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

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

COMPETITION IS NEEDED FOR HEALTH CARE REFORM

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

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

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

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

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

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

□ 1030

DEMOCRATIC HEALTH CARE PLAN

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. The Democratic Party has a new and better idea about health care. The Democratic Party, under the leadership of Barack Obama, is going to give Americans and American businesses what they've been asking for—begging for—relief from the problems in our health care system.

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

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

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

REJECT THE CAP-AND-TRADE TAX

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

Mr. DENT. Mr. Speaker, we just heard a speech a few moments ago about how jobs will be created through this national energy tax. Apparently those jobs will not be created in the Commonwealth of Pennsylvania in any significant way. In fact, I would like to share with my friends and the American people a letter from the Pennsylvania Public Utility Commission, three of the five commissioners who wrote me and told me about the impacts of this legislation. They said, ''Pennsylvania is the fourth largest coal producer in the Nation, distributing over 75 million tons of coal each year. Roughly 7 percent of the Nation's supply is in Pennsylvania and 58 percent of all electricity used here comes from coal. However, if the Waxman-Markey bill were to pass, Pennsylvania is looking at a bleak scenario by 2020; a net loss of as many as 66,000 jobs, a sizeable hike in electric bills of residential customers, an increase in national gas prices, and significant downward pressure on the State gross product. The cost estimates are staggering.'' Pennsylvania Public Utility Commission.

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

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

Mr. SKELTON. Mr. Speaker, at this time, I ask unanimous consent that during further consideration of H.R. 2647, pursuant to House Resolution 572, debate on amendment Nos. 3 and 9 each be extended to 20 minutes, and that amendment No. 2 be modified in the form that is now placed at the desk.

The SPEAKER pro tempore (Mr. COHEN). The Clerk will report the modification.

The Clerk read as follows:

At the end of subtitle E of title X (page 374, after line 2), insert the following new section:

SEC. 1055. SENSE OF CONGRESS HONORING THE HONORABLE JOHN M. MCHUGH.

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

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

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

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

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

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

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

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

(8) Since the 103rd Congress, Representative McHugh has served on the Armed Services Committee of the House of Representatives and subsequently was appointed Chairman of the Morale, Welfare, and Recreation Panel before being appointed Chairman of the Military Personnel Subcommittee.

(9) Representative McHugh began serving on the Unites States Military Academy Board of Visitors in 1995, and he was appointed to the Board of Visitors by the Speaker of the House in 2007.

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

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

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

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

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

There was no objection.

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

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 572 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2647.

□ 1034

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, with Mr. SERRANO (Acting Chair) in the chair.

The Clerk read the title of the bill.

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

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

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

H.R. 2647

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2010''.

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $4,828,632,000.
(2) For missiles, $1,320,109,000.
(3) For weapons and tracked combat vehicles, $2,500,952,000.
(4) For ammunition, $2,070,095,000.
(5) For other procurement, $9,762,539,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Navy as follows:

(1) For aircraft, $18,102,112,000.
(2) For weapons, including missiles and torpedoes, $3,453,455,000.
(3) For shipbuilding and conversion, $13,786,867,000.
(4) For other procurement, $5,689,176,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Marine Corps in the amount of $1,712,138,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement of ammunition for the Navy and the Marine Corps in the amount of $840,675,000.

SEC. 103. AIR FORCE.

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

(1) For aircraft, $11,991,991,000.
(2) For ammunition, $822,462,000.
(3) For missiles, $6,211,628,000.
(4) For other procurement, $17,299,841,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2010 for Defense-wide procurement in the amount of $4,150,562,000.

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

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

SEC. 106. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Rapid Acquisition Fund in the amount of $55,000,000.

Subtitle B—Army Programs

SEC. 111. RESTRICTION ON OBLIGATION OF FUNDS FOR ARMY TACTICAL RADIO SYSTEMS.

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

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

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

(2) A tactical radio system procured specifically to meet—

(A) an operational need (as described in Army Regulation 71–9 or a successor regulation); or

(B) a joint urgent operational need (as described in Chairman of the Joint Chiefs of Staff Instruction 3470.01 or a successor instruction).

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

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

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

(a) LIMITATION ON LOW-RATE INITIAL PRODUCTION QUANTITIES.—Notwithstanding section 2400 of title 10, United States Code, with respect to covered Future Combat Systems equipment, the Secretary of Defense may procure for low-rate initial production only such equipment that is necessary for one brigade.

(b) LIMITATION ON OBLIGATION OF FUNDS.—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal years 2010 or 2011 for the procurement of covered Future Combat Systems equipment, the Secretary of Defense may obligate or expend funds only for the procurement of such equipment that is necessary for one brigade.

(c) EXCEPTION FOR MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.—The limitation on low-rate initial production in subsection (a) and the limitation on obligation of funds in

subsection (b) do not apply if the procurement of covered Future Combat Systems equipment is specifically intended to address an operational need statement requirement.

(d) COVERED FUTURE COMBAT SYSTEMS EQUIPMENT DEFINED.—For the purposes of this section, the term ''covered Future Combat Systems equipment'' means the following:

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

(2) Future Combat Systems unattended ground sensors.

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

(4) Future Combat Systems small unmanned ground vehicles.

(5) Future Combat Systems integrated control system computers.

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

Subtitle C—Navy Programs

SEC. 121. LITTORAL COMBAT SHIP PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b) or (c), of the amounts authorized to be appropriated in this Act or otherwise made available for fiscal year 2010 or any fiscal year thereafter for the procurement of Littoral Combat Ship vessels, not more than $460,000,000 may be obligated or expended for each vessel procured (not including amounts obligated or expended for elements designated by the Secretary of the Navy as a mission package).

(b) SPECIFIC REQUIREMENT FOR FISCAL YEAR 2010.—Of the amounts authorized to be appropriated in this Act or otherwise made available for fiscal year 2010 or any fiscal year thereafter for shipbuilding conversion, Navy, the Secretary of the Navy may obligate not more than $80,000,000 to produce a technical data package for each type of Littoral Combat Ship vessel, if the Secretary—

(1) is unable to—

(A) submit to the congressional defense committees a certification under subsection (g) during fiscal year 2010; and

(B) enter into a contract for the construction of a Littoral Combat Ship vessel in fiscal year 2010 because of the limitation of costs in section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157), as amended; or

(2) is unable to enter into a contract for the construction of a Littoral Combat Ship vessel in fiscal year 2010 because of the limitation of costs in subsection (a) after submitting to the congressional defense committees a certification under subsection (g).

(c) ADJUSTMENT OF LIMITATION AMOUNT.—With respect to the procurement of a Littoral Combat Ship vessel referred to in subsection (a), the Secretary may adjust the amount set forth in such subsection by the following:

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

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

(3) The amounts of outfitting costs and post-delivery costs incurred for the vessel.

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

(A) would lower the life-cycle cost of the vessel; or

(B) is required to meet an emerging threat and the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.

(d) ANNUAL REPORTS.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for each fiscal year, the Secretary shall submit to the congressional defense committees a report on Littoral Combat Ship vessels. Such report shall include the following:

(1) Written notice of any change in the amount set forth in subsection (a) that is made under subsection (c).

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

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

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

(C) the total number of such elements anticipated.

(3) Actual and estimated costs associated with—

(A) the material and equipment for basic construction of each vessel; and

(B) the material and equipment for propulsion, weapons, and communications systems of each vessel.

(4) Actual and estimated man-hours of labor and labor rates associated with each vessel being procured (listed separately from any other man-hours and labor rates data).

(5) Actual and estimated fees paid to contractors for meeting contractually obligated cost and schedule performance milestones.

(e) DEFINITIONS.—In this section:

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

(2) The term ''technical data package'' means a compilation of detailed engineering plans for construction of a Littoral Combat Ship vessel.

(f) CONFORMING REPEAL.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is repealed.

(g) EFFECTIVE DATE.—

(1) LIMITATION ON COSTS.—Subsections (a) and (c) shall take effect on the date that is 15 days after the date on which the Secretary of the Navy certifies in writing to the congressional defense committees the following:

(A) The Secretary has accepted delivery of the USS Freedom (LCS 1) and the USS Independence (LCS 2) following successful completion of acceptance trials.

(B) The repeal of section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157) made by subsection (f) is necessary for the Secretary to—

(i) award a contract for a Littoral Combat Ship vessel in fiscal year 2010; and

(ii) maintain sufficient government oversight of the Littoral Combat Ship vessel program.

(C) The Secretary has conducted a thorough analysis of the requirements for the performance, system, and design of both Littoral Combat Ship variants and determined that further changes to such requirements will not reduce—

(i) the cost of either such variant; and

(ii) the warfighting utility of such vessel.

(D) A construction contract for a Littoral Combat Ship vessel in fiscal year 2010 will be awarded only to a contractor that—

(i) with respect to a contract for the Littoral Combat Ship vessel awarded in fiscal year 2009—

(I) is maintaining excellent cost and schedule performance; and

(II) the Secretary determines that the affordability and efficiency of the construction of such a vessel are improving at a satisfactory rate; and

(ii) based on the data available from the developmental and operational assessment testing of such contractor's vessel and associated mission packages, the Secretary, in consultation with the Chief of Naval Operations, has determined that it is in the best interest of the Navy to procure such additional Littoral Combat Ship vessels prior to the completion of operational test and evaluation.

(E) With respect to funds that are available for shipbuilding and conversion, Navy, for fiscal year 2010 for the procurement of Littoral Combat Ship vessels—

(i) such funds are sufficient to award contracts for three additional Littoral Combat Ship vessels; or

(ii) if such funds are insufficient to award contracts for three additional Littoral Combat Ship vessels, the Secretary has the ability to promote competition for the Littoral Combat Ship vessels that are procured in order to ensure the best value to the Government.

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

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

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

(1) With respect to the supplier base—

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

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

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

(3) Loss of expertise associated with ship construction.

(4) The costs of—

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

(B) material and labor;

(C) overhead; and

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

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

(1) such aircraft carrier in fiscal year 2012; or

(2) the aircraft carrier designated CVN–80 in fiscal year 2016.

SEC. 123. ADVANCE PROCUREMENT FUNDING.

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

(1) Components, parts, or materiel.

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

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

(c) CONDITION OF OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of

the United States to make a payment under such contract for any fiscal year after fiscal year 2010 is subject to the availability of appropriations for that purpose for such fiscal year.

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E, F/A–18F, AND EA–18G AIRCRAFT.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Notwithstanding paragraphs (1) and (7) of section 2306b(i) of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2010 program year, for the procurement of F/A–18E, F/A–18F, or EA–18G aircraft and Government-furnished equipment associated with such aircraft.

(b) REPORT OF FINDINGS.—Not less than 30 days before the date on which a contract is awarded under subsection (a), the Secretary of the Navy shall submit to the congressional defense committees a report containing the findings required under subsection (a) of section 2306b of title 10, United States Code.

SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR DDG–51 BURKE-CLASS DESTROYERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Notwithstanding paragraphs (1) and (7) of section 2306b(i) of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2010 program year, for the procurement of DDG–51 Burke-class destroyers and Government-furnished equipment associated with such destroyers.

(b) REPORT OF FINDINGS.—Not less than 30 days before the date on which a contract is awarded under subsection (a), the Secretary of the Navy shall submit to the congressional defense committees a report containing the findings required under subsection (a) of section 2306b of title 10, United States Code.

Subtitle D—Air Force Programs

SEC. 131. REPEAL OF CERTIFICATION REQUIREMENT FOR F–22A FIGHTER AIRCRAFT.

Section 134 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4378) is repealed.

SEC. 132. PRESERVATION AND STORAGE OF UNIQUE TOOLING FOR F–22 FIGHTER AIRCRAFT.

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

(1) ensure that the Secretary preserves and stores such tooling in a manner that allows the production of such hardware and end items to be restarted after a period of idleness;

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

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

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

SEC. 133. REPORT ON 4.5 GENERATION FIGHTER PROCUREMENT.

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

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

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

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

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

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

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

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

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

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

(1) have advanced capabilities, including—

(A) AESA radar;

(B) high capacity data-link; and

(C) enhanced avionics; and

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

SEC. 134. REPORTS ON STRATEGIC AIRLIFT AIRCRAFT.

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

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

(A) the type;

(B) the variant; and

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

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

(A) the type;

(B) the variant; and

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

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

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

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

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

SEC. 135. STRATEGIC AIRLIFT FORCE STRUCTURE.

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

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

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

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

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

(1) by striking subsection (c);

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

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

Subtitle E—Joint and Multiservice Matters

SEC. 141. BODY ARMOR PROCUREMENT.

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

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

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

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

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

(1) For the Army, $10,506,731,000.

(2) For the Navy, $19,622,528,000.

(3) For the Air Force, $28,508,561,000.

(4) For Defense-wide activities, $21,016,672,000, of which $190,770,000 is authorized for the Director of Operational Test and Evaluation.

Subtitle B—Program Requirements, Restrictions, and Limitations

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

(a) LIMITATION.—Of the amounts authorized to be appropriated described in subsection (b), not more than 50 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of the Navy submits to the congressional defense committees a detailed architectural specification for the Next Generation Enterprise Network.

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

(1) operation and maintenance for the Continuity of Service Contract for the Navy-Marine Corps Intranet; and

(2) research, development, test, and evaluation for the Next Generation Enterprise Network.

SEC. 212. LIMITATION ON EXPENDITURE OF FUNDS FOR JOINT MULTI-MISSION SUBMERSIBLE PROGRAM.

None of the funds authorized to be appropriated by this or any other Act for fiscal year 2010 may be obligated or expended for the Joint Multi-Mission Submersible program until the Secretary of Defense, in consultation with the Director of National Intelligence—

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

(2) submits to the congressional defense committees and the intelligence committees the assessment referred to in paragraph (1); and

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

SEC. 213. SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF INDIVIDUAL BODY ARMOR AND ASSOCIATED COMPONENTS.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account a separate, dedicated program element is assigned to the research and development of individual body armor and associated components.

SEC. 214. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR THE F-35B AND F-35C JOINT STRIKE FIGHTER AIRCRAFT.

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

SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF SELECTED ACQUISITION REPORT.

(a) RESTRICTION ON OBLIGATION OF FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2010 for Research and Development, Army, for the defense acquisition programs specified in subsection (b), not more than 50 percent may be obligated prior to the date on which the Secretary of Defense submits to the congressional defense committees the comprehensive annual Selected Acquisition Report for each such program for fiscal year 2009, as required by section 2432 of title 10, United States Code.

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

(1) Future Combat Systems program.

(2) Warfighter information network tactical program.

(3) Stryker vehicle program.

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

(5) Bradley Base Sustain program.

(6) Abrams Tank Improvement program.

(7) Javelin program.

SEC. 216. RESTRICTION ON OBLIGATION OF FUNDS FOR FUTURE COMBAT SYSTEMS PROGRAM PENDING RECEIPT OF REPORT.

Not more than 25 percent of the funds authorized to be appropriated by this Act or otherwise made available for Research and Development, Army, for fiscal year 2010 for the Future Combat Systems program may be obligated or expended until 15 days after the receipt of the report required by section 214(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

SEC. 217. LIMITATION OF THE OBLIGATION OF FUNDS FOR THE NET-ENABLED COMMAND AND CONTROL SYSTEM.

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

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

(1) 33158k.

(2) 33158a.

(3) 33158n.

(4) 33158m.

(5) 33158f.

SEC. 218. LIMITATION ON OBLIGATION OF FUNDS FOR F-35 LIGHTNING II PROGRAM.

Of the amounts authorized to be appropriated or otherwise made available for fiscal year 2010 for research, development, test, and evaluation for the F-35 Lightning II program, not more than 75 percent may be obligated until the date that is 15 days after the later of the following dates:

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

(2) The date on which the Secretary of Defense submits to the congressional defense committees the report required by section 123 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4376).

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

SEC. 219. PROGRAMS REQUIRED TO PROVIDE THE ARMY WITH GROUND COMBAT VEHICLE AND SELF-PROPELLED ARTILLERY CAPABILITIES.

(a) PROGRAM REQUIRED.—In accordance with the Weapons Systems Acquisition Reform Act of 2009 (Public Law 111-43), the Secretary of Defense shall carry out programs to develop, test, and, when demonstrated operationally effective, suitable, survivable, and affordable, field new or upgraded Army ground combat vehicle and self-propelled artillery capabilities.

(b) REPORT REQUIRED.—Not later than February 1, 2010, the Secretary of Defense shall deliver a report to the congressional defense committees that—

(1) specifies what vehicles, or upgraded vehicles, will constitute the Army's ground combat vehicle fleet in 2015;

(2) includes the status, schedule, cost estimates, and requirements for the programs specified in paragraph (1);

(3) includes any Army force structure modifications planned that impact the requirements for new ground combat vehicles;

(4) specifies, for each program included, the alternatives considered during any analysis of alternatives, and why those alternatives were not selected as the preferred program option;

(5) quantifies and describes the loss of knowledge to the industrial base should a future self-propelled artillery cannon not be developed immediately following the cancellation of the Non-Line-of-Sight Cannon, a Manned Ground Vehicle of Future Combat Systems; and

(6) with respect to the Army's future self-propelled howitzer artillery fleet, explains the Army's plan to develop and field—

(A) automated ammunition handling;

(B) laser ignition;

(C) improved ballistic accuracy;

(D) automated crew compartments;

(E) hybrid-electric power; and

(F) band track.

(c) RESTRICTION ON USE OF FUNDS.—Of the amounts authorized to be appropriated under this Act for research, test, development, and evaluation for the Army for the program elements specified in subsection (d), not more than 50 percent may be obligated or expended until 15 days after the Secretary of Defense submits the report required under subsection (b).

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

(1) Combat Vehicle Improvement Program, program element 0203735A.

(2) Advanced Tank Armament System, program element 0603653A.

(3) Artillery Systems, program element 0604854A.

Subtitle C—Missile Defense Programs

SEC. 221. INTEGRATED AIR AND MISSILE DEFENSE SYSTEM PROJECT.

Of the amounts authorized to be appropriated for research and development of the Army Integrated Air and Missile Defense project (program element 63327A), not more than 25 percent may be obligated until the Secretary of Defense has certified to the congressional defense committees that the Secretary has—

(1) carried out a review of the project;

(2) determined that the project is an affordable, executable project;

(3) determined that the project meets a current required capability; and

(4) determined that no other project could be executed, at a lower cost, that would be capable of fulfilling the required capability to the same or approximate level of effectiveness as the Army Integrated Air and Missile Defense project.

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

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a sustainment and modernization program to ensure the long-term reliability, availability, maintainability, and supportability of the ground-based midcourse defense system to protect the United States against limited ballistic missile attacks whether accidental, unauthorized, or deliberate.

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

(1) Sustainment and operations.

(2) Aging and surveillance.

(3) System and component level assessments, engineering analysis, and modeling and simulation.

(4) Ground and flight testing.

(5) Readiness exercises.

(6) Modernization and enhancement.

(7) Any other element the Secretary determines is appropriate.

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

(d) BUDGET SUBMISSION REQUIREMENT.—For each budget submitted by the President to Congress under section 1105 of title 31, the Secretary of Defense shall concurrently submit to the congressional defense committees a report that clearly identifies the amounts requested for each of the program elements referred to in subsection (b).

(e) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report outlining the long-term sustainment and modernization plan of the Department of Defense for the ground-based midcourse defense system.

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

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

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

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

(1) Congress passed and the President signed the National Missile Defense Act of 1999 (Public Law 106-38), which stated: ''It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

(2) The United States has thus far deployed 26 long-range, Ground-based, Midcourse Defense (GMD) interceptors in Alaska and California to defend against potential long-range missiles from rogue states such as North Korea.

(3) Congress has fully funded the President's budget request for the GMD sites in Alaska and California in fiscal years 2008 and 2009, as well as continued development of the Standard Missile-3 Block IIA missile with Japan, which will provide the Aegis Ballistic Missile Defense system the capability to engage long-range ballistic missiles like the North Korean Taepo Dong-2.

(4) Senior defense and intelligence officials have indicated that the threat to the United States from long-range missiles from rogue states is limited.

(5) Senior military officials have testified that the original threat assessments of the long-range missile threat made by the Missile Defense Agency in 2002 were ''off by a factor of 10 or 20''.

(6) It is imperative that missile defense force structure and inventory be linked to the most likely threats and validated military requirements.

(7) The Secretary of Defense, the Chairman of the Joint Chiefs, the Commander of the United States Strategic Command's Joint Functional Component Command for Integrated Missile Defense, and the Director of the Missile Defense Agency have either testified or stated that 30 operationally deployed GMD interceptors would be adequate to defend against any rogue missile threat to the United States in the near- to mid-term.

(8) The Director of the Missile Defense Agency testified that, for the first time since the establishment of the Missile Defense Agency in 2002, key elements of the Department of Defense, such as the combatant commanders and the military services, played a major role in shaping the missile defense budget for fiscal year 2010.

(9) There is currently no existing military requirement justifying the need to deploy 44 GMD interceptors, nor has that number been validated by the Department of Defense's requirements process.

(10) In testimony before Congress this year, the Director of the Missile Defense Agency indicated that a number of GMD interceptors were removed from their silos for unscheduled maintenance and refurbishment because of unanticipated problems with the interceptors were discovered.

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

(1) reaffirms the principles articulated in the National Missile Defense Act of 1999;

(2) should continue to fund robust research, development, test, and evaluation of the current GMD system deployed in Alaska in California to ensure that the system will work in an operationally effective, suitable, maintainable, and survivable manner to defend the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate);

(3) should continue the development of the Standard Missile-3 Block IIA missile with Japan, which will provide the Aegis Ballistic Missile Defense system a capability to counter long-range ballistic missiles like the North Korean Taepo Dong-2; and

(4) should set future missile defense force structure and inventory requirements based on a clear linkage to the threat and the military requirements process that takes into account the views of key Department of Defense stakeholders such as the combatant commanders and the military services.

SEC. 225. ASCENT PHASE MISSILE DEFENSE STRATEGY.

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

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

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

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

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

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

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

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

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

(F) a description of any other challenges or limitations associated with ascent phase missile defense; and

(G) any other information the Secretary determines is necessary.

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

SEC. 226. AVAILABILITY OF FUNDS FOR A MISSILE DEFENSE SYSTEM FOR EUROPE AND THE UNITED STATES.

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

(1) Missile defense promotes the collective security of the United States and NATO and improves linkages among member nations of NATO by defending all members of NATO against the full range of missile threats.

(2) The Islamic Republic of Iran possesses the largest inventory of short-and medium-range ballistic missiles in the Middle East and these missiles represent a threat to Europe and United States interests and deployed forces in the region. Neither NATO nor the United States currently possesses sufficient theater missile defense capability to counter this threat from Iran.

(3) Iran does not currently possess a long-range ballistic missile capable of reaching the United States and, if it were to develop such a capability in the near future, the long-range Ground-based Midcourse Defense (GMD) interceptors currently deployed in Alaska have sufficient range to protect the United States against an emerging threat.

(4) It is in the interest of the United States to work cooperatively with NATO to counter these threats consistent with the direction provided in the statement by the Heads of State and Government participating in the meeting of the North Atlantic Council in Strasbourg/Kehl on April 4, 2009, that: ''we judge that missile threats should be addressed in a prioritized manner that includes consideration of the level of imminence of the threat and the level of acceptable risk.''

(5) The Director of Operational Test and Evaluation for the Department of Defense has raised concerns about the operational effectiveness, suitability, and survivability of the current GMD system, and the Director of the Missile Defense Agency testified before the House Armed Services Committee on May 21, 2009, that health and status indicators forced the agency to remove several long-range interceptors for unscheduled maintenance and refurbishment.

(6) The Fiscal Year 2008 Annual Report to Congress by the Director of Operational Test and Evaluation (DOT&E) stated: ''The inherent BDMS defensive capability against theater threats increased during the last fiscal year and DOT&E expects this trend to continue'' largely due to the continued progress of the AEGIS and Terminal High Altitude Area Defense (THAAD) systems in operational testing.

(7) The proposed European locations of the long-range missile defense system allow for the defense of both Europe and the United States against long-range threats launched from the Middle East, but a limited deployment of GMD interceptors on the east coast of the United States would provide comparable defense of our homeland and the most pressing threat to Europe is from medium-range ballistic missiles.

(b) RESERVATION OF FUNDS.—Of the funds made available for fiscal years 2009 and 2010 for the Missile Defense Agency for the purpose of developing missile defenses in Europe, $353,100,000 shall be available only for a missile defense system for Europe and the United States as described in paragraph (1) or (2) of subsection (c).

(c) USE OF FUNDS.—Funds reserved under subsection (b) may be obligated and expended by the Secretary of Defense—

(1) on the research, development, test, and evaluation of—

(A) the proposed midcourse radar element of the ground-based midcourse defense system in the Czech Republic; and

(B) the proposed long-range missile defense interceptor site element of such defense system in Poland; or

(2) on the research, development, test, and evaluation, procurement, site activation, construction, preparation of, equipment for, or deployment of an alternative integrated missile defense system that would protect Europe and the United States from the threats posed by all types of ballistic missiles, if the Secretary submits to the congressional defense committees a report certifying that the alternative missile defense system is expected to be—

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

(B) at least as cost-effective, technically reliable, and operationally available in protecting Europe and the United States from missile threats as the ground-based midcourse defense system described in paragraph (1);

(C) deployable in a sufficient amount of time to counter current and emerging ballistic missile threats (as determined by the intelligence community) launched from the Middle East that could threaten Europe and the United States; and

(D) interoperable with other components of missile defense and compliments NATO's missile defense strategy.

Subtitle D—Reports

SEC. 231. COMPTROLLER GENERAL ASSESSMENT OF COORDINATION OF ENERGY STORAGE DEVICE REQUIREMENTS AND INVESTMENTS.

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

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

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

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

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

(5) assess whether there is a need for enhanced standardization of the form, fit, and function of energy storage devices, and if so, formulate a recommendation as to how, from an organizational standpoint, the Department should address that need; and,

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

(b) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings and recommendations of the Comptroller General with respect to the assessment conducted under subsection (a).

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

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

(a) ANNUAL GAO REVIEW.—The Comptroller General shall conduct an annual review of the F-35 Lightning II aircraft acquisition program and shall, not later than March 15 of each of 2010 through 2015, submit to the congressional defense committees a report on the results of the most recent review.

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

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

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

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

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

Of the amounts authorized to be appropriated in this Act for program element 35884L for intelligence planning and review activities, not more than 25 percent of such amounts may be obligated or expended until the date that is 30 days after the date on which the Under Secretary of Defense for Intelligence submits the report required under section 923(d)(1) of the National Defense Authorization Act for 2004 (Public Law 108-136; 117 Stat. 1576), including the elements of the report described in subparagraphs (D), (E), and (F) of such section 923(d)(1).

SEC. 234. REPORT ON FUTURE RESEARCH AND DEVELOPMENT OF MAN-PORTABLE AND VEHICLE-MOUNTED GUIDED MISSILE SYSTEMS.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on future research and development of man-portable and vehicle-mounted guided missile systems to replace the current Javelin and TOW systems. Such report shall include—

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

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

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

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

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

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

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

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

(b) RESTRICTION ON USE OF FUNDS.—Of the amounts authorized to be appropriated under this Act for research, test, development, and evaluation for the Army, for missile and rocket

advanced technology (program element 0603313A), not more than 70 percent may be obligated or expended until the Secretary of the Army submits the report required by subsection (a).

Subtitle E—Other Matters

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

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

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

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

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

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

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

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

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

''(b) FUTURE-YEARS DEFENSE PROGRAM.—In each future-years defense program submitted to Congress under section 221 of this title, the Secretary of Defense shall ensure that the estimated expenditures and proposed appropriations for the F-35 Lighting II, for each fiscal year of the period covered by that program, include sufficient amounts for the full funding of the continued development and procurement of a competitive propulsion system for the F-35 Lightning II.

''(c) REQUIREMENT TO OBLIGATE AND EXPEND FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2010 or any year thereafter, for research, development, test, and evaluation and procurement for the F-35 Lightning II Program, the Secretary of Defense shall ensure the obligation and expenditure in each such fiscal year of sufficient annual amounts for the continued development and procurement of two options for the propulsion system for the F-35 Lightning II in order to ensure the development and competitive production for the propulsion system for the F-35 Lightning II.''.

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

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

(c) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended by striking section 213.

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

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

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

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

''(b) PROGRAM OBJECTIVE.—The objective of the program established under subsection (a) is to enhance science, technology, mathematics, and engineering research and education at covered educational institutions. Such objective shall be accomplished through initiatives designed to—

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

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

''(3) increase the capacity of such institutions to contribute to the national security functions of the Department of Defense through participation in research, development, testing, and evaluation programs and activities in which such institutions might not otherwise have the opportunity to participate;

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

''(5) conduct collaborative research and educational opportunities between such institutions and defense research facilities;

''(6) encourage research and educational collaborations between such institutions and other institutions of higher education; or

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

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

''(1) The competitive awarding of grants, cooperative agreements or contracts to establish Centers of Excellence for Research and Education in scientific disciplines important to national defense, as determined by the Secretary.

''(2) The competitive awarding of undergraduate scholarships or graduate fellowships in support of research in scientific disciplines important to national defense, as determined by the Secretary.

''(3) The competitive awarding of grants, cooperative agreements, or contracts for research in areas of science, technology, engineering, and mathematics that are important to national defense, as determined by the Secretary.

''(4) The competitive awarding of grants, cooperative agreements, or contracts for the acquisition of equipment or instrumentation necessary for the conduct of research, development, testing, evaluation or educational enhancements in scientific disciplines important to national defense, as determined by the Secretary.

''(5) Support to assist in attraction and retention of faculty in scientific disciplines critical to the national security functions of the Department of Defense.

''(6) Making Department of Defense personnel available to advise and assist faculty at such institutions in the performance of defense research in scientific disciplines critical to the national security functions of the Department of Defense.

''(7) Establishing partnerships between defense laboratories and such institutions to encourage involvement of faculty and students in scientific research important to the national security functions of the Department of Defense.

''(8) Encouraging the establishment of a program or programs creating partnerships between such institutions and corporations that have routinely been awarded research, development, testing, or evaluation contracts by the Secretary of Defense for the purpose of involving faculty and students in scientific research critical to the national security functions of the Department of Defense.

''(9) Encouraging the establishment of a program or programs creating partnerships between such institutions and other institutions of higher education that have experience in conducting research, development, testing, or evaluation programs with the Department of Defense for the purpose of involving faculty and students in scientific research critical to the national security functions of the Department of Defense.

''(10) Other such non-monetary assistance in support of defense research as the Secretary finds appropriate to enhance science, mathematics, or engineering programs at such institutions, which may be provided directly through the Department of Defense or through contracts or other agreements entered into by the Secretary with private-sector entities that have experience and expertise in the development and delivery of technical assistance services to such institutions.

''(d) DEFINITION OF COVERED EDUCATIONAL INSTITUTION.—In this section the term 'covered educational institution' means an institution of higher education eligible for assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.).''.

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

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

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

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

SEC. 245. EXECUTIVE AGENT FOR ADVANCED ENERGETICS.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the executive agent for advanced energetics.

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

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

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

(A) Assessment of the current state of, and advances in, research, development, and manufacturing technology of energetic materials in both foreign countries and the United States.

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

(C) Development of recommended funding strategies to retain sufficient explosive domestic

production capacity, continue the development of innovative munitions, and recruit the next generation of scientists and engineers of advanced energetics.

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

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

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

(d) DEFINITIONS.—In this section:

(1) The term ''Directive 5101.1'' means Department of Defense Directive 5101.1, dated September 3, 2002, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

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

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

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

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

(1) compare and contrast thorium-liquid fueled reactor concept to the 2005 Quick Look, 2006 Navy Alternative Propulsion Study, and the navy CG(X) Analysis of Alternatives study;

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

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

(B) security of fuel supply;

(C) power needs for advanced weapons and sensors;

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

(E) no requirement to refuel and reduced logistics;

(F) ship upgrades and retrofitting;

(G) reduced manning;

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

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

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

(K) high power density propulsion;

(L) operational tempo;

(M) operational effectiveness; and

(N) estimated cost-effectiveness; and

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

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

(B) nuclear proliferation issues;

(C) reactor safety;

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

(E) power requirements and distribution for sensors, weapons, and propulsion; and

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

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

SEC. 247. VISITING NIH SENIOR NEUROSCIENCE FELLOWSHIP PROGRAM.

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

(1) the Defense Advanced Research Projects Agency; and

(2) the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury.

(b) ACTIVITIES OF THE PROGRAM.—In establishing the Visiting NIH Senior Neuroscience Fellowship Program under subsection (a), the Secretary shall require the program to—

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

(2) provide a partnership between the National Institutes of Health and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury that will enable identification and funding of clinical and experimental neuroscience studies for the benefit of members of the Armed Forces;

(3) use the results of the studies described in paragraph (1) and (2) to enhance the mission of the National Institutes of Health for the benefit of the public; and

(4) provide a military and civilian collaborative environment for neuroscience-based medical problem-solving in critical areas affecting both military and civilian life, particularly post-traumatic stress disorder.

(c) PERIOD OF FELLOWSHIP.—The period of any fellowship under the Program shall not last more than 2 years and shall not continue unless agreed upon by the parties concerned.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

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

(1) For the Army, $31,398,432,000.

(2) For the Navy, $35,330,997,000.

(3) For the Marine Corps, $5,570,823,000.

(4) For the Air Force, $34,451,654,000.

(5) For Defense-wide activities, $29,016,532,000.

(6) For the Army Reserve, $2,572,196,000.

(7) For the Naval Reserve, $1,292,501,000.

(8) For the Marine Corps Reserve, $228,925,000.

(9) For the Air Force Reserve, $3,088,528,000.

(10) For the Army National Guard, $6,268,884,000.

(11) For the Air National Guard, $5,919,461,000.

(12) For the United States Court of Appeals for the Armed Forces, $13,932,000.

(13) For the Acquisition Development Workforce Fund, $100,000,000.

(14) For Environmental Restoration, Army, $415,864,000.

(15) For Environmental Restoration, Navy, $285,869,000.

(16) For Environmental Restoration, Air Force, $494,276,000.

(17) For Environmental Restoration, Defense-wide, $11,100,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $267,700,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $109,869,000.

(20) For Cooperative Threat Reduction programs, $434,093,000.

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

Subtitle B—Environmental Provisions

SEC. 311. CLARIFICATION OF REQUIREMENT FOR USE OF AVAILABLE FUNDS FOR DEPARTMENT OF DEFENSE PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

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

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

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

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

''(d) SOURCE OF FUNDS.—(1) Amounts described in paragraph (2) shall be available for activities under this section.

''(2) Amounts described in this paragraph are amounts available for any of the following:

''(A) Operation and maintenance.

''(B) Military construction.

''(C) Research, development, test, and evaluation.

''(D) The Support for United States Relocation to Guam Account established under section 2824 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4730; 10 U.S.C. 2687 note).''.

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

(a) REAUTHORIZATION.—Section 108 of the Sikes Act (16 U.S.C. 670f) is amended by striking ''fiscal years 2004 through 2008'' each place it appears and inserting ''fiscal years 2010 through 2015''.

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

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

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

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

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

(1) in subsection (a)—

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

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

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

(3) in subsection (c), by inserting ''and interagency agreements'' after ''cooperative agreements'' the first place it appears.

(b) CLERICAL AMENDMENTS.—The heading for such section is amended by inserting ''**AND INTERAGENCY**'' after ''**COOPERATIVE**''and the table of contents for such Act is conformed accordingly.

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

Section 101(g)(1) of the Sikes Act (16 U.S.C. 670a(g)(1)) is amended by striking ''fiscal years 2004 through 2008'' and inserting ''fiscal years 2010 through 2015''.

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

(a) AUTHORITY TO REIMBURSE.—

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

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

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in an interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Former Nansemond Ordnance Depot Site in December 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) of this Act for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

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

Subtitle C—Workplace and Depot Issues

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

(a) REQUIREMENT.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) by striking ''A function'' and inserting ''No function'';

(2) by striking ''10 or more''; and

(3) by striking ''may not be converted'' and inserting ''may be converted''.

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

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

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

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

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

''(C) In this paragraph, the term 'preliminary planning' with respect to a public-private competition means any action taken to carry out any of the following activities:

''(i) Determining the scope of the competition.

''(ii) Conducting research to determine the appropriate grouping of functions for the competition.

''(iii) Assessing the availability of workload data, quantifiable outputs of functions, and agency or industry performance standards applicable to the competition.

''(iv) Determining the baseline cost of any function for which the competition is conducted.''.

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

SEC. 323. INCLUSION OF INSTALLATION OF MAJOR MODIFICATIONS IN DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

Section 2460 of title 10, United States Code, is amended in the second sentence—

(1) by striking ''and'' before ''(2)''; and

(2) by inserting before the period at the end the following: '', and (3) the installation of major modifications, including performance or safety modifications''.

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

The second sentence of section 4544(a) of title 10, United States Code, is amended by inserting before the period at the end the following: ''in addition to the contracts and cooperative agreements in effect as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181)''.

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

(a) COST-BENEFIT ANALYSIS REQUIRED.—The Secretary of the Navy, in consultation with the Commandant of the Marine Corps, shall carry out a thorough economic analysis of the costs and benefits associated with each alternative the Secretary is considering for the performance of planned maintenance interval events and concurrent or stand alone modifications performed on the AV-8B Harrier weapons system. Such analysis shall be performed in accordance with Department of Defense Instruction 7043.1, entitled ''Economic Analysis for Decisionmaking'', and Office of Management and Budget Circular A-94, entitled ''Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs'' and dated October 29, 1992, and, for each such alternative, shall include an assessment of the following:

(1) The effect of the loss of workload on organic depot labor rates associated with each alternative.

(2) The effect on the depot net operating result for each such alternative.

(3) The effect on long-term sustainment of depot-level capabilities for future support of core workload throughout the life cycle of the AV8B Harrier weapons system.

(4) The risk to readiness, the aviation safety risk, and the enterprise-wide financial risk associated with each such alternative.

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

(1) The criteria and rationale used to classify work as organization-level maintenance or depot-level maintenance.

(2) An explanation of the core logistics capabilities and associated workload requirements for the AV-8B weapons system, including an explanation of how such requirements were determined and rationale for classifying the planned maintenance interval events and concurrent or stand alone modifications on the AV-8B as above core workload.

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

(c) PROHIBITION ON CONTRACTING ACTIVITIES.—The Secretary of the Navy may not enter into a contract for the performance of planned maintenance interval events or associated depot-level maintenance activities, including concurrent or stand alone modifications, by non-Federal Government personnel until 90 days after the date on which the Secretary completes the assessment required under subsection (a) and submits the report required under subsection (b).

SEC. 326. TERMINATION OF CERTAIN PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

(a) TEMPORARY SUSPENSION OF PENDING STUDIES.—The Secretary of Defense shall halt all pending public-private competitions being conducted pursuant to section 2461 of title 10, United States Code, or Office of Management and Budget Circular A-76 that had not resulted in conversion to performance to a contractor as of March 26, 2009, until such time as the Secretary may review such competitions.

(b) REVIEW AND APPROVAL PROCESS.—

(1) REVIEW REQUIRED.—Before recommencing any pending study for a public-private competition halted under subsection (a), the Secretary of Defense shall review all the studies halted by reason of that subsection and take the following actions with respect to each such study:

(A) Describe the methodology and data sources along with outside resources to gather and analyze information necessary to estimate cost savings.

(B) Certify that the estimated savings are still achievable.

(C) Document the rationale for rejecting an individual command's request to cancel, defer, or reduce the scope of a decision to conduct the study.

(D) Consider alternatives to the study that would provide savings and improve performance such as internal reorganizations.

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

(2) TERMINATION OF CERTAIN STUDIES.—The Secretary of Defense shall terminate any study for a public-private competition that has been conducted for longer than 18 months (beginning with preliminary planning and ending with the exhaustion of General Accountability Office protests), or submit to Congress a written justification for continuing of the study.

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense may not recommence a study halted pursuant to subsection (a) until the Secretary submits to Congress a report describing the actions taken by the Secretary under paragraphs (1) and (2) of subsection (b).

SEC. 327. TEMPORARY SUSPENSION OF PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

During the period beginning on the date of the enactment of this Act and ending on September 30, 2012, no study or competition regarding the conversion to performance by a contractor of any Department of Defense function may be begun or announced pursuant to 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A-76.

SEC. 328. REQUIREMENT FOR DEBRIEFINGS RELATED TO CONVERSION OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

The Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation to allow for pre-award and post-award debriefings of Federal employee representatives in the case of a conversion of any function from performance by Federal employees to performance by a contractor. Such debriefings will conform to the requirements of section 2305(b)(6)(A) of title 10, United States Code, section 303B(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(f)), and subparts 15.505 and 15.506 (as in effect on the date of the enactment of this Act) of the Federal Acquisition Regulation.

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

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

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

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

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

(c) PREJUDICE TO FEDERAL EMPLOYEES.—

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

(A) by inserting ''(a) EXPEDITED ACTION.—'' before ''For any protest''; and

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

''(b) INJURY TO FEDERAL EMPLOYEES.—In the case of a protest filed by an interested party described in subparagraph (B) of section 3551(2) of this title, a showing that a Federal employee has been displaced from performing a function or part thereof, and that function is being performed by the private sector, is sufficient evidence that a conversion has occurred resulting in concrete injury and prejudice to the Federal employee as a consequence of agency action.''.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) The heading of section 3557 of such title is amended to read as follows:

''§ 3557. Protests of public-private competitions''.

(B) The item relating to section 3557 in the table of sections at the beginning of chapter 35 of such title is amended to read as follows:

''3557. Protests of public-private competitions.''.

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

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively;

(2) by inserting after subparagraph (E) the following new subparagraph (F):

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

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

(e) APPLICABILITY.—The amendments made by this section shall apply—

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

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

Subtitle D—Energy Security

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

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

SEC. 332. REPORT ON IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON FUEL DEMAND MANAGEMENT AT FORWARD-DEPLOYED LOCATIONS.

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

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

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

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

SEC. 333. CONSIDERATION OF RENEWABLE FUELS.

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

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

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

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

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

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

''§ 2922g. Goal regarding procurement of renewable aviation fuels

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

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

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

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

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

''2922g. Goal regarding procurement of renewable aviation fuels.''.

Subtitle E—Reports

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

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

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

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

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

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

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

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

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

Subtitle F—Other Matters

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

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

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

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

(1) how the authority was used;

(2) the frequency of use of the authority;

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

(4) for which agencies the authority was used.

SEC. 352. REQUIREMENTS FOR STANDARD GROUND COMBAT UNIFORM.

The Secretary of Defense, in consultation with the Director of the Defense Logistics Agency, shall standardize the design of future ground combat uniforms. The future ground combat uniforms designed pursuant to this section shall be designed to—

(1) increase the interoperability of ground combat forces;

(2) eliminate any uniqueness that could pose a tactical risk in a theater of operations;

(3) maximize conformance with personal protective gear and body armor;

(4) ensure standard coloration and pattern for the uniform;

(5) be appropriate to the terrain, climate, and conditions in which the forces may be operating;

(6) minimize production costs; and

(7) minimize costs to the services for issuing the new standard ground combat uniform.

SEC. 353. RESTRICTION ON USE OF FUNDS FOR COUNTERTHREAT FINANCE EFFORTS.

(a) RESTRICTION.—Of the amounts authorized to be appropriated by this Act for fiscal year 2010, not more than 90 percent may be obligated or expended to support personnel and operations for Department of Defense counterthreat finance efforts, except for activities carried out by Department of Defense personnel and by personnel employed pursuant to a contract entered into by the Secretary of Defense, until the Secretary of Defense, in consultation with the Secretary of State, the Secretary of the Treasury, and the Attorney General, submits to the congressional defense committees a report on—

(1) the nature and extent of the mission of such counterthreat finance efforts;

(2) the nature and extent of future cost requirements associated with the mission;

(3) the nature and extent of Department of Defense resources required to support the mission;

(4) the nature and extent of support, including personnel and funding support, from other departments and agencies required to execute the mission, including Department of Defense force planning and funding initiatives; and

(5) the nature and extent of both existing and future contractor support necessary to meet the mission requirements of the mission.

(b) COUNTERTHREAT FINANCE EFFORTS DEFINED.—In this section, the term ''counterthreat finance efforts'' has the meaning given that term pursuant to the Department of Defense memorandum dated December 2, 2008, and entitled ''Directive-Type Memorandum 08-034 – DOD Counterthreat Finance Policy'' or any successor memorandum or related guidelines or regulations.

SEC. 354. LIMITATION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF CLASSIFIED JUSTIFICATION MATERIAL.

Of the amounts authorized to be appropriated in this title for fiscal year 2010 for the Office of the Secretary of Defense for budget activity four, line 270, not more than 90 percent may be obligated until 15 days after the information cited in the classified annex accompanying this Act relating to the provision of classified justification material to Congress is provided to the congressional defense committees.

SEC. 355. CONDITION-BASED MAINTENANCE DEMONSTRATION PROGRAMS.

(a) TACTICAL WHEELED VEHICLES PROGRAM.—The Secretary of the Army may conduct a 12-month condition-based maintenance demonstration program on tactical wheeled vehicles, specifically the high mobility multi-purpose wheeled vehicle, the heavy expanded mobility tactical truck and the family of medium tactical vehicles.

(b) GUIDED MISSILE DESTROYER PROGRAM.—The Secretary of the Navy may conduct a 12-month demonstration program on at least four systems or components of the guided missile destroyer class of surface combatant ships.

(c) ISSUES TO BE ADDRESSED.—The demonstration programs described in subsections (a) and (b) shall address—

(1) the top 10 maintenance issues;

(2) non-evidence of failures; and

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

(d) OPEN ARCHITECTURE.—The demonstration programs' design, system integration, and operations shall be conducted with an open architecture designed to—

(1) interface with the extensible markup language industry standard to provide diagnostic and prognostic reasoning for systems, subsystems or components;

(2) facilitate common software systems, diagnostics tools, reference models, diagnostics reasoners, electronic libraries, and user interfaces for multiple ship and vehicle types; and

(3) support the Department of Defense's Class V interactive electronic technical manual operations.

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

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Subtitle B—Reserve Forces

Subtitle C—Authorization of Appropriations

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

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

(1) The Army, 547,400.

(2) The Navy, 328,800.

(3) The Marine Corps, 202,100.

(4) The Air Force, 331,700.

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

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

''(1) For the Army, 547,400.

''(2) For the Navy, 328,800.

''(3) For the Marine Corps, 202,100.

''(4) For the Air Force, 331,700.''.

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

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

(1) AUTHORITY.—For each of fiscal years 2011 and 2012, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (2), establish the active-duty end strength for the Army at a number

greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2010 baseline plus 30,000.

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

(A) to support operational missions; and

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

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

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

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

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

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

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

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

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 65,500.

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

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

(6) The Air Force Reserve, 69,500.

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

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

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

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

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

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

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

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

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,818.

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

(5) The Air National Guard of the United States, 14,555.

(6) The Air Force Reserve, 2,896.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

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

(1) For the Army Reserve, 8,395.

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

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

(4) For the Air National Guard of the United States, 22,313.

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

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2010, may not exceed the following:

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

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

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

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

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

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

During fiscal year 2010, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

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

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

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

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

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

(1) the timelines, cost, force structure changes, and end strength changes associated with each option;

(2) the force structure and end strength changes and growth of the Army National Guard needed to support such an account;

(3) how creation of such an account may affect plans under the Grow the Force initiative; and

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

(c) SENSE OF CONGRESS REGARDING ARMY NATIONAL GUARD END STRENGTH.—

(1) FINDINGS.—Congress finds the following:

(A) The President's budget for fiscal year 2010 included a 2.82 percent increase in end strength for the Army, but only a 1.59 percent end strength increase for the Army National Guard.

(B) The disproportionate growth in the end strengths of the reserve components is inconsistent with the emphasis placed by the Department of Defense on responding to asymmetric threats at home and abroad.

(2) SENSE OF CONGRESS.—In light of such findings, Congress is concerned about unit readiness and the effect of pre-deployment cross-leveling on the Army National Guard and it is the sense of Congress that an increase in Army National Guard end strength should be considered in the deliberations of the next quadrennial defense review conducted under section 118 of title 10, United States Code.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2010 a total of $135,723,781,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2010.

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

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

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

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Military Personnel Policy Generally

SEC. 501. EXTENSION OF TEMPORARY INCREASE IN MAXIMUM NUMBER OF DAYS' LEAVE MEMBERS MAY ACCUMULATE AND CARRYOVER.

Section 701(d) of title 10, United States Code, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

SEC. 502. RANK REQUIREMENT FOR OFFICER SERVING AS CHIEF OF THE NAVY DENTAL CORPS TO CORRESPOND TO ARMY AND AIR FORCE REQUIREMENTS.

Section 5138(a) of title 10, United States Code, is amended—

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

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

SEC. 503. COMPUTATION OF RETIREMENT ELIGIBILITY FOR ENLISTED MEMBERS OF THE NAVY WHO COMPLETE THE SEAMAN TO ADMIRAL (STA–21) OFFICER CANDIDATE PROGRAM.

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

''(c) TIME SPENT IN SEAMAN TO ADMIRAL PROGRAM.—The months of active service after January 1, 2011, in pursuit of a baccalaureate-level degree under the Seaman to Admiral (STA-21) program of the Navy for officer candidates selected for the program after January 11, 2010, shall be excluded in computing the years of service of an officer who was appointed to the grade of ensign in the Navy upon completion of the program to determine the eligibility of the officer for voluntary retirement. Such active service shall be counted in computing the years of active service of the officer for all other purposes.''.

Subtitle B—Joint Qualified Officers and Requirements

SEC. 511. REVISIONS TO ANNUAL REPORTING REQUIREMENT ON JOINT OFFICER MANAGEMENT.

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

(1) in paragraph (1)—

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

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

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

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

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

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

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

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

''(A) The Joint Forces Staff College.

''(B) The National Defense University.

''(C) Senior Service Schools.''; and

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

Subtitle C—General Service Authorities

SEC. 521. MEDICAL EXAMINATION REQUIRED BEFORE SEPARATION OF MEMBERS DIAGNOSED WITH OR ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.

(a) MEDICAL EXAMINATION REQUIRED.—

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

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

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

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

''(b) PURPOSE OF MEDICAL EXAMINATION.—The medical examination required by subsection (a) shall endeavor to assess the degree to which the behavior of the member, on which the initial recommendation for an involuntarily separation or separation under conditions other than honorable is based, has been affected by post-traumatic stress disorder or traumatic brain injury.

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

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

''1177. Members diagnosed with or asserting post-traumatic stress disorder or traumatic brain injury: physical evaluation board review before separation.''.

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

''(d)(1) In the case of a former member of the armed forces who, while a member, was deployed in support of a contingency operation and who, at any time after such deployment, was diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing post-traumatic stress disorder or traumatic brain injury, a board established under this section to review

the former member's discharge or dismissal shall include a member who is a physician, clinical psychologist, or psychiatrist.

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

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

SEC. 522. EVALUATION OF TEST OF UTILITY OF TEST PREPARATION GUIDES AND EDUCATION PROGRAMS IN IMPROVING QUALIFICATIONS OF RECRUITS FOR THE ARMED FORCES.

