

111TH CONGRESS
2^D SESSION

S. 3280

To authorize appropriations for fiscal year 2011 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2010

Mr. LEVIN (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To authorize appropriations for fiscal year 2011 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2011”.

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

3 (a) DIVISIONS.—This Act is organized into two divi-
 4 sions as follows:

5 (1) DIVISION A.—Department of Defense Au-
 6 thorizations.

7 (2) DIVISION B.—Military Construction Author-
 8 izations.

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

Sec. 1. Short title.

Sec. 2. Table of contents.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Joint Improvised Explosive Device Defeat Fund.

Sec. 106. Defense Production Act Purchases.

Sec. 107. Multiyear procurement authority for MH-60R/S mission avionics and
 common cockpits Navy aircraft program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of appropriations.

Sec. 202. Repeal of prohibition of certain contracts by Missile Defense Agency
 with foreign entities.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Payment to Environmental Protection Agency of stipulated penalties
 in connection with Naval Air Station, Brunswick, Maine.

Sec. 312. Improved Sikes Act coverage of State-owned facilities used for the
 national defense.

Subtitle C—Workplace and Depot Issues

Sec. 321. Public-private partnerships between Army industrial facilities and private entities.

Subtitle D—Other Matters

- Sec. 331. Refined Petroleum Products, Marginal Expense Transfer Account.
 Sec. 332. Four-year extension of authority to provide logistics support and services for weapons systems contractors.
 Sec. 333. Permanent authority for reimbursement of expenses for certain Navy mess operations.
 Sec. 334. Revision to authorities relating to transportation of civilian passengers and commercial cargoes by Department of Defense when space unavailable on commercial lines.
 Sec. 335. Proceeds from Army post laundry facilities.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
 Sec. 402. Revision to permanent end strength levels for the Navy and Air Force.

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 2011 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. Navy Reserve flag officer allocation; removal of statutory distribution limits.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Officer Personnel Policy

- Sec. 501. Promotion list removal actions.
 Sec. 502. Technical revisions to definition of “joint matters” for purposes of joint officer management.
 Sec. 503. Eligibility of officers to serve on boards of inquiry for separation of regular officers for substandard performance and other reasons.
 Sec. 504. Temporary authority to reduce minimum length of commissioned service required for voluntary retirement as an officer.
 Sec. 505. Continuation of warrant officers on active duty to complete disciplinary action.
 Sec. 506. Authority to designate certain inactive Reserve officers as not to be considered for selection for promotion.
 Sec. 507. Nondisclosure of information from discussions, deliberations, notes and records of special selection boards.
 Sec. 508. Changes to process involving promotion boards for joint qualified officers and officers with Joint Staff experience.

- Sec. 509. Authority for appointment of warrant officers in the grade of W-1 by commission and standardization of warrant officer appointing authority.

Subtitle B—General Service Authorities

- Sec. 511. Authority for assignment of Air Force Reserve military technicians (dual status) to positions outside Air Force Reserve unit program.
- Sec. 512. Authority for service commitment for Reservists who accept fellowships, scholarships, or grants to be performed in the Selected Reserve.
- Sec. 513. Active duty obligation for graduates of the military academies participating in the Health Professions Scholarship Program.
- Sec. 514. Authority for direct appointment of graduates of the United States Merchant Marine Academy into the National Guard.
- Sec. 515. Wear of military uniform by military technicians (dual status) while performing duties as a military technician (dual status).
- Sec. 516. Authority for temporary employment of non-dual status military technicians.

Subtitle C—Education and Training

- Sec. 521. Repayment of education loan repayment benefits.
- Sec. 522. Participation of health professions scholarship recipients in active duty health profession loan repayment program.
- Sec. 523. Adjust Solomon Amendment Federal Register reporting.
- Sec. 524. Increase in number of private sector civilians authorized for admission to National Defense University.
- Sec. 525. Authority for permanent professors at the United States Air Force Academy to hold command positions while on periods of sabbatical.
- Sec. 526. Modification of Junior Reserve Officers' Training Corps minimum unit strength.
- Sec. 527. Increase maximum age for prospective Reserve Officer Training Corps scholarship recipients.
- Sec. 528. Payment for supplemental educational assistance under Post-9/11 Educational Assistance Program from Department of Defense education benefits fund.

Subtitle D—Military Justice and Legal Matters

- Sec. 531. Enhanced authority to punish contempt in military justice proceedings.
- Sec. 532. Authority to compel production of documentary evidence prior to trial in military justice cases.

Subtitle E—Decorations and Awards

- Sec. 541. Authority for award of Bronze Star medal to members of military forces of friendly foreign nations.

Subtitle F—Other Matters

- Sec. 551. Additional member of Department of Defense Military Family Readiness Council.

Sec. 552. Repeal automatic enrollment in Family Servicemembers' Group Life Insurance for military members married to other military members.

Sec. 553. Revised structure and functions of the Reserve Forces Policy Board.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Repeal of mandatory high-deployment allowance.

Sec. 602. Basic Allowance for Housing for two-member couples when one is on sea duty.

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 certain 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 payment of other title 37 bonuses and special pay.

Sec. 615. One-year extension of authorities relating to payment of referral bonuses.

Sec. 616. Ineligibility of certain Federal Government employees for income replacement payments.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Authorized travel and transportation for designated person attendance at Yellow Ribbon Reintegration events.

Subtitle D—Retired Pay, Former Spouse, and Survivor Matters

Sec. 631. Expansion of eligibility for concurrent receipt of retired pay and disability compensation.

Sec. 632. Authorization to submit application for direct payment.

Sec. 633. Survivor Benefit Plan: extension of period for election deemed to have been made.

Sec. 634. Prohibit court-ordered payments before retirement based on imputation of retired pay.

Sec. 635. Authority for multiple beneficiary designations under Survivor Benefit Plan.

Sec. 636. Authority for designation of responsibility for payment of premiums for coverage under Survivor Benefit Plan.

Sec. 637. Establishment of presumptive proportionate share for former spouse survivor annuity under Survivor Benefit Plan.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Administration

Sec. 701. Clarification of licensure requirements applicable to military health-care professionals who are members of the National Guard performing duty while in title 32 status.

Sec. 702. Health professions financial assistance program for civilians.

- Sec. 703. Age for health care professional appointments and mandatory retirements.
- Sec. 704. Reimbursement for costs of health care provided to ineligible individuals who are dependents or former dependents.
- Sec. 705. Clarification of authority for transfer of medical records from the Department of Defense to the Department of Veterans Affairs.

Subtitle B—Other Matters

- Sec. 711. Updated terminology for the Medical Service Corps.

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

Subtitle A—Amendments to General Contracting Authorities, Procedures, and
Limitation

- Sec. 801. Repeal of Small Business Competitiveness Demonstration Program.
- Sec. 802. Permanent authority for Defense Acquisition Challenge Program.
- Sec. 803. Increase in amount of discretionary technical assistance authorized under Small Business Innovation Research Program.
- Sec. 804. Limited authority under Small Business Innovation Research and Small Business Technology Transfer programs to use program funds for administrative and program management costs.
- Sec. 805. Revision and four-year extension of test program for negotiation of comprehensive small business subcontracting plans.
- Sec. 806. Inclusion of major subprograms to major defense acquisition programs under various acquisition-related requirements.

Subtitle B—Other Matters

- Sec. 811. Five-year extension of Department of Defense Mentor-Protégé Program.
- Sec. 812. Authority for working-capital funded Army industrial facilities and arsenals to sell articles and services outside the Department of Defense.
- Sec. 813. Clarification of requirements for hand or measuring tools.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND
MANAGEMENT

- Sec. 901. Realignment of the organizational structure of the Office of the Secretary of Defense to carry out the reduction required by law in the number of Deputy Under Secretaries of Defense.
- Sec. 902. Repeal of personnel limitations applicable to certain defense-wide organizations and revisions to limitation applicable to Office of the Secretary of Defense.
- Sec. 903. Authority for the Department of Defense to approve an alternate method of processing equal employment opportunity complaints within one or more component organizations under specified circumstances.
- Sec. 904. Increase in authorized number of Defense Intelligence Senior Executive Service positions.
- Sec. 905. Revisions to policy on development and procurement of unmanned systems.
- Sec. 906. Improvements to structure and functioning of Joint Requirements Oversight Council.

- Sec. 907. Consolidation and reorganization of statutory authority for destruction of United States stockpile of lethal chemical agents and munitions.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Authority for payment of full replacement value for loss or damage to household goods in limited cases not covered by carrier liability.
- Sec. 1002. Advance notice to Congress of transfer of funds from a working-capital fund.
- Sec. 1003. Repeal of requirement for annual joint report from Office of Management and Budget and Congressional Budget Office on scoring of outlays in defense budget function.
- Sec. 1004. Authority to establish Readiness Reserve Subaccount in the Transportation Working-Capital Fund.
- Sec. 1005. Repeal of requirement for separate budget request for procurement of equipment for reserve components of the Armed Forces.

Subtitle B—Naval Vessels and Shipyards

- Sec. 1011. Increase in tonnage criterion for application of limitation on disposal of naval vessels to foreign nations.
- Sec. 1012. Revisions to authority regarding sales of vessels stricken from the Naval Register.

Subtitle C—Other Matters

- Sec. 1031. Conforming and updating amendments to title 10, United States Code.
- Sec. 1032. Technical and clerical amendments to correct obsolete cross-reference.
- Sec. 1033. Revision to report requirement relating to support of military museums.
- Sec. 1034. Authority to make excess nonlethal supplies available for domestic emergency assistance.
- Sec. 1035. Sale of surplus military equipment to State and local homeland security and emergency management agencies.
- Sec. 1036. Enhanced authority for servicemembers and Department of defense civilian employees and their family members to accept gifts from non-federal entities.

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1102. Mileage reimbursement for privately owned vehicles.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

- Sec. 1201. Additional nations to which cataloging data and services may be provided under Arms Export Control Act on no-cost, reciprocal basis.
- Sec. 1202. Authorization of appropriations for Afghanistan Security Forces Fund.

TITLE XIII—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

- Sec. 1301. Working capital funds.
- Sec. 1302. National Defense Sealift Fund.
- Sec. 1303. Defense Coalition Acquisition Fund.
- Sec. 1304. Chemical Agents and Munitions Destruction, Defense.
- Sec. 1305. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1306. Defense Inspector General.
- Sec. 1307. Defense Health Program.

Subtitle B—Armed Forces Retirement Home

- Sec. 1321. Authorization of appropriations for Armed Forces Retirement Home.

TITLE XIV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS
FOR OVERSEAS CONTINGENCY OPERATIONS FOR FISCAL YEAR
2011

- Sec. 1401. Purpose.
- Sec. 1402. Army procurement.
- Sec. 1403. Joint Improvised Explosive Defeat Fund.
- Sec. 1404. Navy and Marine Corps procurement.
- Sec. 1405. Air Force procurement.
- Sec. 1406. Mine Resistant Ambush Protected Vehicle Fund.
- Sec. 1407. Defense-wide activities procurement.
- Sec. 1408. Research, development, test, and evaluation.
- Sec. 1409. Operation and maintenance.
- Sec. 1410. Military personnel.
- Sec. 1411. Working capital funds.
- Sec. 1412. Defense Health Program.
- Sec. 1413. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1414. Defense Inspector General.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

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

TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Extension of authorizations of certain fiscal year 2008 projects.
- Sec. 2106. Modification of authority to carry out certain fiscal year 2009 project.
- Sec. 2107. Modification of authority to carry out certain fiscal year 2010 project.

TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.

- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Extension of authorization of certain fiscal year 2008 project.
- Sec. 2206. Technical amendment to carry out certain fiscal year 2010 project.

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Extension of authorization of certain fiscal year 2007 project.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.

Subtitle B—Chemical Demilitarization Authorizations

- Sec. 2411. Authorization of appropriations, Chemical-Demilitarization construction, Defense-wide.
- Sec. 2412. Modification of authority to carry out certain fiscal year 2000 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
- Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
- Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.
- Sec. 2607. Extension of authorizations of certain fiscal year 2008 projects.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

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

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Sec. 2801. Alternative use of proceeds from the sale of military family housing.

Sec. 2802. Increase in dollar thresholds for authorities relating to unspecified minor construction projects.

Sec. 2803. Enhanced authority for use of operation and maintenance funds for unspecified minor military construction projects in support of contingency operations.

Sec. 2804. Further enhancements to Department of Defense Homeowners Assistance Program.

1 **DIVISION A—DEPARTMENT OF**
 2 **DEFENSE AUTHORIZATIONS**
 3 **TITLE I—PROCUREMENT**

4 **SEC. 101. ARMY.**

5 Funds are hereby authorized to be appropriated for
 6 fiscal year 2011 for procurement for the Army as follows:

7 (1) For aircraft, \$5,976,867,000.

8 (2) For missiles, \$1,887,437,000.

9 (3) For weapons and tracked combat vehicles,
 10 \$1,723,561,000.

11 (4) For ammunition, \$1,979,414,000.

12 (5) For other procurement, \$9,765,808,000.

13 **SEC. 102. NAVY AND MARINE CORPS.**

14 (a) NAVY.—Funds are hereby authorized to be appro-
 15 priated for fiscal year 2011 for procurement for the Navy
 16 as follows:

17 (1) For aircraft, \$18,508,613,000.

18 (2) For weapons, including missiles and tor-
 19 pedoes, \$3,359,794,000.

1 (3) For shipbuilding and conversion,
2 \$15,724,520,000.

3 (4) For other procurement, \$6,450,208,000.

4 (b) MARINE CORPS.—Funds are hereby authorized to
5 be appropriated for fiscal year 2011 for procurement for
6 the Marine Corps in the amount of \$1,344,044,000.

7 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
8 are hereby authorized to be appropriated for fiscal year
9 2011 for procurement of ammunition for the Navy and
10 the Marine Corps in the amount of \$817,991,000.

11 **SEC. 103. AIR FORCE.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2011 for procurement for the Air Force as fol-
14 lows:

15 (1) For aircraft, \$15,366,508,000.

16 (2) For ammunition, \$667,420,000.

17 (3) For missiles, \$5,463,272,000.

18 (4) For other procurement, \$17,845,380,000.

19 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2011 for Defense-wide procurement in the
22 amount of \$4,280,368,000.

1 **SEC. 105. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
2 **FUND.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2011 for the Joint Improvised Explosive Device
5 Defeat Fund in the amount of \$215,868,000.

6 **SEC. 106. DEFENSE PRODUCTION ACT PURCHASES.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2011 for Defense Production Act purchases in
9 the amount of \$28,746,000.

10 **SEC. 107. MULTIYEAR PROCUREMENT AUTHORITY FOR MH-**
11 **60R/S MISSION AVIONICS AND COMMON**
12 **COCKPITS NAVY AIRCRAFT PROGRAM.**

13 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

14 (1) IN GENERAL.—Subject to section 2306b of
15 title 10, United States Code, the Secretary of the
16 Navy may enter into a multiyear contract, beginning
17 with the fiscal year 2012 program year, for the pro-
18 curement of MH–60R/S Mission Avionics and Com-
19 mon Cockpits.

20 (2) AVAILABILITY OF APPROPRIATIONS.—A
21 multiyear contract entered into under paragraph (1)
22 shall provide that any obligation of the United
23 States to make a payment under the contract is sub-
24 ject to the availability of appropriations for that pur-
25 pose.

1 (3) SUBMISSION OF WRITTEN CERTIFICATION
 2 BY SECRETARY OF DEFENSE.—For purposes of
 3 paragraph (1), the term “March 1 of the year in
 4 which the Secretary requests legislative authority to
 5 enter into such contract” in section 2306b(i)(1) of
 6 such title shall be deemed to be a reference to March
 7 1, 2011.

8 (b) AUTHORITY FOR ADVANCE PROCUREMENT.—The
 9 Secretary of the Navy may enter into one or more con-
 10 tracts, beginning in fiscal year 2011, for advance procure-
 11 ment of MH-60R/S Mission Avionics and Common Cock-
 12 pits for which authorization to enter into a multiyear pro-
 13 curement contract is granted under subsection (a).

14 **TITLE II—RESEARCH, DEVELOP-**
 15 **MENT, TEST, AND EVALUA-**
 16 **TION**

17 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

18 Funds are hereby authorized to be appropriated for
 19 fiscal year 2011 for the use of the Department of Defense
 20 for research, development, test, and evaluation as follows:

- 21 (1) For the Army, \$10,333,392,000.
 22 (2) For the Navy, \$17,693,496,000.
 23 (3) For the Air Force, \$27,247,302,000.
 24 (4) For Defense-wide activities,
 25 \$20,856,510,000, of which \$194,910,000 is author-

1 ized for the Director of Operational Test and Eval-
2 uation.

3 **SEC. 202. REPEAL OF PROHIBITION OF CERTAIN CON-**
4 **TRACTS BY MISSILE DEFENSE AGENCY WITH**
5 **FOREIGN ENTITIES.**

6 Section 222 of the National Defense Authorization
7 Act for Fiscal Years 1988 and 1989 (Public Law 100-
8 180; 10 U.S.C. 2431 note) is repealed.

9 **TITLE III—OPERATION AND**
10 **MAINTENANCE**
11 **Subtitle A—Authorization of**
12 **Appropriations**

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

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2011 for the use of the Armed Forces and other
16 activities and agencies of the Department of Defense for
17 expenses, not otherwise provided for, for operation and
18 maintenance in amounts as follows:

19 (1) For the Army, \$33,971,965,000.

20 (2) For the Navy, \$38,134,308,000.

21 (3) For the Marine Corps, \$5,590,340,000.

22 (4) For the Air Force, \$36,844,512,000.

23 (5) For Defense-wide activities,
24 \$30,583,896,000.

25 (6) For the Army Reserve, \$2,879,077,000.

- 1 (7) For the Navy Reserve, \$1,367,764,000.
- 2 (8) For the Marine Corps Reserve,
3 \$285,234,000.
- 4 (9) For the Air Force Reserve, \$3,301,035,000.
- 5 (10) For the Army National Guard,
6 \$6,572,704,000.
- 7 (11) For the Air National Guard,
8 \$5,941,143,000.
- 9 (12) For the United States Court of Appeals
10 for the Armed Forces, \$14,068,000.
- 11 (13) For the Acquisition Workforce Develop-
12 ment Fund, \$217,561,000.
- 13 (14) For Environmental Restoration, Army,
14 \$444,581,000.
- 15 (15) For Environmental Restoration, Navy,
16 \$304,867,000.
- 17 (16) For Environmental Restoration, Air Force,
18 \$502,653,000.
- 19 (17) For Environmental Restoration, Defense-
20 wide, \$10,744,000.
- 21 (18) For Environmental Restoration, Formerly
22 Used Defense Sites, \$276,546,000.
- 23 (19) For Overseas Humanitarian, Disaster, and
24 Civic Aid programs, \$108,032,000.

1 (20) For Cooperative Threat Reduction pro-
2 grams, \$522,512,000.

3 (21) For the Overseas Contingency Operations
4 Transfer Fund, \$5,000,000.

5 **Subtitle B—Environmental** 6 **Provisions**

7 **SEC. 311. PAYMENT TO ENVIRONMENTAL PROTECTION** 8 **AGENCY OF STIPULATED PENALTIES IN CON-** 9 **NECTION WITH NAVAL AIR STATION, BRUNS-** 10 **WICK, MAINE.**

11 (a) **AUTHORITY TO TRANSFER FUNDS.—**

12 (1) **TRANSFER AMOUNT.—**Using funds de-
13 scribed in subsection (b) and notwithstanding sec-
14 tion 2215 of title 10, United States Code, the Sec-
15 retary of Defense may transfer not more than
16 \$153,000 to the Hazardous Substance Superfund.

17 (2) **PURPOSE OF TRANSFER.—**The payment
18 under paragraph (1) is to satisfy a stipulated pen-
19 alty assessed by the Environmental Protection Agen-
20 cy on June 12, 2008, against Naval Air Station,
21 Brunswick, Maine, for the failure by the Navy to
22 timely sample certain monitoring wells pursuant to
23 a schedule included in a Federal Facility Agreement.

24 (3) **FEDERAL FACILITY AGREEMENT.—**The
25 stipulated penalty described in paragraph (2) is pro-

1 vided for in the Federal Facility Agreement entered
2 into by the Department of the Navy and the Envi-
3 ronmental Protection Agency for Naval Air Station,
4 Brunswick, on October 19, 1990.

5 (b) SOURCE OF FUNDS.—Any payment under sub-
6 section (a) shall be made using funds authorized to be ap-
7 propriated for fiscal year 2011 for the Department of De-
8 fense Base Closure Account 2005.

9 (c) USE OF FUNDS.—The Environmental Protection
10 Agency shall accept the amount transferred under sub-
11 section (a) as payment of the penalty described under
12 paragraph (2) of such subsection.

13 **SEC. 312. IMPROVED SIKES ACT COVERAGE OF STATE-**
14 **OWNED FACILITIES USED FOR THE NA-**
15 **TIONAL DEFENSE.**

16 (a) IMPROVEMENTS TO ACT.—The Sikes Act (16
17 U.S.C. 670 et seq.), is amended as follows:

18 (1) DEFINITION OF STATE-OWNED NATIONAL
19 GUARD INSTALLATION.—Section 100 (16 U.S.C.
20 670) is amended—

21 (A) by redesignating paragraphs (2) and
22 (3) as paragraphs (4) and (5), respectively; and

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

1 “(2) STATE.—The term ‘State’ means any of
2 the several States, the District of Columbia, the
3 Commonwealth of Puerto Rico, Guam, and the Vir-
4 gin Islands.

5 “(3) STATE-OWNED NATIONAL GUARD INSTAL-
6 LATION.—The term ‘State-owned National Guard
7 installation’ means land owned and operated by a
8 State when such land is used for training the Na-
9 tional Guard pursuant to chapter 5 of title 32,
10 United States Code, with funds provided by the Sec-
11 retary of Defense or the Secretary of a military de-
12 partment, even though such land is not under the
13 jurisdiction of the Department of Defense.”.

14 (2) FUNDING OF INTEGRATED NATURAL RE-
15 SOURCES MANAGEMENT PLANS.—Section 101 (16
16 U.S.C. 670a) is amended—

17 (A) in subsection (a)(1)(B)—

18 (i) by inserting “(i)” before “To facili-
19 tate”; and

20 (ii) by adding at the end the following
21 new clause:

22 “(ii) The Secretary of a military de-
23 partment may use appropriated funds to
24 develop and implement an integrated nat-
25 ural resources management plan for a

1 State-owned National Guard installation.
2 Such a plan shall be developed and imple-
3 mented in coordination with the chief execu-
4 tive officer of the State in which the
5 State-owned National Guard installation is
6 located. Such a plan shall be deemed, for
7 purposes of any other provision of law, to
8 be for lands or other geographical areas
9 owned or controlled by the Department of
10 Defense, or designated for its use.”;

11 (B) in subsection (a)(2), by inserting “or
12 State-owned National Guard installation” after
13 “military installation” both places it appears;

14 (C) in subsection (a)(3)—

15 (i) by striking “and” at the end of
16 subparagraph (B);

17 (ii) by striking the period at the end
18 of subparagraph (C) and inserting “; and”;
19 and

20 (iii) by adding at the end the fol-
21 lowing new subparagraph:

22 “(D) the conservation and rehabilitation of
23 natural resources on State-owned National
24 Guard installations and sustainable multipur-
25 pose use of those installations.”;

1 (D) by redesignating subsections (c)
2 through (g) as subsections (d) through (h), re-
3 spectively; and

4 (E) by inserting after subsection (b) the
5 following new subsection (c):

6 “(c) REQUIRED ELEMENTS OF PLANS FOR STATE-
7 OWNED NATIONAL GUARD INSTALLATIONS.—Each inte-
8 grated natural resources management plan for a State-
9 owned National Guard installation that is prepared under
10 subsection (a)(1)(B)(ii)—

11 “(1) shall, to the extent appropriate and appli-
12 cable, provide for—

13 “(A) fish and wildlife management, land
14 management, forest management, and fish and
15 wildlife oriented recreation;

16 “(B) fish and wildlife habitat enhancement
17 or modification;

18 “(C) wetland protection, enhancement, and
19 restoration where necessary for support of fish,
20 wildlife, or plants;

21 “(D) integration of, and consistency
22 among, the various activities conducted under
23 the plan;

1 “(E) establishment of specific natural re-
2 source management goals and objectives and
3 time frames of proposed action;

4 “(F) sustainable use by the public of nat-
5 ural resources to the extent that the use is not
6 inconsistent with the needs of fish and wildlife
7 resources;

8 “(G) public access to the State-owned Na-
9 tional Guard installation that is necessary or
10 appropriate for the use described in subpara-
11 graph (F), subject to requirements necessary to
12 ensure safety and military security;

13 “(H) enforcement of applicable natural re-
14 source laws (including regulations);

15 “(I) no net loss in the capability of State-
16 owned National Guard installation lands to sup-
17 port the military mission of the installation; and

18 “(J) such other activities as the Secretary
19 of a military department determines appro-
20 priate; and

21 “(2) must be reviewed as to operation and ef-
22 fect by the parties thereto on a regular basis, but
23 not less often than every 5 years.”.

24 (3) COOPERATIVE AGREEMENTS.—Section
25 103a(a) (16 U.S.C. 670c-1(a)) is amended—

1 (A) in paragraph (1), by striking “Depart-
2 ment of Defense installations” and inserting
3 “military installations and State-owned Na-
4 tional Guard installations”; and

5 (B) in paragraph (2), by striking “a De-
6 partment of Defense installation” and inserting
7 “a military installation or State-owned National
8 Guard installation”.

9 (b) SECTION AND SUBSECTION HEADINGS.—Such
10 Act is further amended as follows:

11 (1) Section 101 (16 U.S.C. 670a), as amended
12 by subsection (a)(2) of this section, is amended—

13 (A) by inserting at the beginning the fol-
14 lowing:

15 **“SEC. 101. COOPERATIVE PLAN FOR CONSERVATION AND**
16 **REHABILITATION.”;**

17 (B) by striking “SEC. 101.”;

18 (C) in subsection (d), as redesignated by
19 subsection (a)(2)(D) of this section, by insert-
20 ing “PROHIBITIONS ON SALE AND LEASE OF
21 LANDS UNLESS EFFECTS COMPATIBLE WITH
22 PLAN.—” after “(d)”;

23 (D) in subsection (e), as redesignated by
24 subsection (a)(2)(D) of this section, by insert-
25 ing “IMPLEMENTATION AND ENFORCEMENT OF

1 INTEGRATED NATURAL RESOURCES MANAGE-
2 MENT PLANS.—” after “(e)”; and

3 (E) in subsection (f), as redesignated by
4 subsection (a)(2)(D) of this section, by insert-
5 ing “APPLICABILITY OF OTHER LAWS.—” after
6 “(f)”;

7 (2) Section 102 (16 U.S.C. 670b) is amended—

8 (A) by inserting at the beginning the fol-
9 lowing:

10 **“SEC. 102. MIGRATORY GAME BIRDS; HUNTING PERMITS.”;**

11 (B) by striking “SEC. 102.” and inserting

12 “(a) INTEGRATED NATURAL RESOURCES MAN-
13 AGEMENT PLAN.—”; and

14 (C) by striking “agency:” and all that fol-
15 lows through “possession” and inserting “agen-
16 cy.

17 “(b) APPLICABILITY OF OTHER LAWS.—Possession”.

18 (3) Section 103a (16 U.S.C. 670c-1), as
19 amended by subsection (a)(3) of this section, is
20 amended—

21 (A) by inserting at the beginning the fol-
22 lowing:

1 **“SEC. 103A. COOPERATIVE AND INTERAGENCY AGREE-**
2 **MENTS FOR LAND MANAGEMENT ON INSTAL-**
3 **LATIONS.”;**

4 (B) by striking “SEC. 103a.”;

5 (C) in subsection (a), by inserting “AU-
6 THORITY OF SECRETARY OF MILITARY DE-
7 PARTMENT.—” after “(a)”;

8 (D) in subsection (c), by inserting “AVAIL-
9 ABILITY OF FUNDS; AGREEMENTS UNDER
10 OTHER LAWS.—” after “(c)”.

11 (4) Section 104 (16 U.S.C. 670d) is amended—

12 (A) by inserting at the beginning the fol-
13 lowing:

14 **“SEC. 104. LIABILITY FOR FUNDS; ACCOUNTING TO COMP-**
15 **TROLLER GENERAL.”;**

16 and

17 (B) by striking “SEC. 104.”.

18 (5) Section 105 (16 U.S.C. 670e) is amended—

19 (A) by inserting at the beginning the fol-
20 lowing:

21 **“SEC. 105. APPLICABILITY TO OTHER LAWS; NATIONAL**
22 **FOREST LANDS.”;**

23 and

24 (B) by striking “SEC. 105.”.

25 (6) Section 108 (16 U.S.C. 670f) is amended—

1 (A) by inserting at the beginning the fol-
2 lowing:

3 **“SEC. 108. APPROPRIATIONS AND EXPENDITURES.”;**

4 (B) by striking “SEC. 108.”;

5 (C) in subsection (a), by inserting “EX-
6 PENDITURES EXCLUSIVELY UNDER INTE-
7 GRATED NATURAL RESOURCES MANAGEMENT
8 PLANS; AVAILABILITY OF FUNDS UNTIL EX-
9 PENDED.—” after “(a)”;

10 (D) in subsection (b), by inserting “AU-
11 THORIZATION OF APPROPRIATIONS TO SEC-
12 RETARY OF DEFENSE.—” after “(b)”;

13 (E) in subsection (c), by inserting “AU-
14 THORIZATION OF APPROPRIATIONS TO SEC-
15 RETARY OF THE INTERIOR.—” after “(c)”;

16 (F) in subsection (d), by inserting “USE
17 OF OTHER CONSERVATION OR REHABILITA-
18 TION AUTHORITIES.—” after “(d)”.

19 (7) Section 201 (16 U.S.C. 670g) is amended—

20 (A) by inserting at the beginning the fol-
21 lowing:

1 **“SEC. 201. WILDLIFE, FISH, AND GAME CONSERVATION AND**
2 **REHABILITATION PROGRAMS; COOPERATION**
3 **BETWEEN SECRETARY OF INTERIOR, SEC-**
4 **RETARY OF AGRICULTURE, AND STATE AGEN-**
5 **CIES IN PLANNING, ETC., IN ACCORDANCE**
6 **WITH COMPREHENSIVE PLANS; SCOPE AND**
7 **IMPLEMENTATION OF PROGRAMS.”;**

8 (B) by striking “SEC. 201.”;

9 (C) in subsection (a), by inserting “CON-
10 SERVATION AND REHABILITATION PRO-
11 GRAMS.—” after “(a)”; and

12 (D) in subsection (b), by inserting “IMPLE-
13 MENTATION OF PROGRAMS.—” after “(b)”.

14 (8) Section 202 (16 U.S.C. 670h) is amended—

15 (A) by inserting at the beginning the fol-
16 lowing:

17 **“SEC. 202. COMPREHENSIVE PLANS FOR CONSERVATION**
18 **AND REHABILITATION PROGRAMS.”;**

19 (B) by striking “SEC. 202.”;

20 (C) in subsection (a), by inserting “DE-
21 VELOPMENT BY SECRETARY OF INTERIOR AND
22 SECRETARY OF AGRICULTURE; CONSULTATION
23 WITH STATE AGENCIES; PRIOR WRITTEN AP-
24 PROVAL OF CONCERNED FEDERAL AGEN-
25 CIES.—” after “(a)”;

1 (D) in subsection (b), by inserting “DE-
2 VELOPMENT CONSISTENT WITH OVERALL
3 LAND USE AND MANAGEMENT PLANS; HUNT-
4 ING, TRAPPING, AND FISHING AUTHORIZED IN
5 ACCORDANCE WITH APPLICABLE STATE LAWS
6 AND REGULATIONS.—” after “(b)”;

7 (E) in subsection (c), by inserting “COOP-
8 ERATIVE AGREEMENTS BY STATE AGENCIES
9 FOR IMPLEMENTATION OF PROGRAMS; MODI-
10 FICATION; CONTENTS; HUNTING, TRAPPING
11 AND FISHING AUTHORIZED IN ACCORDANCE
12 WITH APPLICABLE STATE LAWS AND REGULA-
13 TIONS; REGULATIONS.—” after “(c)”; and

14 (F) in subsection (d), by inserting “STATE
15 AGENCY AGREEMENTS NOT COOPERATIVE
16 AGREEMENTS UNDER OTHER PROVISIONS.—”
17 after “(d)”.

18 (9) Section 203 (16 U.S.C. 670i) is amended—

19 (A) by inserting at the beginning the fol-
20 lowing:

1 **“SEC. 203. PUBLIC LAND MANAGEMENT AREA STAMPS;**
 2 **AGREEMENT BETWEEN STATE AGENCIES**
 3 **AND SECRETARY OF INTERIOR AND SEC-**
 4 **RETARY OF AGRICULTURE REQUIRING**
 5 **STAMPS FOR HUNTING, TRAPPING, AND FISH-**
 6 **ING ON PUBLIC LANDS SUBJECT TO PRO-**
 7 **GRAMS; CONDITIONS OF AGREEMENT.”;**

8 and

9 (B) by striking “SEC. 203.”.

10 (10) Section 204 (16 U.S.C. 670j) is amend-
 11 ed—

12 (A) by inserting at the beginning the fol-
 13 lowing:

14 **“SEC. 204. ENFORCEMENT PROVISIONS.”;**

15 (B) by striking “SEC. 204.”;

16 (C) in subsection (a), by inserting “VIOLA-
 17 TIONS AND PENALTIES.—” after “(a)”;

18 (D) in subsection (b), by inserting “DES-
 19 IGNATION OF ENFORCEMENT PERSONNEL
 20 POWERS; ISSUANCE OF ARREST WARRANTS;
 21 TRIAL AND SENTENCING BY UNITED STATES
 22 MAGISTRATE JUDGES.—” after “(b)”;

23 (E) in subsection (c), by inserting “SEI-
 24 ZURE AND FORFEITURE OF EQUIPMENT AND
 25 VESSELS.—” after “(c)”;

1 (F) in subsection (d), by inserting “APPLI-
2 CABILITY OF CUSTOMS LAWS TO SEIZURES
3 AND FORFEITURES; EXCEPTIONS.—” after
4 “(d)”.

5 (11) Section 205 (16 U.S.C. 670k) is amend-
6 ed—

7 (A) by inserting at the beginning the fol-
8 lowing:

9 **“SEC. 205. DEFINITIONS.”;**

10 and

11 (B) by striking “SEC. 205.”.

12 (12) Section 206 (16 U.S.C. 670l) is amend-
13 ed—

14 (A) by inserting at the beginning the fol-
15 lowing:

16 **“SEC. 206. APPLICABILITY TO FOREST SERVICE AND BU-
17 REAU OF LAND MANAGEMENT LANDS OF
18 PUBLIC LAND MANAGEMENT AREA STAMP
19 REQUIREMENTS; AUTHORIZED FEES.”;**

20 and

21 (B) by striking “SEC. 206.”.

22 (13) Section 207 (16 U.S.C. 670m) is amend-
23 ed—

24 (A) by inserting at the beginning the fol-
25 lowing:

1 **“SEC. 207. INDIAN RIGHTS UNAFFECTED; STATE OR FED-**
2 **ERAL JURISDICTION REGULATING INDIAN**
3 **RIGHTS PRESERVED.”;**

4 and

5 (B) by striking “SEC. 207.”.

6 (14) Section 209 (16 U.S.C. 670o) is amend-
7 ed—

8 (A) by inserting at the beginning the fol-
9 lowing:

10 **“SEC. 209. AUTHORIZATION OF APPROPRIATIONS.”;**

11 (B) by striking “SEC. 209.”;

12 (C) in subsection (a), by inserting “FUNC-
13 TIONS AND RESPONSIBILITIES OF SECRETARY
14 OF THE INTERIOR.—” after “(a)”;

15 (D) in subsection (b), by inserting “FUNC-
16 TIONS AND RESPONSIBILITIES OF SECRETARY
17 OF AGRICULTURE.—” after “(b)”;

18 (E) in subsection (c), by inserting “USE
19 OF OTHER CONSERVATION OR REHABILITA-
20 TION AUTHORITIES.—” after “(c)”; and

21 (F) in subsection (d), by inserting “CON-
22 TRACT AUTHORITY RESPECTING PROPERTY,
23 SERVICES OR ASSISTANCE AFFECTING STATE
24 AGENCIES; APPROPRIATIONS REQUIRE-
25 MENT.—” after “(d)”.

1 (c) CODIFICATION OF CHANGE OF NAME.—Section
 2 204(b) of such Act (16 U.S.C. 670j), as amended by sub-
 3 section (b)(10) of this section, is amended by striking
 4 “magistrate” both places it appears and inserting “mag-
 5 istrate judge”.

6 (d) REPEAL OF OBSOLETE SECTION.—Section 208
 7 of such Act is repealed.

8 **Subtitle C—Workplace and Depot**
 9 **Issues**

10 **SEC. 321. PUBLIC-PRIVATE PARTNERSHIPS BETWEEN ARMY**
 11 **INDUSTRIAL FACILITIES AND PRIVATE ENTI-**
 12 **TIES.**

13 (a) EXPANDED AUTHORITY.—Section 4544 of title
 14 10, United States Code, is amended—

15 (1) in subsection (a), by striking the last sen-
 16 tence;

17 (2) in subsection (d)—

18 (A) in paragraph (1), by inserting
 19 “multiyear” after “fixed-price”;

20 (B) by striking paragraph (2); and

21 (C) by redesignating paragraphs (3), (4),
 22 and (5) as paragraphs (2), (3), and (4), respec-
 23 tively; and

24 (3) by striking subsection (k).

1 (b) EFFECTIVE DATE.—The amendments made by
 2 this section shall take effect on the earlier of the effective
 3 date of any regulations prescribed to implement those
 4 amendments or the date that is 90 days after the date
 5 of the enactment of this Act.

