House of Representatives, and the Committee on Appropriations of the Senate.

SEC. 2834. COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS ASSOCIATED WITH GUAM REALIGNMENT; FUNDING THROUGH THE SUPPORT FOR UNITED STATES RELLOCATION TO GUAM

(a) COMPOSITION OF WORKFORCE.—Section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-117; 122 Stat. 4729) is amended—

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

(2) in such subsection, by striking ‘‘should incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system’’ and inserting ‘‘should support proposed utility infrastructure improvements on Guam that incorporate and align military and civilian physical infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system, rather than simply supporting one or more military facilities in a separate grid separate from the commercial and private sector grids’’;

(b) SOURCE OF FUNDS.—Subparagraph (A) applies to—

(i) amounts in the Account used for projects associated with the realignment of military installations and the relocation of military personnel on Guam described in section 2821 of this Act; and

(ii) funds associated with activities under section 2821 of this Act;

(c) SOLICITATION OF WORKERS.—In order to ensure compliance with subparagraph (A), as a condition of a contract covered by such subparagraph, the contractor shall be required to advertise and solicit for construction workers in the United States, including in territories in the Pacific region, as well as in Guam.

SEC. 2835. INTERAGENCY COORDINATION GROUP OF INSPECTOR GENERAL FOR GUAM REALIGNMENT

(a) INTERAGENCY COORDINATION GROUP.—There is hereby established the Interagency Coordination Group of Inspector General for Guam Realignment (in this section referred to as the ‘‘Interagency Coordination Group’’)—

(1) SECRETARY OF DEFENSE.—Not later than June 30, 2009, the Secretary of Defense shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of—

(A) the opportunities to expand the recruitment of construction workers in the United States, including territories in the Pacific region, to support the realignment of military installations and the relocation of military personnel on Guam, consistent with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a); and

(B) the ability of labor markets to support the Guam realignment; and

(C) the sufficiency of efforts to recruit United States construction workers.

(2) SECRETARY OF LABOR.—Not later than June 30, 2009, the Secretary of Labor shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of—

(A) the opportunities to expand the recruitment of construction workers in the United States, including territories in the Pacific region, to support the realignment of military installations and the relocation of military personnel on Guam, consistent with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a); and

(B) the ability of labor markets to support the Guam realignment; and

(C) the sufficiency of efforts to recruit United States construction workers.

(3) COVERED CONGRESSIONAL COMMITTEES.—The reports required by this subsection shall be submitted to the congressional defense committees, the Committee on Education and Labor of the House of Representatives, and the Committee on Appropriations of the Senate.
in connection with the realignment of military installations and the relocation of military personnel on Guam and any obligations or expenditures of such revenues.
(D) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for military construction on Guam.
(E) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2), the opinion of the chairperson of the Interagency Coordination Group.
(F) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism.
(i) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism solicits offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and
(j) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.
(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for military construction on Guam with any public or private sector entity.
(3) FIRM OFFER.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Interagency Coordination Group considers it necessary.
(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is:
(A) specifically prohibited from disclosure by any other provision of law;
(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or
(C) a part of an ongoing criminal investigation.
(5) SUBMISSION OF COMMENTS.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of Defense or the Secretary of the Interior to the congressional defense committees any comments on the matters covered by the report shall be submitted in unclassified form, but may include a classified annex if the Secretary concerned considers it necessary.
(1) PUBLIC AVAILABILITY.—The Interagency Coordination Group shall publish on a public website a copy of the report as prepared under subsection (e). Any comments on the report submitted under paragraph (5) of such subsection shall also be published on such website.
(2) WAIVER AUTHORITY.—The President may waive the requirement under paragraph (1) if the President determines that the waiver is justified for national security reasons.
(3) PUBLIC AVAILABILITY.—The Interagency Coordination Group shall publish on a public website a copy of the report required under paragraph (3) of such subsection, submitted to the congressional defense committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.
(9) DEFINITIONS.—In this section:
(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE.—The term ‘amounts appropriated or otherwise made available for military construction on Guam’ includes all amounts derived from the Support for United States Relocation to Guam Account.
(2) FINAL REPORT.—Before the termination of the Interagency Coordination Group pursuant to paragraph (1), the chairperson of the Interagency Coordination Group shall prepare and submit to the congressional defense committees a final report containing:
(A) notice that the termination condition in paragraph (1) has occurred; and
(B) a final forensic audit on programs and operations authorized to be performed with amounts appropriated or otherwise made available for military construction on Guam.
SEC. 2836. COMPLIANCE WITH NAVAL AVIATION SAFETY REQUIREMENTS.
(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Congress a report on the implementation of the agreement between the United States of America and the Government of the Netherlands concerning the United States military personnel on Okinawa, the Mariana Islands, and Japan. The report shall include the following:
(1) A description of the units of the Marine Corps expected to be assigned on a permanent or temporary basis to Marine Forces Pacific, including the type of unit, the organizational element, the current location of the unit, and proposed location for the unit.
(2) A description of the training requirements necessary to sustain the current and planned realignment of forces according to the agreement between the Government of the United States and the Commonwealth of the Northern Mariana Islands and for alternative training range options, including locations in the Philippines, Thailand, and Japan.
(3) A description of the potential effects of undertaking a separate environmental impact study for expanded training ranges in the Commonwealth of the Northern Mariana Islands and for alternative training range options, including locations in the Philippines, Thailand, and Japan.
(4) The rationale for conducting the Mariana Island Range Complex environmental impact statement without including the additional realignment of Marine Corps units on Guam.
(5) A description of the strategic- and tactical-lift requirements associated with Marine Forces Pacific, including programming information regarding the intent of the Department of Defense to eliminate deficiencies in the strategic-lift capabilities.

(c) SENSE OF CONGRESS.—It is the sense of Congress that an evaluation of training requirements for Marine Forces Pacific:

(1) should be conducted and completed as soon as possible;

(2) should include a training analysis that, at a minimum, assesses the capabilities required to support a Marine Air-Ground Task Force; and

(3) should not impact the implementation of the recent significant international agreement referred to in subsection (b)(2).

Subtitle D—Energy Security

SEC. 2841. ADOPTION OF UNIFIED ENERGY MONITORING AND MANAGEMENT SYSTEM SPECIFICATION FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.

(a) ADOPTION REQUIRED.—

(1) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2866 at the end the following new section:

"§2867. Energy monitoring and management system specification for military construction and military family housing activities.

"(a) ADOPTION OF DEPARTMENT-WIDE, OPEN SOURCE ENERGY MONITORING AND MANAGEMENT SYSTEM SPECIFICATION.—The Secretary of Defense shall adopt an open source energy monitoring and management system specification for use throughout the Department of Defense in connection with a military construction project, military family housing activity, or other activity under this chapter for the purpose of monitoring and controlling the following with respect to the project or activity in compliance:

"(1) Utilities and energy usage, including electricity, gas, steam, and water usage.

"(2) Indoor environments, including temperature and humidity levels.

"(3) Heating, ventilation, and cooling components.

"(4) Central plant equipment.

"(5) Renewable energy generation systems.

"(6) Lighting systems.

"(7) Power distribution networks.

"(8) EXCLUSION.—(1) The Secretary concerned may waive the application of the energy monitoring and management system specification adopted under this subsection with respect to a specific military construction project, military family housing activity, or other activity under this chapter if the Secretary determines that the application of the energy monitoring and management system to the project or activity is not life cycle cost-effective.

"(2) The Secretary concerned shall notify the congressional defense committees of any waiver granted under paragraph (1)."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III is amended by striking "2866" and inserting "2867".

SEC. 2842. DEPARTMENT OF DEFENSE USE OF ELECTRIC AND HYBRID MOTOR VEHICLES.

(a) PREFERENCE.—Subchapter II of chapter 173 of title 10, United States Code, is amended by adding at the end of title III of this Act, the following new section:

"§2922h. Preference for motor vehicles using electric or hybrid propulsion systems.

"(a) PREFERENCE.—In leasing or procuring motor vehicles for use by a military department or Defense Agency, the Secretary of the military department or the head of the Defense Agency shall provide a preference for the lease or procurement of motor vehicles using electric or hybrid propulsion systems, including plug-in hybrid systems, if the electric or hybrid vehicles—

"(1) will meet the requirements or needs of the Department of Defense;

"(2) are commercially available at a cost reasonably comparable, on the basis of life-cycle cost, to motor vehicles containing only an internal combustion or heat engine using combustible fuel.

"(b) EXCEPTION.—(a) does not apply with respect to tactical vehicles designed for use in combat.

"(c) HYBRID DEFINED.—In this section, the term "hybrid", with respect to a motor vehicle, means a motor vehicle that draws propulsional energy from on-board sources of stored energy that are both—

"(1) an internal combustion or heat engine using combustible fuel; and

"(2) a rechargeable energy storage system.

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

"(2922h. Preference for motor vehicles using electric or hybrid propulsion systems.)"

SEC. 2843. DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY SOURCES TO MEET FACILITY ENERGY NEEDS.

(a) FACILITY BASIS OF GOAL.—Subsection (e) of section 2911 of title 10, United States Code, is amended—

"(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

"(2) in subparagraph (A) (as so redesignated) by inserting "electric energy and" after "fuel types;

"(B) by striking "and in its activities"; and

"(C) by striking "as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))" and inserting "as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)) and";

"(3) in subparagraph (B) (as so redesignated), by striking "electric energy and" and inserting "facility energy";

"(4) by striking "and the Department of Defense shall submit to Congress a report on all renewable energy initiatives" and inserting "and the Department of Defense shall submit to Congress a report on all renewable energy initiatives by the conclusion of 2030;"

"(5) by inserting after subsection (d) the following new paragraph:

"(2) in this subsection, the term ‘renewable energy source’ means energy generated from renewable sources, including the following:

"(A) Solar.

"(B) Wind.

"(C) Biomass.

"(D) Landfill gas.

"(E) Ocean, including tidal, wave, current, and thermal.

"(F) Geothermal, including electricity and heat pumps.

"(G) Municipal solid waste.

"(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is "new" if it was placed in service on or after January 1, 1999.

"(I) Thermal energy generated by any of the preceding sources.

"(J) CLERICAL AMENDMENT.—The heading of such subsection is amended by striking "ELECTRICITY NEEDS" and inserting "FACILITY ENERGY NEEDS".

SEC. 2844. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE RENEWABLE ENERGY INITIATIVES.

Not later than the 90th day after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on all renewable energy initiatives being funded by the Department of Defense that have a clearly delineated set of goals or targets. The report shall:

(1) summarize options available for public-private partnerships for construction and operation of the power plants;

(2) estimate the cost per kilowatt-hour and consider the potential for life cycle cost savings to the Department of Defense, including potential environmental liabilities;

(3) consider the potential energy security advantages to the Department of Defense of generating electricity on military installations through the use of nuclear power;

(4) assess the additional infrastructure costs that would be needed to enable the power plants to sell power back to the general electricity grid; and

(5) consider the potential impact on the life of members stationed at an installation containing a nuclear power plant.

SEC. 2845. STUDY ON DEVELOPMENT OF NUCLEAR POWER PLANTS ON MILITARY INSTALLATIONS.

(a) STUDY REQUIRED; ELEMENTS.—The Secretary of Defense shall conduct a study to assess the feasibility of developing nuclear power plants on military installations. As part of the study, the Secretary shall:

(1) summarize options available for public-private partnerships for construction and operation of the power plants;

(2) estimate the cost per kilowatt-hour and consider the potential for life cycle cost savings to the Department of Defense, including potential environmental liabilities;

(3) consider the potential energy security advantages to the Department of Defense of generating electricity on military installations through the use of nuclear power;

(4) assess the additional infrastructure costs that would be needed to enable the power plants to sell power back to the general electricity grid; and

(5) consider the potential impact on the life of members stationed at an installation containing a nuclear power plant.

(b) SUBMISSION OF RESULTS OF STUDY.—Not later than June 1, 2010, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study.
SEC. 2852. LAND CONVEYANCE, ARMY RESERVE CENTER, CHAMBERSBURG, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Army Reserve vacates the Army Reserve Center at 721 South Sixth Street, Chambersburg, Pennsylvania, the Secretary of the Army may convey to the Chambersburg School District, without consideration, the land identified as “Parcel No. 13073 D” and further identified by Oahu Tax Map Key No. 9-1-013:047.

(b) PAYMENT OF COSTS OF CONVEYANCES.—The Secretary shall require the 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, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Authority in advance of the conveyance, the Secretary shall refund the excess amount to the Authority.

(c) SAVING 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 other applicable laws.

SEC. 2853. MODIFICATION OF LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.

(a) 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.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(c) ADDITIONAL TERM AND CONDITIONS.—The Secretary shall have the right of immediate entry to the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) 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.

SEC. 2854. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the “City”), all right, title, and interest of the United States in and to parcels of non-contiguous real property, including any improvements thereon, consisting of a total of approximately 2.4 acres at Naval Air Station Oceana, Virginia, for the purpose of permitting the City to expand services to support the Marine Animal Care Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall provide adequate reimbursement, real property, and replacement facilities for the Air Force Research Laboratory units that are relocated as a result of the conveyance.

SEC. 2855. MODIFICATION OF LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.

(a) 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.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

SEC. 2852. LAND CONVEYANCES, NAVAL AIR STATION, BARBERS POINT, HAWAII.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy shall convey, without consideration, to the Hawaii Community Development Authority (in this section referred to as the “Authority”), which is the local redevelopment authority for former Naval Air Station, Barbers Point, Oahu, Hawaii, all right, title, and interest of the United States in and to the following parcels of real property, including any improvements thereon and clear of all liens and encumbrances:

(1) An approximately 10.569-acre parcel of land identified as “Parcel No. 13126 B” and further identified by Oahu Tax Map Key No. 9-1-031:039.

(2) An approximately 145.763-acre parcel of land identified as “Parcel No. 13058 D” and further identified by Oahu Tax Map Key No. 9-1-013:039.

(b) PAYMENT OF COSTS OF CONVEYANCES.—Amounts received as reimbursements under subsection (a) shall be deposited 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.

(c) SAVING 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.).

SEC. 2853. MODIFICATION OF LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.

(a) 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.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(c) SAVING 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 other applicable laws.