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

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

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

SEC. 523. INCLUSION OF EMAIL ADDRESS ON CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

Section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1168 note) is amended—

(1) by inserting ''(a) ELECTION TO FORWARD CERTIFICATE TO VA OFFICES.—'' before ''The Secretary of Defense''; and

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

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

Subtitle D—Education and Training

SEC. 531. APPOINTMENT OF PERSONS ENROLLED IN ADVANCED COURSE OF THE ARMY RESERVE OFFICERS' TRAINING CORPS AT MILITARY JUNIOR COLLEGES AS CADETS IN ARMY RESERVE OR ARMY NATIONAL GUARD OF THE UNITED STATES.

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

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

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

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

SEC. 532. INCREASE IN NUMBER OF PRIVATE SECTOR CIVILIANS AUTHORIZED FOR ADMISSION TO NATIONAL DEFENSE UNIVERSITY.

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

SEC. 533. APPOINTMENTS TO MILITARY SERVICE ACADEMIES FROM NOMINATIONS MADE BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

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

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

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

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

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

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

(b) DURATION.—

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

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

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

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

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

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

(4) develop critical and strategic language programs that can be incorporated into Reserve Officers' Training Corps units to develop language skills among future military officers;

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

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

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

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

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

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

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

(g) REPORT TO CONGRESS.—Not later than December 31, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program. The report shall include the following:

(1) A description of each Language Training Center.

(2) An assessment of the effectiveness and the cost of the pilot program taken to create the foundational critical and strategic language and regional area expertise in support of the Defense Language Transformation Roadmap.

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

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

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

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

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

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

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

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

''(A) Social work.

''(B) Clinical psychology.

''(C) Psychiatry.

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

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

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

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

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

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

(c) FUNDING SOURCE.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2010, not more than $20,000,000 shall be available to cover the additional costs incurred to implement the amendments made by this section.

SEC. 536. ESTABLISHMENT OF JUNIOR RESERVE OFFICER'S TRAINING CORPS UNITS FOR STUDENTS IN GRADES ABOVE SIXTH GRADE.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) In addition to units of the Junior Reserve Officers' Training Corps established at public and private secondary educational institutions under subsection (a), the Secretary of each military department may carry out a pilot program to establish and support units at public and private educational institutions that are not secondary educational institutions to permit the enrollment of students in the Corps who, notwithstanding the limitation in subsection (b)(1), are in a grade above the sixth grade.

''(2) A unit of the Junior Reserve Officers' Training Corps established and supported under the pilot program must meet the requirements of this section, except—

''(A) as provided in paragraph (1) with respect to the grades in which students are enrolled; and

''(B) that the Secretary of the military department concerned may authorize a course of military instruction of not less than two academic years' duration, notwithstanding subsection (b)(3).

''(3) The Secretary of the military department concerned shall conduct a review of the pilot program. The review shall include an evaluation of what impacts, if any, the pilot program may have on the operation of the Junior Reserve Officers' Training Corps in secondary educational institutions.''.

Subtitle E—Defense Dependents' Education

SEC. 551. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 552. DETERMINATION OF NUMBER OF WEIGHTED STUDENT UNITS FOR LOCAL EDUCATIONAL AGENCIES FOR RECEIPT OF BASIC SUPPORT PAYMENTS UNDER IMPACT AID.

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

SEC. 553. PERMANENT AUTHORITY FOR ENROLLMENT IN DEFENSE DEPENDENTS' EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.

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

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

Subtitle F—Missing or Deceased Persons

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

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

''§ 1509. Program to resolve preenactment missing person cases

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

''(1) World War II during the period beginning on December 7, 1941, and ending on December 31, 1946, including members of the Armed Forces who were lost during flight operations in the Pacific theater of operations covered by section 576 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 624; 10 U.S.C. 1501 note).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(A) the information is treated under paragraph (2) of subsection (c) of section 1505 of this title, relating to addition of the information to the personnel file of a person and notification requirements, in the same manner as information received under paragraph (1) under such subsection; and

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

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

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

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

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

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 76 of such title is amended by striking the item relating to section 1509 and inserting the following new section:

''1509. Program to resolve preenactment missing person cases.''.

(c) CONFORMING AMENDMENT.—Section 1513(1) of such title is amended in the matter after subparagraph (B) by striking ''section 1509(b) of this title who is required by section 1509(a)(1) of this title'' and inserting ''subsection (a) of section 1509 of this title who is required by subsection (b) of such section''.

(d) IMPLEMENTATION.—

(1) PRIORITY.—A priority of the program required by section 1509 of title 10, United States Code, as amended by subsection (a), to resolve missing person cases arising before the enactment of chapter 76 of such title by section 569 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 336) shall be the return of missing persons to United States control alive.

(2) ACCOUNTING FOR GOAL.—In implementing the program, the Secretary of Defense, in coordination with the officials specified in subsection (f)(1) of section 1509 of title 10, United

States Code, shall take such measures as the Secretary considers appropriate to increase significantly the capability and capacity of the Department of Defense, the Armed Forces, and combatant commanders to account for missing persons, as defined by section 1513(3)(B) of such title. Such measures shall include fully funding, manning, and resourcing the Department of Defense-wide effort to ensure that, at a minimum—

(A) 200 missing persons are accounted for under the program annually beginning with fiscal year 2015; and

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

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

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

(b) MEDIA ACCESS.—

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

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

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

(c) TRAVEL AND TRANSPORTATION ALLOWANCE.—The Secretary of a military department shall provide the primary next of kin and two additional family members of a deceased member of the Armed Forces with travel to, and from, Dover Air Force Base via Invitational Travel Authorizations to attend the dignified transfer ceremony. The Secretary may include additional family members on a case-by-case basis. At the discretion of the Secretary, and at the request of the primary next of kin, the service casualty assistance officer or family liaison officer may escort and accompany the primary next of kin to the dignified transfer ceremony.

(d) EFFECTIVE DATE.—This section shall take effect one year after the date of the enactment of this Act.

Subtitle G—Decorations and Awards

SEC. 571. AWARD OF VIETNAM SERVICE MEDAL TO VETERANS WHO PARTICIPATED IN MAYAGUEZ RESCUE OPERATION.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of any Armed Forces Expeditionary Medal awarded the individual for the individual's participation in the Mayaguez rescue operation.

(b) ELIGIBLE VETERAN.—For purposes of this section, the term ''eligible veteran'' means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations known as the Mayaguez rescue operation of May 12–15, 1975.

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

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to former Private First Class Anthony T. Koho'ohanohano for the acts of valor during the Korean War described in subsection (b).

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

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

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the distinguished-service cross under section 3742 of such title to former Captain Jack T. Stewart of the United States Army for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Captain Jack T. Stewart as commander of a two-platoon Special Forces Mike Force element in combat with two battalions of the North Vietnamese Army on March 24, 1967, during the Vietnam War.

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

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the distinguished-service cross under section 3742 of such title to former to former Sergeant First William T. Miles, Jr., of the United States Army for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Sergeant First Class William T. Miles, Jr,. as a member of United States Special Forces from June 18, 1951, to July 6, 1951, during the Korean War, when he fought a delaying action against enemy forces in order to allow other members of his squad to escape an ambush.

Subtitle H—Military Families

SEC. 581. PILOT PROGRAM TO SECURE INTERNSHIPS FOR MILITARY SPOUSES WITH FEDERAL AGENCIES.

(a) COST-REIMBURSEMENT AGREEMENTS WITH FEDERAL AGENCIES.—The Secretary of Defense may enter into an agreement with the head of an executive department or agency that has an established internship program to reimburse the department or agency for authorized costs associated with the first year of employment of an eligible military spouse who is selected to participate in the internship program of the department or agency.

(b) ELIGIBLE MILITARY SPOUSES.—

(1) ELIGIBILITY.—Except as provided in paragraph (2), any person who is married to a member of the Armed Forces on active duty is eligible for selection to participate in an internship program under a reimbursement agreement entered into under subsection (a).

(2) EXCLUSIONS.—Reimbursement may not be provided with respect to the following persons:

(A) A person who is legally separated from a member of the Armed Forces under court order or statute of any State, the District of Columbia, or possession of the United States when the person begins the internship.

(B) A person who is also a member of the Armed Forces on active duty.

(C) A person who is a retired member of the Armed Forces.

(c) FUNDING SOURCE.—Amounts authorized to be appropriated for operation and maintenance, for Defense-wide activities, shall be available to carry out this section.

(d) DEFINITIONS.—In this section:

(1) The term ''authorized costs'' includes the costs of the salary, benefits and allowances, and training for an eligible military spouse during the first year of the participation of the military spouse in an internship program pursuant to an agreement under subsection (a).

(2) The term ''internship'' means a professional, analytical, or administrative position in the Federal Government that operates under a developmental program leading to career advancement.

(e) TERMINATION OF AGREEMENT AUTHORITY.—No agreement may be entered into under subsection (a) after September 30, 2011. Authorized costs incurred after that date may be reimbursed under an agreement entered into before that date in the case of eligible military spouses who begin their internship by that date.

(f) REPORTING REQUIREMENT.—Not later than January 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report that provides information on how many eligible military spouses received internships pursuant to agreements entered into under subsection (a) and the types of internship positions they occupied. The report shall specify the number of interns who subsequently obtained permanent employment with the department or agency administering the internship program or with another department or agency. The Secretary shall include a recommendation regarding whether, given the investment of Department of Defense funds, the authority to enter into agreements should be extended, modified, or terminated.

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

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

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review and assessment under subsection (a).

SEC. 583. MODIFICATION OF SERVICEMEMBERS CIVIL RELIEF ACT REGARDING TERMINATION OR SUSPENSION OF SERVICE CONTRACTS AND EFFECT OF VIOLATION OF INTEREST RATE LIMITATION.

(a) TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. App. 535a) is amended to read as follows:

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

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

''(b) SPECIAL RULES.—

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

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

''(3) In any case in which the contract being suspended under subsection (a) is for cellular telephone service or telephone exchange service, the servicemember, after the date on which the suspension of the contract ends, may keep, to the extent practicable and in accordance with all applicable laws and regulations, the same telephone number the servicemember had before the servicemember suspended the contract.

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

''(1) to deploy with a military unit, or as an individual, in support of a contingency operation for a period of not less than 90 days; or

''(2) for a change of permanent station to a location that does not support the contract.

''(d) MANNER OF TERMINATION OR SUSPENSION.—

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

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

''(A) by hand delivery;

''(B) by private business carrier;

''(C) by facsimile; or

''(D) by placing the written notice and a copy of the servicemember's military orders in an envelope with sufficient postage and with return receipt requested, and addressed as designated by the party to be notified (or that party's grantee or agent), and depositing the envelope in the United States mails.

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

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

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

''(h) RELIEF TO OTHER PARTY.—Upon application by the other party to the contract to a court before the termination date provided in the written notice, relief granted by this section to a servicemember may be modified as justice and equity require.

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

''(j) PRIVATE RIGHT OF ACTION.—

''(1) IN GENERAL.—A servicemember harmed by a violation of this section may in a civil action—

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

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

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

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

''(k) DEFINITIONS.—In this section:

''(1) MULTICHANNEL VIDEO PROGRAMMING SERVICE.—The term 'multichannel video programming service' means video programming service provided by a multichannel video programming distributor, as such term is defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)).

''(2) INTERNET ACCESS SERVICE.—The term 'Internet access service' has the meaning given that term under section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

''(3) CELLULAR TELEPHONE SERVICE.—The term 'cellular telephone service' means commercial mobile service, as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

''(4) TELEPHONE EXCHANGE SERVICE.—The term 'telephone exchange service' has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 305A and inserting the following new item:

''Sec. 305A. Termination or suspension of service contracts.''.

(c) VIOLATION OF INTEREST RATE LIMITATION.—Section 207 of such Act is amended—

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

''(e) CRIMINAL PENALTY.—

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

''(2) DETERMINATION OF NUMBER OF VIOLATIONS.—The court shall count as a separate violation each obligation or liability of a servicemember with respect to which—

''(A) the servicemember properly provided to the creditor written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service under subsection (b); and

''(B) the creditor fails to act in accordance with subsection (a).'';

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection (f):

''(f) RIGHTS OF SERVICEMEMBERS.—

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

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

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

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

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

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by inserting ''and (f)'' after ''subsection (e)''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a contract entered into on or after the date of the enactment of this Act.

SEC. 584. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

''SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child.

''(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (c).

''(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

''(d) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

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

''(f) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by

adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

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

(a) DEFINITION OF COVERED ACTIVE DUTY.—

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

(A) by striking all that precedes ''under a call'' and inserting the following:

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

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

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

(B) by striking ''101(a)(13)(B)'' and inserting ''101(a)(13)''.

(2) LEAVE.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

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

(B) in subsection (e)(3)—

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

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

(3) CONFORMING AMENDMENT.—Section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)) is amended, in the subsection heading, by striking ''ACTIVE DUTY'' both places it appears and inserting ''COVERED ACTIVE DUTY''.

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

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

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

''(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.''.

(c) DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.—Section 101 of the Family and Medical Leave Act of 1993 is further amended by striking paragraph (19) and inserting the following new paragraphs:

''(19) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness'—

''(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness incurred by the member in line of duty on covered active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

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

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

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

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

Subtitle I—Other Matters

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

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

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

''Subject to the availability of funds for this purpose, the Secretary of the Navy may make grants to support the purposes of the Naval Sea Cadet Corps, a federally chartered corporation under chapter 1541 of title 36.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7541a the following new item:

''7541b. Authority to make grants to Naval Sea Cadet Corps.''.

SEC. 592. IMPROVED RESPONSE AND INVESTIGATION OF ALLEGATIONS OF SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) COMPTROLLER GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing a review of the capacity of each service of the Armed Forces to investigate and adjudicate allegations of sexual assault to determine whether there are any barriers that negatively affect the ability of that service to facilitate the investigation and adjudication of such allegations to the full extent of the Uniform Code of Military Justice.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include a review of the following:

(A) The command processes of each of the Armed Forces for handling allegations of sexual assault (including command guidance, standing orders, and related matters), the staff judge advocate structure of each Armed Force for cases of sexual assault, and the personnel and budget resources allocated to handle allegations of sexual assault.

(B) The extent to which command decisions regarding the disposition of cases properly direct cases to the most-appropriate venue for adjudication.

(C) The effectiveness of personnel training methods regarding investigation and adjudication of sexual assault cases.

(D) The capacity to investigate and adjudicate sexual assault cases in combat zones.

(E) The recommendations of the Defense Task Force on Sexual Assault in the Military regarding investigation and adjudication of sexual assault.

(b) PREVENTION.—Not later than 180 days after the dates of the enactment of this Act, the Secretary of Defense shall develop and submit to the congressional defense committees a sexual assault prevention program, which shall include, at minimum, the following components:

(1) Action plans for reducing the number of sexual assaults, with timelines for implementation of the plans, development tools, and a comprehensive evaluation process.

(2) A mechanism to measure the effectiveness of the program, to include outcome measurement and metrics.

(3) Training programs for commanders and senior enlisted leaders, including pre-command courses.

(4) The budget necessary to permit full implementation of the program.

(c) SEXUAL ASSAULT FORENSIC EXAMS.—

(1) AVAILABILITY OF SEXUAL ASSAULT FORENSIC EXAMS IN COMBAT ZONES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the availability of sexual assault forensic examinations in combat zones. The report shall include, at a minimum, the following:

(A) The current availability of sexual assault forensic examinations in combat zones.

(B) The barriers to providing sexual assault forensic examinations at all echelons of care in combat zones.

(C) Any legislative actions required to improve the availability of sexual assault forensic examinations in combat zones.

(2) TRICARE COVERAGE FOR FORENSIC EXAMINATION FOLLOWING SEXUAL ASSAULT OR DOMESTIC VIOLENCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress made in implementing section 1079(a)(17) of title 10, United States Code, as added by section 701 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-324; 120 Stat. 2279).

(d) MILITARY PROTECTIVE ORDERS.—

(1) COLLECTION OF STATISTICAL INFORMATION.—Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall require that sexual assault statistics collected by the Department of Defense include information on whether a military protective order was issued that involved either the victim or alleged perpetrator of a sexual assault. The Secretary shall include such information in the annual report submitted to Congress on sexual assaults involving members of the Armed Forces.

(2) INFORMATION TO MEMBERS.—The Secretary of Defense shall ensure that, when a military protective order is issued to protect a member of the Armed Forces, the member is informed of the right of the member to request a base transfer from the command.

SEC. 593. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) AUTHORITY TO INCREASE DOD SHARE OF PROGRAM.—Section 509(d)(1) of title 32, United States Code, is amended by striking ''60 percent of the costs'' and inserting ''75 percent of the costs''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Subtitle A—Pay and Allowances

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

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

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

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

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

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

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

''(2) Subject to paragraph (3), a member eligible for the compensation authorized by paragraph (1) is a member—

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

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

''(3) The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) may establish additional eligibility criteria in the regulations required by subsection (e).

''(b) AUTHORIZED AMOUNT OF COMPENSATION.—(1) The amount of the special monthly compensation authorized by subsection (a) shall be determined under criteria prescribed in the regulations required by subsection (e), except that the amount may not exceed the amount of the aid and attendance allowance authorized by section 1114(r) of title 38 for veterans in need of regular aid and attendance.

''(2) In determining the amount of the special monthly compensation to be provided to a member, the Secretary concerned shall consider the extent to which—

''(A) home health care and related services are being provided to the member by the Government; and

''(B) aid and attendance services are being provided by family and friends of the member who may be compensated with funds provided through the special monthly compensation authorized by this section.

''(c) TERMINATION.—The eligibility of a member to receive special monthly compensation under subsection (a) terminates on the earlier of the following:

''(1) The first month following the end of the 90-day period beginning on the date of the separation or retirement of the member.

''(2) The first month beginning after the death of the member.

''(3) The first month beginning after the date on which the member is determined to be no longer afflicted with a catastrophic injury or illness.

''(d) DEFINITIONS.—In this section:

''(1) The term 'catastrophic injury or illness' means a permanent, severely disabling injury, disorder, or illness that the Secretary concerned determines compromises the ability of the afflicted person to carry out the activities of daily living to such a degree that the person requires—

''(A) personal or mechanical assistance to leave home or bed; or

''(B) constant supervision to avoid physical harm to self or others.

''(2) The term 'combat-related', with respect to a catastrophic injury or illness, means a wound, injury, or illness for which the member involved was awarded the Purple Heart or that was incurred as described in section 1413a(e)(2) of title 10.

''(e) REGULATIONS.—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.''.

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

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

SEC. 603. STABILIZATION OF PAY AND ALLOWANCES FOR SENIOR ENLISTED MEMBERS AND WARRANT OFFICERS APPOINTED AS OFFICERS AND OFFICERS REAPPOINTED IN A LOWER GRADE.

(a) IN GENERAL.—Section 907 of title 37, United States Code, is amended to read as follows:

''§ 907. Members appointed or reappointed as officers: no reduction in pay and allowances

''(a) STABILIZATION OF PAY AND ALLOWANCES.—A member of the armed forces who accepts an appointment or reappointment as an officer without a break in service shall, for service as an officer, be paid the greater of—

''(1) the pay and allowances to which the officer is entitled as an officer; or

''(2) the pay and allowances to which the officer would be entitled if the officer were in the last grade the officer held before the appointment or reappointment as an officer.

''(b) COVERED PAYS.—(1) Subject to paragraphs (2) and (3), for the purposes of this section, the pay of a grade formerly held by an officer described in subsection (a) include special and incentive pays under chapter 5 of this title.

''(2) In determining the amount of the pay of a grade formerly held by an officer, special and incentive pays may be considered only so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and would otherwise be eligible to receive that pay in the former grade.

''(3) Special and incentive pays that are dependent on a member being in an enlisted status may not be considered in determining the amount of the pay of a grade formerly held by an officer.

''(c) COVERED ALLOWANCES.—(1) Subject to paragraph (2), for the purposes of this section, the allowances of a grade formerly held by an officer described in subsection (a) include allowances under chapter 7 of this title.

''(2) The clothing allowance under section 418 of this title may not be considered in determining the amount of the allowances of a grade formerly held by an officer described in subsection (a) if the officer is entitled to a uniform allowance under section 415 of this title.

''(d) RATES OF PAY AND ALLOWANCES.—For the purposes of this section, the rates of pay and allowances of a grade that an officer formerly held are those rates that the officer would be entitled to had the officer remained in that grade and continued to receive the increases in pay and allowances authorized for that grade, as otherwise provided in this title or other provisions of law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 907 and inserting the following new item:

''907. Members appointed or reappointed as officers: no reduction in pay and allowances.''.

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

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

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

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

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

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

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

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

Subtitle B—Bonuses and Special and Incentive Pays

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

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

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

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

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

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

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

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

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

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

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

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

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

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

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

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

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

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

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

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

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

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

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

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

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

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

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

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

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

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

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

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

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

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(j), relating to skill incentive pay or proficiency bonus.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAY.

The following sections of chapter 5 of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

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

(2) Section 307a(g), relating to assignment incentive pay.

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

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

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

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

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

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 1030(i), relating to health professions referral bonus.

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

SEC. 617. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS TO RECONCILE CONFLICTING AMENDMENTS REGARDING CONTINUED PAYMENT OF BONUSES AND SIMILAR BENEFITS FOR CERTAIN MEMBERS.

(a) TECHNICAL CORRECTIONS TO RECONCILE CONFLICTING AMENDMENTS.—Section 303a(e) of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

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

(3) in paragraph (5), as so redesignated, by striking ''paragraph (3)(B)'' and inserting ''paragraph (4)(B)'';

(4) by redesignating paragraph (2), as added by section 651(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (3); and

(5) by redesignating the second subparagraph (B) of paragraph (1), originally added as paragraph (2) by section 2(a)(3) of the Hubbard Act (Public Law 110–317; 122 Stat. 3526) and erroneously designated as subparagraph (B) by section 651(a)(3) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (2).

(b) INCLUSION OF HUBBARD ACT AMENDMENT IN CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—Section 373(b) of such title is amended—

(1) in paragraph (2), by striking the paragraph heading and inserting ''SPECIAL RULE FOR DECEASED AND DISABLED MEMBERS.—''; and

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

''(3) SPECIAL RULE FOR MEMBERS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a member of the uniformed services receives a sole survivorship discharge, the Secretary concerned—

''(i) shall not require repayment by the member of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

''(ii) may grant an exception to the requirement to terminate the payment of any unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

''(B) In this paragraph, the term 'sole survivorship discharge' means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

''(i) the father or mother or one or more siblings—

''(I) served in the Armed Forces; and

''(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

''(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.''.

SEC. 618. PRORATION OF CERTAIN SPECIAL AND INCENTIVE PAYS TO REFLECT TIME DURING WHICH A MEMBER SATISFIES ELIGIBILITY REQUIREMENTS FOR THE SPECIAL OR INCENTIVE PAY.

(a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.—Section 310 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''AND SPECIAL PAY AMOUNT'' in the subsection heading; and

(B) by striking ''at the rate of $225 for any month'' in the matter preceding paragraph (1) and inserting ''under subsection (b) for any month or portion of a month'';

(2) in subsection (c), by striking paragraph (3);

(3) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(4) by inserting after subsection (a) the following new subsection:

''(b) SPECIAL PAY AMOUNT; PRORATION.—(1) The special pay authorized by subsection (a) may not exceed $225 a month.

''(2) Except as provided in subsection (c), if a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of special pay under subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.''.

(b) HAZARDOUS DUTY PAY.—Section 351 of such title is amended—

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

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

''(c) METHOD OF PAYMENT; PRORATION.—

''(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

''(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.''.

(c) ASSIGNMENT OR SPECIAL DUTY PAY.—Section 352(b)(1) of such title is amended by adding at the end the following new sentence: ''If paid monthly, the Secretary concerned may prorate the monthly amount of the assignment or special duty pay for a member who does not satisfy the eligibility requirement for an entire month to reflect the duration of the member's actual qualifying service during the month.''.

(d) SKILL INCENTIVE PAY.—Section 353 of such title is amended—

(1) by striking subsection (f) and redesignating subsections (g) through (j) as subsections (f) through (i), respectively; and

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph:

''(1) SKILL INCENTIVE PAY.—(A) Skill incentive pay under subsection (a) may not exceed $1,000 a month.

''(B) If a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of skill incentive pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month. A member of a reserve component entitled to compensation under section 206 of this title who is authorized skill incentive pay under subsection (a) may be paid an amount of such pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.''.

(e) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to months beginning 90 or more days after the date of the enactment of this Act.

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRANSPORTATION OF ADDITIONAL MOTOR VEHICLE OF MEMBERS ON CHANGE OF PERMANENT STATION TO OR FROM NONFOREIGN AREAS OUTSIDE THE CONTINENTAL UNITED STATES.

(a) AUTHORITY TO TRANSPORT ADDITIONAL MOTOR VEHICLE.—Subsection (a) of section 2634 of title 10, United States Code, is amended—

(1) by striking the sentence following paragraph (4);

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by inserting ''(1)'' after ''(a)''; and

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

''(2) One additional motor vehicle of a member (or a dependent of the member) may be transported as provided in paragraph (1) if—

''(A) the member is ordered to make a change of permanent station to or from a nonforeign area outside the continental United States and the member has at least one dependent of driving age who will use the motor vehicle; or

''(B) the Secretary concerned determines that a replacement for the motor vehicle transported under paragraph (1) is necessary for reasons beyond the control of the member and is in the interest of the United States and the Secretary approves the transportation in advance.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) by striking ''his dependents'' and inserting ''a dependent of the member'';

(2) by striking ''him'' and inserting ''the member'';

(3) by striking ''his)'' and inserting ''the member)'';

(4) by striking ''his new'' and inserting ''the member's new''; and

(5) in paragraph (1)(C), as redesignated by subsection (a), by striking ''clauses (1) and (2)'' and inserting ''subparagraphs (A) and (B)''.

(c) EFFECTIVE DATE.—Paragraph (2)(A) of subsection (a) of section 2634 of title 10, United States Code, as added by subsection (a)(4), shall apply with respect to orders issued on or after the date of the enactment of this Act for members of the Armed Forces to make a change of permanent station to or from nonforeign areas outside the continental United States.

SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DESIGNATED INDIVIDUALS OF WOUNDED, ILL, OR INJURED MEMBERS FOR DURATION OF INPATIENT TREATMENT.

(a) AUTHORITY TO PROVIDE TRAVEL TO DESIGNATED INDIVIDUALS.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''family members of a member described in paragraph (2)'' and inserting ''individuals who, with respect to a member described in paragraph (2), are designated individuals for that member'';

(B) by striking ''that the presence of the family member'' and inserting ''that the presence of the designated individual''; and

(C) by striking ''of family members'' and inserting ''of designated individuals''; and

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

''(4) In the case of a designated individual who is also a member of the uniformed services, that member may be provided travel and transportation under this section in the same manner as a designated individual who is not a member.''.

(b) DEFINITION OF DESIGNATED INDIVIDUAL.—Subsection (b) of such section is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) In this section, the term 'designated individual', with respect to a member, means—

''(A) an individual designated by the member for the purposes of this section; or

''(B) in the case of a member who has not made a designation under subparagraph (A) and, as determined by the attending physician or surgeon, is not able to make such a designation, an individual who, as designated by the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member, is someone with a personal relationship to the member whose presence would aid and support the health and welfare of the member during the duration of the member's inpatient treatment.

''(2) The designation of an individual as a designated individual for purposes of this section may be changed at any time.''.

(c) COVERAGE OF MEMBERS HOSPITALIZED OUTSIDE THE UNITED STATES WHO WERE WOUNDED OR INJURED IN A COMBAT OPERATION OR COMBAT ZONE.—

(1) COVERAGE FOR HOSPITALIZATION OUTSIDE THE UNITED STATES.—Subparagraph (B) of section (a)(2) of such section is amended—

(A) in clause (i), by striking ''in or outside the United States''; and

(B) in clause (ii), by striking ''in the United States''.

(2) CLARIFICATION OF MEMBERS COVERED.—Such subparagraph is further amended—

(A) in clause (i), by inserting ''seriously wounded,'' after ''(i) is''; and

(B) in clause (ii)—

(i) by striking ''an injury'' and inserting ''a wound or an injury''; and

(ii) by striking ''that injury'' and inserting ''that wound or injury''.

(d) FREQUENCY OF AUTHORIZED TRAVEL.—Paragraph (3) of subsection (a) of such section is amended to read as follows:

''(3)(A) Not more than a total of three round trips may be provided under paragraph (1) in any 60-day period at Government expense to the individuals who are the designated individuals of a member during that period.

''(B) If the Secretary concerned has waived the limitation in paragraph (1) on the number of designated individuals for a member, then for any 60-day period during which the waiver is in effect, the limitation in subparagraph (A) shall be adjusted accordingly.

''(C) During any period during which there is in effect a non-medical attendant designation for a member, not more than a total of two round trips may be provided under paragraph (1) in any 60-day period at Government expense until a non-medical attendant is no longer designated or that designation transfers to another individual, in which case during the transfer period three round trips may be provided.''.

(e) STYLISTIC AND CONFORMING AMENDMENTS.—Such section is further amended——

(1) in subsection (a), by inserting ''TRAVEL AND TRANSPORTATION AUTHORIZED.—'' after ''(a)'' ;

(2) in subsection (b), by inserting ''DEFINITIONS.—'' after ''(b)'';

(3) in subsection (c)—

(A) by inserting ''ROUND TRIP TRANSPORTATION AND PER DIEM ALLOWANCE.—'' after ''(c)'' ; and

(B) in paragraph (1), by striking ''family member'' and inserting ''designated individual''; and

(4) in subsection (d), by inserting ''METHOD OF TRANSPORTATION AUTHORIZED.—'' after ''(d)''.

(f) CLERICAL AMENDMENTS.—

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

''§411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 411h and inserting the following new item:

''411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.''.

(g) CONFORMING AMENDMENT TO WOUNDED WARRIOR ACT.—Paragraph (4) of section 1602 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended to read as follows:

''(4) ELIGIBLE FAMILY MEMBER.—(A) The term 'eligible family member' means a family member who is on invitational travel orders or serving as a non-medical attendee while caring for a recovering service member for more than 45 days during a one-year period.

''(B) For purposes of subparagraph (A), the term 'family member', with respect to a recovering service member, means the following:

''(i) The member's spouse.

''(ii) Children of the member (including stepchildren, adopted children, and illegitimate children).

''(iii) Parents of the member or persons in loco parentis to the member, including fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service, except that only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

''(iv) Siblings of the member. Such term includes a person related to the member as described in clauses (i), (ii), (iii), or (iv) who is also a member of the uniformed services.''.

(h) APPLICABILITY OF AMENDMENTS.—No reimbursement may be provided under section 411h of title 37, United States Code, by reason of the amendments made by this section for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 633. AUTHORIZED TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR VERY SERIOUSLY AND SERIOUSLY WOUNDED, ILL, OR INJURED MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

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

''§411k. Travel and transportation allowances: non-medical attendants for members who are determined to be very seriously or seriously wounded, ill, or injured

''(a) ALLOWANCE FOR NON-MEDICAL ATTENDANT.—(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for a qualified non-medical attendant for a covered member of the uniformed services described in subsection (c) if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of such an attendant may contribute to the member's health and welfare.

''(b) QUALIFIED NON-MEDICAL ATTENDANT.—For purposes of this section, a qualified non-medical attendant, with respect to a covered member, is an individual who—

''(1) is designated by the member to be a non-medical attendant for the member for purposes of this section; and

''(2) is determined by the attending physician or surgeon and the commander or head of the military medical facility to be appropriate to serve as a non-medical attendant for the member and whose presence may contribute to the health and welfare of the member.

''(c) COVERED MEMBERS.—A member of the uniformed services covered by this section is a member who—

''(1) as a result of a wound, illness, or injury, has been determined by the attending physician or surgeon to be in the category known as 'very seriously wounded, ill, or injured' or 'seriously wounded, ill, or injured'; and

''(2) is hospitalized for treatment of the wound, illness, or injury or requires continuing outpatient treatment for the wound, illness, or injury.

''(d) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) for a qualified non-medical attendant for a member is round-trip transportation between the home of the attendant and the location at which the member is receiving treatment and may include transportation, while accompanying the member, to any other location to which the member is subsequently transferred for further treatment. A designated non-medical attendant under this section may not also be a designated individual for travel and transportation allowances section 411h(a) of this title.

''(2) The transportation authorized by subsection (a) includes any travel necessary to obtain treatment for the member at the location to which the member is permanently assigned.

''(3) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

''(4) The transportation authorized by subsection (a) may be provided by any of the following means:

''(A) Transportation in-kind.

''(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

''(C) Reimbursement for the commercial cost of transportation.

''(5) An allowance payable under this subsection may be paid in advance.

''(6) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 411j the following new item:

''411k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.''.

(b) APPLICABILITY.—No reimbursement may be provided under section 411k of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 634. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN ENLISTED MEMBERS.

(a) ALLOWANCE.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended by striking the items relating to pay grades E–5 through E–9 and inserting the following new items:

Pay Grade	Without Dependents	With Dependents
E–9	13,500	15,500
E–8	12,500	14,500
E–7	11,500	13,500
E–6	8,500	11,500
E–5	7,500	9,500''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009.

(c) FUNDING SOURCE.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2010, not more than $31,000,000 shall be available to cover the additional costs incurred to implement the amendment made by subsection (a).

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION OF RETIRED PAY.—Section 12739 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) If a member of the Retired Reserve is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to the recomputation under this section of the retired pay of the member.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(b) ADJUSTMENT OF RETIRED GRADE.—Section 12771 of such title is amended—

(1) by striking ''Unless'' and inserting ''(a) GRADE ON TRANSFER.—Unless''; and

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

''(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE STATUS.—(1) If a member of the Retired Reserve who is a commissioned officer is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to an adjustment in the retired grade of the member in the manner provided in section 1370(d) of this title.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(c) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

SEC. 642. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) ELECTION AUTHORITY; REQUIREMENTS.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.—(1) Notwithstanding the requirement in paragraph (4) of section 12731(a) of this title that a person may not receive retired pay under this chapter when the person is entitled, under any other provision of law, to retired pay or retainer pay, a person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if the person—

''(A) satisfies the requirements specified in paragraphs (1) and (2) of such section for entitlement to retired pay under this chapter;

''(B) served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or

867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters); and

''(C) completed not less than two years of satisfactory service (as determined by the Secretary concerned) in such active status (excluding any period of active service).

''(2) The Secretary concerned may reduce the minimum two-year service requirement specified in paragraph (1)(C) in the case of a person who—

''(A) completed at least six months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

''(B) failed to complete the minimum years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.''.

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and''.

(c) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under section 12731(f) of this title''; and

(2) in paragraph (2)(A), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under such section''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 12741 of such title is amended to read as follows:

''§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

''12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.''.

(e) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 651. ADDITIONAL EXCEPTION TO LIMITATION ON USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

Section 2491a of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) of subsection (b) as subsection (c) and, in such subsection (as so redesignated)—

(A) by inserting ''REGULATIONS.—'' before ''The Secretary''; and

(B) by striking ''this subsection'' and inserting ''subsection (b)''; and

(2) by inserting after paragraph (1) of subsection (b) the following new paragraph:

''(2) Subsection (a) does not apply to the purchase, operation, or maintenance of equipment intended to ensure compliance with the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).''.

SEC. 652. LIMITATION ON DEPARTMENT OF DEFENSE ENTITIES OFFERING PERSONAL INFORMATION SERVICES TO MEMBERS AND THEIR DEPENDENTS.

(a) IMPOSITION OF LIMITATION.—Subchapter III of chapter 147 of title 10, United States Code, is amended by inserting after section 2492 the following new section:

''§ 2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services

''(a) LIMITATION.—Notwithstanding section 2492 of this title, the Secretary of Defense may not authorize a Department of Defense entity to offer or provide personal information services using Department resources, personnel, or equipment, or compete for contracts to provide such personal information services, if users will be charged a fee for the personal information services to recover the cost incurred to provide the services or to earn a profit.

''(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of Defense determines that—

''(1) a private sector vendor is not available to provide the personal information services at specific locations; or

''(2) the interests of the user population would be best served by allowing the Government to provide such services.

''(c) PERSONAL INFORMATION SERVICES DEFINED.—In this section, the term 'personal information services' means the provision of Internet, telephone, or television services to consumers.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after section 2492 the following new item:

''2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services.''.

(c) EFFECT ON EXISTING CONTRACTS.—Section 2492a of title 10, United States Code, as added by subsection (a), does not affect the validity or terms of any contract for the provision of personal information services entered into before the date of the enactment of this Act.

SEC. 653. REPORT ON IMPACT OF PURCHASING FROM LOCAL DISTRIBUTORS ALL ALCOHOLIC BEVERAGES FOR RESALE ON MILITARY INSTALLATIONS ON GUAM.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the impact of reimposing the requirement, effective for fiscal year 2008 pursuant to section 8073 of the Department of Defense Appropriations Act, 2008 (division A of Public Law 110–116; 121 Stat. 1331) but not extended for fiscal year 2009, that all alcoholic beverages intended for resale on military installations on Guam be purchased from local sources.

(b) EVALUATION REQUIREMENTS.—As part of the report, the Comptroller General shall specifically evaluate the following:

(1) The rationale for and validity of the concerns of nonappropriated funds activities over the one-year imposition of the local-purchase requirement and the impact the requirement had on alcohol resale prices.

(2) The justification for the increase in the price of alcoholic beverages for resale on military installations on Guam.

(3) The actions of the nonappropriated fund activities in complying with the local purchase requirements for resale of alcoholic beverages and their purchase of such affected products before and after the effective date of provision of law referred to in subsection (a).

(4) The potential cost savings in transportation costs, including use of second destination transportation funds, accruing from the purchase of alcoholic beverages from local distributors on Guam.

(5) The ability of local distributors on Guam to meet demands for stocks of certain alcoholic beverages in the event that the local purchase requirement became permanent for Guam.

(6) The consistency in application of the alcohol resale requirement for nonappropriated fund activities on military installations with regards to Department of Defense Instruction 1330.09 (or any successor to that instruction) and the methods used to determine the resale price of alcoholic beverages.

Subtitle F—Other Matters

SEC. 661. LIMITATIONS ON COLLECTION OF OVERPAYMENTS OF PAY AND ALLOWANCES ERRONEOUSLY PAID TO MEMBERS.

(a) MAXIMUM MONTHLY PERCENTAGE OF MEMBER'S PAY AUTHORIZED FOR DEDUCTION.—Paragraph (3) of subsection (c) of section 1007 of title 37, United States Code, is amended by striking ''20 percent'' and inserting ''10 percent''.

(b) CONSULTATION REGARDING DEDUCTION OR REPAYMENT TERMS.—Such paragraph is further amended—

(1) by inserting ''(A)'' after ''(3)''; and

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

''(B) In all cases described in subparagraph (A), the Secretary concerned shall consult with the member regarding the repayment rate to be imposed under such subparagraph to recover the indebtedness, taking into account the financial ability of the member to pay and avoiding the imposition of an undue hardship on the member and the member's dependents.''.

(c) DELAY IN INSTITUTING COLLECTIONS FROM WOUNDED OR INJURED MEMBERS.—Paragraph (4) of such subsection is amended to read as follows:

''(4)(A) If a member of the uniformed services, while in the line of duty, is injured or wounded by hostile fire, explosion of a hostile mine, or any other hostile action, or otherwise incurs a wound, injury, or illness in a combat operation or combat zone designated by the President or the Secretary of Defense, any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member's pay until—

''(i) the member is notified of the overpayment; and

''(ii) the later of the following occurs:

''(I) The end of the 180-day period beginning on the date of the completion of the tour of duty of the member in the combat operation or combat zone.

''(II) The end of the 90-day period beginning on the date of the reassignment of the member from a military treatment facility or other medical unit outside of the theater of operations.

''(B) Subparagraph (A) shall not apply if the member, after receiving notification of the overpayment, requests or consents to initiation at an earlier date of the collection of the overpayment of the pay or allowances.''.

(d) FIVE-YEAR DEADLINE ON SEEKING REPAYMENT.—Such subsection is further amended by adding at the end the following new paragraph:

''(5) The Secretary concerned may not deduct from the pay of a member of the uniformed services or otherwise recover, seek to recover, or assist in the recovery from a member or former member any overpayment of pay or allowances made to the member through no fault of the member unless the Secretary notifies the member of the indebtedness before the end of the five-year period beginning on the date on which the overpayment was made. If the notice is not provided before the end of such period, the Secretary concerned shall cancel the indebtedness of the member to the United States.''.

(e) EXPANDED DISCRETION REGARDING REMISSION OR CANCELLATION OF INDEBTEDNESS.—

(1) ARMY.—Section 4837(a) of title 10, United States Code, is amended by striking '', but only if the Secretary considers such action to be in

the best interest of the United States.'' and inserting ''if the Secretary determines that the person—

''(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person's annual income; or

''(2) would suffer an undue hardship in repaying the indebtedness.''.

(2) NAVAL SERVICE.—Section 6161(a) of such title is amended by striking '', but only if the Secretary considers such action to be in the best interest of the United States.'' and inserting ''if the Secretary determines that the person—

''(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person's annual income; or

''(2) would suffer an undue hardship in repaying the indebtedness.''.

(3) AIR FORCE.—Section 9837(a) of such title is amended by striking '', but only if the Secretary considers such action to be in the best interest of the United States.'' and inserting ''if the Secretary determines that the person—

''(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person's annual income; or

''(2) would suffer an undue hardship in repaying the indebtedness.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to an overpayment of pay or allowances made to a member of the uniformed services after the date of the enactment of this Act.

SEC. 662. ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

(a) EXTENSION OF AUTHORITY.—Subsection (i) of section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3321) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2012''.

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (e) of such section is amended by inserting ''at the same time'' after ''provided''.

SEC. 663. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits authorized under this section are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS.—Not more than 40 days of benefits may be provided to a member or former member of the Armed Forces under this section.

(e) FORM OF PAYMENT.—The paid benefits authorized under this section may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SEC. 664. SENSE OF CONGRESS REGARDING SUPPORT FOR COMPENSATION, RETIREMENT, AND OTHER MILITARY PERSONNEL PROGRAMS.

It is the sense of Congress that members of the Armed Forces and their families and military retirees deserve ongoing recognition and support for their service and sacrifices on behalf of the United States, and Congress will continue to be vigilant in identifying appropriate direct spending offsets that can be used to address shortcoming within those military personnel programs that incur mandatory spending obligations.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Subtitle B—Reports

Subtitle A—Improvements to Health Benefits

SEC. 701. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) PROHIBITION.—The Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position on or after October 1, 2007.

(b) RESTORATION OF CERTAIN POSITIONS TO MILITARY POSITIONS.—In the case of any military medical or dental position that is converted to a civilian medical or dental position during the period beginning on October 1, 2004, and ending on September 30, 2008, if the position is not filled by a civilian by September 30, 2008, the Secretary of the military department concerned shall restore the position to a military medical or dental position that may be filled only by a member of the Armed Forces who is a health professional.

(c) DEFINITIONS.—In this section:

(1) The term ''military medical or dental position'' means a position for the performance of health care functions (or coded to work within a military treatment facility) within the Armed Forces held by a member of the Armed Forces.

(2) The term ''civilian medical or dental position'' means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term ''conversion'', with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).

(d) REPEAL.—Section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is repealed.

SEC. 702. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

(a) REQUIREMENT FOR CHIROPRACTIC CARE.—Subject to such regulations as the Secretary of Defense may prescribe, the Secretary shall provide chiropractic services for members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code. Such chiropractic services may be provided only by a doctor of chiropractic.

(b) DEMONSTRATION PROJECTS.—The Secretary of Defense may conduct one or more demonstration projects to provide chiropractic services to deployed members of the uniformed services. Such chiropractic services may be provided only by a doctor of chiropractic.

(c) DEFINITIONS.—In this section:

(1) The term ''chiropractic services''—

(A) includes diagnosis (including by diagnostic X-ray tests), evaluation and management, and therapeutic services for the treatment of a patient's health condition, including neuromusculoskeletal conditions and the subluxation complex, and such other services determined appropriate by the Secretary and as authorized under State law; and

(B) does not include the use of drugs or surgery.

(2) The term ''doctor of chiropractic'' means only a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Columbia, or a territory or possession of the United States.

SEC. 703. EXPANSION OF SURVIVOR ELIGIBILITY UNDER TRICARE DENTAL PROGRAM.

Paragraph (3) of section 1076a(k) of title 10, United States Code, is amended to read as follows:

''(3) Such term does not include a dependent by reason of paragraph (2) after the end of the three-year period beginning on the date of the member's death, except that, in the case of a dependent of the deceased who is described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continued eligibility shall be the longer of the following periods beginning on such date:

''(A) Three years.

''(B) The period ending on the date on which such dependent attains 21 years of age.

''(C) In the case of such dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of such dependent's support, the period ending on the earlier of the following dates:

''(i) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary.

''(ii) The date on which such dependent attains 23 years of age.''.

SEC. 704. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

''§ 1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

''(b) TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE STANDARD COVERAGE.—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE Standard coverage at age 60 under section 1086 of this title.

''(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under this section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

''(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

''(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all covered members of the reserve components covered under this section.

''(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

''(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

''(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

''(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'immediate family', with respect to a member of a reserve component, means all of the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

''(2) The term 'TRICARE Standard' means—

''(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

''(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076d the following new item:

''1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.''.

(c) EFFECTIVE DATE.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.

SEC. 705. COOPERATIVE HEALTH CARE AGREEMENTS BETWEEN MILITARY INSTALLATIONS AND NON-MILITARY HEALTH CARE SYSTEMS.

(a) AUTHORITY.—The Secretary of Defense may establish cooperative health care agreements between military installations and local or regional health care systems.

(b) REQUIREMENTS.—In establishing such agreements, the Secretary shall—

(1) consult with—

(A) the Secretaries of the military departments;

(B) representatives from the military installation selected for the agreement, including the TRICARE managed care support contractor with responsibility for such installation; and

(C) Federal, State, and local government officials;

(2) identify and analyze health care services available in the area in which the military installation is located, including such services available at a military medical treatment facility or in the private sector (or a combination thereof);

(3) determine the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector; and

(4) determine the opportunities for and barriers to coordinating and leveraging the use of existing health care resources, including such resources of Federal, State, local, and private entities.

(c) ANNUAL REPORTS.—Not later than December 31 of each year an agreement entered into under this section is in effect, the Secretary shall submit to the congressional defense committees a report on each such agreement. Each report shall include, at a minimum, the following:

(1) A description of the agreement.

(2) Any cost avoidance, savings, or increases as a result of the agreement.

(3) A recommendation for continuing or ending the agreement.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the provision of health care services at military medical treatment facilities or other facilities of the Department of Defense to individuals who are not otherwise entitled or eligible for such services under chapter 55 of title 10, United States Code.

SEC. 706. HEALTH CARE FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) IN GENERAL.—Subsection (d) of section 1074 of title 10, United States Code, is amended to read as follows:

''(d)(1) For the purposes of this chapter, a member of a reserve component of the armed forces who is issued or covered by a delayed-effective-date active-duty order or an official notification shall be treated as being on active duty for a period of more than 30 days beginning on the later of the following dates:

''(A) The earlier of the date that is—

''(i) the date of the issuance of such order; or

''(ii) the date of the issuance of such official notification.

''(B) The date that is 180 days before the date on which the period of active duty is to commence under such order or official notification for that member.

''(2) In this subsection:

''(A) The term 'delayed-effective-date active-duty order' means an order to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title that provides for active-duty service to begin under such order on a date after the date of the issuance of the order

''(B) The term 'official notification' means a memorandum from the Secretary concerned that notifies a unit or a member of a reserve component of the armed forces that such unit or member shall receive a delayed-effective-date active-duty order.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to a delayed-effective-date active-duty order or official notification issued on or after the date of the enactment of this Act.

SEC. 707. NATIONAL CASUALTY CARE RESEARCH CENTER.

(a) DESIGNATION.—Not later than October 1, 2010, the Secretary of Defense shall designate a center to be known as the ''National Casualty Care Research Center'' (in this section referred to as the ''Center''), which shall consist of the program known as combat casualty care of the Army Medical Research and Materiel Command.

(b) DIRECTOR.—The Secretary shall appoint a director of the Center.

(c) ACTIVITIES OF THE CENTER.—In addition to other functions performed by the combat casualty care program, the Center shall—

(1) provide a public-private partnership for funding clinical trials and clinical research in combat injury;

(2) integrate basic and clinical research from both military and civilian populations to accelerate improvements to trauma care;

(3) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Data Bank, are optimally used to establish research strategies and measure improvements in outcomes;

(4) fund the full range of injury research and evaluation, including—

(A) basic, translational, and clinical research;

(B) point of injury and pre-hospital care;

(C) early resuscitative management;

(D) initial and definitive surgical care; and

(E) rehabilitation and reintegration into society; and

(5) coordinate the collaboration of military and civilian institutions conducting trauma research.

(d) AUTHORIZATION.—In addition to any other funds authorized to be appropriated for the combat casualty care program of the Army Medical Research and Materiel Command, there is hereby authorized to be appropriated to the Secretary $1,000,000 for fiscal year 2010 for the purpose of carrying out activities under this section.

Subtitle B—Reports

SEC. 711. REPORT ON POST-TRAUMATIC STRESS DISORDER EFFORTS.

(a) REPORT REQUIRED.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees a report on the treatment of post-traumatic stress disorder. The report shall include the following:

(1) A list of each program and method available for the prevention, screening, diagnosis, treatment, or rehabilitation of post-traumatic stress disorder, including—

(A) the rates of success for each such program or method (including an operational definition of the term ''success'' and a discussion of the process used to quantify such rates);

(B) the number of members of the Armed Forces and veterans diagnosed by the Department of Defense or the Department of Veterans Affairs as having post-traumatic stress disorder and the number of such veterans who have been successfully treated; and

(C) any collaborative efforts between the Department of Defense and the Department of Veterans Affairs to prevent, screen, diagnose, treat, or rehabilitate post-traumatic stress disorder.

(2) The status of studies and clinical trials involving innovative treatments of post-traumatic stress disorder that are conducted by the Department of Defense, the Department of Veterans Affairs, or the private sector, including—

(A) efforts to identify physiological markers of post-traumatic stress disorder;

(B) with respect to efforts to determine causation of post-traumatic stress disorder, brain imaging studies and the correlation between brain region atrophy and post-traumatic stress disorder diagnoses and the results (including any interim results) of such efforts;

(C) the effectiveness of administering pharmaceutical agents before, during, or after a traumatic event in the prevention and treatment of post-traumatic stress disorder; and

(D) identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(3) A description of each treatment program for post-traumatic stress disorder, including a comparison of the methods of treatment by each program, at the following locations:

(A) Fort Hood, Texas.

(B) Fort Bliss, Texas.

(C) Fort Campbell, Tennessee.

(D) Other locations the Secretary of Defense considers appropriate.

(4) The respective annual expenditure by the Department of Defense and the Department of Veterans Affairs for the treatment and rehabilitation of post-traumatic stress disorder.

(5) A description of gender-specific and racial and ethnic group-specific mental health treatment and services available for members of the Armed Forces, including—

(A) the availability of such treatment and services;

(B) the access to such treatment and services;

(C) the need for such treatment and services; and

(D) the efficacy and adequacy of such treatment and services.