6 **Subtitle D—Other Matters**

7 **SEC. 331. REFINED PETROLEUM PRODUCTS, MARGINAL EX-** 8 **PENSE TRANSFER ACCOUNT.**

9 (a) IN GENERAL.—Chapter 131 of title 10, United
 10 States Code, is amended by inserting after section 2228
 11 the following new section:

12 **“§ 2228a. Refined petroleum products, marginal ex-** 13 **pense transfer account**

14 “(a) ACCOUNT.—There is established in the Treasury
 15 the ‘Refined Petroleum Products, Marginal Expense
 16 Transfer Account’ (‘Transfer Account’). During any fiscal
 17 year, amounts in the Transfer Account shall be available
 18 without further appropriation to pay the marginal costs
 19 needed to purchase up to the quantity of refined petroleum
 20 products specified in the fiscal year budget request for use
 21 by Department of Defense entities for such year.

22 “(b) CALCULATION OF MARGINAL COSTS.—Marginal
 23 costs shall be calculated as the difference between the ac-
 24 tual market prices paid by the Department of Defense for
 25 the refined petroleum products in a fiscal year and the

1 prices specified for the purchase of such products in the
2 President's budget for that year.

3 “(c) TRANSFER OF FUNDS.—(1) During the course
4 of any fiscal year, amounts sufficient to pay the marginal
5 costs under subsection (a) shall be transferred from the
6 Transfer Account to the Defense-Wide Working Capital
7 Fund.

8 “(2) To the extent that the price specified for the
9 purchase of refined petroleum products in the President's
10 budget submission for a fiscal year exceed the actual mar-
11 ket prices paid by the Department for such products pur-
12 chased in that year, the difference in price shall be trans-
13 ferred from the Defense-Wide Working Capital Fund to
14 the Transfer Fund and such amounts shall be cancelled.

15 “(3) The transfer of such additional amount needed,
16 amounts not needed through August, and an estimate for
17 September should be transferred before the end of the fis-
18 cal year, with a final accounting and transfer within 60
19 days after the end of the fiscal year.

20 “(4) The transfer authority provided by this section
21 is in addition to any other transfer authority available to
22 the Department of Defense.

23 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
24 is appropriated to the Transfer Account such sums as may
25 be necessary to carry out this section.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by inserting
 3 after the item relating to section 2228 the following new
 4 item:

“2228a. Refined petroleum products, marginal expense transfer account.”.

5 **SEC. 332. FOUR-YEAR EXTENSION OF AUTHORITY TO PRO-**
 6 **VIDE LOGISTICS SUPPORT AND SERVICES**
 7 **FOR WEAPONS SYSTEMS CONTRACTORS.**

8 Section 365(g)(1) of the Bob Stump National De-
 9 fense Authorization Act for Fiscal Year 2003 (Public Law
 10 107–314; 10 U.S.C. 2302 note) is amended by striking
 11 “September 30, 2010” and inserting “September 30,
 12 2014”.

13 **SEC. 333. PERMANENT AUTHORITY FOR REIMBURSEMENT**
 14 **OF EXPENSES FOR CERTAIN NAVY MESS OP-**
 15 **ERATIONS.**

16 Section 1014 of the Duncan Hunter National De-
 17 fense Authorization Act for Fiscal Year 2009 (Public Law
 18 110–417; 122 Stat. 4585) is amended—

19 (1) in subsection (a), by inserting “annually”
 20 after “may be used”;

21 (2) by striking subsection (b);

22 (3) by redesignating subsection (c) as sub-
 23 section (b); and

24 (4) in subsection (b), as redesignated by para-
 25 graph (3)—

1 (A) by striking “during which the author-
 2 ity to pay for meals under subsection (a) is in
 3 effect”; and

4 (B) by striking “such authority” and in-
 5 serting “the authority to pay for meals under
 6 subsection (a)”.

7 **SEC. 334. REVISION TO AUTHORITIES RELATING TO TRANS-**
 8 **PORTATION OF CIVILIAN PASSENGERS AND**
 9 **COMMERCIAL CARGOES BY DEPARTMENT OF**
 10 **DEFENSE WHEN SPACE UNAVAILABLE ON**
 11 **COMMERCIAL LINES.**

12 (a) TRANSPORTATION ON DoD VEHICLES AND AIR-
 13 CRAFT.—Subsection (a) of section 2649 of title 10, United
 14 States Code, is amended—

15 (1) By inserting “AUTHORITY.—” before
 16 “Whenever”; and

17 (2) by inserting “, vehicles, or aircraft” in the
 18 first sentence after “vessels” both places it appears.

19 (b) AMOUNTS CHARGED FOR TRANSPORTATION IN
 20 EMERGENCY, DISASTER, OR HUMANITARIAN RESPONSE
 21 CASES.—

22 (1) LIMITATION ON AMOUNTS CHARGED.—The
 23 second sentence of subsection (a) of such section is
 24 amended by inserting before the period the fol-
 25 lowing: “, except that in the case of transportation

1 provided in response to an emergency, a disaster, or
2 a request for humanitarian assistance, any amount
3 charged for such transportation may not exceed the
4 cost of providing the transportation”.

5 (2) CREDITING OF RECEIPTS.—Subsection (b)
6 of such section is amended by striking “Amounts”
7 and inserting “CREDITING OF RECEIPTS.—Any
8 amount received under this section with respect to
9 transportation provided in response to an emer-
10 gency, a disaster, or a request for humanitarian as-
11 sistance may be credited to the appropriation, fund,
12 or account used in incurring the obligation for which
13 such amount is received. In all other cases,
14 amounts”.

15 (c) TRANSPORTATION DURING CONTINGENCIES OR
16 DISASTER RESPONSES.—Such section is further amended
17 by adding at the end the following new subsection:

18 “(c) TRANSPORTATION OF ALLIED PERSONNEL
19 DURING CONTINGENCIES OR DISASTER RESPONSES.—
20 When space is available on vessels, vehicles, or aircraft op-
21 erated by the Department of Defense and the Secretary
22 of Defense determines that operations in the area of a con-
23 tingency operation or disaster response would be facili-
24 tated if allied forces or civilians were to be transported
25 using such vessels, vehicles, or aircraft, the Secretary may

1 provide such transportation on a noninterference basis,
2 without charge.”.

3 (d) CONFORMING AMENDMENT.—Section 2648 of
4 such title is amended by inserting “, vehicles, or aircraft”
5 after “vessels” in the matter preceding paragraph (1).

6 (e) TECHNICAL AMENDMENTS.—

7 (1) The heading of section 2648 of such title is
8 amended to read as follows:

9 **“§ 2648. Persons and supplies: sea, land, and air**
10 **transportation”.**

11 (2) The heading of section 2649 of such title is
12 amended to read as follows:

13 **“§ 2649. Civilian passengers and commercial cargoes:**
14 **transportation on Department of Defense**
15 **vessels, vehicles, and aircraft”.**

16 (f) CLERICAL AMENDMENTS.—The table of sections
17 at the beginning of chapter 157 of such title is amended
18 by striking the items relating to sections 2648 and 2649
19 and inserting the following new items:

“2648. Persons and supplies: sea, land, and air transportation.

“2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft.”.

20 **SEC. 335. PROCEEDS FROM ARMY POST LAUNDRY FACILI-**
21 **TIES.**

22 (a) AUTHORITY TO RETAIN RECEIPTS.—Chapter
23 437 of title 10, United States Code, is amended by adding
24 at the end the following new section:

1 **“§ 4596. Army post laundries: disposition of receipts**

2 “(a) USE OF PROCEEDS.—Money received for laun-
3 dry work performed by Army post laundries shall be used
4 to pay the cost of maintenance and operation of those
5 laundries. Any amount remaining at the end of the fiscal
6 year after the cost has been so paid shall be deposited
7 in the Treasury to the credit of the appropriation from
8 which the cost of operating the laundries is paid.

9 “(b) PUBLIC FUNDS.—The receipts and expenditures
10 of Army post laundries shall be accounted for as public
11 funds.”.

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

“4596. Army post laundries: disposition of receipts.”.

15 **TITLE IV—MILITARY**
16 **PERSONNEL AUTHORIZATIONS**
17 **Subtitle A—Active Forces**

18 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

19 The Armed Forces are authorized strengths for active
20 duty personnel as of September 30, 2011, as follows:

- 21 (1) The Army, 569,400.
22 (2) The Navy, 328,700.
23 (3) The Marine Corps, 202,100.
24 (4) The Air Force, 332,200.

1 **SEC. 402. REVISION TO PERMANENT END STRENGTH LEV-**
 2 **ELS FOR THE NAVY AND AIR FORCE.**

3 Section 691(b) of title 10, United States Code, is
 4 amended—

5 (1) in paragraph (2), by striking “328,800”
 6 and inserting “324,300”; and

7 (2) in paragraph (4), by striking “331,700”
 8 and inserting “332,200”.

9 **Subtitle B—Reserve Forces**

10 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

11 (a) IN GENERAL.—The Armed Forces are authorized
 12 strengths for Selected Reserve personnel of the reserve
 13 components as of September 30, 2011, as follows:

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

16 (2) The Army Reserve, 205,000.

17 (3) The Navy Reserve, 65,500.

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

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

21 (6) The Air Force Reserve, 71,200.

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

23 (b) END STRENGTH REDUCTIONS.—The end
 24 strengths prescribed by subsection (a) for the Selected Re-
 25 serve of any reserve component shall be proportionately
 26 reduced by—

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

5 (2) the total number of individual members not
6 in units organized to serve as units of the Selected
7 Reserve of such component who are on active duty
8 (other than for training or for unsatisfactory partici-
9 pation in training) without their consent at the end
10 of the fiscal year.

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

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

21 Within the end strengths prescribed in section
22 411(a), the reserve components of the Armed Forces are
23 authorized, as of September 30, 2011, the following num-
24 ber of Reserves to be serving on full-time active duty or
25 full-time duty, in the case of members of the National

1 Guard, for the purpose of organizing, administering, re-
2 cruiting, instructing, or training the reserve components:

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

5 (2) The Army Reserve, 16,261.

6 (3) The Navy Reserve, 10,688.

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

8 (5) The Air National Guard of the United
9 States, 14,584.

10 (6) The Air Force Reserve, 2,992.

11 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**

12 **(DUAL STATUS).**

13 The minimum number of military technicians (dual
14 status) as of the last day of fiscal year 2011 for the re-
15 serve components of the Army and the Air Force (notwith-
16 standing section 129 of title 10, United States Code) shall
17 be the following:

18 (1) For the Army Reserve, 8,537.

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

21 (3) For the Air Force Reserve, 10,720.

22 (4) For the Air National Guard of the United
23 States, 22,394.

1 **SEC. 414. FISCAL YEAR 2011 LIMITATION ON NUMBER OF**
2 **NON-DUAL STATUS TECHNICIANS.**

3 (a) LIMITATIONS.—

4 (1) NATIONAL GUARD.—Within the limitation
5 provided in section 10217(c)(2) of title 10, United
6 States Code, the number of non-dual status techni-
7 cians employed by the National Guard as of Sep-
8 tember 30, 2011, may not exceed the following:

9 (A) For the Army National Guard of the
10 United States, 2,520.

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

13 (2) ARMY RESERVE.—The number of non-dual
14 status technicians employed by the Army Reserve as
15 of September 30, 2011, may not exceed 453.

16 (3) AIR FORCE RESERVE.—The number of non-
17 dual status technicians employed by the Air Force
18 Reserve as of September 30, 2011, may not exceed
19 90.

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

1 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
2 **THORIZED TO BE ON ACTIVE DUTY FOR**
3 **OPERATIONAL SUPPORT.**

4 During fiscal year 2011, the maximum number of
5 members of the reserve components of the Armed Forces
6 who may be serving at any time on full-time operational
7 support duty under section 115(b) of title 10, United
8 States Code, is the following:

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

11 (2) The Army Reserve, 13,000.

12 (3) The Navy Reserve, 6,200.

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

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

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

17 **SEC. 416. NAVY RESERVE FLAG OFFICER ALLOCATION; RE-**
18 **MOVAL OF STATUTORY DISTRIBUTION LIM-**
19 **ITS.**

20 Section 12004(c) of title 10, United States Code, is
21 amended by striking paragraphs (2), (3), and (5).

1 **Subtitle C—Authorization of**
 2 **Appropriations**

3 **SEC. 421. MILITARY PERSONNEL.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
 5 hereby authorized to be appropriated for military per-
 6 sonnel for fiscal year 2011 a total of \$127,668,630,000.

7 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
 8 thorization of appropriations in subsection (a) supersedes
 9 any other authorization of appropriations (definite or in-
 10 definite) for such purpose for fiscal year 2011.

11 **TITLE V—MILITARY PERSONNEL**
 12 **AUTHORIZATIONS**

13 **Subtitle A—Officer Personnel**
 14 **Policy**

15 **SEC. 501. PROMOTION LIST REMOVAL ACTIONS.**

16 (a) ACTIVE-DUTY LIST.—Section 629 of title 10,
 17 United States Code, is amended—

18 (1) by redesignating subsection (d) as sub-
 19 section (e); and

20 (2) by inserting after subsection (c) the fol-
 21 lowing new subsection (d):

22 “(d) ADMINISTRATIVE REMOVAL.—If an officer on
 23 the active-duty list is discharged or dropped from the rolls,
 24 transferred to a retired status, or found to have been erro-
 25 neously included in a zone of consideration, after having

1 been recommended for promotion to a higher grade under
 2 this chapter, but before being promoted, the officer shall
 3 be administratively removed from the promotion list under
 4 regulations prescribed by the Secretary concerned.”.

5 (b) RESERVE ACTIVE-STATUS LIST.—Section 14310
 6 of such title is amended by adding at the end the following
 7 new subsection:

8 “(d) ADMINISTRATIVE REMOVAL.—If an officer on
 9 the reserve active-status list is discharged or dropped from
 10 the rolls, transferred to a retired status, or found to have
 11 been erroneously included in a zone of consideration, after
 12 having been recommended for promotion to a higher grade
 13 under this chapter or after having been found qualified
 14 for Federal recognition in the higher grade under title 32,
 15 but before being promoted, the officer shall be administra-
 16 tively removed from the promotion list under regulations
 17 prescribed by the Secretary concerned.”.

18 **SEC. 502. TECHNICAL REVISIONS TO DEFINITION OF**
 19 **“JOINT MATTERS” FOR PURPOSES OF JOINT**
 20 **OFFICER MANAGEMENT.**

21 Section 668(a) of title 10, United States Code, is
 22 amended—

23 (1) in paragraph (1)—

24 (A) by striking “multiple” and inserting
 25 “integrated”; and

1 (B) by striking “and” at the end of the
2 subparagraph (D) and inserting “or”; and

3 (2) in paragraph (2)—

4 (A) by striking “multiple” and inserting
5 “integrated”; and

6 (B) by striking “participants from” and all
7 that follows and inserting “participants from—

8 “(A) more than one military department;
9 or

10 “(B) a military department and one or
11 more of the following:

12 “(i) Other departments and agencies
13 of the United States.

14 “(ii) The military forces or agencies of
15 other countries.

16 “(iii) Non-governmental persons or
17 entities.”.

18 **SEC. 503. ELIGIBILITY OF OFFICERS TO SERVE ON BOARDS**
19 **OF INQUIRY FOR SEPARATION OF REGULAR**
20 **OFFICERS FOR SUBSTANDARD PERFORM-**
21 **ANCE AND OTHER REASONS.**

22 (a) ACTIVE DUTY.—Section 1187 of title 10, United
23 States Code, is amended—

24 (1) in subsection (a), by striking paragraphs

25 (2) and (3) and inserting the following:

1 “(2) Each member of the board shall be senior
2 in rank or grade to the officer being required to
3 show cause for retention on active duty and at least
4 one member of the board—

5 “(A) shall be in or above the grade of
6 major or lieutenant commander if the grade of
7 the officer being required to show cause for re-
8 tention on active duty, is below the grade of
9 major or lieutenant commander; or

10 “(B) shall be in a grade above lieutenant
11 colonel or commander if the grade of the officer
12 being required to show cause for retention on
13 active duty, is major or lieutenant commander
14 or above.”;

15 (2) in subsection (b), by striking “officer—”
16 and all that follows through the period at the end
17 and inserting “meets the grade requirements of sub-
18 section (a)(2).”; and

19 (3) by adding at the end the following new sub-
20 section:

21 “(e) REGULATIONS.—The Secretary of a military de-
22 partment may prescribe regulations limiting the eligibility
23 of officers to serve as board members to those otherwise
24 qualified officers who, in the opinion of the Secretary, are

1 suited for that duty by reason of age, education, training,
2 experience, length of service, and temperament.”.

3 (b) RESERVES.—Section 14906 of such title is
4 amended—

5 (1) in subsection (a), by striking paragraphs
6 (2) and (3) and inserting the following:

7 “(2) Each member of the board shall be senior
8 in rank or grade to the officer being required to
9 show cause for retention in an active status and at
10 least one member of the board—

11 “(A) shall be in or above the grade of
12 major or lieutenant commander if the grade of
13 the officer being required to show cause for re-
14 tention in an active status is below the grade of
15 major or lieutenant commander; or

16 “(B) shall be in a grade above lieutenant
17 colonel or commander if the grade of the officer
18 being required to show cause for retention in an
19 active status is major or lieutenant commander
20 or above.”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(c) REGULATIONS.—The Secretary of a military de-
24 partment may prescribe regulations limiting the eligibility
25 of officers to serve as board members to those otherwise

1 qualified officers who, in the opinion of the Secretary, are
2 suited for that duty by reason of age, education, training,
3 experience, length of service, and temperament.”.

4 **SEC. 504. TEMPORARY AUTHORITY TO REDUCE MINIMUM**
5 **LENGTH OF COMMISSIONED SERVICE RE-**
6 **QUIRED FOR VOLUNTARY RETIREMENT AS**
7 **AN OFFICER.**

8 (a) ARMY.—Section 3911(b)(2) of title 10, United
9 States Code, is amended by striking “January 6, 2006
10 and ending on December 31, 2008” and inserting “the
11 date of the enactment of the National Defense Authoriza-
12 tion Act for Fiscal Year 2011 and ending on September
13 30, 2013”.

14 (b) NAVY AND MARINE CORPS.—Section
15 6323(a)(2)(B) of such title is amended by striking “Janu-
16 ary 6, 2006 and ending on December 31, 2008” and in-
17 serting “the date of the enactment of the National De-
18 fense Authorization Act for Fiscal Year 2011 and ending
19 on September 30, 2013”.

20 (c) AIR FORCE.—Section 8911(b)(2) of such title is
21 amended by striking “January 6, 2006 and ending on De-
22 cember 31, 2008” and inserting “the date of the enact-
23 ment of the National Defense Authorization Act for Fiscal
24 Year 2011 and ending on September 30, 2013”.

1 **SEC. 505. CONTINUATION OF WARRANT OFFICERS ON AC-**
2 **TIVE DUTY TO COMPLETE DISCIPLINARY AC-**
3 **TION.**

4 (a) IN GENERAL.—Chapter 33A of title 10, United
5 States Code, is amended by inserting after section 580a
6 following new section:

7 **“§ 580b. Continuation of warrant officers on active**
8 **duty to complete disciplinary action**

9 “When any action has been commenced against a
10 warrant officer with a view to trying such officer by court-
11 martial and such warrant officer is to be separated or re-
12 tired in accordance with this chapter, the Secretary of the
13 military department concerned may delay the separation
14 or retirement of the officer, without prejudice to such ac-
15 tion, until the completion of the action.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of such chapter is amended by inserting
18 after the item relating to section 580a the following new
19 item:

“580b. Continuation of warrant officers on active duty to complete disciplinary
action.”.

1 **SEC. 506. AUTHORITY TO DESIGNATE CERTAIN INACTIVE**
2 **RESERVE OFFICERS AS NOT TO BE CONSID-**
3 **ERED FOR SELECTION FOR PROMOTION.**

4 Section 14301 of title 10, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(i) CERTAIN OFFICERS NOT TO BE CONSIDERED
8 FOR SELECTION FOR PROMOTION.—The Secretary con-
9 cerned may provide that an officer who is in an active sta-
10 tus but in a duty status in which the only points the officer
11 accrues under section 12732(a)(2) of this title are pursu-
12 ant to subparagraph (C)(i) of such section (relating to
13 membership in a reserve component) shall not be consid-
14 ered for selection for promotion at any time the officer
15 otherwise would be so considered. The officer may remain
16 on the reserve active-status list.”.

17 **SEC. 507. NONDISCLOSURE OF INFORMATION FROM DIS-**
18 **CUSSIONS, DELIBERATIONS, NOTES AND**
19 **RECORDS OF SPECIAL SELECTION BOARDS.**

20 (a) NONDISCLOSURE OF BOARD PROCEEDINGS.—
21 Section 613a of title 10, United States Code, is amend-
22 ed—

23 (1) in subsection (a), by striking “section 611”
24 and all that follows through “the board” and insert-
25 ing the following: “sections 573, 611, or 628 of this
26 title may not be disclosed to any person not a mem-

1 ber of the board except as authorized or required by
2 this title to process the board’s report. The prohibi-
3 tion in the preceding sentence is an exemption by
4 statute referred to in paragraph (3) of section
5 552(b) of title 5.”;

6 (2) in subsection (b) by striking “AND
7 RECORDS” and inserting “NOTES, AND RECORDS”;
8 and

9 (3) by adding at the end the following new sub-
10 section:

11 “(c) APPLICABILITY.—This section applies to all se-
12 lection boards convened under section 573, 611, or 628
13 of this title, regardless of the date on which the board
14 was convened.”.

15 (b) REPORTS OF BOARDS.—Section 628(c)(2) of
16 such title, is amended by striking “576(d) and 576(f)”
17 and inserting “576(d), 576(f), and 613a”.

18 (c) RESERVE BOARDS.—Section 14104 of such title,
19 is amended—

20 (1) in subsection (a), by striking “section
21 14101” and all that follows and inserting “sections
22 14101 or 14502 of this title may not be disclosed to
23 any person not a member of the board except as au-
24 thorized or required by this title to process the
25 board’s report.”;

1 (2) in subsection (b), by striking “AND
2 RECORDS” and inserting “NOTES, AND RECORDS”;
3 and

4 (3) by adding at the end the following new sub-
5 section:

6 “(c) APPLICABILITY.—This section applies to all se-
7 lection boards convened under section 14101 or sections
8 14502 of this title, regardless of the date on which the
9 board was convened.”.

10 **SEC. 508. CHANGES TO PROCESS INVOLVING PROMOTION**
11 **BOARDS FOR JOINT QUALIFIED OFFICERS**
12 **AND OFFICERS WITH JOINT STAFF EXPERI-**
13 **ENCE.**

14 (a) BOARD COMPOSITION.—Section 612(c) of title
15 10, United States Code, is amended—

16 (1) by striking “serving in, or have served in,
17 joint duty assignments” and inserting “officers who
18 are serving on, or have served on, the Joint Staff or
19 are joint qualified officers”;

20 (2) by striking “currently serving in a joint
21 duty assignment” and inserting “is a joint qualified
22 officer”; and

23 (3) by inserting before the period at the end the
24 following: “or in the case of a selection board that
25 is considering officers in specialties identified in

1 paragraph (2) or (3) of section 619a(b) of this
2 title”.

3 (b) INFORMATION FURNISHED TO SELECTION
4 BOARDS.—Section 615 of such title is amended by strik-
5 ing “in joint duty assignments of officers who are serving,
6 or have served, in such assignments” in subsections (b)(5)
7 and (c) and inserting “of officers who are serving on, or
8 have served on, the Joint Staff or are joint qualified offi-
9 cers”.

10 (c) ACTION ON REPORT OF SELECTION BOARDS.—
11 Section 618(b) of such title is amended—

12 (1) in paragraph (1), by striking “are serving,
13 or have served, in joint duty assignments” and in-
14 serting “are serving on, or have served on, the Joint
15 Staff or are joint qualified officers”;

16 (2) in paragraphs (2)(A) and (2)(B), by strik-
17 ing “in joint duty assignments of officers who are
18 serving, or have served, in such assignments” and
19 inserting “of officers who are serving on, or have
20 served on, the Joint Staff or are joint qualified offi-
21 cers”; and

22 (3) in paragraph (4), by striking “in joint duty
23 assignments” and inserting “who are serving on, or
24 have served on, the Joint Staff or are joint qualified
25 officers”.

1 **SEC. 509. AUTHORITY FOR APPOINTMENT OF WARRANT OF-**
2 **FICERS IN THE GRADE OF W-1 BY COMMIS-**
3 **SION AND STANDARDIZATION OF WARRANT**
4 **OFFICER APPOINTING AUTHORITY.**

5 (a) REGULAR OFFICERS.—

6 (1) AUTHORITY FOR APPOINTMENTS BY COM-
7 MISSION IN WARRANT OFFICER W-1 GRADE.—The
8 first sentence of section 571(b) of title 10, United
9 States Code, is amended by striking “by the Sec-
10 retary concerned” and inserting “, except that with
11 respect to an armed force under the jurisdiction of
12 the Secretary of a military department, the Sec-
13 retary concerned may provide by regulation that ap-
14 pointments in that grade in that armed force shall
15 be made by commission”.

16 (2) APPOINTING AUTHORITY.—The second sen-
17 tence of such section is amended by inserting before
18 the period at the end the following: “, and appoint-
19 ments in the grade of regular warrant officer, W-1
20 (whether by warrant or commission), shall be made
21 by the President, except that appointments in that
22 grade in the Coast Guard shall be made by the Sec-
23 retary concerned”.

24 (b) RESERVE OFFICERS.—Subsection (b) of section
25 12241 of such title is amended to read as follows:

1 “(b) Appointments in permanent reserve warrant of-
 2 ficer grades shall be made in the same manner as is pre-
 3 scribed for regular warrant officer grades by section
 4 571(b) of this title.”.

5 (c) **PRESIDENTIAL FUNCTIONS.**—Except as other-
 6 wise provided by the President by Executive order, the
 7 provisions of Executive Order 13384 (10 U.S.C. 531 note)
 8 relating to the functions of the President under the second
 9 sentence of section 571(b) of title 10, United States Code,
 10 shall apply in the same manner to the functions of the
 11 President under section 12241(b) of title 10, United
 12 States Code.

13 **Subtitle B—General Service**
 14 **Authorities**

15 **SEC. 511. AUTHORITY FOR ASSIGNMENT OF AIR FORCE RE-**
 16 **SERVE MILITARY TECHNICIANS (DUAL STA-**
 17 **TUS) TO POSITIONS OUTSIDE AIR FORCE RE-**
 18 **SERVE UNIT PROGRAM.**

19 Section 10216(d)(2) of title 10, United States Code,
 20 is amended by inserting “or by the Air Force Reserve in
 21 an area other than the Air Force Reserve unit program”
 22 before the period at the end.

1 **SEC. 512. AUTHORITY FOR SERVICE COMMITMENT FOR RE-**
 2 **SERVISTS WHO ACCEPT FELLOWSHIPS,**
 3 **SCHOLARSHIPS, OR GRANTS TO BE PER-**
 4 **FORMED IN THE SELECTED RESERVE.**

5 (a) IN GENERAL.—Section 2603(b) of title 10,
 6 United States Code, is amended by inserting “(or in the
 7 case of a member of the Selected Reserve, on active duty
 8 or in the Selected Reserve as specified in the agreement)”
 9 after “active duty”.

10 (b) EFFECTIVE DATE.—The amendment made by
 11 subsection (a) shall apply to agreements entered into
 12 under section 2603(b) of title 10, United States Code,
 13 after the date of the enactment of this Act.

14 **SEC. 513. ACTIVE DUTY OBLIGATION FOR GRADUATES OF**
 15 **THE MILITARY ACADEMIES PARTICIPATING**
 16 **IN THE HEALTH PROFESSIONS SCHOLARSHIP**
 17 **PROGRAM.**

18 (a) UNITED STATES MILITARY ACADEMY GRAD-
 19 UATES IN THE HEALTH PROFESSIONS SCHOLARSHIP
 20 PROGRAM.—Subsection (a) of section 4348 of title 10,
 21 United States Code, is amended by adding at the end the
 22 following new paragraph:

23 “(4) That if an appointment described in para-
 24 graph (2) or (3) is tendered and the cadet partici-
 25 pates in a program under section 2121 of this title,
 26 the cadet will fulfill any unserved obligation incurred

1 under this section on active duty, regardless of the
2 type of appointment held, upon completion of, and
3 in addition to, any service obligation incurred under
4 section 2123 of this title for participation in the
5 health care degree or training program.”.

6 (b) UNITED STATES NAVAL ACADEMY GRADUATES
7 IN THE HEALTH PROFESSIONS SCHOLARSHIP PRO-
8 GRAM.—Subsection (a) of section 6959 of title 10, United
9 States Code, is amended by adding at the end the fol-
10 lowing new paragraph:

11 “(4) That if an appointment described in para-
12 graph (2) or (3) is tendered and the midshipman
13 participates in a program under section 2121 of this
14 title, the midshipman will fulfill any unserved obliga-
15 tion incurred under this section on active duty, re-
16 gardless of the type of appointment held, upon com-
17 pletion of, and in addition to, any service obligation
18 incurred under section 2123 of this title for partici-
19 pation in the health care degree or training pro-
20 gram.”.

21 (c) UNITED STATES AIR FORCE ACADEMY GRAD-
22 UATES IN THE HEALTH PROFESSIONS SCHOLARSHIP
23 PROGRAM.—Subsection (a) of section 9348 of title 10,
24 United States Code, is amended by adding at the end the
25 following new paragraph:

1 “(4) That if an appointment described in para-
 2 graph (2) or (3) is tendered and the cadet partici-
 3 pates in a program under section 2121 of this title,
 4 the cadet will fulfill any unserved obligation incurred
 5 under this section on active duty, regardless of the
 6 type of appointment held, upon completion of, and
 7 in addition to, any service obligation incurred under
 8 section 2123 of this title for participation in the
 9 health care degree or training program.”.

10 **SEC. 514. AUTHORITY FOR DIRECT APPOINTMENT OF**
 11 **GRADUATES OF THE UNITED STATES MER-**
 12 **CHANT MARINE ACADEMY INTO THE NA-**
 13 **TIONAL GUARD.**

14 Section 305(a)(5) of title 32, United States Code, is
 15 amended by inserting “the United States Merchant Ma-
 16 rine Academy,” after “Air Force Academy,”.

17 **SEC. 515. WEAR OF MILITARY UNIFORM BY MILITARY**
 18 **TECHNICIANS (DUAL STATUS) WHILE PER-**
 19 **FORMING DUTIES AS A MILITARY TECHNI-**
 20 **CIAN (DUAL STATUS).**

21 Section 10216(a) of title 10, United States Code, is
 22 amended by adding at the end the following new para-
 23 graph:

24 “(4) Pursuant to regulations prescribed by the
 25 Secretary concerned, a military technician (dual sta-

1 tus) may be required to wear the military uniform
2 appropriate for the member's grade while per-
3 forming duties as a military technician (dual sta-
4 tus).”.

5 **SEC. 516. AUTHORITY FOR TEMPORARY EMPLOYMENT OF**
6 **NON-DUAL STATUS MILITARY TECHNICIANS.**

7 Section 10217 of title 10, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) by striking the period at the end of
11 paragraph (2) and inserting “; or”; and

12 (B) by adding at the end the following new
13 paragraph:

14 “(3) was hired as a temporary employee for a
15 period not to exceed two years to fill a vacancy cre-
16 ated by the mobilization of a military technician
17 (dual status) occupying a position under section
18 10216 of this title and the length of the temporary
19 employment may not exceed the period of mobiliza-
20 tion of the military technician (dual status) whose
21 vacancy is being filled by the temporary employee.”;
22 and

23 (2) by adding at the end the following new sub-
24 section:

1 “(d) EXCEPTION FOR TEMPORARY EMPLOYMENT.—
 2 (1) Notwithstanding section 10218 of this title, the Sec-
 3 retary of the Army or the Secretary of the Air Force may
 4 employ, for a period not to exceed two years, an individual
 5 to serve as a military technician (non-dual) status if the
 6 individual is placed in a position that was occupied by a
 7 military technician who is unable temporarily to perform
 8 the function of the position because of a contingency oper-
 9 ation or as determined by the Secretary.

10 “(2) An individual employed as a military technician
 11 (non-dual status) under paragraph (a) shall not be consid-
 12 ered a non-dual status technician for the purposes of sub-
 13 section (c).”.

14 **Subtitle C—Education and** 15 **Training**

16 **SEC. 521. REPAYMENT OF EDUCATION LOAN REPAYMENT** 17 **BENEFITS.**

18 (a) ENLISTED MEMBERS ON ACTIVE DUTY IN SPECI-
 19 FIED MILITARY SPECIALTIES.—Section 2171 of title 10,
 20 United States Code, is amended by adding at the end the
 21 following new subsections:

22 “(g) Except a person described in subsection (e) who
 23 transfers to service making the person eligible for repay-
 24 ment of loans under section 16301 of this title, a member
 25 of the armed forces who fails to complete the period of

1 service required to qualify for loan repayment under this
2 section shall be subject to the repayment provisions of sec-
3 tion 303a(e) of title 37.

4 “(h) The Secretary of Defense may prescribe, by reg-
5 ulations, procedures for implementing this section, includ-
6 ing standards for qualified loans and authorized payees
7 and other terms and conditions for making loan repay-
8 ments. Such regulations may include exceptions that
9 would allow for the payment as a lump sum of any loan
10 repayment due to a member under a written agreement
11 that existed at the time of a member’s death or dis-
12 ability.”.

13 (b) MEMBERS OF SELECTED RESERVE.—Section
14 16301 of such title is amended by adding at the end the
15 following new subsections:

16 “(h) Except a person described in subsection (e) who
17 transfers to service making the person eligible for repay-
18 ment of loans under section 2171 of this title, a member
19 of the armed forces who fails to complete the period of
20 service required to qualify for loan repayment under this
21 section shall be subject to the repayment provisions of sec-
22 tion 303a(e) of title 37.

23 “(i) The Secretary of Defense may prescribe, by regu-
24 lations, procedures for implementing this section, includ-
25 ing standards for qualified loans and authorized payees

1 and other terms and conditions for making loan repay-
2 ments. Such regulations may include exceptions that
3 would allow for the payment as a lump sum of any loan
4 repayment due to a member under a written agreement
5 that existed at the time of a member's death or dis-
6 ability.”.

7 **SEC. 522. PARTICIPATION OF HEALTH PROFESSIONS**
8 **SCHOLARSHIP RECIPIENTS IN ACTIVE DUTY**
9 **HEALTH PROFESSION LOAN REPAYMENT**
10 **PROGRAM.**

11 Section 2173(c) of title 10, United States Code, is
12 amended by adding at the end the following new para-
13 graph:

14 “(4) The person is enrolled in the Armed
15 Forces Health Professions Scholarship and Finan-
16 cial Assistance Program under subchapter I of chap-
17 ter 105 of this title for a number of years less than
18 is required to complete the normal length of the
19 course of study required for the specific health pro-
20 fession.”.

21 **SEC. 523. ADJUST SOLOMON AMENDMENT FEDERAL REG-**
22 **ISTER REPORTING REQUIREMENT.**

23 Section 983 of title 10, United States Code, is
24 amended by striking subsection (f).

1 **SEC. 524. INCREASE IN NUMBER OF PRIVATE SECTOR CI-**
 2 **VILIANS AUTHORIZED FOR ADMISSION TO**
 3 **NATIONAL DEFENSE UNIVERSITY.**

4 Section 2167(a) of title 10, United States Code, is
 5 amended by striking “20 full-time student positions” and
 6 inserting “35 full-time student positions”.

7 **SEC. 525. AUTHORITY FOR PERMANENT PROFESSORS AT**
 8 **THE UNITED STATES AIR FORCE ACADEMY**
 9 **TO HOLD COMMAND POSITIONS WHILE ON**
 10 **PERIODS OF SABBATICAL.**

11 Section 9334(b) of title 10, United States Code, is
 12 amended by adding at the end the following new sentence:
 13 “However, a permanent professor who is on an operational
 14 tour or sabbatical duty away from the Academy may, if
 15 so authorized by the Secretary of the Air Force, exercise
 16 command of units to which assigned while on such duty.”.

17 **SEC. 526. MODIFICATION OF JUNIOR RESERVE OFFICERS’**
 18 **TRAINING CORPS MINIMUM UNIT STRENGTH.**

19 Section 2031 of title 10, United States Code, is
 20 amended—

21 (1) in subsection (b)(1)—

22 (A) by striking “10 percent” and all that
 23 follows through “8th grade” and inserting “75,
 24 when total institutional enrollment does not ex-
 25 ceed 1,000”; and

1 (B) by striking “whichever is less” and in-
2 serting “if the total institutional enrollment is
3 1,000 or greater”;

4 (2) by redesignating subsections (e) through (f)
5 as subsections (d) through (g), respectively; and

6 (3) by inserting after subsection (b) the fol-
7 lowing new subsection (c):

8 “(c) The Secretary concerned may waive the min-
9 imum enrollment requirement in subsection (b)(1) if the
10 Secretary determines that such a waiver is in the best in-
11 terests of the service or is necessary to provide a fair and
12 equitable geographic distribution of units.”.

13 **SEC. 527. INCREASE MAXIMUM AGE FOR PROSPECTIVE RE-**
14 **SERVE OFFICER TRAINING CORPS SCHOLAR-**
15 **SHIP RECIPIENTS.**

16 (a) **ELIGIBILITY FOR FINANCIAL ASSISTANCE.**—Sub-
17 section (a) of section 2107 of title 10, United States Code,
18 is amended by striking “31 years” and inserting “35
19 years”.

20 (b) **ELIGIBILITY FOR MEMBERS OF ARMY RESERVE**
21 **AND ARMY NATIONAL GUARD.**—Subsection (a)(1) of sec-
22 tion 2107a of such title is amended by striking “31 years”
23 and inserting “35 years”.