SEC. 2852. LAND CONVEYANCES, NAVAL AIR STATION, BARBERS POINT, HAWAII.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy shall convey, without consideration, to the Hawaii Community Development Authority (in this section referred to as the “Authority”), which is the local redevelopment authority for former Naval Air Station, Barbers Point, Oahu, Hawaii, all right, title, and interest of the United States in and to the following parcels of real property, including any improvements thereon and clear of all liens and encumbrances:

(1) An approximately 10.569-acre parcel of land identified as “Parcel No. 13126 B” and further identified by Oahu Tax Map Key No. 9-1-031:039.

(2) An approximately 145.763-acre parcel of land identified as “Parcel No. 13058 D” and further identified by Oahu Tax Map Key No. 9-1-013:039.

(b) PAYMENT OF COSTS OF CONVEYANCES.—Amounts received as reimbursements under subsection (a) shall be deposited 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.

(c) SAVING 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.).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of 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. 2853. MODIFICATION OF LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.

(a) 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.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(c) SAVING 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 other applicable laws.
provide compensation to the Secretary of the Navy in an amount equal to the fair market value of the real property conveyed under such subsection, as determined by appraisals acceptable to the Secretary. The Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance, shall be credited to the fund or account that was used to cover the costs incurred by the Secretary to carry 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.

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the "Association") all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial purposes. For the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial purposes, the Secretary is encouraged to complete the conveyance by September 30, 2013.

(b) CONSIDERATION.—As consideration for the conveyance, the property described in subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final. At the election of the Secretary, the Secretary may accept in-kind consideration in lieu of all or a portion of the cash payment.

(c) REVERE 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, the Secretary may, in the interest of the real property, including any improvements and appurtenant easements thereto, sell, 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 and after an opportunity for a hearing.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary to carry out the conveyance, including survey costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary to carry 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.

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. COMPLETION OF LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.


(1) in the first sentence—

(2) in the second sentence—

(3) by striking "the Secretary of the Army may transfer" and inserting "the Secretary of the Army may transfer and insert", and

(4) by striking "and the Secretary shall transfer" and inserting "and the Secretary shall transfer and insert".

SEC. 2871. REVISED AUTHORITY TO ESTABLISH NEW MOUNT CON TO HONOR UNITED STATES ARMED FORCES WORKING DOG TEAM.

Section 2871 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 563; 16 U.S.C. 431 note) is amended by striking "National War Dogs Association (in this section referred to as the "Association")", all right, title, and interest of the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Army: Outside United States</th>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
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<tr>
<td>Altimur</td>
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</tr>
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</tr>
<tr>
<td>Bagram Air Base</td>
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<td>$12,850,000</td>
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<tr>
<td>Camp Khabur</td>
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<td>$14,600,000</td>
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</tr>
<tr>
<td>Camp Kandahar</td>
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<td>$13,500,000</td>
<td></td>
</tr>
<tr>
<td>Camp Salerno</td>
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<td></td>
</tr>
<tr>
<td>Forward Operating</td>
<td></td>
<td>$5,600,000</td>
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</tr>
<tr>
<td>Methar-Lam</td>
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<td>$4,130,000</td>
<td></td>
</tr>
</tbody>
</table>

year 2010 may be commended construction of a Cooperative Security Location at the German Olano Airbase (the Palanquero AB Development Project) in Palanquero, Colombia, until at least 15 days after the date on which the Secretary of Defense certifies to the congressional defense committees that an agreement has been entered into with the Government of Colombia that permits the establishment of a Cooperative Security Location at the German Olano Airbase in a manner that will enable the United States Southern Command to execute its Theater Security Plan in cooperation with the Armed Forces of Colombia.

(b) PROHIBITION ON PERMANENT UNITED STATES MILITARY INSTALLATION.—The agreement referred to in subsection (a) may not provide for or authorize the establishment of a United States military installation or base for the permanent stationing of United States Armed Forces in Colombia.

SEC. 2874. MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.

Section 806 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1066; 16 U.S.C. 460wwv) is amended by adding at the end the following new subsection—

SEC. 2875. CONDITIONS ON ESTABLISHMENT OF COOPERATIVE SECURITY LOCATION IN PALANQUERO, COLOMBIA.

(a) CONGRESSIONAL NOTIFICATION OF AGREEMENT.—The Secretary is authorized to be appropriated by this division or otherwise made available for military construction for fiscal
Army: Outside United States—Continued

<table>
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<td>Provincial Reconstruction Team Tarin Koot</td>
<td>$37,950,000</td>
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<td>Tombstone/Bastion Wolverine</td>
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<tr>
<td></td>
<td>Tombstone/Bastion Wolverine</td>
<td>$11,900,000</td>
</tr>
</tbody>
</table>

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for military construction projects outside the United States authorized by subsection (a), $854,100,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $854,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $28,100,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,844,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $854,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $76,284,000.

Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
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<td>Bagram Air Base</td>
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<td>Forward Operating Base Shank</td>
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<td>Provincial Reconstruction Team Tarin Koot</td>
<td>$156,200,000</td>
</tr>
<tr>
<td></td>
<td>Tombstone/Bastion Wolverine</td>
<td>$11,900,000</td>
</tr>
</tbody>
</table>

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $439,500,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $439,500,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,844,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $854,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $76,284,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,844,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $854,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $76,284,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,844,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $854,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $76,284,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,844,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $854,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $76,284,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,844,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $854,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $76,284,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,844,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $854,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $76,284,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,844,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $854,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $76,284,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,844,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $854,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $76,284,000.
“(A) the Pantex Plant;  
“(B) the Y–12 National Security Complex;  
“(C) the Kansas City Plant; and  
“(D) the Savannah River Site.”  
(c) For Authorization of Appropriations for Fiscal Year 1994.—Such section is further amended by striking subsection (c).

SEC. 3112. STOckpile MANAGEMENT PROGRAM.
(a) Sec. 4204 (50 U.S.C. 2501 et seq.) is amended—
(1) by redesigning section 4204A (50 U.S.C. 2534a) and
(2) by amending section 4204 (50 U.S.C. 2524) to read as follows:

*SEC. 4204. STOCKPILE MANAGEMENT PROGRAM.*  
(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Administrator for Nuclear Security and in consultation with the Secretary of Defense, shall carry out a program, to be known as the stockpile management program, to provide for the effective management of the weapons in the nuclear weapons stockpile (including any weapon proposed to be added to the stockpile). The program shall have the following objectives:  
(1) To increase the reliability, safety, and security of the nuclear weapons stockpile of the United States;  
(2) To further reduce the likelihood of the resumption of underground nuclear weapons testing; and  
(3) To achieve reductions in the future size of the nuclear weapons stockpile.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314; 50 U.S.C. 2501 et seq.) is amended—
(1) by redesigning sections 4204A (50 U.S.C. 2534a) and
(2) by redesigning subsections (c) through (i), respectively; and

(c) S UMMARY.—Subsection (e)(3) of such section, as redesignated by subsection (a)(1)(A) of this section, is amended—
(1) in subparagraph (B), by striking “and” at the end of such subparagraph and inserting “; and”;
(2) in paragraph (1)(A) of subsection (f), as redesignated by subsection (a)(1)(A) of this section, is amended—
(1) in subparagraph (B), by striking “and” at the end of such subparagraph and inserting “; and”;

SEC. 3113. PLAN FOR EXECUTION OF STOCKPILE STEWARDSHIP AND STOCKPILE MANAGEMENT PROGRAMS.
(a) PLAN.—Section 4203 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2530a) is amended to read as follows:

*SEC. 4203. PLAN FOR EXECUTION OF STOCKPILE STEWARDSHIP AND STOCKPILE MANAGEMENT PROGRAMS.*  
(a) PLAN REQUIRED.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall develop and annually update a plan for maintaining the nuclear weapons stockpile. The plan shall consist of—
(d) REPORTS TO CONGRESS.—Not later than February 1 of each year, beginning with February 1, 2010, the Secretary of Energy shall submit to the congressional defense committees a plan (on a schedule that will provide an adequate degree of certainty that the stockpile is safe and reliable).  
(5) Any concerns which would affect the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads) in the nuclear weapons stockpile.

(b) PLAN ELEMENTS.—The plan and each update of the plan shall set forth the following:  
(1) The number of warheads (including active and inactive warheads) for each warhead type in the nuclear weapons stockpile;  
(2) The current age of each warhead type, and any plans for stockpile lifetime extensions and modifications or replacement of each warhead type;  
(3) The process by which the Secretary of Energy is assessing the lifetime and requirements for maintenance of the nuclear and non–nuclear components of each warhead (including active and inactive warheads) in the nuclear weapons stockpile;  
(4) The plans used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile without the use of nuclear testing.

(c) ASSESSMENTS.—In support of the assessments required by subsection (a)(1), the Administrator for Nuclear Security shall submit to the congressional defense committees a plan (on a schedule that will provide an adequate degree of certainty that the stockpile is safe and reliable).  
(5) Any concerns which would affect the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads) in the nuclear weapons stockpile.

(b) PROGRAM BUDGET.—For each budget submission to Congress under section 1105 of title 31, United States Code, the heads of the national security laboratories shall include a joint assessment of the management program of the laboratory by the heads of the national security laboratories. Each assessment shall set forth the following:  
(1) An identification and description of—  
(A) any key technical challenges to the program; and  
(B) the strategies to address such challenges without the use of nuclear testing.

(1) The term ‘weapons–related activities’ means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—
(4) The term ‘employment security program’ means each activity under the Department of Energy that is conducted to identify and resolve conflicts of interest that exist at the time of the plan compared with the science–based tools expected to exist during the period covered by the future–years nuclear security program.

(2) Dual validation teams, to provide Lawrence Livermore National Laboratory and Los Alamos National Laboratory with independent evaluations of the condition of each warhead for which such laboratory has lead responsibility. Each such team shall—
(1) be comprised of weapons experts from the laboratory that does not have lead responsibility for fielding the warhead being evaluated;
(2) have access to all surveillance and underground test data for all stockpile systems for use in the independent evaluations;  
(3) use all relevant available data to conduct independent calculations; and  
(4) pursue independent experiments to support the independent evaluations.

SEC. 3114. DUAL VALIDATION OF ANNUAL WEAPONS ASSESSMENT AND CERTIFICATION.
(a) DUAL VALIDATION.—
(1) IN GENERAL.—Section 4205 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2535) is amended—
(A) by redesigning subsections (c) through (e), respectively; and
(2) by inserting after subsection (b) the following new subsection (c):

(c) DUAL VALIDATION TEAMS IN SUPPORT OF ASSESSMENTS.—In support of the assessments required by subsection (a), the Administrator for Nuclear Security shall establish teams, known as ‘dual validation teams’, to provide Lawrence Livermore National Laboratory and Los Alamos National Laboratory with independent evaluations of the condition of each warhead for which such laboratory has lead responsibility. Each such team shall—
(1) be comprised of weapons experts from the laboratory that does not have lead responsibility for fielding the warhead being evaluated;  
(2) have access to all surveillance and underground test data for all stockpile systems for use in the independent evaluations;  
(3) use all relevant available data to conduct independent calculations; and  
(4) pursue independent experiments to support the independent evaluations.  
(2) in paragraph (1)(A) of subsection (f), as redesignated by subsection (a)(1)(A) of this section, is amended—
(1) in subparagraph (B), by striking “and” at the end of such subparagraph and inserting “; and”;
(2) in subparagraph (C), by striking the period and inserting “; and”; and
(3) by adding at the end the following new subparagraph—

(D) A concise summary of the results of any independent evaluation conducted by a dual validation team under subsection (c).  
(e) SUMMARY.—Subsection (e)(3) of such section, as redesignated by subsection (a)(1)(A) of this section, is amended—
(1) in subparagraph (B), by striking “and” at the end of such subparagraph and inserting “; and”;
(2) in subparagraph (C), by striking the period and inserting “; and”; and
(3) by adding at the end the following new subparagraph—

(D) A concise summary of the results of any independent evaluation conducted by a dual validation team under subsection (c).  
(f) CONFORMING AMENDMENTS.—Such section is further amended—
(1) in paragraph (3)(C) of subsection (e), as redesignated by subsection (a) of this section, by striking ‘‘subsection (c)’’ and inserting ‘‘subsection (d)’’;
(2) in paragraph (1)(A) of subsection (j), as redesignated by subsection (a) of this section, by striking ‘‘subsection (d)’’ and inserting ‘‘subsection (e)’’;
(3) in subsection (g), as redesignated by sub-
section (a)(1)(A) of this section, by striking "subsection (e)" and inserting "subsection (f)"; and

(4) in subsection (i), as redesignated by sub-
section (a)(1)(A) of this section—
(A) in paragraph (1), by striking "subsection (d)" and inserting "subsection (e)"; and
(B) in paragraph (2), by striking "subsection (e)" and inserting "subsection (f)".

SEC. 3115. ANNUAL LONG-TERM PLAN FOR THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

(a) POLICY.—It is the policy of the United States to modernize and refurbish the nuclear security complex in order to maintain the future viability of the United States nuclear deterrent and make a necessary contribution to the national security to meet the requirements specified in the plan for the fiscal year under paragraph (1). The Administrator shall include with the nuclear security budget materials for that fiscal year an assessment that describes and discusses the risks and implications associated with the ability of the nuclear security complex to support the nuclear security mission.

(b) GENERAL REQUIREMENT.—Subtitle D of the National Nuclear Security Administration Act (50 U.S.C. 2451 et seq.) is amended by adding at the end the following new section:

SEC. 3255. BUDGETING FOR MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX ANNUAL PLAN AND CERTIFICATION.

(1) ANNUAL NUCLEAR SECURITY COMPLEX MODERNIZATION and refurbishment plan.—The Administrator for Nuclear Security shall include with the nuclear security budget materials for each fiscal year—

(A) a modernization and refurbishment plan developed in accordance with this section; and

(B) a certification by the Administrator that both the budget for that fiscal year and the future-years nuclear security plan submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex provided for in the plan under paragraph (1) on the schedule provided in the plan.

(2) Execution of the plan.—The President shall review the effects of the contracts entered into by the Department of Energy under the National Nuclear Security Administration Act of 1947 (50 U.S.C. 2404a), except that, if at the time such plan is submitted with the nuclear security budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable of subsection (a) of such section, then such annual plan should be approved so that the nuclear security complex modernization and refurbishment plan is approved for that fiscal plan is capable of supporting—

(A) the national security strategy of the United States as set forth in the most recent Quadrennial Defense Review; and

(B) the nuclear posture of the United States as set forth in the most recent Nuclear Posture Review.