(6) A description of areas for expanded future research with respect to post-traumatic stress disorder.

(7) Any other matters the Secretaries consider relevant.

(b) UPDATED REPORT REQUIRED.—Not later than December 31, 2012, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees an update of the report required by subsection (a).

(c) APPROPRIATE COMMITTEES DEFINED.—In this section, the term ''appropriate committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 712. REPORT ON THE FEASIBILITY OF TRICARE PRIME IN CERTAIN COMMONWEALTHS AND TERRITORIES OF THE UNITED STATES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study examining the feasibility and cost-effectiveness of offering TRICARE Prime in each of the following locations:

(1) American Samoa.

(2) Guam.

(3) The Commonwealth of the Northern Mariana Islands.

(4) The Commonwealth of Puerto Rico.

(5) The Virgin Islands.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study.

(c) TRICARE PRIME DEFINED.—In this section, the term ''TRICARE Prime'' has the meaning given that term in section 1097a(f)(1) of title 10, United States Code.

SEC. 713. REPORT ON THE HEALTH CARE NEEDS OF MILITARY FAMILY MEMBERS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the health care needs of dependents (as defined in section 1072(2) of title 10, United States Code). The report shall include, at a minimum, the following:

(1) With respect to both the direct care system and the purchased care system, an analysis of the type of health care facility in which dependents seek care.

(2) The 10 most common medical conditions for which dependents seek care.

(3) The availability of and access to health care providers to treat the conditions identified under paragraph (2), both in the direct care system and the purchased care system.

(4) Any shortfalls in the ability of dependents to obtain required health care services.

(5) Recommendations on how to improve access to care for dependents.

(b) PILOT PROGRAM.—

(1) ELEMENTS.—The Secretary of the Army shall carry out a pilot program on the mental health care needs of military children and adolescents. In carrying out the pilot program, the Secretary shall establish a center to—

(A) develop teams to train primary care managers in mental health evaluations and treatment of common psychiatric disorders affecting children and adolescents;

(B) develop strategies to reduce barriers to accessing behavioral health services and encourage better use of the programs and services by children and adolescents; and

(C) expand the evaluation of mental heath care using common indicators, including—

(i) psychiatric hospitalization rates;

(ii) non-psychiatric hospitalization rates; and

(iii) mental health relative value units.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than 90 days after establishing the pilot program, the Secretary of the Army shall submit to the congressional defense committees a report describing the—

(i) structure and mission of the program; and

(ii) the resources allocated to the program.

(B) FINAL REPORT.—Not later than September 30, 2012, the Secretary of the Army shall submit to the congressional defense committees a report that addresses the elements described under paragraph (1).

SEC. 714. REPORT ON STIPENDS FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on stipends paid under section 704 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188; 10 U.S.C. 1076 note). The report shall include—

(1) the number of stipends paid;

(2) the amount of the average stipend; and

(3) the number of members who received such stipends.

SEC. 715. REPORT ON THE REQUIRED NUMBER OF MILITARY MENTAL HEALTH PROVIDERS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the appropriate number of military mental health providers required to meet the mental health care needs of members of the Armed Forces, retired members, and dependents. The report shall include, at a minimum, the following:

(1) An evaluation of the recommendation titled ''Ensure an Adequate Supply of Uniformed Providers'' made by the Department of Defense Task Force on Mental Health established by section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348).

(2) The criteria and models used to determine the appropriate number of military mental health providers.

(3) A plan for how the Secretary of Defense will achieve the appropriate number of military mental health providers, including timelines, budgets, and any additional legislative authority the Secretary determines is required for such plan.

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

Subtitle A—Acquisition Policy and Management

SEC. 801. TEMPORARY AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN; REPORT.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military or stability operations in Afghanistan for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from one or more countries along a major route of supply to Afghanistan; or

(2) a preference is provided for products or services that are from one or more countries along a major route of supply to Afghanistan.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by personnel that ship goods, or provide support for shipping goods, for military forces, police, or other security personnel of Afghanistan, or for military or civilian personnel of the United States, United States allies, or Coalition partners operating in military or stability operations in Afghanistan;

(2) it is in the national security interest of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(A) to reduce overall United States transportation costs and risks in shipping goods in support of military or stability operations in Afghanistan;

(B) to encourage countries along a major route of supply to Afghanistan to cooperate in expanding supply routes through their territory in support of military or stability operations in Afghanistan; or

(C) to help develop more robust and enduring routes of supply to Afghanistan; and

(3) limiting competition or providing a preference as described in subsection (a) will not adversely affect—

(A) military or stability operations in Afghanistan; or

(B) the United States industrial base.

(c) PRODUCTS, SERVICES, AND SOURCES FROM A COUNTRY ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.—For the purposes of this section:

(1) A product is from a country along a major route of supply to Afghanistan if it is mined, produced, or manufactured in a covered country.

(2) A service is from a country along a major route of supply to Afghanistan if it is performed in a covered country by citizens or permanent resident aliens of a covered country.

(3) A source is from a country along a major route of supply to Afghanistan if it—

(A) is located in a covered country; and

(B) offers products or services that are from a covered country.

(d) COVERED COUNTRY DEFINED.—In this section, the term ''covered country'' means Georgia, Kyrgyzstan, Pakistan, Armenia, Azerbaijan, Kazakhstan, Tajikistan, Uzbekistan, or Turkmenistan.

(e) CONSTRUCTION WITH OTHER AUTHORITY.—The authority provided in subsection (a) is in addition to the authority set forth in section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266; 10 U.S.C. 2302 note).

(f) TERMINATION OF AUTHORITY.—The Secretary of Defense may not exercise the authority provided in subsection (a) on and after the date occurring 18 months after the date of the enactment of this Act.

(g) REPORT ON AUTHORITY.—Not later than April 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided in subsection (a). The report shall address, at a minimum, following:

(1) The number of determinations made by the Secretary pursuant to subsection (b).

(2) A description of the products and services acquired using the authority.

(3) The extent to which the use of the authority has met the objectives of subparagraph (A), (B), or (C) of subsection (b)(2).

(4) A list of the countries providing products or services as a result of a determination made pursuant to subsection (b).

(5) Any recommended modifications to the authority.

SEC. 802. ASSESSMENT OF IMPROVEMENTS IN SERVICE CONTRACTING.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide for an independent assessment of improvements in the procurement and oversight of services by the Department of Defense. The assessment shall be conducted by a federally funded research and development center selected by the Under Secretary.

(b) MATTERS COVERED.—The assessment required by subsection (a) shall include the following:

(1) An assessment of the quality and completeness of guidance relating to the procurement of services, including implementation of statutory and regulatory authorities and requirements.

(2) A determination of the extent to which best practices are being developed for setting requirements and developing statements of work.

(3) A determination of whether effective standards to measure performance have been developed.

(4) An assessment of the effectiveness of peer reviews within the Department of Defense of contracts for services and whether such reviews are being conducted at the appropriate dollar threshold.

(5) An assessment of the management structure for the procurement of services, including how the military departments and Defense Agencies have implemented section 2330 of title 10, United States Code.

(6) A determination of whether the performance savings goals required by section 802 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2330 note) are being achieved.

(7) An assessment of the effectiveness of the Acquisition Center of Excellence for Services established pursuant to section 1431(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 117 Stat. 1671; 41 U.S.C. 405 note) and the feasibility of creating similar centers of excellence in the military departments.

(8) An assessment of the quality and sufficiency of the acquisition workforce for the procurement and oversight of services.

(9) Such other related matters as the Under Secretary considers appropriate.

(c) REPORT.—Not later than March 10, 2010, the Under Secretary shall submit to the congressional defense committees a report on the results of the assessment, including such comments and recommendations as the Under Secretary considers appropriate.

SEC. 803. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR PROCUREMENT OF CONTRACT SERVICES AND RELATED CLARIFYING TECHNICAL AMENDMENTS.

(a) CODIFICATION OF REQUIREMENT FOR SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES.—

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

''§ 235. Procurement of contract services: specification of amounts requested in budget

''(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to the President, as a part of the defense budget materials for a fiscal year, information described in subsection (b) with respect to the procurement of contract services.

''(b) INFORMATION PROVIDED.—For each budget account, the materials submitted shall clearly and separately identify—

''(1) the amount requested for the procurement of contract services for each Department of Defense component, installation, or activity;

''(2) the amount requested for each type of service to be provided; and

''(3) the number of full-time contractor employees (or the equivalent of full-time in the case of part-time contractor employees) projected and justified for each Department of Defense component, installation, or activity based on the inventory of contracts for services required by subsection (c) of section 2330a of this title and the review required by subsection (e) of such section.

''(c) DEFINITIONS.—In this section:

''(1) The term 'contract services'—

''(A) means services from contractors; but

''(B) excludes services relating to research and development and services relating to military construction.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to the President by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.''.

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

''235. Procurement of contract services: specification of amounts requested in budget''.

(3) REPEAL OF SUPERSEDED PROVISION.—Section 806 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 221 note) is repealed.

(b) CLARIFICATION OF CONTRACT SERVICES REVIEW AND PLANNING REQUIREMENTS.—Section 2330a(e) of title 10, United States Code, is amended in paragraph (4) by inserting after ''plan'' the following: ''and a contracts services requirements approval process''.

SEC. 804. DEMONSTRATION AUTHORITY FOR ALTERNATIVE ACQUISITION PROCESS FOR DEFENSE INFORMATION TECHNOLOGY PROGRAMS.

(a) AUTHORITY.—The Secretary of Defense may designate up to 10 information technology programs annually to be included in a demonstration of an alternative acquisition process for rapidly acquiring information technology capabilities. In designating the programs, the Secretary may select any information technology program in any of the military departments or Defense Agencies that has received milestone A approval, but has not yet received milestone B approval.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a), including a process for measuring the effectiveness of the alternative acquisition process to be demonstrated. The Secretary of Defense shall notify the congressional defense committees of those procedures before any exercise of that authority.

(c) REQUIREMENT TO PAY FULL COST IN YEAR OF DELIVERY.—No contract to acquire an information technology system may be entered into using the authority under subsection (a) unless the funds for the full cost of such system are obligated or expended in the fiscal year of delivery of the system.

(d) ANNUAL REPORT.—By March 1 of each year, beginning March 1, 2010, and ending March 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a report on the activities carried out under the authority under subsection (a) during the preceding year. Each report shall include, at a minimum, the following:

(1) A description of each information technology program in the demonstration, including goals, funding, and military department or Defense Agency sponsors.

(2) A description of the methods for measuring the effectiveness of the alternative acquisition process for each information technology program in the demonstration.

(3) Identification of any significant systemic or process issues impeding the effectiveness of the alternative acquisition process.

(e) PERIOD OF AUTHORITY.—The authority under subsection (a) shall be in effect during each of fiscal years 2010 through 2015.

SEC. 805. LIMITATION ON PERFORMANCE OF PRODUCT SUPPORT INTEGRATOR FUNCTIONS.

(a) LIMITATION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§2410r. Contractor sustainment support arrangements: limitation on product support integrator functions

''(a) LIMITATION.—A product support integrator function for a covered major system may be performed only by a member of the armed forces or an employee of the Department of Defense.

''(b) DEFINITIONS.—In this section:

''(1) The term 'product support integrator function' means the function of integrating all sources of support for a major system, both public and private, and includes the integration of sustainment support arrangements at the level of the program office responsible for sustainment of such system.

''(2) The term 'covered major system' means a major system for which a sustainment support arrangement is employed.

''(3) The term 'sustainment support arrangement' means a contract, task order, or other contractual arrangement for the integration of sustainment or logistics support such as materiel management, configuration management, data management, supply, distribution, repair, overhaul, product improvement, calibration, maintenance, readiness, reliability, availability, mean down time, customer wait time, foot print reduction, reduced ownership costs and other tasks normally performed as part of the logistics support required for a major system. The term includes any of the following arrangements:

''(A) Contractor performance-based logistics.

''(B) Contractor sustainment support.

''(C) Contractor logistics support.

''(D) Contractor life cycle product support.

''(E) Contractor weapons system product support.

''(3) The term 'major system' means that combination of elements that will function together to produce the capabilities required to fulfill a mission need as defined in section 2302(d) this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2410q the following new item:

''2410r. Contractor sustainment support arrangements: limitation on product support integrator functions.''.

(b) EFFECTIVE DATE.—Section 2410r of title 10, United States Code, as added by subsection (a), shall apply to contracts entered into after September 30, 2010.

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

SEC. 811. REVISION OF DEFENSE SUPPLEMENT RELATING TO PAYMENT OF COSTS PRIOR TO DEFINITIZATION.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to require that, if a clause relating to payment of costs prior to definitization of costs is included in a contract of the Department of Defense, the clause shall apply—

(1) to the contract regardless of the type of contract; and

(2) to each contractual action pursuant to the contract.

(b) CONTRACTUAL ACTION.—In this section, the term ''contractual action'' includes a task order or delivery order.

SEC. 812. REVISIONS TO DEFINITIONS RELATING TO CONTRACTS IN IRAQ AND AFGHANISTAN.

(a) REVISIONS TO DEFINITION OF CONTRACT IN IRAQ OR AFGHANISTAN.—Section 864(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 258; 10 U.S.C. 2302 note) is amended—

(1) by striking ''or a task order or delivery order at any tier issued under such a contract'' and inserting ''a task order or delivery order at any tier issued under such a contract, a grant, or a cooperative agreement'';

(2) by striking in the parenthetical ''or task order or delivery order'' and inserting ''task order, delivery order, grant, or cooperative agreement'';

(3) by striking ''or task or delivery order'' after the parenthetical and inserting ''task order, delivery order, grant, or cooperative agreement''; and

(4) by striking ''14 days'' and inserting ''30 days''.

(b) REVISION TO DEFINITION OF COVERED CONTRACT.—Section 864(a)(3) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period and inserting a semicolon at the end of subparagraph (C); and

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

''(D) a grant for the performance of services in an area of combat operations, as designated by the Secretary of Defense under subsection (c) of section 862; or

''(E) a cooperative agreement for the performance of services in such an area of combat operations.''.

(c) REVISION TO DEFINITION OF CONTRACTOR.—Paragraph (4) of section 864(a) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended to read as follows:

''(4) CONTRACTOR.—The term 'contractor', with respect to a covered contract, means—

''(A) in the case of a covered contract that is a contract, subcontract, task order, or delivery order, the contractor or subcontractor carrying out the covered contract;

''(B) in the case of a covered contract that is a grant, the grantee; and

''(C) in the case of a covered contract that is a cooperative agreement, the recipient.''.

(d) REVISION IN VALUE OF CONTRACTS COVERED BY CERTAIN REPORT.—Section 1248(c)(1)(B) of such Act (Public Law 110–181; 122 Stat. 400) is amended by striking ''$25,000'' and inserting ''$100,000''.

SEC. 813. AMENDMENT TO NOTIFICATION REQUIREMENTS FOR AWARDS OF SINGLE SOURCE TASK OR DELIVERY ORDERS.

(a) CONGRESSIONAL DEFENSE COMMITTEES.—Subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, is amended to read as follows:

''(B) The head of the agency shall notify the congressional defense committees within 30 days after any determination under clause (i), (ii), (iii), or (iv) of subparagraph (A).''.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES.—Any notification provided under subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, as amended by subsection (a), shall also be provided to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate if the source of funds for the task or delivery order contract concerned is the National Intelligence Program or the Military Intelligence Program.

SEC. 814. CLARIFICATION OF UNIFORM SUSPENSION AND DEBARMENT REQUIREMENT.

Section 2455(a) of the Federal Acquisition Streamlining Act of 1994 (31 U.S.C. 6101 note) is amended by inserting ''at any level, including subcontracts at any tier,'' in the second sentence after ''any procurement or nonprocurement activity''.

SEC. 815. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.

Section 4202 of the Clinger–Cohen Act of 1996 (Division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) as amended by section 822 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 226) is amended in subsection (e) by striking ''2010'' and inserting ''2012''.

SEC. 816. REVISION TO DEFINITIONS OF MAJOR DEFENSE ACQUISITION PROGRAM AND MAJOR AUTOMATED INFORMATION SYSTEM.

(a) MAJOR DEFENSE ACQUISITION PROGRAM.—Section 2430 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) In the case of a Department of Defense acquisition program that, by reason of paragraph (2) of section 2445a(a) of this title, is a major automated information system program under chapter 144A of this title and that, by reason of paragraph (2) of subsection (a), is a major defense acquisition program under this

chapter, the Secretary of Defense may designate that program to be treated only as a major automated information system program or to be treated only as a major defense acquisition program.''.

(b) MAJOR AUTOMATED INFORMATION SYSTEM.—Section 2445a(a) of such title is amended by inserting ''that is not a highly sensitive classified program (as determined by the Secretary of Defense)'' after ''(either as a product or service)''.

SEC. 817. SMALL ARMS PRODUCTION INDUSTRIAL BASE.

Section 2473 of title 10, United States Code, is amended—

(1) by amending subsection (c) to read as follows:

''(c) SMALL ARMS PRODUCTION INDUSTRIAL BASE.—In this section, the term 'small arms production industrial base' means the persons and organizations that are engaged in the production or maintenance of small arms within the United States.''; and

(2) in subsection (d), by adding at the end the following new paragraph:

''(6) Pistols.''.

SEC. 818. PUBLICATION OF JUSTIFICATION FOR BUNDLING OF CONTRACTS OF THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT TO PUBLISH JUSTIFICATION FOR BUNDLING.—A contracting officer of the Department of Defense carrying out a covered acquisition shall publish the justification required by paragraph (f) of subpart 7.107 of the Federal Acquisition Regulation on the website known as FedBizOpps.gov (or any successor site) 30 days prior to the release of a solicitation for such acquisition.

(b) COVERED ACQUISITION DEFINED.—In this section, the term ''covered acquisition'' means an acquisition that is—

(1) funded entirely using funds of the Department of Defense; and

(2) covered by subpart 7.107 of the Federal Acquisition Regulation (relating to acquisitions involving bundling).

(c) CONSTRUCTION.—(1) Nothing in this section shall be construed to alter the responsibility of a contracting officer to provide the justification referred to in subsection (a) with respect to a covered acquisition, or otherwise provide notification, to any party concerning such acquisition under any other requirement of law or regulation.

(2) Nothing in this section shall be construed to require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code, or is otherwise restricted from public disclosure by law or executive order.

(3) Nothing in this section shall be construed to require a contracting officer to delay the issuance of a solicitation in order to meet the requirements of subsection (a) if the expedited issuance of such solicitation is otherwise authorized under any other requirement of law or regulation.

SEC. 819. CONTRACT AUTHORITY FOR ADVANCED COMPONENT DEVELOPMENT OR PROTOTYPE UNITS.

(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a general solicitation referred to in section 2302(2)(B) of title 10, United States Code, may contain a contract option for—

(1) the provision of advanced component development and prototype of technology developed in the initial underlying contract; or

(2) the delivery of initial or additional prototype items if the item or a prototype thereof is created as the result of work performed under the initial competed research contract.

(b) DELIVERY.—A contract option as described in subsection (a)(2) shall require the delivery of the minimal amount of initial or additional prototype items to allow for the timely competitive solicitation and award of a follow-on development or production contract for those items. Such contract option may have a value only up to three times the value of the base contract ceiling and any subsequent development or procurement must be subject to the terms of section 2304 of title 10, United States Code.

(c) TERM.—A contract option as described in subsection (a)(1) shall be for a term of not more than 12 months.

(d) USE OF AUTHORITY.—Each military department may use the authority provided in subsection (a) to exercise a contract option described in that subsection up to four times a year, and the Secretary of Defense may approve up to an additional four total options a year for projects supported by agencies of the Department of Defense, until September 30, 2014.

(e) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by subsection (a) not later than March 1, 2014. The report shall, at a minimum, describe—

(1) the number of times the contract options were exercised under such authority and the scope of each such option;

(2) the circumstances that rendered the military department or defense agency unable to solicit and award a follow-on development or production contract in a timely fashion, but for the use of such authority;

(3) the extent to which such authority increased competition and improved technology transition; and

(4) any recommendations regarding the modification or extension of such authority.

Subtitle C—Other Matters

SEC. 821. ENHANCED EXPEDITED HIRING AUTHORITY FOR DEFENSE ACQUISITION WORKFORCE POSITIONS.

(a) IN GENERAL.—Section 1705(h)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''acquisition positions within the Department of Defense as shortage category positions'' and inserting ''acquisition workforce positions as positions for which there exists a shortage of candidates or there is a critical hiring need''; and

(2) in subparagraph (B), by striking ''highly''.

(b) TECHNICAL AMENDMENT.—Such section is further amended by striking ''United States Code,'' in the matter preceding subparagraph (A).

SEC. 822. ACQUISITION WORKFORCE DEVELOPMENT FUND AMENDMENTS.

(a) REVISIONS TO CREDITS TO FUND.—

(1) REMITTANCE BY FISCAL YEAR INSTEAD OF QUARTER.—Subparagraph (B) of section 1705(d)(2) of title 10, United States Code, is amended—

(A) in the first sentence, by striking ''the third fiscal year quarter'' and all that follows through ''thereafter'' and inserting ''each fiscal year''; and

(B) by striking ''quarter'' before ''for services''.

(2) AUTHORITY TO SUSPEND REMITTANCE REQUIREMENT.—Section 1705(d)(2) of such title is further amended by adding at the end the following new subparagraph:

''(E) The Secretary of Defense may suspend the requirement to remit amounts under subparagraph (B), or reduce the amount required to be remitted under that subparagraph, for fiscal year 2010 or any subsequent fiscal year for which amounts appropriated to the Fund are in excess of the amount specified for that fiscal year in subparagraph (D).''.

(b) REVISION TO EMPLOYEES COVERED BY PROHIBITION OF PAYMENT OF BASE SALARY.—Paragraph (5) of section 1705(e) of such title is amended by striking ''who was an employee of the Department as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' and inserting ''who, as of January 28, 2008, was an employee of the Department serving in a position in the acquisition workforce''.

(c) TECHNICAL AMENDMENTS.—Section 1705 of such title is further amended—

(1) in subsection (a), by inserting ''Development'' after ''Workforce''; and

(2) in subsection (f), by striking ''beginning with fiscal year 2008'' in the matter preceding paragraph (1).

SEC. 823. REPORTS TO CONGRESS ON FULL DEPLOYMENT DECISIONS FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) IMPLEMENTATION SCHEDULE.—Section 2445b(b)(2) of title 10, United States Code, is amended by striking '', initial operational capability, and full operational capability'' and inserting ''and full deployment decision''.

(b) CRITICAL CHANGES IN PROGRAM.—Section 2445c(d)(2)(A) of such title is amended by striking ''initial operational capability'' and inserting ''a full deployment decision''.

SEC. 824. REQUIREMENT FOR SECRETARY OF DEFENSE TO DENY AWARD AND INCENTIVE FEES TO COMPANIES FOUND TO JEOPARDIZE HEALTH OR SAFETY OF GOVERNMENT PERSONNEL.

(a) REQUIREMENT TO DENY AWARD AND INCENTIVE FEES.—

(1) PRIME CONTRACTORS.—The Secretary of Defense shall prohibit the payment of award and incentive fees to any defense contractor—

(A) that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of a covered contract to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel; or

(B) that awarded a subcontract under a covered contract to a subcontractor that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of the subcontract to have caused serious injury or death to any civilian or military personnel of the Government, through gross negligence or with reckless disregard for the safety of such personnel, but only to the extent that the defense contractor has been determined (through such a proceeding that results in such a disposition) that the defense contractor is also liable for such actions of the subcontractor.

(2) SUBCONTRACTORS.—The Secretary of Defense shall prohibit the payment of award and incentive fees to any subcontractor under a covered contract that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of a covered contract to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel.

(b) DETERMINATION OF DEBARMENT.—Not later than 90 days after a determination pursuant to subsection (a)(1) has been made, the Secretary shall determine whether the defense contractor should be debarred from contracting with the Department of Defense.

(c) LIST OF DISPOSITIONS IN CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDINGS.—For purposes of subsection (a), the dispositions listed in this subsection are as follows:

(1) In a criminal proceeding, a conviction.

(2) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(3) In an administrative proceeding, a finding of fault and liability that results in—

(A) the payment of a monetary fine or penalty of $5,000 or more; or

(B) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(4) To the maximum extent practicable and consistent with applicable laws and regulations, in a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the person if the proceeding could have led to

any of the outcomes specified in paragraph (1), (2), or (3).

(d) WAIVER.—The prohibition required by subsection (a) may be waived by the Secretary of Defense on a case-by-case basis if the Secretary finds that the prohibition would jeopardize national security. The Secretary shall notify the congressional defense committees of any exercise of the waiver authority under this subsection.

(e) DEFINITIONS.—In this section:

(1) The term ''defense contractor'' means a company awarded a covered contract.

(2) The term ''covered contract'' means a contract awarded by the Department of Defense for the procurement of goods or services.

(3) The term ''serious bodily injury'' means a grievous physical harm that results in a permanent disability.

(f) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the prohibition required by subsection (a) and shall establish in such regulations—

(1) that the prohibition applies only to award and incentive fees under the covered contract concerned;

(2) the extent of the award and incentive fees covered by the prohibition, but shall include, at a minimum, all award and incentive fees associated with the performance of the covered contract in the year in which the serious bodily injury or death resulting in a disposition listed in subsection (c) occurred; and

(3) mechanisms for recovery by or repayment to the Government of award and incentive fees paid to a contractor or subcontractor under a covered contract prior to the determination.

(g) EFFECTIVE DATE.—The prohibition required by subsection (a) shall apply to covered contracts awarded on or after the date occurring 180 days after the date of the enactment of this Act.

SEC. 825. AUTHORIZATION FOR ACTIONS TO CORRECT THE INDUSTRIAL RESOURCE SHORTFALL FOR HIGH-PURITY BERYLLIUM METAL IN AMOUNTS NOT IN EXCESS OF $85,000,000.

With respect to actions by the President under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) to correct the industrial resource shortfall for high-purity beryllium metal, the limitation in subsection (a)(6)(C) of such section shall be applied by substituting ''$85,000,000'' for ''$50,000,000''.

SEC. 826. REVIEW OF POST EMPLOYMENT RESTRICTIONS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) REVIEW REQUIRED.—The Panel on Contracting Integrity, established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), shall review policies relating to post-employment restrictions on former Department of Defense personnel to determine whether such policies adequately protect the public interest, without unreasonably limiting future employment options for former Department of Defense personnel.

(b) MATTERS CONSIDERED.—In performing the review required by subsection (a), the Panel shall consider the extent to which current post-employment restrictions—

(1) appropriately protect the public interest by preventing personal conflicts of interests and preventing former Department of Defense officials from exercising undue or inappropriate influence on the Department of Defense;

(2) appropriately require disclosure of personnel accepting employment with contractors of the Department of Defense involving matters related to their official duties;

(3) use appropriate thresholds, in terms of salary or duties, for the establishment of such restrictions;

(4) are sufficiently straightforward and have been explained to personnel of the Department of Defense so that such personnel are able to avoid potential violations of post-employment restriction and conflicts of interest in interactions with former personnel of the Department;

(5) adequately address personnel performing duties in acquisition-related activities that are not covered by current restrictions relating to private sector employment following employment with the Department of Defense and procurement integrity, such as personnel involved in—

(A) the establishment of requirements;

(B) testing and evaluation; and

(C) the development of doctrine;

(6) ensure that the Department of Defense has access to world-class talent, especially with respect to highly qualified technical, engineering, and acquisition expertise; and

(7) ensure that service in the Department of Defense remains an attractive career option.

(c) COMPLETION OF THE REVIEW.—The Panel shall complete the review required by subsection (a) not later than one year after the date of the enactment of this Act.

(d) REPORT TO COMMITTEES ON ARMED SERVICES.—Not later than 30 days after the completion of the review, the Panel shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the review and the recommendations of the Panel to the Secretary of Defense, including recommended legislative or regulatory changes, resulting from the review.

(e) NATIONAL ACADEMY OF PUBLIC ADMINISTRATION ASSESSMENT.—

(1) Not later than 30 days after the completion of the review, the Secretary of Defense shall enter into an arrangement with the National Academy of Public Administration to assess the findings and recommendations of the review.

(2) Not later than 210 days after the completion of the review, the National Academy of Public Administration shall provide its assessment of the review to the Secretary, along with such additional recommendations as the National Academy may have.

(3) Not later than 30 days after receiving the assessment, the Secretary shall provide the assessment, along with such comments as the Secretary considers appropriate, to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 827. REQUIREMENT TO BUY MILITARY DECORATIONS, RIBBONS, BADGES, MEDALS, INSIGNIA, AND OTHER UNIFORM ACCOUTERMENTS PRODUCED IN THE UNITED STATES.

(a) REQUIREMENT.—Subchapter III of chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions

''(a) BUY-AMERICAN REQUIREMENT.—A military exchange store or other nonappropriated fund instrumentality of the Department of Defense may not purchase for resale any military decorations, ribbons, badges, medals, insignia, and other uniform accouterments that are not produced in the United States. Competitive procedures shall be used in selecting the United States producer of the decorations.

''(b) HERALDIC QUALITY CONTROL.—No certificate of authority (contained in part 507 of title 32, Code of Federal Regulations) for the manufacture and sale of any item reference in subsection (a) by the Institute of Heraldry, the Navy Clothing and Textile Research Facility, or the Marine Corps Combat Equipment and Support Systems for quality control and specifications purposes shall be permitted unless these items are from domestic material manufactured in the United States.

''(c) EXCEPTION.—Subsections (a) and (b) do not apply to the extent that the Secretary of Defense determines that a satisfactory quality and sufficient quantity of an item covered by subsection (a) and produced in the United States cannot be procured at a reasonable cost.

''(d) UNITED STATES DEFINED.—In this section, the term 'United States' includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.''.

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

''2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions.''.

(c) CONFORMING AMENDMENT.—Section 2533a(b)(1) of such title is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

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

''(F) military decorations, ribbons, badges, medals, insignia, and other uniform accouterments.''.

SEC. 828. FINDINGS AND REPORT ON THE USAGE OF RARE EARTH MATERIALS IN THE DEFENSE SUPPLY CHAIN.

(a) FINDINGS.—Regarding the availability of rare earth materials and components containing rare earth materials in the defense supply chain Congress finds—

(1) it is necessary, to the maximum extent practicable, to ensure the uninterrupted supply of strategic materials critical to national security, including rare earth materials and other items covered under section 2533b of title 10, United States Code, to support the defense supply-chain, particularly when many of those materials are supplied by primary producers in unreliable foreign nations;

(2) many less common metals, including rare earths and thorium, are critical to modern technologies, including numerous defense critical technologies and these technologies cannot be built without the use of these metals and materials produced from them and therefore could qualify as strategic materials, critical to national security, in which case the Strategic Materials Protection Board should recommend a strategy to the President to ensure the domestic availability of these materials; and

(3) there is a need to identify the strategic value placed on rare earth materials by foreign nations (including China), and the Department of Defense's supply-chain vulnerability related to rare earths and end items containing rare earths.

(b) REPORT REQUIRED.—Not later than April 1, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the usage of rare earth materials in the supply chain of the Department of Defense.

(c) OBJECTIVES OF REPORT.—The objectives of the report required by subsection (b) shall be to determine the availability of rare earth materials, including ores, semi-finished rare earth products, components containing rare-earth materials, and other uses of rare earths by the Department of Defense in its weapon systems. The following items shall be considered:

(1) An analysis of past procurements and attempted procurements by foreign governments or government- controlled entities, including mines and mineral rights, of rare-earth resources outside such nation's territorial boundaries.

(2) An analysis of the worldwide availability of rare earths, such as samarium, neodymium, thorium and lanthanum, including current and potential domestic sources for use in defense systems, including a projected analysis of projected availability of these materials in the export market.

(3) A determination as to which defense systems are currently dependent on rare earths

supplied by nondomestic sources, particularly neodymium iron boron magnets.

(d) RARE EARTH DEFINED.—In this section, the term ''rare earth'' means the chemical elements, all metals, beginning with lanthanum, atomic number 57, and including all of the natural chemical elements in the periodic table following lanthanum up to and including lutetium, element number 71. The term also includes the elements yttrium and scandium.

SEC. 829. FURNITURE STANDARDS.

All Department of Defense purchases of furniture in the United States and its territories made from Department of Defense funds, including under design-build contracts, must meet the same quality standards as specified by the General Services Administration schedule program and the Department of Defense.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. ROLE OF COMMANDER OF SPECIAL OPERATIONS COMMAND REGARDING PERSONNEL MANAGEMENT POLICY AND PLANS AFFECTING SPECIAL OPERATIONS FORCES.

Section 167(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking subparagraph (J); and

(2) inserting at the end the following new paragraph:

''(5)(A) The Secretaries of the military departments shall coordinate with the commander of the special operations command regarding personnel management policy and plans as such policy and plans relate to the following:

''(i) Accessions, assignments, and command selection for special operations forces.

''(ii) Compensation, promotions, retention, professional development, and training of members of special operations forces.

''(iii) Readiness as it relates to manning guidance and priority of fill for units of the special operations forces.

''(B) The coordination required by subparagraph (A) shall be conducted in such a manner so as not to interfere with the authorities of the Secretary concerned regarding personnel management policy and plans.''.

SEC. 902. SPECIAL OPERATIONS ACTIVITIES.

Section 167(j) of title 10, United States Code, is amended by striking paragraphs (1) through (10) and inserting the following new paragraphs:

''(1) Special reconnaissance.
''(2) Unconventional warfare.
''(3) Foreign internal defense.
''(4) Civil affairs operations.
''(5) Counterterrorism.
''(6) Psychological operations.
''(7) Information operations.
''(8) Counter proliferation of weapons of mass destruction.
''(9) Security force assistance.
''(10) Counterinsurgency operations.
''(11) Such other activities as may be specified by the President or the Secretary of Defense.''.

SEC. 903. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.—

(1) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

''CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(B) The heading of chapter 507 of such title is amended to read as follows:

''CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that officer as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 904. AUTHORITY TO ALLOW PRIVATE SECTOR CIVILIANS TO RECEIVE INSTRUCTION AT DEFENSE CYBER INVESTIGATIONS TRAINING ACADEMY OF THE DEFENSE CYBER CRIME CENTER.

(a) ADMISSION OF PRIVATE SECTOR CIVILIANS.—Chapter 108 of title 10, United States Code, is amended by inserting after section 2167 the following new section:

''§2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction

''(a) AUTHORITY FOR ADMISSION.—The Secretary of Defense may permit eligible private sector employees to receive instruction at the Defense Cyber Investigations Training Academy operating under the direction of the Defense Cyber Crime Center. No more than the equivalent of 200 full-time student positions may be filled at any one time by private sector employees enrolled under this section, on a yearly basis. Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate certification or diploma.

''(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For purposes of this section, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense or other Government departments or agencies significant and substantial defense-related systems, products, or services, or whose work product is relevant to national security policy or strategy. A private sector employee remains eligible for such instruction only so long as that person remains employed by an eligible private sector firm.

''(c) PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

''(1) the curriculum in which private sector employees may be enrolled under this section is not readily available through other schools; and

''(2) the course offerings at the Defense Cyber Investigations Training Academy continue to be determined solely by the needs of the Department of Defense.

''(d) TUITION.—The Secretary of Defense shall charge private sector employees enrolled under this section tuition at a rate that is at least equal to the rate charged for employees of the United States. In determining tuition rates, the Secretary shall include overhead costs of the Defense Cyber Investigations Training Academy.

''(e) STANDARDS OF CONDUCT.—While receiving instruction at the Defense Cyber Investigations Training Academy, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the Academy.

''(f) USE OF FUNDS.—Amounts received by the Defense Cyber Investigations Training Academy for instruction of students enrolled under this section shall be retained by the Academy to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the Academy.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2167 the following new item:

''2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction.''.

SEC. 905. ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS AND THE TRICARE MANAGEMENT ACTIVITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.

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

(1) ORGANIZATIONAL CHARTS.—Organizational charts for both the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity showing, at a minimum, the senior positions in such office and such activity.

(2) SENIOR POSITION DESCRIPTIONS.—A description of the policy-making functions and oversight responsibilities of each senior position in the Office of the Assistant Secretary of Defense for Health Affairs and the policy and program execution responsibilities of each senior position of the TRICARE Management Activity.

(3) POSITIONS FILLED BY SAME INDIVIDUAL.—A description of which positions in both organizations are filled by the same individual.

(4) ASSESSMENT.—An assessment of whether the senior personnel of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity, as currently organized, are able to appropriately perform the discrete functions of policy formulation, policy and program execution, and program oversight.

(c) DEFINITIONS.—In this section:

(1) SENIOR POSITION.—The term ''senior position'' means a position fill by a member of the senior executive service or a position on the Executive Schedule established pursuant to title 5, United States Code.

(2) SENIOR PERSONNEL.—The term ''senior personnel'' means personnel who are members of the senior executive service or who fill a position listed on the Executive Schedule established pursuant to title 5, United States Code.

SEC. 906. REQUIREMENT FOR DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS TO REPORT DIRECTLY TO SECRETARY OF DEFENSE.

Paragraph (2) of section 139b(c) of title 10, United States Code, is amended to read as follows:

''(2) The Director shall report directly to the Secretary of Defense.''.

SEC. 907. INCREASED FLEXIBILITY FOR COMBATANT COMMANDER INITIATIVE FUND.

(a) INCREASE IN FUNDING LIMITATIONS.—Subparagraph (A) of section 166a(e)(1) of title 10, United States Code, is amended—

(1) by striking ''$10,000,000'' and inserting ''$20,000,000''; and

(2) by striking ''$15,000'' and inserting ''the investment unit cost threshold in effect under section 2245a of this title''.

(b) COORDINATION WITH SECRETARY OF STATE.—Paragraph (6) of section 166a(b) of such title is amended by inserting after ''assistance,'' the following: ''in coordination with the Secretary of State,''.

SEC. 908. REPEAL OF REQUIREMENT FOR A DEPUTY UNDER SECRETARY OF DEFENSE FOR TECHNOLOGY SECURITY POLICY WITHIN THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) REPEAL OF REQUIREMENT FOR POSITION.—

(1) REPEAL.—Section 134b of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 134b.

(b) PRIOR NOTIFICATION OF CHANGE IN REPORTING RELATIONSHIP FOR THE DEFENSE TECHNOLOGY SECURITY ADMINISTRATION.—The Secretary of Defense shall ensure that no covered action is taken until the expiration of 30 legislative days after providing notification of such action to the Committees on Armed Services of the Senate and the House of Representatives.

(c) COVERED ACTION DEFINED.—In this section, the term ''covered action'' means—

(1) the transfer of the Defense Technology Security Administration to an Under Secretary or other office of the Department of Defense other than the Under Secretary of Defense for Policy;

(2) the consolidation of the Defense Technology Security Administration with another office, agency, or field activity of the Department of Defense; or

(3) the addition of management layers between the Director of the Defense Technology Security Administration and the Under Secretary of Defense for Policy.

SEC. 909. RECOMMENDATIONS TO CONGRESS BY MEMBERS OF JOINT CHIEFS OF STAFF.

Section 151(f) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''After first''; and

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

''(2) The members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisers, shall provide advice to Congress on a particular matter when Congress requests such advice.''.

Subtitle B—Space Activities

SEC. 911. SUBMISSION AND REVIEW OF SPACE SCIENCE AND TECHNOLOGY STRATEGY.

(a) STRATEGY.—

(1) REQUIREMENTS.—Paragraph (2) of section 2272(a) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) The process for transitioning space science and technology programs to new or existing space acquisition programs.''.

(2) SUBMISSION TO CONGRESS.—Paragraph (5) of such section is amended to read as follows:

''(5) The Secretary of Defense shall annually submit the strategy developed under paragraph (1) to the congressional defense committees on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code.''.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF STRATEGY.—

(1) REVIEW.—The Comptroller General shall review and assess the first space science and technology strategy submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(2) of this section, and the effectiveness of the coordination process required under section 2272(b) of such title.

(2) REPORT.—Not later than 90 days after the date on which the Secretary of Defense submits the first space science and technology strategy required to be submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(2) of this section, the Comptroller General shall submit to the congressional defense committees a report containing the findings and assessment under paragraph (1).

SEC. 912. CONVERTING THE SPACE SURVEILLANCE NETWORK PILOT PROGRAM TO A PERMANENT PROGRAM.

Section 2274 of title 10, United States Code, is amended—

(1) in the heading, by striking ''PILOT'';

(2) in subsection (a)—

(A) in the heading, by striking ''PILOT''; and

(B) by striking ''a pilot program to determine the feasibility and desirability of providing'' and inserting ''a program to provide'';

(3) in subsection (b) in the matter preceding paragraph (1), by striking ''such a pilot program'' and inserting ''the program'';

(4) in subsection (c) in the matter preceding paragraph (1), by striking ''pilot'';

(5) in subsection (d) in the matter preceding paragraph (1), by striking ''pilot'';

(6) in subsection (h), by striking ''pilot''; and

(7) by striking subsection (i).

Subtitle C—Intelligence-Related Matters

SEC. 921. PLAN TO ADDRESS FOREIGN BALLISTIC MISSILE INTELLIGENCE ANALYSIS.

(a) ASSESSMENT AND PLAN.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall—

(1) conduct an assessment of foreign ballistic missile intelligence gaps and shortfalls; and

(2) develop a plan to ensure that the appropriate intelligence centers have sufficient analytical capabilities to address such gaps and shortfalls.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Defense shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

(1) the results of the assessment conducted under subsection (a)(1);

(2) the plan developed under subsection (a)(2); and

(3) a description of the resources required to implement such plan.

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

Subtitle D—Other Matters

SEC. 931. JOINT PROGRAM OFFICE FOR CYBER OPERATIONS CAPABILITIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a Joint Program Office for Cyber Operations Capabilities to assist the Under Secretary of Defense for Acquisition, Technology, and Logistics in improving the development of specific leap-ahead capabilities, including manpower development, tactics, and technologies, for the military departments, the Defense Agencies, and the combatant commands.

(b) DIRECTOR.—The Joint Program Office for Cyber Operations Capabilities (in this section referred to as the ''JPO–COC'') shall be headed by a Director, who shall be appointed by the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Networks and Information Integration, the Under Secretary of Defense for Intelligence, and the commander of United States Strategic Command. The Director shall be selected from among individuals with significant technical and management expertise in information technology system development, and shall serve for three years.

(c) SUPERVISION.—The Director shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Assistant Secretary of Defense for Networks and Information Integration may provide policy guidance to the Director on issues within the Director's areas of responsibilities.

(d) RESPONSIBILITIES.—The JPO-COC shall be responsible for the following:

(1) Coordinating cyber operations capabilities, both offensive and defensive, between the military departments, Defense Agencies, and combatant commands in order to identify and prioritize joint capability gaps.

(2) Developing advanced, leap-ahead capabilities to address joint capability gaps.

(3) Establishing a nation level, joint, interagency cyber exercise, similar to the exercise known as Eligible Receiver, that would occur at least biennially, and, to the extent possible, that would include participants from industry, critical infrastructure sector providers, international militaries, and non-governmental organizations.

(4) Such other responsibilities as the Under Secretary determines are appropriate.

(e) ANNUAL REPORT.—By March 1 of each year, beginning March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on all of the activities of the JPO-COC during the preceding year.

SEC. 932. DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM TRANSITION COUNCIL.

(a) IN GENERAL.—The Secretary of Defense shall establish a Defense Integrated Military Human Resources System Transition Council (in this section referred to as the ''Council'') to provide advice to the Secretary of Defense and the Secretaries of the military departments on implementing the defense integrated military human resources system (in this section referred to as the ''DIMHRS'') throughout the Department of Defense, including within each military department.

(b) COMPOSITION.—The Council shall include the following members:

(1) The Chief Management Officer of the Department of Defense.

(2) The Director of the Business Transformation Agency.

(3) One representative from each of the Army, Navy, Air Force, and Marine Corps who is a lieutenant general or vice admiral.

(4) One civilian employee of the National Guard Bureau who occupies a position of responsibility and receives compensation comparable to a lieutenant general or vice admiral.

(5) Such other individuals as may be designated by the Secretary of Defense.

(c) MEETINGS.—The Council shall meet not less than once a quarter, or more often as specified by the Secretary of Defense.

(d) DUTIES.—The Council shall have the following responsibilities:

(1) Resolution of significant policy, programmatic, or budgetary issues impeding transition of DIMHRS to the military departments.

(2) Coordination of implementation of DIMHRS within each military department to ensure interoperability between and among the Department of Defense as a whole and each military department.

(3) Such other responsibilities as the Secretary of Defense determines are appropriate.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—By March 1 of each year, beginning March 1, 2010, and ending March 1, 2014, the Council shall submit to the congressional defense committees an annual report on the progress of DIMHRS transition.

(2) The report shall include descriptions of the following:

(A) The status of implementation of DIMHRS among the military departments.

(B) A description of the testing and evaluation activities of DIMHRS as implemented throughout the Department of Defense, as well as any such activities developed by the military departments to extend DIMHRS to the departments.

(C) Plans for the decommissioning of human resources systems within the Department of Defense and military department that are being replaced by DIMHRS, including—

(i) systems to be phased out; and

(ii) plans for the remaining legacy systems to be phased out.

(D) Funding and resources from the military departments devoted to the development of department-specific plans to augment and extend the DIMHRS within each department.

SEC. 933. DEPARTMENT OF DEFENSE SCHOOL OF NURSING REVISIONS.

(a) SCHOOL OF NURSING.—

(1) IN GENERAL.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

''§2169. School of Nursing

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Department of Defense a School of Nursing, not later than July 1, 2011. It shall be so organized as to graduate not less than 25 students with a bachelor of science in nursing in the first class not later than June 30, 2013, not less than 50 in the second class, and not less than 100 annually thereafter.

''(b) MINIMUM REQUIREMENT.—The School of Nursing shall include, at a minimum, a program that awards a bachelor of science in nursing.

''(c) PHASED DEVELOPMENT.—The development of the School of Nursing may be by such phases as the Secretary may prescribe, subject to the requirements of subsection (a).''.

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

''2169. School of Nursing.''.

(b) CONFORMING AMENDMENTS.—Section 2117 of title 10, United States Code, and the item relating to such section in the table of chapters at the beginning of chapter 104 of such title, are repealed.

SEC. 934. REPORT ON SPECIAL OPERATIONS COMMAND ORGANIZATION, MANNING, AND MANAGEMENT.

(a) REPORT REQUIRED.—The commander of the special operations command shall prepare a report, in accordance with this section, on the organization, manning, and management of the command.

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

(1) A comparison of current and projected fiscal year 2010 military and civilian end strength levels at special operations command headquarters with fiscal year 2000 levels, both actual and authorized.

(2) A comparison of fiscal year 2000 through 2010 special operations command headquarters end strength growth with the growth of each special operations forces component command headquarters over the same time period, both actual and authorized.

(3) A summary and assessment that identifies the resourcing, in terms of manning, training, equipping, and funding, that special operations command provides to each of the theater special operations commands under the geographical combatant commands and a summary of personnel specialties assigned to each such command.

(4) Options and recommendations for reducing staffing levels at special operations command headquarters by 5 and 10 percent, respectively, and an assessment of the opportunity costs and management risks associated with each option.

(5) Recommendations for increasing manning levels, if appropriate, at each component command, and especially at Army special operations command.

(6) A plan to sustain the cultural engagement group of special operations command central.

(7) An assessment of the resourcing requirements to establish capability similar to the cultural engagement group capability at the other theater special operations command locations.

(8) A review and assessment for improving the relationship between special operations command and each of the theater special operations commands under the geographical combatant commands and the establishment of a more direct administrative and collaborative link between them.

(9) A review and assessment of existing Department of Defense executive agent support to special operations command and its subordinate components, as well as commentary about proposals to use the same executive agent throughout the special operations community.

(10) An updated assessment on the specific proposal to provide executive agent support from the Defense Logistics Agency for special operations command.

(11) A recommendation and plan for including international development and conflict prevention representatives as participants in the Center for Special Operations Interagency Task Force process.

(c) REPORT.—The report required by subsection (a) shall be submitted not later than March 15, 2010, to the congressional defense committees.

SEC. 935. STUDY ON THE RECRUITMENT, RETENTION, AND CAREER PROGRESSION OF UNIFORMED AND CIVILIAN MILITARY CYBER OPERATIONS PERSONNEL.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the challenges to retention and professional development of cyber operations personnel within the Department of Defense.

(b) MATTERS TO BE ADDRESSED.—The assessment by the Secretary of Defense shall address the following matters:

(1) The sufficiency of the numbers and types of personnel available for cyber operations, including an assessment of the balance between military and civilian positions.

(2) The definition and coherence of career fields for both members of the Armed Forces and civilian employees of the Department of Defense.

(3) The types of recruitment and retention incentives available to members of the Armed Forces and civilian employees of the Department of Defense.

(4) Identification of legal, policy, or administrative impediments to attracting and retaining cyber operations personnel.

(5) The standards used by the Department of Defense to measure effectiveness at recruiting, retaining, and ensuring an adequate career progression for cyber operations personnel.

(6) The effectiveness of educational and outreach activities used to attract, retain, and reward cyber operations personnel, including how to expand outreach to academic institutions and improve coordination with other civilian agencies and industrial partners.

(7) The management of educational and outreach activities used to attract, retain, and reward cyber operations personnel, such as the National Centers of Academic Excellence in Information Assurance Education.

(c) CYBER OPERATIONS PERSONNEL DEFINED.—In this section, the term ''cyber operations personnel'' refers to members of the Armed Forces and civilian employees of the Department of Defense involved with the operations and maintenance of a computer network connected to the global information grid, as well as offensive, defensive, and exploitation functions of such a network.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATIONS.—Except as provided in paragraphs (3) and (4), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(4) EXCEPTION FOR TRANSFERS FOR HEALTH INFORMATION MANAGEMENT AND INFORMATION TECHNOLOGY SYSTEMS.—A transfer of funds from the Office of the Secretary of Defense for the support of the Department of Defense Health Information Management and Information Technology systems shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF FUNDING DECISIONS INTO LAW.

(a) AMOUNTS SPECIFIED IN COMMITTEE REPORT ARE AUTHORIZED BY LAW.—Wherever a funding table in the report of the Committee on Armed Services of the House of Representatives to accompany the bill H.R. 2647 of the 111th Congress specifies a dollar amount for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the indicated project, program, or activity is hereby authorized by law to be carried out to the same extent as if included in the text of this Act, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING AUTHORITY.—This section does not prevent an amount covered by this section from being transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount incorporated into the Act by this section shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex to the report referred to in subsection (a).

(e) ORAL AND WRITTEN COMMUNICATION.—No oral or written communication concerning any amount specified in the report referred to in subsection (a) shall supersede the requirements of this section.

Subtitle B—Counter-Drug and Counter-Terrorism Activities

SEC. 1011. ONE-YEAR EXTENSION OF DEPARTMENT OF DEFENSE COUNTER-DRUG AUTHORITIES AND REQUIREMENTS.

(a) REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.—Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1021 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking ''April 15, 2006'' and all that follows through ''February 15, 2009'' and inserting ''February 15, 2010''.

(b) UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.—Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1023 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended—

(1) in subsection (a), by striking ''2009'' and inserting ''2010''; and

(2) in subsection (c), by striking ''2009'' and inserting ''2010''.