1 **SEC. 528. PAYMENT FOR SUPPLEMENTAL EDUCATIONAL**
2 **ASSISTANCE UNDER POST-9/11 EDUCATIONAL**
3 **ASSISTANCE PROGRAM FROM DEPARTMENT**
4 **OF DEFENSE EDUCATION BENEFITS FUND.**

5 (a) PAYMENT FROM DoD EDUCATION BENEFITS
6 FUND.—Section 3324(b) of title 38, United States Code,
7 is amended—

8 (1) by striking “(b) COSTS.—Payments” and
9 inserting the following:

10 “(b) COSTS.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), payments”;

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

15 “(2) SUPPLEMENTAL EDUCATIONAL ASSIST-
16 ANCE.—Payments for supplemental educational as-
17 sistance under section 3316 shall be made from the
18 Department of Defense Education Benefits Fund es-
19 tablished under section 2006 of title 10 or from ap-
20 propriations available to the Department of Home-
21 land Security for that purpose, as applicable.”.

22 (b) DEPARTMENT OF DEFENSE FUNDING OF ASSIST-
23 ANCE.—Section 2006(b) of title 10, United States Code,
24 is amended—

25 (1) in paragraph (1), by striking “chapter 30”
26 and inserting “chapters 30 and 33”; and

1 (2) in paragraph (2)—

2 (A) in subparagraph (A), by inserting “or
3 3316(a)” after “3015(d)”; and

4 (B) in subparagraph (B)—

5 (i) by inserting “or section 3316(b)”
6 after “chapter 30” in the matter preceding
7 clause (i);

8 (ii) by striking “or” at the end of
9 clause (i);

10 (iii) by striking the period at the end
11 of clause (ii) and inserting “; or”; and

12 (iv) by adding at the end the following
13 new clause:

14 “(iii) enter a period of service that
15 will establish entitlement to such edu-
16 cational assistance under section
17 3316(b)(2) of such title, in the case of per-
18 sons eligible for educational assistance
19 under chapter 33 of such title.”.

1 **Subtitle D—Military Justice and**
2 **Legal Matters**

3 **SEC. 531. ENHANCED AUTHORITY TO PUNISH CONTEMPT IN**
4 **MILITARY JUSTICE PROCEEDINGS.**

5 (a) IN GENERAL.—The text of section 848 of title
6 10, United States Code (article 48 of the Uniform Code
7 of Military Justice), is amended to read as follows:

8 “(a) AUTHORITY TO PUNISH CONTEMPT.—A mili-
9 tary judge detailed to any court-martial, a Court of In-
10 quiry, the Court of Appeals for the Armed Forces, a mili-
11 tary Court of Criminal Appeals, a provost court, or mili-
12 tary commission may punish for contempt any person
13 who—

14 “(1) uses any menacing word, sign, or gesture
15 in its presence;

16 “(2) disturbs its proceedings by any riot or dis-
17 order; or

18 “(3) willfully disobeys the lawful writ, process,
19 order, rule, decree, or command of same.

20 “(b) PUNISHMENT.—The punishment for contempt
21 under subsection (a) may not exceed confinement for 30
22 days or a fine of \$1,000, or both.

23 “(c) INAPPLICABILITY TO MILITARY COMMISSIONS
24 UNDER CHAPTER 47A.—This section does not apply to

1 a military commission established under chapter 47A of
2 this title.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 this section shall apply with respect to acts of contempt
5 described in section 848(a) of title 10, United States Code
6 (article 48(a) of the Uniform Code of Military Justice),
7 as amended by subsection (a), that are committed after
8 the date of the enactment of this Act.

9 **SEC. 532. AUTHORITY TO COMPEL PRODUCTION OF DOCU-**
10 **MENTARY EVIDENCE PRIOR TO TRIAL IN**
11 **MILITARY JUSTICE CASES.**

12 (a) **SUBPOENA DUCES TECUM.**—Section 847 of title
13 10, United States Code (article 47 of the Uniform Code
14 of Military Justice), is amended—

15 (1) in subsection (a)(1), by striking “board;”
16 and inserting “board or has been duly issued a sub-
17 poena duces tecum for an investigation, including an
18 investigation pursuant to section 832(b) of this title
19 (article 32(b)); and”; and

20 (2) in subsection (c), by striking “or board,”
21 and inserting “board, trial counsel, or convening au-
22 thority,”.

23 (b) **REPEAL OF OBSOLETE PROVISIONS RELATING**
24 **TO FEES AND MILEAGE PAYABLE TO WITNESSES.**—Such
25 section is further amended—

1 (1) in subsection (a)—

2 (A) by striking paragraph (2); and

3 (B) by redesignating paragraph (3) as
4 paragraph (2); and

5 (2) by striking subsection (d).

6 (c) TECHNICAL AMENDMENTS.—Subsection (a) of
7 such section is further amended by striking “subpenaed”
8 in paragraphs (1) and (2) (as redesignated by subsection
9 (b)(1)(B)) and inserting “subpoenaed”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 subsection (a) shall apply with respect to subpoenas issued
12 after the date of the enactment of this Act.

13 **Subtitle E—Decorations and** 14 **Awards**

15 **SEC. 541. AUTHORITY FOR AWARD OF BRONZE STAR** 16 **MEDAL TO MEMBERS OF MILITARY FORCES** 17 **OF FRIENDLY FOREIGN NATIONS.**

18 (a) AUTHORITY.—Section 1133 of title 10, United
19 States Code, is amended—

20 (1) by striking “awarded to a member” and in-
21 serting “awarded to—

22 “(1) a member”;

23 (2) by striking the period at the end and insert-
24 ing “; or”; and

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

3 “(2) a member of the military forces of a
4 friendly foreign nation whose action leading to a rec-
5 ommendation for award of the Bronze Star occurred
6 in a geographic area for which members of the
7 armed forces are authorized special pay under sec-
8 tion 310 of title 37.”.

9 (b) CLERICAL AMENDMENTS.—

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

12 **“§ 1133. Bronze Star: limitation to members receiving**
13 **imminent danger pay and members of**
14 **military services of friendly foreign na-**
15 **tions in imminent-danger-pay areas”.**

16 (2) TABLE OF SECTIONS.—The item relating to
17 such section in the table of sections at the beginning
18 of chapter 57 of such title is amended to read as fol-
19 lows:

“1133. Bronze Star: limitation to members receiving imminent danger pay and
members of military services of friendly foreign nations in im-
minent-danger-pay areas.”.

20 (c) EFFECTIVE DATE.—Paragraph (2) of section
21 1133 of title 10, United States Code, as added by sub-
22 section (a)(2), shall take effect as of October 30, 2000.

1 **Subtitle F—Military Family**
2 **Readiness Matters**

3 **SEC. 551. ADDITIONAL MEMBER OF DEPARTMENT OF DE-**
4 **FENSE MILITARY FAMILY READINESS COUN-**
5 **CIL.**

6 (a) ADDITION OF THE SPOUSE OF A GENERAL OR
7 ADMIRAL.—Paragraph (1) of section 1781a(b) of title 10,
8 United States Code, is amended by inserting before the
9 period at the end of subparagraph (D) the following: “and
10 in addition one individual appointed by the Secretary who
11 is the spouse of an officer serving in the grade of general
12 or admiral”.

13 (b) TECHNICAL AMENDMENT.—Subparagraph (E) of
14 such paragraph is amended by striking “the senior” and
15 all that follows through “member” and inserting “the sen-
16 ior enlisted advisor, or the spouse of a senior enlisted
17 member,”.

18 **SEC. 552. REPEAL AUTOMATIC ENROLLMENT IN FAMILY**
19 **SERVICEMEMBERS’ GROUP LIFE INSURANCE**
20 **FOR MILITARY MEMBERS WHO ARE MARRIED**
21 **TO OTHER MILITARY MEMBERS.**

22 Section 1967(a)(1) of title 38, United States Code,
23 is amended—

24 (1) in subparagraph (A)(ii), by inserting “other
25 than a dependent who is also a member of a uni-

1 formed service and, because of such membership,
2 automatically insured under this paragraph” after
3 “insurable dependent of the member”; and

4 (2) in subparagraph (C)(ii), by inserting “other
5 than a dependent who is also a member of a uni-
6 formed service and, because of such membership,
7 automatically insured under this paragraph” after
8 “insurable dependent of the member”.

9 **SEC. 553. REVISED STRUCTURE AND FUNCTIONS OF THE**
10 **RESERVE FORCES POLICY BOARD.**

11 (a) IN GENERAL.—Section 10301 of title 10, United
12 States Code, is amended to read as follows:

13 **“§ 10301. Reserve Forces Policy Board**

14 “(a) FUNCTIONS.—As provided in section 175 of this
15 title, there is in the Office of the Secretary of Defense
16 a Reserve Forces Policy Board. The Board shall serve as
17 an independent adviser to the Secretary of Defense to pro-
18 vide advice and recommendations to the Secretary on
19 strategies, policies, and practices designed to improve and
20 enhance the capabilities, efficiency, and effectiveness of
21 the National Guard and reserve components. The Board
22 shall report directly to the Secretary to provide inde-
23 pendent advice and recommendations to the Secretary on
24 matters relating to the National Guard and reserve com-
25 ponents.

1 “(b) MEMBERSHIP.—The Board consists of 20 mem-
2 bers, appointed or designated as follows:

3 “(1) A civilian chairman appointed by the Sec-
4 retary of Defense, who shall be a person who the
5 Secretary determines has the knowledge of, and ex-
6 perience in, policy matters relevant to national secu-
7 rity and National Guard and reserve component
8 matters required to carry out the duties of chair-
9 man.

10 “(2) Two reserve general officers designated by
11 the Secretary of Defense upon the recommendation
12 of the Secretary of the Army, one of whom shall be
13 a member of the Army National Guard of the
14 United States and one of whom shall be a member
15 of the Army Reserve.

16 “(3) Two reserve officers designated by the Sec-
17 retary of Defense upon the recommendation of the
18 Secretary of the Navy, one of whom shall be a Navy
19 Reserve flag officer and one of whom shall be a Ma-
20 rine Corps Reserve general officer.

21 “(4) Two reserve general officers designated by
22 the Secretary of Defense upon the recommendation
23 of the Secretary of the Air Force, one of whom shall
24 be a member of the Air National Guard of the

1 United States and one of whom shall be a member
2 of the Air Force Reserve.

3 “(5) One Coast Guard flag officer designated
4 by the Secretary of Homeland Security when the
5 Coast Guard is not operating as a service within the
6 Department of the Navy, or designated by the Sec-
7 retary of Defense, upon the recommendation of the
8 Secretary of the Navy, when the Coast Guard is op-
9 erating as a service in the Navy under section 3 of
10 title 14.

11 “(6) Ten persons appointed or designated by
12 the Secretary of Defense, each of whom shall be a
13 United States citizen and have significant knowledge
14 of and experience in policy matters relevant to na-
15 tional security and National Guard and reserve com-
16 ponent matters and shall be one of the following:

17 “(A) An individual not employed in any
18 Federal or State department or agency.

19 “(B) An individual employed by a Federal
20 or State department or agency.

21 “(C) An officer of a regular component on
22 active duty, or an officer of a reserve compo-
23 nent in an active status, who has served or is
24 serving in a senior position on the Joint Staff,

1 a combatant command headquarters staff, or a
2 service headquarters staff.

3 “(7) A reserve officer of the Army, Navy, Air
4 Force, or Marine Corps who is a general or flag offi-
5 cer recommended by the chairman and designated by
6 the Secretary of Defense, who shall serve without
7 vote—

8 “(A) as military adviser to the chairman;

9 “(B) as military executive officer of the
10 Board; and

11 “(C) as supervisor of the Board operations
12 and staff.

13 “(8) A senior enlisted member of a reserve com-
14 ponent recommended by the chairman and appointed
15 by the Secretary of Defense, who shall serve without
16 vote as enlisted military adviser to the chairman.

17 “(c) INDEPENDENT ADVICE.—In the case of a mem-
18 ber of the Board who is an officer or employee of the De-
19 partment of Defense or a member of the armed forces,
20 the advice provided in that member’s capacity as a mem-
21 ber of the Board shall be rendered independently of the
22 Board member’s other duties as an officer or employee
23 of the Department of Defense or member of the armed
24 forces.

1 “(d) MATTERS TO BE ACTED ON.—The Board shall
2 act on those matters referred to it by the chairman and
3 on any matter raised by a member of the Board.

4 “(e) STAFF.—The Board shall be supported by a
5 staff consisting of one full-time officer from each of the
6 reserve components listed in paragraphs (1) through (6)
7 of section 10101 of this title who holds the grade of colo-
8 nel, or in the case of the Navy the grade of captain, or
9 who has been selected for promotion to that grade. These
10 officers shall also serve as liaisons between their respective
11 components and the Board. They shall perform their staff
12 and liaison duties under the supervision of the Military
13 Executive in an independent manner reflecting the inde-
14 pendent nature of the Board.

15 “(f) RELATIONSHIP TO SERVICE RESERVE POLICY
16 COMMITTEES AND BOARDS.—This section does not affect
17 the committees and boards prescribed within the military
18 departments by sections 10302 through 10305 of this
19 title, and a member of such a committee or board may,
20 if otherwise eligible, be a member of the Reserve Forces
21 Policy Board.

22 “(g) INAPPLICABILITY OF FEDERAL ADVISORY COM-
23 MITTEE ACT.—The Federal Advisory Committee Act (5
24 U.S.C. App.) shall not apply to the Board.

1 “(h) EMPLOYEE STATUS AND COMPENSATION.—(1)
2 A member of the Board appointed under paragraph (1)
3 or (6) of subsection (b) who is not, by reason of service
4 other than service with the Board, an employee of the Fed-
5 eral Government or a member of the armed forces shall
6 not be considered a Federal Government employee by rea-
7 son of service on the Board except for the purposes of
8 the following provisions of law:

9 “(A) Chapter 57 of title 5, relating to travel
10 and transportation.

11 “(B) Chapter 81 of title 5, relating to com-
12 pensation for work-related injuries.

13 “(C) Chapter 171 of title 28 and any other
14 Federal statute relating to tort liability.

15 “(D) Chapter 73 of title 5, sections 201, 202,
16 203, 205, 207, 208, and 209 of title 18, and the
17 Ethics in Government Act of 1978 (5 U.S.C. App.),
18 relating to employee conduct, ethics, conflict of in-
19 terest, and corruption.

20 “(E) If the individual receives compensation
21 under paragraph (2), applicable provisions of sub-
22 chapters II and VIII of chapter 55 of title 5 (relat-
23 ing to pay withholdings and settlement of accounts),
24 section 459 of the Social Security Act (42 U.S.C.
25 659) (relating to garnishment for child support and

1 alimony), and general employment laws that apply to
2 the compensation of both Federal and non-Federal
3 employees, such as the Federal Insurance Contribu-
4 tions Act.

5 “(2) A member of the Board described in para-
6 graph (1) shall serve without compensation unless
7 the Secretary of Defense approves payment of a rate
8 of pay, subject to the limitation in section 5373 of
9 title 5.”.

10 (b) BOARD MEMBERSHIP TRANSITION PROVISION.—

11 The members of the Reserve Forces Policy Board as of
12 the date of the enactment of this Act shall continue to
13 serve on the Board in accordance with their respective
14 terms of service as of such date, and except to ensure that
15 the positions of chairman and military executive of the
16 Board continue to be filled, and to ensure that the reserve
17 components listed in paragraphs (1) through (7) of section
18 10101 of title 10, United States Code, continue to have
19 representation, no appointment or designation of a mem-
20 ber of the Board may be made after such date until the
21 number of voting members of the Board is fewer than 18.
22 Once the number of voting members is fewer than 18, va-
23 cancies in the Board membership shall be filled in accord-
24 ance with section 10301 of title 10, United States Code,
25 as amended by subsection (a).

1 (c) REVISION TO ANNUAL REPORT REQUIREMENT.—
 2 Section 113(c)(2) of title 10, United States Code, is
 3 amended by striking “the reserve programs of the Depart-
 4 ment of Defense and on any other matters” and inserting
 5 “on any National Guard and reserve component matter”.

6 **TITLE VI—COMPENSATION AND**
 7 **OTHER PERSONNEL BENEFITS**
 8 **Subtitle A—Pay and Allowances**

9 **SEC. 601. REPEAL OF MANDATORY HIGH-DEPLOYMENT AL-**
 10 **LOWANCE.**

11 (a) REPEAL OF AUTHORITY FOR PAYMENT OF HIGH-
 12 DEPLOYMENT ALLOWANCE.—

13 (1) IN GENERAL.—Section 436 of title 37,
 14 United States Code, is repealed.

15 (2) CLERICAL AMENDMENT.—The table of sec-
 16 tions at the beginning of chapter 7 of such title is
 17 amended by striking the item relating to section
 18 436.

19 (b) REPEAL OF REQUIREMENTS RELATING TO MAN-
 20 AGEMENT OF DEPLOYMENT OF MEMBERS.—

21 (1) IN GENERAL.—Section 991 of title 10,
 22 United States Code, is repealed.

23 (2) CLERICAL AMENDMENT.—The table of sec-
 24 tions at the beginning of chapter 50 of such title is

1 amended by striking the item relating to section
2 991.

3 **SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEM-**
4 **BER COUPLES WHEN ONE IS ON SEA DUTY.**

5 (a) IN GENERAL.—Subparagraph (C) of section
6 403(f)(2) of title 37, United States Code, is amended to
7 read as follows:

8 “(C) Notwithstanding section 421 of this
9 title, a member of a uniformed service in a pay
10 grade below pay grade E–6 who is assigned to
11 sea duty and is married to another member of
12 a uniformed service is entitled to a basic allow-
13 ance for housing subject to the limitations of
14 subsection (e).”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall take effect on January 1, 2011.

17 **Subtitle B—Bonuses and Special**
18 **and Incentive Pays**

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

22 The following sections of title 37, United States
23 Code, are amended by striking “December 31, 2010” and
24 inserting “December 31, 2011”:

1 (1) Section 308b(g), relating to Selected Re-
2 serve reenlistment bonus.

3 (2) Section 308e(i), relating to Selected Reserve
4 affiliation or enlistment bonus.

5 (3) Section 308d(c), relating to special pay for
6 enlisted members assigned to certain high-priority
7 units.

8 (4) Section 308g(f)(2), relating to Ready Re-
9 serve enlistment bonus for persons without prior
10 service.

11 (5) Section 308h(e), relating to Ready Reserve
12 enlistment and reenlistment bonus for persons with
13 prior service.

14 (6) Section 308i(f), relating to Selected Reserve
15 enlistment and reenlistment bonus for persons with
16 prior service.

17 (7) Section 910(g), relating to income replace-
18 ment payments for reserve component members ex-
19 periencing extended and frequent mobilization for
20 active duty service.

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

24 (a) TITLE 10 AUTHORITIES.—The following sections
25 of title 10, United States Code, are amended by striking

1 “December 31, 2010” and inserting “December 31,
2 2011”:

3 (1) Section 2130a(a)(1), relating to nurse offi-
4 cer candidate accession program.

5 (2) Section 16302(d), relating to repayment of
6 education loans for certain health professionals who
7 serve in the Selected Reserve.

8 (b) TITLE 37 AUTHORITIES.—The following sections
9 of title 37, United States Code, are amended by striking
10 “December 31, 2010” and inserting “December 31,
11 2011”:

12 (1) Section 302e–1(f), relating to accession and
13 retention bonuses for psychologists.

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

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

18 (4) Section 302g(e), relating to special pay for
19 Selected Reserve health professionals in critically
20 short wartime specialties.

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

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

1 (7) Section 302k(f), relating to accession bonus
2 for medical officers in critically short wartime spe-
3 cialties.

4 (8) Section 302l(g), relating to accession bonus
5 for dental specialist officers in critically short war-
6 time specialties.

7 (9) Section 335(k), relating to special bonus
8 and incentive pay authorities for officers in health
9 professions.

10 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
11 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
12 **CERS.**

13 The following sections of title 37, United States
14 Code, are amended by striking “December 31, 2010” and
15 inserting “December 31, 2011”:

16 (1) Section 312(f), relating to special pay for
17 nuclear-qualified officers extending period of active
18 service.

19 (2) Section 312b(c), relating to nuclear career
20 accession bonus.

21 (3) Section 312c(d), relating to nuclear career
22 annual incentive bonus.

23 (4) Section 333(i), relating to special bonus and
24 incentive pay authorities for nuclear officers.

1 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
2 **ING TO PAYMENT OF OTHER TITLE 37 BO-**
3 **NUSES AND SPECIAL PAY.**

4 The following sections of title 37, United States
5 Code, are amended by striking “December 31, 2010” and
6 inserting “December 31, 2011”:

7 (1) Section 301b(a), relating to aviation officer
8 retention bonus.

9 (2) Section 307a(g), relating to assignment in-
10 centive pay.

11 (3) Section 308(g), relating to reenlistment
12 bonus for active members.

13 (4) Section 309(e), relating to enlistment
14 bonus.

15 (5) Section 324(g), relating to accession bonus
16 for new officers in critical skills.

17 (6) Section 326(g), relating to incentive bonus
18 for conversion to military occupational specialty to
19 ease personnel shortage.

20 (7) Section 327(h), relating to incentive bonus
21 for transfer between armed forces.

22 (8) Section 329(j), relating to incentive bonus
23 for retired members and reserve component mem-
24 bers volunteering for high-demand, low-density as-
25 signments.

1 (9) Section 330(f), relating to accession bonus
2 for officer candidates.

3 (10) Section 331(h), relating to general bonus
4 authority for enlisted members.

5 (11) Section 332(g), relating to general bonus
6 authority for officers.

7 (12) Section 334(i), relating to special aviation
8 incentive pay and bonus authorities for officers.

9 (13) Section 351(i), relating to hazardous duty
10 pay.

11 (14) Section 352(g), relating to assignment pay
12 or special duty pay.

13 (15) Section 353(j), relating to skill incentive
14 pay or proficiency bonus.

15 (16) Section 355(i), relating to retention incen-
16 tives for members qualified in critical military skills
17 or assigned to high priority units.

18 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
19 **ING TO PAYMENT OF REFERRAL BONUSES.**

20 The following sections of title 10, United States
21 Code, are amended by striking “December 31, 2010” and
22 inserting “December 31, 2011”:

23 (1) Section 1030(i), relating to health profes-
24 sions referral bonus.

1 (2) Section 3252(h), relating to Army referral
2 bonus.

3 **SEC. 616. INELIGIBILITY OF CERTAIN FEDERAL GOVERN-**
4 **MENT EMPLOYEES FOR INCOME REPLACE-**
5 **MENT PAYMENTS.**

6 (a) INELIGIBILITY FOR PAYMENT.—Section 910(b)
7 of title 37, United States Code, is amended by adding at
8 the end the following new paragraph:

9 “(3) A civilian employee of the Federal Govern-
10 ment is not entitled to a payment under this section
11 for any period during which such employee is per-
12 forming active duty service that is covered by section
13 5538 of title 5, or a similar benefit under another
14 authority.”.

15 (b) EFFECTIVE DATE.—Paragraph (3) of such sec-
16 tion 910(b) of title 37, United States Code, as added by
17 subsection (a), shall apply to payment for months begin-
18 ning on or after the date of the enactment of this Act.

19 **Subtitle C—Travel and**
20 **Transportation Allowances**

21 **SEC. 621. AUTHORIZED TRAVEL AND TRANSPORTATION**
22 **FOR DESIGNATED PERSON ATTENDANCE AT**
23 **YELLOW RIBBON REINTEGRATION EVENTS.**

24 (a) TRAVEL AND TRANSPORTATION AUTHORIZA-
25 TION.—

1 (1) IN GENERAL.—Chapter 7 of title 37, United
2 States Code, is amended by inserting after section
3 411k the following new section:

4 **“§ 411l. Travel and transportation: designated person**
5 **at Yellow Ribbon Reintegration events**

6 “(a) AUTHORIZATION.—Under uniform regulations
7 prescribed by the Secretaries concerned:

8 “(1) Travel and transportation may be allowed
9 for a person designated by a designating member of
10 the uniformed services described in subsection (c),
11 consistent with subsection (d), if the Secretary con-
12 cerned determines that the presence of such a des-
13 ignated person may contribute to the purposes of
14 Yellow Ribbon Reintegration Program events au-
15 thorized under section 582 of the National Defense
16 Authorization Act for Fiscal Year 2008 (Public Law
17 110–181; 122 Stat. 122).

18 “(2) A member of the uniformed services who
19 is a designated person for purposes of this section
20 may also be allowed travel and transportation au-
21 thorized in paragraph (1) of this subsection.

22 “(b) DESIGNATED PERSON.—Subject to the discre-
23 tion of the Secretary concerned:

24 “(1) The term ‘designated person’ means any
25 person or persons designated by a designating mem-

1 ber of the uniformed services described in subsection
2 (c).

3 “(2) A designation of a person for purposes of
4 this section may be changed at any time.

5 “(c) DESIGNATING MEMBER OF THE UNIFORMED
6 SERVICES.—A ‘designating member of the uniformed
7 services’ means a member who may attend a Yellow Rib-
8 bon Reintegration Program event.

9 “(d) AUTHORIZATION AND EXPENSES.—

10 “(1) The travel and transportation authorized
11 under subsection (a) applies to a designated person
12 while away from their home or place of business for
13 the purpose of attending a Yellow Ribbon Reintegra-
14 tion Program event.

15 “(2) The expenses associated with the travel
16 and transportation authorized under subsection (a)
17 may be reimbursed as an actual and necessary travel
18 expense or paid as an authorized per diem rate, or
19 may be paid by using a combination thereof, but not
20 to exceed the rates established under section 404(d)
21 of this title.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by inserting
24 after the item related to section 411k the following new
25 item:

“4111. Travel and transportation: designated person at Yellow Ribbon Re-integration events.”.

1 **Subtitle D—Retired Pay, Former**
 2 **Spouse, and Survivor Matters**

3 **SEC. 631. EXPANSION OF ELIGIBILITY FOR CONCURRENT**
 4 **RECEIPT OF RETIRED PAY AND DISABILITY**
 5 **COMPENSATION.**

6 (a) PHASED EXPANSION.—Subsection (a) of section
 7 1414 of title 10, United States Code, is amended to read
 8 as follows:

9 “(a) PAYMENT OF BOTH RETIRED PAY AND COM-
 10 PENSATION.—

11 “(1) IN GENERAL.—(A) Subject to subsection
 12 (b), a member or former member of the uniformed
 13 services who is entitled for any month to retired pay
 14 and who is also entitled for that month to veterans’
 15 disability compensation for a qualifying service-con-
 16 nected disability (hereinafter in this section referred
 17 to as a ‘qualified retiree’) is entitled to be paid both
 18 for that month without regard to sections 5304 and
 19 5305 of title 38.

20 “(B) During the period beginning on January
 21 1, 2004, and ending on December 31, 2013, pay-
 22 ment of retired pay to a qualified retiree is subject
 23 to subsection (c), except that payment of retired pay
 24 is subject to subsection (c) only during the period

1 beginning on January 1, 2004, and ending on De-
2 cember 31, 2004, in the case of the following:

3 “(i) A qualified retiree receiving veterans’
4 disability compensation for a disability rated as
5 100 percent.

6 “(ii) A qualified retiree receiving veterans’
7 disability compensation at the rate payable for
8 a 100 percent disability by reason of a deter-
9 mination of individual unemployability.

10 “(C) Notwithstanding subsection (c), on or
11 after January 1, 2011, a qualified retiree described
12 in subparagraph (2)(B) or (2)(C) is entitled to pay-
13 ment of both retired pay and compensation under
14 this subsection, subject to subsection (b).

15 “(2) QUALIFYING SERVICE-CONNECTED DIS-
16 ABILITY.—In this section, the term ‘qualifying serv-
17 ice-connected disability’ means—

18 “(A) in the case of a member or former mem-
19 ber who is receiving retired pay under any provision
20 of law other than chapter 61 of this title or who is
21 receiving retired pay under chapter 61 of this title
22 and who is also otherwise entitled to retired pay
23 under any other section of this title, a service-con-
24 nected disability or combination of service-connected

1 disabilities that is rated as not less than 50 percent
2 disabling by the Secretary of Veterans Affairs;

3 “(B) in the case of a member or former mem-
4 ber who is receiving retired pay under chapter 61 of
5 this title and who is not also otherwise entitled to
6 retired pay under any other section of this title, a
7 service-connected disability or combination of serv-
8 ice-connected disabilities that is rated at the dis-
9 abling level specified by the Secretary of Veterans
10 Affairs and is effective on or after the following
11 dates:

12 “(i) January 1, 2011, rated 100 per-
13 cent, or a rate payable at 100 percent by
14 reason of individual unemployability or
15 rated 90 percent;

16 “(ii) January 1, 2012, rated 80 per-
17 cent or 70 percent; and

18 “(iii) January 1, 2013, rated 60 per-
19 cent or 50 percent; and

20 “(C) in the case of a member or former
21 member who is receiving retired pay under
22 chapter 61 regardless of being otherwise enti-
23 tled to retired pay under any other section of
24 this title, a service-connected disability or com-
25 bination of service-connected disabilities that is

1 rated at the disabling level specified by the Sec-
2 retary of Veterans Affairs and is effective on or
3 after the following dates:

4 “(i) January 1, 2014, rated 40 per-
5 cent or 30 percent; and

6 “(ii) January 1, 2015, any rating.”.

7 (b) SPECIAL RULES MODIFICATION.—Subsection (b)
8 of such section is amended to read as follows:

9 “(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY
10 RETIREES.—

11 “(1) GENERAL RULE.—The retired pay of a
12 member retired under chapter 61 of this title is sub-
13 ject to reduction under sections 5304 and 5305 of
14 title 38, but only to the extent that the amount of
15 the member’s retired pay under chapter 61 of this
16 title exceeds the amount of retired pay to which the
17 member would have been entitled under any other
18 provision of law based upon the member’s service in
19 the uniformed services if the member had not been
20 retired under chapter 61 of this title.

21 “(2) SPECIAL RULE FOR CHAPTER 61 RETIREES
22 NOT OTHERWISE ENTITLED TO RETIRED PAY.—The
23 retired pay of a member retired under chapter 61 of
24 this title who is not otherwise entitled to retired pay
25 under any other section of this title is subject to re-

1 duction under sections 5304 and 5305 of title 38,
 2 but only to the extent that the amount of the mem-
 3 ber’s retired pay under chapter 61 of this title ex-
 4 ceeds the amount equal to 2½ percent of the mem-
 5 ber’s years of creditable service multiplied by the
 6 member’s retired pay base under section 1406(b)(1)
 7 or 1407 of this title, whichever is applicable to the
 8 member.”.

9 (c) CONFORMING AMENDMENT.—Subsection (c) of
 10 such section is amended by striking “the second sentence”
 11 and inserting “subparagraph (A)”.

12 (d) CLERICAL AMENDMENTS.—

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

15 “§ 1414. **Concurrent payment of retired pay and vet-**
 16 **erans’ disability compensation”.**

17 (2) TABLE OF SECTIONS.—The item relating to
 18 such section in the table of sections at the beginning
 19 of chapter 71 of such title is amended to read as fol-
 20 lows:

“1414. Concurrent payment of retired pay and veterans’ disability compensa-
 tion.”.

21 **SEC. 632. AUTHORIZATION TO SUBMIT APPLICATION FOR**
 22 **DIRECT PAYMENT.**

23 (a) PERMIT APPLICATION FOR DIRECT PAYMENT BY
 24 MEMBER.—Section 1408(d) of title 10, United States

1 Code, is amended in the first sentence of paragraph (1)
2 by inserting “by a member or former member or the
3 spouse or former spouse of such member” after “the Sec-
4 retary concerned”.

5 (b) CONDITIONS FOR DIRECT PAYMENT.—Section
6 1408(d) of such title is further amended by adding at the
7 end the following new paragraph:

8 “(8) A former spouse who accepts payment
9 shall be deemed—

10 “(A) to have consented and agreed to the
11 recovery of any future overpayments, including
12 recovery by involuntary collection from the
13 former spouse or his or her estate; and

14 “(B) to have agreed to give prompt notice
15 in writing to the Secretary if—

16 “(i) the operative court order upon
17 which payment is based is vacated, modi-
18 fied, or set aside;

19 “(ii) the former spouse is ineligible for
20 alimony for any reason, including remar-
21 riage, if all or a part of the payment is for
22 alimony; or

23 “(iii) the former spouse is ineligible
24 for child support payments for any reason,
25 including the death, emancipation, adop-

1 tion, or attainment of majority of a child
 2 whose support is provided through direct
 3 payment to a former spouse from retired
 4 pay.”.

5 (c) EFFECTIVE DATE.—The amendments made by
 6 this section shall apply to applications for direct payment
 7 of retired pay submitted to the Secretary concerned after
 8 the end of the 90-day period beginning on the date of en-
 9 actment of this Act.

10 **SEC. 633. SURVIVOR BENEFIT PLAN: EXTENSION OF PE-**
 11 **RIOD FOR ELECTION DEEMED TO HAVE BEEN**
 12 **MADE.**

13 (a) IN GENERAL.—Section 1450(f)(3)(C) of title 10,
 14 United States Code, is amended by striking “one year”
 15 and inserting “five years”.

16 (b) EFFECTIVE DATE.—The amendment made by
 17 this section shall apply with respect to divorces, dissolu-
 18 tions, annulments, or legal separations that become effec-
 19 tive after the end of the 90-day period beginning on the
 20 date of enactment of this Act.

21 **SEC. 634. PROHIBIT COURT-ORDERED PAYMENTS BEFORE**
 22 **RETIREMENT BASED ON IMPUTATION OF RE-**
 23 **TIRED PAY.**

24 (a) AUTHORITY.—Section 1408(c)(3) of title 10,
 25 United States Code, is amended—

1 (1) by inserting “(A)” after “(3)”; and

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

4 “(B) A court may not order a member to
5 make payments based upon an imputation of a
6 property interest in future retired pay of any
7 kind to a spouse or former spouse before the
8 date of the member’s actual retirement.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall apply to final court orders or court
11 orders seeking enforcement of prior final decrees issued
12 on or after the date of the enactment of this Act.

13 **SEC. 635. AUTHORITY FOR MULTIPLE BENEFICIARY DES-**
14 **IGNATIONS UNDER SURVIVOR BENEFIT**
15 **PLAN.**

16 (a) PERMIT SPOUSE AND FORMER SPOUSE COV-
17 ERAGE.—Section 1448(b)(2) of title 10, United States
18 Code, is amended—

19 (1) in subparagraph (B)—

20 (A) by striking “prevents payment” and
21 inserting “reduces the amount”; and

22 (B) by striking “including payment” and
23 inserting “including the amount of an annuity”;

24 and

1 (2) in subparagraph (C), by striking “which
2 former spouse is to be provided the annuity” and in-
3 serting “the base amount applicable in determining
4 the amount of the annuity of each former spouse”.

5 (b) PERMIT SPOUSE AND FORMER SPOUSE ANNU-
6 ITIES.—Section 1450(a)(1) of such title is amended to
7 read as follows:

8 “(1) SURVIVING SPOUSE AND FORMER
9 SPOUSE.—The eligible surviving spouse and every el-
10 igible former spouse.”.

11 (c) PERMIT REDUCTIONS IN RETIRED PAY IN THE
12 CASE OF MULTIPLE BENEFICIARIES.—Section 1452 of
13 such title is amended by adding at the end the following
14 new subsection:

15 “(k) REDUCTIONS IN RETIRED PAY IN THE CASE OF
16 MULTIPLE BENEFICIARIES.—When a participant in the
17 Plan has elected to provide an annuity to a spouse and
18 to one or more former spouses, reductions in retired pay
19 required by subsection (a) shall be made for each annuity
20 elected, in an amount based on the base amount applicable
21 to each annuity. In the case of a reduction in retired pay
22 to provide an annuity to a former spouse to whom pay-
23 ment of a portion of a member’s retired pay is being made
24 pursuant to a court order under section 1408 of this title,
25 such reduction in retired pay shall be deducted from the

1 amounts paid to such member, to such former spouse, or
 2 both, as provided by court order or by agreement of the
 3 parties.”.

4 (d) EFFECTIVE DATE.—The amendments made by
 5 subsections (a), (b), and (c) apply with respect to elections
 6 made on or after the date of enactment of this Act. Any
 7 election to provide an annuity to a spouse or former
 8 spouse who was prevented from being a beneficiary under
 9 the laws in effect before the date of enactment of this Act
 10 shall be made within 180 days following the date of enact-
 11 ment of this Act.

12 (e) COVERAGE FOR SURVIVORS OF RETIREMENT-EL-
 13 IGIBLE MEMBERS WHO DIE ON ACTIVE DUTY.—(1) Sec-
 14 tion 1448(d) of such title is amended—

15 (A) in paragraph (3), by striking “the Sec-
 16 retary—(A) may not pay an annuity under
 17 paragraph (1) or (2); but (B)” and inserting
 18 “the Secretary”; and

19 (B) by amending paragraph (5) to read as
 20 follows:

21 “(5) COMPUTATION.—(A) The amount of an
 22 annuity payable to a former spouse pursuant to
 23 paragraph (3) shall be computed on the basis of a
 24 base amount equal to the amount of retired pay
 25 that, under the authority of section 1408(c) of this

1 title, is treated under a court order or spousal agree-
 2 ment as the property of such former spouse.

3 “(B) The amount of an annuity payable under
 4 paragraph (1) or (2) shall be computed under sec-
 5 tion 1451(c) of this title; however, the retired pay
 6 otherwise applicable with respect to such computa-
 7 tion shall be reduced by an amount equal to the base
 8 amount that provides the basis for computing the
 9 amount of an annuity payable to a former spouse
 10 under paragraph (3) of this subsection.”.

11 (2) EFFECTIVE DATE.—The amendments made by
 12 paragraph (1) shall apply with respect to survivors of re-
 13 tirement-eligible members who die on active duty on or
 14 after the date of enactment of this Act.