(2) Each such nuclear security complex modernization and refurbishment plan shall include the following:

(A) A detailed program with schedule and associated funding for the modernization and refurbishment of the nuclear security complex for the National Nuclear Security Administration over the next 30 fiscal years.

(B) A description of the necessary modernization and refurbishment measures to meet the requirements of national security policy for the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1), and the Nuclear Posture Review.

(C) The estimated levels of annual funding necessary to carry out the program, together with the associated time schedules on which such estimated levels of annual funding are based.

(D) Certification that the nuclear security complex is capable of supporting the nuclear security mission.

SEC. 3121. COMPTROLLER GENERAL REVIEW OF MANAGEMENT AND OPERATIONS CONTRACT COSTS FOR NATIONAL SECURITY LABORATORIES.

(a) REVIEW REQUIRED.—The Comptroller General shall review the costs related to the contracts entered into by the Department of Energy in 2006 and 2007 that provide for the management and operations of the covered national laboratories. The review shall include the following:

(1) A detailed description of the costs related to the transition from the period when the management and operations of the covered national laboratories were performed by the University of California to the period when such management and operations were performed by a covered contractor.

(2) A description of any continuing differences in the cost structure of the management and operations when performed by the University of California as compared to the cost structure of the management and operations when performed by a covered contractor; and

(B) an assessment of the effects of such cost differences on the ability to support the scientific and technical programs at the covered national laboratories.

(2) A quantitative assessment of the ability of the covered national laboratories to perform other important laboratory functions, including safety, security, and environmental management.

(b) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit to the congressional defense committees a report on the results of the review.

(c) DEFINITIONS.—In this section:

(1) The term ‘‘covered contractor’’ means—

(A) the Los Alamos National Laboratory; and

(B) the Lawrence Livermore National Laboratory.

(2) The term ‘‘covered national laboratories’’ means—

(A) the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3254 the following new item:

"(days) The National Nuclear Security Administration Act is amended by inserting after the item relating to section 3254 the following new item:

"SEC. 322. PLAN TO ENSURE CAPABILITY TO MONITOR, ANALYZE, AND EVALUATE FOREIGN NUCLEAR WEAPONS ACTIVITIES.

(a) PLAN.—The Secretary of Energy, in consultation with the Director of National Intelligence and the Secretary of Defense, shall prepare a plan to ensure that laboratories oversees by the Department of Energy maintain a robust technical capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Energy shall submit a report to the appropriate committees of Congress describing the plan required under subsection (a) and the resources necessary to implement the plan. The report shall be in unclassified form, but may include a classified annex.

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

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

Sec. 3201. Authorization.

There are authorized to be appropriated for fiscal year 2010, $26,086,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(1) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $25,000,000 for fiscal year 2010 for the purpose of carrying out activities under section 3254 of title 10, United States Code, relating to the naval petroleum reserves.

(2) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXIV—MARITIME ADMINISTRATION


Sec. 3502. Liquidation of unused leave balance for fiscal year 2010.

Sec. 3503. Adjunct professors.

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

Sec. 3506. Technical corrections to State maritime academy student incentive program.

H7355

CONGRESSIONAL RECORD—HOUSE

June 25, 2009

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SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

Funds are hereby authorized to be appropriated for fiscal year 2010, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Defense Authorization for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $13,528,000,000, of which:
   (A) $11,240,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy;
   (B) $1,000,000 shall be available to the United States Merchant Marine Academy for necessary expenses for training services that do not involve instruction; and
   (C) $5,258,000 shall be made available for operations at the United States Merchant Marine Academy.

(2) For expenses to maintain a preserve a United States-Flag merchant fleet to serve the national security needs of the United States under chapter 537 of title 46, United States Code, $174,000,000.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $15,000,000.

(4) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(a))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $60,000,000.

SEC. 3502. LIQUIDATION OF UNUSED LEAVE BALANCES AT THE UNITED STATES MERCHANT MARINE ACADEMY.

The Maritime Administrator may, subject to the availability of appropriations, make a lump-sum payment for the accumulated balance of unused leave or unused sick leave for any former employee of a United States Merchant Marine Academy non-appropriated fund instrumentality who was terminated from such employment in 2009 or whose position as such an employee was converted to an appointed position in 2009, except that amounts paid under this section shall not exceed the availability of appropriations, make a lump-sum payment for the accumulated balance of unused leave or unused sick leave for any former employee of a United States Merchant Marine Academy who was terminated from such employment in 2009 or whose position as such an employee was converted to an appointed position in 2009, except that amounts paid under this section shall not exceed the availability of appropriations, make a lump-sum payment for the accumulated balance of unused leave or unused sick leave for any former employee of a United States Merchant Marine Academy who was terminated from such employment in 2009 or whose position as such an employee was converted to an appointed position in 2009, except that amounts paid under this section shall not exceed the

SEC. 3503. ADJUNCT PROFESSORS.

Section 3503 of the Duncan Hunter National Defense Authorization Act for fiscal year 2009 (Public Law 111–417; 122 Stat. 4356) is amended by inserting in subsection (a), by striking ''temporary'', and inserting ''and be paid in such installment as the Secretary shall determine'';

(b) REPEAL OF REDUNDANT SECTION.—Section 3506 of the Duncan Hunter National Defense Authorization Act for fiscal year 2009 (Public Law 111–417; 122 Stat. 4356) is amended by striking paragraph (2) and inserting the following:

SEC. 3506. TECHNICAL CORRECTIONS TO SECTION 235 OF THE UNITED STATES STUDENT INCENTIVE PROGRAM.

(a) INSTALLMENT PAYMENTS.—Section 51509(b) of title 46, United States Code, is amended—

(1) in subsection (a), by striking ''235.'', and inserting '235.'';

(2) by striking paragraphs (1) and (2) and inserting the following:

(1) by striking ''temporary'';

(2) in paragraph (3), by striking ''and'' and inserting ''the Secretary,''; and

(3) by striking ''and'' and inserting the following:

(b) COVERED VESSEL DEFINED.—In this section the term 'covered vessel' means each of—

SEC. 3507. LIMITATION ON DISPOSAL OF INTEREST IN CERTAIN VESSELS.

(a) LIMITATION.—If the United States acquires any financial interest in a covered vessel as a consequence of a default on a loan guaranteed for the vessel under chapter 537 of title 46, United States Code, no action to dispose of the financial interest may be taken by the Maritime Administration until 180 days after the date the Maritime Administrator notifies the Secretary of the Navy that the United States has such financial interest.

(b) COVERED VESSEL DEFINED.—In this section the term 'covered vessel' means each of—

The Acting CHAIR. No amendment to the amendment in the nature of a substitute is in order out of the order 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 on bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments on bloc.

The Chair of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 30 minutes after the Chair of the Committee on Armed Services or a designee announces from the floor a request to that effect. Such an announcement shall be made at the conclusion of either amendment 2 or amendment 3, 4, 5, 9, 15, 20, 24, 34, and 39 was given on June 25, 2009.

Pursuant to the order of the House of today, amendment 2 has been modified.

These amendments en bloc were considered, read, and passed.
Army in the amount of $11,700,000 and fuel purchases for the Army in the amount of $6,300,000.

(c) NAVY OPERATION AND MAINTENANCE.—

(1) Funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy are reduced by $3,700,000 and fuel purchases for the Navy in the amount of $11,200,000.

(2) AVAILABILITY.—Of the funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy for the purpose of Ship Activations/Inactivations, $6,000,000 shall be available for the Navy Ship Disposition Demonstration Project.

(d) MARINE CORPS OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(2) for operation and maintenance for the Marine Corps are reduced by $2,000,000, to be derived from unobligated balances for the Marine Corps in the amount of $1,100,000 and fuel purchases for the Marine Corps in the amount of $900,000.

(e) AIR FORCE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(2) for operation and maintenance for the Air Force are reduced by $25,000,000, to be derived from unobligated balances for the Air Force in the amount of $4,900,000 and fuel purchases for the Air Force in the amount of $20,700,000.

(f) DEFENSE-WIDE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(4) for operation and maintenance for the Defense-wide agencies are reduced by $5,200,000, to be derived from unobligated balances for the Defense-wide agencies in the amount of $1,000,000 and fuel purchases for Defense-wide agencies in the amount of $900,000.

(g) MILITARY PERSONNEL.—Funds authorized to be appropriated in section 301(5) for military personnel accounts are reduced by $50,000,000, to be derived from unobligated balances for military personnel accounts.

Page 345, line 16, strike “30 days” and insert “90 days”.

Page 391, line 15, strike “the budget fiscal year” and insert “subsequent fiscal years”.

Strike section 1505 (page 496, beginning line 12) and insert the following new section:

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT:

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Navy and Marine Corps in the amounts as follows:

(1) For aircraft procurement, Navy, $916,553,000.

(2) For weapons procurement, Navy, $73,700,000.

(3) For ammunition procurement, Navy and Marine Corps, $710,780,000.

(4) For other procurement, Navy, $318,000,000.

(5) For procurement, Marine Corps, $1,164,455,000.

Page 596, line 14, strike “282(b)” and insert “282(c)”. The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 5 minutes.

Mr. SKELTON. At this time, Mr. Chairman, the gentleman from New Jersey (Mr. ADLER) seeks recognition for a colloquy.

Mr. ADLER of New Jersey. Thank you, Mr. Chairman, for participating in a colloquy with me about the importance of the joint military base located in New Jersey. It incorporates McGuire Air Force Base, Fort Dix, and Lakehurst Naval Air Engineering Station.

I am proud to represent this innovative installation located in New Jersey’s Third and Fourth Congressional Districts, home to Generals, Colonels, Captains, and our civilian specialists to make the transition to the country’s first tri-service joint facility as smooth as possible.

One of the issues people always talk with me about is the discrepancy in locality pay. All three individual installations are logistically close to each other; however, they fall within Burlington County and Ocean County and, therefore, two different locality pay jurisdictions. Currently, civilian employees doing exactly the same job are being paid different wages.

I am working closely with the Office of Personnel Management and the Department of Defense to have the entire joint base considered within Ocean County’s pay area because people doing identical jobs on different areas of the tri-service base should be paid the same.

Mr. Chairman, I look forward to working with you on this important issue to assist in the smooth transition to the joint base, McGuire/Dix/Lakehurst, starting on October 1, 2009. Mr. SKELTON. I thank the gentleman for his comments. And in response, I will tell you, Mr. Chairman, I will work with him, the committee of jurisdiction, and the relevant government agencies to resolve the issue and help the joint base transition.

Mr. ADLER of New Jersey. Thank you, Mr. Chairman. Mr. SKELTON. Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I continue to reserve.

Mr. SKELTON. Mr. Chairman, the gentileady from California (Mrs. CAPPS) seeks recognition for a colloquy.

Mrs. CAPPS. I thank the chairman for his commitment to improving the health and welfare of our Federal firefighters. While protecting our national interests in military installations, nuclear facilities, VA hospitals, and other Federal properties, Federal firefighters are routinely exposed to toxic substances, biohazards, temperature extremes, and stress. I would be pleased to continue working with the gentlelady on this important issue.

Mr. CAPPS. I thank the chairman for his commitment to improving the health and welfare of our Federal firefighters.

Forty-two States have already recognized this link by providing some sort of presumptive disability benefits for their State, county, and city firefighters. This creates a serious difference in benefits between Federal and
We are now asking them to do more. And we are giving them more resources and more boots on the ground to accomplish their mission. What we have not told them is how to tell when their contribution to the political solution is done and they can begin to transition out of Afghan.

Mr. SKELTON. The gentleman says that I certainly share her admiration and appreciation for our Federal firefighters, and I thank her for her dedication.

Mr. CAPPS. Again, I thank the chairman, and I look forward to working with him in the future.

Mr. MCKEON. I continue to reserve.

Mr. SKELTON. The amendment before us is one that is technical in nature and seeks to clarify several technical misstatements and problems that arose in the drafting of the bill.

Mr. MCKEON. I yield back my time.

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–182.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MCGOVERN:

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

SEC. 121 . REPORT ON AFGHANISTAN EXIT STRATEGY.

Not later than December 31, 2009, the Secretary of Defense shall submit to Congress a report outlining the United States exit strategy for United States military forces in Afghanistan participating in Operation Enduring Freedom.

The Acting CHAIR. Pursuant to the House resolution 572 and the order of the House of today, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Thank you, Mr. Chairman. I yield myself 2 minutes.

Mr. Chairman, this amendment requires the Secretary of Defense to provide Congress by the end of the year with an outline of our exit strategy for U.S. military operations in Afghanistan.

This bipartisan amendment, offered by Representatives WALTER JONES, CHÉLIA JONES, BARBARA LEE, and me, does not demand a timeline for withdrawal or a halt to the deployment of the 21,000 additional troops called for by the President. It simply asks the administration to present its plan for beginning, middle, and end of U.S. military operations in Afghanistan.

For over 8 long years, our uniformed men and women have done all that we have asked them to do in Afghanistan. We know there is a pressing need for this legislation.

Mr. SKELTON. The gentleman says that I certainly share her admiration and appreciation for our Federal firefighters, and I thank her for her dedication.

Mr. CAPPS. Again, I thank the chairman, and I look forward to working with him in the future.

Mr. MCKEON. I continue to reserve.

Mr. SKELTON. The amendment before us is one that is technical in nature and seeks to clarify several technical misstatements and problems that arose in the drafting of the bill.

Mr. MCKEON. I yield back my time.

The Acting CHAIR. The gentleman is recognized for 10 minutes.

Mr. MCGOVERN. Mr. Chairman, I yield to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, Mr. MCGOVERN and I agree that this amendment does more harm than good. This amendment sends the wrong signal to our allies and the world that America is interested in和技术化和清晰阐明如何它期望最终完成其军事行动在阿富汗。

Eleven months into its term is not too soon for that outline to be provided. We need to have a clear sense of how our dollars for a new strategy in Afghanistan will be spent.

Mr. MCGOVERN. We do not have a definition of victory. The Afghan people take charge of their own nation. But it is incumbent upon us in Congress to hold ourselves accountable—and before we can even do that, the administration must clearly articulate and outline how it envisions completing its military operations in Afghanistan.

Amendments do not set a date for leaving Afghanistan. They set the conditions and criteria for leaving Afghanistan.

The Acting CHAIR. The gentleman is recognized for 10 minutes.

Mr. MCKEON. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. MCGOVERN), recognizing him for 2 minutes.