(c) SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.—Section 1033(a)(2) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1024(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4587), is further amended by striking ''2009'' and inserting ''2010''.

SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as most recently amended by section 1022 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking ''2009'' and inserting ''2010''.

SEC. 1013. BORDER COORDINATION CENTERS IN AFGHANISTAN AND PAKISTAN.

(a) PROHIBITION ON USE OF COUNTER-NARCOTIC ASSISTANCE FOR BORDER COORDINATION CENTERS.—

(1) PROHIBITION.—Amounts available for drug interdiction and counter-drug activities of the Department of Defense may not be expended for the construction, expansion, repair, or operation and maintenance of any existing or proposed border coordination center.

(2) RULE OF CONSTRUCTION.—Paragraph (1) does not prohibit or limit the use of other funds available to the Department of Defense to construct, expand, repair, or operate and maintain border coordination centers.

(b) LIMITATION ON ESTABLISHMENT OF ADDITIONAL CENTERS.—The Secretary of Defense may not authorize the establishment, or any construction in connection with the establishment, of a third border coordination center in the area of operations of Regional Command–East in the Islamic Republic of Afghanistan until a border coordination center has been constructed, or is under construction, in either—

(1) the area of operations of Regional Command–South in the Islamic Republic of Afghanistan; or

(2) Baluchistan in the Islamic Republic of Pakistan.

(c) BORDER COORDINATION CENTER DEFINED.—In this section, the term ''border coordination center'' means multilateral military coordination and intelligence center that is located, or intended to be located, near the border between the Islamic Republic of Afghanistan and the Islamic Republic of Pakistan.

SEC. 1014. COMPTROLLER GENERAL REPORT ON EFFECTIVENESS OF ACCOUNTABILITY MEASURES FOR ASSISTANCE FROM COUNTER-NARCOTICS CENTRAL TRANSFER ACCOUNT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the performance evaluation system used by the Secretary of Defense to assess the effectiveness of assistance provided for foreign nations to achieve the counter-narcotics objectives of the Department of Defense. The report shall be unclassified, but may contain a classified annex.

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

(1) A description of the performance evaluation system of the Department of Defense used to determine the efficiency and effectiveness of counter-narcotics assistance provided by the Department of Defense to foreign nations.

(2) An assessment of the ability of the performance evaluation system to accurately measure the efficiency and effectiveness of such counter-narcotics assistance.

(3) Detailed recommendations on how to improve the capacity of the performance evaluation system for the counter-narcotics central transfer account.

Subtitle C—Miscellaneous Authorities and Limitations

SEC. 1021. OPERATIONAL PROCEDURES FOR EXPERIMENTAL MILITARY PROTOTYPES.

(a) IN GENERAL.—For the purposes of conducting test and evaluation of experimental military prototypes, including major systems, as defined in section 2302 of title 10, United States Code, that have been substantially modified for testing with the goal of developing new technology for increasing the capability, capacity, efficiency, or reliability of such systems, and for stimulating innovation in research and development to improve equipment or system capability, the senior military officer of each military service, in consultation with the senior acquisition executive of each military department, shall develop and prescribe guidance to enable an expedited process for the documentation and approval of deviations from standardized operating instructions and procedures for systems and equipment that have been substantially modified for the purpose of research, development, or testing. The guidance shall—

(1) provide for appropriate consideration of the safety of personnel conducting such tests and evaluations;

(2) ensure that, prior to the approval of any such deviation, sufficient engineering and risk management analysis has been completed by a competent technical authority to provide a reasonable basis for determining that the proposed deviation will not result in an unreasonable risk of liability to the United States;

(3) provide full and fair opportunity for all contractors, including non-traditional defense contractors, who have developed or proposed promising technologies, to test and evaluate experimental military prototypes in a manner that—

(A) allows both the contractor and the military service to assess the full potential of the technology prior to the establishment of a formal acquisition program; and

(B) does not unduly restrict the operating envelope, environment, or conditions approved for use during test and evaluation on the basis of existing operating instructions and procedures developed for sustained operations of proven military hardware, but does ensure that deviations from existing operating instructions and procedures have been subjected to appropriate technical review consistent with any modifications made to the system or equipment; and

(4) ensure that documentation and approval of such deviations—

(A) can be accomplished in a transparent, cost-effective, and expeditious manner, generally within the period of performance of the contract for the development of the experimental military prototype;

(B) address the use of a major system as an experimental military prototype by a contractor, and the conduct of test and evaluation of such system by the contractor; and

(C) identify the scope of test and evaluation to be conducted under such deviation, the responsibilities of the parties conducting the test and evaluation, including the assumption of liability, and the responsibility for disposal of the experimental military prototype or, as appropriate, the return of a major system to its original condition.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of each military department shall submit to the congressional defense committees a report documenting the guidance developed in accordance with subsection (a) and describing how such guidance fulfills the objectives under paragraphs (1) through (4) of such subsection.

(c) ONE TIME AUTHORITY TO CONVEY.—

(1) IN GENERAL.—In advance of the development of a process required by subsection (a), the Secretary of the Navy is authorized to convey, without consideration, to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as ''transferee''), all right, title, and interest of the United States, except as otherwise provided in this subsection, in and to Navy aircraft N40VT (Bureau Number 163283), also known as the X-49A aircraft, and associated components and test equipment, previously specified as Government furnished equipment in contract N00019-00-C-0284. The conveyance shall be made by means of a deed of gift

(2) CONDITIONS.—The conveyance under paragraph (1) may only be made under the following conditions:

(A) The aircraft shall be conveyed in its current, ''as is'' condition.

(B) The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(C) The conveyance shall be made at no cost to the United States. Any costs associated with the conveyance shall be borne by the transferee.

(D) The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States, except that such terms and conditions shall include, at a minimum—

(i) a provision stipulating that the conveyance of the X-49A aircraft is for the sole purpose of further development, test, and evaluation of vectored thrust ducted propeller (VTDP) technology and that all items referenced in paragraph (1) will transfer back to the United States Navy, at no cost to the United States, in the event that the X-49A aircraft is utilized for any other purpose; and

(ii) a provision providing the Government the right to procure the vectored thrust ducted propeller (VTDP) technology demonstrated under this program at a discounted cost based on the value of the X-49A aircraft and associated equipment at the time of transfer, with such valuation and terms determined by the Secretary.

(E) Upon such conveyance, the United States shall not be liable for any death, injury, loss, or damage that results from the use of that aircraft by any person other than the United States.

SEC. 1022. TEMPORARY REDUCTION IN MINIMUM NUMBER OF OPERATIONAL AIRCRAFT CARRIERS.

(a) TEMPORARY WAIVER.—Notwithstanding section 5062(b) of title 10, United States Code, during the period beginning on the date of the inactivation of the U.S.S. Enterprise (CVN-65) scheduled, as of the date of the enactment of this Act, for fiscal year 2013 and ending on the date of the commissioning into active service of the U.S.S. Gerald R. Ford (CVN-78), the number of operational aircraft carriers in the naval combat forces of the Navy may be 10.

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—During the fiscal year 2012, the Chairman of the Joint Chiefs of Staff, in coordination with the commanders of the combatant commands, shall evaluate the required postures and capabilities of each of the combatant commands to assess the level of increased risk that could result due to a temporary reduction in the total number of operational aircraft carriers following the inactivation of the U.S.S. Enterprise (CVN-65).

(2) REPORT TO CONGRESS.—Together with the budget materials submitted to Congress by the Secretary of Defense in support of the President's budget for fiscal year 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the findings of the evaluation conducted pursuant to paragraph (1), and the basis for each such finding.

SEC. 1023. LIMITATION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—The Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense for fiscal year 2010 or any subsequent fiscal year to release or transfer any individual described in subsection (d) to the United States, its territories, or possessions, until 120 days after the President has submitted to the congressional defense committees the plan described in subsection (b).

(b) PLAN REQUIRED.—The President shall submit to the congressional defense committees a plan on the disposition of each individual described in subsection (d). Such plan shall include—

(1) an assessment of the risk that the individual described in subsection (d) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition of each such individual;

(3) a plan to mitigate any risks described in paragraph (1) should the proposed disposition required by paragraph (2) include the release or transfer to the United States, its territories, or possessions of any such individual; and

(4) a summary of the consultation required in subsection (c).

(c) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (b) includes a release or transfer to that State, District of Columbia, or territory or possession.

(d) DETAINEES DESCRIBED.—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of the date of the enactment of this Act, who—

(1) is not a citizen of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense, or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1024. CHARTER FOR THE NATIONAL RECONNAISSANCE OFFICE.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence and defense committees a revised charter for the National Reconnaissance Office (hereinafter in this section referred to as the ''NRO''). The charter shall include the following:

(1) The organizational and governance structure of the NRO.

(2) The provision of NRO participation in the development and generation of requirements and acquisition.

(3) The scope of the capabilities of the NRO.

(4) The roles and responsibilities of the NRO and the relationship of the NRO to other organizations and agencies in the intelligence and defense communities.

Subtitle D—Studies and Reports

SEC. 1031. REPORT ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the Secretary of Defense releases the report on the 2009 quadrennial defense review, the Comptroller General shall submit to the congressional defense committees and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review complies with the requirements of subsection (d) of section 118 of title 10, United States Code.

(b) SECRETARY OF DEFENSE REPORT.—If the Comptroller General determines that the report on the 2009 quadrennial defense review deviates significantly from the requirements of subsection (d) of section 118 of such title, the Secretary of Defense shall submit to the congressional defense committees a report addressing the areas of deviation not later than 30 days after the submission of the report by the Comptroller General required by paragraph (1).

SEC. 1032. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the previous quadrennial defense review to the minimum military requirements for major military capabilities.

(b) MAJOR MILITARY CAPABILITIES DEFINED.—In this section, the term ''major military capabilities'' includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SEC. 1033. SENSE OF CONGRESS AND AMENDMENT RELATING TO QUADRENNIAL DEFENSE REVIEW.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the quadrennial defense review is a strategy process that necessarily produces budget plans; however, budget pressures should not determine or limit its outcomes.

(b) RELATIONSHIP OF QDR TO BUDGET.—Section 118(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

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

''(2) The existence of the quadrennial defense review does not exempt the President or the Department of Defense from fulfilling its annual legal obligations to submit to Congress a budget and all legally required supporting documentation.''.

SEC. 1034. STRATEGIC REVIEW OF BASING PLANS FOR UNITED STATES EUROPEAN COMMAND.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the appropriate congressional committees a report on the plan for basing of forces in the European theater, containing a description of—

(1) how the plan supports the United States national security strategy;

(2) how the plan satisfies the commitments undertaken by the United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);

(3) how the plan addresses the current security environment in Europe, including United States participation in theater cooperation activities;

(4) how the plan contributes to peace and stability in Europe; and

(5) the impact that a permanent change in the basing of a unit currently assigned to United States European Command would have on the matters described in paragraphs (1) through (4).

(b) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the continental United States as of the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) UNIT.—The term ''unit'' has the meaning determined by the Secretary of Defense for purposes of this section.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(C) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1035. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—There is established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the ''Panel''). The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of twelve members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(1) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Three by the chairman of the Committee on Armed Services of the Senate.

(3) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(4) Two by the ranking member of the Committee on Armed Services of the Senate.

(5) Two by the Secretary of Defense.

(c) CO-CHAIRS OF THE PANEL.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee of Armed Services of the Senate shall each designate one of their appointees under subsection (b) to serve as co-chair of the panel.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(e) DUTIES.—The Panel shall—

(1) review the national defense strategy, the national military strategy, the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the ''2009 QDR''), as well as the 2009 QDR itself;

(2) conduct an assessment of the assumptions, strategy, findings, costs, and risks of the report of the 2009 QDR, with particular attention paid to the risks described in that report;

(3) submit to the congressional defense committees and the Secretary an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR, suitable to meet the requirements identified in the review required in paragraph (1);

(4) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment under paragraph (3); and

(5) provide to Congress and the Secretary of Defense, through the reports under subsection (g), any recommendations it considers appropriate for their consideration.

(f) FIRST MEETING.—

(1) The Panel shall hold its first meeting no later than 30 days after the date as of which all appointments to the Panel under paragraphs (1), (2), (3), and (4) of subsection (b) have been made.

(2) If the Secretary of Defense has not made the Secretary's appointments to the Panel under subsection (b)(5) by the date of the first meeting pursuant to paragraph (1), the Panel shall convene with the remaining members.

(g) REPORTS.—

(1) Not later than April 15, 2010, the Panel shall submit an interim report on its findings to the congressional defense committees and to the Secretary of Defense.

(2) Not later than January 15, 2011, the Panel shall submit its final report, together with any recommendations, to the congressional defense committees and to the Secretary of Defense.

(3) Not later than February 15, 2011, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the committees referred to in paragraph (2) the Secretary's comments on the Panel's final report under that paragraph.

(h) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(i) FFRDC SUPPORT.—Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(j) PERSONNEL MATTERS.—The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

(k) PAYMENT OF PANEL EXPENSES.—Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

(l) TERMINATION.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (g)(2).

SEC. 1036. REPORT REQUIRED ON NOTIFICATION OF DETAINEES OF RIGHTS UNDER MIRANDA V. ARIZONA.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on how the reading of rights under Miranda v. Arizona (384 U.S. 436 (1966)) to individuals detained by the United States in Afghanistan may affect—

(1) the rules of engagement of the Armed Forces deployed in support of Operation Enduring Freedom;

(2) post-capture interrogations and intelligence-gathering activities conducted as part of Operation Enduring Freedom;

(3) the overall counterinsurgency strategy and objectives of the United States for Operation Enduring Freedom;

(4) United States military operations and objectives in Afghanistan; and

(5) potential risks to members of the Armed Forces operating in Afghanistan.

SEC. 1037. ANNUAL REPORT ON THE ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT REQUIRED.—At the same time as the President submits to Congress the budget under section 1105(a) of title 31, United States Code, for fiscal year 2011, and for each subsequent fiscal year, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Secretary of each of the military departments, shall submit to the congressional defense committees an annual report on the electronic warfare strategy of the Department of Defense.

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

(1) A description and overview of—

(A) the Department of Defense's electronic warfare strategy;

(B) how such strategy supports the National Defense Strategy; and

(C) the organizational structure assigned to oversee the development of the Department's electronic warfare strategy, requirements, capabilities, programs, and projects.

(2) A list of all the electronic warfare acquisition programs and research and development projects of the Department of Defense and a description of how each program or project supports the Department's electronic warfare strategy.

(3) For each unclassified program or project on the list required by paragraph (2)—

(A) the senior acquisition executive and organization responsible for oversight of the program or project;

(B) whether or not validated requirements exist for each program or project and, if such requirements exist, the date on which the requirements were validated and by which organizational authority;

(C) the total amount of funding appropriated, obligated, and forecasted by fiscal year for the program or project, to include the program element or procurement line number from which the program or project receives funding;

(D) the development or procurement schedule for the program or project;

(E) an assessment of the cost, schedule, and performance of the program or project as it relates to the program or project's current program baseline and the original program baseline if such baselines are not the same;

(F) the technology readiness level of each critical technology that is part of the program or project;

(G) whether or not the program or project is redundant or overlaps with the efforts of another military department; and

(H) what capability gap the program or project is being developed or procured to fulfill.

(4) A classified annex that contains the items described in subparagraphs (A) through (H) for each classified program or project on the list required by paragraph (2).

SEC. 1038. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR ACQUISITION AND FUNDING OF TECHNOLOGIES SUPPORTING NETWORK-CENTRIC OPERATIONS.

(a) STUDIES REQUIRED.—

(1) INDEPENDENT STUDY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent federally funded research and development center to carry out a comprehensive study of policies, procedures, organization, and regulatory constraints affecting the acquisition of technologies supporting network-centric operations. The contract shall be funded from amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2010 for operation and maintenance for Defense-wide activities.

(2) JOINT CHIEFS OF STAFF STUDY.—The Chairman of the Joint Chiefs of Staff shall carry out a comprehensive study of the same subjects covered by paragraph (1). The study shall be independent of the study required by paragraph (1) and shall be carried out in conjunction with the military departments and in coordination with the Secretary of Defense.

(b) MATTERS TO BE ADDRESSED.—Each study required by subsection (a) shall address the following matters:

(1) Development of a system for understanding the various foundational components that contribute to network-centric operations, such as data transport, processing, storage, data collection, and dissemination of information.

(2) Determining how acquisition and funding programs that are in place as of the date of the enactment of this Act relate to the system developed under paragraph (1).

(3) Development of acquisition and funding models using the system developed under paragraph (1), including—

(A) a model under which a joint entity independent of any military department (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric operations, and with authority to oversee the incorporation of such technologies into the acquisition programs of the military departments;

(B) a model under which an executive agent is established to manage and oversee the acquisition of technologies for network-centric operations, but would not have exclusive control of the funding for such programs;

(C) a model under which the acquisition and funding programs that are in place as of the date of the enactment of this Act are maintained; and

(D) any other model that the entity carrying out the study considers relevant.

(4) An analysis of each of the models developed under paragraph (3) with respect to potential benefits in—

(A) collecting, processing, and disseminating information;

(B) network commonality;

(C) common communications;

(D) interoperability;

(E) mission impact and success; and

(F) cost effectiveness.

(5) An evaluation of each of the models developed under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that may impede the implementation of such model.

(c) REPORT REQUIRED.—Not later than September 30, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

(d) NETWORK-CENTRIC OPERATIONS DEFINED.—In this section, the term ''network-centric operations'' refers to the ability to exploit all human and technical elements of the Joint Force and mission partners through the full integration of collected information, awareness, knowledge, experience, and decision-making, enabled by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

Subtitle E—Other Matters

SEC. 1041. PROHIBITION RELATING TO PROPAGANDA.

(a) IN GENERAL.—

(1) PROHIBITION.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2241 the following new section:

''§ 2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States

''Funds available to the Department of Defense may not be obligated or expended for publicity or propaganda purposes within the United States not otherwise specifically authorized by law.''.

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

''2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States.''.

(b) EFFECTIVE DATE.—Section 2241a of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 1042. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking ''2009'' and inserting ''2010''.

SEC. 1043. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The heading of section 1567 is amended to read as follows:

''§ 1567. Duration of military protective orders''.

(2) The heading of section 1567a is amended to read as follows:

''§ 1567a. Mandatory notification of issuance of military protective order to civilian law enforcement''.

(3) Section 2306c(h) is amended by striking ''section 2801(c)(2)'' and inserting ''section 2801(c)(4)''.

(4) Section 2667(g)(1) is amended by striking ''Secretary concerned concerned'' and inserting ''Secretary concerned''.

(b) TITLE 37, UNITED STATES CODE.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking the comma before the period at the end.

(c) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—Effective as of October 14, 2008, and as if included therein as enacted, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) Section 314(a) (122 Stat. 4410; 10 U.S.C. 2710 note) is amended by striking ''Secretary'' and inserting ''Secretary of Defense''.

(2) Section 523(1) (122 Stat. 4446) is amended by striking ''serving or'' and inserting ''serving in or''.

(3) Section 616 (122 Stat. 4486) is amended by striking ''of title'' in subsections (b) and (c) and inserting ''of such title''.

(4) Section 732(2) (122 Stat. 4511) is amended by striking ''year.'' and inserting ''year''.

(5) Section 811(c)(6)(A)(iv)(I) (122 Stat.4524) is amended by striking ''after of 'the program'' and inserting ''after 'of the program''.

(6) Section 813(d)(3) (122 Stat. 4527) is amended by striking ''each of subsections (c)(2)(A) and (d)(2)'' and inserting ''subsection (c)(2)(A)''.

(7) Section 825(b) (122 Stat. 4534) is amended in the new item being added by inserting a period after ''thereof''.

(8) Section 834(a)(2) (122 Stat. 4537) is amended by inserting ''subchapter II of'' before ''chapter 87''.

(9) Section 845(a) (122 Stat. 4541) is amended—

(A) in paragraph (1), by striking ''Subchapter I'' and inserting ''Subchapter II''; and

(B) in paragraph (2), by striking ''subchapter I'' and inserting ''subchapter II''.

(10) Section 855 (122 Stat. 4545) is repealed.

(11) Section 921(1) (122 Stat. 4573) is amended by striking ''subsections (f) and (g) as subsections (g) and (h)'' and inserting ''subsections (f), (g), and (h) as subsections (g), (h), and (i)''.

(12) Section 931(b)(5) (122 Stat. 4575) is amended—

(A) by striking ''Section 201(e)(2)'' and inserting ''Section 201(f)(2)(E)''; and

(B) by striking ''(6 U.S.C. 121(e)(2))'' and inserting ''(6 U.S.C. 121(f)(2)(E))''.

(13) Section 932 (122 Stat. 4576) is repealed.

(14) Section 1033(b) (122 Stat. 4593) is amended by striking ''chapter 941'' and inserting ''chapter 931''.

(15) Section 1059 (122 Stat. 4611) is amended by striking ''Act of'' and inserting ''Act for''.

(16) Section 1061(b)(3) (122 Stat. 4613) is amended by striking ''103'' and inserting ''188''.

(17) Section 1109 (122 Stat. 4618) is amended in subsection (e)(1) of the matter proposed to be added by striking ''the date of the enactment of this Act'' and inserting ''October 14, 2008,''.

(18) Section 2104(b) (122 Stat. 4664) is amended in the matter preceding paragraph (1) by striking ''section 2401'' and inserting ''section 2101''.

(19) Section 3508(b) (122 Stat. 4769) is amended to read as follows:

''(b) CONFORMING AMENDMENT.—The chapter 541 of title 46, United States Code, as inserted and amended by the amendments made by subparagraphs (A) through (D) of section 3523(a)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 599), is repealed.''.

(20) Section 3511(d) (122 Stat. 4770) is amended by inserting before the period the following: '', and by striking 'CALENDAR' and inserting 'FISCAL' in the heading for paragraph (2)''.

SEC. 1044. REPEAL OF PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended by striking section 1081.

SEC. 1045. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1) of this subsection, by striking ''June 1, 2009'' and inserting ''September 30, 2010''; and

(3) by inserting after subsection (e) the following new subsection (f):

''(f) FOLLOW-ON REPORT.—Not later than May 1, 2010, the commission shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives a follow-on report to the report submitted under subsection (e). With respect to the matters described under subsection (c), the follow-on report shall include, at a minimum, the following:

''(1) A review of—

''(A) the nuclear posture review required by section 1070 of this Act; and

''(B) the Quadrennial Defense Review required to be submitted under section 118 of title 10, United States Code.

''(2) A review of legislative actions taken by the 111th Congress.''.

SEC. 1046. AUTHORIZATION OF APPROPRIATIONS FOR PAYMENTS TO PORTUGUESE NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORIZATION FOR PAYMENTS.—Subject to subsection (b), the Secretary of Defense may authorize payments to Portuguese nationals employed by the Department of Defense in Portugal, for the difference between—

(1) the salary increases resulting from section 8002 of the Department of Defense Appropriations Act, 2006 (Public Law 109–148; 119 Stat. 2697; 10 U.S.C. 1584 note) and section 8002 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584 note); and

(2) salary increases supported by the Department of Defense Azores Foreign National wage surveys for survey years 2006 and 2007.

(b) LIMITATION.—The authority provided in subsection (a) may be exercised only if—

(1) the wage survey methodology described in the United States—Portugal Agreement on Cooperation and Defense, with supplemental technical and labor agreements and exchange of notes, signed at Lisbon on June 1, 1995, and entered into force on November 21, 1995, is eliminated; and

(2) the agreements and exchange of notes referred to in paragraph (1) and any implementing regulations thereto are revised to provide that the obligations of the United States regarding annual pay increases are subject to United States appropriation law governing the funding available for such increases.

(c) AUTHORIZATION FOR APPROPRIATION.—Of the amounts authorized to be appropriated under title III, not less than $240,000 is authorized to be appropriated for fiscal year 2010 for the purpose of the payments authorized by subsection (a).

SEC. 1047. COMBAT AIR FORCES RESTRUCTURING.

(a) LIMITATIONS RELATING TO LEGACY AIRCRAFT.—Until the expiration of the 90-day period beginning on the date the Secretary of the Air Force submits a report in accordance with subsection (b), the following provisions apply:

(1) PROHIBITION ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force may not retire any fighter aircraft pursuant to the Combat Air Forces restructuring plan announced by the Secretary on May 18, 2009.

(2) PROHIBITION ON PERSONNEL REASSIGNMENTS.—The Secretary of the Air Force may not reassign any Air Force personnel (whether on active duty or a member of a reserve component, including the National Guard) associated with such restructuring plan.

(3) REQUIREMENTS TO CONTINUE FUNDING.—

(A) Of the funds authorized to be appropriated in title III of this Act for operations and maintenance for the Air Force, at least $344,600,000 shall be expended for continued operation and maintenance of the 249 fighter aircraft scheduled for retirement in fiscal year 2010 pursuant to such restructuring plan.

(B) Of the funds authorized to be appropriated in title I of this Act for procurement for the Air Force, at least $10,500,000 shall be available for obligation to provide for any modifications necessary to sustain the 249 fighter aircraft.

(b) REPORT.—The report under subsection (a) shall be submitted to the Committees on Armed Services of the House of Representatives and the Senate and shall include the following information:

(1) A detailed plan of how the force structure and capability gaps resulting from the retirement actions will be addressed.

(2) An explanation of the assessment conducted of the current threat environment and current capabilities.

(3) A description of the follow-on mission assignments for each affected base.

(4) An explanation of the criteria used for selecting the affected bases and the particular fighters chosen for retirement.

(5) A description of the environmental analyses being conducted.

(6) An identification of the reassignment and manpower authorizations necessary for the Air Force personnel (both active duty and reserve component) affected by the retirements if such retirements are accomplished.

(7) A description of the funding needed in fiscal years 2010 through 2015 to cover operation and maintenance costs, personnel, and aircraft procurement, if the restructuring plan is not carried out.

(8) An estimate of the cost avoidance should the restructuring plan more forward and a description of how such funds would be invested during the future-years defense plan to ensure the remaining fighter force achieves the desired service life and is sufficiently modernized to outpace the threat.

(c) EXCEPTION FOR CERTAIN AIRCRAFT.—The prohibition in subsection (a)(1) shall not apply to the five fighter aircraft scheduled for retirement in fiscal year 2010, as announced when the budget for fiscal year 2009 was submitted to Congress.

SEC. 1048. SENSE OF CONGRESS HONORING THE HONORABLE ELLEN O. TAUSCHER.

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

(1) In 1996, Representative Ellen O. Tauscher was elected to represent California's 10th Congressional district, which is located in the East Bay Area of northern California and consists of parts of Solano, Contra Costa, Alameda, and Sacramento counties.

(2) Representative Tauscher also represents two of the Nation's defense laboratories, Lawrence Livermore and the California campus of Sandia, as well as Travis Air Force Base, home of the 60th Air Mobility Wing and the Camp Parks Army Reserve facility.

(3) Prior to her service in Congress, Representative Tauscher worked in the private sector for 20 years, 14 of which were on Wall Street.

(4) At age 25, Representative Tauscher became one of the first women, and the youngest at the time, to hold a seat on the New York Stock Exchange, and she later served as an officer of the American Stock Exchange.

(5) Representative Tauscher moved to California in 1989 and shortly afterwards founded the first national research service to help parents verify the background of childcare workers while she sought quality childcare for her own daughter.

(6) Subsequently, Representative Tauscher published a book to help working parents make informed decisions about their own childcare needs.

(7) Representative Tauscher is known by her colleagues in Congress as a leader on national security and nonproliferation issues.

(8) During her tenure, she has introduced legislation to increase and expand the Nation's nonproliferation programs, strengthen the Stockpile Stewardship Program, and provide the Nation's troops with the support and equipment they deserve.

(9) In the 110th Congress, Representative Tauscher was appointed Chairman of the Strategic Forces Subcommittee of the Armed Services Committee of the House of Representatives, becoming only the third woman in history to chair an Armed Services subcommittee.

(10) Representative Tauscher is also the first California Democrat to be elevated to an Armed Services Subcommittee Chairmanship since 1992.

(11) Representative Tauscher is currently serving her second term as the Chairman of the House New Democrat Coalition, and she was appointed by the Speaker of the House to serve as the Vice Chair for the Future Security and Defense Capabilities Subcommittee of the Defense and Security Committee of NATO's Parliamentary Assembly.

(12) On May 5, 2009, the President nominated Representative Tauscher to serve as Under Secretary of State for Arms Control and International Security at the Department of State.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that the Honorable Ellen O. Tauscher, Representative from California, has served the House of Representatives and the American people selflessly and with distinction, and that she deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1049. SENSE OF CONGRESS CONCERNING THE DISPOSITION OF SUBMARINE NR-1.

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

(1) The Deep Submergence Vessel NR-1 (hereinafter in this section referred to as ''NR-1'') was built by the Electric Boat Company in Groton, Connecticut, entered service in 1969, and was the only nuclear-powered research submersible in the United States Navy.

(2) NR-1 was assigned to Naval Submarine Base New London, located in Groton, Connecticut throughout her entire service life.

(3) NR-1 was inactivated in December 2008.

(4) Due to the unique capabilities of NR-1, it conducted numerous missions of significant military and scientific value most notably in the fields of geological survey and oceanographic research.

(5) In 1986, NR-1 played a key role in the search for and recovery of the Space Shuttle Challenger.

(6) The mission of the Submarine Force Library and Museum in Groton, Connecticut, is to collect, preserve, and interpret the history of the United States Naval Submarine Force in order to honor veterans and to educate naval personnel and the public in the heritage and traditions of the Submarine Force.

(7) NR-1 is a unique and irreplaceable part of the history of the Navy and the Submarine Force and an educational and historical asset that should be shared with the Nation and the world.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) NR-1 is a unique and irreplaceable part of the Nation's history and as much of the vessel as possible should be preserved for the historical and educational benefit of all Americans at the Submarine Force Museum and Library in Groton, Connecticut; and

(2) the Secretary of the Navy should ensure that as much of the vessel as possible, including unique components of on-board equipment and clearly recognizable sections of the hull and superstructure, to the full extent practicable, are made available for transfer to the Submarine Force Museum and Library.

SEC. 1050. COMPLIANCE WITH REQUIREMENT FOR PLAN ON THE DISPOSITION OF DETAINEES AT NAVAL STATION, GUANTANAMO BAY, CUBA.

The Secretary of Defense shall comply with the requirements of section 1023(b) of this Act, regarding the transfer or release of the individuals detained at Naval Station, Guantanamo Bay, Cuba.

SEC. 1051. SENSE OF CONGRESS REGARDING CARRIER AIR WING FORCE STRUCTURE.

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

(1) The requirement of section 5062(b) of title 10, United States Code, for the Navy to maintain not less than 11 operational aircraft carriers, means that the naval combat forces of the Navy also include not less than 10 carrier air wings.

(2) The Department of the Navy currently requires a carrier air wing to include not less than 44 strike fighter aircraft.

(3) In spite of the potential warfighting benefits that may result in the deployment of fifth-generation strike fighter aircraft, for the foreseeable future the majority of the strike fighter aircraft assigned to a carrier air wing will not be fifth-generation assets.

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

(1) in addition to the forces described in section 5062(b) of title 10, United States Code, the naval combat forces of the Navy should include not less than 10 carrier air wings (even if the number of aircraft carriers is temporarily reduced) that are comprised of, in addition to any other aircraft, not less than 44 strike fighter aircraft; and

(2) the Secretary of the Navy should take all appropriate actions necessary to make resources available in order to include such number of strike fighter aircraft in each carrier air wing.

SEC. 1052. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE FINANCIAL IMPROVEMENT AND AUDIT READINESS; PLAN.

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

(1) The Department of Defense is the largest agency in the Federal Government, owning 86 percent of the Government's assets, estimated at $4.6 trillion.

(2) It is essential that the Department maintain strong financial management and business systems that allow for comprehensive auditing, in order to improve financial management government-wide and to achieve an opinion on the Federal Government's consolidated financial statements.

(3) Several major pieces of legislation, such as the Chief Financial Officers Act of 1990 (Public Law 101–576) and the Federal Financial Management Improvement Act of 1996 (Public Law 104–208; 31 U.S.C. 3512 note) have required published financial statement audits, reporting by auditors regarding whether the Department's financial management systems comply substantially with Federal accounting standards, and other measures intended to ensure financial management systems of the Department provide accurate, reliable, and timely financial management information.

(4) Nevertheless, according to the January 2009 update to the Government Accountability Office High Risk Series, to date, only ''. . . the U.S. Army Corps of Engineers, Civil Works has achieved a clean audit opinion on its financial statements. None of the military services have received favorable financial statement audit opinions, and the Department has annually acknowledged that long-standing pervasive weaknesses in its business systems, processes, and controls have prevented auditors from determining the reliability of reported financial statement information.''

(5) In response to a congressional mandate, the Department issued its first biennial Financial Improvement and Audit Readiness Plan in December 2005, to delineate its strategy for addressing financial management challenges and achieving clean audit opinions. This 2005 report projected that 69 percent of assets and 80 percent of liabilities would be ''clean'' by 2009, yet in the latest report in March 2009 the Department projects it will achieve an unqualified audit on only 45 percent of its assets and liabilities by 2009. The Department of Defense is falling behind its original plan to achieve full compliance with the law by 2017.

(6) Following the passage of the Sarbanes-Oxley Act of 2002 (Public Law 107–204), publicly traded corporations in the United States would face severe penalties for similar deficiencies in financial management and accountability.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is no longer excusable to allow poor business systems, a deficiency of resource allocation, or a lack of commitment from senior Department of Defense leadership to foster waste or non-accountability to the United States taxpayer. It is the further sense of Congress that the Secretary of Defense has not made compliance with financial management and audit readiness standards a top priority and should require, through the Chief Management Officer of the Department of Defense, that each component of the Department develop and implement a specific plan to become compliant with the law well in advance of 2017.

(c) PLAN.—In the next update of the Financial Improvement and Audit Readiness Plan, following the date of the enactment of this Act, the Secretary of Defense shall outline a plan to achieve a full, unqualified audit of the Department of Defense by September 30, 2013. In the plan, the Secretary shall also identify a mechanism to conduct audits of the military intelligence programs and agencies and to submit audited financial statements for such agencies to Congress in a classified manner.

SEC. 1053. JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM.

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

(1) At the request of President George W. Bush, Congress permitted the President to waive applicable provisions of the National Defense Authorization Act for Fiscal Year 2008 with respect to judicially cognizable claims of American victims of torture and hostage taking by the Government of Iraq.

(2) In return, however, Congress requested the executive branch to resolve these claims through negotiations with Iraq.

(3) After considerable delay, officials of the Department of State have informed Members of Congress that these negotiations are underway.

(4) Congress appreciates the start of the negotiations and will monitor the progress in the prompt and equitable resolution of these claims.

(5) Congress notes that the House of Representatives in the 110th Congress unanimously adopted H.R. 5167, the Justice for Victims of Torture and Terrorism Act, which set forth an appropriate compromise of these claims.

(6) In the interest of assisting the new democratic government of Iraq, H.R. 5167 offers a considerable compromise to all parties involved by waiving all punitive damages awarded by the courts in these cases, as well as approximately two-thirds of compensatory damages awarded by the courts.

(b) SENSE OF CONGRESS.—It is the sense of Congress that as the negotiations to resolve the claims of American victims of torture and hostage taking by the Government of Iraq that are referred to in subsection (a)(1) proceed, Congress continues to view the provisions of H.R.5167 of the 110th Congress as representing a fair compromise of these claims.

SEC. 1054. REPEAL OF CERTAIN LAWS PERTAINING TO THE JOINT COMMITTEE FOR THE REVIEW OF COUNTERPROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) JOINT COMMITTEE FOR THE REVIEW OF COUNTERPROLIFERATION PROGRAMS.—Section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 2751 note) is repealed.

(b) BIENNIAL REPORT ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.—Section 1503 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 22 U.S.C. 2751 note) is repealed.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. AUTHORITY TO EMPLOY INDIVIDUALS COMPLETING THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) AUTHORITY FOR EMPLOYMENT.—Section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by adding at the end the following new subsection:

''(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense, the head of an element of the intelligence community, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

''(1) may, without regard to any provision of title 5 governing appointment of employees to positions in the Department of Defense, an element of the intelligence community, the Department of Homeland Security, the Department of State, or such Federal agency or office, appoint to a position that is identified under subsection (b)(2)(A)(i) as having national security responsibilities, or to a position in such Federal agency or office, in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to such Department, such element, or such Federal agency or office; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

(b) TECHNICAL AMENDMENT.—Section 808 of such Act (50 U.S.C. 1908) is amended by adding at the end the following new paragraph:

''(6) The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 1102. AUTHORITY FOR EMPLOYMENT BY DEPARTMENT OF DEFENSE OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE REQUIREMENTS OF THE SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE SCHOLARSHIP PROGRAM.

(a) AUTHORITY FOR EMPLOYMENT.—Subsection (d) of section 2192a of title 10, United States Code, is amended to read as follows:

''(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

''(1) may, without regard to any provision of title 5 governing appointment of employees to positions in the Department of Defense, appoint to a position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to the Department; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

(b) CONFORMING AMENDMENT.—Subsection (c)(2) of such section is amended by striking ''Except as provided in subsection (d), the'' in the second sentence and inserting ''The''.

(c) TECHNICAL AMENDMENTS.—Subsection (f) of such section is amended—

(1) by striking the first sentence; and

(2) by striking ''the authorities provided in such chapter'' and inserting ''the other authorities provided in this chapter''.

(d) REPEAL OF OBSOLETE PROVISION.—Such section is further amended by striking subsection (g).

SEC. 1103. AUTHORITY FOR THE EMPLOYMENT OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE DEPARTMENT OF DEFENSE INFORMATION ASSURANCE SCHOLARSHIP PROGRAM.

Section 2200a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

''(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to an information technology position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship under this section was awarded and who, under the terms of the agreement for such scholarship, at the time of such appointment owes a service commitment to the Department; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

SEC. 1104. ADDITIONAL PERSONNEL AUTHORITIES FOR THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

Section 1229(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 381) is amended by striking paragraph (1) and inserting the following:

''(1) PERSONNEL.—

''(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

''(B) ADDITIONAL AUTHORITIES.—

''(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

''(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

''(I) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

''(II) no period of appointment may exceed the date on which the Office of the Special Inspector General for Afghanistan Reconstruction terminates under subsection (o).''.

SEC. 1105. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), is amended by striking ''calendar year 2009'' and inserting ''calendar years 2009 and 2010''.

SEC. 1106. EXTENSION OF CERTAIN BENEFITS TO FEDERAL CIVILIAN EMPLOYEES ON OFFICIAL DUTY IN PAKISTAN.

Section 1603(a)(2) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as amended by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417;122 Stat. 4616), is amended by inserting ''Pakistan or'' after ''is on official duty in''.

SEC. 1107. AUTHORITY TO EXPAND SCOPE OF PROVISIONS RELATING TO UNREDUCED COMPENSATION FOR CERTAIN REEMPLOYED ANNUITANTS.

(a) IN GENERAL.—Section 9902(h) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) Benefits similar to those provided by paragraphs (1) and (2) may be extended, in accordance with regulations prescribed by the President, so as to be made available with respect to reemployed annuitants within the Department of Defense who are subject to such other retirement systems for Government employees as may be provided for under such regulations.''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9902(h) of such title 5 (as so designated by subsection (a)(1)) is amended by striking the period and inserting '', excluding paragraph (3).''.

SEC. 1108. REQUIREMENT FOR DEPARTMENT OF DEFENSE STRATEGIC WORKFORCE PLANS.

(a) CODIFICATION OF REQUIREMENT FOR STRATEGIC WORKFORCE PLAN.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

''§ 115b. Annual strategic workforce plan

''(a) ANNUAL PLAN REQUIRED.—(1) The Secretary of Defense shall submit to the congressional defense committees on an annual basis a strategic workforce plan to shape and improve the civilian employee workforce of the Department of Defense.

''(2) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for developing and implementing the strategic workforce plan, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(b) CONTENTS.—Each strategic workforce plan under subsection (a) shall include, at a minimum, the following:

''(1) An assessment of—

''(A) the critical skills and competencies that will be needed in the future within the civilian employee workforce by the Department of Defense to support national security requirements and effectively manage the Department during the seven-year period following the year in which the plan is submitted;

''(B) the appropriate mix of military, civilian, and contractor personnel capabilities;

''(C) the critical skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(D) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraphs (A) and (C).

''(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(D), including—

''(A) specific recruiting and retention goals, especially in areas identified as critical skills and competencies under paragraph (1), including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals;

''(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies;

''(C) any incentives necessary to attract or retain any civilian personnel possessing the skills and competencies identified in paragraph (1);

''(D) any changes in the number of personnel authorized in any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address such gaps and effectively meet the needs of the Department;

''(E) any changes in the rates or methods of pay for any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department; and

''(F) any legislative changes that may be necessary to achieve the goals referred to in subparagraph (A).

''(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic workforce plan under this section during the previous year.

''(4) Any additional matters the Secretary of Defense considers necessary to address.

''(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—Each strategic workforce plan under subsection (a) shall specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense, including the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2).

''(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

''(2) For purposes of paragraph (1), each plan shall specifically address—

''(A) the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

''(B) a plan for funding needed improvements in the military and civilian workforce of the Department, including—

''(i) the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title, along with a description of how such funding is being implemented and whether it is being fully used; and

''(ii) a description of any continuing shortfalls in funding available for the acquisition workforce.

''(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic workforce plan required by this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'senior management, functional, and technical workforce of the Department of Defense' includes the following categories of Department of Defense civilian personnel:

''(A) Appointees in the Senior Executive Service under section 3131 of title 5.

''(B) Persons serving in positions described in section 5376(a) of title 5.

''(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

''(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398 (114 Stat. 1654A-315)).

''(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

''(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

''(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

''(2) The term 'acquisition workforce' includes individuals designated under section 1721 as filling acquisition positions.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

''115b. Annual strategic workforce plan.''.

(b) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which the Secretary of Defense submits to the congressional defense committees an annual strategic workforce plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 201, and 2012, the Comptroller General of the United States shall submit to the congressional defense committees a report on the plan so submitted.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

SEC. 1109. ADJUSTMENTS TO LIMITATIONS ON PERSONNEL AND REQUIREMENT FOR ANNUAL MANPOWER REPORTING.

(a) AMENDMENTS.—Section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4619) is amended—

(1) in paragraph (1) of subsection (b), by striking ''requirements of—'' and all that follows through the end of subparagraph (C) and inserting ''the requirements of section 115b of this title; or'';

(2) in paragraph (2) of subsection (b), by striking ''purposes described in paragraphs (1) through (4) of subsection (c).'' and inserting the following:

''any of the following purposes:

''(A) Performance of inherently governmental functions.

''(B) Performance of work pursuant to section 2463 of title 10, United States Code.

''(C) Ability to maintain sufficient organic expertise and technical capability.

''(D) Performance of work that, while the position may not exercise an inherently governmental function, nevertheless should be performed only by officers or employees of the Federal Government or members of the Armed Forces because of the critical nature of the work.''; and

(3) by striking subsections (c) and (d).

(b) CONSOLIDATED ANNUAL REPORT.—

(1) INCLUSION IN ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by inserting after subsection (e) the following new subsection:

''(f) The Secretary shall also include in each such report the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:

''(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year and estimates of such numbers for the current fiscal year and the budget fiscal year.

''(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number of contract workyears associated with the replacement of contracts performing inherently governmental or exempt functions.

''(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.

''(4) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the Secretary of a military department, and, for each adjustment made pursuant to section 1111(b)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 143 note), the purpose of the adjustment.''

(2) TECHNICAL AMENDMENTS TO REFLECT NAME OF REPORT.—

(A) Subsection (a) of section 115a of such title is amended by inserting ''defense'' before ''manpower requirements report.''

(B)(i) The heading of such section is amended to read as follows:

''§115. Annual defense manpower requirements report''.

(ii) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

''115a. Annual defense manpower requirements report.''.

(3) CONFORMING REPEAL.—Subsections (b) and (c) of section 901 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 272; 10 U.S.C. 221 note) are repealed.

SEC. 1110. MODIFICATION TO DEPARTMENT OF DEFENSE LABORATORY PERSONNEL AUTHORITY.

(a) ADDITIONAL SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.—

(1) DESIGNATION.—Each of the following is hereby designated as a Department of Defense science and technology reinvention laboratory (as described in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721):

(A) The Tank and Automotive Research Development and Engineering Center.

(B) The Armament Research Development and Engineering Center.

(C) The Naval Air Warfare Center, Weapons Division.

(D) The Naval Air Warfare Center, Aircraft Division.

(E) The Space and Naval Warfare Systems Center, Pacific.

(F) The Space and Naval Warfare Systems Center, Atlantic.

(2) CONVERSION PROCEDURES.—The Secretary of Defense shall implement procedures to convert the civilian personnel of each facility identified in paragraph (1) from their current personnel system to the personnel system under an appropriate demonstration project (as referred to in such section 342(b)). Any conversion under this paragraph—

(A) shall not adversely affect any employee with respect to pay or any other term or condition of employment;

(B) shall be consistent with the terms of any collective bargaining agreement which might apply; and

(C) shall be completed within 18 months after the date of the enactment of this Act.

(b) EXCLUSION FROM NATIONAL SECURITY PERSONNEL SYSTEM.—

(1) IN GENERAL.—Section 9902(c)(2) of title 5, United States Code, is amended—

(A) in subparagraph (I), by striking ''and'' after the semicolon;

(B) in subparagraph (J), by striking the period and inserting ''; and''; and

(C) by adding after subparagraph (J) the following:

''(K) the Tank and Automotive Research Development and Engineering Center;

''(L) the Armament Research Development and Engineering Center;

''(M) the Naval Air Warfare Center, Weapons Division;

''(N) the Naval Air Warfare Center, Aircraft Division;

''(O) the Space and Naval Warfare Systems Center, Pacific; and

''(P) the Space and Naval Warfare Systems Center, Atlantic.''.

(2) EXTENSION OF PERIOD OF EXCLUSION.—Section 9902(c)(1) of title 5, United States Code, is amended by striking ''2011'' each place it appears and inserting ''2014''.

SEC. 1111. PILOT PROGRAM FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.

(a) ASSIGNMENT AUTHORITY.—The Secretary of Defense may, with the agreement of the private sector organization concerned, arrange for the temporary assignment of an employee to such private sector organization, or from such private sector organization to a Department of Defense organization under this section. An employee shall be eligible for such an assignment only if—

(1) the employee—

(A) works in the field of information technology management;

(B) is considered to be an exceptional employee;

(C) is expected to assume increased information technology management responsibilities in the future; and

(D) is compensated at not less than the GS–11 level (or the equivalent); and

(2) the proposed assignment meets applicable requirements of section 209(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note).

(b) AGREEMENTS.—The Secretary of Defense shall provide for a written agreement between the Department of Defense and the employee concerned regarding the terms and conditions of the employee's assignment under this section. The agreement—

(1) shall require that Department of Defense employees, upon completion of the assignment, will serve in the civil service for a period equal to the length of the assignment; and

(2) shall provide that if the Department of Defense or private sector employee fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason (as determined by the Secretary of Defense).

An amount for which an employee is liable under paragraph (2) shall be treated as a debt due the United States.

(c) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private sector organization concerned.

(d) DURATION.—An assignment under this section shall be for a period of not less than 3 months and not more than 1 year, and may be extended in 3-month increments for a total of not more than 1 additional year; however, no assignment under this section may commence after September 30, 2013.

(e) CONSIDERATIONS.—In carrying out this section, the Secretary of Defense—

(1) shall ensure that, of the assignments made under this section each year, at least 20 percent are from small business concerns (as defined by section 3703(e)(2)(A) of title 5, United States Code); and

(2) shall take into consideration the question of how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees in information technology management.

(f) NUMERICAL LIMITATION.—In no event may more than 10 employees be participating in assignments under this section as of any given time.

(g) REPORTING REQUIREMENT.—For each of fiscal years 2010 through 2015, the Secretary of Defense shall submit to the congressional defense committees, not later than 1 month after the end of the fiscal year involved, a report on any activities carried out under this section during such fiscal year, including information concerning—

(1) the respective organizations (as referred to in subsection (a)) to and from which any employee was assigned under this section;

(2) the positions those employees held while they were so assigned; and

(3) a description of the tasks they performed while they were so assigned.

(h) REPEAL OF SUPERSEDED SECTION.—Section 1109 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 358) is repealed, except that—

(1) nothing in this subsection shall, in the case of any assignment commencing under such section 1109 on or before the date of the enactment of this Act, affect—

(A) the duration of such assignment or the authority to extend such assignment in accordance with subsection (d) of such section 1109, as last in effect; or

(B) the terms or conditions of the agreement governing such assignment, including with respect to any service obligation under subsection (b) thereof; and

(2) any employee whose assignment is allowed to continue by virtue of paragraph (1) shall be taken into account for purposes of—

(A) the numerical limitation under subsection (f); and

(B) the reporting requirement under subsection (g).

SEC. 1112. PROVISIONS RELATING TO THE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''National Security Personnel System'' or ''NSPS'' refers to a human resources management system established under authority of chapter 99 of title 5, United States Code; and

(2) the term ''statutory pay sytem'' means a pay system under—

(A) subchapter III of chapter 53 of title 5, United States Code (relating to General Schedule pay rates);

(B) subchapter IV of chapter 53 of title 5, United States Code (relating to prevailing rate systems); or

(C) such other provisions of law as would apply if chapter 99 of title 5, United States Code, had never been enacted.

(b) REQUIREMENT THAT ALL APPOINTMENTS MADE AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE STATUTORY PAY SYSTEM AND NOT NSPS.—Notwithstanding any other provision of law—

(1) the National Security Personnel System—

(A) shall not apply to any individual who is not subject to such System as of June 16, 2009; and

(B) shall not apply to any position which is not subject to such System as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to any position within the Department of Defense shall accordingly be subject to the statutory pay system and all other aspects of the personnel system which would otherwise apply (with respect to the individual or position involved) if the National Security Personnel System had never been established.

(c) TERMINATION OF NSPS AND CONVERSION OF ANY EMPLOYEES AND POSITIONS REMAINING SUBJECT TO NSPS.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the National Security Personnel System and for the conversion of any employees and positions which, as of such date of enactment, remain subject to such System, to—

(A) the statutory pay system and all other aspects of the personnel system that last applied to such employee or position (as the case may be) before the National Security Personnel System applied; or

(B) if subparagraph (A) does not apply, the statutory pay system and all other aspects of the personnel system that would have applied if the National Security Personnel System had never been established.

No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the National Security Personnel System should not be terminated in accordance with paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary's views and the reasons therefor. Such report shall specifically include—

(A) the Secretary's opinion as to whether the System should be continued with or without changes; and

(B) if, in the opinion of the Secretary, the System should be continued with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

(d) RESTORATION OF FULL ANNUAL PAY ADJUSTMENTS UNDER NSPS PENDING ITS TERMINATION.—Section 9902(e)(7) of title 5, United States Code, is amended by striking ''no less than 60 percent'' and all that follows and inserting ''the full amount of such adjustment.''.