15 (f) COVERAGE FOR SURVIVORS OF PERSONS DYING
 16 WHEN ELIGIBLE TO ELECT RESERVE-COMPONENT AN-
 17 NUITY.—(1) Section 1448(f) of such title is amended—

18 (A) in paragraph (3), by striking “the Sec-
 19 retary—(A) may not pay an annuity under
 20 paragraph (1) or (2); but (B)” and inserting
 21 “the Secretary”; and

22 (B) by amending paragraph (4) to read as
 23 follows:

24 “(4) COMPUTATION.—(A) The amount of an
 25 annuity payable to a former spouse pursuant to

1 paragraph (3) shall be computed on the basis of a
2 base amount equal to the amount of retired pay
3 that, under the authority of section 1408(c) of this
4 title, is treated under a court order or spousal agree-
5 ment as the property of such former spouse.

6 “(B) The amount of an annuity payable under
7 paragraph (1) or (2) shall be computed under sec-
8 tion 1451(c) of this title; however, the retired pay
9 otherwise applicable with respect to such computa-
10 tion shall be reduced by an amount equal to the base
11 amount that provides the basis for computing the
12 amount of an annuity payable to a former spouse
13 under paragraph (3) of this subsection.”.

14 (2) EFFECTIVE DATE.—The amendments made by
15 paragraph (1) shall apply with respect to survivors of per-
16 sons eligible to elect reserve-component annuity retire-
17 ment-eligible members who die on or after the date of en-
18 actment of this Act.

19 **SEC. 636. AUTHORITY FOR DESIGNATION OF RESPONSI-**
20 **BILITY FOR PAYMENT OF PREMIUMS FOR**
21 **COVERAGE UNDER SURVIVOR BENEFIT PLAN.**

22 (a) SPOUSE AND FORMER SPOUSE ANNUITIES.—Sec-
23 tion 1452(a) of title 10, United States Code, is amended—

1 (1) in paragraph (1), by inserting “paragraph
2 (6) of this subsection or” after “Except as provided
3 in”; and

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

6 “(6) COURT ORDER.—If a court order requires
7 the former spouse to pay all or a part of the costs
8 associated with providing an annuity to the former
9 spouse, the participant’s retired pay shall not be re-
10 duced by the portion that the former spouse is re-
11 quired to pay. The portion of Plan costs that a
12 former spouse is required to pay pursuant to a
13 Court order under this paragraph must either be
14 paid by direct remittance or as a deduction from the
15 former spouse’s share of the member’s retired pay
16 that is received by direct payment pursuant to sec-
17 tion 1408 of this title.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall apply with respect to divorces, dissolu-
20 tions, annulments, or legal separations that become effec-
21 tive after the end of the 90-day period beginning on the
22 date of enactment of this Act.

1 **SEC. 637. ESTABLISHMENT OF PRESUMPTIVE PROPOR-**
2 **TIONATE SHARE FOR FORMER SPOUSE SUR-**
3 **VIVOR ANNUITY UNDER SURVIVOR BENEFIT**
4 **PLAN.**

5 (a) PRESUMPTIVE BASE AMOUNT FOR FORMER
6 SPOUSE.—Section 1447(6) of title 10, United States
7 Code, is amended by adding at the end the following new
8 subparagraph:

9 “(D) PRESUMPTIVE PROPORTIONATE
10 AMOUNT FOR FORMER SPOUSE.—In the case of
11 an annuity provided under the Plan for a
12 former spouse, unless otherwise agreed to by
13 the member and former spouse or ordered by a
14 court, such term means any amount of monthly
15 retired pay, which is not less than \$300, pay-
16 able to such former spouse as a result of a
17 court treating disposable retired pay of a mem-
18 ber as the property of the member and his
19 spouse under the authority of section 1408(c).”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to divorces, dissolu-
22 tions, annulments, and legal separations that become ef-
23 fective after the end of the 90-day period beginning on
24 the date of enactment of this Act.

1 **TITLE VII—HEALTH CARE**
 2 **PROVISIONS**
 3 **Subtitle A—Health Care**
 4 **Administration**

5 **SEC. 701. CLARIFICATION OF LICENSURE REQUIREMENTS**
 6 **APPLICABLE TO MILITARY HEALTH-CARE**
 7 **PROFESSIONALS WHO ARE MEMBERS OF THE**
 8 **NATIONAL GUARD PERFORMING DUTY WHILE**
 9 **IN TITLE 32 STATUS.**

10 Section 1094(d) of title 10, United States Code, is
 11 amended—

12 (1) in paragraph (1), by inserting “or (3)”
 13 after “paragraph (2)”;

14 (2) in paragraph (2), by inserting “as being de-
 15 scribed in this paragraph” after “paragraph (1)”;
 16 and

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

19 “(3) A health-care professional referred to in
 20 paragraph (1) as being described in this paragraph
 21 is a member of the National Guard who—

22 “(A) has a current license to practice med-
 23 icine, osteopathic medicine, dentistry, or an-
 24 other health profession; and

1 “(B) is performing training or duty under
2 title 32 in response to an actual or potential
3 disaster.”.

4 **SEC. 702. HEALTH PROFESSIONS FINANCIAL ASSISTANCE**
5 **PROGRAM FOR CIVILIANS.**

6 (a) HEALTH PROFESSIONS FINANCIAL ASSISTANCE
7 PROGRAM.—Chapter 105 of title 10, United States Code,
8 is amended—

9 (1) by redesignating subchapter II as sub-
10 chapter III; and

11 (2) by inserting after subchapter I the following
12 new subchapter:

13 “SUBCHAPTER II—HEALTH PROFESSIONS
14 SCHOLARSHIP AND FINANCIAL ASSISTANCE
15 PROGRAM FOR CIVILIANS

“Sec.

“2129. Definitions.

“2129a. Establishment.

“2129b. Eligibility for participation.

“2129c. Scholarships and financial assistance: payments.

“2129d. Recipients of financial assistance: service agreements.

“2129e. Recipients of financial assistance: employment by Department of De-
fense.

“2129f. Expiration of authority under this subchapter.

16 **“§ 2129. Definitions**

17 “In this subchapter:

18 “(1) The term ‘program’ means the Depart-
19 ment of Defense Health Professions Scholarship and
20 Financial Assistance Program for Civilians provided
21 for in this subchapter.

1 “(2) The term ‘member of the program’ means
2 a person who has been selected into the Department
3 of Defense Health Professions Scholarship and Fi-
4 nancial Assistance Program for Civilians.

5 “(3) The term ‘course of study’ means edu-
6 cation received on a full-time basis at an accredited
7 college, university, or institution in medicine, den-
8 tistry, or other health profession, leading to a degree
9 related to the health professions as determined
10 under regulations prescribed by the Secretary of De-
11 fense.

12 “(4) The term ‘specialized training’ means ad-
13 vanced training in a health professions specialty re-
14 ceived in an accredited program that is beyond the
15 basic education required for designation as a health
16 professional.

17 “(5) The term ‘healthcare occupations’ includes
18 medical, dental, licensed clinical professionals (such
19 as licensed clinical social workers and clinical psy-
20 chologists), and other healthcare related occupa-
21 tional specialties as determined by the Secretary of
22 Defense or the Secretary of a military department as
23 critical for meeting the health care needs of mem-
24 bers or their families, for medical, behavioral, occu-
25 pational or other illnesses or injuries.

1 **“§ 2129a. Establishment**

2 “(a) For the purpose of obtaining adequate numbers
3 of qualified civilian employees in the various health profes-
4 sions, the Secretary of each military department, under
5 regulations prescribed by the Secretary of Defense, may
6 establish and maintain a health professions scholarship
7 and financial assistance program for civilians.

8 “(b) The Secretary of each military department shall
9 review requirements within the various healthcare occupa-
10 tions on an annual basis and shall annually publish a list
11 of those healthcare occupations for which applications will
12 be accepted by that military department under the pro-
13 gram for that fiscal year.

14 “(c) The program shall consist of courses of study
15 and specialized training in designated health professions,
16 and include the required internships, residencies, and
17 other service in Department of Defense designated med-
18 ical facilities.

19 **“§ 2129b. Eligibility for participation**

20 “Under the program under this subchapter, the Sec-
21 retary of a military department may award a scholarship
22 in accordance with this subchapter to a person who—

23 “(1) is a citizen of the United States;

24 “(2) is accepted for admission to an accredited
25 institution of higher learning to pursue a course of
26 study that will lead to an undergraduate or graduate

1 degree that would qualify the person to be employed
2 in an occupation identified pursuant to section
3 2129a(b) of this title or is already pursuing such a
4 course of study; and

5 “(3) enters into a service agreement with the
6 Secretary as described in section 2129d of this title.

7 **“§ 2129c. Scholarships and financial assistance: pay-**
8 **ments**

9 “(a) The amount of financial assistance provided
10 under a scholarship awarded to a person under this sub-
11 chapter shall be an amount determined by the Secretary
12 of the military department concerned for educational ex-
13 penses, and expenses incurred by that person, including
14 tuition, fees, cost of books, laboratory expenses, and equip-
15 ment expenses.

16 “(b) The Secretaries of the military departments may
17 contract with an accredited civilian educational institution
18 for the payment of tuition and other educational expenses
19 of members of the program authorized by this subchapter.
20 Payment to such institutions may be made without regard
21 to subsections (a) and (b) of section 3324 of title 31.

22 “(c) In addition to a scholarship, a member of the
23 program may be entitled to a stipend at a monthly rate
24 established by the Secretary of Defense in addition to the
25 expenses in subsection (a), but not to exceed a total of

1 \$12,000 per year. The maximum amount of the stipend
2 may be increased annually by the Secretary of Defense,
3 effective July 1 of each year.

4 “(d) A person participating as a member of the pro-
5 gram in specialized training may be paid a grant in an
6 amount up to \$2,500 per year in addition to the stipend
7 under subsection (d). The maximum amount of the grant
8 may be increased annually by the Secretary of Defense,
9 effective July 1 of each year.

10 “(e) Financial assistance provided under this sub-
11 chapter may be paid directly to the recipient or to an ad-
12 ministering entity for disbursement of the funds.

13 “(f) Financial assistance may not be provided under
14 this subchapter to or on behalf of a person who is consid-
15 ered to be an employee, as that term is defined at section
16 2105 of title 5.

17 **“§ 2129d. Recipients of financial assistance: service**
18 **agreements**

19 “(a) SERVICE AGREEMENTS.—

20 “(1) To receive financial assistance under this
21 subchapter, the person shall enter into a written
22 agreement to accept and continue employment in the
23 Department of Defense in a qualifying healthcare
24 occupation for the period of obligated service deter-
25 mined under subsection (b).

1 “(2) Each service agreement under this section
2 shall include a requirement that, unless sooner re-
3 moved from the program, the recipient of the finan-
4 cial assistance will—

5 “(A) complete the educational phase of the
6 program;

7 “(B) participate in an intern program
8 within the Department of Defense if selected
9 for such participation; and

10 “(C) participate in a residency program
11 within the Department of Defense if selected
12 for such participation.

13 “(b) OBLIGATED SERVICE.—For the purposes of this
14 subchapter, the period of obligated service to be specified
15 in an agreement under this section for a recipient of finan-
16 cial assistance under this subchapter shall be the period
17 determined by the Secretary of Defense as being appro-
18 priate to obtain adequate service in exchange for such fi-
19 nancial assistance. The period of the service obligation re-
20 quired of a recipient shall be continuous and shall, at a
21 minimum, be equal to the amount of time for which such
22 financial assistance was provided. The period of obligated
23 service under an agreement under this section is in addi-
24 tion to any other period for which the recipient is obligated
25 to serve in the civilian service of the United States.

1 “(c) ADDITIONAL TERMS AND CONDITIONS.—An
2 agreement entered into under this section by a person pur-
3 suing an academic degree shall include any terms and con-
4 ditions that the Secretary of Defense or the Secretary of
5 the military department concerned determine necessary to
6 protect the interests of the United States or to be other-
7 wise appropriate for carrying out this subchapter, includ-
8 ing flexibility in determining the geographic location of the
9 position in which the period of obligated service will be
10 performed.

11 “(d) REIMBURSEMENT FOR PERIOD OF UNSERVED
12 OBLIGATED SERVICE.—

13 “(1) A member of the program under this sub-
14 chapter who fails to complete the educational pro-
15 gram for which financial assistance has been pro-
16 vided under this subchapter, or fails to maintain sat-
17 isfactory academic progress as determined in accord-
18 ance with regulations prescribed by the Secretary of
19 Defense, or fails to carry out the terms of a service
20 agreement entered into by that individual under this
21 subchapter, shall reimburse to the United States an
22 appropriate amount, as determined by the Secretary
23 of the military department concerned.

24 “(2) An obligation to reimburse to the United
25 States an amount paid to a person as a member of

1 the program that is imposed under paragraph (1) is
2 for all purposes a debt owed to the United States.

3 “(3) The Secretary of Defense may waive, in
4 whole or in part, a reimbursement required under
5 paragraph (1) if the Secretary determines that re-
6 covery would be against equity and good conscience
7 or would be contrary to the best interests of the
8 United States.

9 “(4) A discharge in bankruptcy under title 11
10 that is entered less than five years after the termi-
11 nation of an agreement under this subchapter does
12 not discharge the person signing such agreement
13 from a debt arising under such agreement or under
14 this subchapter.

15 **“§ 2129e. Recipients of financial assistance: employ-**
16 **ment by Department of Defense**

17 “(a) The Secretary of Defense—

18 “(1) may, without regard to any provision of
19 title 5 governing appointment of employees to posi-
20 tions in the Department of Defense, appoint to a po-
21 sition in the Department of Defense in the excepted
22 service a person who has successfully completed an
23 academic program for which a scholarship under this
24 section was awarded and who, under the terms of
25 the agreement for such scholarship, owes a civil

1 service commitment to the Department at the time
2 of such appointment; and

3 “(2) may, upon satisfactory completion of two
4 years of substantially continuous service by an in-
5 cumbent who was appointed to an excepted service
6 position under the authority of paragraph (1), con-
7 vert the appointment of such person, without com-
8 petition, to a career or career conditional appoint-
9 ment in the competitive service.

10 “(b) If there is no appropriate position available with-
11 in the Department of Defense after the end of the period
12 covered by financial assistance, the service agreement be-
13 tween the Department of Defense and the scholarship or
14 fellowship recipient shall terminate with no adverse impact
15 to the recipient.

16 **“§ 2129f. Expiration of authority under this sub-**
17 **chapter**

18 “The authority to provide scholarships under this
19 subchapter shall expire on September 30, 2015.”.

20 (b) TECHNICAL AMENDMENTS.—

21 (1) Chapter 105 of such title is further amend-
22 ed—

23 (A) in the chapter heading, by striking the
24 first two words after the chapter designation;
25 and

1 (B) in the table of subchapters at the be-
2 ginning of such chapter, by striking the item re-
3 lating to subchapter II and inserting the fol-
4 lowing:

“II. Health Professions Scholarship and Financial Assistance Program
for Civilians 2129
“III. Nurse Officer Candidate Accession Program 2130a”.

5 (2) The tables of chapters at the beginning of
6 subtitle A, and at the beginning of part III of sub-
7 title A, of such title are each amended by striking
8 the first two words in the item relating to chapter
9 105.

10 **SEC. 703. AGE FOR HEALTH CARE PROFESSIONAL APPOINT-**
11 **MENTS AND MANDATORY RETIREMENTS.**

12 (a) AGE FOR ORIGINAL APPOINTMENT AS A HEALTH
13 PROFESSIONS OFFICER.—Section 532(d)(2) of title 10,
14 United States Code, is amended by striking “reserve”.

15 (b) MANDATORY RETIREMENT AGE FOR HEALTH
16 PROFESSIONS OFFICERS.—

17 (1) ADDITIONAL CATEGORIES OF OFFICERS EL-
18 IGIBLE FOR DEFERRAL OF MANDATORY RETIRE-
19 MENT FOR AGE.—Paragraph (2) of section 1251(b)
20 of such title is amended—

21 (A) by striking “or” at the end of subpara-
22 graph (B);

23 (B) by striking the period at the end of
24 subparagraph (C) and inserting “; or”; and

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

3 “(D) an officer in a category of officers
4 designated by the Secretary concerned for the
5 purposes of this paragraph as consisting of offi-
6 cers whose duties consist primarily of (i) pro-
7 viding health care, (ii) performing other clinical
8 care, or (iii) performing health-care related ad-
9 ministrative duties.”.

10 (2) CONFORMING AMENDMENT.—Paragraph (1)
11 of such section is amended by inserting before the
12 period at the end the following: “or, in the case of
13 an officer who is a health professions officer for pur-
14 poses of this subsection by reason of paragraph
15 (2)(D), the officer will be performing duties con-
16 sisting primarily of providing health care (in the
17 case of an officer in a class of officers designated
18 under clause (i) of such paragraph), performing
19 other clinical care (in the case of an officer in a
20 class of officers designated under clause (ii) of such
21 paragraph), or performing health-care related ad-
22 ministrative duties (in the case of an officer in a
23 class of officers designated under clause (iii) of such
24 paragraph)”.

1 **SEC. 704. REIMBURSEMENT FOR COSTS OF HEALTH CARE**
2 **PROVIDED TO INELIGIBLE INDIVIDUALS WHO**
3 **ARE DEPENDENTS OR FORMER DEPEND-**
4 **ENTS.**

5 (a) REIMBURSEMENT AUTHORITY.—Section 1073 of
6 title 10, United States Code, is amended by adding at the
7 end the following new subsection:

8 “(c) RESPONSIBILITY OF MEMBER.—(1) For pur-
9 poses of eligibility for health care services under this chap-
10 ter for a dependent of a member or former member, it
11 is the responsibility of the member or former member to
12 ensure that accurate and up-to-date information, including
13 notification of any change in eligibility status, is provided
14 to the Secretary concerned.

15 “(2)(A) In the event that the Secretary concerned in-
16 curs costs in providing health care services to an individual
17 not eligible under this chapter for such services due to the
18 unexcused failure of a member or former member to com-
19 ply with the member’s or former member’s responsibility
20 under paragraph (1), the member or former member shall
21 reimburse the Secretary concerned for such costs. Such
22 a failure may be excused by the Secretary concerned if
23 the member or former member demonstrates to the satis-
24 faction of the Secretary concerned that such failure was
25 due to no fault of the member or former member.

1 “(B) Any amount collected by the Secretary con-
2 cerned under this subsection shall be credited to the ap-
3 propriation available for health care services for the fiscal
4 year in which such amount is collected.

5 “(C) A member or former member administratively
6 determined to be indebted to the United States under this
7 subsection is a jointly and severally liable with the indi-
8 vidual provided care and with any other party with legal
9 responsibility for reimbursing the Secretary for the costs
10 of such care. Administrative establishment of a debt under
11 this subsection, or collection of an amount by the Sec-
12 retary concerned under this subsection, shall not affect
13 any rights of the Secretary to collect costs of providing
14 health care services from an individual ineligible under
15 this chapter for such care or from collecting the costs of
16 such care from other parties with legal responsibility for
17 reimbursing the Secretary for the costs of such care.
18 Excusal by the Secretary concerned of responsibility of a
19 member or former member shall not affect any rights of
20 the Secretary to collect costs of providing health care serv-
21 ices from an individual ineligible under this chapter for
22 such care or from collecting the costs of such care from
23 other parties with legal responsibility for reimbursing the
24 Secretary for the costs of such care.

1 “(3) An administratively determined debt of a mem-
2 ber or former member under this subsection may be col-
3 lected through any means authorized by law. Such means
4 may include a deduction (including deduction from pay
5 under section 1007 of title 37) from any pay, retired pay,
6 or other amount to which the member or former member
7 is otherwise entitled. In the case of any deduction from
8 pay or retired pay under this paragraph, the reduction
9 shall be in an amount determined appropriate by the Sec-
10 retary concerned, but may not exceed one-half of the
11 amount to which the member or former member is other-
12 wise entitled.”.

13 (b) EFFECTIVE DATE.—Subsection (c)(2) of section
14 1073 of title 10, United States Code, as added by sub-
15 section (a), shall apply to costs incurred by the Secretary
16 concerned for health care services after the date of the
17 enactment of this Act.

18 **SEC. 705. CLARIFICATION OF AUTHORITY FOR TRANSFER**
19 **OF MEDICAL RECORDS FROM THE DEPART-**
20 **MENT OF DEFENSE TO THE DEPARTMENT OF**
21 **VETERANS AFFAIRS.**

22 (a) IN GENERAL.—Section 1614(b)(11) of the
23 Wounded Warrior Act (title XVI of Public Law 110–181;
24 122 Stat. 445; 10 U.S.C. 1071 note) is amended by insert-
25 ing before the period at the end the following: “or that

1 such transfer is otherwise authorized by the regulations
2 implementing such Act”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall be effective as if included in section
5 1614 of such Act as enacted on January 28, 2008.

6 **Subtitle B—Other Matters**

7 **SEC. 711. UPDATED TERMINOLOGY FOR THE MEDICAL** 8 **SERVICE CORPS.**

9 Section 3068(a)(5) of title 10, United States Code,
10 is amended—

11 (1) in subparagraph (A), by striking “Phar-
12 macy, Supply, and Administration” and inserting
13 “Administrative Health Services”;

14 (2) in subparagraph (C), by striking “Sanitary
15 Engineering” and inserting “Preventive Medicine
16 Sciences”; and

17 (3) in subparagraph (D), by striking “Optom-
18 etry” and inserting “Clinical Health Sciences”.

1 **TITLE VIII—ACQUISITION POL-**
2 **ICY, ACQUISITION MANAGE-**
3 **MENT, AND RELATED MAT-**
4 **TERS**

5 **Subtitle A—Amendments to Gen-**
6 **eral Contracting Authorities,**
7 **Procedures, and Limitation**

8 **SEC. 801. REPEAL OF SMALL BUSINESS COMPETITIVENESS**
9 **DEMONSTRATION PROGRAM.**

10 Sections 702 through 722 of the Small Business
11 Competitiveness Demonstration Program Act of 1988 (15
12 U.S.C. 644 note) are repealed.

13 **SEC. 802. PERMANENT AUTHORITY FOR DEFENSE ACQUI-**
14 **SITION CHALLENGE PROGRAM.**

15 Section 2359b of title 10, United States Code, is
16 amended by striking subsections (j) and (k).

17 **SEC. 803. INCREASE IN AMOUNT OF DISCRETIONARY TECH-**
18 **NICAL ASSISTANCE AUTHORIZED UNDER**
19 **SMALL BUSINESS INNOVATION RESEARCH**
20 **PROGRAM.**

21 Section 9(q) of the Small Business Act (15 U.S.C.
22 638(q)) is amended—

23 (1) in paragraph (2), by inserting “or vendors”
24 after “vendor”; and

25 (2) in paragraph (3)—

1 (A) by striking “\$4,000” in subparagraph
2 (A) and inserting “\$5,000”; and

3 (B) by striking subparagraph (B) and in-
4 serting the following:

5 “(B) SECOND PHASE.—Each agency re-
6 ferred to in paragraph (1) may directly provide
7 to any second phase SBIR award recipient serv-
8 ices described in paragraph (1), or may author-
9 ize any such recipient to purchase such services
10 with funds available from their SBIR awards,
11 in an amount equal to not more than \$5,000
12 per year, per award.”.

13 **SEC. 804. LIMITED AUTHORITY UNDER SMALL BUSINESS IN-**
14 **NOVATION RESEARCH AND SMALL BUSINESS**
15 **TECHNOLOGY TRANSFER PROGRAMS TO USE**
16 **PROGRAM FUNDS FOR ADMINISTRATIVE AND**
17 **PROGRAM MANAGEMENT COSTS.**

18 Section 9 of the Small Business Act (15 U.S.C. 638)
19 is amended—

20 (1) in subsection (f)(2)(A), by striking “any”
21 and inserting “more than 3.0 percent”; and

22 (2) in subsection (n)(2)(A), by striking “any”
23 and inserting “more than 3.0 percent”.

1 **SEC. 805. REVISION AND FOUR-YEAR EXTENSION OF TEST**
2 **PROGRAM FOR NEGOTIATION OF COM-**
3 **PREHENSIVE SMALL BUSINESS SUBCON-**
4 **TRACTING PLANS.**

5 (a) REVISION OF PROGRAM.—Subsection (b) of sec-
6 tion 834 of the National Defense Authorization Act for
7 Fiscal Years 1990 and 1991 (Public Law 101–189; 15
8 U.S.C. 637 note) is amended by adding at the end the
9 following new paragraph:

10 “(4) No contractor may be approved as a new
11 participant in the program after the date of the en-
12 actment of the National Defense Authorization Act
13 for Fiscal Year 2011.”.

14 (b) FOUR-YEAR EXTENSION OF PROGRAM.—Sub-
15 section (e) of such section is amended by striking “Sep-
16 tember 30, 2010” and inserting “September 30, 2014”.

17 **SEC. 806. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR**
18 **DEFENSE ACQUISITION PROGRAMS UNDER**
19 **VARIOUS ACQUISITION-RELATED REQUIRE-**
20 **MENTS.**

21 (a) REPORTING REQUIREMENTS.—Section 2430a(b)
22 of title 10, United States Code, is amended—

23 (1) by inserting “(1)” before “If the Sec-
24 retary”;

25 (2) by redesignating paragraphs (1) and (2) as
26 subparagraphs (A) and (B), respectively;

1 (3) in subparagraph (A), as so redesignated, by
2 inserting “(other than as provided in paragraph
3 (2))” before the semicolon; and

4 (4) by adding at the end the following new
5 paragraph:

6 “(2) For a major defense acquisition program
7 for which a designation of a major subprogram has
8 been made under subsection (a), unit costs under
9 this chapter are not required for the major defense
10 acquisition program as a whole, but shall be sub-
11 mitted at the designated major subprogram level.”.

12 (b) CONFORMING AMENDMENTS TO SECTION
13 2366a.—Section 2366a of such title is amended—

14 (1) in subsections (a), (b)(1), and (b)(2), by in-
15 sserting “or designated major subprogram” after
16 “major defense acquisition program”; and

17 (2) in subsection (c)—

18 (A) by redesignating paragraphs (2), (3),
19 (4), and (5) as paragraphs (3), (4), (5), and
20 (6), respectively; and

21 (B) by inserting after paragraph (1) the
22 following new paragraph (2):

23 “(2) The term ‘designated major subprogram’
24 means a major subprogram of a major defense ac-

1 quisition program as designated under section
2 2430a(a)(1) of this title.”.

3 (c) CONFORMING AMENDMENTS TO SECTION
4 2366b.—Section 2366b of such title is amended—

5 (1) in subsections (a), (b)(1), and (c)(1)—

6 (A) by inserting “or designated major sub-
7 program” after “major defense acquisition pro-
8 gram”; and

9 (B) by inserting “or subprogram” after
10 “program” each place it appears (other than
11 after “major defense acquisition program”,
12 after “future-years defense program”, and after
13 “space program”); and

14 (2) in subsection (g)—

15 (A) by redesignating paragraphs (2), (3),
16 and (4) as paragraphs (3), (4), and (5), respec-
17 tively; and

18 (B) by inserting after paragraph (1) the
19 following new paragraph (2):

20 “(2) The term ‘designated major subprogram’
21 means a major subprogram of a major defense ac-
22 quisition program as designated under section
23 2430a(a)(1) of this title.”.

24 (d) CONFORMING AMENDMENTS TO SECTION
25 2399.—Section 2399(a)(2) of such title is amended—

1 (1) in the matter preceding subparagraph (A),
2 by inserting “that is designed for use in combat
3 and” after “weapons system”;

4 (2) by striking “and” at the end of subpara-
5 graph (A) and inserting “or”; and

6 (3) by striking subparagraph (B) and inserting
7 the following new subparagraph (B):

8 “(B) is designated under section
9 2430a(a)(1) of this title as a major subprogram
10 of a major defense acquisition program.”.

11 (e) CONFORMING AMENDMENTS TO SECTION
12 2434.—Section 2434(a) of such title is amended—

13 (1) by inserting “(1)” before “The Secretary of
14 Defense”; and

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

17 “(2) The provisions of this section shall apply
18 to any major subprogram of a major defense acquisi-
19 tion program (as designated under section
20 2430a(a)(1) of this title) in the same manner as
21 those provisions apply to a major defense acquisition
22 program, and any reference in this section to a pro-
23 gram shall be treated as including such a subpro-
24 gram.”.

1 **Subtitle B—Other Matters**

2 **SEC. 811. FIVE-YEAR EXTENSION OF DEPARTMENT OF DE-**
3 **FENSE MENTOR-PROTÉGÉ PROGRAM.**

4 (a) EXTENSION OF PROGRAM.—Subsection (j) of sec-
5 tion 831 of the National Defense Authorization Act for
6 Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302
7 note), is amended—

8 (1) in paragraph (1), by striking “September
9 30, 2010” and inserting “September 30, 2015”; and

10 (2) in paragraph (2), by striking “September
11 30, 2013” and inserting “September 30, 2018”.

12 (b) EXTENSION OF REQUIREMENT FOR ANNUAL RE-
13 PORT.—Subsection (l)(3) of such section is amended by
14 striking “2010” and inserting “2015”.

15 **SEC. 812. AUTHORITY FOR WORKING-CAPITAL FUNDED**
16 **ARMY INDUSTRIAL FACILITIES AND ARSE-**
17 **NALS TO SELL ARTICLES AND SERVICES OUT-**
18 **SIDE THE DEPARTMENT OF DEFENSE.**

19 (a) REVISION OF AUTHORITY TO SELL ARTICLES
20 AND SERVICES.—Paragraph (2) of section 2563(a) of title
21 10, United States Code, is amended to read as follows:

22 “(2) Articles and services referred to in para-
23 graph (1) are articles and services that are manufac-
24 tured or performed by any working-capital funded
25 industrial facility of the armed forces.”.

1 (b) CONFORMING REPEAL OF LIMITATIONS ON SALE
 2 OF MANUFACTURED ARTICLES OR SERVICES BY ARMY IN-
 3 DUSTRIAL FACILITIES.—(1) Section 4543 of such title is
 4 repealed.

5 (2) The table of sections at the beginning of chapter
 6 433 of such title is amended by striking the item relating
 7 to section 4543.

8 **SEC. 813. CLARIFICATION OF REQUIREMENTS FOR HAND**
 9 **OR MEASURING TOOLS.**

10 Section 2533a(c) of title 10, United States Code, is
 11 amended by striking “subsection (b)(1)” and inserting
 12 “subsection (b)”.

13 **TITLE IX—DEPARTMENT OF DE-**
 14 **FENSE ORGANIZATION AND**
 15 **MANAGEMENT**

16 **SEC. 901. REALIGNMENT OF THE ORGANIZATIONAL STRUC-**
 17 **TURE OF THE OFFICE OF THE SECRETARY OF**
 18 **DEFENSE TO CARRY OUT THE REDUCTION**
 19 **REQUIRED BY LAW IN THE NUMBER OF DEP-**
 20 **UTY UNDER SECRETARIES OF DEFENSE.**

21 (a) REDESIGNATION OF CERTAIN POSITIONS IN THE
 22 OFFICE OF THE SECRETARY OF DEFENSE.—Positions in
 23 the Office of the Secretary of Defense of the Department
 24 of Defense are hereby redesignated as Assistant Secre-
 25 taries of Defense as follows:

1 (1) The Director of Defense Research and En-
2 gineering is redesignated as the Assistant Secretary
3 of Defense for Research and Engineering.

4 (2) The Director of Operational Energy Plans
5 and Programs is redesignated as the Assistant Sec-
6 retary of Defense for Operational Energy Plans and
7 Programs.

8 (3) The Director of Cost Assessment and Pro-
9 gram Evaluation is redesignated as the Assistant
10 Secretary of Defense for Cost Assessment and Pro-
11 gram Evaluation.

12 (4) The Assistant to the Secretary of Defense
13 for Nuclear and Chemical and Biological Defense
14 Programs is redesignated as the Assistant Secretary
15 of Defense for Nuclear, Chemical, and Biological
16 Defense Programs.

17 (b) AMENDMENTS TO CHAPTER 4 OF TITLE 10 RE-
18 LATING TO REALIGNMENT.—Chapter 4 of title 10, United
19 States Code, is amended as follows:

20 (1) REPEAL OF SEPARATE DEPUTY UNDER SEC-
21 RETARY PROVISIONS.—The following sections are re-
22 pealed: section 133a, 134a, and 136a.

23 (2) COMPONENTS OF OSD.—Section 131(b) is
24 amended to read as follows:

1 “(b) The Office of the Secretary of Defense is com-
2 posed of the following:

3 “(1) The Deputy Secretary of Defense.

4 “(2) The Under Secretaries of Defense, as fol-
5 lows:

6 “(A) The Under Secretary of Defense for
7 Acquisition, Technology, and Logistics.

8 “(B) The Under Secretary of Defense for
9 Policy.

10 “(C) The Under Secretary of Defense
11 (Comptroller).

12 “(D) The Under Secretary of Defense for
13 Personnel and Readiness.

14 “(E) The Under Secretary of Defense for
15 Intelligence.

16 “(3) The Deputy Chief Management Officer of
17 the Department of Defense.

18 “(4) The Principal Deputy Under Secretaries of
19 Defense.

20 “(5) The Assistant Secretaries of Defense.

21 “(6) Other officers who are appointed by the
22 President, by and with the advice and consent of the
23 Senate, as follows:

24 “(A) The Director of Operational Test and
25 Evaluation.

1 “(B) The General Counsel of the Depart-
2 ment of Defense.

3 “(C) The Inspector General of the Depart-
4 ment of Defense.

5 “(7) Other officials provided for by law, as fol-
6 lows:

7 “(A) The official designated under section
8 1501(a) of this title to have responsibility for
9 Department of Defense policy relating to miss-
10 ing persons.

11 “(B) The official designated under section
12 1781 of this title to have responsibility for De-
13 partment of Defense policy related to military
14 families.

15 “(C) The official designated under section
16 2228(a) of this title to have responsibility for
17 Department of Defense policy related to the
18 prevention and mitigation of corrosion of the
19 military equipment and infrastructure of the
20 Department of Defense.

21 “(D) The officials designated under sub-
22 sections (a) and (b) of section 2438(a) of this
23 title to have responsibility, respectively, for de-
24 velopmental test and evaluation and for systems
25 engineering.

1 “(E) The official designated under section
2 2438a(a) of this title to have responsibility for
3 conducting and overseeing performance assess-
4 ments and root cause analyses for major de-
5 fense acquisition programs.

6 “(F) The Director of Small Business Pro-
7 grams, provided for under section 2508 of this
8 title.

9 “(8) Such other offices and officials as may be
10 established by law or the Secretary of Defense may
11 establish or designate in the Office.”.

12 (3) PRINCIPAL DEPUTY UNDER SECRETARIES
13 OF DEFENSE.—Section 137a is amended—

14 (A) in subsections (a)(1), (b), and (d), by
15 striking “Deputy Under” each place it appears
16 and inserting “Principal Deputy Under”;

17 (B) in subsection (a)(2), by striking “(A)
18 The” and all that follows through “(5) of sub-
19 section (c)” and inserting “The Principal Dep-
20 uty Under Secretaries of Defense”;

21 (C) in subsection (c)—

22 (i) by striking “One of the Deputy” in
23 paragraphs (1), (2), (3), (4), and (5) and
24 inserting “One of the Principal Deputy”;

1 (ii) by striking “appointed” and all
2 that follows through “this title” in para-
3 graphs (1), (2), and (3);

4 (iii) by striking “shall be” in para-
5 graphs (4) and (5) and inserting “is”; and

6 (iv) by adding at the end of para-
7 graph (5) the following new sentence: “Any
8 individual nominated for appointment as
9 the Principal Deputy Under Secretary of
10 Defense for Intelligence shall have exten-
11 sive intelligence expertise.”; and

12 (D) by adding at the end of subsection (d)
13 the following new sentence: “The Principal
14 Deputy Under Secretaries take precedence
15 among themselves in the order prescribed by
16 the Secretary of Defense.”.

17 (4) ASSISTANT SECRETARIES OF DEFENSE.—

18 Section 138 is amended—

19 (A) in subsection (a)—

20 (i) by striking “12” and inserting
21 “17”; and

22 (ii) by striking “(A) The” and all that
23 follows through “The other” and inserting
24 “The”;

25 (B) in subsection (b)—

1 (i) by striking “shall be” in para-
2 graphs (2), (3), (4), (5), and (6) and in-
3 serting “is”;

4 (ii) by striking “appointed pursuant
5 to section 138a of this title” in paragraph
6 (7); and

7 (iii) by adding at the end the fol-
8 lowing new paragraphs:

9 “(8) One of the Assistant Secretaries is the As-
10 sistant Secretary of Defense for Research and Engi-
11 neering. In addition to any duties and powers pre-
12 scribed under paragraph (1), the Assistant Secretary
13 of Defense for Research and Engineering shall have
14 the duties specified in section 138b of this title.

15 “(9) One of the Assistant Secretaries is the As-
16 sistant Secretary of Defense for Operational Energy
17 Plans and Programs. In addition to any duties and
18 powers prescribed under paragraph (1), the Assist-
19 ant Secretary of Defense for Operational Energy
20 Plans and Programs shall have the duties specified
21 in section 138c of this title.

22 “(10) One of the Assistant Secretaries is the
23 Assistant Secretary of Defense for Cost Assessment
24 and Program Evaluation. In addition to any duties
25 and powers prescribed under paragraph (1), the As-

1 Assistant Secretary of Defense for Cost Assessment
2 and Program Evaluation shall have the duties speci-
3 fied in section 138d of this title.

4 “(11) One of the Assistant Secretaries is the
5 Assistant Secretary of Defense for Nuclear, Chem-
6 ical, and Biological Defense Programs. In addition
7 to any duties and powers prescribed under para-
8 graph (1), the Assistant Secretary of Defense for
9 Nuclear, Chemical, and Biological Defense Programs
10 shall have the duties specified in section 138e of this
11 title.”; and

12 (C) in subsection (d), by striking “and the
13 Director of Defense Research and Engineering”
14 and inserting “the Deputy Chief Management
15 Officer of the Department of Defense, and the
16 Principal Deputy Under Secretaries of De-
17 fense”.

18 (5) ASSISTANT SECRETARY FOR LOGISTICS AND
19 MATERIEL READINESS.—Section 138a(a) is amend-
20 ed—

21 (A) by striking “There is a” and inserting
22 “The”; and

23 (B) by striking “, appointed from civilian
24 life by the President, by and with the advice

1 and consent of the Senate. The Assistant Sec-
2 retary”.