Mr. MCGOVERN. Thank you, Mr. Chairman. I yield myself 2 minutes.

Mr. Chairman, this amendment requires the Secretary of Defense to provide Congress by the end of the year with an outline of our exit strategy for U.S. military operations in Afghanistan.

This bipartisan amendment, offered by Representatives WALTER JONES, CHÉLIA JONES, BARBARA LEE, and me, does not demand a timeline for withdrawal or a halt to the deployment of the 21,000 additional troops called for by the President. It simply asks the administration to present its plan for beginning, middle, and end of U.S. military operations in Afghanistan.

For over 8 long years, our uniformed men and women have done all that we have asked them to do in Afghanistan. We know there is a pressing need for this legislation.

Mr. SKELTON. The gentleman says that I certainly share her admiration and appreciation for our Federal firefighters, and I thank her for her dedication.

Mr. CAPPS. Again, I thank the chairman, and I look forward to working with him in the future.

Mr. MCKEON. I continue to reserve.
Mr. McGovern. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, President Obama on a recent "Nightline" interview said he favors an exit strategy. This shouldn’t be controversial. We are told that there’s a political solution ultimately to be had in Afghanistan. All we are asking is: When does our military commitment come to an end so that we can know when we can think about bringing our troops back home?

That’s all this amendment does. This should not be controversial at all. What we are proposing is simply a defined mission, and nothing more.

At this point, Mr. Chairman, I’d like to yield 2 minutes to a cosponsor of this amendment, the gentlewoman from California (Ms. Lee).

Ms. Lee of California. I rise in strong support of this amendment. Let me commend my colleague from Massachusetts for his consistent and his bold leadership.

This amendment does not call for the redeployment of U.S. Armed Forces out of Afghanistan. It does not call for an end of the funding requested by the administration for military operations. It does not tie the hands of the President, commanders in the field, or our troops on the ground. And it does not provide aid or comfort to those who would harm us or wish us ill.

Instead, this will provide a vital contingency plan for withdrawing United States military forces from Afghanistan.

Mr. Chairman, most recognize that there is no military solution to the quagmire in Afghanistan. I remain convinced that the United States must develop an exit strategy in Afghanistan before further committing the United States to limited resources and military personnel deeper into Afghanistan in pursuit of an objective that may be unattainable, unrealistic, or too costly.

Unfortunately, we’re digging ourselves deeper into the mess.

In 2001, I voted against the authorization to use force because I feared that given a blank check to wage war, I really worried that this would be for an unspecified period of time, really for an unspecified mission. This blank check continues today. My worst fears have been realized.

And so what Mr. McGovern is doing makes a lot of sense. We need an exit strategy for Afghanistan now. I urge my colleagues to vote for Amendment 1100. Otherwise, this blank check is going to continue.

This does not enhance the national security of the United States of America. The troops we’re there, the worse things get for our troops. Our troops deserve to be able to know at least what our plans are, what they’re going to entail, and when in fact they will come out of Afghanistan. The people of Afghanistan deserve to know this.

I commend our President for trying to develop a new direction in our policy, but I have to tell you, putting more troops in harm’s way is not going to help us begin to develop an exit strategy.

So, thank you, Mr. McGovern, and thank all of the cosponsors for making sure that we have at least an opportunity to say: No more blank checks.

Mr. McKee. Mr. Chairman, I yield 2 minutes to the ranking member on the Foreign Affairs Committee, the gentlewoman from Florida (Ms. Ros-Lehtinen).

Ms. ROS-LEHTINEN. Thank you so much, the gentleman from California. I rise in strong opposition to the amendment that the gentleman from Massachusetts, my friend, Mr. McGovern.

In late March of this year, the President announced his comprehensive outline for Afghanistan and Pakistan, highlighting the threat to critical U.S. security interests that would arise should al-Qaeda and the Taliban re-establish or claim or establish safe havens in those countries. The President clearly outlined our goals to disrupt, to dismantle, and to defeat al-Qaeda. I agree with him on those goals. But success requires a sustained commitment and sustained support for both the mission and the brave Americans and Afganis carrying it out. Our strategy is meeting with success, yet the McGovern amendment is already looking for an exit strategy. This amendment sends a terrible message about U.S. resolve to both friends and foes alike.

And we’re not alone in this concern. It’s precisely why the Obama administration also opposes the McGovern amendment, stating that the McGovern amendment, “would demonstrate a lack of commitment to the new strategy. It will signal to our Afghan partners that the U.S. military and its efforts in country are fleeting, and it demonstrates to al-Qaeda that we are not intending to see this new strategy through.”

It could hamper U.S. strategic goals in the entire region. Rather than focusing on an exit strategy, we should instead be focused on working with the Obama administration to provide the necessary flexibility to craft policies that offer the best chance of success, while ensuring congressional consultation and congressional notification.

The underlying bill provides this balance. And that’s why Chairman Skelton, Ranking Member McKee, Chairman Jones, I respectfully oppose this amendment to support U.S. efforts in Afghanistan and oppose the McGovern amendment.

Mr. McGovern. Mr. Chairman, I yield myself 15 seconds.

All we are trying to do is fill in the holes of the strategy that President Obama has already articulated. I think the American people would welcome that. The notion that we are sending our men and women into harm’s way without a clearly defined mission, which includes a beginning, middle, and end, to me, is a mistake.

Mr. Chairman, I would yield 1½ minutes to the gentleman from North Carolina (Mr. Jones).

Mr. JONES. Mr. Chairman, I thank the gentleman from Massachusetts.

I respect everyone’s position and everyone’s right, but I would like to say that To Die For A Mystique is an article written by Andrew Bacevich, who I quoted just a few minutes ago, subtitled The Lessons Our Leaders Didn’t Learn From The Vietnam War. Here we are extending an 8-year commitment of our troops in Afghanistan. What’s going to happen 3 or 4 years from now if we’re in the same situation? And then we’re talking about a 12-, 14-16-year commitment.

Look at what the Russians did. They went there and spent 10 years and billions of dollars, and thousands of Russians were killed. Look at the Vietnamese. The Great. He tried to conquer Afghanistan. He failed. Look at what the British did, and they couldn’t make it. We’re not talking about a pull-out. We’re just saying, have an end point to your war strategy that the American people will understand and really, more important than the American people, our military. They’re tired. They’re worn out. They will keep going. They go back five, six, seven, eight times. But ask a military family down at Camp LeJum. You want to send your husband or wife back for the sixth time to Afghanistan? We’re 8 years behind, and they couldn’t have gone into Iraq. Let’s not make the same mistake they made during the Vietnam era.

Thank you, Mr. McGovern, for introducing this amendment. On behalf of our country and our troops, thank you very much.

Mr. McKee. Mr. Chairman, I yield 2 minutes to the chairman of the Armed Services Committee, the gentleman from Missouri, Chairman Skelton.

Mr. SKELTON. Mr. Chairman, I respectfully disagree with this amendment, and I respectfully oppose it. This amendment sends exactly the wrong message, focusing on an exit strategy
which may well reinforce the perception among the Afghans that we’re not committed to protecting them from the Taliban and al Qaeda.

Mr. Chairman, we have a new commander on the ground. We’ve added tens of thousands of troops, including hundreds of civilian experts. We should not undermine those efforts. Commanders make a difference. As you know, we have General McCrystal who has replaced General McKiernan in Afghanistan. History shows that new commanders matter. And it’s a big difference.

Let’s give General McChrystal the opportunity to show what American troops, American civilians, the State Department and others can do. History shows that. President Lincoln replaced General McClellan, General Burnside, General Hooker, General Meade and finally ended up with a man by the name of Grant. General Auchinleck was replaced by Bernard Montgomery, and the great Battle of El Alamein came to pass.

Let’s give General McChrystal the opportunity. Further let me add, Mr. Chairman, this amendment is intended to get the administration to lay out its strategy; but section 1217 of our bill already mandates the administration to lay out goals, to lay out timelines and conduct regular assessments. That’s the way General McChrystal should be judged. Let’s do that.

I do oppose this amendment very respectfully.

The Acting CHAIR. The Chair will note that the gentleman from Massachusetts has 1 3/4 minutes remaining, and the gentleman from California has 3 1/2 minutes remaining.

Mr. McGOVERN. Mr. Chairman, I am the final speaker on my side so I will let the gentleman proceed.

Mr. McKEON. Mr. Chairman, at this time I am happy to yield 1 minute to a young man who joined the Marine Corps Reserve 101st, served two tours in Iraq and one in Afghanistan and is a member of the Armed Services Committee, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the ranking member, and I would like to associate myself with the chairman’s remarks on this issue.

I think I’m the only one on the floor here who’s actually served in Afghanistan. I served twice in Iraq as a United States Marine. I would have to respect fully oppose this amendment, and the reason is this: The best exit strategy is to actually win. That’s the best exit strategy. To go in there, win the fight, kill al Qaeda, kill al Qaeda, kill Taliban, have the State Department work with the local Afghan people, then we can leave after we have success over there. That’s how we won in Iraq. We won in Iraq. Once we stopped worrying about losing, we had the surge, and now we’re successful in Iraq. That’s what we need in Afghanistan. We need to be successful. We need to win, and win strong, and then we can all come home.

The Acting CHAIR. The time of the gentleman has expired.

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

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

The Acting CHAIR. The gentleman from California is recognized for 2 minutes.

Mr. McKEON. I think Mr. HUNTER just stated it very clearly. The exit strategy should be to win, and then bring our forces home. It was stated earlier that we have made a statement that Afghanistan has been known over the years as a graveyard of empires, and we cannot take that history lightly. That was part of a speech that he gave.

I would like to say some other things that he mentioned in that speech: “We have a hugely important interest in ensuring that Afghanistan does not once again become a sanctuary for transnational terrorists. And to complement and capitalize on the increased conventional forces, more civilian assets, adequate financial resources, close civil-military cooperation and a comprehensive approach that encompasses regional states will be necessary. Our objectives are of enormous importance. We all need to summon the will and the resources necessary to make the most of it.”

It was just a couple of years ago when we were having a similar debate when we were being told by some that we needed to get out of Iraq, that there was no way we could win, and General Petraeus was called to lead the surge. And now he is telling us how we can win in Afghanistan. Mr. Chairman, I think now is not time to be retreating. Now is not the time when we’re sending 20,000 troops and are ready to embark on this surge to win, to help the people of Afghanistan and preserve our national interests there. Now is the time to let the forces know that we support their mission. We want them to be successful and return home safely.

I yield back the balance of my time.

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

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

AMENDMENT NO. 4 OFFERED BY MR. McGOVERN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–182.

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

The Acting CHAIR. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment No. 4 offered by Mr. McGovern:

SEC. 10xx. PUBLIC DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN INSTITUTE FOR SECURITY COOPERATION.

Section 2106 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(1) PUBLIC DISCLOSURE OF STUDENTS AND INSTRUCTORS.—(1) The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2005, 2006, 2007, 2008, and 2009, and any fiscal year thereafter.

(2) The information referred to in paragraph (1) shall include the following with respect to the fiscal year covered:

(A) The entire name, including the first, middle, and maternal and paternal surnames, with respect to each student and instructor at the Institute.
Mr. MCGOVERN. Mr. Chairman, I yield myself 1½ minutes.

This amendment is identical to the amendment approved by the House last year. Its purpose is quite simple: for over 40 years, the names of students and instructors at the former U.S. Army School of the Americas and now the Western Hemisphere Institute for Security Cooperation were available to the public. All you had to do was write a letter, fill out a FOIA request, and the names were provided.

Suddenly in August 2006, the names became classified. The only reason cited by the Defense Department for denying the names was that the list includes personal information, but nothing about the request had changed. No one had asked for new information and certainly none of a personal nature. So for the past 3 years, the names of graduates and instructors at WHINSEC have remained secret. Well—almost secret. Names constantly pop up in WHINSEC PR materials, sometimes with a photo; but the public is still denied access.

In over four decades of public access, not once has there ever been a whisper that the military officers attending WHINSEC were targets. And those were some pretty turbulent years with coups in the southern cone, civil wars in Central America, drug lords, drug cartels and armed groups in the Andes, especially Colombia and Peru. Not a hint that attending the school was dangerous.

The WHINSEC is supposed to be a model for transparency, accountability, and respect for civil society and human rights. What signal does the school send to its Latin American counterparts about our democratic values when it denies access to information that has been available for decades to provide public access to this amendment? Vote for this amendment.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the chairman of the Armed Services Committee.

Mr. SKELTON. Mr. Chairman, I rise in support of this amendment. The Western Hemisphere Institute has always sought to include a dedicated and comprehensive curriculum designed to build the capacities of the hemisphere's security forces to deal with the efforts to shut WHINSEC down, something that this Congress has repeatedly rejected. If transparency is the issue, Mr. Chairman, WHINSEC is open to visitors every working day. It invites people to sit in class, talk with the students, talk with the faculty, and review instructional material. This is perhaps the most open, transparent, and welcoming institution in the Department of Defense.

Mr. MCGOVERN has also stated in the past that from time to time WHINSEC PR materials include pictures of students and instructors, so why the need to protect the identities of attendees? While this may be true, these are not the materials that end up in the mailboxes of narcotraffickers and drug lords in Central and South America; however, these criminals do search the Internet for the names of law enforcement personnel who stand in their way.

I would also note there’s a big difference between the voluntary and involuntary publishing of the names of the WHINSEC participants. Obviously, an attendee who is an undercover counterdrug officer would be more reticent to have his or her name on a Web site than someone who has since become a high-ranking public official.

Mr. Chairman, every Member of this body should know that WHINSEC is an invaluable tool for military-to-military cooperation between us, the United States, and Latin America and is a vital means for strengthening security cooperation in the region. Publicizing the names of WHINSEC students in their home countries would very well lead to hostile attention from politicians, organizations, and individuals that may wish to do harm to the U.S., its friends and its allies. Such publications
could serve as a disincentive to Central and South American, and Mexican, yes, Mexican students who otherwise want to attend WHINSEC and could discourage nations from sending their students to the school.

It would undermine the effectiveness of WHINSEC as a tool for building hemispheric security cooperation and communicating the democratic values and respect for human rights we espouse. If our ability to influence the democratic trajectory of the region were diminished, it would be countries like Venezuela and China that would fill the void.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional minute.

Mr. GINGREY of Georgia. I therefore believe this amendment could potentially do much more harm than good, and I ask all my colleagues to oppose it.