SEC. 1113. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''covered position'' means a defense intelligence position in the Department of Defense established under chapter 83 of title 10, United States Code, excluding an Intelligence Senior Level position designated under section 1607 of such title and any position in the Defense Intelligence Senior Executive Service;

(2) the term ''DCIPS pay system'', as used with respect to a covered position, means the

provisions of the Defense Civilian Intelligence Personnel System under which the rate of salary or basic pay for such position is determined, excluding any provisions relating to bonuses, awards, or any other amounts not in the nature of salary or basic pay;

(3) the term ''Defense Civilian Intelligence Personnel System'' means the personnel system established under chapter 83 of title 10, United States Code; and

(4) the term ''appropriate pay system'', as used with respect to a covered position, means—

(A) the system under which, as of September 30, 2007, the rate of salary or basic pay for such position was determined; or

(B) if subparagraph (A) does not apply, the system under which, as of September 30, 2007, the rate of salary or basic pay was determined for the positions within the Department of Defense most similar to the position involved,

excluding any provisions relating to bonuses, awards, or any other amounts which are not in the nature of salary or basic pay.

(b) REQUIREMENT THAT APPOINTMENTS TO COVERED POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE PAY SYSTEM.—Notwithstanding any other provision of law—

(1) the DCIPS pay system—

(A) shall not apply to any individual holding a covered position who is not subject to such system as of June 16, 2009; and

(B) shall not apply to any covered position which is not subject to such system as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to a covered position shall accordingly be subject to the appropriate pay system.

(c) TERMINATION OF DCIPS PAY SYSTEM FOR COVERED POSITIONS AND CONVERSION OF EMPLOYEES HOLDING COVERED POSITIONS TO THE APPROPRIATE PAY SYSTEM.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the DCIPS pay system with respect to covered positions and for the conversion of any employees holding any covered positions which, as of such date of enactment, remain subject to the DCIPS pay system, to the appropriate pay system. No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the DCIPS pay system should not be terminated with respect to covered positions, as required by paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary's views and the reasons therefor. Such report shall specifically include—

(A) the Secretary's opinion as to whether the DCIPS pay system should be continued, with or without changes, with respect to covered positions; and

(B) if, in the opinion of the Secretary, the DCIPS pay system should be continued with respect to covered positions, with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

The requirements of this paragraph shall be carried out by the Secretary of Defense in conjunction with the Director of the Office of Personnel Management.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect—

(1) the provisions of the Defense Civilian Intelligence Personnel System governing aspects of compensation apart from salary or basic pay; or

(2) the application of such provisions with respect to a covered position or any individual holding a covered position, including after June 16, 2009.

SEC. 1114. SENSE OF CONGRESS ON PAY PARITY FOR FEDERAL EMPLOYEES SERVICE AT JOINT BASE MCGUIRE/DIX/LAKEHURST.

It is the sense of Congress that for the purposes of determining any pay for an employee serving at Joint Base McGuire/Dix/Lakehurst—

(1) the pay schedules and rates to be used shall be the same as if such employee were serving in the pay locality, wage area, or other area of locality (whichever would apply to determine pay for the employees involved) that includes Ocean County, New Jersey; and

(2) the Office of Personnel Management should develop regulations to ensure pay parity for employees serving at Joint Bases.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

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

Subtitle C—Other Matters

Subtitle A—Assistance and Training

SEC. 1201. MODIFICATION AND EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) MODIFICATION.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458), as amended by section 1207(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended—

(1) by striking ''(b) LIMITATION.—'' and all that follows through ''the aggregate value'' and inserting ''(b) LIMITATION.—The aggregate value'';

(2) by striking ''$100,000,000'' and inserting ''$25,000,000''; and

(3) by striking paragraph (2).

(b) EXTENSION OF AUTHORITY.—Subsection (g) of such section, as most recently amended by section 1207(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

SEC. 1202. INCREASE OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

Section 1208(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended by section 1208(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking ''$35,000,000'' and inserting ''$50,000,000''.

SEC. 1203. MODIFICATION OF REPORT ON FOREIGN-ASSISTANCE RELATED PROGRAMS CARRIED OUT BY THE DEPARTMENT OF DEFENSE.

(a) AMENDMENT.—Section 1209 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368) is amended—

(1) in subsection (a), by striking ''180 days after the date of the enactment of this Act'' and inserting ''February 1 of each year''; and

(2) in subsection (b)(1)—

(A) in subparagraph (G), by striking ''and'' at the end; and

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

''(I) subsection (b)(6) of section 166a of title 10, United States Code; and''.

(b) REPORT FOR FISCAL YEARS 2008 AND 2009.—The report required to be submitted not later than February 1, 2010, under section 1209(a) of the National Defense Authorization Act for Fiscal Year 2008, as amended by subsection (a), shall include information required under such section with respect to fiscal years 2008 and 2009.

SEC. 1204. REPORT ON AUTHORITIES TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES AND RELATED MATTERS.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the President shall transmit to the congressional committees specified in subsection (b) a report on the following:

(1) The relationship between authorities of the Department of Defense to conduct security cooperation programs to train and equip, or otherwise build the capacity of, foreign military forces and security assistance authorities of the Department of State and other foreign assistance agencies to provide assistance to train and equip, or otherwise build the capacity of, foreign military forces, including the distinction, if any, between the purposes of such authorities, the processes to generate requirements to satisfy the purposes of such authorities, and the contribution such authorities make to the core missions of each such department and agency.

(2) The strengths and weaknesses of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Arms Export Control Act (22 U.S.C. 2171 et seq.), title 10, United States Code, and any other provision of law relating to training and equipping, or otherwise building the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(3) The changes, if any, that should be made to the provisions of law described in paragraph (2) that would improve the ability of the United States Government to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(4) The organizational and procedural changes, if any, that should be made in the Department of Defense and the Department of State and other foreign assistance agencies to improve the ability of such departments and agencies to conduct programs to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(5) The resources and funding mechanisms required to ensure adequate funding for such programs.

(b) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

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

(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

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

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1212. REAUTHORIZATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEAR 2010.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as most recently amended by section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4360), is further amended—

(1) in the heading, by striking ''FISCAL YEARS 2008 AND 2009'' and inserting ''FISCAL YEAR 2010''; and

(2) in the matter preceding paragraph (1)—

(A) by striking ''each of fiscal years 2008 and 2009'' and inserting ''fiscal year 2010''; and

(B) by striking ''$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009'' and inserting ''$1,300,000,000 in fiscal year 2010''.

(b) QUARTERLY REPORTS.—Subsection (b) of such section is amended by striking ''fiscal years 2008 and 2009'' and inserting ''fiscal year 2010''.

SEC. 1213. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense by section 1510 for operation and maintenance, Defense-wide activities, the Secretary of Defense may reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) AMOUNTS OF REIMBURSEMENT.—Reimbursement authorized by subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided.

(c) LIMITATIONS.—

(1) LIMITATION ON AMOUNT.—The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2010 may not exceed $1,600,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary of Defense may not enter into any contractual obligation to make a reimbursement under the authority in subsection (a).

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall notify the appropriate congressional committees not less than 15 days before making any reimbursement under the authority in subsection (a). In the case of any reimbursement to Pakistan under the authority in subsection (a), such notification shall be made in accordance with the notification requirements under section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392).

(e) QUARTERLY REPORTS.—The Secretary of Defense shall submit to the appropriate congressional committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a) during such quarter.

(f) EXTENSION OF NOTIFICATION REQUIREMENT RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as amended by section 1217(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4635), is further amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1214. PAKISTAN COUNTERINSURGENCY FUND.

(a) AMOUNTS IN FUND.—The Pakistan Counterinsurgency Fund (in this section referred to as the ''Fund'') shall consist of the following:

(1) Amounts appropriated to the Fund for fiscal year 2009.

(2) Amounts transferred to the Fund pursuant to subsection (d).

(b) USE OF FUNDS.—

(1) IN GENERAL.—Amounts in the Fund shall be made available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance to the security forces of Pakistan (including program management and the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction) to improve the counterinsurgency capability of Pakistan's security forces (including Pakistan's military, Frontier Corps, and other security forces), and of which not more than $2,000,000 may be made available to provide humanitarian assistance to the people of Pakistan only as part of civil-military training exercises for Pakistan's security forces receiving assistance under the Fund.

(2) RELATION TO OTHER AUTHORITIES.—Except as otherwise provided in section 1215 of this Act (relating to the program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan), amounts in the Fund are authorized to be made available notwithstanding any other provision of law. The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(c) TRANSFERS FROM FUND.—

(1) IN GENERAL.—The Secretary of Defense may transfer such amounts as the Secretary determines to be appropriate from the Fund—

(A) to any account available to the Department of Defense, or

(B) with the concurrence of the Secretary of State and head of the relevant Federal department or agency, to any other non-intelligence related Federal account,

for purposes consistent with this section.

(2) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority of paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(3) TRANSFERS BACK TO FUND.—Upon a determination by the Secretary of Defense with respect to funds transferred under paragraph (1)(A), or the head of the other Federal department or agency with the concurrence of the Secretary of State with respect to funds transferred under paragraph (1)(B), that all or part of amounts transferred from the Fund under paragraph (1) are not necessary for the purpose provided, such amounts may be transferred back to the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as originally applicable under subsection (b).

(d) TRANSFERS TO FUND.—

(1) IN GENERAL.—The Fund may include amounts transferred by the Secretary of State, with the concurrence of the Secretary of Defense, under any authority of the Secretary of State to transfer funds under any provision of law.

(2) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to the Fund under the authority of paragraph (1) shall be merged with amounts in the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in the Fund.

(e) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Amounts in the Fund may not be obligated or transferred from the Fund under this section until 15 days after the date on which the Secretary of Defense notifies the appropriate congressional committees in writing of the details of the proposed obligation or transfer.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(f) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the authority provided under this section terminates at the close of September 30, 2010.

(2) EXCEPTION.—Any program supported from amounts in the Fund established before the close of September 30, 2010, may be completed after that date but only using amounts appropriated or transferred to the Fund on or before that date.

SEC. 1215. PROGRAM TO PROVIDE FOR THE REGISTRATION AND END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES TRANSFERRED TO AFGHANISTAN AND PAKISTAN.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall establish and carry out a program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan in accordance with the requirements under subsection (b) and to prohibit the retransfer of such defense articles and defense services without the consent of the United States. The program required under this subsection shall be limited to the transfer of defense articles and defense services—

(A) pursuant to authorities other than the Arms Export Control Act or the Foreign Assistance Act of 1961; and

(B) using funds made available to the Department of Defense, including funds available pursuant to the Pakistan Counterinsurgency Fund.

(2) PROHIBITION.—No defense articles or defense services that would be subject to the program required under this subsection may be transferred to—

(A) the Government of Afghanistan or any other group, organization, citizen, or resident of Afghanistan, or

(B) the Government of Pakistan or any other group, organization, citizen, or resident of Pakistan,

until the Secretary of Defense certifies to the specified congressional committees that the program required under this subsection has been established.

(b) REGISTRATION AND END-USE MONITORING REQUIREMENTS.—The registration and end-use monitoring requirements under this subsection shall include the following:

(1) A detailed record of the origin, shipping, and distribution of defense articles and defense services transferred to—

(A) the Government of Afghanistan and other groups, organizations, citizens, and residents of Afghanistan; and

(B) the Government of Pakistan and other groups, organizations, citizens, and residents of Pakistan.

(2) A program of end-use monitoring of lethal defense articles and defense services transferred to the entities and individuals described in subparagraphs (A) and (B) of paragraph (1),

(c) REVIEW; EXEMPTION.—

(1) REVIEW.—The Secretary of Defense shall periodically review the defense articles and defense services subject to the registration and end-use monitoring requirements under subsection (b) to determine which defense articles and defense services, if any, should no longer be subject to such registration and monitoring requirements. The Secretary of Defense shall submit to the specified congressional committees the results of each review conducted under this paragraph.

(2) EXEMPTION.—The Secretary of Defense may exempt a defense article or defense service from the registration and end-use monitoring requirements under subsection (b) beginning on the date that is 30 days after the date on which the Secretary provides notice of the proposed exemption to the specified congressional committees. Such notice shall describe any controls to be imposed on such defense article or defense service, as the case may be, under any other provision of law.

(d) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term ''defense article''—

(A) includes—

(i) any weapon, including a small arm (as defined in paragraph (3)), weapons system, munition, aircraft, vessel, boat or other implement of war;

(ii) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

(iii) any machinery, facility, tool, material supply, or other item necessary for the manufacture, production, processing repair, servicing, storage, construction, transportation, operation, or use of any article listed in this paragraph; or

(iv) any component or part of any article listed in this paragraph; but

(B) does not include merchant vessels or, as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), source material (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity), by-product material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

(2) DEFENSE SERVICE.—The term ''defense service'' includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but does not include military educational and training activities under chapter 5 of part II of the Foreign Assistance Act of 1961.

(3) SMALL ARM.—The term ''small arm'' means—

(A) a handgun or pistol;

(B) a shoulder-fired weapon, including a subcarbine, carbine, or rifle;

(C) a light, medium, or heavy automatic weapon up to and including a .50 caliber machine gun;

(D) a recoilless rifle up to and including 106mm;

(E) a mortar up to and including 81mm;

(F) a rocket launcher, man-portable;

(G) a grenade launcher, rifle and shoulder fired; and

(H) an individually-operated weapon which is portable or can be fired without special mounts or firing devices and which has potential use in civil disturbances and is vulnerable to theft.

(4) SPECIFIED CONGRESSIONAL COMMITTEES.—The term ''specified congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The Secretary of Defense may delay the effective date of this section by an additional period of up to 90 days if the Secretary certifies in writing to the specified congressional committees for such additional period that it is in the vital interest of the United States to do so and includes in the certification a description of such vital interest.

SEC. 1216. REPORTS ON CAMPAIGN PLANS FOR IRAQ AND AFGHANISTAN.

(a) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees separate reports containing assessments of the extent to which the campaign plan for Iraq and the campaign plan for Afghanistan each adhere to military doctrine (as defined in the Department of Defense's Joint Publication 5-0, Joint Operation Planning), including the elements set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be included in the assessments required under subsection (a) are as follows:

(1) The extent to which each campaign plan identifies and prioritizes the conditions that must be achieved in each phase of the campaign.

(2) The extent to which each campaign plan reports the number of combat brigade teams and other forces required for each campaign phase.

(3) The extent to which each campaign plan estimates the time needed to reach the desired end state and complete the military portion of the campaign.

(c) UPDATE OF REPORT.—The Comptroller General shall submit to the congressional defense committees an update of the report on the campaign plan for Iraq or the campaign plan for Afghanistan required under subsection (a) whenever the campaign plan for Iraq or the campaign plan for Afghanistan, as the case may be, is substantially updated or altered.

(d) EXCEPTION.—If the Comptroller General determines that a report submitted to Congress by the Comptroller General before the date of the enactment of this Act substantially meets the requirements of subsection (a) for the submission of a report on the campaign plan for Iraq or the campaign plan for Afghanistan, the Comptroller General shall so notify the congressional defense committees in writing, but shall provide an update of the report as required under subsection (c).

(e) TERMINATION.—

(1) REPORTS ON IRAQ.—The requirement to submit updates of reports on the campaign plan for Iraq under subsection (c) shall terminate on December 31, 2011.

(2) REPORTS ON AFGHANISTAN.—The requirement to submit updates of reports on the campaign plan for Afghanistan under subsection (c) shall terminate on September 30, 2012.

SEC. 1217. REQUIRED ASSESSMENTS OF UNITED STATES EFFORTS IN AFGHANISTAN.

(a) ASSESSMENTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall conduct an assessment, which shall be not more than 30 days in duration, of the progress toward defeating al Qa'ida and its affiliated networks and extremist allies and preventing the establishment of safe havens in Afghanistan for al Qa'ida and its affiliated networks and extremist allies.

(b) AREAS TO BE ASSESSED.—In carrying out subsection (a), the President should assess progress in the following areas:

(1) Ending the ability of the Taliban, al Qa'ida, and other anti-government elements—

(A) to establish control over the population of Afghanistan or regions of Afghanistan;

(B) to establish safe havens in Afghanistan; and

(C) to conduct attacks inside or outside Afghanistan.

(2) Spreading legitimate and functional governance.

(3) Spreading the rule of law.

(4) Improving the legal economy of Afghanistan.

(5) Other areas the President determines to be important.

(c) REQUIREMENT TO DEVELOP GOALS AND TIMELINES.—For each area required to be assessed under subsection (b), the President, in consultation with the Government of Afghanistan and the governments of other countries the President determines to be necessary, shall establish goals for each area and timelines for meeting such goals.

(d) METRICS.—The President shall develop metrics that allows for the accurate and thorough assessment of progress toward each goal

and along each timeline required under subsection (c).

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the completion of each assessment required under subsection (a), the President shall transmit to Congress a report on the assessment.

(2) ELEMENTS.—The report required under paragraph (1) should include, at a minimum, the following elements:

(A) The results of the assessment of—

(i) the progress of the government and people of Afghanistan, with the assistance of the international community, in each area required to be assessed under subsection (b); and

(ii) the effectiveness of United States efforts to assist the government and people of Afghanistan to make progress in each area required to be assessed under subsection (b).

(B) A description of the goals and timelines for meeting such goals required under subsection (c).

(C) A description of the metrics required to be developed under subsection (d) and how such metrics were used to assess progress in each area required to be assessed under subsection (b).

(3) FORM.—The report required under paragraph (1) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

(f) SUNSET.—The requirement to conduct assessments under subsection (a) shall not apply beginning on the date that is 5 years after the date of the enactment of this Act.

SEC. 1218. REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, or December 31, 2009, whichever occurs later, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report concerning the responsible redeployment of United States Armed Forces from Iraq in accordance with the policy announced by the President on February 27, 2009, and the Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces From Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq.

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

(1) The number of United States military personnel in Iraq by service and component for each month of the preceding 90-day period and an estimate of the personnel levels in Iraq for the 90-day period following submission of the report.

(2) The number and type of military installations in Iraq occupied by 100 or more United States military personnel and the number of such military installations closed, consolidated, or transferred to the Government of Iraq in the preceding 90-day period.

(3) An estimate of the number of military vehicles, containers of equipment, tons of ammunition, or other significant items belonging to the Department of Defense removed from Iraq during the preceding 90-day period, an estimate of the remaining amount of such items belonging to the Department of Defense, and an assessment of the likelihood of successfully removing, demilitarizing, or otherwise transferring all items belonging to the Department of Defense from Iraq on or before December 31, 2011.

(4) An assessment of United States detainee operations and releases. Such assessment should include the total number of detainees held by the United States in Iraq, the number of detainees in each threat level category, the number of detainees who are not nationals of Iraq, the number of detainees transferred to Iraqi authorities, the number of detainees who were released from United States custody and the reasons for their release, and the number of detainees who having been released in the past were recaptured or had their remains identified planning or after carrying out attacks on United States or Coalition forces.

(5) A listing of the objective and subjective factors utilized by the commander of Multi-National Force–Iraq, including any changes to that list in the case of an update to the report, to determine risk levels associated with the drawdown of United States Armed Forces, and the process and timing that will be utilized by the commander of Multi-National Force–Iraq and the Secretary of Defense to assess risk and make recommendations to the President about either continuing the redeployment of United States Armed Forces from Iraq in accordance with the schedule announced by the President or modifying the pace or timing of that redeployment.

(c) INCLUSION IN OTHER REPORTS.—The report required under subsection (a) and any updates to the report may be included in any other required report on Iraq submitted to Congress by the Secretary of Defense.

(d) FORM.—The report required under subsection (a), whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense, may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 1219. REPORT ON AFGHAN PUBLIC PROTECTION PROGRAM.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Afghan Public Protection Program (in this section referred to as the ''program'').

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the program in the initial pilot districts in Afghanistan, including, at a minimum, the following elements:

(A) An evaluation of the changes in security conditions in the initial pilot districts from the program's inception to the date of the report.

(B) The extent to which the forces developed under the program in the initial pilot districts are generally representative of the ethnic groups in the respective districts.

(C) If the forces developed under the program are appropriately representative of the geographic area of responsibility.

(D) An assessment of the views of the local communities, to include both Afghan national, provincial, and district governmental officials and leaders of the local communities, of the successes and failures of the program.

(E) Any formal reviews of the program that are planned for the future and the timelines on which the reviews would be conducted, by whom the reviews would be conducted, and the criteria that would be used.

(F) The selection criteria that were used to select members of the program in the initial pilot districts and how the members were vetted.

(G) The costs to the Department of Defense to support the program in the initial pilot districts, to include any Commanders' Emergency Response Program funds spent as formal or informal incentives.

(H) The roles of the Afghanistan National Security Forces (ANSF) in supporting and training forces under the program.

(I) Any other criteria used to evaluate the program in the initial pilot districts by the Commander of United States Forces–Afghanistan.

(2) An assessment of the future of the program, including, at a minimum, the following elements:

(A) A description of the goals and objectives expected to be met by the expansion of the program.

(B) A description of how such an expansion supports the functions of the Afghan National Police.

(C) A description of how the decision will be made whether to expand the program outside the initial pilot districts and the criteria that will be used to make that decision.

(D) A description of how districts or provinces outside of the initial pilot districts will be chosen to participate in the program, including an explanation of the following:

(i) What mechanisms the Government of Afghanistan will use to select additional districts or provinces, including participants in the decision process and the criteria used.

(ii) How the views of relevant United States Government departments and agencies will be taken into account by the Government of Afghanistan when choosing districts or provinces to participate in the program.

(iii) How the views of other North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) Coalition partners will be taken into account during the decision process.

(iv) What process will be used to evaluate any changes to the program as executed in the initial pilot districts to account for different or unique circumstances in additional areas of expansion.

(E) An assessment of personnel or assets of the Department of Defense that would likely be required to support any expansion of the program, including a description of the following:

(i) Any requirement for personnel to train or mentor additional forces developed under the program or to train additional members of the ANSF to train forces under the program.

(ii) Any Department of Defense funding that would be provided to support additional forces under the program.

(iii) Any assistance that would reasonably be required to assist the Government of Afghanistan manage any additional forces developed under the program.

(F) A description of the formal process, led by the Government of Afghanistan, that will be used to evaluate the program, including a description of the following:

(i) A listing of the criteria that are expected to be considered in the process.

(ii) The roles in the process of—

(I) the Government of Afghanistan;

(II) relevant United States Government departments and agencies;

(III) NATO-ISAF Coalition partners;

(IV) nongovernmental representatives of the people of Afghanistan; and

(V) any other appropriate individuals and entities.

(G) If members of the forces developed under the program will be transitioned to the ANSF or to other employment in the future, a description of—

(i) the process that will be used to transition the forces;

(ii) additional training that may be required;

(iii) how decisions will be made to transition the forces to the ANSF or other employment; and

(iv) any other relevant information.

(H) The Afghan chain of command that will be used to implement the program and provide command and control over the units created by the program.

SEC. 1220. UPDATES OF REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

Section 1216(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634) is

amended by adding at the end the following new sentence: ''Any update of the report required under subsection (c) may be included in the report required under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385).''.

SEC. 1221. REPORT ON PAYMENTS MADE BY UNITED STATES ARMED FORCES TO RESIDENTS OF AFGHANISTAN AS COMPENSATION FOR LOSSES CAUSED BY UNITED STATES MILITARY OPERATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on payments made by United States Armed Forces to residents of Afghanistan as compensation for losses caused by United States military operations.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) the total amount of funds provided for losses caused by United States military operations;

(2) a breakdown of the number of payments by type, to include—

(A) compensation for the death of a noncombatant Afghan resident;

(B) compensation for the injury of a noncombatant Afghan resident;

(C) compensation for property damage caused during combat operations or noncombat operations; and

(D) any other category for which compensation was paid by United States Armed Forces; and

(3) the average amount of compensation for each type of payment described in paragraph (2).

(c) SCOPE OF REPORT.—The initial report required under subsection (a) shall include the information required under subsection (b) for the 5-year period ending on the date of submission of the initial report and each update of the report required under subsection (a) shall include the information required under subsection (b) for the period since the submission of last report.

(d) TERMINATION.—The requirement to submit reports under subsection (a) shall terminate on September 30, 2012.

SEC. 1222. ASSESSMENT AND REPORT ON UNITED STATES-PAKISTAN MILITARY RELATIONS AND COOPERATION.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense, in consultation with the Secretary of State, shall conduct an assessment of possible alternatives to reimbursements to Pakistan for logistical, military, or other support provided by Pakistan to or in connection with United States military operations, which could encourage the Pakistani military to undertake counterterrorism and counterinsurgency operations and achieve the goals and objectives for long-term United States-Pakistan military relations and cooperation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the assessment required under subsection (a).

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1223. REQUIRED ASSESSMENTS OF PROGRESS TOWARD SECURITY AND STABILITY IN PAKISTAN.

(a) ASSESSMENTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall conduct an assessment, which shall be not more than 30 days in duration, of the progress toward long-term security and stability in Pakistan.

(b) AREAS TO BE ASSESSED.—In carrying out subsection (a), the President should assess—

(1) the effectiveness of efforts—

(A) to disrupt, dismantle, and defeat al Qa'ida, its affiliated networks, and other extremist forces in Pakistan;

(B) to eliminate the safe havens for such forces in Pakistan; and

(C) to prevent the return of such forces to Pakistan or Afghanistan; and

(2) the effectiveness of United States security assistance to Pakistan to achieve the strategic goal described in paragraph (1).

(c) REQUIREMENT TO DEVELOP GOALS AND OBJECTIVES AND TIMELINES.—For any area assessed under subsection (b), the President, in consultation with the Government of Pakistan and the governments of other countries the President determines to be necessary, shall establish goals and objectives and timelines for meeting such goals and objectives.

(d) REQUIREMENT TO DEVELOP METRICS.—The President shall develop metrics that allow for the accurate and thorough assessment of progress toward each goal and objective and along each timeline required under subsection (c).

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the completion of each assessment required under subsection (a), the President shall transmit to Congress a report on the assessment.

(2) ELEMENTS.—The report required under paragraph (1) should include, at a minimum, the following elements:

(A) The results of the assessment required under subsection (a).

(B) A description of the goals and objectives and timelines for meeting such goals and objectives required under subsection (c).

(C) A description of the metrics required to be developed under subsection (d) and how such metrics were used to assess progress in each area required to be assessed under subsection (b).

(3) FORM.—The report required under paragraph (1) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

(f) SUNSET.—The requirement to conduct assessments under subsection (a) shall not apply beginning on the date that is 5 years after the date of the enactment of this Act.

SEC. 1224. REPEAL OF GAO WAR-RELATED REPORTING REQUIREMENT.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462) is amended by striking the following: ''Based on these reports, the Comptroller General shall provide to Congress quarterly updates on the costs of Operation Iraqi Freedom and Operation Enduring Freedom.''.

SEC. 1225. PLAN TO GOVERN THE DISPOSITION OF SPECIFIED DEFENSE ITEMS IN IRAQ.

(a) PLAN REQUIRED.—The Secretary of Defense shall prepare a plan to govern the disposition of specified defense items in Iraq.

(b) ELEMENTS OF PLAN.—The plan required under subsection (a) shall, at a minimum, address the following elements:

(1) The identification of an individual, position, or office that will be responsible for making recommendations to the Secretary of Defense regarding the disposition of specified defense items in Iraq.

(2) A mechanism for conducting a thorough inventory of specified defense items in Iraq owned by the Department of Defense, including specified defense items in Iraq that are operated by contractors.

(3) A mechanism for soliciting input regarding potential requirements for specified defense items in Iraq. Such potential requirements may include—

(A) use in other overseas contingency operations involving the Armed Forces;

(B) use to reset the Armed Forces;

(C) use by other United States combatant commanders to enhance their capability to carry out missions in their respective combatant commands;

(D) use to refill prepositioned stocks;

(E) transfer to the security forces of Iraq or Afghanistan; and

(F) use by other Federal departments and agencies or political subdivisions of the United States.

(4) A mechanism for identifying specified defense items in Iraq that are not economically viable to remove from Iraq or which are not needed to meet other requirements, and for soliciting and evaluating proposals for the disposition of those items.

(5) A mechanism for ensuring that the views and inputs, as may be required by law, of other Federal departments and agencies are taken into account.

(c) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report outlining the plan required under subsection (a) and including the elements required under subsection (b). The report shall further include an assessment of current authorities for the disposition of equipment and recommendations about changes to such authorities that the Secretary determines to be necessary. The report required under this subsection shall be submitted not later than the date of submission to Congress of the President's budget for fiscal year 2011 pursuant to section 1105(a) of title 31, United States Code.

(d) REVIEW BY THE COMPTROLLER GENERAL.—Not later than 60 days after the date of submission of the report required under subsection (c), the Comptroller General of the United States shall submit to the congressional defense committees a review of the plan required under subsection (a) and the recommendations of the Secretary of Defense contained in the report required under subsection (c).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the transfer of specified defense items in Iraq to any entity outside the Department of Defense except pursuant to relevant laws currently in force.

(f) SPECIFIED DEFENSE ITEMS IN IRAQ DEFINED.—In this section, the term ''specified defense items in Iraq'' includes major end items and tactical equipment items owned by the Department of Defense that are present in Iraq as of the date of enactment of this Act and are no longer required to support United States military operations in Iraq.

SEC. 1226. CIVILIAN MINISTRY OF DEFENSE ADVISOR PROGRAM.

(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, may provide civilian advisors to senior civilian and military officials of the Governments of Iraq and Afghanistan for the purpose of providing institutional, ministerial-level advice and other training to such officials in support of stabilization efforts and United States military operations in those countries.

(b) FORMULATION OF ADVICE AND TRAINING PROGRAM.—The Secretary of Defense and the Secretary of State shall jointly formulate any program to provide advice and training under subsection (a).

(c) LIMITATION.—The Secretary of Defense may not expend more than $13,100,000 for any fiscal year in carrying out any program in Iraq and Afghanistan as described in subsection (a).

(d) ADDITIONAL AUTHORITY.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations or forces.

(e) TERMINATION OF AUTHORITY.—The authority to provide assistance under this section terminates at the close of September 30, 2010.

SEC. 1227. REPORT ON THE STATUS OF INTERAGENCY COORDINATION IN THE AFGHANISTAN AND OPERATION ENDURING FREEDOM THEATER OF OPERATIONS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report on the status of interagency coordination in the Afghanistan and Operation Enduring Freedom theater of operations.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of the following:

(1) The staffing structure of United States-led Provincial Reconstruction Teams (PRTs) in Afghanistan, including the roles of members of the Armed Forces, the roles of non-Armed Forces personnel, and unfilled staffing, training, and resource needs.

(2) The use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense.

(3) Coordination between United States-led and NATO ISAF-led programs to develop the capacity of national, provincial, and local government and other civil institutions as well as reconstruction and development activities in Afghanistan.

(4) Unfilled staffing and resource requirements for reconstruction, development, and civil institution capacity building programs.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1228. SENSE OF CONGRESS SUPPORTING UNITED STATES POLICY FOR AFGHANISTAN.

It is the sense of Congress that—

(1) Afghanistan is a central front in the global struggle against al Qa'ida and its affiliated networks;

(2) the United States has a vital national security interest in ensuring that Afghanistan does not revert back to its pre-September 11, 2001, status and become a sanctuary for transnational terrorists;

(3) the President outlined a strategy for Afghanistan and Pakistan on March 27, 2009, that is rightly focused on disrupting, dismantling, and defeating al Qa'ida and its affiliated networks and their safe havens;

(4) the implementation of the President's strategy requires a long-term, integrated civilian-military counterinsurgency strategy and a sustained, substantial commitment of military resources to Afghanistan;

(5) as part of such an effort, the President should continue to provide United States military commanders with the forces requested to conduct combat operations and to train and mentor Afghan security forces; and

(6) in support of the President's strategy, Congress should ensure that United States military commanders in Afghanistan have the necessary funding and resources to succeed.

SEC. 1229. ANALYSIS OF REQUIRED FORCE LEVELS AND TYPES OF FORCES NEEDED TO SECURE SOUTHERN AND EASTERN REGIONS OF AFGHANISTAN.

(a) STUDY REQUIRED.—At the request of the Commander of United States Forces for Afghanistan (USFOR-A), the Secretary of Defense shall enter into a contract with a Federally Funded Research Development Center (FFRDC) to provide analysis and support to the commander to assist with analyzing the required force levels and types of forces needed to secure the southern and eastern regions of Afghanistan in an effort to provide a space for the government of Afghanistan to establish effective government control and provide the Afghan security forces with the required training and mentoring.

(b) FUNDING.—Of the amount authorized to be appropriated for Defense-wide operation and maintenance in section 301(5), $3,000,000 may be used to carry out subsection (a).

Subtitle C—Other Matters

SEC. 1231. NATO SPECIAL OPERATIONS COORDINATION CENTER.

(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for fiscal year 2010 pursuant to section 301(1) for operation and maintenance for the Army, to be derived from amounts made available for support of North Atlantic Treaty Organization (hereinafter in this section referred to as ''NATO'') operations, the Secretary of Defense is authorized to use up to $30,000,000 for the purposes set forth in subsection (b).

(b) PURPOSES.—The Secretary shall provide funds for the NATO Special Operations Coordination Center (hereinafter in this section referred to as the ''NSCC'') to—

(1) improve coordination and cooperation between the special operations forces of NATO nations;

(2) facilitate joint operations by the special operations forces of NATO nations;

(3) support special operations forces peculiar command, control, and communications capabilities;

(4) promote special operations forces intelligence and informational requirements within the NATO structure; and

(5) promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of a multinational education and training program.

(c) CERTIFICATION.—Not less than 180 days after the date of enactment of this Act, the Secretary shall certify to the Committees on Armed Services of the Senate and House of Representatives that the Secretary of Defense has assigned executive agent responsibility for the NSCC to an appropriate organization within the Department of Defense, and detail the steps being undertaken by the Department of Defense to strengthen the role of the NSCC in fostering special operations capabilities within NATO.

SEC. 1232. ANNUAL REPORT ON MILITARY POWER OF THE ISLAMIC REPUBLIC OF IRAN.

(a) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, on the current and future military strategy of the Islamic Republic of Iran. The report shall address the current and probable future course of military developments on Iran's Army, Air Force, Navy and the Iranian Revolutionary Guard Corps, and the tenets and probable development of Iran's grand strategy, security strategy, and military strategy, and of military organizations and operational concepts.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include at least the following elements:

(1) As assessment of Iranian grand strategy, security strategy, and military strategy, including the following:

(A) The goals of Iran's grand strategy, security strategy, and military strategy.

(B) Trends in Iran's strategy that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world.

(C) The security situation in the Persian Gulf and the Levant.

(D) Iranian strategy regarding other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(2) An assessment of the capabilities of Iran's conventional forces, including the following:

(A) The size, location, and capabilities of Iran's conventional forces.

(B) A detailed analysis of Iran's forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(C) Major developments in Iranian military doctrine.

(D) An estimate of the funding provided for each branch of Iran's conventional forces.

(3) An assessment of Iran's unconventional forces, including the following:

(A) The size and capability of Iranian special operations units, including the Iranian Revolutionary Guard Corps–Quds Force.

(B) The types and amount of support provided to groups designated by the United States as terrorist organizations, including Hezbollah, Hamas, and the Special Groups in Iraq, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran or in response to a military attack by another country on Iran.

(C) A detailed analysis of Iran's unconventional forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(D) An estimate of the amount of funds spent by Iran to develop and support special operations forces and terrorist groups.

(4) An assessment of Iranian capabilities related to nuclear and missile forces, including the following:

(A) A summary of nuclear capabilities and developments in the preceding year, including the location of major facilities believed to be involved in a nuclear weapons program.

(B) A summary of the capabilities of Iran's strategic missile forces, including the size of the Iranian strategic missile arsenal and the locations of missile launch sites.

(C) A detailed analysis of Iran's strategic missile forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(D) An estimate of the amount of funding expended by Iran on programs to develop a capability to build nuclear weapons or to enhance Iran's strategic missile capability.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) IRAN'S CONVENTIONAL FORCES.—The term ''Iran's conventional forces''—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's strategic missile forces; and

(B) includes Iran's Army, Iran's Air Force, Iran's Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps–Quds Force.

(3) IRAN'S UNCONVENTIONAL FORCES.—The term ''Iran's unconventional forces''—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps–Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on Iran.

(4) IRAN'S STRATEGIC MISSILE FORCES.—The term ''Iran's strategic missile forces'' means those elements of the military forces of the Islamic Republic of Iran that employ missiles capable of flights in excess of 500 kilometers.

SEC. 1233. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) in the first sentence, by striking ''on the current and future military strategy of the People's Republic of China'' and inserting ''on military and security developments involving the People's Republic of China'';

(2) in the second sentence—

(A) by striking ''on the People's Liberation Army'' and inserting ''of the People's Liberation Army''; and

(B) by striking ''Chinese grand strategy, security strategy,'' and inserting ''Chinese security strategy''; and

(3) by adding at the end the following new sentence: ''The report shall also address United States-China engagement and cooperation on security matters during the period covered by the report, including through United States-China military-to-military contacts, and the United States strategy for such engagement and cooperation in the future.''.

(b) MATTERS TO BE INCLUDED.—Subsection (b) of such section, as amended by section 1263 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 407), is further amended—

(1) in paragraph (1)—

(A) by striking ''goals of'' inserting ''goals and factors shaping''; and

(B) by striking ''Chinese grand strategy, security strategy,'' and inserting ''Chinese security strategy'';

(2) by amending paragraph (2) to read as follows:

''(2) Trends in Chinese security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (1).'';

(3) in paragraph (6)—

(A) by inserting ''and training'' after ''military doctrine''; and

(B) by striking '', focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes''; and

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

''(10) In consultation with the Secretary of Energy and the Secretary of State, developments regarding United States-China engagement and cooperation on security matters.

''(11) The current state of United States military-to-military contacts with the People's Liberation Army, which shall include the following:

''(A) A comprehensive and coordinated strategy for such military-to-military contacts and updates to the strategy.

''(B) A summary of all such military-to-military contacts during the period covered by the report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

''(C) A description of such military-to-military contacts scheduled for the 12-month period following the period covered by the report and the plan for future contacts.

''(D) The Secretary's assessment of the benefits the Chinese expect to gain from such military-to-military contacts.

''(E) The Secretary's assessment of the benefits the Department of Defense expects to gain from such military-to-military contacts, and any concerns regarding such contacts.

''(F) The Secretary's assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the People's Republic of China.

''(12) Other military and security developments involving the People's Republic of China that the Secretary of Defense considers relevant to United States national security.''.

(c) CONFORMING AMENDMENT.—Such section is further amended in the heading by striking ''**MILITARY POWER OF**'' and inserting ''**MILITARY AND SECURITY DEVELOPMENTS INVOLVING**''.

(d) REPEALS.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 779; 10 U.S.C. 168 note) is amended by striking subsections (e) and (f).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

(2) STRATEGY AND UPDATES FOR MILITARY-TO-MILITARY CONTACTS WITH PEOPLE'S LIBERATION ARMY.—The requirement to include the strategy described in paragraph (11)(A) of section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000, as so amended, in the report required to be submitted under section 1202(a) of such Act, as so amended, shall apply with respect to the first report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act. The requirement to include updates to such strategy shall apply with respect to each subsequent report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act.

SEC. 1234. REPORT ON IMPACTS OF DRAWDOWN AUTHORITIES ON THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate an annual report, in unclassified form but with a classified annex if necessary, on the impacts of drawdown authorities on the Department of Defense. The report required under this subsection shall be submitted concurrent with the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall contain the following elements:

(1) A list of each drawdown for which a presidential determination was issued in the preceding year.

(2) A summary of the types and quantities of equipment that was provided under each drawdown in the preceding year.

(3) The cost to the Department of Defense to replace any equipment transferred as part of each drawdown, not including any depreciation, in the preceding year.

(4) The cost to the Department of Defense of any other item, including fuel or services, transferred as part of each drawdown in the preceding year.

(5) The total amount of funds transferred under each drawdown in the preceding year.

(6) A copy of any statement of impact on readiness or statement of impact on operations and maintenance that any military service furnished as part of the process of developing a drawdown package in the preceding year.

(7) An assessment by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff of the impact of transfers carried out as part of drawdowns in the previous year on—

(A) the ability of the Armed Forces to meet the requirements of ongoing overseas contingency operations;

(B) the level of risk associated with the ability of the Armed Forces to execute the missions called for under the National Military Strategy as described in section 153(b) of title 10, United States Code;

(C) the ability of the Armed Forces to reset from current contingency operations;

(D) the ability of both the active and Reserve forces to conduct necessary training; and

(E) the ability of the Reserve forces to respond to domestic emergencies.

(c) DEFINITIONS.—In this section:

(1) DRAWDOWN.—The term ''drawdown'' means any transfer or package of transfers of equipment, services, fuel, funds or any other items carried out pursuant to a presidential determination issued under a drawdown authority.

(2) DRAWDOWN AUTHORITY.—The term ''drawdown authority'' means an authority under—

(A) section 506(a) (1) or (2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a) (1) or (2));

(B) section 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)(2)); or

(C) any other substantially similar provision of law.

SEC. 1235. RISK ASSESSMENT OF UNITED STATES SPACE EXPORT CONTROL POLICY.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense and the Secretary of State shall carry out an assessment of the national security risks of removing satellites and related components from the United States Munitions List.

(b) MATTERS TO BE INCLUDED.—The assessment required under subsection (a) shall included the following matters:

(1) A review of the space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components.

(2) An assessment of the national security risks of removing certain space and space-related technologies identified under paragraph (1) from the United States Munitions List.

(3) An examination of the degree to which other nations' export control policies control or limit the export of space and space-related technologies for national security reasons.

(4) Recommendations for—

(A) the space and space-related technologies that should remain on, or may be candidates for removal from, the United States Munitions List based on the national security risk assessment required paragraph (2);

(B) the safeguards and verifications necessary to—

(i) prevent the proliferation and diversion of such space and space-related technologies;

(ii) confirm appropriate end use and end users; and

(iii) minimize the risk that such space and space-related technologies could be used in foreign missile, space, or other applications that may pose a threat to the security of the United States; and

(C) improvements to the space export control policy and processes of the United States that do not adversely affect national security.

(c) CONSULTATION.—In conducting the assessment required under subsection (a), the Secretary of Defense and the Secretary of State may consult with the heads of other relevant departments and agencies of the United States Government as the Secretaries determine is necessary.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees and

the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the assessment required under subsection (a). The report shall be in unclassified form but may include a classified annex.

(e) DEFINITION.—In this section, the term ''United States Munitions List'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1236. PATRIOT AIR AND MISSILE DEFENSE BATTERY IN POLAND.

Consistent with United States national security interests and the Declaration on Strategic Cooperation Between the United States of America and Republic of Poland (signed in Warsaw, Poland, on August 20, 2008), and subject to the availability of appropriations, the Secretary of Defense shall seek to deploy a United States Army Patriot air and missile defense battery and the personnel required to operate and maintain such battery to Poland by 2012.

SEC. 1237. REPORT ON POTENTIAL FOREIGN MILITARY SALES OF THE F-22A FIGHTER AIRCRAFT TO JAPAN.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, Secretary of Defense, in coordination with the Secretary of State and in consultation with the Secretary of the Air Force, shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on potential foreign military sales of the F-22A fighter aircraft to the Government of Japan.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) should detail—

(1) the cost of developing an exportable version of the F-22A fighter aircraft to the United States Government, industry, and the Government of Japan;

(2) whether an exportable version of the F-22A fighter aircraft is technically feasible and executable, and the timeline for achieving such an exportable version of the aircraft;

(3) the potential strategic implication for allowing the sale of the F-22A fighter aircraft to Japan;

(4) the impact of foreign military sales of the F-22A fighter aircraft on the United States aerospace and aviation industry and the benefit or drawback such sales might have on sustaining such industry; and

(5) any changes to existing law needed to allow foreign military sales of the F-22A fighter aircraft to Japan.

SEC. 1238. EXPANSION OF UNITED STATES-RUSSIAN FEDERATION JOINT CENTER TO INCLUDE EXCHANGE OF DATA ON MISSILE DEFENSE.

(a) EXPANSION AUTHORIZED.—In conjunction with the Government of the Russian Federation, the Secretary of Defense may expand the United States-Russian Federation joint center for the exchange of data from early warning systems for launches of ballistic missiles, as established pursuant to section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–329), to include the exchange of data on missile defense-related activities.

(b) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on plans for expansion of the joint data exchange center.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated pursuant to section 201(1) for research, development, test, and evaluation for the Army, $5,000,000, to be derived from PE 0604869A, shall be available to carry out this section.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2010 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2010 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2010, 2011, and 2012.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $434,093,000 authorized to be appropriated to the Department of Defense for fiscal year 2010 in section 301(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $66,385,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,800,000.

(3) For nuclear weapons storage security in Russia, $15,090,000.

(4) For nuclear weapons transportation security in Russia, $46,400,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $90,886,000.

(6) For biological threat reduction in the former Soviet Union, $152,132,000.

(7) For chemical weapons destruction, $1,000,000.

(8) For defense and military contacts, $5,000,000.

(9) For new Cooperative Threat Reduction initiatives, $29,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $21,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2010 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2010 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2010 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. UTILIZATION OF CONTRIBUTIONS TO THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, may enter into one or more agreements with any person (including a foreign government, international organization, multinational entity, non-governmental organization, or individual) that the Secretary of Defense considers appropriate, under which the person contributes funds for activities conducted under the Cooperative Threat Reduction Program of the Department of Defense.

(b) RETENTION AND USE OF AMOUNTS.—Subject to the availability of appropriations, the Secretary of Defense may retain and use amounts contributed under an agreement under subsection (a) for purposes of the Cooperative Threat Reduction Program of the Department of Defense. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes, subject to the availability of appropriations, consistent with an agreement under subsection (a).

(c) RETURN OF AMOUNTS NOT USED WITHIN FIVE YEARS.—If an amount contributed under an agreement under subsection (a) is not used under this section within five years after it was contributed, the Secretary of Defense shall return that amount to the person who contributed it.

(d) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the receipt and use of amounts under this section during the period covered by the report. Each report shall set forth—

(A) a statement of any amounts received under this section, including, for each such amount, the value of the contribution and the person who contributed it;

(B) a statement of any amounts used under this section, including, for each such amount, the purposes for which the amount was used; and

(C) a statement of the amounts retained but not used under this section including, for each such amount, the purposes (if known) for which the Secretary intends to use the amount.

(2) IMPLEMENTATION PLAN.—In addition to the statements described in subparagraphs (A) through (C) of paragraph (1), the first report submitted under such paragraph shall include an implementation plan for the authority provided under this section.

(e) EXPIRATION.—The authority to accept contributions under this section shall expire on December 31, 2012. The authority to retain and use contributions under this section shall expire on December 31, 2015.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1304. NATIONAL ACADEMY OF SCIENCES STUDY OF METRICS FOR THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) STUDY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to identify metrics to measure the impact and effectiveness of activities under the Cooperative Threat Reduction Program of the Department of Defense to address threats arising from the proliferation of chemical, nuclear, and biological weapons and weapons-related materials, technologies, and expertise.

(b) SUBMISSION OF NATIONAL ACADEMY OF SCIENCES REPORT.—The National Academy of Sciences shall submit to Congress and the Secretary of Defense a report on the results of the study carried out under subsection (a).

(c) SECRETARY OF DEFENSE REPORT.—

(1) IN GENERAL.—Not later than 90 days after receipt of the report required by subsection (b), the Secretary shall submit to Congress a report on the study carried out under subsection (a).

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall include the following:

(A) A summary of the results of the study carried out under subsection (a).

(B) An assessment by the Secretary of the study.

(C) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the study.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amounts appropriated pursuant to the authorization of appropriations in section 301(20) or otherwise made available for Cooperative Threat Reduction Programs for fiscal year 2010, not more than $1,000,000 may be obligated or expended to carry out this section.

SEC. 1305. COOPERATIVE THREAT REDUCTION PROGRAM AUTHORITY FOR URGENT THREAT REDUCTION ACTIVITIES.

(a) IN GENERAL.—Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the Cooperative Threat Reduction Program of the Department of Defense may be expended, notwithstanding any provision of law identified pursuant to subsection (b)(2)(B), for activities described under subsection (b)(1)(A).

(b) DETERMINATION AND NOTICE.—

(1) DETERMINATION.—The Secretary of Defense, in consultation with the Secretary of State, may make a written determination that—

(A) certain activities of the Cooperative Threat Reduction Program of the Department of Defense are urgently needed to address threats arising from the proliferation of chemical, nuclear, and biological weapons or weapons-related materials, technologies, and expertise;

(B) certain provisions of law would unnecessarily impede the Secretary's ability to carry out such activities; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

(2) NOTICE REQUIRED.—Not later than 15 days before expending funds under the authority provided in subsection (a), the Secretary of Defense shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

(B) an identification of each provision of law the Secretary determines would unnecessarily impede the Secretary's ability to carry out the activities described under paragraph (1)(A);

(C) the activities of the Cooperative Threat Reduction Program to be undertaken pursuant to the determination;

(D) the expected time frame for such activities; and

(E) the expected costs of such activities.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

SEC. 1306. COOPERATIVE THREAT REDUCTION DEFENSE AND MILITARY CONTACTS PROGRAM.

The Secretary of Defense shall ensure the following:

(1) The Defense and Military Contacts Program under the Cooperative Threat Reduction Program of the Department of Defense—

(A) is strategically used to advance the mission of the Cooperative Threat Reduction Program;

(B) is focused and expanded to support specific relationship-building opportunities, which could lead to Cooperative Threat Reduction Program development in new geographic areas and achieve other Cooperative Threat Reduction Program benefits;

(C) is directly administered as part of the Cooperative Threat Reduction Program; and

(D) includes, within an overall strategic framework, cooperation and coordination with—

(i) the unified combatant commands that operate in areas in which Cooperative Threat Reduction activities are carried out; and

(ii) related diplomatic efforts.

(2) Beginning with fiscal year 2010, the strategy and activities of the Defense and Military Contacts Program, in accordance with this section, are included in the Cooperative Threat Reduction Annual Report to Congress for each fiscal year, as required by section 1308 of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–341; 22 U.S.C. 5959 note).

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $141,388,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,313,616,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2010 for the National Defense Sealift Fund in the amount of $1,702,758,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $26,963,187,000, of which—

(1) $26,292,463,000 is for Operation and Maintenance;

(2) $493,192,000 is for Research, Development, Test, and Evaluation; and

(3) $177,532,000 is for Procurement.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,560,760,000, of which—

(1) $1,146,802,000 is for Operation and Maintenance;

(2) $401,269,000 is for Research, Development, Test, and Evaluation; and

(3) $12,689,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,050,984,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $279,224,000, of which—

(1) $278,224,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2010, the National Defense Stockpile Manager may obligate up to $41,179,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. EXTENSION OF PREVIOUSLY AUTHORIZED DISPOSAL OF COBALT FROM NATIONAL DEFENSE STOCKPILE.

Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law

105–85; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4648), is amended by striking ''during fiscal year 2009'' and inserting ''by the end of fiscal year 2011''.

SEC. 1413. REPORT ON IMPLEMENTATION OF RECONFIGURATION OF THE NATIONAL DEFENSE STOCKPILE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any actions the Secretary plans to take in response to the recommendations in the April 2009 report entitled ''Reconfiguration of the National Defense Stockpile Report to Congress'' submitted by the Under Secretary of Defense for Acquisition, Logistics, and Technology, as required by House Report 109-89, House Report 109-452, and Senate Report 110-115.