3 (6) ASSISTANT SECRETARY FOR RESEARCH AND
4 ENGINEERING.—Section 139a is transferred so as to
5 appear after section 138a, redesignated as section
6 138b, and amended—

7 (A) by striking subsection (a);

8 (B) by redesignating subsections (b) and
9 (c) as subsections (a) and (b), respectively;

10 (C) in subsection (a), as so redesignated,
11 by striking “Director of Defense” and inserting
12 “Assistant Secretary of Defense for”; and

13 (D) in subsection (b), as so redesignated—

14 (i) in paragraph (1), by striking “Di-
15 rector of Defense Research and Engineer-
16 ing, in consultation with the Director of
17 Developmental Test and Evaluation” and
18 inserting “Assistant Secretary of Defense
19 for Research and Engineering, in consulta-
20 tion with the official designated under sec-
21 tion 2438(a) of this title to have responsi-
22 bility for developmental test and evaluation
23 functions”; and

1 (ii) in paragraph (2), by striking “Di-
2 rector” and inserting “Assistant Sec-
3 retary”.

4 (7) ASSISTANT SECRETARY FOR OPERATIONAL
5 ENERGY PLANS AND PROGRAMS.—Section 139b is
6 transferred so as to appear after section 138b (as
7 transferred and redesignated by paragraph (6)), re-
8 designated as section 138c, and amended—

9 (A) in subsection (a), by striking “There is
10 a” and all that follows through “The Director”
11 and inserting “The Assistant Secretary of De-
12 fense for Operational Energy Plans and Pro-
13 grams”;

14 (B) by striking “Director” each place it
15 appears and inserting “Assistant Secretary”;

16 (C) in subsection (d)(2)—

17 (i) by striking “Not later than” and
18 all that follows through “military depart-
19 ments” and inserting “The Secretary of
20 each military department”;

21 (ii) by striking “who will” and insert-
22 ing “who shall”; and

23 (iii) by inserting “so designated” after
24 “The officials”; and

1 (D) in subsection (d)(4), by striking “The
2 initial” and all that follows through “updates to
3 the strategy” and inserting “Updates to the
4 strategy required by paragraph (1)”.

5 (8) ASSISTANT SECRETARY FOR COST ASSESS-
6 MENT AND PROGRAM EVALUATION.—Section 139c is
7 transferred so as to appear after section 138c (as
8 transferred and redesignated by paragraph (7)), re-
9 designated as section 138d, and amended—

10 (A) by striking subsection (a);

11 (B) by redesignating subsection (b) as sub-
12 section (a) and in that subsection—

13 (i) striking “Director of” in para-
14 graph (1) and inserting “Assistant Sec-
15 retary of Defense for”; and

16 (ii) striking “Director” each place it
17 appears in paragraphs (1)(A), (1)(B), and
18 (2) and inserting “Assistant Secretary”;

19 (C) by striking subsection (c) and inserting
20 the following:

21 “(b) RESPONSIBILITY FOR SPECIFIED FUNCTIONS.—

22 There shall be within the office of the Assistant Secretary
23 the following:

24 “(1) An official with primary responsibility for
25 cost assessment.

1 “(2) An official with primary responsibility for
2 program evaluation.”; and

3 (D) by redesignating subsection (d) as sub-
4 section (c) and in that subsection striking “Di-
5 rector of” in the matter preceding paragraph
6 (1) and inserting “Assistant Secretary of De-
7 fense for”.

8 (9) ASSISTANT SECRETARY FOR NUCLEAR,
9 CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS.—
10 Section 142 is transferred so as to appear after sec-
11 tion 138d (as redesignated and transferred by para-
12 graph (8)), redesignated as section 138e, and
13 amended—

14 (A) by striking subsection (a);

15 (B) by striking “(b) The Assistant to the
16 Secretary” and inserting “The Assistant Sec-
17 retary of Defense for Nuclear, Chemical, and
18 Biological Defense Programs”; and

19 (C) by striking subsection (c).

20 (c) OTHER AMENDMENTS TO CHAPTER 4 OF TITLE
21 10.—Chapter 4 of title 10, United States Code, is further
22 amended as follows:

23 (1) OFFICE OF THE SECRETARY OF DE-
24 FENSE.—Section 131(a) is amended by striking
25 “his” and inserting “the Secretary’s”.

1 (2) DEPUTY SECRETARY.—Section 132 is
2 amended—

3 (A) by striking the second sentence of sub-
4 section (c); and

5 (B) by redesignating the second subsection
6 (d) as subsection (e).

7 (3) DEPUTY CHIEF MANAGEMENT OFFICER.—
8 Such chapter is further amended by inserting after
9 section 132 the following new section:

10 **“§ 132a. Deputy Chief Management Officer**

11 “(a) There is a Deputy Chief Management Officer of
12 the Department of Defense, appointed from civilian life
13 by the President, by and with the advice and consent of
14 the Senate.

15 “(b) The Deputy Chief Management Officer assists
16 the Deputy Secretary of Defense in the Deputy Sec-
17 retary’s capacity as Chief Management Officer of the De-
18 partment of Defense under section 132(c) of this title.

19 “(c) The Deputy Chief Management Officer takes
20 precedence in the Department of Defense after the Sec-
21 retary of Defense, the Deputy Secretary of Defense, the
22 Secretaries of the military departments, and the Under
23 Secretaries of Defense.”.

1 (4) UNDER SECRETARY OF DEFENSE (COMP-
2 TROLLER).—Section 135(c) is amended by striking
3 “clauses” and inserting “paragraphs”.

4 (d) REPEAL OF POSITION TITLES SPECIFIED BY
5 LAW FOR STATUTORY POSITIONS RELATING TO DEVEL-
6 OPMENTAL TEST AND EVALUATION AND SYSTEMS ENGI-
7 NEERING.—

8 (1) TRANSFER OF SECTION FROM CHAPTER 4
9 TO PROGRAMMATIC CHAPTER.—Section 139d of title
10 10, United States Code, is transferred to chapter
11 144, inserted after section 2437, and redesignated
12 as section 2438.

13 (2) DIRECTOR OF DEVELOPMENTAL TEST AND
14 EVALUATION.—Subsection (a) of such section is
15 amended—

16 (A) by striking “(a) DIRECTOR OF” and all
17 that follows through paragraph (3) and insert-
18 ing the following:

19 “(a) DEVELOPMENTAL TEST AND EVALUATION.—

20 “(1) DESIGNATION OF RESPONSIBLE OFFI-
21 CIAL.—The Secretary of Defense shall designate,
22 from among individuals with expertise in test and
23 evaluation, an official to be responsible to the Sec-
24 retary and the Under Secretary of Defense for Ac-
25 quisition, Technology, and Logistics for develop-

1 mental test and evaluation in the Department of De-
2 fense.

3 “(2) SUPERVISION.—The official designated
4 under paragraph (1) shall report directly to an offi-
5 cial of the Department appointed from civilian life
6 by the President, by and with the advice and consent
7 of the Senate.”;

8 (B) by redesignating paragraphs (4), (5),
9 (6), and (7) as paragraphs (3), (4), (5), and
10 (6), respectively;

11 (C) in paragraph (3), as so redesignated,
12 by striking “DIRECTOR OF SYSTEMS ENGINEER-
13 ING” and all that follows through “Director of
14 Systems Engineering” and inserting “SYSTEMS
15 ENGINEERING.—The official designated under
16 paragraph (1) shall closely coordinate with the
17 official designated under subsection (b)”;

18 (D) in paragraph (4), as so redesignated,
19 by striking “Director” in the matter preceding
20 subparagraph (A) and inserting “official des-
21 ignated under paragraph (1)”;

22 (E) in paragraph (5), as so redesignated—

23 (i) by striking “Director has” and in-
24 serting “official designated under para-
25 graph (1) has”;

1 (ii) by striking “Director considers”
2 and inserting “designated official con-
3 siders”; and

4 (iii) by striking “the Director’s du-
5 ties” and inserting “that official’s duties”;
6 and

7 (F) in paragraph (6), as so redesignated,
8 by striking “serving as the Director of Develop-
9 mental Test and Evaluation” and inserting “of-
10 ficial designated under paragraph (1)”.

11 (3) DIRECTOR OF SYSTEMS ENGINEERING.—
12 Subsection (b) of such section is amended—

13 (A) by striking “(b) DIRECTOR OF” and all
14 that follows through paragraph (3) and insert-
15 ing the following:

16 “(b) SYSTEMS ENGINEERING.—

17 “(1) DESIGNATION OF RESPONSIBLE OFFI-
18 CIAL.—The Secretary of Defense shall designate,
19 from among individuals with expertise in systems en-
20 gineering, an official to be responsible to the Sec-
21 retary and the Under Secretary of Defense for Ac-
22 quisition, Technology, and Logistics for systems en-
23 gineering and development planning in the Depart-
24 ment of Defense.

1 “(2) SUPERVISION.—The official designated
2 under paragraph (1) shall report directly to an offi-
3 cial of the Department appointed from civilian life
4 by the President, by and with the advice and consent
5 of the Senate.”;

6 (B) by redesignating paragraphs (4), (5),
7 and (6) as paragraphs (3), (4), and (5), respec-
8 tively;

9 (C) in paragraph (3), as so redesignated,
10 by striking “DIRECTOR OF DEVELOPMENTAL
11 TEST AND EVALUATION” and all that follows
12 through “Director of Developmental Test and
13 Evaluation” and inserting “DEVELOPMENTAL
14 TEST AND EVALUATION.—The official des-
15 ignated under paragraph (1) shall closely co-
16 ordinate with the official designated under sub-
17 section (a)”;

18 (D) in paragraph (4), as so redesignated,
19 by striking “Director” in the matter preceding
20 subparagraph (A) and inserting “official des-
21 ignated under paragraph (1)”;

22 (E) in paragraph (5), as so redesignated—

23 (i) by striking “Director shall” and
24 inserting “official designated under para-
25 graph (1) shall”;

1 (ii) by striking “Director considers”
2 and inserting “designated official con-
3 siders”; and

4 (iii) by striking “the Director’s du-
5 ties” and inserting “that official’s duties”.

6 (4) JOINT ANNUAL REPORT.—Subsection (c) of
7 such section is amended in the matter preceding
8 paragraph (1)—

9 (A) by striking “beginning in 2010,”;

10 (B) by striking “Director of Developmental
11 Test and Evaluation and the Director of Sys-
12 tems Engineering” and inserting “officials des-
13 igned under subsections (a) and (b)”;

14 (C) by striking “subsections (a) and (b)”
15 and inserting “those subsections”; and

16 (D) by inserting “such” after “Each”.

17 (5) JOINT GUIDANCE.—Subsection (d) of such
18 section is amended in the matter preceding para-
19 graph (1)—

20 (A) by striking “Director of Developmental
21 Test and Evaluation and the Director of Sys-
22 tems Engineering” and inserting “officials des-
23 igned under subsections (a) and (b)”;

1 (B) by striking “section 103 of the Weap-
2 on Systems Acquisition Reform Act of 2009”
3 and inserting “section 2438a of this title”.

4 (6) REPEAL OF REDUNDANT DEFINITION.—
5 Subsection (e) of such section is repealed.

6 (e) CODIFICATION OF SECTION 103 OF WEAPON SYS-
7 TEMS ACQUISITION REFORM ACT OF 2009.—

8 (1) CODIFICATION.—Chapter 144 of title 10,
9 United States Code, is amended by inserting after
10 section 2438 (as transferred and redesignated by
11 subsection (d)), a new section 2438a consisting of—

12 (A) a section heading as follows:

13 “§ 2438a. Performance assessments and root cause
14 analyses”;

15 and

16 (B) a text consisting of the text of section
17 103 of the Weapon Systems Acquisition Reform
18 Act of 2009 (Public Law 111–23; 123 Stat.
19 1715; 10 U.S.C. 2430 note), modified as speci-
20 fied in paragraph (2).

21 (2) TECHNICAL AMENDMENTS DUE TO CODI-
22 FICATION.—The modifications referred to in para-
23 graph (1)(B) to the text specified in that paragraph
24 are—

1 (A) in subsection (b)(2), by striking “sec-
2 tion 2433a(a)(1) of title 10, United States Code
3 (as added by section 206(a) of this Act)” and
4 inserting “section 2433a(a)(1) of this title”;

5 (B) in subsection (b)(5)—

6 (i) by striking “section 2433a of title
7 10, United States Code (as so added)” and
8 inserting “section 2433a of this title”; and

9 (ii) by striking “prior to” both places
10 it appears and inserting “before”;

11 (C) in subsection (d), by striking “section
12 2433a of title 10, United States Code (as so
13 added)” and inserting “section 2433a of this
14 title”; and

15 (D) in subsection (f), by striking “begin-
16 ning in 2010.”.

17 (f) TRANSFER OF SECTION PROVIDING FOR DIREC-
18 TOR OF SMALL BUSINESS PROGRAMS.—Section 144 of
19 title 10, United States Code, is transferred to chapter 148,
20 inserted after section 2507, and redesignated as section
21 2508.

22 (g) REPEAL OF STATUTORY REQUIREMENT FOR OF-
23 FICE FOR MISSING PERSONNEL IN OSD.—Section
24 1501(a) of title 10, United States Code, is amended—

1 (1) by striking the subsection heading and in-
2 serting the following: “MISSING PERSONNEL OVER-
3 SIGHT.—”;

4 (2) in paragraph (1)—

5 (A) by striking “establish within the Office
6 of the Secretary of Defense an office” in the
7 first sentence and inserting “designate within
8 the Office of the Secretary of Defense an offi-
9 cial”;

10 (B) by striking the second sentence; and

11 (C) by striking “of the office” and insert-
12 ing “of the official designated under this para-
13 graph”;

14 (3) in paragraph (2)—

15 (A) by striking “of the office” the first
16 place it appears; and

17 (B) by striking “head of the office” and
18 inserting “official designated under paragraph
19 (1)”;

20 (4) in paragraphs (3) and (4), by striking “of-
21 fice” and inserting “designated official”; and

22 (5) in paragraph (5)—

23 (A) in subparagraph (A)—

1 (i) by striking “office” both places it
2 appears and inserting “designated offi-
3 cial”; and

4 (ii) by inserting before the period at
5 the end the following: “to that official with
6 respect to such designation”;

7 (B) in subparagraph (B)(i)—

8 (i) by striking “to the office” and in-
9 sserting “to support the functions of the
10 designated official”; and

11 (ii) by inserting “or authorized” after
12 “required”;

13 (C) in subparagraph (B)(ii)—

14 (i) by striking “to the office” and in-
15 sserting “to support the functions of the
16 designated official”; and

17 (ii) by striking “of the office” and in-
18 sserting “to support those functions”; and

19 (D) in subparagraph (C), by striking “of-
20 fice” and inserting “designated official”.

21 (h) REPEAL OF STATUTORY REQUIREMENT FOR OF-
22 FICE FOR FAMILY POLICY IN OSD.—Section 1781 of title
23 10, United States Code, is amended—

24 (1) by striking subsection (a);

1 (2) by striking “(b) DUTIES.—The Office—”
2 and inserting “The Secretary of Defense shall des-
3 ignate within the Office of the Secretary of Defense
4 an official to have responsibility for Department of
5 Defense policy related to military families. The offi-
6 cial so designated—”; and

7 (3) by striking subsection (c).

8 (i) REPEAL OF STATUTORY REQUIREMENT FOR OF-
9 FICE FOR CORROSION POLICY AND OVERSIGHT IN
10 OSD.—Section 2228 of title 10, United States Code, is
11 amended—

12 (1) in subsection (a)—

13 (A) by striking the subsection designation
14 and all that follows through paragraph (2) and
15 inserting the following:

16 “(a) DESIGNATION OF RESPONSIBLE OFFICIAL.—(1)
17 The Secretary of Defense shall designate, from among ci-
18 vilian employees of the Department of Defense with the
19 qualifications described in paragraph (3), an official to be
20 responsible to the Secretary of Defense and the Under
21 Secretary of Defense for Acquisition, Technology, and Lo-
22 gistics for the prevention and mitigation of corrosion of
23 the military equipment and infrastructure of the Depart-
24 ment of Defense.

1 “(2) The official designated under paragraph (1)
2 shall report directly to an official of the Department ap-
3 pointed from civilian life by the President, by and with
4 the advice and consent of the Senate.”;

5 (B) in paragraph (3), by striking “as-
6 signed to the position of Director” and insert-
7 ing “designated under paragraph (1)”; and

8 (C) in paragraph (4), by striking “of Di-
9 rector” and inserting “held by the official des-
10 igned under paragraph (1)”.

11 (2) in subsection (b)—

12 (A) by striking “Director of Corrosion Pol-
13 icy and Oversight (in this section referred to as
14 the ‘Director’)” in paragraph (1) and inserting
15 “official designated under subsection (a)”; and

16 (B) by striking “Director” in paragraphs
17 (2), (3), (4), and (5) and inserting “designated
18 official”;

19 (3) in subsection (c), by striking “ADDITIONAL
20 AUTHORITIES” and all that follows through “author-
21 ized to—” and inserting “AUTHORITIES.—The offi-
22 cial designated under subsection (a) may—”; and

23 (4) in subsection (e), by striking “beginning
24 with the budget for fiscal year 2009,”.

1 (j) REPEAL OF STATUTORY LIMITATION ON NUMBER
2 OF DEPUTY UNDER SECRETARIES OF DEFENSE.—Sec-
3 tion 906(a)(2) of the National Defense Authorization Act
4 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
5 2426; 10 U.S.C. 137a note) is repealed.

6 (k) CONFORMING AMENDMENTS TO TITLE 10.—Title
7 10, United States Code, is amended as follows:

8 (1) The following sections are amended by
9 striking “Director of Cost Assessment and Program
10 Evaluation” and inserting “Assistant Secretary of
11 Defense for Cost Assessment and Program Evalua-
12 tion”: sections 181(d), 2306b(i)(1)(B), 2366a(a)(4),
13 2366a(a)(5), 2366b(a)(1)(C), 2433a(a)(2),
14 2433a(b)(2)(C), 2434(b)(1)(A), and 2445c(f)(3).

15 (2) Section 179(c) is amended—

16 (A) by striking “Assistant to the Secretary
17 of Defense for Nuclear and Chemical and Bio-
18 logical Defense Programs” in paragraphs (2)
19 and (3) and inserting “Assistant Secretary of
20 Defense for Nuclear, Chemical, and Biological
21 Defense Programs”; and

22 (B) by striking “to the” in paragraph (3).

23 (3) Section 2272 is amended by striking “Di-
24 rector of Defense Research and Engineering” each

1 place it appears and inserting “Assistant Secretary
2 of Defense for Research and Engineering”.

3 (4) Section 2334 is amended—

4 (A) by striking “Director of Cost Assess-
5 ment and Program Evaluation” each place it
6 appears and inserting “Assistant Secretary of
7 Defense for Cost Assessment and Program
8 Evaluation”; and

9 (B) by striking “Director” each place it
10 appears (other than as specified in subpara-
11 graph (A)) and inserting “Assistant Secretary”.

12 (5) Section 2365 is amended—

13 (A) in subsection (a), by striking “Director
14 of Defense Research and Engineering” and in-
15 serting “Assistant Secretary of Defense for Re-
16 search and Engineering”;

17 (B) in subsection (d)(1), by striking “Di-
18 rector” and inserting “Assistant Secretary”;

19 (C) in subsection (d)(2)—

20 (i) by striking “Director of Defense
21 Research and Engineering” and inserting
22 “Assistant Secretary of Defense for Re-
23 search and Engineering”; and

24 (ii) by striking “Director may” and
25 inserting “Assistant Secretary may”; and

1 (D) in subsection (e), by striking “Direc-
2 tor” and inserting “Assistant Secretary”.

3 (6) Sections 2350a(g)(3), 2366b(a)(3)(D),
4 2374a(a), and 2517(a) are amended by striking “Di-
5 rector of Defense Research and Engineering” and
6 inserting “Assistant Secretary of Defense for Re-
7 search and Engineering”.

8 (7) Section 2902(b) is amended—

9 (A) in paragraph (1), by striking “Deputy
10 Under Secretary of Defense for Science and
11 Technology” and inserting “official within the
12 Office of the Assistant Secretary of Defense for
13 Research and Engineering who is responsible
14 for science and technology”; and

15 (B) in paragraph (3), by striking “Deputy
16 Under Secretary of Defense” and inserting “of-
17 ficial within the Office of the Under Secretary
18 of Defense for Acquisition, Technology, and Lo-
19 gistics who is”.

20 (I) OTHER CONFORMING AMENDMENTS.—

21 (1) Section 214 of the National Defense Au-
22 thorization Act of Fiscal Year 2008 (10 U.S.C. 2521
23 note) is amended by striking “Director of Defense
24 Research and Engineering” and inserting “Assistant

1 Secretary of Defense for Research and Engineer-
2 ing”.

3 (2) Section 201(d) of the Weapon Systems Ac-
4 quisition Reform Act of 2009 (10 U.S.C. 181 note)
5 is amended—

6 (A) by striking “The Director of Cost As-
7 sessment and Program Evaluation” and insert-
8 ing “The Assistant Secretary of Defense for
9 Cost Assessment and Program Evaluation”;
10 and

11 (B) by striking “the Director” and insert-
12 ing “the Assistant Secretary”.

13 (m) SECTION HEADING AND CLERICAL AMEND-
14 MENTS.—

15 (1) SECTION HEADING AMENDMENTS.—Title
16 10, United States Code, is amended as follows:

17 (A) The heading of section 137a is amend-
18 ed to read as follows:

19 “§ 137a. **Principal Deputy Under Secretaries of De-**
20 **fense”.**

21 (B) The heading of section 138b, as trans-
22 ferred and redesignated by subsection (b)(6), is
23 amended to read as follows:

1 **“§ 138b. Assistant Secretary of Defense for Research**
2 **and Engineering”.**

3 (C) The heading of section 138c, as trans-
4 ferred and redesignated by subsection (b)(7), is
5 amended to read as follows:

6 **“§ 138c. Assistant Secretary of Defense for Oper-**
7 **ational Energy Plans and Programs”.**

8 (D) The heading of section 138d, as trans-
9 ferred and redesignated by subsection (b)(8), is
10 amended to read as follows:

11 **“§ 138d. Assistant Secretary of Defense for Cost As-**
12 **essment and Program Evaluation”.**

13 (E) The heading of section 138e, as trans-
14 ferred and redesignated by subsection (b)(9), is
15 amended to read as follows:

16 **“§ 138e. Assistant Secretary of Defense for Nuclear,**
17 **Chemical, and Biological Defense Pro-**
18 **grams”.**

19 (F) The heading of section 1781 is amend-
20 ed to read as follows:

21 **“§ 1781. Family policy oversight”.**

22 (G) The heading of section 2228 is amend-
23 ed to read as follows:

1 **“§ 2228. Military equipment and infrastructure: pre-**
 2 **vention and mitigation of corrosion”.**

3 (H) The heading of section 2438 is amend-
 4 ed to read as follows:

5 **“§ 2438. Developmental test and evaluation; systems**
 6 **engineering; designation of responsible**
 7 **officials; joint guidance”.**

8 (2) CLERICAL AMENDMENTS.—Title 10, United
 9 States Code, is further amended as follows:

10 (A) The table of sections at the beginning
 11 of chapter 4 is amended—

12 (i) by inserting after the item relating
 13 to section 132 the following new item:

“132a. Deputy Chief Management Officer.”;

14 (ii) by striking the items relating to
 15 sections 133a, 134a, and 136a;

16 (iii) by amending the item relating to
 17 section 137a to read as follows:

“137a. Principal Deputy Under Secretaries of Defense.”;

18 (iv) by inserting after the item relat-
 19 ing to section 138a the following new
 20 items:

“138b. Assistant Secretary of Defense for Research and Engineering.

“138c. Assistant Secretary of Defense for Operational Energy Plans and Pro-
 grams.

“138d. Assistant Secretary of Defense for Cost Assessment and Program Eval-
 uation.

“138e. Assistant Secretary of Defense for Nuclear, Chemical, and Biological De-
 fense Programs.”;

1 and

2 (v) by striking the items relating to
3 sections 139a, 139b, 139c, 139d, 142, and
4 144.

5 (B) The item relating to section 1781 in
6 the table of sections at the beginning of sub-
7 chapter I of chapter 88 is amended to read as
8 follows:

“1781. Family policy oversight.”

9 (C) The item relating to section 2228 in
10 the table of sections at the beginning of chapter
11 131 is amended to read as follows:

“2228. Military equipment and infrastructure: prevention and mitigation of cor-
rosion.”

12 (D) The table of sections at the beginning
13 of chapter 144 is amended by inserting after
14 the item relating to section 2437 the following
15 new items:

“2438. Developmental test and evaluation; systems engineering: designation of
responsible officials; joint guidance.

“2438a. Performance assessments and root cause analyses.”

16 (E) The table of sections at the beginning
17 of subchapter II of chapter 148 is amended by
18 inserting after the item relating to section 2507
19 the following new item:

“2508. Director of Small Business Programs.”

20 (n) EXECUTIVE SCHEDULE AMENDMENTS.—Chapter
21 53 of title 5, United States Code, is amended as follows:

1 (1) NUMBER OF ASSISTANT SECRETARY OF DE-
2 FENSE POSITIONS.—Section 5315 is amended by
3 striking “Assistant Secretaries of Defense (12)” and
4 inserting “Assistant Secretaries of Defense (17)”.

5 (2) POSITIONS REDESIGNATED AS ASSISTANT
6 SECRETARY POSITIONS.—

7 (A) Section 5315 is further amended—

8 (i) by striking “Director of Cost As-
9 sessment and Program Evaluation, De-
10 partment of Defense.”; and

11 (ii) by striking “Director of Defense
12 Research and Engineering.”.

13 (B) Section 5316 is amended by striking
14 “Assistant to the Secretary of Defense for Nu-
15 clear and Chemical and Biological Defense Pro-
16 grams.”.

17 (3) AMENDMENTS TO DELETE REFERENCES TO
18 POSITIONS IN SENIOR EXECUTIVE SERVICE.—Section
19 5316 is further amended—

20 (A) by striking “Director, Defense Ad-
21 vanced Research Projects Agency, Department
22 of Defense.”;

23 (B) by striking “Deputy General Counsel,
24 Department of Defense.”;

1 (C) by striking “Deputy Under Secretaries
2 of Defense for Research and Engineering, De-
3 partment of Defense (4).”; and

4 (D) by striking “Special Assistant to the
5 Secretary of Defense.”.

6 (o) REFERENCES IN OTHER LAWS, ETC.—Any ref-
7 erence in any provision or law other than title 10, United
8 States Code, or in any rule, regulation, or other paper of
9 the United States, to any of the offices of the Department
10 of Defense redesignated by subsection (a) shall be treated
11 as referring to that office as so redesignated.

12 (p) EFFECTIVE DATE.—The provisions of this sec-
13 tion and the amendments made by this section shall take
14 effect on January 1, 2011, or on such earlier date for any
15 of such provisions as may be prescribed by the Secretary
16 of Defense. If the Secretary prescribes an earlier date for
17 any of those provisions or amendments, the Secretary shall
18 notify Congress in writing in advance of such date.

19 **SEC. 902. REPEAL OF PERSONNEL LIMITATIONS APPLICA-**
20 **BLE TO CERTAIN DEFENSE-WIDE ORGANIZA-**
21 **TIONS AND REVISIONS TO LIMITATION AP-**
22 **PLICABLE TO OFFICE OF THE SECRETARY OF**
23 **DEFENSE.**

24 (a) REPEAL OF PERSONNEL LIMITATIONS APPLICA-
25 BLE TO DEFENSE-WIDE ORGANIZATIONS.—

1 (1) DEFENSE AGENCIES AND DOD FIELD AC-
2 TIVITIES.—Section 194 of title 10, United States
3 Code, is repealed.

4 (2) COMBATANT COMMANDS.—Section 601 of
5 the Goldwater-Nichols Department of Defense Reor-
6 ganization Act of 1986 (Public Law 99–433; 10
7 U.S.C. 194 note) is repealed.

8 (b) REVISIONS TO PERSONNEL LIMITATION APPLI-
9 CABLE TO OFFICE OF THE SECRETARY OF DEFENSE.—

10 (1) REMOVAL OF WASHINGTON HEADQUARTERS
11 SERVICE FROM OSD LIMIT.—(A) Subsection (a) of
12 section 143 of title 10, United States Code, is
13 amended by striking “3,767” and inserting “3,370”.

14 (B) Subsection (b) of such section is
15 amended to read as follows:

16 “(b) OSD PERSONNEL DEFINED.—In this section,
17 the term ‘OSD personnel’ means members of the armed
18 forces and civilian employees of the Department of De-
19 fense who are assigned or detailed to permanent duty in
20 the Office of the Secretary of Defense.”.

21 (2) EXEMPTION FOR NATIONAL EMER-
22 GENCIES.—Such section is further amended by add-
23 ing at the end the following new subsection:

24 “(d) EXEMPTION DURING TIME OF WAR OR NA-
25 TIONAL EMERGENCY.—The limitation in subsection (a)

1 does not apply in time of war or during a national emer-
2 gency declared by the President or Congress.”.

3 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) TABLE OF SECTIONS.—The table of sections
5 at the beginning of chapter 8 of title 10, United
6 States Code, is amended by striking the item relat-
7 ing to section 194.

8 (2) SECTION 1111.—Section 1111 of the Dun-
9 can Hunter National Defense Authorization Act for
10 Fiscal Year 2009 (Public Law 110–417; 10 U.S.C.
11 143 note) is amended—

12 (A) in subsection (a)—

13 (i) by striking “For fiscal year 2009
14 and fiscal years thereafter,” and inserting
15 “For any fiscal year,”;

16 (ii) by striking “194,”; and

17 (iii) by striking “Code, or” in para-
18 graph (1) and all that follows through “or
19 otherwise” and inserting “Code, or other-
20 wise”; and

21 (B) in subsection (b)—

22 (i) by striking “For fiscal year 2009
23 and fiscal years thereafter,” and inserting
24 “For any fiscal year,”;

25 (ii) by striking “194,”;

- 1 (iii) by striking “the” in paragraph
2 (1) after “in accordance with”; and
3 (iv) by striking “any” in paragraph
4 (2) after “work, for”.

5 **SEC. 903. AUTHORITY FOR THE DEPARTMENT OF DEFENSE**
6 **TO APPROVE AN ALTERNATE METHOD OF**
7 **PROCESSING EQUAL EMPLOYMENT OPPOR-**
8 **TUNITY COMPLAINTS WITHIN ONE OR MORE**
9 **COMPONENT ORGANIZATIONS UNDER SPECI-**
10 **FIED CIRCUMSTANCES.**

11 (a) **AUTHORITY.**—The Secretary of Defense may im-
12 plement within one or more of the component organiza-
13 tions of the Department of Defense an alternate program
14 for processing equal employment opportunity complaints.
15 The Equal Employment Opportunity Commission shall
16 not reverse a final decision of such a component organiza-
17 tion on the grounds that the organization did not comply
18 with the regulatory requirements promulgated by the
19 Commission if under the alternate program complain-
20 ants—

- 21 (1) participate voluntarily and retain the right
22 to use the procedural requirements of part 1614 of
23 title 29 of the Code of Federal Regulations or other
24 regulations, directives, or regulatory restrictions pre-

1 scribed by the Equal Employment Opportunity Com-
2 mission;

3 (2) may opt out of the alternate system at any
4 time prior to the issuance of the final decision of the
5 component organization; and

6 (3) retain any statutory or regulatory right to
7 appeal the final decision of the component organiza-
8 tion to the Equal Employment Opportunity Commis-
9 sion or to file suit in Federal district court.

10 If the Equal Employment Opportunity Commission re-
11 verses a final decision of such a component organization
12 on other grounds, the Commission may remand the case
13 to either the process under part 1614 of title 29 of the
14 Code of Federal Regulations or the alternate program as
15 it deems appropriate.

16 (b) AIR FORCE PROGRAM.—The Secretary of the Air
17 Force may implement the alternate program to process
18 equal employment opportunity complaints that the Sec-
19 retary previously conducted as a Department of Defense
20 pilot program under the authority of section 1111 of the
21 Floyd D. Spence National Defense Authorization Act for
22 Fiscal Year 2001 (Public Law 106–398; 114 Stat.
23 1654A–312), provided that the Secretary complies with
24 the requirement and restrictions in subsection (a). The

1 Secretary may delete its pilot program evaluation report-
2 ing and surveys.

3 (c) APPEALS.—A complainant’s election to use an al-
4 ternate process authorized as provided in subsections (a)
5 and (b) shall not obstruct, impede, or otherwise interfere
6 with any statutory or regulatory right of the complainant
7 to appeal the final decision of the component organization
8 to the Equal Employment Opportunity Commission or to
9 file suit in Federal district court.

10 (d) DURATION.—The authority granted under this
11 section shall expire two years after the date of the enact-
12 ment of this Act unless the Equal Employment Oppor-
13 tunity Commission agrees to an extension of the program.

14 **SEC. 904. INCREASE IN AUTHORIZED NUMBER OF DEFENSE**
15 **INTELLIGENCE SENIOR EXECUTIVE SERVICE**
16 **POSITIONS.**

17 Section 1606(a) of title 10, United States Code, is
18 amended—

19 (1) by inserting “(1)” before “The Secretary of
20 Defense”;

21 (2) by striking the second sentence; and

22 (3) by adding at the end the following new
23 paragraphs:

1 “(2)(A) The number of positions in the Defense
2 Intelligence Senior Executive Service during fiscal
3 year 2011 may not exceed 644.

4 “(B) The number of positions in the Defense
5 Intelligence Senior Executive Service during any fis-
6 cal year after fiscal year 2011 may not exceed the
7 lesser of the following:

8 “(i) The number of such positions author-
9 ized by paragraph (2)(A), as adjusted by the
10 percentage specified in subparagraph (C) for
11 such fiscal year.

12 “(ii) 694.

13 “(C) The percentage specified in this subpara-
14 graph for a fiscal year is the percentage by which
15 the authorized number of Department of Defense
16 positions in the Senior Executive Service has been
17 increased as of the end of the preceding fiscal year
18 over the number of such positions authorized on
19 September 30, 2010.

20 “(3) The Secretary may give priority for the al-
21 location of any increase in the number of authorized
22 positions in the Defense Intelligence Senior Execu-
23 tive Service to those Department of Defense intel-
24 ligence components in which the ratio of senior ex-

1 executives to employees other than senior executives is
2 the lowest.”.

3 **SEC. 905. REVISIONS TO POLICY ON DEVELOPMENT AND**
4 **PROCUREMENT OF UNMANNED SYSTEMS.**

5 (a) REVISION TO REQUIRED POLICY.—Subsection (a)
6 of section 941 of the John Warner National Defense Au-
7 thorization Act for Fiscal Year 2007 (Public Law 109-
8 364; 120 Stat. 2083) is amended—

9 (1) by striking “on” and inserting “for the con-
10 duct of”;

11 (2) by striking “procurement, and operation”
12 and inserting “and for the conduct of procure-
13 ment,”;

14 (3) by inserting “manned and” before “un-
15 manned systems”; and

16 (4) by inserting “in a manner that is fiscally re-
17 sponsible and enhances warfighter capability” before
18 the period at the end.

19 (b) MODIFICATION TO ELEMENTS OF POLICY.—Sub-
20 section (b) of such section is amended—

21 (1) by striking paragraphs (1) and (2) and in-
22 serting the following new paragraphs:

23 “(1) An identification of those Department of
24 Defense capabilities for which manned and un-
25 manned systems may address potential needs.

1 “(2) A thorough and objective consideration of
2 the acquisition of manned and unmanned systems
3 whenever a new system is to be acquired to meet a
4 capability requirement.”;

5 (2) in paragraph (5), by striking “, including”
6 and all that follows through “on unmanned sys-
7 tems”; and

8 (3) in paragraph (6), by striking “missions”
9 and inserting “capabilities”.

10 (c) ROADMAP.—Such section is further amended—

11 (1) by striking subsection (d);

12 (2) by redesignating subsection (c) as sub-
13 section (d);

14 (3) by inserting after subsection (b) the fol-
15 lowing new subsection (c):

16 “(c) ROADMAP.—The Secretary of Defense shall pre-
17 pare and update periodically a roadmap for the policy re-
18 quired by subsection (a) that includes—

19 “(1) goals for the development of unmanned
20 system technologies to address capabilities identified
21 pursuant to subsection (b)(1); and

22 “(2) plans to address technical, operational,
23 and production challenges, and gaps in capabilities,
24 with respect to unmanned systems.”; and

1 (4) in subsection (d), as redesignated by para-
 2 graph (2), by inserting “, and implement the road-
 3 map required by subsection (c),” after “subsection
 4 (a)”.

5 (d) CONFORMING AMENDMENT.—The heading of
 6 such section is amended by inserting “**MANNED AND**” be-
 7 fore “**UNMANNED**”.

8 **SEC. 906. IMPROVEMENTS TO STRUCTURE AND FUNC-**
 9 **TIONING OF JOINT REQUIREMENTS OVER-**
 10 **SIGHT COUNCIL.**

11 (a) VICE CHAIRMAN OF JOINT CHIEFS OF STAFF TO
 12 BE CHAIRMAN OF THE JROC.—Subsection (c) of section
 13 181 of title 10, United States Code, is amended—

14 (1) in paragraph (1), by inserting “Vice” before
 15 “Chairman of the Joint Chiefs of Staff”;

16 (2) in paragraph (2), by striking “, other than
 17 the Chairman of the Joint Chiefs of Staff,” and in-
 18 serting “under subparagraphs (B), (C), (D), and
 19 (E) of paragraph (1)”;

20 (3) by striking paragraph (3).