Mr. MCGOVERN. Mr. Chairman, I yield 1 minute to the gentleman from Georgia, who represents WHINSEC in his district (Mr. BISHOP).

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

I just want the Members of this House to know that I represent the area where WHINSEC is located, Fort Benning, Georgia. I represented formerly the School of the Americas. I’ve been involved in this debate year in and year out. This is my 17th year.

The all-encompassing question is whether the School of the Americas or its predecessor trained terrorists and murderers who did harm. That’s an issue. But to create transparency, we want to make sure that this amendment passes so that people on both sides of the issue can get the facts and transparency and know who goes to the school, who teaches at the school, what the curriculum is. Having that be transparent is all we want to do, and the facts will speak for themselves.

I support (Mr. BISHOP). It’s one of the greatest tools that our country has for democracy in our hemisphere. It’s a good opportunity for us to make friends, keep friends, and to cooperate. But we want to make sure that there is no misunderstanding, and I join with the chairman in supporting this amendment and ask my colleagues to do the same.

Mr. Chair, I am pleased to co-sponsor this amendment to the FY 2010 National Defense Authorization Act. The public record and transparency to the names of students and instructors at the Western Hemisphere Institute for Security Cooperation, or WHINSEC.

WHINSEC is located in Georgia’s 2nd Congressional District at Ft. Benning. I have on many occasions visited the school and have supported the school’s efforts to share its civil and military training with our friends and partners in Latin America. WHINSEC is a military and academic institution, the primary effort of which is to promote peace, democratic values, and respect for human rights through inter-American cooperation.

I agree with my esteemed colleague, Mr. MCGOVERN, that the school should provide the names of Latin American and U.S. military personnel who attend or teach at the school, as well as the curriculum taught at the school.

This amendment brings back the former policy of disclosing attendees, faculty members and course offerings. Allowing this information to become secret would be a step toward attempts to discredit its efforts to develop partnerships and the principles of democracy.

It will also demonstrate to the nations of Latin America that the lessons learned at WHINSEC are ethical, promote human rights, and provide a civil/military framework of building democratic governments.

Please join me in supporting this effort to ensure that the institutions we entrust to promote democratic principles are open for review and discussion. I urge you to support the amendment to H.R. 2647, the FY 2010 National Defense Authorization Act.

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

Mr. Chairman, my friend from Georgia (Mr. GINGREY) talked about the fact that the names were being released by WHINSEC. WHINSEC isn’t mentioning is they’re being released to us in a classified form so that no one in the public can see them. And it is not unique for this information to be made public. Other Army, Air Force and Navy military schools still provide the public with the names of Latin American students. I have a pile of them right here. Each one asserts the needs of the public interest outweigh any consideration for privacy. And I believe that standing up for transparency, accountability, and our own democratic values strengthens our national security and U.S.-Latin American relations. The danger comes when democratic values and transparency are viewed as detrimental.

Mr. Chairman, the House approved this amendment last year; it should approve it again. The cosponsors of this amendment do not agree on the fate of WHINSEC, but we all agree that we need to restore public access to these names.

Look at these lists, Mr. Chairman, all blacked out. Does this look like transparency? Is this democracy at work? Is this the model we want Latin American militaries to copy? The names were public for decades until August 2006. Openness was the norm, not secrecy.

Mr. Chairman, I urge my colleagues to support this amendment and restore public access, restore transparency, restore accountability. It is the right thing to do.

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

The Acting CHAIR. The gentleman from California has 15 seconds remaining.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, it’s very simple: if you release the names of these foreign special operators that are at WHINSEC, you are literally encouraging their murder. The men and women fighting for justice in Central and South America, if you release those names, you will have their attempted murder on your hands if this amendment passes.

The Acting CHAIR. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it. Mr. MCKEON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postposed.

AMENDMENTS IN BLOC NO. 1 OFFERED BY MR. SKELETON

Mr. SKELETON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments in bloc entitled No. 1.

The Acting CHAIR. The Clerk will designate the amendments in bloc.

Amendments in bloc printed in House Report 111–182 consisting of amendments numbered 5, 6, 8, 12, 13, 16, 17, 18, 19, 21, 22, 26, 29, 45, 61, 63, and 64 offered by Mr. SKELETON.

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle C of title V (page 134, after line 24), add the following new section:

SEC. 524. PROHIBITION AGAINST, ELIMINATION, OR RETENTION OF PERSONS ASSOCIATED OR AFFILIATED WITH HATE-RELATED VIOLENCE AGAINST GROUPS OR PERSONS OR THE UNITED STATES GOVERNMENT.

Section 504 of title 10, United States Code, is amended by adding at the end the following new subsection:

(c) Persons Associated or Affiliated with Hate Groups.—

“(1) Prohibition.—A person associated or affiliated with a group associated with hate-related violence against groups or persons or the United States Government, as determined by the Attorney General, may not be recruited, enlisted, or retained in the armed forces.

“(2) Definition of hate group.—In this subsection, the terms ‘group associated with hate-related violence’ or ‘hate group’ mean the following:

“(A) Groups or organizations that espouse or engage in acts of violence against other groups or minorities based on ideals of hate, ethnic supremacy, white supremacy, racism, anti-Semitism, xenophobia, or other bigotry ideologies.

“(B) Groups or organizations engaged in criminal gang activity including drug and weapons trafficking and smuggling.

“(C) Groups or organizations that espouse an intention or expectation of armed revolutionary activity against the United States Government, or the violent overthrow of the United States Government.

“(D) Groups or organizations that espouse an intention or expectation of armed activity in a ‘race war’.

“(E) Groups or organizations that encourage members to join the armed forces in order to obtain military training to be used for acts of violence against minorities, other groups, or the United States Government.
“(F) Groups or organizations that espouse violence based on race, creed, religion, ethnicity, or sexual orientation.

“(G) Other groups or organizations that are determined by the Attorney General to be a violent, extremist nature.

“(3) EVIDENCE OF ASSOCIATION OR AFFILIATION WITH HATE GROUP.—The following shall constitute evidence that a person is associated or affiliated with a group associated with hate-related violence:

“(A) Individuals possessing tattoos or other body markings indicating association or affiliation with a hate group.

“(B) Individuals known to have attended meetings or conferences, or other activities sponsored by a hate group.

“(C) Individuals known to be involved in online activities with a hate group, including being engaged in online discussion groups or blogs, or other postings that support, encourage, or affirm the group’s extremist or violent views and goals.

“(D) Individuals who are known to have in their possession photographs, written materials (including diaries or journals), propaganda, or other materials indicating involvement or affiliation with a hate group. Such materials can include photographs, written materials relating to or referring to extreme hatred that are clearly not of an academic or educational nature, or representations of objects that contribute to or glorify hate-inspired violence, and related materials, as determined by the Attorney General.

“(E) Individuals espousing the intent to acquire military training for the purpose of participating in activities sponsored by a hate group.

“(4) REQUIREMENTS FOR RECRUITERS AND ENLISTMENT PROCESSING STATIONS.—A military recruiter may not enlist or assist in enlisting, a person who is associated or affiliated with a group associated with hate-related violence, as evidenced pursuant to this paragraph (3).

“(5) SEPARATION.—Any person who is associated or affiliated with a group associated with hate-related violence, as determined by the Attorney General, pursuant to subsection (a), shall be of a violent, extremist nature.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to a member of the armed forces who has renounced the member’s previous affiliation or association with a group associated with hate-related violence, as determined by the commanding officer of the member.

“(6) REPORTING REQUIREMENT.—Not later than on the anniversary of the date that the Secretary concerned shall submit to the Committees on Armed Service of the Senate and House of Representatives a report:

“(A) Of the armed forces of members who are associated or affiliated with a group associated with hate-related violence and describing the actions of the Secretary concerned or the Members of Congress charged, in the manner prescribed in regulations, with the discharge of the Secretary concerned shall submit to the Committees on Armed Service of the Senate and House of Representatives a report:

“(A) in general.—Chapter 903 of title 10, United States Code, is amended by inserting after section 939b the following new section: *§ 9359a. Air Force Academy Athletic Association.*

“(B) Description and powers.—The Secretary of the Air Force shall appoint the remaining members of the Board of Directors of the Association as part of the Director’s duties as the Director of Athletics.

“(C) Subject to the prior approval of all nominees for appointment by the Secretary of the Air Force, the Superintendent shall appoint the remaining members of the Board of Directors of the Association as part of the Director’s duties as the Director of Athletics.

“(D) The Director of Athletics at the Academy shall be a standing member of the Board of Directors of the Association.

“(E) The Secretary of the Air Force shall establish the by-laws of the Association and all future changes to the by-laws, to the Secretary of the Air Force for review and approval. The by-laws shall be made available to Congress for review.

“(F) Transition from Nonappropriated Fund Operation.—(1) On or before September 30, 2011, the Secretary of the Air Force may provide for parallel operations of the Association and the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic program of the Academy. Not later than that date, the Secretary shall dissolve the nonappropriated fund instrumentality and transfer its assets and liabilities to the Academy.

“(2) The Secretary may transfer title and ownership to the Academy of any assets and liabilities of the nonappropriated fund instrumentality referred to in paragraph (1), including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property without cost or obligation to the Association.

“(G) Contracting Authorities.—(1) The Superintendent may procure, at fair and reasonable prices, such athletic goods, services, human resources, and other support from the Association as the Superintendent considers appropriate to support the athletic program of the Academy.

“(2) The Superintendent may accept from the Association funds, goods, and services for use by cadets and Academy personnel during normal operations, in support of Academy or Association contests, events, and programs.
"(g) USE OF AIR FORCE PERSONNEL.—Air Force personnel may participate in—

(1) the management, operation, and oversight of the Association;

(2) events and athletic contests sponsored by the Association; and

(3) management and sport committees for the National Collegiate Athletic Association and other athletic conferences and associations.

(h) FUNDING AUTHORITY.—The authorization of appropriations for the operation and maintenance of the Academy includes Association operations in support of the Academy athletic program, as approved by the Secretary of the Air Force:"

(b) CLARIFY A MENDMENT.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 9359 the following new item:

"936a. Air Force Academy Athletic Association: authorization, purpose, and governance."

AMENDMENT NO. 12 OFFERED BY MR. TURNER

The text of the amendment is as follows:

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

SEC. 12xx. LIMITATION ON FUNDS TO IMPLEMENT REduCTIONS IN THE STRATEGIC NUCLEAR FORCES OF THE UNITED STATES PURSUANT TO ANY TREATY OR OTHER AGREEMENT ENTERED INTO WITH RUSSIAN FEDERATION.

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

(1) In the Joint Statement by President Dmitriy Medvedev of the Russian Federation and President Barack Obama of the United States of America after their meeting in London, England on April 1, 2009, the two Presidents agreed to pursue an effective verified reduction in our strategic offensive arsenals in a step-by-step process, beginning by replacing the Strategic Arms Reduction Treaty with a new, legally-binding treaty.

(2) At that meeting, the two Presidents instructed their negotiators to reach an agreement that "will mutually enhance the security of the Parties and predictability and stability in strategic offensive forces, and will include effective verification measures drawn from the experience of the Parties in implementing the START Treaty.

(3) Subsequently, on April 5, 2009, in a speech in Komrat, the Czech Republic, President Obama proclaimed: "Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies. The Czech Republic and Poland have been courageous in agreeing to host a defense against these missiles. As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven.

(4) President Obama also said: "As long as these [nuclear] weapons exist, the United States must be safe, secure and effective in the event of new military threats and the threat to host an effective arsenal to deter any adversary, and guarantee that defense to our allies—including the Czech Republic. But we will begin the work of reducing our arsenal."

(b) LIMITATION.—Funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2010 may be obligated or expended to implement reductions in the strategic nuclear forces of the United States pursuant to any treaty or other agreement entered into between the United States and the Russian Federation on strategic nuclear forces after the date of enactment of this Act only if the President certifies to Congress that—

(1) no other agreement provides for sufficient mechanisms to verify compliance with the treaty or agreement; and

(2) the treaty or other agreement does not place limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons of the United States; and

(3) the fiscal year 2011 budget request for programs of the Department of Energy's National Nuclear Security Administration will be sufficient for the following:

(A) maintain the reliability, safety, and security of the remaining strategic nuclear forces of the United States; and

(B) modernize and refurbish the nuclear weapons complex.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the congressional committees specified in subsection (d) a report on the stockpiles of strategic and non-strategic weapons of the United States and the Russian Federation.

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(e) DEFINITION.—For the purposes of this section, the term 'advanced conventional weapons' means any advanced weapons system that has been specifically designed not to carry a nuclear payload.

AMENDMENT NO. 13 OFFERED BY MR. BRIGHT

The text of the amendment is as follows:

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

SEC. 8xx. FOLLOW-ON CONTRACTS FOR CERTAIN ITEMS ACQUIRED FOR SPECIAL OPERATIONS FORCES.

(a) AUTHORITY FOR AWARD OF FOLLOW-ON CONTRACTS.—The commander of the special operations command under authority provided by section 167(e)(4) of title 10, United States Code, may award a follow-on contract for the acquisition of an item to a contractor who previously provided such item if—

(1) the item is an item of special operations-peculiar equipment and not anticipated to be made service common within 24 months of the initial contract;

(2) the item was previously acquired in the manner described in subsection (a) of section 36 of such Act (15 U.S.C. 637(a)), section 31 of such Act (15 U.S.C. 637(a)); or

(b) AUTHORITY TO AWARD FOLLOW-ON CONTRACT.—The Secretary of Defense shall—

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

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

AMENDMENT NO. 17 OFFERED BY MR. BLUMENAUER

The text of the amendment is as follows:

At the end of subtitle B of title III (page 94, after line 2), insert the following new section:

SEC. 316. PROCUREMENT AND USE OF MUNITIONS.

The Secretary of Defense shall—

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

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

AMENDMENT NO. 18 OFFERED BY MS. GINNY BROWN-WATERS OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle G of title V (page 158, after line 9), add the following new section:

SEC. 575. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.

(a) AUTHORITY TO AWARD.—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Head-
The text of the amendment is as follows:

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

SEC. 430. LEASES OF MOTOR VEHICLES FOR MEMBERS OF THE RESERVE Components of the Armed Forces—

The preceding text shall be redesignated as subsection (a).

(a) STUDY.—Not later than December 31, 2009, the Secretary of Defense shall conduct a study to determine the extent to which competitive processes could be used for lease agreements for the Army, Navy, Air Force, and Marine Corps through the year 2014.