(b) CONGRESSIONAL NOTIFICATION.—The Secretary may not take any action regarding the implementation of any initiative recommended in the report required under subsection (a) until 45 days after the Secretary submits to the congressional defense committees such report.

Subtitle C—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2010 from the Armed Forces Retirement Home Trust Fund the sum of $134,000,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2010 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. ARMY PROCUREMENT.

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

(1) For aircraft procurement, $1,976,474,000.

(2) For ammunition procurement, $370,635,000.

(3) For weapons and tracked combat vehicles procurement, $874,466,000.

(4) For missile procurement, $531,570,000.

(5) For other procurement, $6,021,786,000.

SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Joint Improvised Explosive Device Defeat Fund in the amount of $1,435,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a) and made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund.

(c) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2010, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

SEC. 1504. LIMITATION ON OBLIGATION OF FUNDS FOR JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION PENDING REPORT TO CONGRESS.

(a) LIMITATION.—Of the amounts remaining unobligated as of the date of the enactment of this Act from amounts described in subsection (b) for the Joint Improvised Explosive Device Defeat Organization (in this section referred to as ''JIEDDO''), not more than 50 percent of such remaining amounts may be obligated until JIEDDO submits to the congressional defense committees a report containing the following information regarding projects funded for fiscal years 2008, 2009, and 2010:

(1) A description of the purpose, funding, and schedule of the project.

(2) A description of related projects.

(3) An acquisition strategy.

(b) COVERED AUTHORIZATION OF APPROPRIATIONS.—The limitation contained in subsection (a) applies with respect to amounts made available pursuant to the authorization of appropriations—

(1) in section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649); and

(2) in section 1503(a) of this Act.

(c) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary determines that the waiver is necessary to fulfill a critical need by United States military forces deployed in overseas contingency operations. The Secretary shall notify the congressional defense committees of any waiver granted under this subsection and the reasons for the waiver.

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for other procurement for the Navy in the amount of $2,019,051,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for other procurement for the Marine Corps in the amount of $1,164,445,000.

SEC. 1506. AIR FORCE PROCUREMENT.

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

(1) For aircraft procurement, $1,151,776,000.

(2) For ammunition procurement, $256,819,000.

(3) For missile procurement, $36,625,000.

(4) For other procurement, $2,321,549,000.

SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for Defense-wide in the amount of $799,830,000.

SEC. 1508. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $5,456,000,000.

SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

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

(1) For the Army, $57,962,000.

(2) For the Navy, $107,180,000.

(3) For the Air Force, $29,286,000.

(4) For Defense-wide activities, $215,826,000.

SEC. 1510. OPERATION AND MAINTENANCE.

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

(1) For the Army, $51,970,661,000.

(2) For the Navy, $6,219,583,000.

(3) For the Marine Corps, $3,701,600,000.

(4) For the Air Force, $10,152,068,000.

(5) For Defense-wide activities, $7,578,300,000.

(6) For the Army Reserve, $204,326,000.

(7) For the Navy Reserve, $68,059,000

(8) For the Marine Corps Reserve, $86,667,000.

(9) For the Air Force Reserve, $125,925,000.

(10) For the Army National Guard, $321,646,000.

(11) For the Air National Guard, $289,862,000.

SEC. 1511. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $396,915,000.

SEC. 1512. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2010 to the Department of Defense for military personnel accounts in the total amount of $13,586,341,000.

SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Afghanistan Security Forces Fund in the amount of $7,462,769,000.

(b) LIMITATION.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) or in any other Act and made available to the Department of Defense for the Afghanistan Security Forces Fund shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428).

SEC. 1514. IRAQ FREEDOM FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Iraq Freedom Fund in the amount of $115,300,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1)

until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1515. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,155,235,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $324,603,000.

(c) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $8,876,000 for operation and maintenance.

SEC. 1516. LIMITATIONS ON IRAQ SECURITY FORCES FUND.

Funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2010 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426).

SEC. 1517. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1518. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1519. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2010''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2013 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2009; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY

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

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

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Richardson	$51,150,000
	Fort Wainwright	$198,000,000
Alabama	Anniston Army Depot.	$3,000,000
	Redstone Arsenal.	$3,550,000
Arizona	Fort Huachuca	$27,700,000
Arkansas ...	Pine Bluff Arsenal.	$25,000,000
California ..	Fort Irwin	$9,500,000
Colorado	Fort Carson	$342,950,000
Florida	Elgin Air Force Base.	$131,600,000
Georgia	Fort Benning	$295,300,000
	Fort Gillem	$10,800,000
	Fort Stewart	$145,400,000
Hawaii	Schofield Barracks.	$184,000,000
	Wheeler Army Air Field.	$7,500,000
Kansas	Fort Riley	$162,400,000
Kentucky ...	Fort Campbell ...	$14,400,000
	Fort Knox	$70,000,000
Louisiana ..	Fort Polk	$55,400,000
Maryland ..	Fort Detrick	$46,400,000
	Fort Meade	$2,350,000
Missouri	Fort Leonard Wood.	$170,800,000
New Jersey	Picatinny Arsenal.	$10,200,000
New York ..	Fort Drum	$92,700,000
North Carolina.	Fort Bragg	$111,150,000
.....	Sunny Point Military Ocean Terminal.	$28,900,000
Oklahoma ..	Fort Sill	$90,500,000
	McAlester Army Ammunition Plant.	$12,500,000
South Carolina.	Charleston Naval Weapons Station,.	$21,800,000
	Fort Jackson	$103,500,000
Texas	Fort Bliss	$219,400,000
	Fort Hood	$40,600,000
	Fort Sam Houston.	$19,800,000
Utah	Dugway Proving Ground.	$25,000,000
Virginia	Fort A.P. Hill	$23,000,000
	Fort Belvoir	$37,900,000
	Fort Lee	$5,000,000
Washington	Fort Lewis	$18,700,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$87,100,000
Belgium	Brussels	$20,000,000
Germany	Ansbach	$31,700,000
	Kleber Kaserne	$20,000,000
	Landstuhl	$25,000,000

Army: Outside the United States—*Continued*

Country	Installation or Location	Amount
Japan	Okinawa	$6,000,000
	Sagamihara	$6,000,000
Korea	Camp Humphreys	$50,200,000
Kuwait	Camp Arifjan	$82,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Baumholder	38	$18,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,936,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $219,300,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $4,427,076,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $2,738,150,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $328,000,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $33,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $187,872,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $273,236,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $523,418,000.

(6) For the construction of increment 4 of a brigade complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat 41) $102,000,000.

(7) For the construction of increment 2 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $55,400,000.

(8) For the construction of increment 3 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $23,500,000.

(9) For the construction of increment 3 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $22,500,000.

(10) For the construction of increment 2 of a barracks and dining complex at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4659), $60,000,000.

(11) For the construction of increment 2 of a barracks and dining complex at Fort Stewart, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4659), $80,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $95,000,000 (the balance of the amount authorized under section 2101(a) for an aviation task force complex, Phase I at Fort Wainwright, Alaska).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act of Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4659) for Fort Bragg, North Carolina, for construction of a chapel at the installation, the Secretary of the Army may construct up to a 22,600 square-feet (400 person) chapel consistent with the Army's standard square footage for chapel construction guidelines.

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485) and extended by section 2107 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4665), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$28,770,000
California	Mountain Warfare Training Center Bridgeport	$11,290,000
	Marine Corps Base, Camp Pendleton	$775,162,000
	Edwards Air Force Base	$3,007,000
	Naval Station Monterey	$10,240,000
	Marine Corps Base, Twentynine Palms	$513,680,000
	Marine Corps Air Station, Miramar	$9,280,000
	Point Loma Annex	$11,060,000
	Naval Station, San Diego	$23,590,000
Connecticut	Naval Submarine Base, New London	$6,570,000
Florida	Blount Island Command	$3,760,000
	Eglin Air Force Base	$26,287,000
	Naval Air Station, Jacksonville	$5,917,000
	Naval Station, Mayport	$56,042,000
	Naval Air Station, Pensacola	$26,161,000
	Naval Air Station, Whiting Field	$4,120,000
Georgia	Marine Corps Logistics Base, Albany	$4,870,000
Hawaii	Oahu	$5,380,000
	Naval Station, Pearl Harbor	$35,182,000
Maine	Portsmouth Naval Shipyard	$7,090,000
Maryland	Naval Surface Warfare Center, Carderock	$6,520,000
	Naval Air Station, Patuxent River	$11,043,000
North Carolina	Marine Corps Base, Camp Lejeune	$673,570,000
	Marine Corps Air Station, Cherry Point	$22,960,000
	Marine Corps Air Station, New River	$107,090,000
Rhode Island	Naval Station, Newport	$54,333,000
South Carolina	Marine Corps Air Station, Beaufort	$1,280,000
	Marine Corps Recruit Depot, Parris Island	$6,972,000
Texas	Naval Air Station, Corpus Christi	$19,764,000
	Naval Air Station, Kingsville	$4,470,000
Virginia	Naval Amphibious Base, Little Creek	$13,095,000
	Naval Station Norfolk	$18,139,000
	Naval Special Weapons Center, Dahlgren	$3,660,000
	Norfolk Naval Shipyard, Portsmouth	$226,969,000
	Marine Corps Base, Quantico	$105,240,000
Washington	Naval Station, Everett	$3,810,000
	Naval Magazine, Indian Island	$13,130,000
	Spokane	$12,707,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$41,526,000
Djibouti	Camp Lemonier	$41,845,000
Guam	Naval Base, Guam	$505,161,000
	Andersen Air Force Base	$110,297,000
Spain	Naval Station, Rota	$26,278,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Korea	Pusan	Welcome center/ warehouse	$4,376,000
Mariana Islands	Naval Activities, Guam	30	$20,730,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,771,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $118,692,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $4,220,719,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,792,210,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $483,845,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $17,483,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $179,652,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $146,569,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $368,540,000.

(6) For the construction of increment 6 of a limited area production and storage complex at Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $87,292,000.

(7) For the construction of increment 2 of enclave fencing at Naval Submarine Base, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), as amended by section 2205 of this Act, $67,419,000.

(8) For the construction of increment 2 of a replacement maintenance pier at Bremerton, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $69,064,000.

(9) For the construction of increment 3 of a submarine drive-in magazine silencing facility at Naval Base Pearl Harbor, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $8,645,000.

SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3490) is amended in the item relating to Naval Submarine Base, Bangor, Washington, by striking ''$60,160,000'' and inserting ''$127,163,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b) of that Act (119 Stat. 3492) is amended by adding at the end the following new paragraph:

''(11) $67,003,000 (the balance of the amount authorized under section 2201(a) for construction of a waterfront security enclave at Naval Submarine Base, Bangor, Washington).''.

(c) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization relating to enclave fencing/parking at Naval Submarine Base, Bangor, Washington (formerly referred to as a project at Naval Submarine Base, Bangor, Washington), as provided in section 2201 of that Act, shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$24,300,000
	Elmendorf Air Force Base	$15,700,000
Arizona	Davis-Monthan Air Force Base	$41,900,000
Arkansas	Little Rock Air Force Base	$16,200,000
California	Los Angeles Air Force Base	$8,000,000
	Travis Air Force Base	$12,900,000
	Vandenberg Air Force Base	$13,000,000
Colorado	Peterson Air Force Base	$32,300,000
	United States Air Force Academy	$17,500,000
Delaware	Dover Air Force Base	$17,400,000
Florida	Eglin Air Force Base	$84,360,000
	Hurlburt Field	$19,900,000
	MacDill Air Force Base	$59,300,000
Georgia	Warner Robins Air Force Base	$6,200,000
Hawaii	Hickam Air Force Base	$4,000,000
	Wheeler Air Force Base	$15,000,000
Idaho	Mountain Home Air Force Base	$20,000,000
Illinois	Scott Air Force Base	$7,400,000
Maryland	Andrews Air Force Base	$9,300,000
Missouri	Whiteman Air Force Base	$12,900,000
Nevada	Creech Air Force Base	$2,700,000
New Jersey	McGuire Air Force Base	$7,900,000
New Mexico	Cannon Air Force Base	$15,000,000
	Holloman Air Force Base	$15,900,000
	Kirtland Air Force Base	$22,500,000
North Carolina	Seymour Johnson Air Force Base	$6,900,000
North Dakota	Minot Air Force Base	$11,500,000
Ohio	Wright Patterson Air Force Base	$58,600,000
Oklahoma	Altus Air Force Base	$20,300,000
	Tinker Air Force Base	$18,137,000
South Carolina	Shaw Air Force Base	$21,183,000
Texas	Dyess Air Force Base	$4,500,000
	Goodfellow Air Force Base	$32,400,000
	Lackland Air Force Base	$113,879,000
Utah	Hill Air Force Base	$26,153,000
Virginia	Langley Air Force Base	$10,000,000
Washington	Fairchild Air Force Base	$4,150,000
Wyoming	F. E. Warren Air Force Base	$9,100,000

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

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$22,000,000
Colombia	Palanquero Air Base	$46,000,000
Germany	Ramstein Air Base	$34,700,000
	Spangdahlem Air Base	$23,500,000
Guam	Andersen Air Force Base	$61,702,000
Italy	Naval Air Station Sigonella	$31,300,000
Oman	Al Musannah Air Base	$116,000,000
Qatar	Al Udeid Air Base	$60,000,000
Turkey	Incirlik Air Base	$9,200,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,314,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,787,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,928,208,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $838,362,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $404,402,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $93,407,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $66,101,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $502,936,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2007 Project Authorizations

State/Country	Installation or Location	Project	Amount
Delaware	Dover Air Force Base	C–17 Aircrew Life Support	$7,400,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (457 units)	$107,800,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act (119 Stat. 3495) and extended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4684), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
	Eielson Air Force Base	Purchase Build/Lease Housing (300 units)	$18,144,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Benning	$2,330,000
	Fort Stewart/Hunter Army Air Field	$45,003,000
North Carolina	Fort Bragg	$3,439,000

Defense Information Systems Agency

State	Installation or Location	Amount
Hawaii	Naval Station Pearl Harbor, Ford Island	$9,633,000

Defense Logistics Agency

State	Installation or Location	Amount
California	El Centro	$11,000,000
	Travis Air Force Base	$15,357,000
Florida	Jacksonville International Airport (Air National Guard)	$11,500,000
Minnesota	Duluth International Airport (Air National Guard)	$15,000,000
Oklahoma	Altus Air Force Base	$2,700,000
Texas	Fort Hood	$3,000,000
Washington	Fairchild Air Force Base	$7,500,000

Missile Defense Agency

State	Installation or Location	Amount
Virginia	Naval Support Facility, Dahlgren	$24,500,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$203,800,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	$15,722,000
Colorado	Fort Carson	$48,246,000
Florida	Eglin Air Force Base	$3,046,000
	Hurlburt Field	$8,156,000
Georgia	Fort Benning	$3,046,000
Kentucky	Fort Campbell	$32,335,000
New Mexico	Cannon Air Force Base	$52,864,000
North Carolina	Fort Bragg	$101,488,000
	Marine Corps Base, Camp Lejeune	$11,791,000
Virginia	Naval Amphibious Base, Little Creek	$18,669,000
	Naval Surface Warfare Center, Dam Neck	$6,100,000
Washington	Fort Lewis	$14,500,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	$25,017,000
	Fort Richardson	$3,518,000
Colorado	Fort Carson	$52,773,000
Georgia	Fort Benning	$17,200,000
	Fort Stewart/Hunter Army Field	$26,386,000
Kentucky	Fort Campbell	$8,600,000
Maryland	Fort Detrick	$29,807,000
Missouri	Fort Leonard Wood	$5,570,000
North Carolina	Fort Bragg	$57,658,000
Oklahoma	Fort Sill	$10,554,000
Texas	Lackland Air Force Base	$101,928,000
	Fort Bliss	$996,295,000
Washington	Fort Lewis	$15,636,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$27,672,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Belgium	Brussels	$38,124,000
Germany	Kaiserslautern	$93,545,000
	Wiesbaden Air Base	$5,379,000
United Kingdom	Royal Air Force Lakenheath	$4,509,000

Defense Intelligence Agency

Country	Installation or Location	Amount
Korea	K–16 Airfield	$5,050,000

Defense Logistics Agency

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	$12,500,000
Guam	Naval Air Station, Agana	$4,900,000
Korea	Osan Air Base	$28,000,000
United Kingdom	Royal Air Force Mildenhall	$4,700,000

National Security Agency

Country	Installation or Location	Amount
United Kingdom	Royal Air Force Menwith Hill Station	$37,588,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities, Guam	$446,450,000
United Kingdom	Royal Air Force Alconbury	$14,227,000

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,132,024,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,170,314,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $857,678,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $33,025,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $121,442,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $90,000,000.

(7) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $77,898,000.

(8) For the construction of increment 4 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $28,000,000.

(9) For the construction of increment 2 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as amended by section 2405 of this Act, $92,300,000.

(10) For the construction of increment 3 of a special operations facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $15,967,000.

(11) For the construction of increment 2 of the United States Army Medical Research Institute of Chemical Defense replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4689), $111,400,000.

(12) For the construction of fuel storage tanks and pipeline replacement at Souda Bay, Greece, authorized by section 2401(b) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691), as amended by section 2406 of this Act, $24,000,000.

(13) For the construction of increment 2 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by the Supplemental Appropriations Act, 2009, $500,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) AVAILABILITY OF FUNDS FOR ENERGY CONSERVATION PROJECTS OF RESERVE COMPONENTS.—Of the amount authorized to be appropriated by subsection (a)(6) for energy conservation projects under chapter 173 of title 10, United States Code, the Secretary of Defense shall reserve a portion of the amount for energy conservation projects for the reserve components in an amount that bears the same proportion to the total amount authorized to be appropriated as the total quantity of energy consumed by reserve facilities (as defined in section 18232(2) of such title) during fiscal year 2009 bears to the total quantity of energy consumed by all military installations (as defined in section 2687(e)(1) of such title) during that fiscal year, as determined by the Secretary.

SEC. 2403. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401 (a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 521) is amended in the item relating to Point Loma Annex, California, by striking ''$140,000,000'' in the amount column and inserting ''$195,000,000''.

(b) CONFORMING AMENDMENT.—Section 2403(b)(2) of that Act (122 Stat.524) is amended by striking ''$84,300,000'' and inserting ''$139,300,000''.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401 (b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4691) is amended in the item relating to Souda Bay, Greece, by striking ''$8,000,000'' in the amount column and inserting ''$32,000,000''.

(b) CONFORMING AMENDMENT.—Section 2403(b) of that Act (122 Stat. 4692) is amended by adding at the end the following new paragraph:

''(5) $24,000,000 (the balance of the amount authorized for the Defense Logistics Agency under section 2401(b) for fuel storage tanks and pipeline replacement at Souda Bay, Greece).''.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in section 2402 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Family Housing

State	Location	Units	Amount
Virginia	Defense Supply Center, Richmond	Whole House Renovation	$484,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction and land acquisition for chemical demilitarization in the total amount of $146,541,000 as follows:

(1) For the construction of phase 11 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $92,500,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $54,041,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $276,314,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	*Fort McClellan*	*$3,000,000*
Arizona	*Camp Navajo*	*$3,000,000*
California	*Los Alamitos Joint Forces Training Base*	*$31,000,000*
Georgia	*Fort Benning*	*$15,500,000*
	Hunter Army Air Field	*$8,967,000*
Idaho	*Gowen Field*	*$16,100,000*
Indiana	*Muscatatuck Urban Training Center*	*$10,100,000*
Massachusetts	*Hanscom Air Force Base*	*$29,000,000*
Michigan	*Fort Custer*	*$7,732,000*
Minnesota	*Arden Hills*	*$6,700,000*
	Camp Ripley	*$1,710,000*
Mississippi	*Camp Shelby*	*$16,100,000*
Missouri	*Boonville*	*$1,800,000*
Nebraska	*Lincoln Municipal Airport*	*$23,000,000*
New Mexico	*Santa Fe*	*$39,000,000*
Nevada	*North Las Vegas*	*$26,000,000*
North Carolina	*East Flat Rock*	*$2,516,000*
	Fort Bragg	*$6,038,000*
Oregon	*Polk County*	*$12,100,000*
South Carolina	*McEntire Joint National Guard Base*	*$26,000,000*
	Donaldson Air Force Base	*$40,000,000*
Texas	*Austin*	*$22,200,000*
Virginia	*Fort Pickett*	*$32,000,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Guam	*Barrigada*	*$30,000,000*
Virgin Islands	*St. Croix*	*$20,000,000*

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve: Inside the United States

State	Location	Amount
California	*Camp Pendleton*	*$19,500,000*
	Los Angeles	*$29,000,000*
Colorado	*Colorado Springs*	*$13,000,000*
Connecticut	*Bridgeport*	*$18,500,000*
Florida	*Panama City*	*$7,300,000*
	West Palm Beach	*$26,000,000*
Georgia	*Atlanta*	*$14,000,000*
Illinois	*Chicago*	*$23,000,000*
Minnesota	*Fort Snelling*	*$12,000,000*
New York	*Rochester*	*$13,600,000*
Ohio	*Cincinnati*	*$13,000,000*
Pennsylvania	*Ashley*	*$9,800,000*
	Harrisburg	*$7,600,000*
	Newton Square	*$20,000,000*
	Uniontown	*$11,800,000*
Texas	*Austin*	*$20,000,000*

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

State	Location	Amount
	Bryan	*$12,200,000*
	Fort Bliss	*$9,500,000*
	Houston	*$24,000,000*
	Robstown	*$10,200,000*
	San Antonio	*$20,000,000*
Wisconsin	*Fort McCoy*	*$25,000,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve location outside the United States, and in the amount, set forth in the following table:

Army Reserve: Outside the United States

Country	Location	Amount
Puerto Rico	*Caguas*	*$12,400,000*

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

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

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona	*Luke Air Force Base*	*$10,986,000*
California	*Alameda*	*$5,960,000*
Illinois	*Joliet Army Ammunition Plant*	*$7,957,000*
South Carolina	*Goose Creek*	*$4,240,000*
Texas	*San Antonio*	*$2,210,000*
	Forth Worth Naval Air Station Joint Reserve Base	*$6,170,000*
Virginia	*Oceana Naval Air Station*	*$30,400,000*

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

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arizona	*Davis-Monthan Air Force Base*	*$5,600,000*
California	*South California Logistics Airport*	*$8,400,000*
Connecticut	*Bradley International Airport*	*$9,000,000*
Hawaii	*Hickam Air Force*	*$33,000,000*
Illinois	*Lincoln Capital Airport*	*$3,000,000*
Kansas	*McConnell Air Force Base*	*$8,700,000*
Maine	*Bangor International Airport*	*$28,000,000*
Maryland	*Andrews Air Force Base*	*$14,000,000*
Massachusetts	*Barnes Air National Guard Base*	*$8,100,000*
Mississippi	*Gulfport-Biloxi Regional Airport*	*$6,500,000*
	Wheeler Sack AAF	*$2,700,000*
Nebraska	*Lincoln Municipal Airport*	*$1,500,000*
Ohio	*Mansfield Lahm Airport*	*$11,400,000*
Oklahoma	*Will Rogers World Airport*	*$7,300,000*
Texas	*Kelly Field Annex*	*$7,900,000*
Wisconsin	*General Mitchell International Airport*	*$5,000,000*

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

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California	*March Air Reserve Base*	*$9,800,000*
Colorado	*Schriever Air Force Base*	*$10,200,000*
Mississippi	*Keesler Air Force Base*	*$9,800,000*
New York	*Niagara Falls Air Reserve Station*	*$5,700,000*
Texas	*Lackland Air Force Base*	*$1,500,000*
Utah	*Hill Air Force Base*	*$3,200,000*

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army, for the Army National Guard of the United States—

(A) for military construction projects inside the United States authorized by section 2601(a), $509,129,000; and

(B) for military construction projects outside the United States authorized by section 2601(b), $20,000,000.

(2) For the Department of the Army, for the Army Reserve—

(A) for military construction projects inside the United States authorized by section 2602(a), $420,116,000; and

(B) for military construction projects outside the United States authorized by section 2602(b), $12,400,000.

(3) For the Department of the Navy, for the Navy and Marine Corps Reserve, $172,177,000.

(4) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $226,126,000; and

(B) for the Air Force Reserve, $103,169,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
California	Fresno	AVCRAD Add/Alt, PH I	$30,000,000
New Jersey	Lakehurst	Consolidated Logistics Training Facility, PH II	$20,024,000

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act (119 Stat. 3501) and extended by section 2608 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4710), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorization

State	Installation or Location	Project	Amount
Montana	Townsend	Automated Qualification Training Range	$2,532,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $536,768,000, as follows:

(1) For the Department of the Army, $133,723,000.

(2) For the Department of the Navy, $228,000,000.

(3) For the Department of the Air Force, $172,364,000.

(4) For the Defense Agencies, $2,681,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $5,934,740,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $7,129,498,000, as follows:

(1) For the Department of the Army, $4,081,037,000.

(2) For the Department of the Navy, $591,572,000,

(3) For the Department of the Air Force, $418,260,000.

(4) For the Defense Agencies, $2,038,629,000.

Subtitle B—Amendments to Base Closure and Related Laws

SEC. 2711. USE OF ECONOMIC DEVELOPMENT CONVEYANCES TO IMPLEMENT BASE CLOSURE AND REALIGNMENT PROPERTY RECOMMENDATIONS.

(a) ECONOMIC REDEVELOPMENT CONVEYANCE AUTHORITY.—Subsection (b)(4) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking ''job generation'' and inserting ''economic redevelopment'';

(2) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) Real or personal property at a military installation shall be conveyed, without consideration, under subparagraph (A) to the redevelopment authority with respect to the installation if the authority—

''(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of the property under subparagraph (A) or the completion of the initial redevelopment of the property, whichever is earlier, shall be used to support the economic redevelopment of, or related to, the installation; and

''(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the requirements associated with subsection (c) are satisfied.''; and

(3) in subparagraph (C), by adding at the end the following new clause:

''(xiii) Environmental restoration, waste management, and environmental compliance activities provided pursuant to subsection (e).''.

(b) RECOUPMENT AUTHORITY.—Subsection (b)(4)(D) of such section is amended—

(1) by striking ''The Secretary'' and inserting ''At the conclusion of the period specified in subparagraph (B) applicable to an installation, the Secretary''; and

(2) by striking ''for the period specified in subparagraph (B)'' and inserting ''before the conclusion of such period''.

(c) REGULATIONS AND REPORT CONCERNING PROPERTY CONVEYANCES.—

(1) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the amendments made by this section to support the conveyance of surplus real and personal property at closed or realigned military installations to local redevelopment authorities for economic development purposes.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of current and anticipated economic development conveyances involving surplus real and personal property at closed or realigned military installations, projected job creation as a result of the conveyances, community reinvestment, and progress made as a result of the implementation of the amendments made by this section.

Subtitle C—Other Matters

SEC. 2721. SENSE OF CONGRESS ON ENSURING JOINT BASING RECOMMENDATIONS DO NOT ADVERSELY AFFECT OPERATIONAL READINESS.

It is the sense of Congress that, in implementing the joint basing recommendations of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of Defense should ensure that the joint basing of military installations at any of the recommended locations does not adversely impact—

(1) the ability of commanders, and the units of the Armed Forces under their command, to perform their operational missions;

(2) the command and control of commanders at each military installation that has an operational mission requirement; and

(3) the readiness of the units of the Armed Forces under their command.

SEC. 2722. MODIFICATION OF CLOSURE INSTRUCTIONS REGARDING PAUL DOBLE ARMY RESERVE CENTER, PORTSMOUTH, NEW HAMPSHIRE.

With respect to the closure of the Paul Doble Army Reserve Center in Portsmouth, New Hampshire, and relocation of units to a new reserve center and associated training and maintenance facilities, the new reserve center and associated training and maintenance facilities may be located adjacent to or in the vicinity of Pease Air National Guard Base.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITIES.

(a) REPEAL OF LIMITATIONS ON EXERCISE-RELATED PROJECTS OVERSEAS.—Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''(1) Except as provided in paragraph (2), within'' and inserting ''Within'';

(B) by striking paragraph (2); and

(C) by striking ''An unspecified'' and inserting the following:

''(2) An unspecified''; and

(2) in subsection (c)—

(A) by striking ''Except as provided in paragraphs (2) and (3)'' and inserting ''Except as provided in paragraph (2)'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(b) LABORATORY REVITALIZATION.—

(1) REVITALIZATION AUTHORIZED.—Subsection (d) of such section is amended—

(A) in paragraph (1)(B), by inserting ''or from funds authorized to be available under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note)'' after ''authorized by law'';

(B) by striking paragraph (3); and

(C) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(2) MECHANISMS TO PROVIDE FUNDS FOR REVITALIZATION.—Section 219(a)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note) is amended by adding at the end the following new subparagraph:

''(D) To fund the revitalization and recapitalization of the laboratory pursuant to section 2805(d) of title 10, United States Code.''.

SEC. 2802. CONGRESSIONAL NOTIFICATION OF FACILITY REPAIR PROJECTS CARRIED OUT USING OPERATION AND MAINTENANCE FUNDS.

Section 2811(d) of title 10, United States Code, is amended—

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

(2) by striking paragraph (2) and inserting the following new paragraphs:

''(2) if the current estimate of the cost of the repair project exceeds 50 percent of the estimated cost of a military construction project to

replace the facility, an explanation of the reasons why replacement of the facility is not in the best interest of the Government; and

''(3) a description of the elements of military construction, including the elements specified in section 2802(b) of this title, incorporated into the repair project.''.

SEC. 2803. AUTHORIZED SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

(a) AUTHORIZED PROCESS TO INCREASE SCOPE OF WORK.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''Except'' and inserting ''LIMITATION ON SCOPE OF WORK VARIATIONS.—(1) Except''; and

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

''(2) Except as provided in subsection (c), the scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may not be increased beyond the amount approved for that project, construction, improvement, or acquisition by Congress.''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''scope reduction in subsection (b) does not apply if the variation in cost or reduction'' and inserting ''scope of work variations in subsection (b) does not apply if the variation in cost or the variation''; and

(B) in paragraph (1), by striking ''reduction'' both places it appears and inserting ''variation''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''LIMITATION ON COST VARIATIONS.—'' before ''Except'';

(2) in subsection (c), by inserting ''EXCEPTION; NOTICE-AND-WAIT REQUIREMENTS.—'' after ''(c)''; and

(3) in subsection (d), by inserting ''ADDITIONAL EXCEPTION TO LIMITATION ON COST VARIATIONS.—'' after ''(d)''.

SEC. 2804. IMPOSITION OF REQUIREMENT THAT ACQUISITION OF RESERVE COMPONENT FACILITIES BE AUTHORIZED BY LAW.

Section 18233(a)(1) of title 10, United States Code, is amended by striking ''as he determines to be necessary'' and inserting ''as are authorized by law''.

SEC. 2805. REPORT ON DEPARTMENT OF DEFENSE CONTRIBUTIONS TO STATES FOR ACQUISITION, CONSTRUCTION, EXPANSION, REHABILITATION, OR CONVERSION OF RESERVE COMPONENT FACILITIES.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report specifying, for each of fiscal years 2005 through 2009, the total amount of contributions made by the Secretary to each State under the authority of paragraphs (2) through (6) of section 18233(a) of title 10, United States Code, for reserve component facilities. The amounts contributed under each of such paragraphs for each State shall be specified separately.

(b) DEFINITIONS.—In this section, the terms ''State'' and ''facility'' have the meanings given those terms in section 18232 of such title.

SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section 2806 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 112 Stat. 4724), is amended—

(1) in subsection (a), by striking ''During fiscal year 2004'' and all that follows through ''obligate'' and inserting ''The Secretary of Defense may obligate''; and

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

''(h) EXPIRATION OF AUTHORITY.—The authority to obligate funds under this section expires on September 30, 2010.''.

(b) GEOGRAPHIC AREA OF AUTHORITY.—Subsection (a) of such section is further amended by striking ''and United States Africa Command areas of responsibility'' and inserting ''area of responsibility''.

(c) ANNUAL FUNDING LIMITATION ON USE OF AUTHORITY; EXCEPTION.—Subsection (c) of such section is amended by striking paragraph (2) and inserting the following new paragraph:

''(2) Notwithstanding paragraph (1), the Secretary of Defense may authorize the obligation under this section of not more than an additional $10,000,000 of appropriated funds available for operation and maintenance for a fiscal year if the Secretary determines that the additional funds are needed for costs associated with contract closeouts.''.

(d) CLERICAL AMENDMENT TO CORRECT REFERENCE TO CONGRESSIONAL COMMITTEE.—Subsection (f) of such section is amended by striking ''Subcommittees on Defense and Military Construction'' both places it appears and inserting ''Subcommittee on Defense and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies''.

SEC. 2807. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.

(a) EXPANSION OF INITIATIVE.—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to the congressional defense committees a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations.

SEC. 2808. REPORTS ON PRIVATIZATION INITIATIVES FOR MILITARY UNACCOMPANIED HOUSING.

(a) SECRETARY OF DEFENSE REPORT.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) an evaluation of the process by which the Secretary develops, implements, and oversees housing privatization transactions involving military unaccompanied housing;

(2) recommendations regarding additional opportunities for members of the Armed Forces to utilize housing privatization transactions involving military unaccompanied housing; and

(3) an evaluation of the impact of a prohibition on civilian occupancy of such housing on the ability to secure private partners for such housing privatization transactions.

(b) COMPTROLLER GENERAL REPORT.—Not later than March 31, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the feasibility and cost of privatizing military unaccompanied housing for all members of the Armed Forces.

(c) HOUSING PRIVATIZATION TRANSACTION DEFINED.—In this section, the term ''housing privatization transaction'' means any contract or other transaction for the construction or acquisition of military unaccompanied housing entered into under the authority of subchapter IV of chapter 169 of title 10, United States Code.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. IMPOSITION OF REQUIREMENT THAT LEASES OF REAL PROPERTY TO THE UNITED STATES WITH ANNUAL RENTAL COSTS OF MORE THAN $750,000 BE AUTHORIZED BY LAW.

(a) AUTHORIZATION REQUIRED.—Section 2661 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

''(c) AUTHORIZATION OF CERTAIN LEASES TO THE UNITED STATES REQUIRED BY LAW.—If the estimated annual rental in connection with a proposed lease of real property to the United States is more than $750,000, the Secretary of a military department or, with respect to a Defense Agency, the Secretary of Defense may enter into the lease or utilize the General Services Administration to enter into the lease on the Secretary's behalf only if the lease is specifically authorized by law.''.

(b) REPEAL OF NOTICE AND WAIT REQUIREMENTS REGARDING SUCH LEASES.—

(1) REPEAL.—Section 2662 of such title is amended—

(A) in subsection (a)(1)—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively; and

(B) by striking subsection (e).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (a)(2)—

(i) by striking ''or (B)'';

(ii) by striking ''or leases to be made''; and

(iii) by striking ''subparagraph (E)'' and inserting ''subparagraph (D)''; and

(B) in subsection (g)—

(i) in paragraph (1), by striking '', and the reporting requirement set forth in subsection (e) shall not apply with respect to a real property transaction otherwise covered by that subsection,''; and

(ii) in paragraph (3), by striking ''or (e), as the case may be''.

SEC. 2812. CONSOLIDATION OF NOTICE-AND-WAIT REQUIREMENTS APPLICABLE TO LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.

(a) NOTICE-AND-WAIT REQUIREMENTS.—Section 2662 of title 10, United States Code, as amended by section 2821(b), is further amended by inserting after subsection (d) the following new subsection:

''(e) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—(1) In the case of a proposed lease or license of real property owned by the United States covered by paragraph (1)(B) of subsection (a), the Secretary of a military department or the Secretary of Defense may not issue a contract solicitation or other lease offering with regard to the transaction unless the Secretary complies with the notice-and wait requirements of paragraph (3) of such subsection. The monthly report under such paragraph shall include the following with regard to the proposed transaction:

''(A) A description of the proposed transaction, including the proposed duration of the lease or license.

''(B) A description of the authorities to be used in entering into the transaction and the intended participation of the United States in the lease or license, including a justification of the intended method of participation.

''(C) A statement of the scored cost of the transaction, determined using the scoring criteria of the Office of Management and Budget.

''(D) A determination that the property involved in the transaction is not excess property, as required by section 2667(a)(3) of this title, including the basis for the determination.

''(E) A determination that the proposed transaction is directly compatible with the mission of the military installation or Defense Agency at which the property is located and a description of the anticipated long-term use of the property at the conclusion of the lease or license.

''(F) A description of the requirements or conditions within the contract solicitation or other lease offering for the offeror to address taxation issues, including payments-in-lieu-of taxes, and other development issues related to local municipalities.

''(2) The Secretary of a military department or the Secretary of Defense may not enter into the actual lease or license with respect to property for which the information required by paragraph (1) was submitted in a monthly report under subsection (a)(3) unless the Secretary again complies with the notice-and wait requirements of such subsection. The subsequent monthly report shall include the following with regard to the proposed transaction:

''(A) A cross reference to the prior monthly report that contained the information submitted under paragraph (1) with respect to the transaction.

''(B) A description of the differences between the information submitted under paragraph (1) and the information regarding the transaction being submitted in the subsequent report.

''(C) A description of the payment to be required in connection with the lease or license, including a description of any in-kind consideration that will be accepted.

''(D) A description of any community support facility or provision of community support services under the lease or license, regardless of whether the facility will be operated by a covered entity (as defined in section 2667(d) of this title) or the lessee or the services will be provided by a covered entity or the lessee.

''(E) A description of the competitive procedures used to select the lessee or, in the case of a lease involving the public benefit exception authorized by section 2667(h)(2) of this title, a description of the public benefit to be served by the lease.

''(F) If the proposed lease or license involves a project related to energy production, and the term of the lease or license exceeds 20 years, a certification that the project is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.''.

(b) EXCEPTION FOR LEASES UNDER BASE CLOSURE PROCESS.—Subsection (a)(1)(B) of such section, as redesignated by section 2821(b), is amended by inserting after ''United States'' the following: ''(other than a lease or license entered into under section 2667(g) of this title)''.

(c) CONFORMING AMENDMENTS TO LEASE OF NON-EXCESS PROPERTY AUTHORITY.—Section 2667 of such title is amended—

(1) in subsection (c), by striking paragraph (4);

(2) in subsection (d), by striking paragraph (6); and

(3) in subsection (h)—

(A) by striking paragraphs (3) and (5); and

(B) by redesignating paragraph (4) as paragraph (3).

SEC. 2813. CLARIFICATION OF AUTHORITY OF MILITARY DEPARTMENTS TO ACQUIRE LOW-COST INTERESTS IN LAND AND INTERESTS IN LAND WHEN NEED IS URGENT.

Section 2664(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''No military''; and

(2) by striking ''The foregoing limitation shall not apply to the acceptance'' and inserting the following:

''(2) Paragraph (1) shall not apply to the following:

''(A) The acquisition of low-cost interests in land, as authorized by section 2663(c) of this title.

''(B) The acquisition of interests in land when the need is urgent, as authorized by section 2663(d) of this title.

''(C) The acceptance''.

SEC. 2814. MODIFICATION OF UTILITY SYSTEMS CONVEYANCE AUTHORITY.

(a) CLARIFICATION OF REQUIRED DETERMINATION THAT CONVEYANCE REDUCE LONG-TERM COSTS.—Paragraph (2)(A)(ii) of subsection (a) of section 2688 of title 10, United States Code, is amended by striking ''system; and'' and inserting the following: ''system—

''(I) by 10 percent of the long-term cost for provision of those utility services in the agency tender, for periods of performance specified in subsection (d)(1); or

''(II) 20 percent of the long-term cost for provision of those utility services in the agency tender, for periods of performance specified in subsection (d)(2); and''.

(b) LIMITATION ON REPEATED USE OF AUTHORITY FOR SAME UTILITY SYSTEM.—Such subsection is further amended by adding at the end the following new paragraph:

''(3) If, as a result of the economic analysis required by paragraph (2)(A), the Secretary concerned determines that a utility system, or part of a utility system, is not eligible for conveyance under this subsection, the Secretary concerned may not reconsider the utility system, or part of a utility system, for conveyance under this subsection or for conversion to contractor operation under section 2461 of this title for a period of five years beginning on the date of the determination. In addition, if the results of a public-private competition for conversion of a utility system, or part of a utility system, to operation by a contractor favors continued operation by civilian employees of the Department of Defense, the Secretary concerned may not reconsider the utility system, or part of a utility system, for conversion under such section or for conveyance under this subsection for a period of five years beginning on the date of the completion of the public-private competition.''.

SEC. 2815. DECONTAMINATION AND USE OF FORMER BOMBARDMENT AREA ON ISLAND OF CULEBRA.

Section 204 of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668) is amended by striking subsection (c).

SEC. 2816. DISPOSAL OF EXCESS PROPERTY OF ARMED FORCES RETIREMENT HOME.

Section 1511(e)(3) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(e)(3)) is amended—

(1) by striking the first sentence and inserting the following new sentence: ''If the Secretary of Defense determines that any property of the Retirement Home is excess to the needs of the Retirement Home, the Secretary shall dispose of the property in accordance with subchapter III of chapter 5 of title 40, United States Code (40 U.S.C. 541 et seq.).''; and

(2) by striking the last sentence.

SEC. 2817. ACCEPTANCE OF CONTRIBUTIONS TO SUPPORT CLEANUP EFFORTS AT FORMER ALMADEN AIR FORCE STATION, CALIFORNIA.

(a) ACCEPTANCE OF CONTRIBUTIONS; PURPOSE.—The Secretary of the Air Force may accept contributions from other Federal entities, the State of California, and other entities, both public and private, for the purposes of helping to cover the costs of—

(1) demolition of property at former Almaden Air Force Station, California; and

(2) environmental remediation and restoration and other efforts to further the ultimate end use of the property for conservation and recreation purposes.

(b) AVAILABILITY.—Amounts received as contributions under subsection (a) may be merged with other amounts available to the Secretary to carry out the purposes described in such subsection and shall be available, in such amounts as may be provided in advance in appropriation Act, for such purposes.

SEC. 2818. LIMITATION ON ESTABLISHMENT OF NAVY OUTLYING LANDING FIELDS.

(a) LIMITATION.—The Secretary of the Navy may not establish an outlying landing field at a proposed location to be used by naval aircraft if, within 90 days after the issuance of the final environmental assessment or environmental impact statement regarding the proposed location pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), the Secretary determines that the governmental body of the political subdivision of a State containing the proposed location is formally opposed to the establishment of the outlying landing field.

(b) EXCEPTION.—Subsection (a) shall not apply if Congress enacts a law authorizing the Secretary to proceed with the outlying landing field notwithstanding the local government action.

SEC. 2819. PROHIBITION ON OUTLYING LANDING FIELD AT SANDBANKS OR HALE'S LAKE, NORTH CAROLINA, FOR OCEANA NAVAL AIR STATION.

The Secretary of the Navy may not establish, consider the establishment of, or purchase land, construct facilities, implement bird management plans, or conduct any other activities that would facilitate the establishment of, an outlying landing field at either of the proposed sites in North Carolina, Sandbanks or Hale's Lake, to support field carrier landing practice for naval aircraft operating out of Oceana, Naval Air Station, Virginia.

SEC. 2820. SELECTION OF MILITARY INSTALLATIONS TO SERVE AS LOCATIONS OF BRIGADE COMBAT TEAMS.

In selecting the military installations at which brigade combat teams will be stationed, which previously included Fort Bliss, Texas, Fort Carson, Colorado, and Fort Stewart, Georgia, the Secretary of the Army shall take into consideration the availability and proximity of training spaces for the units and the capacity of the installations to support the units.

Subtitle C—Provisions Related to Guam Realignment

SEC. 2831. ROLE OF UNDER SECRETARY OF DEFENSE FOR POLICY IN MANAGEMENT AND COORDINATION OF DEPARTMENT OF DEFENSE ACTIVITIES RELATING TO GUAM REALIGNMENT.

Section 134 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) Until September 30, 2019, the Under Secretary shall have responsibility for coordinating the activities of the Department of Defense in connection with the realignment of military installations and the relocation of military personnel on Guam (in this subsection referred to as the 'Guam realignment').

''(2) The Joint Guam Program Office shall report directly to the Under Secretary in carrying out its activities in connection with the Guam realignment.

''(3) In carrying out the responsibilities assigned by paragraph (1), the Under Secretary shall coordinate with the National Security Advisor and serve as the official representative of the Secretary of Defense at meetings of the Interagency Group on Insular Areas, which was established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451), and any sub-group or working group of that interagency group.

''(4) The Under Secretary shall remain the primary lead within the Department of Defense for coordination with the Secretary of State on all matters concerning the implementation of the agreement entitled 'Agreement between the Government of the United States of America and the Government of Japan concerning the Implementation of the Relocation of the III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam'.

''(5) The assignment of responsibilities by paragraph (1) does not confer upon the Under Secretary the authority to control funds made available to the military departments for the Guam realignment. The Joint Guam Program Office shall remain as the primary coordinator of the resources provided by each military department involved in the Guam realignment.''.

SEC. 2832. CLARIFICATIONS REGARDING USE OF SPECIAL PURPOSE ENTITIES TO ASSIST WITH GUAM REALIGNMENT.

(a) SPECIAL PURPOSE ENTITY DEFINED.—In this section, the term ''special purpose entity'' means a wholly independent entity established for a specific and limited purpose to facilitate the realignment of military installations and the relocation of military personnel on Guam.

(b) REPORT ON IMPLEMENTATION GUIDANCE FOR SPECIAL PURPOSE ENTITIES.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the implementation guidance developed regarding the use of special purpose entities to assist with the realignment of military installations and the relocation of military personnel on Guam.

(2) NOTICE AND WAIT.—The Secretary of Defense may not authorize the use of the implementation guidance referred to in paragraph (1) until the end of the 30-day period (15-day period if the report is submitted electronically) beginning on the date on which the report required by such paragraph is submitted.

(c) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—

(1) APPLICABILITY TO SECTION 2350K CONTRIBUTIONS.—Section 2824(c)(4) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

''(D) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, or any successor to such criteria shall apply to the obligation of contributions referred to in subsection (b)(1) for a transaction authorized by paragraph (1).''.

(2) APPLICABILITY TO SPECIAL PURPOSE ENTITY CONTRIBUTIONS.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, or any successor to such criteria shall apply to the obligation of contributions provided by a special purpose entity.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an evaluation of various options, including a preferred option, that the Secretary could utilize to comply with the unified facilities criteria referred to in paragraph (2) in the acquisition of military housing on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam. The report shall specifically consider increasing the overseas housing allowance for members of the Armed Forces serving on Guam and providing a direct Federal subsidy to public-private ventures.

(d) SENSE OF CONGRESS ON SCOPE OF UTILITY INFRASTRUCTURE IMPROVEMENTS.—Section 2821 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4729) is amended—

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

(2) in such subsection, by striking ''should incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system'' and inserting ''should support proposed utility infrastructure improvements on Guam that incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system, rather than simply supporting one or more military installations''.

SEC. 2833. WORKFORCE ISSUES RELATED TO MILITARY CONSTRUCTION AND CERTAIN OTHER TRANSACTIONS ON GUAM.

(a) PREVAILING WAGE REQUIREMENTS.—Subsection (c) of section 2824 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(5) APPLICATION OF PREVAILING WAGE REQUIREMENTS.—

''(A) APPLICATION; RELATION TO WAGE RATES IN HAWAII.—The requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to any military construction project or other transaction authorized by paragraph (1) that is carried out on Guam using contributions referred to in subsection (b)(1) or appropriated funds, except that the wage rates determined pursuant to such subchapter for Guam may not be less than the lowest wage rates determined for the applicable class of laborer or mechanic on projects or transactions of a similar character under such subchapter for Hawaii.

''(B) SECRETARY OF LABOR AUTHORITIES.—In order to carry out the requirements of subparagraph (A) and paragraph (6) (relating to composition of workforce for construction projects), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Number 14 of 1950 and section 3145 of title 40, United States Code.

''(C) ADDITION TO WEEKLY STATEMENT ON THE WAGES PAID.—In the case of projects and other transactions covered by subparagraph (A), the weekly statement required by section 3145 of title 40, United States Code, shall also identify each employee working on the project or transaction who holds a visa issued under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

''(D) DURATION OF REQUIREMENTS.—The Secretary of Labor shall make and issue a wage rate determination for Guam annually until 90 percent of the funds in the Account and other funds made available for the realignment of military installations and the relocation of military personnel on Guam have been expended.''.

(b) REPORTING REQUIREMENTS REGARDING SUPPORT OF CONSTRUCTION WORKFORCE.—Subsection (e) of such section is amended—

(1) by striking ''Not later than'' and inserting the following:

''(1) MILITARY CONSTRUCTION INFORMATION.—Not later than''; and

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

''(2) CONSTRUCTION WORKFORCE INFORMATION.—The annual report shall also include an assessment of the living standards of the construction workforce employed to carry out military construction projects covered by the report, including, at a minimum, the adequacy of contract standards and infrastructure that support temporary housing the construction workforce and their medical needs.''.

SEC. 2834. COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS FUNDED THROUGH THE SUPPORT FOR UNITED STATES RELOCATION TO GUAM ACCOUNT.

(a) COMPOSITION OF WORKFORCE.—Section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by inserting after paragraph (5), as added by section 2833, the following new paragraph:

''(6) COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS.—

''(A) PERCENTAGE LIMITATION.—With respect to each construction project for which groundbreaking occurs before October 1, 2011, and that is carried out using amounts described in subparagraph (B), not more than 30 percent of the total hours worked per month on the construction project may be performed by persons holding visas issued under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

''(B) SOURCE OF FUNDS.—Subparagraph (A) applies to—

''(i) amounts in the Account used for projects associated with the realignment of military installations and the relocation of military personnel on Guam;

''(ii) funds associated with activities under section 2821 of this Act; and

''(iii) funds for authorized military construction projects.

''(C) SOLICITATION OF WORKERS.—In order to ensure compliance with subparagraph (A), as a condition of a contract covered by such subparagraph, the contractor shall be required to advertise and solicit for construction workers in the United States, including territories in the Pacific region, in accordance with a recruitment plan created by the Secretary of Labor. The contractor shall submit a copy of the employment offer, including a description of wages and other terms and conditions of employment, to the Secretary of Labor. The contractor shall authorize the Secretary of Labor to post a notice of the employment offer on a website, with State and local job banks, with State workforce agencies, and with unemployment agencies and other referral and recruitment sources pertinent to the employment opportunity.''.

(b) REPORTING REQUIREMENTS.—

(1) SECRETARY OF DEFENSE.—Not later than June 30, 2010, the Secretary of Defense shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of efforts to establish a Project Labor Agreement for construction projects associated with the Guam realignment as encouraged by Executive Order 13502, entitled ''Use of Project Labor Agreements for Federal Construction Projects'' (74 Fed. Reg. 6985), as a means of complying with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a).