21 (b) ROLE OF COMBATANT COMMANDERS AS MEM-
 22 BERS OF THE JROC.—

23 (1) MEMBERSHIP ON COUNCIL AS REQUIRED.—
 24 Paragraph (1) of subsection (c) of such section is
 25 further amended—

1 (A) by striking “and” at the end of sub-
2 paragraph (D);

3 (B) by striking the period at the end of
4 subparagraph (E) and inserting “; and”; and

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

7 “(F) in addition, when directed by the
8 chairman, the commander of any combatant
9 command (or, as directed by that commander,
10 the deputy commander of that command) when
11 matters related to the area of responsibility or
12 functions of that command will be under con-
13 sideration by the Council.”.

14 (c) CIVILIAN ADVISORS.—

15 (1) ADDITIONAL CIVILIAN ADVISORS.—Sub-
16 section (d) of such section is further amended by
17 striking “The Under Secretary” and all that follows
18 through “and expertise.” and inserting the following:
19 “The following officials of the Department of De-
20 fense shall serve as advisors to the Council on mat-
21 ters within their authority and expertise:

22 “(A) The Under Secretary of Defense for
23 Acquisition, Technology, and Logistics.

24 “(B) The Under Secretary of Defense
25 (Comptroller).

1 “(C) The Under Secretary of Defense for
2 Policy.

3 “(D) The Director of Cost Assessment and
4 Program Evaluation.

5 “(E) Such other civilian officials of the De-
6 partment of Defense as are designated by the
7 Secretary of Defense.”.

8 (2) CONFORMING AMENDMENT.—Subsection
9 (b)(3) of such section is amended by striking
10 “Under Secretary of Defense (Comptroller), the
11 Under Secretary of Defense for Acquisition, Tech-
12 nology, and Logistics, and the Director of Cost As-
13 sessment and Performance Evaluation” and insert-
14 ing “advisors to the Council under subsection (d)”.

15 (d) RECOGNITION OF PERMANENT NATURE OF
16 JROC.—Subsection (a) of such section is amended by
17 striking “The Secretary of Defense shall establish” and
18 inserting “There is”.

19 **SEC. 907. CONSOLIDATION AND REORGANIZATION OF STAT-**
20 **UTORY AUTHORITY FOR DESTRUCTION OF**
21 **UNITED STATES STOCKPILE OF LETHAL**
22 **CHEMICAL AGENTS AND MUNITIONS.**

23 (a) CONSOLIDATION AND REORGANIZATION OF RE-
24 LATED STATUTORY PROVISIONS.—Section 1412 of the

1 Department of Defense Authorization Act, 1986 (50
2 U.S.C. 1521), is amended—

3 (1) in subsection (b)—

4 (A) in paragraph (1)—

5 (i) by striking “paragraphs (2) and
6 (3)” and inserting “paragraph (2)”; and

7 (ii) by inserting after “such stockpile”
8 the following “, including those agents and
9 munitions stored at Blue Grass Army
10 Depot, Kentucky, and Pueblo Chemical
11 Depot, Colorado,”;

12 (B) by striking paragraph (2);

13 (C) by redesignating paragraphs (3), (4),
14 and (5) as paragraphs (2), (3), and (4), respec-
15 tively; and

16 (D) in paragraph (4), as redesignated by
17 subparagraph (C), by striking “December 31,
18 2004” and inserting “the deadline established
19 by the Chemical Weapons Convention, and in
20 no circumstances later than December 31,
21 2017”;

22 (2) by striking subsections (i) and (k);

23 (3) by redesignating subsections (c), (d), (e),
24 (f), (g), (h), and (j) as subsections (d), (f), (g), (h),
25 (i), (k), and (o);

1 (4) by inserting after subsection (b) the fol-
2 lowing new subsection (c):

3 “(c) INITIATION OF DEMILITARIZATION OPER-
4 ATIONS.—The Secretary of Defense may not initiate de-
5 struction of the chemical munitions stockpile stored at a
6 site until the following support measures are in place:

7 “(1) Support measures that are required by De-
8 partment of Defense and Army chemical surety and
9 security program regulations.

10 “(2) Support measures that are required by the
11 general and site chemical munitions demilitarization
12 plans specific to that installation.

13 “(3) Support measures that are required by the
14 permits required by the Solid Waste Disposal Act
15 (42 U.S.C. 6901 et seq.) and the Clean Air Act (42
16 U.S.C. 7401 et seq.) for chemical munitions demili-
17 tarization operations at that installation, as ap-
18 proved by the appropriate State regulatory agen-
19 cies.”;

20 (5) in paragraph (1)(A) of subsection (d), as re-
21 designated by paragraph (3), by inserting after
22 “subsection (a)” the following “, including but not
23 limited to the use of technologies and procedures
24 that will minimize the risk to the public at each
25 site”;

1 (6) by inserting after paragraph (3) of sub-
2 section (d) (as so redesignated) the following:

3 “(e) GRANTS AND COOPERATIVE AGREEMENTS.—”;

4 (7) by redesignating the paragraphs (4) and (5)
5 that immediately follow the subsection designation
6 and heading inserted by paragraph (6) as para-
7 graphs (1) and (2), respectively, and—

8 (A) in the redesignated paragraph (1), by
9 striking “subparagraph (A) of paragraph (1)”
10 and inserting “subsection (d)(1)(A)”, and

11 (B) in the redesignated paragraph (2)—

12 (i) by striking “paragraph (1)(B)” in
13 subparagraph (A)(ii) and inserting “sub-
14 section (d)(1)(B)”; and

15 (ii) by striking “Director” each place
16 it appears in subparagraphs (A) and (C)
17 and inserting “Administrator”;

18 (8) in subsection (g), as redesignated by para-
19 graph (3),—

20 (A) in paragraph (1), by striking “, not
21 later than May 1, 1986,”;

22 (B) in paragraph (2)—

23 (i) by striking “Such organization”
24 and inserting “The Secretary of the
25 Army”; and

1 (ii) by striking “under this section”
2 and inserting “at all sites except Blue
3 Grass Army Depot, Kentucky, and Pueblo
4 Chemical Depot, Colorado”;

5 (C) by transferring the text of paragraph
6 (2), as amended by subparagraph (B), to the
7 end of paragraph (1); and

8 (D) by inserting after the paragraph des-
9 ignation for paragraph (2) the following: “MAN-
10 AGEMENT OF CHEMICAL DEMILITARIZATION AC-
11 TIVITIES AT BLUE GRASS ARMY DEPOT, KEN-
12 TUCKY, AND PUEBLO DEPOT, COLORADO.—The
13 program manager for the Assembled Chemical
14 Weapons Alternative Program shall be respon-
15 sible for management of the construction, oper-
16 ation, and closure, and any contracting relating
17 thereto, of chemical demilitarization activities at
18 Blue Grass Army Depot, Kentucky, and Pueblo
19 Army Depot, Colorado, including management
20 of the pilot-scale facility phase of the alternative
21 technology selected for the destruction of lethal
22 chemical munitions. In performing such man-
23 agement, the program manager shall act inde-
24 pendently of the Army program manager for
25 Chemical Demilitarization and shall report to

1 the Under Secretary of Defense for Acquisition,
2 Technology, and Logistics.”;

3 (9) in paragraph (2) of subsection (h), as redesi-
4 gnated by paragraph (3)—

5 (A) by striking “subsection (c)(5)” and in-
6 serting “subsection (e)”; and

7 (B) by striking “Director” and inserting
8 “Administrator”;

9 (10) in subsection (i), as redesignated by para-
10 graph (3)—

11 (A) by striking “PERIODIC REPORTS” in
12 the subsection caption and inserting “ANNUAL
13 REPORT”; and

14 (B) in paragraph (2)—

15 (i) by striking “subsection (c)(4)” in
16 subparagraphs (B) and (C)(vii) and insert-
17 ing “subsection (e)”; and

18 (ii) by striking “section 172(g) of
19 Public Law 102–484 (50 U.S.C. 1521
20 note)” and inserting “subsection (m)(7)”;

21 (11) by inserting after subsection (i), as so re-
22 designating, the following new subsection (j):

23 “(j) SEMIANNUAL REPORTS.—(1) By March 1st and
24 September 1st each year until the year in which the
25 United States completes the destruction of its entire stock-

1 pile of chemical weapons under the terms of the Chemical
2 Weapons Convention, the Secretary of Defense shall sub-
3 mit to the members and committees of Congress referred
4 to in paragraph (3) a report on the implementation by
5 the United States of its chemical weapons destruction obli-
6 gations under the Chemical Weapons Convention.

7 “(2) Each report under paragraph (1) shall include
8 the following:

9 “(A) The anticipated schedule at the time of
10 such report for the completion of destruction of
11 chemical agents, munitions, and material at each
12 chemical weapons demilitarization facility in the
13 United States.

14 “(B) A description of the options and alter-
15 natives for accelerating the completion of chemical
16 weapons destruction at each such facility, particu-
17 larly in time to meet the stockpile elimination dead-
18 line.

19 “(C) A description of the funding required to
20 achieve each of the options for destruction described
21 under subparagraph (B), and a detailed life-cycle
22 cost estimate for each of the affected facilities in-
23 cluded in each such funding profile.

24 “(D) A description of all actions being taken by
25 the United States to accelerate the destruction of its

1 entire stockpile of chemical weapons, agents, and
2 materiel in order to meet the current destruction
3 deadline under the Chemical Weapons Convention of
4 April 29, 2012, or as soon thereafter as possible.

5 “(3) The members and committees of Congress re-
6 ferred to in this paragraph are—

7 “(A) the majority leader and the minority lead-
8 er of the Senate and the Committee on Armed Serv-
9 ices and the Committee on Appropriations of the
10 Senate; and

11 “(B) the Speaker of the House of Representa-
12 tives, the majority leader and the minority leader of
13 the House of Representatives, and the Committee on
14 Armed Services and the Committee on Appropria-
15 tions of the House of Representatives.”;

16 (12) in subsection (o), as redesignated by para-
17 graph (3), by adding at the end the following new
18 paragraph:

19 “(4) The term ‘Chemical Weapons Convention’
20 means the Convention on the Prohibition of Develop-
21 ment, Production, Stockpiling and Use of Chemical
22 Weapons and on Their Destruction, with annexes,
23 done at Paris, January 13, 1993, and entered into
24 force April 29, 1997 (T. Doc. 103–21).”; and

1 (13) by inserting after subsection (k), as redese-
2 gnated by paragraph (3), the following new sub-
3 sections:

4 “(l) SURVEILLANCE AND ASSESSMENT PROGRAM.—
5 The Secretary of Defense shall conduct an ongoing com-
6 prehensive program of—

7 “(1) surveillance of the existing United States
8 stockpile of chemical weapons; and

9 “(2) assessment of the condition of the stock-
10 pile.

11 “(m) CHEMICAL DEMILITARIZATION CITIZENS’ AD-
12 VISORY COMMISSIONS.—

13 “(1) ESTABLISHMENT.—(A) The Secretary of
14 the Army shall establish a citizens’ commission for
15 each State in which there is a chemical demilitariza-
16 tion facility under Army management.

17 “(B) The Assistant to the Secretary of Defense
18 for Nuclear, Chemical, and Biological Defense Pro-
19 grams shall establish a chemical demilitarization citi-
20 zens’ commission in Colorado and in Kentucky.

21 “(C) Each such commission shall be known as
22 the ‘Chemical Demilitarization Citizens’ Advisory
23 Commission’ for that State.

24 “(2) FUNCTIONS.—(A) The Secretary of the
25 Army, or the Department of Defense in Colorado

1 and Kentucky, shall provide for a representative to
2 meet with each commission established under this
3 subsection to receive citizen and State concerns re-
4 garding the ongoing program for the disposal of the
5 lethal chemical agents and munitions in the stockpile
6 referred to in subsection (a) at each of the sites with
7 respect to which a commission is established pursu-
8 ant to paragraph (1).

9 “(B) The Secretary of the Army shall provide
10 for a representative from the Office of the Assistant
11 Secretary of the Army (Acquisition, Logistics, and
12 Technology) to meet with each commission under
13 Army management.

14 “(C) The Assistant to the Secretary of Defense
15 for Nuclear, Chemical, and Biological Defense Pro-
16 grams shall provide for a representative from the
17 Assistant to meet with the commissions in Colorado
18 and Kentucky.

19 “(3) MEMBERSHIP.—(A) Each commission
20 shall be composed of nine members appointed by the
21 Governor of the State. Seven of such members shall
22 be citizens from the local affected areas in the State;
23 the other two shall be representatives of State gov-
24 ernment who have direct responsibilities related to
25 the chemical demilitarization program.

1 “(B) For purposes of this paragraph, affected
2 areas are those areas located within a 50-mile radius
3 of a chemical weapons storage site.

4 “(4) CONFLICTS OF INTEREST.—For a period
5 of five years after the termination of any commis-
6 sion, no corporation, partnership, or other organiza-
7 tion in which a member of that commission, a
8 spouse of a member of that commission, or a natural
9 or adopted child of a member of that commission
10 has an ownership interest may be awarded—

11 “(A) a contract related to the disposal of
12 lethal chemical agents or munitions in the
13 stockpile referred to in subsection (a); or

14 “(B) a subcontract under such a contract.

15 “(5) CHAIRMAN.—The members of each com-
16 mission shall designate the chairman of the commis-
17 sion from among the members of the commission.

18 “(6) MEETINGS.—Each commission shall meet
19 with a representative from the Army, or the Office
20 of the Secretary of Defense for the Colorado and
21 Kentucky commissions, upon joint agreement be-
22 tween the chairman of the commission and that rep-
23 resentative. The two parties shall meet not less often
24 than twice a year and may meet more often at their
25 discretion.

1 “(7) PAY AND EXPENSES.—Members of each
2 commission shall receive no pay for their involve-
3 ment in the activities of their commissions. Funds
4 appropriated for the Chemical Stockpile Demili-
5 tarization Program may be used for travel and asso-
6 ciated travel costs for Citizens’ Advisory Commis-
7 sioners, when such travel is conducted at the invita-
8 tion of the Assistant Secretary of the Army (Acquisi-
9 tion, Logistics, and Technology) or the invitation of
10 the Deputy Assistant to the Secretary of Defense for
11 Chemical and Biological Defense and Chemical De-
12 militarization for the Colorado and Kentucky com-
13 missions.

14 “(8) TERMINATION OF COMMISSIONS.—Each
15 commission shall be terminated after the closure ac-
16 tivities required pursuant to regulations promulgated
17 by the Administrator of the Environmental Protec-
18 tion Agency pursuant to the Solid Waste Disposal
19 Act (42 U.S.C. 6901 et seq.) have been completed
20 for the chemical agent destruction facility in the
21 commission’s State, or upon the request of the Gov-
22 ernor of the commission’s State, whichever occurs
23 first.

24 “(n) INCENTIVE CLAUSES IN CHEMICAL DEMILI-
25 TARIZATION CONTRACTS.—

1 “(1) AUTHORITY TO INCLUDE CLAUSES IN CON-
2 TRACTS.—(A) The Secretary of Defense may, for
3 the purpose specified in paragraph (B), authorize
4 the inclusion of an incentives clause in any contract
5 for the destruction of the United States stockpile of
6 lethal chemical agents and munitions carried out
7 pursuant to subsection (a).

8 “(B) The purpose of a clause referred to in
9 subparagraph (A) is to provide the contractor for a
10 chemical demilitarization facility an incentive to ac-
11 celerate the safe elimination of the United States
12 chemical weapons stockpile and to reduce the total
13 cost of the Chemical Demilitarization Program by
14 providing incentive payments for the early comple-
15 tion of destruction operations and the closure of
16 such facility.

17 “(2) INCENTIVES CLAUSES.—(A) An incentives
18 clause under this subsection shall permit the con-
19 tractor for the chemical demilitarization facility con-
20 cerned the opportunity to earn incentive payments
21 for the completion of destruction operations and fa-
22 cility closure activities within target incentive ranges
23 specified in such clause.

24 “(B) The maximum incentive payment under
25 an incentives clause with respect to a chemical de-

1 militarization facility may not exceed the following
2 amounts:

3 “(i) In the case of an incentive payment
4 for the completion of destruction operations
5 within the target incentive range specified in
6 such clause, \$110,000,000.

7 “(ii) In the case of an incentive payment
8 for the completion of facility closure activities
9 within the target incentive range specified in
10 such clause, \$55,000,000.

11 “(C) An incentives clause in a contract under
12 this section shall specify the target incentive ranges
13 of costs for completion of destruction operations and
14 facility closure activities, respectively, as jointly
15 agreed upon by the contracting officer and the con-
16 tractor concerned. An incentives clause shall require
17 a proportionate reduction in the maximum incentive
18 payment amounts in the event that the contractor
19 exceeds an agreed-upon target cost if such excess
20 costs are the responsibility of the contractor.

21 “(D) The amount of the incentive payment
22 earned by a contractor for a chemical demilitariza-
23 tion facility under an incentives clause under this
24 subsection shall be based upon a determination by
25 the Secretary on how early in the target incentive

1 range specified in such clause destruction operations
2 or facility closure activities, as the case may be, are
3 completed.

4 “(E) The provisions of any incentives clause
5 under this subsection shall be consistent with the ob-
6 ligation of the Secretary of Defense under subsection
7 (d)(1)(A), to provide for maximum protection for the
8 environment, the general public, and the personnel
9 who are involved in the destruction of the lethal
10 chemical agents and munitions.

11 “(F) In negotiating the inclusion of an incen-
12 tives clause in a contract under this subsection, the
13 Secretary may include in such clause such additional
14 terms and conditions as the Secretary considers ap-
15 propriate.

16 “(3) ADDITIONAL LIMITATION ON PAYMENTS.—
17 (A) No payment may be made under an incentives
18 clause under this subsection unless the Secretary de-
19 termines that the contractor concerned has satisfac-
20 torily performed its duties under such incentives
21 clause.

22 “(B) An incentives clause under this subsection
23 shall specify that the obligation of the Government
24 to make payment under such incentives clause is
25 subject to the availability of appropriations for that

1 purpose. Amounts appropriated for Chemical Agents
2 and Munitions Destruction, Defense, shall be avail-
3 able for payments under incentives clauses under
4 this subsection.”.

5 (b) REPEAL OF LAWS RESTATED IN SECTION 1412
6 AND OBSOLETE PROVISIONS OF LAW.—The following pro-
7 visions of law are repealed:

8 (1) Section 125 of the National Defense Au-
9 thorization Act for Fiscal Years 1988 and 1989
10 (Public Law 100–180; 101 Stat. 1043; 50 U.S.C.
11 1521 note).

12 (2) Sections 172, 174, 175, and 180 of the Na-
13 tional Defense Authorization Act for Fiscal Year
14 1993 (Public Law 102–484; 106 Stat. 2341; 50
15 U.S.C. 1521 note).

16 (3) Section 152 of the National Defense Au-
17 thorization Act for Fiscal Year 1996 (Public Law
18 104–106; 110 Stat. 214; 50 U.S.C. 1521 note).

19 (4) Section 8065 of the Omnibus Consolidated
20 Appropriations Act, 1997 (Public Law 104–208;
21 110 Stat. 3009–101; 50 U.S.C. 1521 note).

22 (5) Section 142 of the Strom Thurmond Na-
23 tional Defense Authorization Act for Fiscal Year
24 1999 (Public Law 105–261; 112 Stat. 1943; 50
25 U.S.C. 1521 note).

1 (6) Section 141 of the National Defense Au-
2 thorization Act for Fiscal Year 2000 (Public Law
3 106–65; 113 Stat. 537; 50 U.S.C. 1521 note).

4 (7) Section 8122 of the Department of Defense
5 Appropriations Act, 2003 (Public Law 107–248;
6 116 Stat. 1566; 50 U.S.C. 1521 note).

7 (8) Section 923 of the John Warner National
8 Defense Authorization Act for Fiscal Year 2007
9 (Public Law 109–364; 120 Stat. 2360; 50 U.S.C.
10 1521 note).

11 (9) Section 8119 of the Department of Defense
12 Appropriations Act, 2008 (Public Law 110–116;
13 121 Stat. 1340; 50 U.S.C. 1521 note).

14 (10) Section 922(c) of the National Defense
15 Authorization Act for Fiscal Year 2008 (Public Law
16 110–181; 122 Stat. 283; 50 U.S.C. 1521 note).

17 **TITLE X—GENERAL PROVISIONS**

18 **Subtitle A—Financial Matters**

19 **SEC. 1001. AUTHORITY FOR PAYMENT OF FULL REPLACE-**
20 **MENT VALUE FOR LOSS OR DAMAGE TO**
21 **HOUSEHOLD GOODS IN LIMITED CASES NOT**
22 **COVERED BY CARRIER LIABILITY.**

23 (a) CLAIMS AUTHORITY.—

1 (1) IN GENERAL.—Chapter 163 of title 10,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 2740. Property loss: reimbursement of members**
5 **and civilian employees for full replace-**
6 **ment value of household effects when**
7 **contractor reimbursement not available**

8 “The Secretary of Defense and the Secretaries of the
9 military departments, in paying a claim under section
10 3721 of title 31 arising from loss or damage to household
11 goods stored or transported at the expense of the Depart-
12 ment of Defense, may pay the claim on the basis of full
13 replacement value in any of the following cases in which
14 reimbursement for the full replacement value for the loss
15 or damage is not available directly from a carrier under
16 section 2636a of this title:

17 “(1) A case in which—

18 “(A) the lost or damaged goods were
19 stored or transported under a contract, tender,
20 or solicitation in accordance with section 2636a
21 of this title that requires the transportation
22 service provider to settle claims on the basis of
23 full replacement value; but

1 “(B) the loss or damage occurred under
2 circumstances that exclude the transportation
3 service provider from liability.

4 “(2) A case in which—

5 “(A) the loss or damage occurred while the
6 lost or damaged goods were in the possession of
7 an ocean carrier that was transporting, loading,
8 or unloading the goods under a Department of
9 Defense contract for ocean carriage; and

10 “(B) the land-based portions of the trans-
11 portation were under contracts, in accordance
12 with section 2636a of this title, that require the
13 land carriers to settle claims on the basis of full
14 replacement value.

15 “(3) A case in which—

16 “(A) the lost or damaged goods were
17 transported or stored under a contract or solici-
18 tation that requires at least one of the trans-
19 portation service providers or carriers that han-
20 dled the shipment to settle claims on the basis
21 of full replacement value pursuant to section
22 2636a of this title;

23 “(B) the lost or damaged goods have been
24 in the custody of more than one independent

1 contractor or transportation service provider;
2 and

3 “(C) a claim submitted to the delivering
4 transportation service provider or carrier is de-
5 nied in whole or in part because the loss or
6 damage occurred while the lost or damaged
7 goods were in the custody of a prior transpor-
8 tation service provider or carrier or government
9 entity.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of such chapter is amended
12 by adding at the end the following new item:

“2740. Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available.”.

13 (b) EFFECTIVE DATE.—Section 2740 of title 10,
14 United States Code, as added by subsection (a), shall
15 apply with respect to losses incurred after March 1, 2008.

16 **SEC. 1002. ADVANCE NOTICE TO CONGRESS OF TRANSFER**
17 **OF FUNDS FROM A WORKING-CAPITAL FUND.**

18 Paragraph (1) of section 2208(r) of title 10, United
19 States Code, is amended to read as follows:

20 “(1) Whenever the Secretary of Defense pro-
21 poses to exercise authority provided by law to trans-
22 fer funds from a working-capital fund, including a
23 transfer to another working-capital fund, such trans-
24 fer may be made only after the Secretary submits to

1 Congress notice of the proposed transfer and a pe-
2 riod of five days has passed from the date of the no-
3 tification.”.

4 **SEC. 1003. REPEAL OF REQUIREMENT FOR ANNUAL JOINT**
5 **REPORT FROM OFFICE OF MANAGEMENT**
6 **AND BUDGET AND CONGRESSIONAL BUDGET**
7 **OFFICE ON SCORING OF OUTLAYS IN DE-**
8 **FENSE BUDGET FUNCTION.**

9 (a) REPEAL.—Section 226 of title 10, United States
10 Code, is repealed.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of chapter 9 of such title is amended by
13 striking the item relating to section 226.

14 **SEC. 1004. AUTHORITY TO ESTABLISH READINESS RESERVE**
15 **SUBACCOUNT IN THE TRANSPORTATION**
16 **WORKING-CAPITAL FUND.**

17 Section 2208(p) of title 10, United States Code, is
18 amended—

19 (1) inserting “(1)” before “The Secretary of
20 Defense”; and

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

23 “(2)(A) The Secretary of Defense may establish
24 within the working-capital fund administered by the
25 commander of the United States Transportation

1 Command a subaccount to be known as the readi-
2 ness reserve subaccount. The Secretary may transfer
3 to, and retain in, that subaccount excess funds re-
4 ceived during high-tempo operations in order to
5 fund, to the extent possible, mission-critical cata-
6 strophic loss replacement or major repair of trans-
7 portation assets used to produce revenue for the
8 working-capital fund. The maximum amount that
9 may be maintained in the subaccount is
10 \$100,000,000.

11 “(B) The Secretary may use funds in the sub-
12 account—

13 “(i) to repair or replace those assets that
14 the commander of the United States Transpor-
15 tation Command requires to directly fulfill the
16 mission of that command; and

17 “(ii) to purchase improvements to distribu-
18 tion infrastructure, excluding military construc-
19 tion, if economically favorable, in amounts not
20 to exceed \$10,000,000 per unit.

21 “(C) The subaccount shall be managed so that
22 funds in the subaccount are used to supplement, and
23 not replace, obligations of the military departments
24 for provision of transportation assets.

1 “(D) The Secretary shall provide that, in any
2 case in which funds in the subaccount are used to
3 purchase or pay for a replacement or repair for
4 which funds would otherwise be provided from funds
5 available for one of the armed forces, the otherwise
6 applicable funding source shall reimburse the sub-
7 account.

8 “(E) Funds in the subaccount may be used for
9 the repair, replacement, or procurement of equip-
10 ment other than distribution infrastructure only if
11 that repair, replacement, or procurement is other-
12 wise authorized to be carried out using funds other
13 than funds in the subaccount.

14 “(F) The Secretary may use funds in the sub-
15 account for a repair, replacement, or procurement
16 only when a delay in obtaining funds from the mili-
17 tary department or fund that would otherwise pro-
18 vide funds for the repair, replacement, or procure-
19 ment would impair the ability of the commander of
20 the United States Transportation Command to con-
21 tinue mission-critical responsibilities.

22 “(G) The Secretary may use funds in the sub-
23 account to make a purchase in an amount in excess
24 of \$10,000,000 only after the Secretary has sub-
25 mitted to the congressional defense committees, not

1 less than 30 days before obligation of funds for the
2 purchase, a written notification of the proposed pur-
3 chase.”.

4 **SEC. 1005. REPEAL OF REQUIREMENT FOR SEPARATE**
5 **BUDGET REQUEST FOR PROCUREMENT OF**
6 **EQUIPMENT FOR RESERVE COMPONENTS OF**
7 **THE ARMED FORCES.**

8 Section 114(e) of title 10, United States Code, is re-
9 pealed.

10 **Subtitle B—Naval Vessels and**
11 **Shipyards**

12 **SEC. 1011. INCREASE IN TONNAGE CRITERION FOR APPLI-**
13 **CATION OF LIMITATION ON DISPOSAL OF**
14 **NAVAL VESSELS TO FOREIGN NATIONS.**

15 Section 7307(a) of title 10, United States Code, is
16 amended by striking “3,000 tons” and inserting “6,000
17 tons”.

18 **SEC. 1012. REVISIONS TO AUTHORITY REGARDING SALES**
19 **OF VESSELS STRICKEN FROM NAVAL REG-**
20 **ISTER.**

21 Section 7305 of title 10, United States Code, is
22 amended—

23 (1) by striking subsection (a);

24 (2) by redesignating subsections (b), (c), and

25 (d) as subsections (a), (b), and (c), respectively;

1 (3) in subsection (a), as redesignated by para-
2 graph (2), by striking “If the Secretary considers
3 that the sale of the vessel” and inserting “If the
4 Secretary of the Navy considers that the sale of a
5 vessel stricken from the Naval Vessel Register under
6 section 7304 of this title”;

7 (4) in subsection (b), as redesignated by para-
8 graph (2)—

9 (A) in paragraph (1), by striking “and not
10 subject to disposal under any other law” and
11 inserting “, unless another method of disposal
12 is required by law,”;

13 (B) in paragraph (2)(A), by striking “, re-
14 gardless of the appraised value,”;

15 (C) in paragraph (3), by striking “Com-
16 merce Business Daily” and inserting
17 “FedBizOpps.com or through another method
18 of public advertising”; and

19 (D) by adding at the end the following new
20 paragraph:

21 “(4) When the Secretary enters into a sales
22 contract for the dismantling of a vessel, the United
23 States shall retain title and ownership of the vessel,
24 but may transfer title to scrap and reusable items to

1 the contractor upon their removal from the vessel as
 2 part of the dismantling process.”; and

3 (5) by adding at the end the following new sub-
 4 section:

5 “(d) DEFINITIONS.—In this section:

6 “(1) The term ‘scrap’ means personal property
 7 that has no value except for its basic material con-
 8 tent.

9 “(2) The term ‘reusable items’ means demili-
 10 tarized components or removable portions of a vessel
 11 or equipment that the Secretary of the Navy has
 12 identified as excess to the needs of the Navy, but
 13 which have potential resale value on the open mar-
 14 ket.”.

15 **Subtitle C—Other Matters**

16 **SEC. 1031. CONFORMING AND UPDATING AMENDMENTS TO** 17 **TITLE 10, UNITED STATES CODE.**

18 (a) MODERNIZATION OF SECTION 172.—

19 (1) Section 172 of title 10, United States Code,
 20 is amended—

21 (A) by striking the section heading and in-
 22 serting the following:

1 **“§ 172. Explosives safety and military munitions risk**
 2 **management”;**

3 (B) by striking “(a)” before “The Secre-
 4 taries”; and

5 (C) by striking subsection (b).

6 (2) The item relating to such section in the
 7 table of sections at the beginning of chapter 7 of
 8 such title is amended to read as follows:

“172. Explosives safety and military munitions risk management.”.

9 (b) CHANGE TO REFERENCES TO “APPROPRIATE
 10 COMMITTEES OF CONGRESS”.—

11 (1) Section 2694a of such title is amended—

12 (A) in subsection (e), by striking “appro-
 13 priate committees of Congress” and inserting
 14 “congressional defense committees”; and

15 (B) in subsection (i)—

16 (i) by striking paragraph (1); and

17 (ii) by redesignating paragraphs (2)
 18 and (3) as paragraphs (1) and (2), respec-
 19 tively.

20 (2) Section 2801(c)(1) of such title is amended
 21 by striking “term ‘appropriate committees of Con-
 22 gress’ means the congressional defense committees
 23 and” and inserting “term ‘congressional defense
 24 committees’ includes”.

1 (3) The following sections of chapter 169 of
2 such title are amended by striking “appropriate
3 committees of Congress” each place it appears and
4 inserting “congressional defense committees”: sec-
5 tions 2803(b), 2804(b), 2805(b)(2), 2806(c)(2)(A),
6 2807(b), 2807(c), 2808(b), 2809(f)(1), 2811(d),
7 2812(c)(1)(A), 2813(c), 2814(a)(2)(A), 2814(g)(1),
8 2825(b)(1), 2827(b)(1), 2828(f)(1), 2835(g)(1),
9 2836(f)(1), 2837(c)(2), 2853(c)(1)(A), 2853(c)(2),
10 2854(b), 2854a(c)(1), 2859(d)(1)(B), 2861(c),
11 2866(c)(2), 2875(e), 2881a(d)(2), 2881a(e)(1),
12 2883(f), and 2884(a)(1).

13 (4) Section 2914(b) of such title is amended by
14 striking “appropriate committees of Congress” and
15 inserting “congressional defense committees”.

16 (c) DEFINITIONS UNDER DEFENSE ENVIRON-
17 MENTAL RESTORATION PROGRAM.—Chapter 160 of such
18 title is amended as follows:

19 (1) Section 2700(2) is amended by inserting
20 “‘pollutant or contaminant’,” after “‘person’,”.

21 (2) Section 2701(b)(1) is amended by striking
22 “substances, pollutants, and” and inserting “sub-
23 stances and pollutants or”.

24 (d) REDUCED REPORTING TIME LIMITS FOR RE-
25 PORTS SUBMITTED IN ELECTRONIC MEDIA.—

1 (1) Section 2694a(e) of such title, as amended
2 by subsection (b)(1)(A), is amended by inserting be-
3 fore the period at the end the following: “or, if ear-
4 lier, a period of 14 days has elapsed from the date
5 on which a copy of the notification is provided in an
6 electronic medium pursuant to section 480 of this
7 title”.

8 (2) Section 2806(c)(2)(B) of such title is
9 amended by inserting before the period at the end
10 the following: “or, if earlier, a period of 14 days has
11 elapsed from the date on which a copy of the report
12 is provided in an electronic medium pursuant to sec-
13 tion 480 of this title”.

14 (3) Section 2814(g)(2) of such title is amended
15 by inserting before the period at the end the fol-
16 lowing: “or, if earlier, a period of 15 days has
17 elapsed from the date on which a copy of the notifi-
18 cation is provided in an electronic medium pursuant
19 to section 480 of this title”.

20 (4) Section 2828(f)(2) of such title is amended
21 by inserting before the period at the end the fol-
22 lowing: “or, if earlier, a period of 14 days has
23 elapsed from the date on which a copy of the notifi-
24 cation is provided in an electronic medium pursuant
25 to section 480 of this title”.

1 (5) Section 2835(g)(2) of such title is amend-
2 ed—

3 (A) by striking “calendar”; and

4 (B) by inserting before the period at the
5 end the following: “or, if earlier, a period of 14
6 days has elapsed from the date on which a copy
7 of the analysis is provided in an electronic me-
8 dium pursuant to section 480 of this title”.

9 (6) Sections 2881a(e)(2) and 2884(a)(4) of
10 such title are amended by inserting before the period
11 at the end the following: “or, if earlier, a period of
12 15 days has elapsed from the date on which a copy
13 of the report is provided in an electronic medium
14 pursuant to section 480 of this title”.

15 (e) TRANSFER OF SECTION 2184.—

16 (1) Section 2814 of such title, as amended by
17 subsections (b)(3) and (d)(3), is transferred to chap-
18 ter 631, inserted after section 7205, redesignated as
19 section 7206, and amended by striking “this chap-
20 ter” in paragraphs (2) and (3)(B) of subsection (i)
21 and inserting “chapter 169 of this title”.

22 (2)(A) The table of sections at the beginning of
23 chapter 169 of such title is amended by striking the
24 item relating to section 2814.

1 (B) The table of sections at the beginning of
 2 chapter 631 of such title is amended by inserting
 3 after the item relating to section 7205 the following
 4 new item:

“7206. Special authority for development of Ford Island, Hawaii.”.

5 (3) Any reference in any other law to section
 6 2814 of title 10, United States Code, shall be con-
 7 sidered to be a reference to section 7206 of title 10,
 8 United States Code, as transferred and redesignated
 9 by paragraph (1).

10 **SEC. 1032. TECHNICAL AND CLERICAL AMENDMENTS TO**
 11 **CORRECT OBSOLETE CROSS-REFERENCE.**

12 (a) CROSS-REFERENCE AMENDMENTS.—Section 382
 13 of title 10, United States Code, is amended by striking
 14 “section 175 or 2332c” in subsections (a), (b)(2)(C), and
 15 (d)(2)(A)(ii) and inserting “section 175, 229, or 2332a”.

16 (b) CLERICAL AMENDMENTS.—The heading of such
 17 section, and the item relating to such section in the table
 18 of sections at the beginning of chapter 18 of such title,
 19 are each amended by striking the fourth, fifth, and sixth
 20 words.

21 **SEC. 1033. REVISION TO REPORT REQUIREMENT RELATING**
 22 **TO SUPPORT OF MILITARY MUSEUMS.**

23 (a) CHANGE IN FREQUENCY OF REPORT.—Sub-
 24 section (a) of section 489 of title 10, United States Code,
 25 is amended by striking “As part of” and all that follows

1 through “fiscal year—” and inserting the following: “The
2 Secretary of Defense shall submit to Congress a report
3 not less often than every two years on military museums.
4 Such a report shall be submitted as part of the budget
5 materials submitted to Congress for every odd-numbered
6 fiscal year, in connection with the submission of the budg-
7 et for that fiscal year pursuant to section 1105 of title
8 31, but in no case later than the March 15 preceding the
9 beginning of that fiscal year. In each such report, the Sec-
10 retary shall identify all military museums that, during the
11 most recently completed two fiscal-year period—”.

12 (b) REPEAL OF REQUIRED REPORT ELEMENT.—

13 Subsection (b) of such section is amended—

14 (1) by striking paragraph (5); and

15 (2) by redesignating paragraph (6) as para-
16 graph (5).

17 (c) CLERICAL AMENDMENTS.—

18 (1) The heading of such section is amended to
19 read as follows:

20 **“§ 489. Department of Defense operation and finan-**
21 **cial support for military museums: bien-**
22 **ennial report”.**

23 (2) The item relating to section 489 in the table
24 of sections at the beginning of chapter 23 of such
25 title is amended to read as follows:

“489. Department of Defense operation and financial support for military museums: biennial report.”.

1 **SEC. 1034. AUTHORITY TO MAKE EXCESS NONLETHAL SUP-**
2 **PLIES AVAILABLE FOR DOMESTIC EMER-**
3 **GENCY ASSISTANCE.**

4 (a) DOMESTIC AUTHORITY.—Section 2557 of title
5 10, United States Code, is amended—

6 (1) in subsection (a)(1), by adding at the end
7 the following new sentence: “In addition, the Sec-
8 retary may make nonlethal excess supplies of the
9 Department available to support domestic emergency
10 assistance activities.”; and

11 (2) in subsection (b)—

12 (A) by inserting “(1)” before “Excess”;
13 and

14 (B) by adding at the end the following new
15 paragraph:

16 “(2) Excess supplies made available under this
17 section to support domestic emergency assistance ac-
18 tivities shall be distributed in coordination with the
19 Secretary of Homeland Security.”.