(b) REPORT.—The report required by subsection (a) shall be submitted to Congress not later than 90 days after the date of enactment of this Act.
(A) determining requirements for operational assignment stability; and
(B) establishing programs to achieve greater stability when operational requirements dictate.

(c) WAIVER OF OTHERWISE APPLICABLE LAWS.—Except as provided in subsection (a), a provision of title 10 or title 37, United States Code, may be not be waived with respect to, or otherwise determined to be inapplicable to, a program developed under subsection (a) without the approval of the Secretary of Defense.

(d) NOTICE AND WAIT REQUIREMENT.—A program initiated under subsection (a) may not be implemented until—
(1) the Secretary of the Defense submits to Congress—
(A) a description of the program, including the purpose and the expected benefit to the Government;
(B) a description of the provisions of titles 10, or 37, United States Code, from which the program would require a waiver, and the rationale to support the waiver;
(C) a statement of the anticipated outcomes as a result of implementing the program;
(D) the method to be used to evaluate the effectiveness of the program.

(e) DURATION OF DEVELOPED PROGRAM.—A program authorized under subsection (a) may be provided for no longer than a three-year period beginning on the implementation date, except that the Secretary of Defense may extend the period if the Secretary determines that additional time is needed to fully evaluate the effectiveness of the program.

(f) REPORTING REQUIREMENTS.—
(1) The Secretary shall submit to Congress an annual report on the program provided under subsection (a) during the preceding year, including—
(A) a description of any programs developed and fielded under subsection (a) during that fiscal year; and
(B) an assessment of the impact of the programs on the effectiveness and efficiency in achieving the United States mission in Afghanistan.

(g) TERMINATION OF AUTHORITY.—Subject to subsection (e), the authority to carry out a program under this section expires on December 31, 2012.

AMENDMENT NO. 6 OFFERED BY MR. BLUMENAUER

The text of the amendment is as follows:

At the end of subtitle B of title III (page 94, after line 2), insert the following new section:

SEC. 316. MILITARY MUNITIONS RESPONSE SITES.

(a) INFORMATION SHARING.—Section 2710a(a)(2) of title 10, United States Code, is amended by inserting ‘‘, county’’ after ‘‘identification of the State’’.

(b) MILITARY MUNITIONS RESPONSE PROGRAM AND INSTALLATION RESTORATION PROGRAM.—The Secretary of Defense shall—
(1) as part of the Secretary’s annual budget submission to Congress, include the list of priority munition installations that the Secretary determines would require a waiver, and the purpose and the expected benefit to the United States. This is a problem at home in the United States. This is a problem abroad. It is time for us to face it to up to it. I appreciate the committee’s leadership in helping zero in on it. I hope we can do a better job here and save money while it saves lives at home and abroad.

I enter into the RECORD a list of Munitions and Unexploded Ordnance, UXO, incidents and news for May and June 2009.

June 11, 2009 in Parchuta. MS. 20 Small Unexploded WWII White Phosphorous Bombs Found During Pipeline Work

June 10, 2009. Long Beach, CA. World II vet finds ‘‘souvenir’’ and alerts bomb squad

June 9, 2009. Norwood, OH, Deployed Explosive Found at Park

June 9, 2009. Arden Hills, MN, Cleanup Costs Too Much for Potential Developer

June 8, 2009. Madiera Beach, FL, Fishing Boats Haul Up Guided Missile

June 8, 2009. Camp Lejeune, NC, U.S. Supreme Court Refuses to Hear Case About Toxic Water at Camp Lejeune

June 8, 2009. California, MD. Ordnance Uncovered on Landfill

June 4, 2009. Columbus, OH, Road Closed after Artillery Shell Discovered

June 1, 2009. Turflesdale Township, OH, Discarded Hand Grenade Found

June 1, 2009. Nantahala National Forest, NC, Ordnance Found Near Trail

May 22, 2009. Woolmarket, MS, Explosion Rocks Woolmarket Neighborhood

Mr. McCone. Mr. Chairman, I yield at this time 1 minute to the gentleman from Florida (Ms. Ginny Brown-Waite). Ms. Ginny Brown-Waite from Florida. Mr. Chairman, I rise in support of my amendment to the National Defense Authorization Act.

In 2005 the Department of Army authorized the creation of the Combat Action Badge to provide special recognition to soldiers who personally engaged the enemy during combat operations. This is a very honorable distinction. However, the award limits eligibility for this badge to those soldiers who
that served after September 18, 2001, overlooking the thousands of veterans who have made similar sacrifices in previous wars.

My amendment corrects this error by expanding eligibility to include those soldiers who have served since December 7, 1941. In accordance with the wishes of those veterans who may be eligible for this badge, the costs of it would be borne by the individuals, not the military. Therefore, not only does this amendment recognize veterans who engage in combat, but it does so at no additional cost to the Army.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. McKEON. I yield the gentlewoman an additional 15 seconds.

Ms. SHEA-PORTER. Mr. Chairman, at this time I yield 1 minute to my friend, a member of the Armed Services Committee, the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Chairman, this amendment would ban the use of open-air burn pits overseas after 12 months. Such a dangerous waste disposal site was only be used temporarily while a permanent and safe alternative is developed. The amendment specifically prohibits the burning of medical and hazardous waste or solid waste containing plastic in open-air pits. The burning of such wastes produces toxins that have proven toxic to humans and represents an unacceptable health risk.

The U.S. military has been disposing of hundreds of tons of war zone waste through burn pits. All who live and work on these bases are routinely exposed to the smoke from these pits, which come from medical facilities, dining facilities, maintenance facilities, as well as trash. To imagine the scale of these burn pits, the one at Balad Air Base in Iraq has increased from 2 tons per day early on to several hundred tons per day.

We simply must protect our troops who have had repeated exposure to this. We do not wish to see an Agent Orange happen to our troops. It has been endorsed by the American Legion, DAV, IAVA, MOAA, the National Guard Association, Veterans and Military Families for Progress, and the VFW. And I thank my friend, Mr. Bishop, for being a leader on this issue and standing up for our troops.

Mr. McKEON. Mr. Chairman, I am happy to yield at this time to Mr. TURNER, the gentleman from Ohio, subcommittee ranking member, 2 minutes.

Mr. TURNER. Thank you, Ranking Member McKeon. I want to thank our chairman for his support for an amendment that's in the en bloc.

Two weeks ago, Jim Marshall and I introduced the NATO First bill. With the chairman's support, six out of eight of the provisions of that bill are included in some form of the National Defense Authorization Act that recognizes support for our allies in Europe. As the U.S. and Russia begin our START negotiations of the previous START Treaty expiring at the end of 2009, it's important for us to set some framework.

This amendment would limit the use of FY 2010 defense funds to implement reductions for U.S. strategic nuclear forces pursuant to a treaty with Russia, for example, START, unless the President certifies that the treaty: one, provides sufficient verification mechanisms; two, does not limit U.S. ballistic missile defense systems capabilities or advanced conventional weapons capabilities; and that the National Nuclear Security Administration is sufficiently positioned and also reports on U.S. and Russian nonstrategic nuclear weapons.

I want to thank Roger Zakheim from our staff, who worked diligently for the drafting of the NATO First bill and also for the accomplishment of these amendments.

I want to thank the chairman who has continued to work in a bipartisan way to accomplish a number of provisions in this bill that are important to our national security, and I believe this is certainly one of them.

Mr. SKEKTON. Mr. Chairman, the gentleman from Georgia desires to have a colloquy at this point, Mr. Kingston.

Mr. KINGSTON. I want the gentleman for yielding.

I rise today in strong support for the community of Hinesville, Georgia, and Liberty County, I command the area for their ardent support of our troops and the Army at Fort Stewart, which has continuously engaged in the challenging missions in the defense of our Nation around the globe.

November 2007, the Army announced that Fort Stewart would receive another brigade combat team using the findings of the 2005 Base Realignment and Closure Committee, along with Fort Bliss and Fort Carson. Since that time, the community installation and Congress have geared up and invested for that growth. Working with post leadership and the Pentagon, Congress appropriated funds for military construction projects such as barracks, buildings, and operation facilities at Fort Stewart for FY 2008 and $532 million for FY09. Clearly the Army has invested greatly to maintain Fort Stewart's tradition as an award-winning installation of excellence.

At the urging of the Army staff and the military leadership on post, the Hinesville community stepped forward to be sure that the new troops would have adequate housing and public infrastructure. The Department of Defense also sent the Office of Economic Adjustment to assist the community to properly prepare for the arrival of the new brigade combat team. Investments were made for new schools, roads, infrastructure.

Banks made many loans to property developers who, in turn, bought the land and accelerated their efforts to provide homes and commercial properties to support the arrival of over 10,000 soldiers and families. However, the decision announced by the Army this June has brought all this economic activity to a halt. While some of this infrastructure will be used or absorbed in time, it is clear that without the arrival of the brigade combat team, the city has overbuilt and overinvested.

Economic harm would not have occurred without the BRAC-based decision to bring additional troops and the Army's insistence that Hinesville get aggressively involved. The community support in Fort Stewart still has much to offer for the Army.

I stand here in support of the provisions within this bill that will help address the hardship incurred by the small rural communities that support Fort Stewart.

Mr. SKEKTON. Mr. Chairman, I am pleased to respond to the gentleman from Georgia. He has a long record of support and advocacy for Fort Stewart and our Nation's Armed Forces, and I
am pleased to inform that gentlemen that language has been included in this bill to direct the Secretary of Defense to carefully consider the economic impact of this policy change on local communities and to provide to the Congress a report about the Department's efforts to mitigate the negative effects. This includes a report on any new enduring missions planned for the bases affected, including a summary of the Department's plans to lessen the economic hardship or investment.

I would be happy to work with the gentleman and the Secretary of Defense, of course, to consider how to address the negative impact of recent basing decisions on the local communities that so strongly support our troops.

Mr. KINGSTON. I thank the gentleman for his kind words of support for the patriotic and hardworking people in the communities surrounding Fort Stewart, and I appreciate the chair's support to work with me through this year's National Defense Authorization Act to ensure that the Army and the local communities can continue to have strong partnerships in the support of the troops.

The Acting CHAIR. The Chair will note that the gentleman from California has 7 3/4 minutes remaining, and the gentleman from Missouri has 3 minutes remaining.

Mr. MCKEON. Mr. Chairman, at this time, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I thank our ranking member, Mr. MCKEON, and especially our chair, MR. SKELTON, for approving one of the amendments in the en bloc.

In December, I became the first Member of this House to serve in an imminent danger area in Afghanistan in uniform. During my time, I learned that most NATO soldiers with our command only deployed for 6 months and Americans deployed for 12. Only State and USAID personnel served for years in Afghanistan.

Major General Flynn, our former J-2 of the Joint Chiefs of Staff, now head of all intelligence for the African command under General McChrystal, convinced me that we need a core of experts in uniform who can deliver on years of commitment to the Afghan deployment, who can build especially on the Afghan languages of Dari and Pashto. This amendment, the Larsen-Kirk amendment, allows a for-the-duration incentive for members of the military wishing to make a deployment to Afghanistan.

It's for-the-duration deployments that helped us win World War II. DOD and senior commanders feel that this language that will build a dedicated long-term Afghan core of enlisted officers will quickly become the leaders of our Afghan NATO effort.

Based on our bipartisan bill that Congressman LARSEN and I introduced, our bill would lay out a $250,000 payment for a soldier wishing to make a for-the-duration commitment and another $250,000 for a 4.0 or better score in Pashtu or Dari. In my discussions with the troops currently in the field in Kandahar, they are pumped up about the opportunity that this commitment would bring.

I feel that only a small number of soldiers would sign up, but each one of them, if strategically placed in key Afghan provinces, would become vital assets to our effort and the success of President Obama's campaign in Afghanistan, and I really applaud the chair and the ranking minority member for putting this in the bill.

Mr. ANDREWS. I am pleased to yield 1 minute to my friend and colleague, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the chairman for yielding.

I rise to join my colleague, Representative CAROL SHEA-PORTER, in urging my colleagues to support our amendment which would ban the use of open burn pits in war zones.

Disturbing reports are coming to light every day about the reckless disposal of hazardous waste in open burn pits in Iraq and Afghanistan and the devastating impact it has had on the health of hundreds of our service men and women. It is encouraging that Secretary Shinseki and Secretary Gates have responded to our questions and stated they have taken seriously our concerns about the dangers to our troops.

However, the amendment that I have offered is necessary to see to it that this action takes place.

The legislation is endorsed by the American Legion, by the DAV, by the IAVA, by the National Guard Association, and by the VPW. I urge its passage.

Mr. MCKEON. Mr. Chairman, I reserve the balance of our time.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my friend, a member of the Armed Services Committee, the gentleman from Virginia (Mr. NYE) for 1 minute.

Mr. NYE. I would like to thank the chairman for yielding.

Mr. Speaker, a lot of the legislation that comes through this House deals with obscure technical points in Federal programs that most Americans have never and will never hear of.

However, the amendment that I have introduced, along with my good friends on both sides of the aisle, Mr. GERRY CONNOLLY and Mr. TOM PERREILLO, is a commonsense solution to a common problem faced by our military personnel.

In my district of Hampton Roads, many men and women are regularly deployed overseas to Iraq and Afghanistan. When a soldier, sailor, airman, or marine is preparing to leave their home and family to serve their country in harm's way, the last thing he or she should have to worry about is paying a cell phone contract termination fee.

In the last Congress, legislation was passed to allow deployed servicemembers to exit an individual cell phone contract without paying a penalty, and this amendment will extend that same protection to military personnel whose phones are registered through family plans.

The amendment is supported by the Iraq and Afghanistan Veterans of America, and I urge all my colleagues to join me in easing the burden on our men and women in uniform.

Mr. MCKEON. I yield, at this time, 1 minute to the gentleman from Arizona (Mr. FRANKS), a member of the committee.

Mr. FRANKS of Arizona. I thank the distinguished gentleman.

Mr. Chairman, I want to say that I support the Hastings amendment because it tries to make sure that groups determined by the Attorney General to be of violent or extremist nature are not recruited into military service. But I take some offense that one of the Cabinet-level officials of our government categorized people who are, quote, dedicated to a single issue such as opposition to abortion or immigration as right-wing extremists, and I am concerned that the amendment might be misunderstood.

And I would like to hear from the other side that this is not the intent of the amendment and that we would make sure that someone that was dedicated to the patriotism and protecting their country, which it takes a certain amount of extreme dedication to go out and pour one's blood on a foreign battlefield for the cause of human freedom, and I want to make sure that those individuals are not considered extremists under Mr. HASTINGS' part of the en bloc amendment.