(2) SECRETARY OF LABOR.—Not later than June 30, 2010, the Secretary of Labor shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of—

(A) the opportunities to expand the recruitment of construction workers in the United States, including territories in the Pacific region, to support the realignment of military installations and the relocation of military personnel on Guam, consistent with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a);

(B) the ability of labor markets to support the Guam realignment; and

(C) the sufficiency of efforts to recruit United States construction workers.

(3) COVERED CONGRESSIONAL COMMITTEES.—The reports required by this subsection shall be submitted to the congressional defense committees, the Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 2835. INTERAGENCY COORDINATION GROUP OF INSPECTOR GENERALS FOR GUAM REALIGNMENT.

(a) INTERAGENCY COORDINATION GROUP.—There is hereby established the Interagency Coordination Group of Inspector Generals for Guam Realignment (in this section referred to as the ''Interagency Coordination Group'')—

(1) to provide for the objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam; and

(2) to provide for coordination of, and recommendations on, policies designed to—

(A) promote economic efficiency, and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) prevent and detect waste, fraud, and abuse in such programs and operations; and

(b) MEMBERSHIP.—

(1) CHAIRPERSON.—The Inspector General of the Department of Defense shall serve as chairperson of the Interagency Coordination Group.

(2) ADDITIONAL MEMBERS.—Additional members of the Interagency Coordination Group shall include the Inspector General of the Department of Interior and Inspectors General of such other Federal agencies as the chairperson

considers appropriate to carry out the duties of the Interagency Coordination Group.

(c) DUTIES.—

(1) OVERSIGHT OF GUAM CONSTRUCTION.—It shall be the duty of the Interagency Coordination Group to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for military construction on Guam and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of construction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such fund; and

(F) the monitoring and review of the implementation of the Defense Posture Review Initiative relating to the realignment of military installations and the relocation of military personnel on Guam.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Interagency Coordination Group shall establish, maintain, and oversee such systems, procedures, and controls as the Interagency Coordination Group considers appropriate to discharge the duties under paragraph (1).

(3) OVERSIGHT PLAN.—The chairperson of the Interagency Coordination Group shall prepare an annual oversight plan detailing planned audits and reviews related to the Guam realignment.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) PROVISION OF ASSISTANCE.—Upon request of the Interagency Coordination Group for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Interagency Coordination Group.

(2) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Interagency Coordination Group is, in the judgment of the chairperson of the Interagency Coordination Group, unreasonably refused or not provided, the chairperson shall report the circumstances to the Secretary of Defense and to the congressional defense committees without delay.

(e) REPORTS.—

(1) ANNUAL REPORTS.—Not later than February 1 of each year, the chairperson of the Interagency Coordination Group shall submit to the congressional defense committees, the Secretary of Defense, and the Secretary of the Interior a report summarizing, for the preceding calendar year, the activities of the Interagency Coordination Group during such year and the activities under programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam. Each report shall include, for the year covered by the report, a detailed statement of all obligations, expenditures, and revenues associated with such construction, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for military construction in connection with the realignment of military installations and the relocation of military personnel on Guam, together with the estimate of the Department of Defense and the Department of the Interior, as applicable, of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds contributed by the Government of Japan in connection with the realignment of military installations and the relocation of military personnel on Guam and any obligations or expenditures of such revenues.

(D) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for military construction on Guam.

(E) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for military construction on Guam with any public or private sector entity.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Interagency Coordination Group considers it necessary.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(5) SUBMISSION OF COMMENTS.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of Defense or the Secretary of the Interior may submit to the congressional defense committees any comments on the matters covered by the report as the Secretary concerned considers appropriate. Any comments on the matters covered by the report shall be submitted in unclassified form, but may include a classified annex if the Secretary concerned considers it necessary.

(f) PUBLIC AVAILABILITY; WAIVER.—

(1) PUBLIC AVAILABILITY.—The Interagency Coordination Group shall publish on a publically-available Internet website each report prepared under subsection (e). Any comments on the report submitted under paragraph (5) of such subsection shall also be published on such website.

(2) WAIVER AUTHORITY.—The President may waive the requirement under paragraph (1) with respect to availability to the public of any element in a report under subsection (e), or any comment with respect to a report, if the President determines that the waiver is justified for national security reasons.

(3) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (e), or any comment under paragraph (5) of such subsection, is submitted to the congressional defense committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.

(g) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE.—The term ''amounts appropriated or otherwise made available for military construction on Guam'' includes amounts derived from the Support for United States Relocation to Guam Account.

(2) GUAM.—The term ''Guam'' includes any island in the Northern Mariana Islands.

(h) TERMINATION.—

(1) IN GENERAL.—The Interagency Coordination Group shall terminate upon the expenditure of 90 percent of all funds appropriated or otherwise made available for Guam realignment.

(2) FINAL REPORT.—Before the termination of the Interagency Coordination Group pursuant to paragraph (1), the chairperson of the Interagency Coordination Group shall prepare and submit to the congressional defense committees a final report containing—

(A) notice that the termination condition in paragraph (1) has occurred; and

(B) a final forensic audit on programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam.

SEC. 2836. COMPLIANCE WITH NAVAL AVIATION SAFETY REQUIREMENTS AS CONDITION ON ACCEPTANCE OF REPLACEMENT FACILITY FOR MARINE CORPS AIR STATION, FUTENMA, OKINAWA.

The Secretary of Defense may not accept, or authorize any other official of the Department of Defense to accept, a replacement facility in Okinawa for air operations conducted at Marine Corps Air Station, Futenma, Okinawa, unless the Secretary certifies to the congressional defense committees that the replacement facility satisfies at least minimum Naval Aviation Safety requirements. The Secretary may not waive any of these requirements.

SEC. 2837. REPORT AND SENSE OF CONGRESS ON MARINE CORPS TRAINING REQUIREMENTS IN ASIA-PACIFIC REGION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy and the Joint Guam Program Office, shall submit to the congressional defense committees a report on the training requirements necessary for Marine Forces Pacific, the field command of the Marine Corps within the United States Pacific Command.

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

(1) A description of the units of the Marine Corps expected to be assigned on a permanent or temporary basis to Marine Forces Pacific, including the type of unit, the organizational element, the current location of the unit, and proposed location for the unit.

(2) A description of the training requirements necessary to sustain the current and planned realignment of forces according to the agreement entitled ''Agreement between the Government of the United States of America and the Government of Japan concerning the Implementation of the Relocation of the III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam''.

(3) A description of the potential effects of undertaking a separate environmental impact study for expanded training ranges in the Commonwealth of the Northern Mariana Islands and for alternative training range options, including locations in the Philippines, Thailand, Australia, and Japan.

(4) The rationale for conducting the Mariana Island Range Complex environmental impact statement without including the additional training requirements necessary to support the additional realignment of Marine Corps units on Guam.

(5) A description of the strategic- and tactical-lift requirements associated with Marine Forces Pacific, including programming information regarding the intent of the Department of Defense to eliminate deficiencies in the strategic-lift capabilities.

(c) SENSE OF CONGRESS.—It is the sense of Congress that an evaluation of training requirements for Marine Forces Pacific—

(1) should be conducted and completed as soon as possible;

(2) should include a training analysis that, at a minimum, reviews the capabilities required to support a Marine Air-Ground Task Force; and

(3) should not impact the implementation of the recently signed international agreement referred to in subsection (b)(2).

Subtitle D—Energy Security

SEC. 2841. ADOPTION OF UNIFIED ENERGY MONITORING AND MANAGEMENT SYSTEM SPECIFICATION FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.

(a) ADOPTION REQUIRED.—

(1) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2866 at the end the following new section:

''§ 2867. Energy monitoring and management system specification for military construction and military family housing activities

''(a) ADOPTION OF DEPARTMENT-WIDE, OPEN SOURCE, ENERGY MONITORING AND MANAGEMENT SYSTEM SPECIFICATION.—The Secretary of Defense shall adopt an open source energy monitoring and management system specification for use throughout the Department of Defense in connection with a military construction project, military family housing activity, or other activity under this chapter for the purpose of monitoring and controlling the following with respect to the project or activity:

''(1) Utilities and energy usage, including electricity, gas, steam, and water usage.

''(2) Indoor environments, including temperature and humidity levels.

''(3) Heating, ventilation, and cooling components.

''(4) Central plant equipment.

''(5) Renewable energy generation systems.

''(6) Lighting systems.

''(7) Power distribution networks.

''(b) EXCLUSION.—(1) The Secretary concerned may waive the application of the energy monitoring and management system specification adopted under subsection (a) with respect to a specific military construction project, military family housing activity, or other activity under this chapter if the Secretary determines that the application of the specification to the project or activity is not life cycle cost-effective.

''(2) The Secretary concerned shall notify the congressional defense committees of any waiver granted under paragraph (1).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III is amended inserting after the item relating to section 2866 the following new item:

''2867. Energy monitoring and management system specification for military construction and military family housing activities.''.

(3) DEADLINE FOR ADOPTION.—The Secretary of Defense shall adopt the open source energy monitoring and management system specification required by section 2867 of title 10, United States Code, as added by paragraph (1), not later than 180 days after the date of the enactment of this Act.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following items:

(1) A contract specification that will implement the open source energy monitoring and management system specification required by section 2867 of title 10, United States Code, as added by subsection (a).

(2) A description of the method to ensure compliance of the Department of Defense information assurance certification and accreditation process.

(3) An expected timeline for integration of existing components with the energy monitoring and management system.

(4) A list of the justifications and authorizations provided by the Department, pursuant to Federal Acquisition Regulations Chapter 6.3, relating to Other Than Full and Open Competition, for energy monitoring and management systems during fiscal year 2009.

SEC. 2842. DEPARTMENT OF DEFENSE USE OF ELECTRIC AND HYBRID MOTOR VEHICLES.

(a) PREFERENCE.—Subchapter II of chapter 173 of title 10, United States Code, is amended by inserting after section 2922g, as added by title III of this Act, the following new section:

''§ 2922h. Preference for motor vehicles using electric or hybrid propulsion systems

''(a) PREFERENCE.—In leasing or procuring motor vehicles for use by a military department or Defense Agency, the Secretary of the military department or the head of the Defense Agency shall provide a preference for the lease or procurement of motor vehicles using electric or hybrid propulsion systems, including plug-in hybrid systems, if the electric or hybrid vehicles—

''(1) will meet the requirements or needs of the Department of Defense; and

''(2) are commercially available at a cost reasonably comparable, on the basis of life-cycle cost, to motor vehicles containing only an internal combustion or heat engine using combustible fuel.

''(b) EXCEPTION.—Subsection (a) does not apply with respect to tactical vehicles designed for use in combat.

''(c) HYBRID DEFINED.—In this section, the term 'hybrid', with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

''(1) an internal combustion or heat engine using combustible fuel; and

''(2) a rechargeable energy storage system.''.

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

''2922h. Preference for motor vehicles using electric or hybrid propulsion systems.''.

SEC. 2843. DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY SOURCES TO MEET FACILITY ENERGY NEEDS.

(a) FACILITY BASIS OF GOAL.—Subsection (e) of section 2911 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in subparagraph (A) (as so redesignated)—

(A) by striking ''electric energy'' and inserting ''facility energy'';

(B) by striking ''and in its activities''; and

(C) by striking ''(as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)))''; and

(3) in subparagraph (B) (as so redesignated), by striking ''electric energy'' and inserting ''facility energy''.

(b) DEFINITION OF RENEWABLE ENERGY SOURCE.—Such subsection is further amended—

(1) by striking ''It shall be'' and inserting ''(1) It shall be''; and

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

''(2) In this subsection, the term 'renewable energy source' means energy generated from renewable sources, including the following:

''(A) Solar.

''(B) Wind.

''(C) Biomass.

''(D) Landfill gas.

''(E) Ocean, including tidal, wave, current, and thermal.

''(F) Geothermal, including electricity and heat pumps.

''(G) Municipal solid waste.

''(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is 'new' if it was placed in service on or after January 1, 1999.

''(I) Thermal energy generated by any of the preceding sources.''.

(c) CLERICAL AMENDMENT.—The heading of such subsection is amended by striking ''ELECTRICITY NEEDS'' and inserting ''FACILITY ENERGY NEEDS''.

SEC. 2844. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE RENEWABLE ENERGY INITIATIVES.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on all renewable energy initiatives being funded by the Department of Defense or a military department down to the base commander level. The Comptroller General shall specifically address the following in the report:

(1) The costs associated with each renewable energy initiative.

(2) Whether the renewable energy initiative has a clearly delineated set of goals or targets.

(3) Whether those goals or targets are being met or are likely to be met by the conclusion of the renewable energy initiative.

SEC. 2845. STUDY ON DEVELOPMENT OF NUCLEAR POWER PLANTS ON MILITARY INSTALLATIONS.

(a) STUDY REQUIRED; ELEMENTS.—The Secretary of Defense shall conduct a study to assess the feasibility of developing nuclear power plants on military installations. As part of the study, the Secretary shall—

(1) summarize options available for public-private partnerships for construction and operation of the power plants;

(2) estimate the cost per kilowatt-hour and consider the potential for life cycle cost savings to the Department of Defense, including potential environmental liabilities;

(3) consider the potential energy security advantages to the Department of Defense of generating electricity on military installations through the use of nuclear energy;

(4) assess the additional infrastructure costs that would be needed to enable the power plants to sell power back to the general electricity grid;

(5) consider impact on quality of life of members stationed at an installation containing a nuclear power plant;

(6) consider regulatory, State, and local concerns to production of nuclear power on military installations;

(7) assess to what degree nuclear power plants would adversely affect operations on military installations, including consideration of training and readiness requirements;

(8) assess potential environmental liabilities for the Department of Defense;

(9) consider factors impacting safe co-location of nuclear power plants on military installations; and

(10) consider any other factors that bear on the feasibility of developing nuclear power plants on military installations.

(b) SUBMISSION OF RESULTS OF STUDY.—Not later than June 1, 2010, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study.

Subtitle E—Land Conveyances

SEC. 2851. TRANSFER OF ADMINISTRATIVE JURISDICTION, PORT CHICAGO NAVAL MAGAZINE, CALIFORNIA.

(a) TRANSFER REQUIRED; ADMINISTRATION.—Section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102–562; 16 U.S.C.

431; 106 Stat. 4235) is amended by striking subsection (c) and inserting the following new subsections:

''(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). Land transferred to the administrative jurisdiction of the Secretary of the Interior under subsection (d) shall be administered in accordance with this subsection.

''(d) TRANSFER OF LAND.—The Secretary of Defense shall transfer a parcel of land, consisting of approximately 5 acres, depicted within the proposed boundary on the map titled 'Port Chicago Naval Magazine National Memorial, Proposed Boundary', numbered 018/80,001, and dated August 2005, to the administrative jurisdiction of the Secretary of the Interior if the Secretary of Defense determines that—

''(1) the land is excess to military needs; and

''(2) all environmental remediation actions necessary to respond to environmental contamination related to the land have been completed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and other applicable laws.

''(e) PUBLIC ACCESS.—The Secretary of the Interior shall enter into an agreement with the Secretary of Defense to provide as much public access as possible to the Port Chicago Naval Magazine National Memorial without interfering with military needs. This subsection shall no longer apply if, at some point in the future, the National Memorial ceases to be an enclave within the Concord Naval Weapons Station.

''(f) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the National Memorial.''.

(b) SENSE OF CONGRESS ON REMEDIATION AND REPAIR OF NATIONAL MEMORIAL.—

(1) REMEDIATION.—It is the sense of Congress that, in order to facilitate the land transfer described in subsection (d) of section 203 of the Port Chicago National Memorial Act of 1992, as added by subsection (a), the Secretary of Defense should remediate remaining environmental contamination related to the land.

(2) REPAIR.—It is the sense of Congress that, in order to preserve the Port Chicago Naval Magazine National Memorial for future generations, the Secretary of Defense and the Secretary of the Interior should work together to develop a process by which future repairs and necessary modifications to the National Memorial can be achieved in as timely and cost-effective a manner as possible.

SEC. 2852. LAND CONVEYANCES, NAVAL AIR STATION, BARBERS POINT, HAWAII.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy shall convey, without consideration, to the Hawaii Community Development Authority (in this section referred to as the ''Authority''), which is the local redevelopment authority for former Naval Air Station, Barbers Point, Oahu, Hawaii, all right, title, and interest of the United States in and to the following parcels of real property, including any improvements thereon and clear of all liens and encumbrances, at the installation:

(1) An approximately 10.569-acre parcel of land identified as ''Parcel No. 13126 B'' and further identified by Oahu Tax Map Key No. 9-1-031:047.

(2) An approximately 145.785-acre parcel of land identified as ''Parcel No. 13058 D'' and further identified by Oahu Tax Map Key No. 9-1-013:039.

(3) An approximately 9.303-acre parcel of land identified as ''Parcel No. 13058 F'' and further identified by Oahu Tax Map Key No. 9-1-013:041.

(4) An approximately 57.937-acre parcel of land identified as ''Parcel No. 13058 G'' and further identified by Oahu Tax Map Key No. 9-1-013:042.

(5) An approximately 11.501-acre parcel of land identified as ''Parcel No. 13073 D'' and further identified by Oahu Tax Map Key No. 9-1-013:069.

(6) An approximately 65.356-acre parcel of land identified as ''Parcel No. 13073 B'' and further identified by Oahu Tax Map Key No. 9-1-013:067.

(b) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. MODIFICATION OF LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.

(a) ADDITIONAL CONVEYANCE.—Subsection (a)(1) of section 2873 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2152) is amended—

(1) by striking ''two parcels'' and inserting ''three parcels'';

(2) by striking ''and 1.742 acres and containing the four buildings'' and inserting '', 1.742 acres, and 4.5 acres, respectively, and containing all or a portion of the five buildings''; and

(3) by inserting ''and the Modification and Fabrication Facility'' after ''Reconnaissance Laboratory''.

(b) DESCRIPTION OF PROPERTY.—Subsection (a)(2) of such section is amended by adding at the end the following new subparagraph:

''(E) Bay Number 4 in Building 101 (approximately 115,000 square feet).''.

(c) PURPOSE OF CONVEYANCE.—Subsection (a)(3) of such section is amended by adding before the period at the end the following: ''and to provide adequate reimbursement, real property, and replacement facilities for the Air Force Research Laboratory units that are relocated as a result of the conveyance''.

(d) CONSIDERATION.—Subsection (c) of such section is amended by striking ''in-kind contribution'' and inserting ''in-kind consideration (including land and new facilities)''.

SEC. 2854. LAND CONVEYANCE, ARMY RESERVE CENTER, CHAMBERSBURG, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Army Reserve vacates the Army Reserve Center at 721 South Sixth Street, Chambersburg, Pennsylvania, the Secretary of the Army may convey, without consideration, to the Chambersburg Area School District (in this section referred to as the ''School District''), all right, title, and interest of the United States in and to the Reserve Center for the purpose of permitting the School District to utilize the property for educational, educational support, and community activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the School District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the School District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the School District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2855. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to parcels of non-contiguous real property, including any improvements thereon, consisting of a total of approximately 2.4 acres at Naval Air Station Oceana, Virginia, for the purpose of permitting the City to expand services to support the Marine Animal Care Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall

provide compensation to the Secretary of the Navy in an amount equal to the fair market value of the real property conveyed under such subsection, as determined by appraisals acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under this section shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the ''Association'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013.

(b) CONSIDERATION.—As consideration for the conveyance of the property described in subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final. At the election of the Secretary, the Secretary may accept in-kind consideration in lieu of all or a portion of the cash payment.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. COMPLETION OF LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

Subsection (a)(1) of section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1315), as amended by section 2852 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2143), is further amended—

(1) in the first sentence, by striking ''The Secretary of the Army may transfer'' and inserting ''Not later than 60 days after the date of the enactment of the Military Construction Authorization Act for Fiscal Year 2010, the Secretary of the Army shall transfer''; and

(2) in the second sentence—

(A) by striking ''may make the transfer'' and inserting ''shall make the transfer''; and

(B) by striking ''may accept'' and inserting ''shall accept''.

Subtitle F—Other Matters

SEC. 2871. REVISED AUTHORITY TO ESTABLISH NATIONAL MONUMENT TO HONOR UNITED STATES ARMED FORCES WORKING DOG TEAMS.

Section 2877 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 563; 16 U.S.C. 431 note) is amended by striking ''National War Dogs Monument, Inc.,'' both places it appears and inserting ''John Burnam Monument Foundation, Inc.,''.

SEC. 2872. NAMING OF CHILD DEVELOPMENT CENTER AT FORT LEONARD WOOD, MISSOURI, IN HONOR OF MR. S. LEE KLING.

A child development center at Fort Leonard Wood, Missouri, shall be known and designated as the ''S. Lee Kling Child Development Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to such child development center shall be deemed to be a reference to the S. Lee Kling Child Development Center.

SEC. 2873. CONDITIONS ON ESTABLISHMENT OF COOPERATIVE SECURITY LOCATION IN PALANQUERO, COLOMBIA.

(a) CONGRESSIONAL NOTIFICATION OF AGREEMENT.—None of the amounts authorized to be appropriated by this division or otherwise made available for military construction for fiscal year 2010 may be obligated to commence construction of a Cooperative Security Location at the German Olano Airbase (the Palanquero AB Development Project) in Palanquero, Colombia, until at least 15 days after the date on which the Secretary of Defense certifies to the congressional defense committees that an agreement has been entered into with the Government of Colombia that permits the establishment of the Cooperative Security Location at the German Olano Airbase in a manner that will enable the United States Southern Command to execute its Theater Posture Strategy in cooperation with the Armed Forces of Colombia.

(b) PROHIBITION ON PERMANENT UNITED STATES MILITARY INSTALLATION.—The agreement referred to in subsection (a) may not provide for or authorize the establishment of a United States military installation or base for the permanent stationing of United States Armed Forces in Colombia.

SEC. 2874. MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.

Section 1806 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1056; 16 U.S.C. 460vvv) is amended by adding at the end the following new subsection:

''(g) MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.—The designation of the Bridgeport Winter Recreation Area by this section is not intended to restrict or preclude the activities conducted by the United States Armed Forces at the United States Marine Corps Mountain Warfare Training Center.''.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

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

Army: Outside United States

Country	*Installation or Location*	*Amount*
Afghanistan.	*Airborne*	*$7,800,000*
	Altimur	*$7,750,000*
	Asadabad	*$5,500,000*
	Bagram Air Base	*$132,850,000*
	Camp Joyce	*$7,700,000*
	Camp Kabul	*$137,000,000*
	Camp Kandahar	*$132,500,000*
	Camp Salerno	*$50,200,000*
	Forward Operating Base Blessing.	*$5,600,000*
	Forward Operating Base Bostick.	*$5,500,000*
	Forward Operating Base Dwyer.	*$14,900,000*
	Forward Operating Base Ghazni.	*$5,500,000*
	Forward Operating Base Shank.	*$19,700,000*
	Forward Operating Base Sharana.	*$60,800,000*
	Frontenac	*$2,200,000*
	Jalalabad Airfield	*$41,400,000*
	Maywand	*$12,200,000*
	Methar-Lam	*$4,150,000*

***Army: Outside United States**—Continued*

Country	Installation or Location	Amount
	Provincial Reconstruction Team Gardez.	*$36,200,000*
	Provincial Reconstruction Team Tarin Kowt.	*$57,950,000*
	Tombstone/Bastion	*$71,800,000*
	Wolverine	*$14,900,000*

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,484,000 as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $834,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $20,100,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $76,284,000.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

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

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan.	*Bagram Air Base* ..	*$29,100,000*
	Camp Kandahar ...	*$234,600,000*
	Forward Operating Base Dwyer.	*$4,900,000*
	Forward Operating Base Shank.	*$4,900,000*
	Provincial Reconstruction Team Tarin Kowt.	*$4,900,000*
	Tombstone/Bastion	*$156,200,000*
	Wolverine	*$4,900,000*

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $474,500,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $439,500,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,000,000.

SEC. 2903. CONSTRUCTION AUTHORIZATION FOR FACILITIES FOR OFFICE OF DEFENSE REPRESENTATIVE-PAKISTAN.

(a) IN GENERAL.—Notwithstanding the definition of military construction in section 2801 of title 10, United States Code, of the amounts authorized to be appropriated by this division for military construction, the Secretary of Defense may use not more than $25,000,000 to plan, design, and construct facilities on the United States Embassy Compound in Islamabad, Pakistan, in support of the Office of the Defense Representative-Pakistan (in this section referred to as the ''ODRP'').

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the number of personnel and activities of the ODRP.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A detailed accounting of the number of personnel permanently assigned or on temporary duty in the ODRP.

(B) A description of the mission of those personnel assigned on a temporary or permanent basis to the ODRP.

(C) A projection of space requirements for the ODRP.

(3) FORM.—The report under paragraph (1) may be submitted in a classified form.

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

(A) The Committees on Armed Services and Foreign Affairs of the House of Representatives.

(B) The Committees on Armed Services and Foreign Relations of the Senate.

(5) TERMINATION.—The requirement to submit a report under this subsection terminates on the date occurring two years after the date on which the first report is submitted.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Subtitle B—Program Authorizations, Restrictions, and Limitations

Subtitle C—Reports

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $10,479,627,000, to be allocated as follows:

(1) For weapons activities, $6,516,431,000.

(2) For defense nuclear nonproliferation activities, $2,539,309,000.

(3) For naval reactors, $1,003,133,000.

(4) For the Office of the Administrator for Nuclear Security, $420,754,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant project:

Project 10–D–501, nuclear facilities risk reduction, Y–12 National Security Complex, Oak Ridge, Tennessee, $12,500,000.

(2) For safeguards and security, the following new plant project:

Project 10–D–701, security improvement project, Y–12 National Security Complex, Oak Ridge, Tennessee, $49,000,000.

(3) For naval reactors, the following new plant projects:

Project 10–D–903, KAPL security upgrades, Schenectady, New York, $1,500,000.

Project 10–D–904, Naval Reactors Facility infrastructure upgrades, Naval Reactors Facility, Idaho, $700,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,024,491,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for other defense activities in carrying out programs necessary for national security in the amount of $872,468,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $98,400,000.

SEC. 3105. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for energy security and assurance programs necessary for national security in the amount of $6,188,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 4201 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2521) is amended to read as follows:

''(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall establish a stewardship program to ensure—

''(1) the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

''(2) that the nuclear weapons stockpile is safe, secure, and reliable without the use of underground nuclear weapons testing.''.

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting ''and performance over time'' after ''detonation''; and

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

''(4) Material support for the use of, and experiments facilitated by, the advanced experimental facilities of the United States, including—

''(A) the National Ignition Facility at Lawrence Livermore National Laboratory;

''(B) the Dual Axis Radiographic Hydrodynamic Test Facility at Los Alamos National Laboratory; and

''(C) the Z Machine at Sandia National Laboratories.

''(5) Material support for the sustainment and modernization of facilities with production and manufacturing capabilities that are necessary to ensure the safety, security, and reliability of the nuclear weapons stockpile, including—

''(A) the Pantex Plant;
''(B) the Y–12 National Security Complex;
''(C) the Kansas City Plant; and
''(D) the Savannah River Site.''.

(c) PRIOR AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1994.—Such section is further amended by striking subsection (c).

SEC. 3112. STOCKPILE MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Atomic Energy Defense Act (division D of Public Law 107-314; 50 U.S.C. 2501 et seq.) is amended—

(1) by repealing section 4204A (50 U.S.C. 2524a); and

(2) by amending section 4204 (50 U.S.C. 2524) to read as follows:

''SEC. 4204. STOCKPILE MANAGEMENT PROGRAM.

''(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Administrator for Nuclear Security and in consultation with the Secretary of Defense, shall carry out a program, to be known as the stockpile management program, to provide for the effective management of the weapons in the nuclear weapons stockpile (including any weapon proposed to be added to the stockpile). The program shall have the following objectives:

''(1) To increase the reliability, safety, and security of the nuclear weapons stockpile of the United States.

''(2) To further reduce the likelihood of the resumption of underground nuclear weapons testing.

''(3) To achieve reductions in the future size of the nuclear weapons stockpile.

''(4) To reduce the risk of an accidental detonation of an element of the stockpile.

''(5) To reduce the risk of an element of the stockpile being used by a person or entity hostile to the United States, its vital interests, or its allies.

''(b) PROGRAM BUDGET.—For each budget submitted by the President to Congress under section 1105 of title 31, United States Code, the amounts requested for the program shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.

''(c) PROGRAM LIMITATIONS.—In carrying out the stockpile management program under subsection (a), the Secretary shall ensure that—

''(1) any changes made to the stockpile shall be made to achieve the objectives identified in subsection (a); and

''(2) any such changes made to the stockpile shall—

''(A) remain consistent with basic design parameters by including, to the maximum extent feasible, components that are well understood or are certifiable without the need to resume underground nuclear weapons testing; and

''(B) use the design, certification, and production expertise resident in the nuclear complex to fulfill current mission requirements of the existing stockpile.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107-314; 50 U.S.C. 2501 note) is amended by striking the items relating to sections 4204 and 4204A and inserting the following new item:

''Sec. 4204. Stockpile management program.''.

SEC. 3113. PLAN FOR EXECUTION OF STOCKPILE STEWARDSHIP AND STOCKPILE MANAGEMENT PROGRAMS.

(a) PLAN.—Section 4203 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2523) is amended to read as follows:

''SEC. 4203. PLAN FOR EXECUTION OF STOCKPILE STEWARDSHIP AND STOCKPILE MANAGEMENT PROGRAMS.

''(a) PLAN REQUIREMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall develop and annually update a plan for maintaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, and program direction and shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum.

''(b) PLAN ELEMENTS.—The plan and each update of the plan shall set forth the following:

''(1) The number of warheads (including active and inactive warheads) for each warhead type in the nuclear weapons stockpile.

''(2) The current age of each warhead type, and any plans for stockpile lifetime extensions and modifications or replacement of each warhead type.

''(3) The process by which the Secretary of Energy is assessing the lifetime and requirements for maintenance of the nuclear and nonnuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile.

''(4) The process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile without the use of nuclear testing.

''(5) Any concerns which would affect the ability of the Secretary of Energy to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads).

''(c) ASSESSMENT.—In addition to the elements described under subsection (b), the plan and each update of the plan shall include a joint assessment of the stockpile stewardship program by the heads of the national security laboratories. Each assessment shall set forth the following:

''(1) An identification and description of—

''(A) any key technical challenges to the program; and

''(B) the strategies to address such challenges without the use of nuclear testing.

''(2) A strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing.

''(3) An assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the plan compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program.

''(4) Clear and specific criteria for judging whether the science-based tools being used by the Department of Energy for determining the safety and reliability of the nuclear weapons stockpile are performing in a manner that will provide an adequate degree of certainty that the stockpile is safe and reliable.

''(5) An assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons and weapons-related activities of the Department of Energy, including—

''(A) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

''(B) a description of any shortage of such individuals that exists at the time of the plan compared with any shortage expected to exist during the period covered by the future-years nuclear security program.

''(d) REPORTS TO CONGRESS.—Not later than February 1 of each year, beginning with February 1, 2010, the Secretary of Energy shall submit to the congressional defense committees a report describing the plan required by subsection (a).

''(e) DEFINITIONS.—In this section:

''(1) The term 'future-years nuclear security program' means the program required by section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

''(2) The term 'national security laboratory' has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

''(3) The term 'weapons activities' means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

''(4) The term 'weapons–related activities' means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

''(A) nuclear non-proliferation;
''(B) nuclear forensics;
''(C) nuclear intelligence;
''(D) nuclear safety; and
''(E) nuclear incident response.''.

(b) CLERICAL AMENDMENT.—The item relating to section 4203 in the table of contents for such Act is amended to read as follows:

''Sec. 4203. Plan for execution of stockpile stewardship and stockpile management programs.''.

(c) CONFORMING REPEAL.—Section 4202 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2522) is repealed.

SEC. 3114. DUAL VALIDATION OF ANNUAL WEAPONS ASSESSMENT AND CERTIFICATION.

(a) DUAL VALIDATION.—

(1) IN GENERAL.—Section 4205 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2525) is amended—

(A) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

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

''(c) DUAL VALIDATION TEAMS IN SUPPORT OF ASSESSMENTS.—In support of the assessments required by subsection (a), the Administrator for Nuclear Security shall establish teams, known as 'dual validation teams', to provide Lawrence Livermore National Laboratory and Los Alamos National Laboratory with independent evaluations of the condition of each warhead for which such laboratory has lead responsibility. Each such team shall—

''(1) be comprised of weapons experts from the laboratory that does not have lead responsibility for fielding the warhead being evaluated;

''(2) have access to all surveillance and underground test data for all stockpile systems for use in the independent evaluations;

''(3) use all relevant available data to conduct independent calculations; and

''(4) pursue independent experiments to support the independent evaluations.''.

(2) PLAN.—Not later than March 1, 2010, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan (including a schedule) to carry out subsection (c) of section 4205 of such Act, as added by paragraph (1) of this subsection.

(b) RED TEAM REVIEWS.—Subsection (d)(1) of such section, as redesignated by subsection (a)(1)(A) of this section, is amended—

(1) by inserting ''both'' after ''review''; and

(2) by inserting after ''that laboratory'' the following: ''and the independent evaluations conducted by a dual validation team under subsection (c)''.

(c) SUMMARY.—Subsection (e)(3) of such section, as redesignated by subsection (a)(1)(A) of this section, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

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

''(D) a concise summary of the results of any independent evaluation conducted by a dual validation team under subsection (c).''.

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (3)(C) of subsection (e), as redesignated by subsection (a)(1)(A) of this section, by striking ''subsection (c)'' and inserting ''subsection (d)'';

(2) in paragraph (1)(A) of subsection (f), as redesignated by subsection (a)(1)(A) of this section, by striking ''subsection (d)'' and inserting ''subsection (e)'';

(3) in subsection (g), as redesignated by subsection (a)(1)(A) of this section, by striking ''subsection (e)'' and inserting ''subsection (f)''; and

(4) in subsection (i), as redesignated by subsection (a)(1)(A) of this section—

(A) in paragraph (1), by striking ''subsection (d)'' and inserting ''subsection (e)''; and

(B) in paragraph (2), by striking ''subsection (e)'' and inserting ''subsection (f)''.

SEC. 3115. ANNUAL LONG-TERM PLAN FOR THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

(a) POLICY.—It is the policy of the United States that sustainment, modernization, and refurbishment of the nuclear security complex is mandatory for maintaining the future viability of the United States nuclear deterrent and a prerequisite for any reductions to the nuclear weapons stockpile of the United States.

(b) GENERAL REQUIREMENT.—Subtitle D of the National Nuclear Security Administration Act (50 U.S.C. 2451 et seq.) is amended by adding at the end the following new section:

''SEC. 3255. BUDGETING FOR MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX: ANNUAL PLAN AND CERTIFICATION.

''(a) ANNUAL NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT PLAN AND CERTIFICATION.—The Administrator for Nuclear Security shall include with the nuclear security budget materials for each fiscal year—

''(1) a plan for the modernization and refurbishment of the nuclear security complex developed in accordance with this section; and

''(2) a certification by the Administrator that both the budget for that fiscal year and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex provided for in the plan under paragraph (1) on the schedule provided in the plan.

''(b) ANNUAL NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT PLAN.—(1) The annual nuclear security complex modernization and refurbishment plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the nuclear security complex provided for under that plan is capable of supporting—

''(A) the National Security Strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time such plan is submitted with the nuclear security budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then such annual plan should be designed so that the nuclear security complex modernization and refurbishment provided for under that plan is capable of supporting the nuclear security complex recommended in the report of the most recent Quadrennial Defense Review; and

''(B) the nuclear posture of the United States as set forth in the most recent Nuclear Posture Review.

''(2) Each such nuclear security complex modernization and refurbishment plan shall include the following:

''(A) A detailed program with schedule and associated funding for the modernization and refurbishment of the nuclear security complex for the National Nuclear Security Administration over the next 30 fiscal years.

''(B) A description of the necessary modernization and refurbishment measures to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1), and the Nuclear Posture Review.

''(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the implementation strategies on which such estimated levels of annual funding are based.

''(c) ASSESSMENT WHEN NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the modernization and refurbishment of the nuclear security complex at a level that is not sufficient to sustain the requirements specified in the plan for that fiscal year under subsection (a), the Administrator shall include with the nuclear security budget materials for that fiscal year an assessment that describes and discusses the risks and implications associated with the ability of the nuclear security complex to support the annual certification of the nuclear stockpile of the United States and maintain its long-term safety, security, and reliability. Such assessment shall be coordinated in advance with the Secretary of Defense and the Commander of the United States Strategic Command.

''(d) DEFINITIONS.—In this section:

''(1) The term 'nuclear security complex' means the physical facilities, technology, and human capital of—

''(A) the national security laboratories;

''(B) the Pantex Plant;

''(C) the Y–12 National Security Complex;

''(D) the Kansas City Plant;

''(E) the Savannah River Site; and

''(F) the Nevada test site.

''(2) The term 'budget' with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(3) The term 'nuclear security budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Administrator for Nuclear Security in support of the budget for that fiscal year.

''(4) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3254 the following new item:

''3255. Budgeting for modernization and refurbishment of the nuclear security complex: annual plan and certification.''.

Subtitle C—Reports

SEC. 3121. COMPTROLLER GENERAL REVIEW OF MANAGEMENT AND OPERATIONS CONTRACT COSTS FOR NATIONAL SECURITY LABORATORIES.

(a) REVIEW REQUIRED.—The Comptroller General shall review the effects of the contracts entered into by the Department of Energy in 2006 and 2007 that provide for the management and operations of the covered national laboratories. The review shall include the following:

(1) A detailed description of the costs related to the transition from the period when the management and operations of the covered national laboratories were performed by the University of California to the period when such management and operations were performed by a covered contractor, including—

(A) a description of any continuing differences in the cost structure of the management and operations when performed by the University of California and the cost structure of the management and operations when performed by a covered contractor; and

(B) an assessment of the effect of such cost differences on the resources available to support scientific and technical programs at the covered national laboratories.

(2) A quantitative assessment of the ability of the covered national laboratories to perform other important laboratory functions, including safety, security, and environmental management.

(b) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit to the congressional defense committees a report on the results of the review.

(c) DEFINITIONS.—In this section:

(1) The term ''covered contractor'' means—

(A) with respect to Los Alamos National Laboratory, Los Alamos National Security, LLC; and

(B) with respect to Lawrence Livermore National Laboratory, Lawrence Livermore National Security, LLC.

(2) The term ''covered national laboratories'' means—

(A) the Los Alamos National Laboratory; and

(B) the Lawrence Livermore National Laboratory.

SEC. 3122. PLAN TO ENSURE CAPABILITY TO MONITOR, ANALYZE, AND EVALUATE FOREIGN NUCLEAR WEAPONS ACTIVITIES.

(a) PLAN.—The Secretary of Energy, in consultation with the Director of National Intelligence and the Secretary of Defense, shall prepare a plan to ensure that the national laboratories overseen by the Department of Energy maintain a robust technical capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Energy shall submit a report to the appropriate committees of Congress describing the plan required under subsection (a) and the resources necessary to implement the plan. The report shall be in unclassified form, but may include a classified annex.

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

(1) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2010, $26,086,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $23,627,000 for fiscal year 2010 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2010.
Sec. 3502. Liquidation of unused leave balance at the United States Merchant Marine Academy.
Sec. 3503. Adjunct professors.
Sec. 3504. Maritime loan guarantee program.
Sec. 3505. Defense measures against unauthorized seizures of Maritime Security Fleet vessels.
Sec. 3506. Technical corrections to State maritime academies student incentive program.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

Funds are hereby authorized to be appropriated for fiscal year 2010, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $152,900,000, of which—

(A) $15,391,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy;

(B) $11,240,000 shall remain available until expended for maintenance and repair of training ships of the State Maritime Academies; and

(C) $53,208,000 shall be available for operations at the United States Merchant Marine Academy.

(2) For expenses to maintain a preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $15,000,000.

(4) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $60,000,000.

SEC. 3502. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE UNITED STATES MERCHANT MARINE ACADEMY.

The Maritime Administrator may, subject to the availability of appropriations, make a lump-sum payment for the accumulated balance of unused leave to any former employee of a United States Merchant Marine Academy nonappropriated fund instrumentality who was terminated from such employment in 2009 or whose position as such an employee was converted to the Civil Service in 2009 under authority granted by section 3506 of the Duncan Hunter National Defense Authorization Act for fiscal year 2009 (Public Law 110–417; 122 Stat. 4356).

SEC. 3503. ADJUNCT PROFESSORS.

Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4356) is amended—

(1) in subsection (a), by striking ''temporary'';

(2) in subsection (b), by inserting ''and'' after the semicolon at the end of paragraph (1), by striking ''; and'' at the end of paragraph (2) and inserting a period, and by striking paragraph (3); and

(3) by striking subsection (d) and inserting the following:

''(d) REPORTING REQUIREMENTS.—When the authority granted by subsection (a) is used to hire an adjunct professor at the Academy, the Administrator shall notify the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, including the need for and the term of employment of the adjunct professor.''.

SEC. 3504. MARITIME LOAN GUARANTEE PROGRAM.

The Congress finds that—

(1) it is in the national security interest of the United States to foster commercial shipbuilding in the United States;

(2) the maritime loan guarantee program authorized by chapter 537 or title 46, United States Code, has a long and successful history of facilitating construction of commercial vessels in domestic shipyards;

(3) the Maritime Loan Guarantee Program strengthens our Nation's industrial base allowing domestic shipyards and their allied service and supply industries to more effectively produce commercial vessels that enhance the commercial sealift capability of the Department of Defense; and

(4) a revitalized and effective Maritime Loan Guarantee Program would result in construction of a more modern and more numerous fleet of commercial vessels manned by United States citizens, thereby providing a pool of trained United States citizen mariners available to assist the Department of Defense in times of war or national emergency.

SEC. 3505. DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES OF MARITIME SECURITY FLEET VESSELS.

Section 53107(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(3) DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES.—(A) The Emergency Preparedness Agreement for any operating agreement that first takes effect or is renewed after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 shall require that any vessel operating under the agreement in hazardous carriage shall be equipped with appropriate non-lethal defense measures to protect the vessel, crew, and cargo from unauthorized seizure at sea.

''(B) In this paragraph the term 'hazardous carriage' means the carriage of cargo for the Department of Defense in an area that is designated by the Coast Guard or the International Maritime Bureau of the International Chamber Of Commerce as an area of high risk of piracy.''.

SEC. 3506. TECHNICAL CORRECTIONS TO STATE MARITIME ACADEMIES STUDENT INCENTIVE PROGRAM.

(a) INSTALLMENT PAYMENTS.—Section 51509(b) of title 46, United States Code, is amended—

(1) by striking ''and be paid before the start of each academic year, as prescribed by the Secretary,'' and inserting ''and be paid in such installments as the Secretary shall determine'';

(2) by striking ''academy.'' and inserting ''academy, as prescribed by the Secretary.''.

(b) REPEAL OF REDUNDANT SECTION.—Section 177 of division I of Public Law 111–8 (123 Stat. 945; relating to amendments previously enacted by section 3503 of division C of Public Law 110–417 (122 Stat. 4762)) is repealed and shall have no force or effect.

SEC. 3507. LIMITATION ON DISPOSAL OF INTEREST IN CERTAIN VESSELS.

(a) LIMITATION.—If the United States acquires any financial interest in a covered vessel as a consequence of a default on a loan guaranteed for the vessel under chapter 537 of title 46, United States Code, no action to dispose of the financial interest may be taken by the Maritime Administrator until 180 days after the date the Maritime Administrator notifies the Secretary of the Navy that the United States has such financial interest.

(b) COVERED VESSEL DEFINED.—In this section the term ''covered vessel'' means each of—

(1) the vessel HUAKAI (United States official number 1215902); and

(2) the vessel ALAKAI (United States official number 1182234).

The Acting CHAIR. No amendment to the amendment in the nature of a substitute is in order except those printed in House Report 182–151 and amendments en bloc described in section 3 of House Resolution 572.

Each amendment printed in the report shall be offered only in the order printed, except as specified in section 4 of the resolution; may be offered only by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report except for amendments 3 and 9, which shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent; shall not be subject to amendment; and shall not be subject to a demand for a division of the question.

It shall be in order at any time for the Chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of.

Amendments en bloc shall be considered read; shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

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

The Chair of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 30 minutes after the Chair of the Committee on Armed Services or a designee announces from the floor a request to that effect. Such an announcement with regard to amendments 2, 3, 4, 9, 15, 20, 24, 34, and 39 was given on June 24, 2009.

Pursuant to the order of the House of today, amendment 2 has been modified.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–182.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

Page 72, line 18, strike ''(h)'' and insert ''(d)''.

At the end of section 414 (page 122, after line 14), add the following new subsection:

(c) CONFORMING AMENDMENT TO STATUTORY LIMITATION.—Section 10217(c)(2) of title 10, United States Code, is amended by striking ''1,950'' and inserting ''2,541''.

Page 260, lines 9 and 10, strike ''by adding at the end the following new section'' and insert ''by inserting after section 235, as added by section 242(a) of this Act, the following new section''.

Page 260, line 11, strike ''235.'' and insert ''236.''.

Page 262, before line 1, strike ''235.'' and insert ''236.''.

At the end of subtitle A of title X (page 323, after line 12), add the following new section:

SEC. 1003. ADJUSTMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) AIR FORCE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—Funds authorized to be appropriated in section 201(3) for research, development, test, and evaluation for the Air Force are reduced by $2,900,000, to be derived from sensors and near field communication technologies.

(b) ARMY OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(1) for operation and maintenance for the Army are reduced by $18,000,000, to be derived from unobligated balances for the

Army in the amount of $11,700,000 and fuel purchases for the Army in the amount of $6,300,000.

(c) NAVY OPERATION AND MAINTENANCE.—

(1) REDUCTION.—Funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy are reduced by $22,900,000 to be derived from unobligated balances for the Navy in the amount of $11,700,000 and fuel purchases for the Navy in the amount of $11,200,000.

(2) AVAILABILITY.—Of the funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy for the purpose of Ship Activations/Inactivations, $6,000,000 shall be available for the Navy Ship Disposal–Carrier Demonstration Project

(d) MARINE CORPS OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(3) for operation and maintenance for the Marine Corps are reduced by $2,000,000, to be derived from unobligated balances for the Marine Corps in the amount of $1,100,000 and fuel purchases for the Marine Corps in the amount of $900,000.

(e) AIR FORCE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(4) for operation and maintenance for the Air Force are reduced by $25,000,000, to be derived from unobligated balances for the Air Force in the amount of $4,300,000 and fuel purchases for the Air Force in the amount of $20,700,000.

(f) DEFENSE-WIDE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(5) for operation and maintenance for Defense-wide activities are reduced by $5,200,000, to be derived from unobligated balances for Defense-wide activities in the amount of $4,300,000 and fuel purchases for Defense-wide activities in the amount of $900,000.

(g) MILITARY PERSONNEL.—Funds authorized to be appropriated in section 421 for military personnel accounts are reduced by $50,000,000, to be derived from unobligated balances for military personnel accounts.

Page 345, line 16, strike ''30 days'' and insert ''90 days''.

Page 391, line 15, strike ''the budget fiscal year'' and insert ''subsequent fiscal years''.

Strike section 1505 (page 493, beginning line 12) and insert the following new section:

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $916,553,000.

(2) For weapons procurement, Navy, $73,700,000.

(3) For ammunition procurement, Navy and Marine Corps, $710,780,000.

(4) For other procurement, Navy, $318,018,000.

(5) For procurement, Marine Corps, $1,164,445,000.

Page 556, line 14, strike ''2821(b)'' and insert ''2811(b)''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from Missouri.

Mr. SKELTON. At this time, Mr. Chairman, the gentleman from New Jersey (Mr. ADLER) seeks recognition for a colloquy.

Mr. ADLER of New Jersey. Thank you, Mr. Chairman, for participating in a colloquy with me about the importance of the joint military base located in New Jersey. It incorporates McGuire Air Force Base, Fort Dix, and Lakehurst Naval Air Engineering Station.

I am proud to represent this innovative installation located in New Jersey's Third and Fourth Congressional Districts. I am working with Generals, Colonels, Captains, and our civilian specialists to make the transition to the country's first tri-service joint facility as smooth as possible.

One of the issues people always talk with me about is the discrepancy in locality pay. All three individual installations are logistically close to each other; however, they fall within Burlington County and Ocean County and, therefore, two different locality pay jurisdictions. Currently, civilian employees doing exactly the same job are being paid different wages.

I am working closely with the Office of Personnel Management and the Department of Defense to have the entire joint base considered within Ocean County's pay area because people doing identical jobs on different areas of the tri-service base should be paid the same.

Mr. Chairman, I look forward to working with you on this important issue to assist in the smooth transition to the joint base, McGuire/Dix/Lakehurst, starting on October 1, 2009.

Mr. SKELTON. I thank the gentleman for his comments. And in response, I will tell the gentleman I will work with him, the committee of jurisdiction, and the relevant government agencies to resolve the issue and help the joint base transition.

Mr. ADLER of New Jersey. Thank you, Mr. Chairman.

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

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. I will reserve the balance of my time.

Mr. SKELTON. Mr. MILLER has a request for a colloquy at this time.

Mr. MILLER of North Carolina. Mr. Chairman, the Servicemembers Civil Relief Act, SCRA, protects servicemembers when their military service hinders their ability to meet financial obligations or defend their rights in a lawsuit. Recent court rulings have questioned whether servicemembers have a private remedy for violations of their rights under the SCRA. The committee included a provision to increase further the rights of servicemembers. That is a step in the right direction, but I am concerned that the provision does not go far enough nor as far as the chairman and the committee would like to go.

I submitted an amendment with Representative JONES based on H.R. 2696, the Servicemembers Rights Protection Act, to clarify that servicemembers and covered dependents under the SCRA do have a private cause of action. The clarifying amendment has the support of the Department of Defense, the Department of Justice, the American Bar Association, Military Officers Association, and is currently in the other body's version of the National Defense Authorization.

Will the chairman work to include the most effective private right of action for all SCRA violations in the conference report?

Mr. SKELTON. In response, I might tell you that, as the gentleman knows, our committee and I work tirelessly to protect the rights of servicemembers and their families; at the same time, I know it can be improved. I would be happy to work with this gentleman to address the issues that you have raised this morning.

Mr. MILLER of North Carolina. Thank you, Mr. Chairman. I know you are committed to stronger language and to doing everything possible to help our servicemembers.

Mr. SKELTON. Thank you.

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

Mr. MCKEON. Mr. Chairman, I continue to reserve.

Mr. SKELTON. Mr. Chairman, the gentlelady from California (Mrs. CAPPS) seeks recognition for a colloquy.

Mrs. CAPPS. Mr. Chairman, I rise today to ask for your help in providing fair and adequate disability benefits to our Nation's Federal firefighters.

Together with the gentleman from Pennsylvania (Mr. PLATTS), I introduced the Federal Firefighters Fairness Act to create the presumption that Federal firefighters who become disabled by heart disease, lung disease, certain cancers, and other infectious diseases contracted the illness on the job. This effort is strongly supported by all five major fire organizations and has 130 bipartisan cosponsors.

I offered this bill with an amendment to the National Defense Authorization Act; however, it was not made in order due to PAYGO issues.

Mr. SKELTON. I certainly thank the gentlelady for raising this important issue, and I assure her that I certainly share her concern for our Federal firefighters.