20 (b) CLERICAL AMENDMENTS.—

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

1 **“§ 2557. Excess nonlethal supplies: availability for hu-**
 2 **manitarian relief; domestic emergency**
 3 **assistance; and homeless veterans assist-**
 4 **ance”.**

5 (2) TABLE OF SECTIONS.—The item relating to
 6 such section in the table of sections at the beginning
 7 of chapter 152 of such title is amended to read as
 8 follows:

“2557. Excess nonlethal supplies: availability for humanitarian relief; domestic
 emergency assistance; and homeless veterans assistance.”.

9 **SEC. 1035. SALE OF SURPLUS MILITARY EQUIPMENT TO**
 10 **STATE AND LOCAL HOMELAND SECURITY**
 11 **AND EMERGENCY MANAGEMENT AGENCIES.**

12 (a) STATE AND LOCAL AGENCIES TO WHICH SALES
 13 MAY BE MADE.—Section 2576 of title 10, United States
 14 Code, is amended—

15 (1) in subsection (a)—

16 (A) by striking “local law enforcement and
 17 firefighting” and inserting “local law enforce-
 18 ment, firefighting, homeland security, and
 19 emergency management”; and

20 (B) by striking “carrying out law enforce-
 21 ment and firefighting” and inserting “carrying
 22 out law enforcement, firefighting, homeland se-
 23 curity, and emergency management” after “car-
 24 rying out”; and

1 (2) in subsection (b), by striking “law enforce-
2 ment or firefighting” both places it appears and in-
3 serting “law enforcement, firefighting, homeland se-
4 curity, or emergency management”.

5 (b) TYPES OF EQUIPMENT THAT MAY BE SOLD.—

6 Subsection (a) of such section is further amended by strik-
7 ing “and protective body armor” and inserting “personal
8 protective equipment, and other appropriate equipment”.

9 (c) CLERICAL AMENDMENTS.—

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

12 **“§ 2576. Surplus military equipment: sale to State and**
13 **local law enforcement, firefighting, home-**
14 **land security, and emergency manage-**
15 **ment agencies”.**

16 (2) TABLE OF SECTIONS.—The item relating to
17 such section in the table of sections at the beginning
18 of chapter 153 of such title is amended to read as
19 follows:

“2576. Surplus military equipment: sale to State and local law enforcement,
 firefighting, homeland security, and emergency management
 agencies.”.

1 **SEC. 1036. ENHANCED AUTHORITY FOR SERVICEMEMBERS**
2 **AND DEPARTMENT OF DEFENSE CIVILIAN**
3 **EMPLOYEES AND THEIR FAMILY MEMBERS**
4 **TO ACCEPT GIFTS FROM NON-FEDERAL ENTI-**
5 **TIES.**

6 (a) CODIFICATION.—

7 (1) ENACTMENT IN TITLE 10 OF SECTION 8127
8 GIFT ACCEPTANCE AUTHORITY.—Chapter 155 of
9 title 10, United States Code, is amended by insert-
10 ing after section 2601 a new section 2601a con-
11 sisting of—

12 (A) a heading as follows:

13 **“§ 2601a. Acceptance of gifts by members of the**
14 **armed forces and Department of Defense**
15 **employees and their family members; reg-**
16 **ulations”;**

17 and

18 (B) a text consisting of the text of sub-
19 sections (a) through (c) of section 8127 of the
20 Department of Defense Appropriations Act,
21 2006 (division A of Public Law 109–148; 119
22 Stat. 2730; 10 U.S.C. 2601 note).

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of such chapter is amended
25 by inserting after the item relating to section 2601
26 the following new item:

“2601a. Acceptance of gifts by members of the armed forces and Department of Defense employees and their family members; regulations.”.

1 (b) REVISIONS.—

2 (1) PERSONS COVERED.—Section 2601a of title
3 10, United States Code, as added by subsection (a),
4 is amended—

5 (A) in subsection (a), by striking “mem-
6 bers of the Armed Forces described in sub-
7 section (c), and the family members of such a
8 member,” and inserting “a member of the
9 armed forces described in subsection (c) and a
10 civilian employee of the Department of Defense
11 described in subsection (d), the family members
12 of such a member or employee, and survivors of
13 such a member or employee who is killed”; and

14 (B) in subsection (b), by inserting “and a
15 civilian employee described in subsection (d)”
16 after “described in subsection (c)”.

17 (2) CIRCUMSTANCES OF INJURY OR ILLNESS
18 FOR COVERAGE.—Such section is further amended—

19 (A) in subsection (c)—

20 (i) by striking “or” at the end of
21 paragraph (1);

22 (ii) by striking the period at the end
23 of paragraph (2) and inserting “; or”; and

1 (iii) by adding at the end the fol-
2 lowing new paragraph:

3 “(3) under other circumstances determined by
4 the Secretary concerned to warrant treatment analo-
5 gous to members covered by paragraph (1) or (2).”;
6 and

7 (B) by adding at the end the following new
8 subsection:

9 “(d) COVERED EMPLOYEES.—A civilian employee of
10 the Department of Defense is described in this subsection
11 in the case of an employee who on or after September 11,
12 2001, and while an employee, incurred an injury or illness
13 under a circumstance described in paragraph (1), (2), or
14 (3) of subsection (e).”.

15 (3) UNIFORM REGULATIONS.—Subsection (a) of
16 such section is further amended—

17 (A) by inserting “(1)” after “REGULA-
18 TIONS.—”;

19 (B) by designating the second sentence as
20 paragraph (2); and

21 (C) by striking “uniformly to” and all that
22 follows through the period and inserting “uni-
23 formly to all elements of the Department of De-
24 fense and, to the maximum extent feasible, to
25 the Coast Guard.”.

1 (4) TECHNICAL AND CLERICAL AMENDMENTS
2 RESULTING FROM CODIFICATION.—Such section is
3 further amended—

4 (A) by striking “Armed Forces” in sub-
5 sections (b) and (c) and inserting “armed
6 forces”;

7 (B) by striking “, United States Code” in
8 subsection (b); and

9 (C) by striking “title 10, United States
10 Code” in subsection (c)(1) and inserting “this
11 title”.

12 (c) REPEAL OF CODIFIED PROVISION.—Section 8127
13 of the Department of Defense Appropriations Act, 2006
14 (division A of Public Law 109–148; 119 Stat. 2730; 10
15 U.S.C. 2601 note) is repealed.

16 (d) RETROACTIVE APPLICABILITY OF REGULA-
17 TIONS.—Regulations under section 2601a(a) of title 10,
18 United States Code, shall, to the extent provided in such
19 regulations, also apply to the acceptance of gifts during
20 the period beginning on September 11, 2001, and ending
21 on the date on which such regulations go into effect.

1 **TITLE XI—CIVILIAN PERSONNEL**
2 **MATTERS**

3 **SEC. 1101. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
4 **ANNUAL LIMITATION ON PREMIUM PAY AND**
5 **AGGREGATE LIMITATION ON PAY FOR FED-**
6 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
7 **SEAS.**

8 Effective January 1, 2011, section 1101(a) of the
9 Duncan Hunter National Defense Authorization Act for
10 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615),
11 as amended by section 1106(a) of the National Defense
12 Authorization Act for Fiscal Year 2010 (Public Law 111–
13 84; 123 Stat. 2487), is amended by striking “calendar
14 years 2009 and 2010” and inserting “calendar year
15 2011”.

16 **SEC. 1102. MILEAGE REIMBURSEMENT FOR PRIVATELY**
17 **OWNED VEHICLES.**

18 (a) SINGLE STANDARD MILEAGE RATE ESTAB-
19 LISHED BY GSA.—Section 5704(a)(1) of title 5, United
20 States Code, is amended by striking “not exceed” and in-
21 serting “equal”.

22 (b) PRESCRIPTION OF MILEAGE REIMBURSEMENT
23 RATES.—Section 5707(b) of such title is amended—

24 (1) by amending paragraph (1)(A) to read as
25 follows:

1 “(1)(A) The Administrator of General Services
2 shall conduct periodic investigations of the cost of
3 travel and the operation of privately owned airplanes
4 and privately owned motorcycles by employees while
5 engaged on official business, and shall report the re-
6 sults of such investigations to Congress at least once
7 a year.”; and

8 (2) by amending paragraph (2)(A)(i) to read as
9 follows:

10 “(i) shall prescribe a mileage reim-
11 bursement rate for privately owned auto-
12 mobiles which equals, as provided in sec-
13 tion 5704(a)(1) of this title, the single
14 standard mileage rate established by the
15 Internal Revenue Service, and”.

16 **TITLE XII—MATTERS RELATING**
17 **TO FOREIGN NATIONS**

18 **SEC. 1201. ADDITIONAL NATIONS TO WHICH CATALOGING**
19 **DATA AND SERVICES MAY BE PROVIDED**
20 **UNDER ARMS EXPORT CONTROL ACT ON NO-**
21 **COST, RECIPROCAL BASIS.**

22 Section 21(h)(2) of the Arms Export Control Act (22
23 U.S.C. 2761(h)(2)) is amended by inserting “Austria,
24 Brazil, Finland, Singapore,” after “Japan,” both places
25 it appears.

1 **SEC. 1202. AUTHORIZATION OF APPROPRIATIONS FOR AF-**
2 **GHANISTAN SECURITY FORCES FUND.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
4 are hereby authorized to be appropriated for fiscal year
5 2011 for the Afghanistan Security Forces Fund in the
6 amount of \$11,619,283,000.

7 (b) LIMITATIONS.—Funds appropriated pursuant to
8 the authorization of appropriations in subsection (a) shall
9 be subject to the conditions contained in subsections (b)
10 through (g) of section 1513 of the National Defense Au-
11 thorization Act for Fiscal Year 2008 (Public Law 110-
12 181; 122 Stat. 428).

13 **TITLE XIII—OTHER**
14 **AUTHORIZATIONS**
15 **Subtitle A—Military Programs**

16 **SEC. 1301. WORKING CAPITAL FUNDS.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2011 for the use of the Armed Forces and other
19 activities and agencies of the Department of Defense for
20 providing capital for the Defense Working Capital Funds
21 in the amount of \$1,434,536,000.

22 **SEC. 1302. NATIONAL DEFENSE SEALIFT FUND.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2011 for the National Defense Sealift Fund
25 in the amount of \$934,866,000.

1 **SEC. 1303. DEFENSE COALITION ACQUISITION FUND.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2011 for the Defense Coalition Acquisition
4 Fund in the amount of \$10,000,000.

5 **SEC. 1304. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
6 **TION, DEFENSE.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
8 are hereby authorized to be appropriated for the Depart-
9 ment of Defense for fiscal year 2011 for expenses, not oth-
10 erwise provided for, for Chemical Agents and Munitions
11 Destruction, Defense, in the amount of \$1,467,307,000,
12 of which—

13 (1) \$1,067,364,000 is for Operation and Main-
14 tenance;

15 (2) \$392,811,000 is for Research, Development,
16 Test, and Evaluation; and

17 (3) \$7,132,000 is for Procurement.

18 (b) USE.—Amounts authorized to be appropriated
19 under subsection (a) are authorized for—

20 (1) the destruction of lethal chemical agents
21 and munitions in accordance with section 1412 of
22 the Department of Defense Authorization Act, 1986
23 (50 U.S.C. 1521); and

24 (2) the destruction of chemical warfare materiel
25 of the United States that is not covered by section
26 1412 of such Act.

1 **SEC. 1305. DRUG INTERDICTION AND COUNTER-DRUG AC-**
2 **TIVITIES, DEFENSE-WIDE.**

3 Funds are hereby authorized to be appropriated for
4 the Department of Defense for fiscal year 2011 for ex-
5 penses, not otherwise provided for, for Drug Interdiction
6 and Counter-Drug Activities, Defense-wide, in the amount
7 of \$1,131,351,000.

8 **SEC. 1306. DEFENSE INSPECTOR GENERAL.**

9 Funds are hereby authorized to be appropriated for
10 the Department of Defense for fiscal year 2011 for ex-
11 penses, not otherwise provided for, for the Office of the
12 Inspector General of the Department of Defense, in the
13 amount of \$283,354,000, of which—

14 (1) \$282,354,000 is for Operation and Mainte-
15 nance; and

16 (2) \$1,000,000 is for Procurement.

17 **SEC. 1307. DEFENSE HEALTH PROGRAM.**

18 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
19 are hereby authorized to be appropriated for the Depart-
20 ment of Defense for fiscal year 2011 for expenses, not oth-
21 erwise provided for, for the Defense Health Program, in
22 the amount of \$30,935,111,000, of which—

23 (1) \$29,915,277,000 is for Operation and
24 Maintenance;

25 (2) \$499,913,000 is for Research, Development,
26 Test, and Evaluation; and

1 (3) \$519,921,000 is for Procurement.

2 (b) JOINT MEDICAL FACILITY DEMONSTRATION
3 FUND.—

4 (1) AUTHORITY FOR TRANSFER OF FUNDS.—

5 From funds appropriated pursuant to subsection
6 (a)(1), the Secretary of Defense may transfer to the
7 “Joint Department of Defense–Department of Vet-
8 erans Affairs Medical Facility Demonstration Fund”
9 established by subsection (a)(1) of section 1704 of
10 the National Defense Authorization Act for Fiscal
11 Year 2010 (Public Law 111–84; 123 Stat. 2571).
12 For purposes of subsection (a)(2) of that section,
13 funds appropriated pursuant to subsection (a)(1) of
14 this section shall be considered to be amounts au-
15 thorized and appropriated specifically for the pur-
16 pose of such a transfer.

17 (2) USE OF TRANSFERRED FUNDS.—For the
18 purposes of subsection (b) of that section 1704, fa-
19 cility operations for which funds transferred under
20 paragraph (1) may be used are operations of the
21 Captain James A. Lovell Federal Health Care Cen-
22 ter, consisting of the North Chicago Veterans Af-
23 fairs Medical Center, the Navy Ambulatory Care
24 Center, and supporting facilities designated as a
25 combined Federal medical facility under an oper-

1 ational agreement covered by section 706 of the
2 Duncan Hunter National Defense Authorization Act
3 for Fiscal Year 2009 (Public Law 110–417; 122
4 Stat. 4500).

5 **Subtitle B—Armed Forces**
6 **Retirement Home**

7 **SEC. 1321. AUTHORIZATION OF APPROPRIATIONS FOR**
8 **ARMED FORCES RETIREMENT HOME.**

9 There is hereby authorized to be appropriated for fis-
10 cal year 2011 from the Armed Forces Retirement Home
11 Trust Fund the sum of \$71,200,000 for the operation of
12 the Armed Forces Retirement Home.

13 **TITLE XIV—AUTHORIZATION OF**
14 **ADDITIONAL APPROPRIA-**
15 **TIONS FOR OVERSEAS CON-**
16 **TINGENCY OPERATIONS FOR**
17 **FISCAL YEAR 2011**

18 **SEC. 1401. PURPOSE.**

19 The purpose of this title is to authorize appropria-
20 tions for the Department of Defense for fiscal year 2011
21 to provide additional funds for overseas contingency oper-
22 ations being carried out by the Armed Forces.

1 **SEC. 1402. ARMY PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2011 for procurement for the Army in amounts
4 as follows:

5 (1) For aircraft procurement, \$1,373,803,000.

6 (2) For missile procurement, \$343,828,000.

7 (3) For weapons and tracked combat vehicles
8 procurement, \$687,500,000.

9 (4) For ammunition procurement,
10 \$702,591,000.

11 (5) For other procurement, \$5,827,274,000.

12 **SEC. 1403. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
13 **FUND.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2011 for the Joint Improvised Explosive Device
16 Defeat Fund in the amount of \$3,250,000,000.

17 **SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.**

18 Funds are hereby authorized to be appropriated for
19 fiscal year 2011 for procurement for the Navy and Marine
20 Corps in amounts as follows:

21 (1) For aircraft procurement, Navy,
22 \$420,358,000.

23 (2) For weapons procurement, Navy,
24 \$93,425,000.

25 (3) For ammunition procurement, Navy and
26 Marine Corps, \$565,084,000.

1 (4) For other procurement, Navy,
2 \$480,735,000.

3 (5) For procurement, Marine Corps,
4 \$1,778,243,000.

5 **SEC. 1405. AIR FORCE PROCUREMENT.**

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2011 for procurement for the Air Force in
8 amounts as follows:

9 (1) For aircraft procurement, \$1,362,420,000.

10 (2) For ammunition procurement,
11 \$292,959,000.

12 (3) For missile procurement, \$56,621,000.

13 (4) For other procurement, \$3,087,481,000.

14 **SEC. 1406. MINE RESISTANT AMBUSH PROTECTED VEHICLE**
15 **FUND.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2011 for the Mine Resistant Ambush Protected
18 Vehicle Fund in the amount of \$3,415,000,000.

19 **SEC. 1407. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2011 for the procurement account for Defense-
22 wide activities in the amount of \$874,546,000.

1 **SEC. 1408. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
2 **TION.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2011 for the use of the Department of Defense
5 for research, development, test, and evaluation as follows:

6 (1) For the Army, \$150,906,000.

7 (2) For the Navy, \$60,401,000.

8 (3) For the Air Force, \$266,241,000.

9 (4) For Defense-wide activities, \$157,240,000.

10 **SEC. 1409. OPERATION AND MAINTENANCE.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2011 for the use of the Armed Forces for ex-
13 penses, not otherwise provided for, for operation and
14 maintenance, in amounts as follows:

15 (1) For the Army, \$62,602,618,000.

16 (2) For the Navy, \$8,946,634,000.

17 (3) For the Marine Corps, \$4,136,522,000.

18 (4) For the Air Force, \$13,487,283,000.

19 (5) For Defense-wide activities,
20 \$9,426,358,000.

21 (6) For the Army Reserve, \$286,950,000.

22 (7) For the Navy Reserve, \$93,559,000.

23 (8) For the Marine Corps Reserve,
24 \$29,685,000.

25 (9) For the Air Force Reserve, \$129,607,000.

1 (10) For the Army National Guard,
2 \$544,349,000.

3 (11) For the Air National Guard,
4 \$350,823,000.

5 (12) For the Afghanistan Security Forces
6 Fund, \$11,619,283,000.

7 (13) For the Iraq Security Forces Fund,
8 \$2,000,000,000.

9 (14) For the Overseas Contingency Operations
10 Transfer Fund, \$1,551,781,000.

11 **SEC. 1410. MILITARY PERSONNEL.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2011 to the Department of Defense for military
14 personnel accounts in the total amount of
15 \$15,132,054,000.

16 **SEC. 1411. WORKING CAPITAL FUNDS.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2011 for the use of the Armed Forces and other
19 activities and agencies of the Department of Defense for
20 providing capital for working capital and revolving funds
21 in the amount of \$485,384,000.

22 **SEC. 1412. DEFENSE HEALTH PROGRAM.**

23 Funds are hereby authorized to be appropriated for
24 the Department of Defense for fiscal year 2011 for ex-
25 penses, not otherwise provided for, for the Defense Health

1 Program in the amount of \$1,398,092,000, for Operation
2 and Maintenance.

3 **SEC. 1413. DRUG INTERDICTION AND COUNTER-DRUG AC-**
4 **TIVITIES, DEFENSE-WIDE.**

5 Funds are hereby authorized to be appropriated for
6 the Department of Defense for fiscal year 2011 for ex-
7 penses, not otherwise provided for, for Drug Interdiction
8 and Counter-Drug Activities, Defense-wide in the amount
9 of \$457,110,000.

10 **SEC. 1414. DEFENSE INSPECTOR GENERAL.**

11 Funds are hereby authorized to be appropriated for
12 the Department of Defense for fiscal year 2011 for ex-
13 penses, not otherwise provided for, for the Office of the
14 Inspector General of the Department of Defense in the
15 amount of \$10,529,000, for Operation and Maintenance.

16 **DIVISION B—MILITARY CON-**
17 **STRUCTION AUTHORIZA-**
18 **TIONS**

19 **SEC. 2001. SHORT TITLE.**

20 This division may be cited as the “Military Construc-
21 tion Authorization Act for Fiscal Year 2011”.

1 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
2 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
3 **LAW.**

4 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
5 YEARS.—Except as provided in subsection (b), all author-
6 izations contained in titles XXI through XXVII for mili-
7 tary construction projects, land acquisition, family housing
8 projects and facilities, and contributions to the North At-
9 lantic Treaty Organization Security Investment Program
10 (and authorizations of appropriations therefore) shall ex-
11 pire on the later of—

12 (1) October 1, 2013; or

13 (2) the date of the enactment of an Act author-
14 izing funds for military construction for fiscal year
15 2014.

16 (b) EXCEPTION.—Subsection (a) shall not apply to
17 authorizations for military construction projects, land ac-
18 quisition, family housing projects and facilities, and con-
19 tributions to the North Atlantic Treaty Organization Se-
20 curity Investment Program (and authorizations of appro-
21 priations therefore), for which appropriated funds have
22 been obligated before the later of—

23 (1) October 1, 2013; or

24 (2) the date of the enactment of an Act author-
25 izing funds for fiscal year 2014 for military con-
26 struction projects, land acquisition, family housing

1 projects and facilities, or contributions to the North
 2 Atlantic Treaty Organization Security Investment
 3 Program.

4 **TITLE XXI—ARMY**

5 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND** 6 **ACQUISITION PROJECTS.**

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

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Fort Rucker	\$69,650,000
Alaska	Fort Greely	\$26,000,000
	Fort Richardson	\$113,238,000
	Fort Wainwright	\$173,000,000
California	Presidio of Monterey	\$140,000,000
Colorado	Fort Carson	\$106,350,000
Florida	Eglin Air Force Base	\$6,900,000
	Miami-Dade County	\$41,000,000
	U.S. Army Garrison, Miami	\$19,000,000
Georgia	Fort Benning	\$177,400,000
	Fort Gordon	\$4,150,000
	Fort Stewart	\$125,250,000
Hawaii	Fort Shafter	\$81,000,000
	Schofield Barracks	\$212,000,000
	Tripler Army Medical Center	\$28,000,000
Kansas	Fort Leavenworth	\$7,100,000
	Fort Riley	\$57,100,000
Kentucky	Fort Campbell	\$143,900,000
	Fort Knox	\$18,800,000
Louisiana	Fort Polk	\$63,250,000
Maryland	Aberdeen Proving Ground	\$14,600,000
	Fort Meade	\$32,600,000
Missouri	Fort Leonard Wood	\$111,700,000
New Mexico	White Sands Missile Range	\$29,000,000
New York	Fort Drum	\$228,800,000
	U.S. Military Academy	\$132,324,000
North Carolina	Fort Bragg	\$310,900,000
Oklahoma	Fort Sill	\$26,600,000
	McAlester Army Ammunition Plant	\$3,000,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
South Carolina	Fort Jackson	\$91,000,000
Texas	Fort Bliss	\$149,950,000
	Fort Hood	\$145,050,000
	Fort Sam Houston	\$22,200,000
	Fort A.P. Hill	\$93,600,000
Virginia	Fort Eustis	\$18,000,000
	Fort Lee	\$48,400,000
	Fort Lewis	\$171,800,000
Washington	Yakima Firing Range	\$3,750,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(2), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	\$101,500,000
Germany	Ansbach	\$31,800,000
	Grafenwoehr	\$75,500,000
	Rhine Ordnance Barracks	\$35,000,000
	Sembach Air Base	\$9,100,000
	Wiesbaden Air Base	\$126,500,000
Honduras	Soto Cano Air Base	\$20,400,000
Korea	Camp Walker	\$19,500,000

8 SEC. 2102. FAMILY HOUSING.

9 (a) CONSTRUCTION AND ACQUISITION.—Using
10 amounts appropriated pursuant to the authorization of ap-
11 propriations in section 2104(5)(A), the Secretary of the
12 Army may construct or acquire family housing units (in-
13 cluding land acquisition and supporting facilities) at the

- 1 installations or locations, in the number of units, and in
 2 the amounts set forth in the following table:

Army: Family Housing

Location	Installation or Location	Units	Amount
Alaska	Fort Wainwright	110	\$21,000,000
Germany	Baumholder	64	\$34,329,000

- 3 (b) PLANNING AND DESIGN.—Using amounts appro-
 4 priated pursuant to the authorization of appropriations in
 5 section 2104(5)(A), the Secretary of the Army may carry
 6 out architectural and engineering services and construc-
 7 tion design activities with respect to the construction or
 8 improvement of family housing units in an amount not
 9 to exceed \$2,040,000.

10 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 11 **UNITS.**

- 12 Subject to section 2825 of title 10, United States
 13 Code, and using amounts appropriated pursuant to the
 14 authorization of appropriations in section 2104(5)(A), the
 15 Secretary of the Army may improve existing military fam-
 16 ily housing units in an amount not to exceed \$35,000,000.

17 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

- 18 Funds are hereby authorized to be appropriated for
 19 fiscal years beginning after September 30, 2010, for mili-
 20 tary construction, land acquisition, and military family
 21 housing functions of the Department of the Army in the
 22 total amount of \$4,689,307,000 as follows:

1 (1) For military construction projects inside the
2 United States authorized by section 2101(a),
3 \$3,246,362,000.

4 (2) For military construction projects outside
5 the United States authorized by section 2101(b),
6 \$419,300,000.

7 (3) For unspecified minor military construction
8 projects authorized by section 2805 of title 10,
9 United States Code, \$23,000,000.

10 (4) For architectural and engineering services
11 and construction design under section 2807 of title
12 10, United States Code, \$249,636,000.

13 (5) For military family housing functions:

14 (A) For construction and acquisition, plan-
15 ning and design, and improvement of military
16 family housing and facilities, \$92,369,000.

17 (B) For support of military family housing
18 (including the functions described in section
19 2833 of title 10, United States Code),
20 \$518,140,000.

21 (6) For the construction of increment 4 of a
22 brigade complex operations support facility at
23 Vicenza, Italy, authorized by section 2101(b) of the
24 Military Construction Authorization Act for Fiscal

1 Year 2008 (division B of Public Law 110–181; 122
2 Stat. 505), \$25,000,000.

3 (7) For the construction of increment 4 of a
4 brigade complex barracks and community support
5 facility at Vicenza, Italy, authorized by section
6 2101(b) of the Military Construction Authorization
7 Act for Fiscal Year 2008 (division B of Public Law
8 110–181; 122 Stat. 505), \$26,000,000.

9 (8) For the construction of increment 2 of the
10 Command and Battle Center at Wiesbaden, Ger-
11 many, authorized by section 2101(b) of the Military
12 Construction Authorization Act for Fiscal Year 2009
13 (division B of Public Law 110–417; 122 Stat.
14 4662), \$59,500,000.

15 (9) For the construction of increment 2 of an
16 Aviation Task Force Complex Phase 1 at Fort
17 Wainwright, Alaska, authorized by section 2101(a)
18 of the Military Construction Authorization Act for
19 Fiscal Year 2010 (division B of Public Law 111–84;
20 123 Stat. 2630), \$30,000,000.

21 **SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
22 **FISCAL YEAR 2008 PROJECTS.**

23 (a) EXTENSION.—Notwithstanding section 2701 of
24 the Military Construction Authorization Act for Fiscal
25 Year 2008 (division B of Public Law 110–181; 122 Stat.

1 531), authorizations set forth in the table in subsection
 2 (b), as provided in section 2101 of that Act, shall remain
 3 in effect until October 1, 2011, or the date of the enact-
 4 ment of an Act authorizing funds for military construction
 5 for fiscal year 2012, whichever is later.

6 (b) TABLE.—The table referred to in subsection (a)
 7 is as follows:

Army: Extensions of 2008 Project Authorizations

State	Installation or Location	Project	Amount
Georgia	Fort Stewart	Unit Operations Facili- ties.	\$16,000,000
Hawaii	Schofield Barracks	Tactical Vehicle Wash Facility.	\$10,200,000
		Barracks Complex- Wheeler 205	\$51,000,000
Louisiana	Fort Polk	Brigade Headquarters ...	\$9,800,000
		Child Care Facility	\$6,100,000
Missouri	Fort Leonard Wood	Automated Multipurpose Machine Gun Range.	\$4,150,000
Oklahoma	Fort Sill	Multipurpose Machine Gun Range.	\$3,300,000
Washington	Fort Lewis	Alternative Fuel Facility	\$3,300,000

8 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**
 9 **CERTAIN FISCAL YEAR 2009 PROJECT.**

10 The table in section 2101(b) of the Military Con-
 11 struction Authorization Act for Fiscal Year 2009 (division
 12 B of Public Law 110–417; 122 Stat. 4658) is amended
 13 by striking “Katterbach” and inserting “Grafenwoehr”.

14 **SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT**
 15 **CERTAIN FISCAL YEAR 2010 PROJECT.**

16 In the case of the authorization contained in the table
 17 in section 2101(a) of the Military Construction Authoriza-
 18 tion Act for Fiscal Year 2010 (division B of Public Law

1 111–84; 123 Stat. 2628) for Fort Riley, Kansas, for con-
 2 struction of a Brigade Complex at the installation, the
 3 Secretary of the Army may construct up to a 40,100
 4 square-foot brigade headquarters consistent with the
 5 Army’s construction guidelines for brigade headquarters.

6 **TITLE XXII—NAVY**

7 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 8 **ACQUISITION PROJECTS.**

9 (a) **INSIDE THE UNITED STATES.**—Using amounts
 10 appropriated pursuant to the authorization of appropria-
 11 tions in section 2204(1), the Secretary of the Navy may
 12 acquire real property and carry out military construction
 13 projects for the installations or locations inside the United
 14 States, and in the amounts, set forth in the following
 15 table:

Navy: Inside the United States

State	Installation	Amount
Alabama	Mobile	\$29,082,000
Arizona	Marine Corps Air Station, Yuma	\$285,060,000
California	Marine Corps Base, Camp Pendleton	\$362,124,000
	Naval Base, Coronado	\$67,160,000
	Marine Corps Air Station, Miramar	\$190,610,000
	Naval Station, San Diego	\$183,756,000
	Marine Corps Recruit Depot, San Diego	\$9,950,000
	Marine Corps Base, Twentymine Palms	\$53,158,000
Florida	Blount Island Command	\$74,620,000
	Tampa	\$2,300,000
Georgia	Naval Submarine Base, Kings Bay	\$60,664,000
Hawaii	Marine Corps Base, Camp Smith	\$29,960,000
	Marine Corps Base, Kaneohe Bay	\$109,660,000
	Naval Station, Pearl Harbor	\$108,468,000
Maryland	Naval Support Facility, Indian Head	\$34,238,000
	Naval Air Station, Patuxent River	\$42,211,000
North Carolina	Marine Corps Base, Camp Lejeune	\$789,393,000
	Marine Corps Air Station, Cherry Point	\$65,510,000
Rhode Island	Naval Station, Newport	\$27,007,000
South Carolina	Marine Corps Air Station, Beaufort	\$129,410,000
Virginia	Naval Station, Norfolk	\$12,435,000
	Marine Corps Base, Quantico	\$143,632,000
Washington	Bangor	\$56,893,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2204(2), the Secretary of the Navy may
 4 acquire real property and carry out military construction
 5 projects for the installation or location outside the United
 6 States, and in the amounts, set forth in the following
 7 table:

Navy: Outside the United States

Country	Installation	Amount
Bahrain	Southwest Asia	\$213,153,000
Djibouti	Camp Lemonier	\$51,631,000
Guam	Naval Activities, Guam	\$213,940,000
Japan	Naval Air Stations, Atsugi	\$6,908,000
Spain	Naval Station, Rota	\$23,190,000

8 **SEC. 2202. FAMILY HOUSING.**

9 (a) CONSTRUCTION AND ACQUISITION.—Using
 10 amounts appropriated pursuant to the authorization of ap-
 11 propriations in section 2204(5)(A), the Secretary of the
 12 Navy may construct or acquire family housing units (in-
 13 cluding land acquisition and supporting facilities) at the
 14 installations or locations, in the number of units, and in
 15 the amount set forth in the following table:

Navy: Family Housing

Location	Installation	Units	Amount
Cuba	Guantanamo Bay	71	\$37,169,000

16 (b) PLANNING AND DESIGN.—Using amounts appro-
 17 priated pursuant to the authorization of appropriations in
 18 section 2204(5)(A), the Secretary of the Navy may carry
 19 out architectural and engineering services and construc-

1 tion design activities with respect to the construction or
2 improvement of family housing units in an amount not
3 to exceed \$3,255,000.

4 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
5 **UNITS.**

6 Subject to section 2825 of title 10, United States
7 Code, and using amounts appropriated pursuant to the
8 authorization of appropriations in section 2204(5)(A), the
9 Secretary of the Navy may improve existing military fam-
10 ily housing units in an amount not to exceed
11 \$146,020,000.

12 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

13 Funds are hereby authorized to be appropriated for
14 fiscal years beginning after September 30, 2010, for mili-
15 tary construction, land acquisition, and military family
16 housing functions of the Department of the Navy in the
17 total amount of \$4,431,894,000, as follows:

18 (1) For military construction projects inside the
19 United States authorized by section 2201(a),
20 \$2,867,301,000.

21 (2) For military construction projects outside
22 the United States authorized by section 2201(b),
23 \$508,822,000.

1 (3) For unspecified minor military construction
2 projects authorized by section 2805 of title 10,
3 United States Code, \$20,877,000.

4 (4) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$120,050,000.

7 (5) For military family housing functions:

8 (A) For construction and acquisition, plan-
9 ning and design, and improvement of military
10 family housing and facilities, \$186,444,000.

11 (B) For support of military family housing
12 (including functions described in section 2833
13 of title 10, United States Code), \$366,346,000.

14 (6) For the construction of increment 7 of a
15 limited area production and storage complex at Ban-
16 gor, Washington, authorized by section 2201(a) of
17 the Military Construction Authorization Act for Fis-
18 cal Year 2005 (division B of Public Law 108–375;
19 118 Stat. 2106), \$19,116,000.

20 (7) For the construction of increment 2 of a
21 ship repair pier replacement at Norfolk Naval Ship-
22 yard, Virginia, authorized by section 2201(a) of the
23 Military Construction Authorization Act for Fiscal
24 Year 2010 (division B of Public Law 111–84; 123
25 Stat. 2633), \$100,000,000.

1 (8) For the construction of increment 2 of a
2 wharves improvement at Apra Harbor, Guam, au-
3 thorized by section 2201(b) of the Military Con-
4 struction Authorization Act for Fiscal Year 2010
5 (division B of Public Law 111–84; 123 Stat. 2633),
6 \$40,000,000.

7 (9) For the construction of increment 2 of
8 north ramp utilities at Andersen Air Force Base,
9 Guam, authorized by section 2201(b) of the Military
10 Construction Authorization Act for Fiscal Year 2010
11 (division B of Public Law 111–84; 123 Stat. 2633),
12 \$79,350,000.

13 (10) For the construction of increment 2 of
14 north ramp parking at Andersen Air Force Base,
15 Guam, authorized by section 2201(b) of the Military
16 Construction Authorization Act for Fiscal Year 2010
17 (division B of Public Law 111–84; 123 Stat. 2633),
18 \$93,588,000.

19 (11) For the construction of increment 2 of a
20 tertiary water treatment plant at Marine Corps Base
21 Camp Pendleton, California, authorized by section
22 2201(a) of the Military Construction Authorization
23 Act for Fiscal Year 2010 (division B of Public Law
24 111–84; 123 Stat. 2632), \$30,000,000.

1 **SEC. 2205. EXTENSION OF AUTHORIZATION OF CERTAIN**
 2 **FISCAL YEAR 2008 PROJECT.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2008 (division B of Public Law 110–181; 122 Stat.
 6 531), the authorization set forth in the table in subsection
 7 (b), as provided in section 2203 of that Act, shall remain
 8 in effect until October 1, 2011, or the date of an Act au-
 9 thorizing funds for military construction for fiscal year
 10 2012, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)
 12 is as follows:

Navy: Extension of 2008 Project Authorization

State/Country	Installation or Location	Project	Amount
Worldwide	Various	Host Nation Infrastruc- ture.	\$2,700,000

13 **SEC. 2206. TECHNICAL AMENDMENT TO CARRY OUT CER-**
 14 **TAIN FISCAL YEAR 2010 PROJECT.**

15 Section 2204(a) of the Military Construction Author-
 16 ization Act for Fiscal Year 2010 (division B of Public Law
 17 111–84; 123 Stat. 2635), is amended by adding at the
 18 end the following new paragraph:

19 “(14) For the construction of the first incre-
 20 ment of a tertiary water treatment plant at Marine
 21 Corps Base Camp Pendleton, California, authorized
 22 by section 2201(a), \$112,330,000.”.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	\$13,400,000
Alaska	Eielson Air Force Base	\$28,000,000
	Elmendorf Air Force Base	\$30,274,000
Arizona	Davis-Monthan Air Force Base	\$48,500,000
	Fort Huachuca	\$11,000,000
Colorado	Buckley Air Force Base	\$12,160,000
	Peterson Air Force Base	\$24,800,000
	U.S. Air Force Academy	\$27,600,000
District of Columbia ...	Bolling Air Force Base	\$13,200,000
Delaware	Dover Air Force Base	\$3,200,000
Florida	Eglin Air Force Base	\$11,400,000
	Hurlburt Field	\$34,670,000
	Patrick Air Force Base	\$158,009,000
Louisiana	Barksdale Air Force Base	\$18,140,000
Nevada	Creech Air Force Base	\$11,710,000
	Nellis Air Force Base	\$51,640,000
New Jersey	McGuire Air Force Base	\$26,440,000
New Mexico	Cannon Air Force Base	\$34,000,000
	Holloman Air Force Base	\$37,970,000
	Kirtland Air Force Base	\$24,402,000
New York	Fort Drum	\$20,440,000
North Dakota	Minot Air Force Base	\$18,770,000
Oklahoma	Tinker Air Force Base	\$14,000,000
South Carolina	Charleston Air Force Base	\$15,000,000
Texas	Dyess Air Force Base	\$4,080,000
	Ellington Field	\$7,000,000
	Lackland Air Force Base	\$127,280,000
Utah	Hill Air Force Base	\$2,800,000
Virginia	Langley Air Force Base	\$8,800,000
Wyoming	Camp Guernsey	\$4,650,000
Unspecified	Unspecified Locations	\$76,600,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2304(2), the Secretary of the Air Force
 4 may acquire real property and carry out military construc-
 5 tion projects for the installations or locations outside the
 6 United States, and in the amounts, set forth in the fol-
 7 lowing table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	\$42,960,000
Bahrain	Shaikh Isa Air Base	\$45,000,000
Guam	Andersen Air Force Base	\$50,300,000
Germany	Kapaun	\$19,600,000
	Ramstein Air Base	\$22,354,000
	Vilseck	\$12,900,000
Italy	Aviano Air Base	\$29,200,000
Korea	Kunsan Air Base	\$7,500,000
Qatar	Al Udeid Air Base	\$62,300,000
United Kingdom	RAF Mildenhall	\$15,000,000

8 **SEC. 2302. FAMILY HOUSING.**

9 Using amounts appropriated pursuant to the author-
 10 ization of appropriations in section 2304(5)(A), the Sec-
 11 retary of the Air Force may carry out architectural and
 12 engineering services and construction design activities
 13 with respect to the construction or improvement of family
 14 housing units in an amount not to exceed \$4,225,000.