Would anyone speak to that on the other side?

The Acting CHAIR. Is the gentleman asking someone to yield?

Mr. FRANKS of Arizona. Yes, I would yield to the chairman.

The Acting CHAIR. The gentleman's time has expired, however.

Mr. SKELTON. I yield to the gentleman.

Mr. FRANKS of Arizona. I guess I am asking the chair of the committee that the Hastings amendment would not include—the definition of right-wing extremists would not be included in the amendment that's being offered by the Hastings amendment under the en bloc.

Mr. SKELTON. We will have to check, just a moment.

Mr. FRANKS of Arizona. Mr. Chairman, maybe I could just ask for your assurances that people dedicated to single issues in this country such as opposition to abortion or immigration would not be considered extremists and not be disallowed into the military; at least, that would not be your intent under this amendment?

Mr. SKELTON. That is correct.

The Acting CHAIR. The gentleman from Missouri. The gentleman from Missouri has three-quarters of a minute remaining.

Mr. SKELTON. I yield the balance of my time to the to the gentleman from Virginia (Mr. CONNOLLY).
Mr. CONNOLLY of Virginia. Thank you, Mr. Chairman.

Mr. Chairman, I am pleased to introduce this amendment with my fellow Virginians Mr. NYE and Mr. PERRIELLO. During the 110th Congress, the Service-members Civil Relief Act did address cell phone and property lease contracts for active-duty deployed. However, they did not address—they addressed individual cell phone contracts and individual leases. They did not provide that protection to family cell phone plans.

As a result, we have servicemembers who are finding themselves having to continue to pay obligations to cell phone companies. Under the motor vehicle section of our amendment, the leasing agent may not charge an early termination penalty, something also not addressed in SCRA last year.

This is a practical amendment that will help our active-duty deployed and their families make sure that they are safe and secure from this kind of hounding when they are serving their country overseas.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. Mr. Chairman, I continue to reserve, unless the chairman needs more time.

The Acting CHAIR. The majority has no time remaining.

Mr. PERRIELLO. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri.

Mr. SKELTON. I yield 1 minute to the gentleman from Virginia (Mr. PIZZARRO).

Mr. PERRIELLO. Mr. Chairman, I am proud to rise today with my freshmen colleagues from Virginia, GERRY CONNOLLY and GLENN NYE, for this commonsense solution.

When our men and women in uniform are deployed, they should not be punished; they should be celebrated. This is a commonsense fix to ensure that there are no termination fees when cutting off a cell phone contract or an auto leasing deal for our troops when they deploy.

This is the sort of thing that I think the new class came here to do; see a problem, find a solution, and bring it to this floor. We are proud today to do this for all of those who serve, and we request support for the amendment.

Mr. BERNMAN. Mr. Chair, I rise in opposition to the Turner amendment to H.R. 2647.

While I appreciate the fact that the gentleman incorporated a number of changes suggested by the Chairman of the Armed Services Committee—which clearly improved the text—and that this debate is about what kind of a strategic force reduction agreement to have, rather than whether to have one at all, I remain concerned about the timing of this amendment.

It is offered as President Obama is preparing to embark on an important visit to Moscow, where he and Russian President Medvedev will hold a summit to discuss a range of critical issues, including the negotiation of a new agreement on U.S. and Russian strategic nuclear forces.

Limiting the scope of a future treaty on the eve of these sensitive discussions would make it much more difficult for the President to negotiate an agreement that adequately protects U.S. national security interests.

Indeed, imposing these limits would only give Russian negotiators additional leverage over the United States as these negotiations begin.

Aside from the fact that this amendment undermines the U.S. negotiating posture, the Executive Branch would almost surely declare that this provision infringes on the President’s constitutional authority. So we are providing the Russians with leverage on a provision that the President is likely to treat as advisory.

I simply do not think this is the right approach.

In a more general sense, the amendment would also undermine the President’s efforts to improve relations with Russia, and particularly to increase cooperation with Moscow on preventing Iran from developing a nuclear weapons capability.

While I appreciate the fact that the gentlemen incorporated a number of changes I offered as an amendment to H.R. 2647, the National Defense Authorization Act for FY10, this amendment would request the Secretary of Defense to carry out a study and submit to the congressional defense committee a sense of the President’s policies on the deployment of hemostatic agents to ensure each branch of the military is complying with their own policies on hemostatic agents.

Since the American Civil War, the percentage of our men and women that are killed in action has remained unchanged—approximately twenty percent, despite the numerous advances in battlefield equipment and treatment. The American Red Cross also estimates that half of all military deaths on the battlefield are a result of excessive blood loss. All plans with our Air saving items, are using hemostatic agents, which are either surgical gauze with blood clotting agents or a granular powder, which have been proven to save the lives of soldiers and Marines.

Services deployed in a combat zone should carry a hemostatic agent and ask the Department of Defense to submit a report back to Congress on how these agents are distributed and where distribution problems may occur.

I want to thank Chairman S KELTON and Ranking Member MCKEON for accepting this amendment. Also, I want to thank both of them and their staff for their hard work on this authorization.

Mr. COSTA. Mr. Chair, I rise today asking my colleagues support an amendment to H.R. 2647, the National Defense Authorization Act for FY10. This amendment would request the Secretary of Defense to carry out a study and submit to the congressional defense committee a sense of the President’s policies on the deployment of hemostatic agents to ensure each branch of the military is complying with their own policies on hemostatic agents.

It is with this purpose that I filed this amendment because the current policy under 10 U.S.C. 1482 is too restrictive, limiting the individual who can be designated to a spouse, blood relative, or adoptive parent.

In today’s society, many families are not as simple as that.

Specialist Christopher Fox of Memphis, only 21 years old, was on his second tour in Iraq and was due to be discharged from the Army in July of this year.

However, he died in Iraq on September 29, 2008 of wounds sustained when he encountered small-arms fire while on patrol.

Specialist Fox had a mother-figure—the woman who was awarded temporary custody when he was seventeen—to oversee his burial arrangements.

Her name was listed on the DD93 form filled out by Specialist Fox to direct disposition of his remains, as required by the DOD.

However, due to Federal law, DOD could not allow his written intent to be carried out.

I know that Specialist Fox is not alone in wanting someone other than a spouse or blood relative to oversee their burial arrangements.

Expansion of the 10 U.S.C. 1482 is supported by the Air Force Association, AMVETS, the National Guard Association of the United States, the National Association of Uniformed Services, the United States Army Warrant Officers Association, and the Vietnam Veterans of America.

We need to remember the sacrifices of our servicemembers and do what we can to honor their memory and their wishes.

It is with this purpose that I filed this amendment to require the DOD to study the current statute. I urge my colleagues to support and pass this amendment.
made one bad decision after another in an attempt to recoup losses they failed to properly anticipate in 1988.

Despite the fact that there are next to no tenants at Laurelwood, the contract stipulates mandatory federal payment to the developer—estimated to be $3.5 million a year—regardless of the property’s occupancy rates.

At issue today are the deeply troubling consequences imposed by an egregiously flawed contract. The so-called outlease period which becomes effective in 2010 and ends in 2040 makes all 300 housing units available to virtually anyone with rent money, with a guarantee of unimpeded access inside one of the most sensitive munitions depots in the country.

The Navy’s EIS and the ROD should have been comprehensive reviews of all relevant challenges, dangers, and costs associated with the proposed matriculation of Laurelwood to civilian use. They were not.

Both documents fell short in addressing the myriad of valid concerns raised by the community including security, education and transportation. To name just a few. The Navy initiated its review process of Laurelwood as far back as 2002 so the questions left unanswered by their “analysis” are numerous and troubling.

On education, for example, their study offers us no assurances whatsoever of anything close to fairness and equity. Under the Navy plan, local communities are left to educate hundreds of non-military children for whom the towns can not adequately plan without proper numbers. The Navy’s assumption that a third of the children would be educated in public schools is unsupported and masks the real problems that these schools will face when the influx of between 300 and 600 new students happens. My amendment is necessary to ensure that the school boards have all relevant information and can plan and budget accordingly.

The Navy has been extraordinarily myopic on the paramount issue of security and both the EIS and the ROD are devoid of any meaningful analysis of the true costs to the Navy and communities if Laurelwood rents to civilians who are then able to drive onto and through the base.

We cannot hermetically seal our military bases but, in my view, the Navy’s proposal unwittingly does the reverse: it creates vulnerabilities where they do not exist today. It compromises national security and unacceptably puts the people on and around Earle in potential danger.

Shortly after federal prosecutors revealed that a group of young men were planning to infiltrate Fort Dix, which is also located in my Congressional District, and kill as many servicemembers as possible, Congress recognized the vulnerability of our military bases and took steps to ensure that those who are seeking access to our bases are thoroughly checked and accounted for.

However, the Navy now plans to remove these restrictions and allow any member of the public to drive onto and through the largest munitions depot on the East Coast.

Incredibly, the Navy believes that “impacts to security from the proposed action are not anticipated,” an opinion—which is supported by a Department of Defense Inspector General (IG) report I requested earlier this year—the Navy is not providing adequate security at the base now. I requested this report after a security guard at the base raised concerns regarding the performance of the security contractors at Earle (D-2009-045). The IG produced troubling findings. They stated that the Navy did not know whether all contractor security guards had completed a background check or the training required to complete all training required by the contract.

The Navy’s security plan places undue faith in a fence as a means to deterring or mitigating access and appears to rely simply on adjusting already inadequate patrols currently performed by federal and security guards at no perceived increase in cost.

The Navy believes that “additional security personnel will likely be required to patrol the additional perimeter fencing,” but gives no clue whatsoever as to how many and at what cost. Again, this information—which GAO will provide in accordance to my amendment—is needed if a prudent decision is to be reached.

It is worth noting that two of the other installations that are approaching the outlease deadline share similar security concerns. Port Hueneme’s security officials believe that “allowing the general public to live in the units would, at a minimum, indirectly affect the mission of the base” and require “additional police officers and patrols, and an increased security budget.” Ft. Hood recently required that the removal of their Section 801 Housing units must undergo a background check as a condition of residency—although given the demand for this housing by military personnel, no background checks have been conducted or are expected.

In my view, the 1988 contract itself—written long before the bitter lessons of the USS Cole, the Khobar Tower bombings, the destruction of our embassies in Nairobi and Dar es Salaam, and 9/11—fails to anticipate and its authors could not have adequately understood as we do today the dangers inherent in proximity, enhanced 24/7 surveillance of potential targets, and the proliferation of sleeper terror cells.

The 9/11 Commission Report is replete with instances of dangers unrecognized, unacknowledged, and unmitigated that led to the worst terrorist attack on US soil ever.

I strongly believe that the Navy is in the process of compounding its initial 1988 contract mistake with a far more serious one that is fraught with significant danger for Navy personnel and the people residing in adjacent communities.

Until now, the security of my constituents and the costs that they will bear when this proposal is implemented has been deferred to the interest that has a conflict of interest: the Navy.

My amendment would change that. It will ensure a thorough and comprehensive study of all relevant factors. It will allow our local community to adequately plan and budget for the impacts of the decision—which they overwhelmingly oppose—and I urge its adoption.

Mr. MCKEON. Mr. Chairman, if the gentleman from Missouri requires no further time, I yield back the balance of my time.

Mr. SKELETON. Mr. Chairman, since we have no additional requests, I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 2, AS MODIFIED, OFFERED BY MR. MCKEON

The Acting CHAIR. It is now in order to consider Amendment No. 2, as modified, printed in House Report 111–182.

Mr. MCKEON. Mr. Chairman, it is my privilege to introduce this amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2, as modified, offered by Mr. McKeon:

At the end of subtitle E of title X (page 374, after line 2), insert the following new section:

SEC. 1055. SENSE OF CONGRESS HONORING THE SERVICE OF THE HONORABLE JOHN M. MCHUGH.

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

(1) In 1993, Representative John M. McHugh was elected to represent New York’s 23rd Congressional district, which is located in northern New York and consists of Clinton, Hamilton, Lewis, Oswego, Madison, and Saint Lawrence counties and parts of Essex, Fulton, and Jefferson counties.

(2) Representative McHugh also represents Fort Drum, home of the 10th Mountain Division.

(3) Prior to his service in Congress, Representative McHugh served four terms in the New York State Senate, representing the 49th district from 1984 to 1992.

(4) Representative McHugh began his public service career in 1971 in his hometown of Watertown, New York, where he served for three years as a Confidential Assistant to the City Manager.

(5) Subsequently, Representative McHugh served for nine years as Chief of Research and Liaison with local governments for New York State Senator H. Douglas Barclay.

(6) Representative McHugh is known by his colleagues as a leader on national defense and security issues and a tireless advocate for America’s military personnel and their families.

(7) During his tenure, he has led the effort to increase Army and Marine Corps end-strength levels, increase military personnel pay, reduce the unfair tax on veterans’ disability and military retired pay (concurrent receipt) and safeguard military retiree benefits for our troops.

(8) Since the 103rd Congress, Representative McHugh has served on the Armed Services Committee of the House of Representatives and subsequently was appointed Chairman of the Morale, Welfare, and Recreation Panel before being appointed Chairman of the Military Personnel Subcommittee.

(9) Representative McHugh began serving on the United States Military Academy Board of Visitors in 1995, and he was appointed to the Board of Visitors by the Speaker of the House in 2007.

(10) In the 111th Congress, Representative McHugh was appointed Ranking Member of the Armed Services Committee of the House of Representatives by the Republican membership of the House of Representatives.

(11) On June 2, 2009, the President announced his intention to nominate Representative McHugh to serve as the Secretary of the Army.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable John M. McHugh, Representative from New York, has served the House of Representatives and the American people selflessly and with distinction and that he deserves the sincere and humble gratitude of Congress and the Nation.
The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from California (Mr. McKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to introduce this amendment that honors a good friend of mine, a good friend of the House of Representatives, a good friend of our Armed Forces and the American people, Congressman JOHN MCHUGH.

Mr. Chairman, Representative McHugh has represented New York’s 23rd Congressional District in the House of Representatives since 1993—we came here together—and he has done so with honor and integrity. Representative MCHUGH’s district includes Fort Drum, the home of the outstanding 10th Mountain Division, for which he is a tireless advocate. He is honored and respected by all members of the 10th Mountain Division, past and present.

Prior to his service in the House of Representatives, he served for many years in the local, State and Federal government. Since coming to the House of Representatives, he has been a champion for the members of the Armed Forces. He is known by his colleagues as a leader on national defense and security issues. His steadfast voice for America’s military personnel and their families.

While in the House, he has led the effort to increase Army and Marine Corps end-strength levels, increase military personnel pay, reduce the unfair tax on veterans’ disability and military retiree pay, or concurrent receipt, and safeguard military retiree benefits for our troops.

Mr. Chairman, this work is always important, but it has never been more important than now, while our troops are in combat. Representative McHugh has done outstanding work to support our men and women in uniform and their families.

Representative McHugh has served on the House Armed Services Committee since the 103rd Congress. He was appointed as the chairman of the Morale, Welfare and Recreation panel and then as the chairman of the Military Personnel Subcommittee. His leadership of these two subcommittees has advanced the support and recognition of the needs of the members of our armed services and their families to a greater level than ever before.

More recently, during the 111th Congress Representative McHugh was appointed ranking member of the House Armed Services Committee. During his time as ranking member, he continued his tireless work to ensure the success of our Armed Forces, our national defense and our security.

Mr. Chairman, earlier this month President Obama announced his intention to nominate Representative McHugh to serve as the Secretary of the Army. I can say with confidence that our loss will definitely be the Army’s gain. I am absolutely certain that Representative McHugh will serve the Army with the same commitment and dedication that he has provided to our Armed Forces while he has been on this side of the river.

I want to thank him for his leadership on this committee. His passion for and dedication to the members of our Armed Forces will be sorely missed by this body. He is a friend that we will miss working with here on the Hill, but I am sure we will have future opportunities to work with him in his new capacity.

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

Mr. SKELTON. Mr. Chairman, I rise in strong support of this amendment, a sense of Congress honoring Congressman John McHugh.

The Acting CHAIR. Without objection, the amendment from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. John McHugh is an outstanding American, an outstanding Member of Congress, the former ranking member Armed Services Committee. He has served the people of America in this capacity selflessly and with distinction, and it is our opportunity now to express gratitude as a Congress and as a nation for his efforts.

He has represented New York’s 23rd Congressional District since 1993. His district includes northern New York, including Fort Drum. He has been a public servant now for some 40 years, having served in the local, the State and Federal levels of our government. He is a highly respected leader on national defense and has been a staunch advocate for America’s military personnel and their families.

As chairman and subsequently ranking member of the Subcommittee on Military Personnel on our Armed Services Committee, John McHugh has shared my desire to increase the end-strength for the Army and the Marines, enhance military pay, and began efforts to eliminate concurrent receipt to allow the payment of both veterans disability and military retired pay.

Given his background and his experiences, the President nominated John McHugh to serve as the Secretary of the Army on June 2nd of this year. It is a tribute to his accomplishments in national defense on behalf of the service men and women and their families.

It is a pleasure to honor him in this manner. It is a pleasure to have served with him. We will, of course, miss him, his brightness, his humor and his quick wit, and his dedication to our Armed Forces. We wish him the very best as he serves as the Secretary of the Army.

I can only say this, Mr. Chairman, that the Army will be in good hands with John McHugh. We thank him for his service here and look forward to working with him in his new capacity.

I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I would like to just embarrass our friend a little bit. Maybe we could ask him to stand where we could all see him.

This sounds like a funeral service. This is not a funeral service. It is not a memorial service. We just want to thank you, John, for your work. He is a young man and will be doing a lot more in the service of his country and his State I am sure in the future.

With that, I yield back the balance of my time.

The Acting CHAIR (Mr. HOLDEN). The question is on the amendment, as modified, offered by the gentleman from California, as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIR. It is now in order to consider Amendment No. 9 printed in House Report 111-182.

Mr. FRANKS of Arizona. Mr. Chairman, I offer amendment No. 9.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. Franks of Arizona on page 57, line 18, strike section 224 and insert the following new section 224:

SEC. 224. POLICY ON BALLISTIC MISSILE DEFENSE SYSTEM TO PROTECT THE UNITED STATES, ALLIES, AND FORWARD DEPLOYED FORCES.

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

(1) North Korea’s nuclear program and its long, medium, and short-range ballistic missiles represent a near-term and increasing threat to the United States, our forward-deployed troops and allies.

(2) North Korea, in violation of United Nations Security Council Resolutions 1868 and 1874, launched a Taepodong-2 rocket on April 5, 2009, demonstrated a multi-stage, long-range ballistic missile. This flight demonstrated a more complete performance than Pyongyang’s July 2006 Taepodong-2 launch.

(3) According to reports, the Taepodong-2 long-range ballistic missile could currently threaten the west coast of the United States and, according to estimates by the United States intelligence community, when fully developed could threaten the entire continental United States.

(4) North Korea has deployed the Musudan intermediate range ballistic missile which can threaten Okinawa and Guam, 200 medium missiles which can reach Japan, and 600 Scud missiles which threaten South Korea and base concentrations.

(5) North Korea is a missile proliferator and has shared ballistic missile technology with other weapons proliferating nations such as Iran. It also aided Syria with its nuclear program.

(6) North Korea walked away from the Six-Party talks and ordered United States and International Atomic Energy Agency inspectors out of the country in April 2009.

(7) On April 29, 2009, Pyongyang threatened to conduct a nuclear test and launch an intermediate range ballistic missile unless the United Nations Security Council apologize and withdraw all resolutions.

(9) North Korea test-fired six shorter-range missiles off the country’s east coast following its nuclear test on May 25, 2009.

(10) On May 25, 2009, President Obama stated, “North Korea’s nuclear ballistic missile programs pose a great threat to the peace and security of the world and I strongly condemn their reckless action. . . . The record is clear: the United States has been previously engaged in discussions with North Korea on a complete, verifiable, and irreversible end to its nuclear weapons and ballistic missile programs and our goal is a peaceful, prosperous, and secure Korea. . . .”

(11) North Korea’s nuclear test and missile launches demonstrate present international diplomatic efforts are not sufficient to prevent North Korea from developing, deploying, and launching missiles or developing nuclear technology. There has been no progress toward engagement or complete and verifiable denuclearization of the Korean Peninsula.

(12) The pace and scope of North Korea’s actions demonstrate that it is intent on achieving a viable nuclear weapons capability, long-range intercontinental ballistic missile delivery capability, and recognition as a nuclear weapons state.

(13) In response to the unanimous passage of United Nations Security Council Resolution 1874 on June 12, 2009, North Korea responded that it would not abandon its nuclear programs and vowed to continue enriching uranium for its nuclear program of proliferation. It placed a missile on a ship.

(14) Media reports indicate North Korea is warning of a nuclear war. In addition, it may be preparing for launch an intercontinental ballistic missile with the range to reach the United States. Further reports, citing U.S. defense officials, indicate U.S. satellite photos show long-range ballistic missile activity at two launch sites in North Korea.


(16) General Maples, Director of the Defense Intelligence Agency, recently said, “Iran’s February 3, 2009, launch of the Safr space launch vehicle shows progress in mastering technology needed to produce ICBMs.”

(17) On April 5, 2009, President Barack Obama said, “So let me be clear: Iran’s nuclear and ballistic missile activity poses a real threat to the United States, but to Iran’s neighbors and our allies.”

(18) On May 19, 2009, the Government of Iran test-fired a new two-stage, medium-range, space-to-surface missile, which can reach Europe, Israel, and United States forces deployed in the Persian Gulf Region.

(19) According to the April 2009 Defense Intelligence Agency report, “Foreign Ballistic Missile Capabilities”, “The threat posed by ballistic missile delivery systems is likely to continue to grow. While growing more complex over the next decade, current trends indicate that adversary ballistic missile system, with advanced liquid- or solid-propellant propulsion systems, are becoming more flexible, mobile, survivable, reliable and accurate while also presenting longer ranges.

(20) According to the April 2009 Defense Intelligence Agency report, “Foreign Ballistic Missile Capabilities”, “Pre-launch survivability is also likely to increase as potential adversaries add the means to defeat them.”

(21) General Kevin Chilton, Commander of the United States Strategic Command testified, “The amount otherwise provided by section 3102 for defense environmental cleanup is hereby reduced by $1,200,000,000, to be derived from the mid-course defense system in order to protect the homeland against ballistic missiles in the boost phase of flight in order to defend against developing sophisticated threats.”

(22) General B.B. Bell, Commander, U.S. Forces-Korea testified in July 2007, “Here in Korea, we have but minutes to detect, acquire, engage and destroy inbound theater ballistic missiles in the SCUD and No-Dong class. We estimate that North Korea has around eight hundred of these missiles in their operational territory. They are capable of carrying conventional and chemical munitions. Intercepting these missiles during their boost phase while over North Korean territory would be a huge combat mission.”

Mr. FRANKS of Arizona. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, nuclear weapons, especially those connected to intercontinental ballistic missiles, represent the greatest danger, the greatest weapon ever devised, threatening the human family. The enemies of the United States are defiantly developing delivery systems for those devastating weapons.

Mr. Chairman, to be clear, ballistic missile threats are increasing in the world, and while that threat is increasing, our budget in Congress to effect missile defense is decreasing. My amendment would restore the $1.2 billion that was cut from last year’s appropriated amount.

The administration and those who support these cuts have created a false choice between theater defense and homeland defense. If this Congress can find $787 billion for a so-called stimulus economic package, then we have no excuse but to also fund both theater defense and the national defense of the American people.

Mr. Chairman, North Korea has recently conducted a nuclear test and missile launches, and President Obama has called Iran’s nuclear and ballistic missile activity “a real threat.” Despite the threat increase, this bill slashes by 35 percent the only system that we have that is tested and proven to protect the homeland against ICBMs, our Ground-based Midcourse Defense system. My amendment would restore these cuts.

Mr. Chairman, North Korea is right now planning a ballistic missile launch, and yesterday in fact declared it is ready to “wipe out the United States.” We have a chance this moment to restore the funds to make these systems viable to protect the American people from this exact threat.

I urge my colleagues to vote in favor of protecting the American people and to vote “aye” on this amendment.

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

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman is recognized for 10 minutes.
Mrs. TAUSCHER. Mr. Chairman, I stand in significant opposition to this amendment. The committee’s bill provides $9.3 billion for missile defense, fully funding the administration’s request. The budget supports our efforts to build a robust defense against threats from nations such as North Korea, and increases funding for proven missile defense systems like The Aegis BMD and the Terminal High Altitude Aerial Defense, called THAAD, by $800 million over the budget level in the president’s budget.

This amendment would result in wasteful, unnecessary spending. As Secretary Gates told our committee, the security of the American people and the efficacy of the missile defense system are not enhanced by continuing to put money into programs that in terms of their operational concept are fatally flawed or research programs that are essentially sinkholes for taxpayer dollars.

With all due respect, Mr. Chairman, I find myself here trying to rescue the missile defense program from its strongest advocates, because all they want to do is spend money. We have spent $120 billion over the last 10 years on missile defense. I am a strong supporter of missile defense, but unless you have oversight and unless you have an operationally effective system to protect against the existing threats and deploy those systems to protect our forward-deployed troops, the American people and our allies, it is just spending money after money after money.

The advocates of missile defense that just want to spend money don’t seem to want to deal with the fact that in this bill we authorize $1 billion to test, sustain and improve the existing system, because what we found out recently is that the system that is deployed has got some problems. It has got problems with operation and maintenance. A lot of that money during the previous administration wasn’t spent to make sure that the system was maintained.

Democrats are strong on missile defense. We want to make sure we have a proven system, one that is going to not only work but one that is also going to deter, and the best way to do that is to have a system that is operationally effective and tested, one that is maintained properly, and one that is fielded to array against and deter and defeat the threat.

I think that on our side, we believe that we have done that, both during the time of the Bush administration and certainly now in full support of the President’s budget request.

Mr. Chairman, I am happy to reserve my time.

Mr. FRANKS of Arizona. Mr. Chairman, I would just respond by suggesting that to say $1.2 billion in missile defense spending would be wasteful, in the light of the fact that when three airplanes hit this country, it cost us $2 trillion in our economy and nearly $100 billion to clean it up. I think that is shortsighted.

With that, I yield 1 minute to the distinguished ranking member of the committee, the gentleman from California, Mr. McCarthy.

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding.

In the last 2 months, North Korea has followed through on its provocative threat to conduct a nuclear test and launch missiles. Today we hear that Pyongyang is vowing to enlarge its nuclear arsenal and has warned of a “fire shower of nuclear retaliation.” These are grave and serious threats.

However, at a time when Iran and North Korea have demonstrated the capability and intent to pursue long-range ballistic missiles and nuclear weapons programs, the defense bill endorsed reductions to capabilities that would provide a comprehensive missile defense system to protect the U.S. homeland, our forward-deployed troops and our allies.

This amendment is common sense. It is a sound measure that would reverse the administration’s $1.2 billion cut to missile defense. It would restore a 35 percent reduction to the Nation’s Ground-based Midcourse Defense system, located in Alaska and California, which is signed to protect the U.S. homeland. It would restore investments in vital research and development like the airborne laser program, which is the cusp of demonstrating breakthrough technologies.

I urge my colleagues to support this amendment. To do otherwise would be irresponsible.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the distinguished ranking member of the Strategic Forces Subcommittee, Mr. Turner.

Mr. TURNER. Mr. Chairman, I rise to speak in favor of the Franks amendment. I was very disappointed with the administration’s decision to cut $1.2 billion out of missile defense funding below the fiscal year 2009 funding. We improve upon them, and we use that system.

Second, we look to a system that we frankly think will work better because the testing has been more promising and more accurate, the SM-3, Block 2A interceptors, funding for which is increased by 50 percent in this bill.

The issue is not whether we have a missile defense; it is whether we have one that works. I will requote the Secretary of Defense: “The security of the American people and the efficacy of the missile defense are not enhanced by continuing to put money into programs that in terms of their operational concept are fatally flawed, or research programs that are essentially sinkholes for taxpayers’ dollars.”

We would not invest in Civil War-era technology that doesn’t work to defend our country. We would invest in the 21st-century technology that does work, and that is what we are doing.

We should oppose this amendment.

The Acting CHAIR. The Committee will rise informally.

The SPEAKER pro tempore (Mr. Larsen of Washington) assumed the chair.

MESSAGE FROM THE SENATE
A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. 962. An act to authorize appropriations for fiscal years 2009 through 2013 to promote