15 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 16 **UNITS.**

17 Subject to section 2825 of title 10, United States
 18 Code, and using amounts appropriated pursuant to the
 19 authorization of appropriations in section 2304(5)(A), the

1 Secretary of the Air Force may improve existing military
2 family housing units in an amount not to exceed
3 \$73,800,000.

4 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
5 **FORCE.**

6 Funds are hereby authorized to be appropriated for
7 fiscal years beginning after September 30, 2010, for mili-
8 tary construction, land acquisition, and military family
9 housing functions of the Department of the Air Force in
10 the total amount of \$1,903,202,000, as follows:

11 (1) For military construction projects inside the
12 United States authorized by section 2301(a),
13 \$919,935,000.

14 (2) For military construction projects outside
15 the United States authorized by section 2301(b),
16 \$307,114,000.

17 (3) For unspecified minor military construction
18 projects authorized by section 2805 of title 10,
19 United States Code, \$18,000,000.

20 (4) For architectural and engineering services
21 and construction design under section 2807 of title
22 10, United States Code, \$66,336,000.

23 (5) For military family housing functions:

1 (A) For construction and acquisition, plan-
 2 ning and design, and improvement of military
 3 family housing and facilities, \$78,025,000.

4 (B) For support of military family housing
 5 (including functions described in section 2833
 6 of title 10, United States Code), \$513,792,000.

7 **SEC. 2305. EXTENSION OF AUTHORIZATION OF CERTAIN**
 8 **FISCAL YEAR 2007 PROJECT.**

9 (a) EXTENSION.—Notwithstanding section 2701 of
 10 the Military Construction Authorization Act for Fiscal
 11 Year 2007 (division B of Public Law 109–364; 120 Stat.
 12 2463), the authorization set forth in the table in sub-
 13 section (b), as provided in section 2302 of that Act and
 14 extended by section 2307 of the Military Construction Au-
 15 thorization Act for Fiscal Year 2010 (division B of Public
 16 Law 111–84; 123 Stat. 2639), shall remain in effect until
 17 October 1, 2011, or the date of the enactment of an Act
 18 authorizing funds for military construction for fiscal year
 19 2012, whichever is later.

20 (b) TABLE.—The table referred to in subsection (a)
 21 is as follows:

Air Force: Extension of 2007 Project Authorization

State	Installation or Location	Project	Amount
Idaho	Mountain Home Air Force Base.	Replace Family Housing (457 Units).	\$107,800,000

1 **TITLE XXIV—DEFENSE**
 2 **AGENCIES**
 3 **Subtitle A—Defense Agency**
 4 **Authorizations**

5 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

7 (a) INSIDE THE UNITED STATES.—Using amounts
 8 appropriated pursuant to the authorization of appropriations
 9 in section 2403(1), the Secretary of Defense may
 10 acquire real property and carry out military construction
 11 projects for the installations or locations inside the United
 12 States, and in the amounts, set forth in the following
 13 table:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Benning	\$2,800,000
New York	U.S. Military Academy	\$27,960,000
North Carolina	Fort Bragg	\$45,086,000
	Marine Corps Base, Camp Lejeune	\$16,646,000
Virginia	Marine Corps Base, Quantico	\$47,355,000

Defense Information Systems Agency

State	Installation or Location	Amount
Illinois	Scott Air Force Base	\$1,388,000

Defense Intelligence Agency

State	Installation or Location	Amount
District of Columbia	Bolling Air Force Base	\$3,000,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Naval Base, Ventura City (Point Mugu)	\$3,100,000
Georgia	Hunter Air National Guard Station	\$2,400,000
Hawaii	Hickam Air Force Base	\$8,500,000
Idaho	Mountain Home Air Force Base	\$27,500,000
Maryland	Andrews Air Force Base	\$14,000,000

Defense Logistics Agency—Continued

State	Installation or Location	Amount
Ohio	Defense Supply Center, Columbus	\$7,400,000
Pennsylvania	Defense Distribution Depot, New Cumberland	\$96,000,000
Virginia	Craney Island	\$58,000,000

National Security Agency

State	Installation or Location	Amount
Georgia	Augusta	\$12,855,000
Maryland	Fort Meade	\$219,360,000

Special Operations Command

State	Installation or Location	Amount
Arizona	Yuma Proving Ground	\$8,977,000
Colorado	Fort Carson	\$3,717,000
Florida	Eglin Air Force Base	\$6,030,000
Georgia	Fort Benning	\$24,065,000
	Hunter Army Airfield	\$3,318,000
Hawaii	Naval Station, Pearl Harbor	\$28,804,000
Kentucky	Fort Campbell	\$38,095,000
New Mexico	Cannon Air Force Base	\$116,225,000
North Carolina	Fort Bragg	\$123,607,000

TRICARE Management Activity

State	Installation or Location	Amount
Georgia	Fort Stewart	\$35,100,000
Maryland	Bethesda National Naval Medical Center	\$80,000,000
	Fort Detrick	\$45,700,000
Massachusetts	Hanscom Air Force Base	\$2,900,000
New Mexico	White Sands Missile Range	\$22,900,000
Texas	Lackland Air Force Base	\$162,500,000
Virginia	Fort Belvoir	\$6,300,000
Washington	Fort Lewis	\$8,400,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	\$63,324,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the

1 United States, and in the amounts, set forth in the fol-
 2 lowing table:

Defense Education Activity

Country	Installation or Location	Amount
Belgium	Brussels	\$67,311,000
Germany	Panzer Kaserne	\$48,968,000
Puerto Rico	Fort Buchanan	\$58,708,000
United Kingdom	Royal Air Force Alconbury	\$30,308,000

Defense Logistics Agency

Country	Installation or Location	Amount
Japan	Kadena Air Base	\$3,000,000
	Misawa Air Base	\$31,000,000
United Kingdom	RAF Mildenhall	\$15,900,000

National Security Agency

Country	Installation or Location	Amount
Qatar	Al Udeid Air Base	\$1,961,000
United Kingdom	Menwith Hill Station	\$2,000,000

North Atlantic Treaty Organization

Country	Installation or Location	Amount
Belgium	NATO Headquarters	\$31,863,000

TRICARE Management Activity

Country	Installation or Location	Amount
Germany	Katterbach	\$37,100,000
	Vilseck	\$34,800,000
Korea	Camp Carroll	\$19,500,000

3 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

4 Using amounts appropriated pursuant to the author-
 5 ization of appropriations in section 2403(6), the Secretary
 6 of Defense may carry out energy conservation projects
 7 under chapter 173 of title 10, United States Code, in the
 8 amount of \$120,000,000.

1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
2 **FENSE AGENCIES.**

3 Funds are hereby authorized to be appropriated for
4 fiscal years beginning after September 30, 2010, for mili-
5 tary construction, land acquisition, and military family
6 housing functions of the Department of Defense (other
7 than the military departments) in the total amount of
8 \$3,186,137,000, as follows:

9 (1) For military construction projects inside the
10 United States authorized by section 2401(a),
11 \$1,373,312,000.

12 (2) For military construction projects outside
13 the United States authorized by section 2401(b),
14 \$382,419,000.

15 (3) For unspecified minor military construction
16 projects under section 2805 of title 10, United
17 States Code, \$42,856,000.

18 (4) For contingency construction projects of the
19 Secretary of Defense under section 2804 of title 10,
20 United States Code, \$10,000,000.

21 (5) For architectural and engineering services
22 and construction design under section 2807 of title
23 10, United States Code, \$431,617,000.

24 (6) For energy conservation projects under
25 chapter 173 of title 10, United States Code,
26 \$120,000,000.

1 (7) For military family housing functions:

2 (A) For support of military family housing
3 (including functions described in section 2833
4 of title 10, United States Code), \$50,464,000.

5 (B) For credits to the Department of De-
6 fense Family Housing Improvement Fund
7 under section 2883 of title 10, United States
8 Code, and the Homeowners Assistance Fund es-
9 tablished under section 1013 of the Demonstra-
10 tion Cities and Metropolitan Development Act
11 of 1966 (42 U.S.C. 3374), \$17,611,000.

12 (8) For the construction of increment 5 of the
13 Army Medical Research Institute of Infectious Dis-
14 eases Stage I at Fort Detrick, Maryland, authorized
15 by section 2401(a) of the Military Construction Au-
16 thorization Act of Fiscal Year 2007 (division B of
17 Public Law 109–364; 120 Stat. 2457), \$17,400,000.

18 (9) For the construction of increment 3 of re-
19 placement fuel storage facilities at Point Loma
20 Annex, California, authorized by section 2401(a) of
21 the Military Construction Authorization Act of Fis-
22 cal Year 2008 (division B of Public Law 110–181;
23 122 Stat. 521), as amended by section 2406 of the
24 Military Construction Authorization Act of Fiscal

1 Year 2010 (division B of Public Law 111–84; 123
2 Stat. 2646), \$20,000,000.

3 (10) For the construction of increment 3 of the
4 United States Army Medical Research Institute of
5 Chemical Defense replacement facility at Aberdeen
6 Proving Ground, Maryland, authorized by section
7 2401(a) of the Military Construction Authorization
8 Act of Fiscal Year 2009 (division B of Public Law
9 110–417; 122 Stat. 4689), \$105,000,000.

10 (11) For the construction of increment 3 of a
11 National Security Agency data center at Camp Wil-
12 liams, Utah, authorized as a Military Construction,
13 Defense-Wide project by the Supplemental Appro-
14 priations Act, 2009 (Public Law 111–32; 123 Stat.
15 1888), \$398,358,000.

16 (12) For the construction of increment 2 of the
17 hospital at Fort Bliss, Texas, authorized by section
18 2401(a) of the Military Construction Authorization
19 Act for Fiscal Year 2010 (division B of Public Law
20 111–84; 123 Stat. 2642), \$147,100,000.

21 (13) For the construction of increment 2 of a
22 hospital at Naval Activities, Guam, authorized by
23 section 2401(b) of the Military Construction Author-
24 ization Act for Fiscal Year 2010 (division B of Pub-
25 lic Law 111–84; 123 Stat. 2643), \$70,000,000.

1 **Subtitle B—Chemical**
2 **Demilitarization Authorizations**

3 **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
4 **ICAL DEMILITARIZATION CONSTRUCTION,**
5 **DEFENSE-WIDE.**

6 Funds are hereby authorized to be appropriated for
7 fiscal years beginning after September 30, 2010, for mili-
8 tary construction and land acquisition for chemical demili-
9 tarization in the total amount of \$124,971,000, as follows:

10 (1) For the construction of phase 12 of a chem-
11 ical munitions demilitarization facility at Pueblo
12 Chemical Activity, Colorado, authorized by section
13 2401(a) of the Military Construction Authorization
14 Act for Fiscal Year 1997 (division B of Public Law
15 104–201; 110 Stat. 2775), as amended by section
16 2406 of the Military Construction Authorization Act
17 for Fiscal Year 2000 (division B of Public Law 106–
18 65; 113 Stat. 839), section 2407 of the Military
19 Construction Authorization Act for Fiscal Year 2003
20 (division B of Public Law 107–314; 116 Stat.
21 2698), and section 2413 of the Military Construc-
22 tion Authorization Act for Fiscal Year 2009 (divi-
23 sion B of Public Law 110–417; 122 Stat. 4697),
24 \$65,569,000.

1 (2) For the construction of phase 11 of a muni-
2 tions demilitarization facility at Blue Grass Army
3 Depot, Kentucky, authorized by section 2401(a) of
4 the Military Construction Authorization Act for Fis-
5 cal Year 2000 (division B of Public Law 106–65;
6 113 Stat. 835), as amended by section 2405 of the
7 Military Construction Authorization Act for Fiscal
8 Year 2002 (division B of Public Law 107–107; 115
9 Stat. 1298), section 2405 of the Military Construc-
10 tion Authorization Act for Fiscal Year 2003 (divi-
11 sion B of Public Law 107–314; 116 Stat. 2698),
12 and section 2414 of the Military Construction Au-
13 thorization Act for Fiscal Year 2009 (division B of
14 Public Law 110–417; 122 Stat. 4697), as amended
15 by section 2412 of this Act, \$59,402,000.

16 **SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT**
17 **CERTAIN FISCAL YEAR 2000 PROJECT.**

18 (a) MODIFICATION.—The table in section 2401(a) of
19 the Military Construction Authorization Act for Fiscal
20 Year 2000 (division B of Public Law 106–65; 113 Stat.
21 835), as amended by section 2405 of the Military Con-
22 struction Authorization Act for Fiscal Year 2002 (division
23 B of Public Law 107–107; 115 Stat. 1298), section 2405
24 of the Military Construction Authorization Act for Fiscal
25 Year 2003 (division B of Public Law 107–314; 116 Stat.

1 2698), and section 2414 of the Military Construction Au-
2 thorization Act for Fiscal Year 2009 (division B of Public
3 Law 110–417; 122 Stat. 4697), is amended—

4 (1) under the agency heading relating to Chem-
5 ical Demilitarization, in the item relating to Blue
6 Grass Army Depot, Kentucky, by striking
7 “\$492,000,000” in the amount column and inserting
8 “\$746,000,000”; and

9 (2) by striking the amount identified as the
10 total in the amount column and inserting
11 “\$1,203,920,000”.

12 (b) CONFORMING AMENDMENT.—Section 2405(b)(3)
13 of the Military Construction Authorization Act for Fiscal
14 Year 2000 (division B of Public Law 106–65; 113 Stat.
15 839), as amended by section 2405 of the Military Con-
16 struction Authorization Act for Fiscal Year 2002 (division
17 B of Public Law 107–107; 115 Stat. 1298), section 2405
18 of the Military Construction Authorization Act for Fiscal
19 Year 2003 (division B of Public Law 107–314; 116 Stat.
20 2698), and section 2414 of the Military Construction Au-
21 thorization Act for Fiscal Year 2009 (division B of Public
22 Law 110–417; 122 Stat. 4697), is further amended by
23 striking “\$469,200,000” and inserting “\$723,200,000”.

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for
8 the North Atlantic Treaty Organization Security Invest-
9 ment Program as provided in section 2806 of title 10,
10 United States Code, in an amount not to exceed the sum
11 of the amount authorized to be appropriated for this pur-
12 pose in section 2502 and the amount collected from the
13 North Atlantic Treaty Organization as a result of con-
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 2010, for con-
18 tributions by the Secretary of Defense under section 2806
19 of title 10, United States Code, for the share of the United
20 States of the cost of projects for the North Atlantic Treaty
21 Organization Security Investment Program authorized by
22 section 2501, in the amount of \$258,884,000.

**TITLE XXVI—GUARD AND
RESERVE FORCES FACILITIES**

**SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-
STRUCTION AND LAND ACQUISITION
PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Arizona	Florence	\$16,500,000
Arkansas	Camp Robinson	\$30,000,000
	Fort Chafee	\$21,500,000
California	Camp Roberts	\$19,000,000
Colorado	Colorado Springs	\$20,000,000
	Fort Carson	\$40,000,000
	Gypsum	\$39,000,000
	Windsor	\$7,500,000
Connecticut	Windsor Locks	\$41,000,000
Delaware	New Castle	\$27,000,000
Georgia	Cumming	\$17,000,000
	Dobbins Air Reserve Base	\$10,400,000
Hawaii	Kalaeloa	\$38,000,000
Idaho	Gowen Field	\$17,500,000
	Mountain Home	\$6,300,000
Illinois	Springfield	\$15,000,000
Kansas	Wichita	\$67,000,000
Kentucky	Burlington	\$19,500,000
Louisiana	Fort Polk	\$5,500,000
	Minden	\$28,000,000
Maryland	St. Inigoes	\$5,500,000
Massachusetts	Hanscom Air Force Base	\$23,000,000
Michigan	Camp Grayling Range	\$19,000,000
Minnesota	Arden Hills	\$29,000,000
	Camp Ripley	\$8,750,000
Nebraska	Lincoln	\$3,300,000
	Mead	\$11,400,000
New Hampshire	Pembroke	\$36,000,000
New Mexico	Farmington	\$8,500,000
North Carolina	High Point	\$1,551,000
	Camp Grafton	\$11,200,000

Army National Guard: Inside the United States—Continued

State	Location	Amount
Rhode Island	East Greenwich	\$27,000,000
South Dakota	Watertown	\$25,000,000
Washington	Tacoma	\$25,000,000
Wisconsin	Madison	\$5,700,000
Wyoming	Laramie	\$14,400,000
Texas	Camp Maxey	\$2,500,000
	Camp Swift	\$2,600,000
West Virginia	Moorefield	\$14,200,000
	Morgantown	\$21,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2606(1), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the Army National Guard locations outside
6 the United States, and in the amounts, set forth in the
7 following table:

Army National Guard: Outside the United States

Country	Location	Amount
Guam	Barrigada	\$19,000,000
Virgin Islands	St. Croix	\$25,000,000
Puerto Rico	Santiago	\$12,300,000

8 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-
9 propriated pursuant to the authorization of appropriations
10 in section 2606(1), the Secretary of the Army may acquire
11 real property and carry out military construction projects
12 for unspecified installations or locations in the amounts
13 set forth in the following table:

Army National Guard

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	\$37,063,000

1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
 2 **AND LAND ACQUISITION PROJECTS.**

3 (a) **INSIDE THE UNITED STATES.**—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2606(2), the Secretary of the Army may
 6 acquire real property and carry out military construction
 7 projects for the Army Reserve locations inside the United
 8 States, and in the amounts, set forth in the following
 9 table:

Army Reserve

State	Location	Amount
California	Fairfield	\$26,000,000
	Fort Hunger Liggett	\$52,000,000
Florida	Miami	\$13,800,000
	Orlando	\$10,200,000
	West Palm Beach	\$10,400,000
Georgia	Macon	\$11,400,000
Iowa	Des Moines	\$8,175,000
Illinois	Quincy	\$12,200,000
Indiana	Michigan City	\$15,500,000
Massachusetts	Devens Reserve Forces Training Area ...	\$4,700,000
Missouri	Kansas City	\$11,800,000
New Mexico	Las Cruces	\$11,400,000
New York	Binghamton	\$13,400,000
	Dallas	\$12,600,000
Texas	Rio Grande	\$6,100,000
	San Marcos	\$8,500,000
	Fort A.P. Hill	\$15,500,000
Virginia	Roanoke	\$14,800,000
	Virginia Beach	\$11,000,000
Wisconsin	Fort McCoy	\$19,800,000

10 (b) **UNSPECIFIED WORLDWIDE.**—Using amounts ap-
 11 propriated pursuant to the authorization of appropriations
 12 in section 2606(2), the Secretary of the Army may acquire
 13 real property and carry out military construction projects
 14 for unspecified installations or locations in the amounts
 15 set forth in the following table:

Army Reserve

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	\$28,900,000

1 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 2 **CORPS RESERVE CONSTRUCTION AND LAND**
 3 **ACQUISITION PROJECTS.**

4 (a) INSIDE THE UNITED STATES.—Using amounts
 5 appropriated pursuant to the authorization of appropria-
 6 tions in section 2606(3), the Secretary of the Navy may
 7 acquire real property and carry out military construction
 8 projects for the Navy Reserve and Marine Corps Reserve
 9 locations inside the United States, and in the amounts,
 10 set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Marine Corps Base, Twentynine Palms	\$5,991,000
Louisiana	New Orleans	\$16,281,000
Virginia	Williamsburg	\$21,346,000
Washington	Yakima	\$13,844,000

11 (b) UNSPECIFIED WORLDWIDE.—Using amounts ap-
 12 propriated pursuant to the authorization of appropriations
 13 in section 2606(3), the Secretary of the Navy may acquire
 14 real property and carry out military construction projects
 15 for unspecified installations or locations in the amounts
 16 set forth in the following table:

Navy Reserve and Marine Corps Reserve

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	\$4,095,000

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

2
 3 (a) **INSIDE THE UNITED STATES.**—Using amounts
 4 appropriated pursuant to the authorization of appropriations
 5 in section 2606(4), the Secretary of the Air Force
 6 may acquire real property and carry out military construction
 7 projects for the Air National Guard locations inside
 8 the United States, and in the amounts, set forth in the
 9 following table:

Air National Guard

State	Location	Amount
Alabama	Montgomery Regional Airport (ANG)	\$7,472,000
Arizona	Davis Monthan Air Force Base	\$4,650,000
Delaware	New Castle County Airport	\$1,500,000
Florida	Jacksonville International Airport	\$6,700,000
Georgia	Savannah/Hilton Head International Airport ..	\$7,450,000
Hawaii	Hickam Air Force Base	\$71,450,000
Illinois	Capital Municipal Airport	\$16,700,000
Indiana	Hulman Regional Airport	\$4,100,000
Maryland	Martin State Airport	\$11,400,000
New York	Fort Drum	\$2,500,000
	Stewart International Airport	\$14,250,000
North Carolina	Stanly County Airport	\$2,000,000
Pennsylvania	State College Air National Guard Station	\$4,100,000
Tennessee	Nashville International Airport	\$5,500,000

10 (b) **UNSPECIFIED WORLDWIDE.**—Using amounts ap-
 11 propriated pursuant to the authorization of appropriations
 12 in section 2606(4), the Secretary of the Air Force may
 13 acquire real property and carry out military construction
 14 projects for unspecified installations or locations in the
 15 amounts set forth in the following table:

Air National Guard

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	\$17,214,000

1 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**
 2

3 (a) INSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropriations in section 2606(5), the Secretary of the Air Force
 5 may acquire real property and carry out military construction projects for the Air Force Reserve locations inside
 6 the United States, and in the amounts, set forth in the
 7 following table:
 8
 9

Air Force Reserve

State	Location	Amount
Florida	Patrick Air Force Base	\$3,420,000

10 (b) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations
 11 in section 2606(5), the Secretary of the Air Force may
 12 acquire real property and carry out military construction projects for unspecified installations or locations in the
 13 amounts set forth in the following table:
 14
 15

Air Force Reserve

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	\$4,412,000

16 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**
 17

18 Funds are hereby authorized to be appropriated for
 19 fiscal years beginning after September 30, 2010, for the
 20 costs of acquisition, architectural and engineering services,

1 and construction of facilities for the Guard and Reserve
2 Forces, and for contributions therefor, under chapter
3 1803 of title 10, United States Code (including the cost
4 of acquisition of land for those facilities), in the following
5 amounts:

6 (1) For the Department of the Army, for the
7 Army National Guard of the United States,
8 \$873,664,000.

9 (2) For the Department of the Army, for the
10 Army Reserve, \$318,175,000.

11 (3) For the Department of the Navy, for the
12 Navy and Marine Corps Reserve, \$61,557,000.

13 (4) For the Department of the Air Force, for
14 the Air National Guard of the United States,
15 \$176,986,000.

16 (5) For the Department of the Air Force, for
17 the Air Force Reserve, \$7,832,000.

18 **SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN**

19 **FISCAL YEAR 2008 PROJECTS.**

20 (a) **EXTENSION.**—Notwithstanding section 2701 of
21 the Military Construction Authorization Act for Fiscal
22 Year 2008 (division B of Public Law 110–181; 122 Stat.
23 531), the authorization set forth in the tables in sub-
24 section (b), as provided in section 2601 and 2604 of that
25 Act, shall remain in effect until October 1, 2011, or the

1 date of the enactment of an Act authorizing funds for mili-
 2 tary construction for fiscal year 2012, whichever is later.

3 (b) TABLE.—The tables referred to in subsection (a)
 4 are as follows:

Army National Guard: Extension of 2008 Project Authorization

State	Installation or Location	Project	Amount
Pennsylvania	East Fallowfield Town- ship.	Readiness Center (SBCT).	\$8,300,000

Air National Guard: Extension of 2008 Project Authorization

State	Installation or Location	Project	Amount
Vermont	Burlington	Base Security Improve- ments.	\$6,600,000

5 **TITLE XXVII—BASE CLOSURE**
 6 **AND REALIGNMENT ACTIVITIES**

7 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
 8 **BASE CLOSURE AND REALIGNMENT ACTIVI-**
 9 **TIES FUNDED THROUGH DEPARTMENT OF**
 10 **DEFENSE BASE CLOSURE ACCOUNT 1990.**

11 Funds are hereby authorized to be appropriated for
 12 fiscal years beginning after September 30, 2010, for base
 13 closure and realignment activities, including real property
 14 acquisition and military construction projects, as author-
 15 ized by the Defense Base Closure and Realignment Act
 16 of 1990 (part A of title XXIX of Public Law 101–510;
 17 10 U.S.C. 2687 note) and funded through the Department
 18 of Defense Base Closure Account 1990 established by sec-

1 tion 2906 of such Act, in the total amount of
2 \$360,474,000, as follows:

3 (1) For the Department of the Army,
4 \$73,600,000.

5 (2) For the Department of the Navy,
6 \$162,000,000.

7 (3) For the Department of the Air Force,
8 \$124,874,000.

9 **SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN-**
10 **MENT ACTIVITIES FUNDED THROUGH DE-**
11 **PARTMENT OF DEFENSE BASE CLOSURE AC-**
12 **COUNT 2005.**

13 Using amounts appropriated pursuant to the author-
14 ization of appropriations in section 2703, the Secretary
15 of Defense may carry out base closure and realignment
16 activities, including real property acquisition and military
17 construction projects, as authorized by the Defense Base
18 Closure and Realignment Act of 1990 (part A of title
19 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and
20 funded through the Department of Defense Base Closure
21 Account 2005 established by section 2906A of such Act,
22 in the amount of \$2,354,285,000.

1 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR**
2 **BASE CLOSURE AND REALIGNMENT ACTIVI-**
3 **TIES FUNDED THROUGH DEPARTMENT OF**
4 **DEFENSE BASE CLOSURE ACCOUNT 2005.**

5 Funds are hereby authorized to be appropriated for
6 fiscal years beginning after September 30, 2010, for base
7 closure and realignment activities, including real property
8 acquisition and military construction projects, as author-
9 ized by the Defense Base Closure and Realignment Act
10 of 1990 (part A of title XXIX of Public Law 101-510;
11 10 U.S.C. 2687 note) and funded through the Department
12 of Defense Base Closure Account 2005 established by sec-
13 tion 2906A of such Act, in the total amount of
14 \$2,354,285,000, as follows:

15 (1) For the Department of the Army,
16 \$1,012,420,000.

17 (2) For the Department of the Navy,
18 \$342,146,000.

19 (3) For the Department of the Air Force,
20 \$127,255,000.

21 (4) For the Defense Agencies, \$872,464,000.

1 **TITLE XXVIII—MILITARY CON-**
2 **STRUCTION GENERAL PROVI-**
3 **SIONS**

4 **SEC. 2801. ALTERNATIVE USE OF PROCEEDS FROM THE**
5 **SALE OF MILITARY FAMILY HOUSING.**

6 (a) **AUTHORITY.**—Section 2831 of title 10, United
7 States Code, is amended—

8 (1) in subsection (b), by striking “There” and
9 inserting “Except as provided in subsection (e),
10 there”;

11 (2) by redesignating subsections (e) and (f) as
12 subsections (f) and (g), respectively; and

13 (3) by inserting after subsection (d) the fol-
14 lowing new subsection (e):

15 “(e) **TRANSFER OF FUNDS.**—The Secretary con-
16 cerned may transfer funds received under paragraph (3)
17 of subsection (b) to the Department of Defense Family
18 Housing Improvement Fund established under subsection
19 (a) of section 2883 of this title.”.

20 (b) **EXPANSION OF CREDITS AND NOTIFICATION RE-**
21 **QUIREMENT.**—Section 2883 of such title is amended—

22 (1) in subsection (c)(1), by adding at the end
23 the following new subparagraph:

24 “(H) Subject to subsection (f), any
25 amounts from the proceeds of handling or dis-

1 posal of family housing of a military depart-
2 ment transferred to that Fund pursuant to sec-
3 tion 2831(e) of this title.”; and

4 (2) in subsection (f), by striking “subparagraph
5 (B) or (G) of paragraph (1)” and inserting “sub-
6 paragraph (B), (G), or (H) of paragraph (1)”.

7 **SEC. 2802. INCREASE IN DOLLAR THRESHOLDS FOR AU-**
8 **THORITIES RELATING TO UNSPECIFIED**
9 **MINOR CONSTRUCTION PROJECTS.**

10 (a) MAXIMUM AMOUNT FOR PROJECTS TO CORRECT
11 DEFICIENCIES THAT ARE LIFE-THREATENING, HEALTH-
12 THREATENING, OR SAFETY-THREATENING.—Subsection
13 (a)(2) of section 2805 of title 10, United States Code, is
14 amended by striking “\$3,000,000” in the second sentence
15 and inserting “\$4,000,000”.

16 (b) MINIMUM AMOUNT FOR PROJECTS SUBJECT TO
17 SECRETARIAL APPROVAL AND CONGRESSIONAL NOTICE-
18 AND-WAIT.—Subsection (b)(1) of such section is amended
19 by striking “\$750,000” and inserting “\$1,000,000”.

20 (c) MAXIMUM AMOUNT FOR PROJECTS FOR WHICH
21 OPERATION AND MAINTENANCE FUNDS MAY BE
22 USED.—Subsection (c)(1) of such section is amended—

23 (1) by striking “not more than—” and all that
24 follows through “in the case of” and inserting “not

1 more than \$1,000,000, except that such amount
2 shall be \$2,000,000 in the case of”;

3 (2) by striking “; or” after “safety-threatening”
4 and inserting a period; and

5 (3) by striking subparagraph (B).

6 (d) ANNUAL REPORT ON USE OF OPERATION AND
7 MAINTENANCE FUNDS FOR MINOR MILITARY CONSTRUC-
8 TION PROJECTS.—Subsection (c) of such section is further
9 amended by adding at the end the following new para-
10 graph:

11 “(3) Not later than three months after the close
12 of each fiscal year, the Secretary concerned shall
13 submit to the appropriate committees of Congress a
14 report on the use of the authority under paragraph
15 (1) during that fiscal year. Each such report shall
16 set forth with respect to that fiscal year—

17 “(A) the amount of funds available for op-
18 eration and maintenance that were expended by
19 the Secretary using that authority; and

20 “(B) the number of military construction
21 projects undertaken by the Secretary using that
22 authority.”.

1 **SEC. 2803. ENHANCED AUTHORITY FOR USE OF OPERATION**
2 **AND MAINTENANCE FUNDS FOR UNSPEC-**
3 **IFIED MINOR MILITARY CONSTRUCTION**
4 **PROJECTS IN SUPPORT OF CONTINGENCY**
5 **OPERATIONS.**

6 (a) INCREASED COST THRESHOLDS.—

7 (1) OPERATION & MAINTENANCE FUNDS
8 THRESHOLD.—Notwithstanding the cost limitations
9 in section 2805(c) of title 10, United States Code,
10 the Secretary concerned may spend from appropria-
11 tions available for operations and maintenance
12 amounts necessary to carry out unspecified minor
13 military construction projects in support of contin-
14 gency operations.

15 (2) MINOR MILITARY CONSTRUCTION PROJECT
16 THRESHOLD.—For purposes of this section, an un-
17 specified minor military construction project is a
18 military construction project that has an approved
19 cost equal to or less than \$3,000,000.

20 (3) CONTINGENCY OPERATIONS.—For purposes
21 of paragraph (1), an unspecified minor military con-
22 struction project shall be considered to be in support
23 of contingency operations if the project is necessary
24 to meet military operational requirements involving
25 the use of the Armed Forces in support of—

26 (A) a declaration of war;

1 (B) a declaration by the President of a na-
2 tional emergency under section 201 of the Na-
3 tional Emergencies Act (50 U.S.C. 1621); or

4 (C) a contingency operation (as such term
5 is defined in section 101 of title 10, United
6 States Code).

7 (b) REPORTING.—

8 (1) QUARTERLY REPORTS.—When a minor
9 military construction project is carried out under the
10 authority of subsection (a), the Secretary concerned
11 shall submit a quarterly report on such project to
12 the appropriate congressional committees. Each such
13 report shall be submitted no later than 60 days after
14 the end of the fiscal-year quarter. Each such report
15 shall include a statement of obligations during that
16 quarter for each project covered by the report.

17 (2) CONGRESSIONAL COMMITTEES.—The appro-
18 priate congressional committees referred to in para-
19 graph (1) are the following:

20 (A) The Committee on Armed Services and
21 the Subcommittee on Military Construction,
22 Veterans Affairs, and Related Agencies of the
23 Committee on Appropriations of the Senate.

24 (B) The Committee on Armed Services and
25 the Subcommittee on Defense and the Sub-

1 committee on Military Construction, Veterans
2 Affairs, and Related Agencies of the Committee
3 on Appropriations of the House of Representa-
4 tives.

5 (3) SECRETARY CONCERNED.—For purposes of
6 this section, the term “Secretary concerned” has the
7 meaning applicable to such term under section 2805
8 of title 10, United States Code.

9 (c) EXPIRATION.—The authority to obligate funds
10 under this section shall expire on September 30, 2012.

11 **SEC. 2804. FURTHER ENHANCEMENTS TO DEPARTMENT OF**
12 **DEFENSE HOMEOWNERS ASSISTANCE PRO-**
13 **GRAM.**

14 (a) HOMEOWNERS ASSISTANCE RELATED TO
15 CLOSED MILITARY INSTALLATIONS.—Paragraph (1)(A)
16 of section 1013(c) of the Demonstration Cities and Metro-
17 politan Development Act of 1966 (42 U.S.C. 3374(c)) is
18 amended—

19 (1) in the matter preceding clause (i), by strik-
20 ing “elect either—” and inserting “elect to receive
21 either of the following:”;

22 (2) in clause (i)—

23 (A) by striking “to receive a cash pay-
24 ment” and inserting “A cash payment”;

1 (B) by striking “the difference between—
2 ” and inserting “the greater of the following:”;
3 and

4 (C) by striking subclauses (I) and (II) and
5 inserting the following:

6 “(I) The amount of the dif-
7 ference between—

8 “(aa) 95 percent of the fair
9 market value of their property
10 (as such value is determined by
11 the Secretary of Defense) prior
12 to public announcement of inten-
13 tion to close all or part of the
14 military base or installation; and

15 “(bb) the fair market value
16 of such property (as such value is
17 determined by the Secretary of
18 Defense) at the time of the sale.

19 “(II) The amount of the dif-
20 ference between—

21 “(aa) the amount of the out-
22 standing mortgages; and

23 “(bb) the fair market value
24 of such property (as such value is
25 determined by the Secretary of

1 Defense) at the time of the
2 sale.”; and

3 (3) in clause (ii), by striking “to receive, as
4 purchase price” and inserting “As purchase price”.

5 (b) HOMEOWNERS ASSISTANCE FOR WOUNDED INDI-
6 VIDUALS AND THEIR SPOUSES.—Paragraph (2)(A) of
7 such section is amended—

8 (1) in the matter preceding clause (i), by strik-
9 ing “elect either—” and inserting “elect to receive
10 either of the following:”;

11 (2) in clause (i)—

12 (A) by striking “to receive a cash pay-
13 ment” and inserting “A cash payment”;

14 (B) by striking “the difference between—
15 ” and inserting “the greater of the following:”;

16 and

17 (C) by striking subclauses (I) and (II) and
18 inserting the following:

19 “(I) The amount of the dif-
20 ference between—

21 “(aa) 95 percent of prior
22 fair market value of their prop-
23 erty (as such value is determined
24 by the Secretary of Defense); and

1 “(bb) the fair market value
2 of such property (as such value is
3 determined by the Secretary of
4 Defense) at the time of the sale.

5 “(II) The amount of the dif-
6 ference between—

7 “(aa) the amount of the out-
8 standing mortgages; and

9 “(bb) the fair market value
10 of such property (as such value is
11 determined by the Secretary of
12 Defense) at the time of the
13 sale.”; and

14 (3) in clause (ii), by striking “to receive, as
15 purchase price” and inserting “As purchase price”.

16 (c) HOMEOWNERS ASSISTANCE FOR PERMANENTLY
17 REASSIGNED INDIVIDUALS.—Paragraph (3)(A) of such
18 section is amended—

19 (1) in the matter preceding clause (i), by strik-
20 ing “elect either—” and inserting “elect to receive
21 either of the following:”;

22 (2) in clause (i)—

23 (A) by striking “to receive a cash pay-
24 ment” and inserting “A cash payment”;

1 (B) by striking “the difference between—
2 ” and inserting “the greater of the following.”;
3 and

4 (C) by striking subclauses (I) and (II) and
5 inserting the following:

6 “(I) The amount of the dif-
7 ference between—

8 “(aa) 95 percent of prior
9 fair market value of their prop-
10 erty (as such value is determined
11 by the Secretary of Defense); and

12 “(bb) the fair market value
13 of such property (as such value is
14 determined by the Secretary of
15 Defense) at the time of the sale.

16 “(II) The amount of the dif-
17 ference between—

18 “(aa) the amount of the out-
19 standing mortgages; and

20 “(bb) the fair market value
21 of such property (as such value is
22 determined by the Secretary of
23 Defense) at the time of the
24 sale.”; and

- 1 (3) in clause (ii), by striking “to receive, as
- 2 purchase price” and inserting “As purchase price”.

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