While protecting our national interests in military installations, nuclear facilities, VA hospitals, and other Federal facilities, Federal firefighters are routinely exposed to toxic substances, biohazards, temperature extremes, and stress. I would be pleased to continue working with the gentlelady on this important issue.

Mrs. CAPPS. I thank the chairman for his commitment to improving the health and welfare of our Federal firefighters.

Forty-two States have already recognized this link by providing some sort of presumptive disability benefits for their State, county, and city firefighters. This creates a serious difference in benefits between Federal and

municipal firefighters, which is basically unfair. More States enact presumptive disability legislation each year, so this is a problem that continues to grow and the disparity continues to be more apparent. Clearly, there is a pressing need for this legislation.

Mr. SKELTON. The gentlelady knows that I certainly share her admiration and appreciation for our Federal firefighters, and I thank her for her dedication.

Mrs. CAPPS. Again, I thank the chairman, and I look forward to working with him in the future.

Mr. MCKEON. I continue to reserve.

□ 1045

Mr. SKELTON. The amendment before us is one that is technical in nature and seeks to clarify several technical misstatements and problems that arose in the drafting of the bill.

Mr. MCKEON. I yield back my time.

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

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MCGOVERN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–182.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MCGOVERN:

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

SEC. 12___. REPORT ON AFGHANISTAN EXIT STRATEGY.

Not later than December 31, 2009, the Secretary of Defense shall submit to Congress a report outlining the United States exit strategy for United States military forces in Afghanistan participating in Operation Enduring Freedom.

The Acting CHAIR. Pursuant to House Resolution 572 and the order of the House of today, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Thank you, Mr. Chairman. I yield myself 2 minutes.

Mr. Chairman, this amendment requires the Secretary of Defense to provide Congress by the end of the year with an outline of our exit strategy for U.S. military operations in Afghanistan. This bipartisan amendment, offered by Representatives WALTER JONES, CHELLIE PINGREE, BARBARA LEE, and me, does not demand a timeline for withdrawal or a halt to the deployment of the 21,000 additional troops called for by the President. It simply asks the administration to present its plan for beginning, middle, and end of U.S. military operations in Afghanistan.

For over 8 long years, our uniformed men and women have done all that we have asked them to do in Afghanistan. We are now asking them to do more. And we are giving them more resources and more boots on the ground to accomplish their mission. What we have not told them is how to tell when their contribution to the political solution is done and they can begin to transition out of Afghanistan.

Mr. Chairman, I want President Obama to succeed in Afghanistan. I stand by our commitment to provide the necessary resources to help the Afghan people take charge of their own future. But as Congress authorizes and appropriates billions and billions of dollars for a new strategy in Afghanistan, is it too much to ask how we will know when our troops can finally come home to their families?

Certainly, we need to hold the governments of Afghanistan and Pakistan accountable for governing their own nations. But it is incumbent upon us in Congress to hold ourselves accountable—and before we can even do that, the administration must clearly articulate and outline how it envisions completing its military operations in Afghanistan.

Eleven months into its term is not too soon for that outline to be provided. We are asking the Congress be a proper check and balance. We are asking for Congress to do its job. The people of this country want clarity. They are tired of endless wars.

Please support the McGovern-Jones-Pingree-Lee amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 10 minutes.

Mr. MCKEON. Mr. Chairman, Chairman SKELTON and I agree that this amendment does more harm than good. This amendment sends the wrong signal at the wrong time for the government and people of Afghanistan, our military men and women deployed and deploying to Afghanistan, our NATO and non-NATO allies, and the enemy.

Focusing on an exit versus a strategy is irresponsible and fails to recognize that our efforts in Afghanistan are vital to preventing future terrorist attacks on the American people and our allies.

In March of 2009, the President rightly outlined a strategy for Afghanistan and Pakistan focused on disrupting, dismantling, and defeating al Qaeda and its affiliated networks and their safe havens.

While we debate this amendment, our military men and women are deploying to the Afghan theater as part of an additional 21,000 forces being sent to fight the insurgency in the south and train the Afghan National Security Forces.

Instead of focusing on an exit, as the amendment calls for, Congress needs to provide the funding and resources required to support the President's strategy and allow our military commanders to succeed.

As the commander of U.S. Central Command, General Petraeus has consistently stated it will take sustained, substantial resources to implement our counterinsurgency strategy in Afghanistan and give our troops and the government of Afghanistan the opportunity to succeed.

Lastly, the Department of Defense opposes the amendment, and I also oppose the amendment.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Chairman, a military strategy that has no exit is no strategy at all.

I'd like to yield 2 minutes to the cosponsor of this amendment, the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Chairman, I rise in strong support of the McGovern amendment. When the previous administration was in office, many times Members on both sides of the aisle kept saying, Why isn't there an end point to the war in Iraq? Now, after 8 years in Afghanistan, the current administration must clearly articulate the benchmarks for success and the endpoint to its war strategy.

In my years in Congress, I have many opportunities to speak to military leaders. Time after time, time after time, I heard this: To have a successful war strategy, you must have an end point. An end point is an understanding of what has to be achieved.

General Petraeus recently said, Afghanistan has been known over the years as the graveyard of empires. We cannot take that history lightly.

Another voice who brings credibility to this position is Andrew Bacevich, a retired army colonel, Gulf War and Vietnam veteran, military historian, and the father of a son who died in Iraq in 2007. Bacevich has written that, Embarking on a protracted war with no foreseeable end to the U.S. commitment—lacking clearly defined and achievable objectives—risks forfeiting public support, thereby courting disaster.

This amendment does not set a date for leaving Afghanistan. It simply asks the Secretary of Defense to present a plan for success to Congress by the end of the year.

I would hope that the Members of Congress will look at this, and let's not repeat Vietnam. Our men and women in uniform have given and given and given. And it's time now to say that we have a definition of victory. And that's all Mr. MCGOVERN's amendment is asking.

Mr. MCKEON. Mr. Chairman, I yield 1 minute at this time to the chairman of the Foreign Affairs Committee, the gentleman from California (Mr. BERMAN).

Mr. BERMAN. I thank my friend for yielding. I have tremendous respect for my friend and colleague from Massachusetts. I know he always has the best interests of the Nation and our armed services at heart. But I must oppose the amendment.

As much as all of us would like to have our brave men and women home

again reunited with their loved ones, we don't have a choice but to keep the troops on the ground in Afghanistan for some period of time. The only way we can succeed in Afghanistan is to create an environment conducive to development and good governance. Our U.S. military is an essential component of that.

Requiring President Obama to develop an ''exit strategy''—only a few months after he increased the number of U.S. troops in Afghanistan and launched a new strategy—would raise questions about our commitment to the Afghan people and complicate our efforts to help them create a stable and secure nation in a way that would supersede whatever benefits we could get from the passage of this amendment.

I would ask my colleagues to give the President's plan a chance to work.

Mr. MCGOVERN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, President Obama on a recent ''60 Minutes'' interview said he favors an exit strategy. This shouldn't be controversial. We are told that there's a political solution ultimately to be had in Afghanistan. All we are asking is: When does our military contribution to that political solution come to an end so that we know when we can think about bringing our troops back home?

That's all this amendment does. This should not be controversial at all. What we are asking is simply a clearly defined mission, and nothing more.

At this point, Mr. Chairman, I'd like to yield 2 minutes to a cosponsor of this amendment, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. I rise in strong support of this amendment. Let me commend my colleague from Massachusetts for his consistent and his bold leadership.

This amendment does not call for the redeployment of U.S. Armed Forces out of Afghanistan. It does not call for an end of the funding requested by the administration for military operations. It does not tie the hands of the President, commanders in the field, or our troops on the ground. And it does not provide aid or comfort to those who would harm us or wish us ill.

Instead, this will provide a vital contingency plan for withdrawing United States military forces from Afghanistan.

Mr. Chairman, most recognize that there is no military solution to the quagmire in Afghanistan. I remain convinced that the United States must develop an exit strategy in Afghanistan before further committing the United States' limited resources and military personnel deeper into Afghanistan in pursuit of an objective that may be unattainable, unrealistic, or too costly. Unfortunately, we're digging ourselves deeper in a hole.

In 2001, I voted against the authorization to use force because I feared that given a blank check to wage war, I really worried that this would be for an unspecified period of time, really for an unspecified mission. This blank check continues today. My worst fears have been realized.

And so what Mr. MCGOVERN is doing makes a lot of sense. We need an exit strategy for Afghanistan now. I urge my colleagues to vote for this amendment. Otherwise, this blank check is going to continue.

This does not enhance the national security of the United States of America. The longer we're there, the worse things get for our troops. Our troops deserve to be able to know at least what our plans are, what they're going to entail, and when in fact they will come out of Afghanistan. The people of Afghanistan deserve to know this.

I commend our President for trying to develop a new direction in our policy, but I have to tell you, putting more troops in harm's way is not going to help us begin to develop an exit strategy out.

So, thank you, Mr. MCGOVERN, and thank all of the cosponsors for making sure that we have at least an opportunity to say: No more blank checks.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the ranking member on the Foreign Affairs Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Thank you so much, the gentleman from California. I rise in strong opposition to the amendment on Afghanistan offered by the gentleman from Massachusetts, my friend, Mr. MCGOVERN.

In late March of this year, the President announced his comprehensive outline for Afghanistan and Pakistan, highlighting the threat to critical U.S. security interests that would arise should al Qaeda and the Taliban reclaim or establish safe havens in those countries. The President clearly outlined our goals to disrupt, to dismantle, and to defeat al Qaeda. I agree with him on those goals. But success requires a sustained commitment and sustained support for both the mission and the brave Americans and Afghanis carrying it out.

Our strategy is meeting with success, yet the McGovern amendment is already looking for an exit strategy. This amendment sends a terrible message about U.S. resolve to both friends and foes alike.

And we're not alone in this concern. It's precisely why the Obama administration also opposes the McGovern amendment, stating that the McGovern amendment, ''would demonstrate a lack of commitment to the new strategy, it will signal to our Afghan partners that the U.S. presence and efforts in country are fleeting, and it demonstrates to al Qaeda that we are not intending to see this new strategy through.''

It could hamper U.S. strategic goals in the entire region. Rather than focusing on an exit strategy, we should instead be focused on working with the Obama administration to provide the necessary flexibility to craft policies that offer the best chance of success, while ensuring congressional consultation and congressional notification.

The underlying bill provides this balance. And that's why Chairman SKELTON, Ranking Member MCKEON, Chairman BERMAN and I ask our colleagues to support U.S. efforts in Afghanistan and oppose the McGovern amendment.

□ 1100

Mr. MCGOVERN. Mr. Chairman, I yield myself 15 seconds.

All we are trying to do is fill in the holes of the strategy that President Obama has already articulated. I think the American people would welcome that. I think the Afghan people would welcome that. The notion that we are sending our men and women into harm's way without a clearly defined mission, which includes a beginning, middle and end, to me, is a mistake.

Mr. Chairman, I would yield 1½ minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Chairman, I thank the gentleman from Massachusetts.

I respect everyone's position and everyone's right, but I would like to say that To Die For a Mystique is an article written by Andrew Bacevich, who I quoted just a few minutes ago, subtitled The Lessons Our Leaders Didn't Learn From the Vietnam War. Here we are, extending an 8-year commitment of our troops in Afghanistan. What's going to happen 3 or 4 years from now if we're in the same situation? And then we're talking about a 12-, 14–16-year commitment.

Look at what the Russians did. They went there and spent 10 years and billions of dollars, and thousands of Russians were killed. Look at Alexander the Great. He tried to conquer Afghanistan. He failed. Look at what the British did, and they couldn't make it. We're not talking about a pull-out. We're just saying, have an end point to your war strategy that the American people will understand and really, more important than the American people, our military. They're tired. They're worn out. They will keep going. They go back five, six, seven, eight times. But ask a military family down at Camp LeJeune, You want to send your husband or wife back for the sixth time to Afghanistan? We're 8 years behind the fight because we never should have gone into Iraq. Let's not make the same mistake they made during the Vietnam era.

Thank you, Mr. MCGOVERN, for introducing this amendment. On behalf of our country and our troops, thank you very much.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the chairman of the Armed Services Committee, the gentleman from Missouri, Chairman SKELTON.

Mr. SKELTON. Mr. Chairman, I respectfully disagree with this amendment, and I respectfully oppose it. This amendment sends exactly the wrong message, focusing on an exit strategy

which may well reinforce the perception among the Afghans that we're not committed to protecting them from the Taliban and al Qaeda.

Mr. Chairman, we have a new commander on the ground. We've added tens of thousands of troops. We're adding hundreds of civilian experts. We should not undermine those efforts. Commanders make a difference. As you know, we have General McChrystal who has replaced General McKiernan in Afghanistan. History shows that new commanders make a big difference. Let's give General McChrystal the opportunity to show what American troops, American civilians, the State Department and others can do. History shows that. President Lincoln replaced General McClellan, General Burnside, General Hooker, General Meade and finally ended up with a man by the name of Grant. General Auchinleck was replaced by Bernard Montgomery, and the great Battle of El Alamein came to pass.

Let's give General McChrystal the opportunity. Further let me add, Mr. Chairman, this amendment is intended to get the administration to lay out its strategy; but section 1217 of our bill already requires the administration to lay out goals, to lay out timelines and conduct regular assessments. That's the way General McChrystal should be judged. Let's do that.

I do oppose this amendment very respectfully.

The Acting CHAIR. The Chair will note that the gentleman from Massachusetts has 1¾ minutes remaining, and the gentleman from California has 3¼ minutes remaining.

Mr. MCGOVERN. Mr. Chairman, I am the final speaker on my side so I will let the gentleman proceed.

Mr. MCKEON. Mr. Chairman, at this time I am happy to yield 1 minute to a young man who joined the Marine Corps the day after 9/11, served two tours in Iraq and one in Afghanistan and is a member of the Armed Services Committee, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the ranking member, and I would like to associate myself with the chairman's remarks on this issue.

I think I'm the only one on the floor here who's actually served in Afghanistan. I served twice in Iraq as a United States Marine. I would have to respectfully oppose this amendment, and the reason is this: The best exit strategy is to actually win. That's the best exit strategy. To go in there, win the fight, kill al Qaeda, kill Taliban, have the State Department work with the local Afghan people, then we can leave after we have success over there. That's how we won in Iraq. We won in Iraq. Once we stopped worrying about losing, we had the surge, and now we're successful in Iraq. That's what we need in Afghanistan. The way that we're going to lose Afghanistan is if we start focusing on how we're going to pull out successfully. What we need to do is win, win hard, and win strong, and then we can all come home.

The Acting CHAIR. The time of the gentleman has expired.

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

Mr. HUNTER. I thank the ranking member from California.

I respectfully oppose this amendment. As a United States Marine, as a U.S. Congressman and representing all of our men and women in uniform fighting for us right now, let's win, get the job done, and then we can come home.

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

The Acting CHAIR. The gentleman from California is recognized for 2 minutes.

Mr. MCKEON. I think Mr. HUNTER just stated it very clearly. The exit strategy should be to win, and then bring our forces home. It was stated earlier that General Petraeus made a statement that Afghanistan has been known over the years as a graveyard of empires, and we cannot take that history lightly. That was part of a speech that he gave.

I would like to say some other things that he mentioned in that speech:

''We have a hugely important interest in ensuring that Afghanistan does not once again become a sanctuary for transnational terrorists. And to complement and capitalize on the increased military resources, more civilian assets, adequate financial resources, close civil-military cooperation and a comprehensive approach that encompasses regional states will be necessary. Our objectives are of enormous importance. We all need to summon the will and the resources necessary to make the most of it.''

It was just a couple of years ago when we were having a similar debate when we were being told by some that we needed to get out of Iraq, that there was no way we could win, and General Petraeus was called to lead the surge. And now he is telling us how we can win in Afghanistan. Mr. Chairman, I think now is not time to be retreating. Now is not the time when we're sending 20,000 troops and are ready to embark on this surge to win, to help the people of Afghanistan and preserve our national interests there. Now is the time to let the forces know that we support them. We support their mission. We want them to be successful and return home safely.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, everyone acknowledges that there is no military solution in Afghanistan, only a political solution; but we are putting billions of dollars into building up our military presence without a clear vision of how to bring our troops home, an exit strategy, for lack of a better term. Every military mission has a beginning, a middle, a time of transition and an end. But I have yet to see that vision articulated in any document, speech or briefing.

We're not asking for an immediate withdrawal. We're surely not talking about cutting or running or retreating. Just a plan. If there's no military solution for Afghanistan, then please, just tell us how we will know when our military contribution to the political solution has ended. Requiring an outline for how our military operations are to proceed in Afghanistan so that Congress can effectively weigh the level of investment, both human and financial, is called doing our job, something this body neglected to do throughout the past 8 years.

I welcome the reports, the time frames, the matrixes included in H.R. 2647. But once again, we're trying to define what the administration has failed to articulate for itself. When I first ran for Congress, I promised my constituents that I would never, ever send our servicemen and -women into a war without a clearly defined mission and a clear vision of how we would bring them home safely to their families and to their loved ones. I am sticking to that promise. Please support the McGovern-Jones-Lee-Pingree amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

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

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

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

AMENDMENT NO. 4 OFFERED BY MR. MCGOVERN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–182.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MCGOVERN:

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

SEC. 10xx. PUBLIC DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Section 2166 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) PUBLIC DISCLOSURE OF STUDENTS AND INSTRUCTORS.—(1) The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2005, 2006, 2007, 2008, and 2009, and any fiscal year thereafter.

''(2) The information to be released under paragraph (1) shall include the following with respect to the fiscal year covered:

''(A) The entire name, including the first, middle, and maternal and paternal surnames, with respect to each student and instructor at the Institute.

''(B) The rank of each student and instructor.

''(C) The country of origin of each student and instructor.

''(D) The courses taken by each student.

''(E) The courses taught by each instructor.

''(F) Any years of attendance by each student in addition to the fiscal year covered.''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I yield myself 1½ minutes.

This amendment is identical to the amendment approved by the House last year. Its purpose is quite simple: for over 40 years, the names of students and instructors at the former U.S. Army School of the Americas and now the Western Hemisphere Institute for Security Cooperation were available to the public. All you had to do was make a phone call, write a letter, file a FOIA request, and the names were provided.

Suddenly in August 2006, the names became classified. The only reason cited by the Defense Department for denying the names was that the list includes personal information, but nothing about the request had changed. No one had asked for new information and certainly none of a personal nature. So for the past 3 years, the names of graduates and instructors at WHINSEC have remained secret. Well—almost secret. Names constantly pop up in WHINSEC PR materials, sometimes with a photo; but the public is still denied access.

In over four decades of public access, not once has there ever been a whisper that the military officers attending WHINSEC were targets. And those were some pretty turbulent years with coups in the southern cone, civil wars in Central America, drug lords, drug cartels and armed groups in the Andes, especially Colombia and Peru. Not a hint that attending the school was dangerous.

The WHINSEC is supposed to be a model for transparency, accountability, and respect for civil society and human rights. What signal does the school send to its Latin American counterparts about our democratic values when it denies access to information that has been available for decades? Vote to restore public access to this amendment. Vote for this amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, I yield myself as much time as I may consume.

I rise in strong opposition to this amendment. While my colleagues on the opposite side of the aisle will argue that disclosing the personal information of the students and instructors of WHINSEC is in the name of transparency and good oversight, what they're actually suggesting is that the United States does not respect the privacy of foreign citizens and, more specifically, our allies in the western hemisphere who are invited to attend the U.S. military schools.

What concerns me is that this amendment exposes WHINSEC's students and instructors, which includes U.S. citizens, to hostile personal hazards, such as identity theft and surveillance, intimidation or attack from foreign intelligence security and terrorist organizations.

In terms of oversight, Congress already receives the information. We just received a copy of the attendees for 2008, and we were able to keep our partners and their families safe. I think it's important to recognize that WHINSEC is an important tool for strengthening security cooperation with our key allies in the western hemisphere. This includes Mexico, our neighbor to the south. WHINSEC provides training to Mexican land forces in the Spanish language and builds their capacity to prevail in the fight against drug trafficking, organized crime and other transnational threats. Such training and cooperation is critical to our homeland security.

It baffles me that given the narcofight on our border, some of my colleagues think that now is the right time to expose our past, current and future partners and deprive them of their safety and security. I will oppose this amendment.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the chairman of the Armed Services Committee.

Mr. SKELTON. Mr. Chairman, I rise in support of this amendment. The Western Hemisphere Institute has much to be proud of, including an enviable curriculum and dedicated support staff. Returning to a policy of public disclosure of student names and instructors will remove one of the lingering doubts about this school. It's come a long way, and I am very proud of what it does. I am a strong supporter of that school. Publicly revealing the names does not discourage attendance.

According to statistics provided by the Department of Defense to the Center For International Policy for fiscal years 2001 through 2006, Latin American and Caribbean countries provided, on the average, more students to this institution, to this school during the time that WHINSEC made the names of students and instructors publicly available than when the institute refused to provide such information.

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There is no real reason to withhold those names. We should be proud of what we do there. We want them to return to their country to be proud of their studies there.

Mr. MCKEON. Mr. Chairman, at this time I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, even though my former Rules Committee colleague and I couldn't disagree more when it comes to WHINSEC, he is my good friend and I always look forward to our spirited debates on this matter. Predictably, I rise today to take issue with his amendment.

The gentleman has stated today and in the past that the information on the WHINSEC students and instructors is always made available but that since 2005 disclosure and transparency have been lacking. To be clear, Mr. Chairman, the Department of Defense has provided to Congress the names, country of origin, and rank, courses, and dates of attendance of all students and instructors at WHINSEC since the year 2005.

Since we already know exactly who is attending WHINSEC, I am led to wonder, Mr. Chairman, what is the McGovern amendment trying to accomplish? Unfortunately, I believe that the release of personal information has less to do with transparency and more to do with the efforts to shut WHINSEC down, something that this Congress has repeatedly rejected. If transparency is the issue, Mr. Chairman, WHINSEC is open to visitors every working day. It invites people to sit in class, talk with the students, talk with the faculty, and review instructional material. This is perhaps the most open, transparent, and welcoming organization in the Department of Defense.

Mr. MCGOVERN has also stated in the past that from time to time WHINSEC PR materials include pictures of students and instructors, so why the need to protect the identities of attendees? While this may be true, these are not the materials that end up in the mailboxes of narcotraffickers and drug lords in Central and South America; however, these criminals do search the Internet for the names of law enforcement personnel who stand in their way.

I would also note there's a big difference between the voluntary and involuntary publishing of the names of the WHINSEC participants. Obviously, an attendee who is an undercover counterdrug officer would be more reticent to have his or her name posted on a Web site than would someone who has since become a high-ranking public official.

Mr. Chairman, every Member of this body should know that WHINSEC is an invaluable tool for military-to-military cooperation between us, the United States, and Latin America and is a vital means for strengthening security cooperation in the region. Publicizing the names of WHINSEC students in their home countries could very well lead to hostile attention from nations, organizations, and individuals that may wish to do harm to the U.S., its friends and its allies. Such publications

could serve as a disincentive to Central and South American, and Mexican, yes, Mexican students who otherwise want to attend WHINSEC and could discourage nations from sending their students to the school.

It would undercut the effectiveness of WHINSEC as a tool for building hemispheric security cooperation and communicating the democratic values and respect for human rights we espouse. If our ability to influence the democratic trajectory of the region were diminished, it would be countries like Venezuela and China that would fill the void.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman an additional minute.

Mr. GINGREY of Georgia. I therefore believe this amendment could potentially do much more harm than good, and I ask all my colleagues to oppose it.

Mr. MCGOVERN. Mr. Chairman, I yield 1 minute to the gentleman from Georgia, who represents WHINSEC in his district (Mr. BISHOP).

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

I just want the Members of this House to know that I represent the area where WHINSEC is located, Fort Benning, Georgia. I represented formerly the School of the Americas. I've been involved in this debate year in and year out. This is my 17th year.

The all-encompassing question is whether or not WHINSEC or its predecessor trained terrorists and murderers who did harm. That's an issue. But to create transparency, we want to make sure that this amendment passes so that people on both sides of the issue can get the facts and transparency and know who goes to the school, who teaches at the school, what the curriculum is. Having that be transparent is all we want to do, and the facts will speak for themselves.

I support WHINSEC. It's one of the greatest tools that our country has for democracy in our hemisphere. It's a good opportunity for us to make friends, keep friends, and to cooperate. But we want to make sure that there is no misunderstanding, and I join with the chairman in supporting this amendment and ask my colleagues to do the same.

Mr. Chair, I am pleased to co-sponsor this amendment to the FY 2010 National Defense Authorization Act to restore public access and transparency to the names of students and instructors at the Western Hemisphere Institute for Security Cooperation, or WHINSEC.

WHINSEC is located in Georgia's 2nd Congressional District at Ft. Benning. I have on many occasions visited the school and have supported the school's efforts to share its civil and military training with our friends and partners in Latin America. WHINSEC is a military and academic institution, the primary effort of which is to promote peace, democratic values, and respect for human rights through inter-American cooperation.

I agree with my esteemed colleague, Mr. MCGOVERN, that the school should provide the names of Latin American and U.S. military personnel who attend or teach at the school, as well as the curriculum taught at the school.

This amendment brings back the former policy of disclosing attendees, faculty members and course offerings. Allowing this information to become public will protect the school from attempts to discredit its efforts to develop partnerships and the principles of democracy.

It will also demonstrate to the nations of Latin America that the lessons learned at WHINSEC are ethnical, promote human rights, and provide a civil/military framework of building democratic governments.

Please join me in supporting this effort to ensure that the institutions we entrust to promote democratic principles are open for review and discussion. I urge you to support the amendment to H.R. 2647, the FY 2010 National Defense Authorization Act.

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

Mr. Chairman, my friend from Georgia (Mr. GINGREY) talked about the fact that the names were being released by WHINSEC. The fact he didn't mention is they're being released to us in a classified form so that no one in the public can see them. And it is not unique for this information to be made public. Other Army, Air Force and Navy military schools and training schools still provide the public with the names of Latin American students. I have a pile of them right here. Each one asserts the needs of the public interest outweigh any consideration for privacy. And I believe that standing up for transparency, accountability, and our own democratic values strengthens our national security and U.S.-Latin American relations. The danger comes when democratic values and transparency are viewed as detrimental.

Mr. Chairman, the House approved this amendment last year; it should approve it again. The cosponsors of this amendment do not agree on the fate of WHINSEC, but we all agree that we need to restore public access to these names.

Look at these lists, Mr. Chairman, all blacked out. Does this look like transparency? Is this democracy at work? Is this the model we want Latin American militaries to copy? The names were public for decades until August 2006. Openness was the norm, not secrecy.

Mr. Chairman, I urge my colleagues to support this amendment and restore public access, restore transparency, restore accountability. It is the right thing to do.

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

The Acting CHAIR. The gentleman from California has 15 seconds remaining.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, it's very simple: if you release the names of these foreign special operators that are at WHINSEC, you are literally encouraging their murder. The men and women fighting for justice in Central and South America, if you release those names, you will have their attempted murder on your hands if this amendment passes.

The Acting CHAIR. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

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

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

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments en bloc entitled No. 1.

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

Amendments en bloc printed in House Report 111–182 consisting of amendments numbered 5, 6, 8, 12, 13, 16, 17, 18, 19, 21, 22, 26, 29, 45, 61, 63, and 64 offered by Mr. SKELTON:

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle C of title V (page 134, after line 24), add the following new section:

SEC. 524. PROHIBITION ON RECRUITMENT, ENLISTMENT, OR RETENTION OF PERSONS ASSOCIATED OR AFFILIATED WITH GROUPS ASSOCIATED WITH HATE-RELATED VIOLENCE AGAINST GROUPS OR PERSONS OR THE UNITED STATES GOVERNMENT.

Section 504 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) PERSONS ASSOCIATED OR AFFILIATED WITH HATE GROUPS.—

''(1) PROHIBITION.—A person associated or affiliated with a group associated with hate-related violence against groups or persons or the United States Government, as determined by the Attorney General, may not be recruited, enlisted, or retained in the armed forces.

''(2) DEFINITION OF HATE GROUP.—In this subsection, the terms 'group associated with hate-related violence' or 'hate group' mean the following:

''(A) Groups or organizations that espouse or engage in acts of violence against other groups or minorities based on ideals of hate, ethnic supremacies, white supremacies, racism, anti-Semitism, xenophobia, or other bigotry ideologies.

''(B) Groups or organizations engaged in criminal gang activity including drug and weapons trafficking and smuggling.

''(C) Groups or organizations that espouse an intention or expectation of armed revolutionary activity against the United States Government, or the violent overthrow of the United States Government.

''(D) Groups or organizations that espouse an intention or expectation of armed activity in a 'race war'.

''(E) Groups or organizations that encourage members to join the armed forces in order to obtain military training to be used for acts of violence against minorities, other groups, or the United States Government.

''(F) Groups or organizations that espouse violence based on race, creed, religion, ethnicity, or sexual orientation.

''(G) Other groups or organizations that are determined by the Attorney General to be of a violent, extremist nature.

''(3) EVIDENCE OF ASSOCIATION OR AFFILIATION WITH HATE GROUP.—The following shall constitute evidence that a person is associated or affiliated with a group associated with hate-related violence:

''(A) Individuals possessing tattoos or other body markings indicating association or affiliation with a hate group.

''(B) Individuals known to have attended meetings, rallies, conferences, or other activities sponsored by a hate group.

''(C) Individuals known to be involved in online activities with a hate group, including being engaged in online discussion groups or blog or other postings that support, encourage, or affirm the group's extremist or violent views and goals.

''(D) Individuals who are known to have in their possession photographs, written testimonials (including diaries or journals), propaganda, or other materials indicating involvement or affiliation with a hate group. Such materials can include photographs, written materials relating to or referring to extreme hatred that are clearly not of an academic nature, possession of objects that venerate or glorify hate-inspired violence, and related materials, as determined by the Attorney General..

''(E) Individuals espousing the intent to acquire military training for the purpose of using such training towards committing acts of violence of a purpose not affiliated with the armed forces.

''(4) REQUIREMENTS FOR RECRUITERS AND ENLISTMENT PROCESSING STATIONS.—A military recruiters may not enlist, or assist in enlisting, a person who is associated or affiliated with a group associated with hate-related violence, as evidenced pursuant to paragraph (3). A person at any military enlistment processing station who, during the screening process, is found to be affiliated or associated with a hate group (including through admitting to any such affiliation or association on any form or document) is automatically prohibited from enlisting.

''(5) SEPARATION.—

''(A) SEPARATION REQUIRED.—A person discovered or determined to be associated or affiliated with a group associated with hate-related violence, as evidenced pursuant to paragraph (3), shall be immediately discharged from the armed forces, in the manner prescribed in regulations regarding discharge from service.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to a member of the armed forces who has renounced the member's previous affiliation or association with a group associated with hate-related violence, as determined by the commanding officer of the member.

''(6) REPORTING REQUIREMENT.—Not later than April 1, 2010, and annually thereafter, the Secretary concerned shall submit to the Committees on Armed Service of the Senate and House of Representatives a report—

''(A) on the presence in the armed forces of members who are associated or affiliated with a group associated with hate-related violence and describing the actions of the Secretary to discharge such members; and

''(B) describing the actions of the Secretary to prevent persons who are associated or affiliated with a hate group from enlisting.''.

AMENDMENT NO. 6 OFFERED BY MR. HASTINGS OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle E of title X (page 374, after line 6), insert the following new section:

SEC. 1055. NOTIFICATION AND ACCESS OF INTERNATIONAL COMMITTEE OF THE RED CROSS WITH RESPECT TO DETAINEES AT THEATER INTERNMENT FACILITY AT BAGRAM AIR BASE, AFGHANISTAN.

(a) NOTIFICATION.—The head of a military service or department, or of a Federal department or agency, that has custody or effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, or of any individual detained at such facility, shall, upon the detention of any such individual at facility, notify the International Committee of the Red Cross (referred to in this section as the ''ICRC'') of such custody or effective control, as soon as possible.

(b) ACCESS.—The head of a military service or department, or of a Federal department or agency, with effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, pursuant to subsection (a), shall ensure ICRC access to any detainee within 24 hours of the receipt by such head of an ICRC request to access the detainee. Such access to the detainee shall continue pursuant to ICRC protocols and agreements reached between the ICRC and the head of a military service or department, or of a Federal department or agency, with effective control over the Theater Internment Facility at Bagram Air Base, Afghanistan.

(c) SCOPE OF ACCESS.—The ICRC shall be provided access, in accordance with this section, to any physical locality at the Theater Internment Facility at Bagram Air Base, Afghanistan, determined by the ICRC to be relevant to the treatment of the detainee, including the detainee's cell or room, interrogation facilities or rooms, hospital or related health care facilities or rooms, or other locations not named in this section.

(d) CONSTRUCTION.—Nothing in this section shall be construed to—

(1) create or modify the authority of a military service or department, a Federal law enforcement agency, or the intelligence community to detain an individual; or

(2) limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions, other international agreements, or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

AMENDMENT NO. 8 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The text of the amendment is as follows:

At the end of subtitle D of title V (page 144, after line 3), add the following new section:

SEC. 537. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9359 the following new section:

''§ 9359a. Air Force Academy Athletic Association: authorization, purpose, and governance

''(a) ESTABLISHMENT AUTHORIZED.—The Secretary of the Air Force may establish a nonprofit corporation, to be known as the 'Air Force Academy Athletic Association', to support the athletic program of the Air Force Academy.

''(b) ORGANIZATION AND DUTIES.—(1) The Air Force Academy Athletic Association (in this section referred to as the 'Association') shall be organized and operated as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986 and under the powers and authorities set forth in this section and the provisions of the laws of the State of incorporation. The Association shall operate on a nonpartisan basis exclusively for charitable, educational, and civic purposes consistent with the authorities referred to in this subsection to support the athletic program of the Academy.

''(2) Subject to the approval of the Secretary of the Air Force, the Association may—

''(A) operate and manage athletic and revenue generating facilities on Academy property;

''(B) use Government facilities, utilities, and services on the Academy, without charge, in support of its mission;

''(C) sell products to the general public on or off Government property;

''(D) charge market-based fees for admission to Association events and other athletic or athletic-related events at the Academy and for use of Academy athletic facilities and property; and

''(E) engage in other activities, consistent with the Academy athletic mission as determined by the Board of Directors.

''(c) BOARD OF DIRECTORS.—(1) The Association shall be governed by a Board of Directors made up of at least nine members. The members, other than the member referred to in paragraph (2), shall serve without compensation, except for reasonable travel and other related expenses for attendance at required meetings.

''(2) The Director of Athletics at the Academy shall be a standing member of the Board as part of the Director's duties as the Director of Athletics.

''(3) Subject to the prior approval of all nominees for appointment by the Secretary of the Air Force, the Superintendent shall appoint the remaining members of the Board.

''(4) The Secretary of the Air Force shall select one of the members of the Board appointed under paragraph (3) to serve as chairperson of the Board.

''(d) BYLAWS.—Not later than July 1, 2010, the Association shall propose its by-laws. The Association shall submit the by-laws, and all future changes to the by-laws, to the Secretary of the Air Force for review and approval. The by-laws shall be made available to Congress for review.

''(e) TRANSITION FROM NONAPPROPRIATED FUND OPERATION.—(1) Until September 30, 2011, the Secretary of the Air Force may provide for parallel operations of the Association and the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic program of the Academy. Not later than that date, the Secretary shall dissolve the nonappropriated fund instrumentality and transfer its assets and liabilities to the Association.

''(2) The Secretary may transfer title and ownership to all the assets and liabilities of the nonappropriated fund instrumentality referred to in paragraph (1), including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property without cost or obligation to the Association.

''(f) CONTRACTING AUTHORITIES.—(1) The Superintendent may procure, at fair and reasonable prices, such athletic goods, services, human resources, and other support from the Association as the Superintendent considers appropriate to support the athletic program of the Academy. The Association shall be exempt from the requirements of section 2533a of this title and the Buy American Act (41 U.S.C. 10a et seq.).

''(2) The Superintendent may accept from the Association funds, goods, and services for use by cadets and Academy personnel during participation in, or in support of, Academy or Association contests, events, and programs.

''(g) USE OF AIR FORCE PERSONNEL.—Air Force personnel may participate in—

''(1) the management, operation, and oversight of the Association;

''(2) events and athletic contests sponsored by the Association; and

''(3) management and sport committees for the National Collegiate Athletic Association and other athletic conferences and associations.

''(h) FUNDING AUTHORITY.—The authorization of appropriations for the operation and maintenance of the Academy includes Association operations in support of the Academy athletic program, as approved by the Secretary of the Air Force.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9359 the following new item:

''9359a. Air Force Academy Athletic Association: authorization, purpose, and governance.''.

AMENDMENT NO. 12 OFFERED BY MR. TURNER

The text of the amendment is as follows:

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

SEC. 12xx. LIMITATION ON FUNDS TO IMPLEMENT REDUCTIONS IN THE STRATEGIC NUCLEAR FORCES OF THE UNITED STATES PURSUANT TO ANY TREATY OR OTHER AGREEMENT WITH THE RUSSIAN FEDERATION.

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

(1) In the Joint Statement by President Dmitriy Medvedev of the Russian Federation and President Barack Obama of the United States of America after their meeting in London, England on April 1, 2009, the two Presidents agreed ''to pursue new and verifiable reductions in our strategic offensive arsenals in a step-by-step process, beginning by replacing the Strategic Arms Reduction Treaty with a new, legally-binding treaty.''.

(2) At that meeting, the two Presidents instructed their negotiators to reach an agreement that ''will mutually enhance the security of the Parties and predictability and stability in strategic offensive forces, and will include effective verification measures drawn from the experience of the Parties in implementing the START Treaty.''.

(3) Subsequently, on April 5, 2009, in a speech in Prague, the Czech Republic, President Obama proclaimed: ''Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies. The Czech Republic and Poland have been courageous in agreeing to host a defense against these missiles. As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven.''.

(4) President Obama also said: ''As long as these [nuclear] weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies—including the Czech Republic. But we will begin the work of reducing our arsenal.''.

(b) LIMITATION.—Funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2010 may be obligated or expended to implement reductions in the strategic nuclear forces of the United States pursuant to any treaty or other agreement entered into between the United States and the Russian Federation on strategic nuclear forces after the date of enactment of this Act only if the President certifies to Congress that—

(1) the treaty or other agreement provides for sufficient mechanisms to verify compliance with the treaty or agreement;

(2) the treaty or other agreement does not place limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons of the United States; and

(3) the fiscal year 2011 budget request for programs of the Department of Energy's National Nuclear Security Administration will be sufficiently funded to—

(A) maintain the reliability, safety, and security of the remaining strategic nuclear forces of the United States; and

(B) modernize and refurbish the nuclear weapons complex.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the congressional committees specified in subsection (d) a report on the stockpiles of strategic and non-strategic weapons of the United States and the Russian Federation.

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(e) DEFINITION.—For the purposes of this section, the term ''advanced conventional weapons'' means any advanced weapons system that has been specifically designed not to carry a nuclear payload.

AMENDMENT NO. 13 OFFERED BY MR. BRIGHT

The text of the amendment is as follows:

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

SEC. 8xx. FOLLOW-ON CONTRACTS FOR CERTAIN ITEMS ACQUIRED FOR SPECIAL OPERATIONS FORCES.

(a) AUTHORITY FOR AWARD OF FOLLOW-ON CONTRACTS.—The commander of the special operations command, acting under authority provided by section 167(e)(4) of title 10, United States Code, may award a follow-on contract for the acquisition of an item to a contractor who previously provided such item if—

(1) the item is an item of special operations-peculiar equipment and not anticipated to be made service common within 24 months of the initial contract;

(2) the item was previously acquired in the make, model, and type—

(A) using competitive procedures;

(B) under the authority of other statutory authority permitting noncompetitive or limited competition procurement actions (such as section 8(a) of the Small Business Act (15 U.S.C. 637(a)), section 31 of such Act (15 U.S.C. 657a, relating to the HUBZone program), and section 36 of such Act (15 U.S.C. 657f, relating to procurement program for small business concerns owned and controlled by service-disabled veterans)); or

(C) as a result of a competition among a limited number of sources on the basis that the disclosure of the need for the item would compromise national security; and

(3) the acquisition of the item by means other than a follow-on contract with the contractor would unduly delay the fielding of such item to forces preparing for or participating in overseas contingency operations or for other deployments undertaken in response to a request from a combatant commander.

(b) LIMITATIONS.—A contract awarded using the authority in subsection (a)—

(1) may have a period of performance of not longer than one year;

(2) may be used only to acquire one or more items having an individual unit price under $100,000; and

(3) may have a total value not exceeding $25,000,000.

(c) NOTIFICATION.—Not later than 45 days after the use of the authority in subsection (a), the commander of the special operations command shall submit to the congressional defense committees a notification of the use of such authority.

(d) TERMINATION OF AUTHORITY.—The commander of the special operations command may not use the authority in subsection (a) on and after October 1, 2013.

AMENDMENT NO. 16 OFFERED BY MR. BISHOP OF GEORGIA

The text of the amendment is as follows:

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

SEC. 2821. AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE TO LOCAL COMMUNITIES FOR DEVELOPMENT OF PUBLIC INFRASTRUCTURE DIRECTLY SUPPORTING EXPANSION OF MILITARY INSTALLATIONS.

Paragraph (3) of section 2391(d) of title 10, United States Code, is amended to read as follows:

''(3) The terms 'community adjustment' and 'economic diversification' may include—

''(A) the development of feasibility studies and business plans for market diversification within a community adversely affected by an action described in subparagraph (A), (B), (C), or (E) of subsection (b)(1) by adversely affected businesses and labor organizations located in the community; and

''(B) the development of public infrastructure that directly supports the expansion activities described in subparagraph (A) of subsection (b)(1).''.

AMENDMENT NO. 17 OFFERED BY MR. BLUMENAUER

The text of the amendment is as follows:

At the end of subtitle B of title III (page 94, after line 2), insert the following new section:

SEC. 316. PROCUREMENT AND USE OF MUNITIONS.

The Secretary of Defense shall—

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

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

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

AMENDMENT NO. 18 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle G of title V (page 158, after line 9), add the following new section:

SEC. 575. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.

(a) AUTHORITY TO AWARD.—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600–05–1, dated June 3, 2005) to a person who, while a member of the Army, participated in

combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

AMENDMENT NO. 19 OFFERED BY MR. COHEN

The text of the amendment is as follows:

At the end of subtitle F of title V (page 155, after line 4), add the following new section:

SEC. 563. REPORT ON EXPANSION OF AUTHORITY OF A MEMBER TO DESIGNATE PERSONS TO DIRECT DISPOSITION OF THE REMAINS OF A DECEASED MEMBER.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the potential effects of expanding the list of persons under section 1482(c) of title 10, United States Code, who may be designated by a member of the Armed Forces as the person authorized to direct disposition of the remains of the member if the member is deceased.

AMENDMENT NO. 21 OFFERED BY MR. CONNOLLY OF VIRGINIA

The text of the amendment is as follows:

Page 163, line 11, strike ''service,'' and insert the following: ''service (including a contract to which the servicemember is included with family members),''.

At the end of subtitle I of title V (page 180, after line 11), add the following new section:

SEC. 594. MODIFICATION OF SERVICEMEMBERS CIVIL RELIEF ACT REGARDING RESIDENTIAL AND MOTOR VEHICLE LEASES.

Section 305(e) of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended to read as follows:

''(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—

''(1) LEASES OF PREMISES.—Rent amounts for a lease described in subsection (b)(1) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

''(2) LEASES OF MOTOR VEHICLES.—Lease amounts for a lease described in subsection (b)(2) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.''.

AMENDMENT NO. 22 OFFERED BY MR. COSTA

The text of the amendment is as follows:

Page 115, after line 25, insert the following:

SEC. 356. STUDY ON DISTRIBUTION OF HEMOSTATIC AGENTS.

(a) STUDY.—Not later than December 31, 2009, the Secretary of Defense shall carry out a study and submit to the congressional defense committees a report on the distribution of hemostatic agents to members of the Armed Forces serving in Iraq and Afghanistan, to ensure each military service is complying with that service's policies with respect to hemostatic agents, including a description of any distribution problems and attempts to resolve such problems.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all members of the Armed Force deployed in combat zones should carry life-saving resources with them, including hemostatic agents.

AMENDMENT NO. 26 OFFERED BY MR. DEFAZIO

The text of the amendment is as follows:

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

SEC. 830. DEFENSE SUBCONTRACTOR PROLIFERATION COST EFFECTIVENESS STUDY AND REPORTS.

(a) STUDY.—The Secretary of Defense shall conduct a study on the total number of subcontractors used on the last five major weapons systems in which acquisition has been completed and determine if fewer subcontractors could have been more cost effective.

(b) MANAGEMENT BURDEN.—In conducting the study, the Secretary of Defense shall evaluate any potential cost savings derived from less management burden from multiple subcontractors on the Federal acquisition workforce.

(c) REPORT BY SECRETARY OF DEFENSE.—Not later than March 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the results of the study.

(d) REPORT BY COMPTROLLER GENERAL.—Not later than May 1, 2010, the Comptroller General shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a review of the Department of Defense report submitted under subsection (c).

AMENDMENT NO. 29 OFFERED BY MR. FLAKE

The text of the amendment is as follows:

Page 352, after line 12, insert the following new section (and conform the table of contents accordingly):

SEC. 1039. REPORT ON COMPETITIVE PROCEDURES USED FOR EARMARKS IN DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008.

(a) REPORT REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the congressional earmarks described in subsection (b).

(b) CONGRESSIONAL EARMARKS DESCRIBED.—The congressional earmarks described in this subsection are the congressional earmarks (House) and the congressionally directed spending items (Senate) on the list published in compliance with clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate and contained on pages 372 to 476 of the Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 3222 of the 110th Congress (Report 110–434).

(c) MATTERS COVERED BY REPORT.—The report required by subsection (a) shall set forth the following with respect to each congressional earmark on the list referred to in subsection (b):

(1) The competitive procedures used to procure each earmark, including the process used, the tools employed, and the decisions reached.

(2) If competitive procedures were not used to procure an earmark, the reasons why competitive procedures were not used, including a discussion of the decision making process and how the decision to use procedures other than competitive procedures was reached.

AMENDMENT NO. 45 OFFERED BY MR. SMITH OF NEW JERSEY

The text of the amendment is as follows:

At the end of subtitle B of title XXVIII (page 565, after line 10), add the following new section:

SEC. 2821. COMPTROLLER GENERAL REPORT ON NAVY SECURITY MEASURES FOR LAURELWOOD HOUSING COMPLEX, NAVAL WEAPONS STATION, EARLE, NEW JERSEY.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a cost analysis and audit of the sufficiency of the Navy's security measures in advance of the proposed occupancy by the general public of units of the Laurelwood Housing complex on Naval Weapons Station, Earle. The report shall include an estimate of costs to be incurred by Federal, State, and local government agencies in the following areas:

(1) Security and safety procedures.

(2) Land/utilities management and services.

(3) Educational assistance.

(4) Emergency services.

(5) Community services.

(6) Environmental services.

AMENDMENT NO. 61 OFFERED BY MR. KIRK

The text of the amendment is as follows:

At the end of subtitle B of title VI (page 200, after line 14), add the following new section:

SEC. 619. ADDITIONAL SPECIAL PAYS AND BONUSES AUTHORIZED FOR MEMBERS AGREEING TO SERVE IN AFGHANISTAN FOR THE DURATION OF THE UNITED STATES MISSION.

(a) AUTHORITY TO DEVELOP DEMONSTRATION PROGRAM.—Notwithstanding the limitations specified in subsection (b) of section 352 of title 37, United States Code, on the maximum amount of assignment or special duty pay that may be paid to a member of the Armed Forces under such section, the Secretary of Defense may develop a program to provide additional special pays and bonuses to members (particularly members who score a 4.0 on the Foreign Service Institute test for the dominant languages of Pashto and Dari) who agree to serve on active duty in Afghanistan for six years or the duration of the United States mission in Afghanistan, whichever occurs first. The assignment period required by the agreement shall provide for reasonable periods of leave.

(b) RELATION TO OTHER AUTHORITIES.—A program developed under subsection (a) may be provided

(1) without regard to the lack of specific authority for the program or policy under title 10 or title 37, United States Code; and

(2) notwithstanding any provision of such titles, or any rule or regulation prescribed under such provision, relating to methods of—

(A) determining requirements for operational assignment stability; and

(B) establishing programs to achieve greater stability when operational requirements so dictate.

(c) WAIVER OF OTHERWISE APPLICABLE LAWS.—Except as provided in subsection (a), a provision of title 10 or title 37, United States Code, may not be waived with respect to, or otherwise determined to be inapplicable to, a program developed under subsection (a) without the approval of the Secretary of Defense.

(d) NOTICE AND WAIT REQUIREMENT.—A program initiated under subsection (a) may not be implemented until—

(1) the Secretary of the Defense submits to Congress—

(A) a description of the program, including the purpose and the expected benefit to the Government;

(B) a description of the provisions of titles 10, or 37, United States Code, from which the program would require a waiver, and the rationale to support the waiver;

(C) a statement of the anticipated outcomes as a result of implementing the program; and

(D) the method to be used to evaluate the effectiveness of the program.

(e) DURATION OF DEVELOPED PROGRAM.—A program developed under subsection (a) may be provided for not longer than a three-year period beginning on the implementation date, except that the Secretary of Defense may extend the period if the Secretary determines that additional time is needed to fully evaluate the effectiveness of the program.

(f) REPORTING REQUIREMENTS.—

(1) REPORT.—The Secretary shall submit to Congress an annual report on the program provided under subsection (a) during the preceding year, including—

(A) a description of any programs developed and fielded under subsection (a) during that fiscal year; and

(B) an assessment of the impact of the programs on the effectiveness and efficiency in achieving the United States mission in Afghanistan.

(g) TERMINATION OF AUTHORITY.—Subject to subsection (e), the authority to carry out a program under this section expires on December 31, 2012.

AMENDMENT NO. 63 OFFERED BY MR. BISHOP OF NEW YORK

The text of the amendment is as follows:

At the end of subtitle B of title III (page 94, after line 2), add the following new section:

SEC. 316. PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS.

(a) IN GENERAL.—The Secretary of Defense shall prohibit the disposal of covered waste in an open-air burn pit during a contingency operation lasting longer than one year.

(b) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out this section.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the use of open-air burn pits in contingency operations. The report shall include—

(1) a description of each type of waste burned in such open-air burn pits; and

(2) a discussion of the feasibility of alternative methods of disposing of covered waste, including—

(A) a plan to use such alternative methods; or

(B) if the Secretary determines that no such alternative method is feasible, a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of such waste.

(d) DEFINITIONS.—In this section:

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

(2) The term ''covered waste'' includes—

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

(B) medical waste; and

(C) solid waste containing plastic.

AMENDMENT NO. 64 OFFERED BY MR. BLUMENAUER

The text of the amendment is as follows:

At the end of subtitle B of title III (page 94, after line 2), insert the following new section:

SEC. 316. MILITARY MUNITIONS RESPONSE SITES.

(a) INFORMATION SHARING.—Section 2710(a)(2)(B) of title 10, United States Code, is amended by inserting '', county,'' after ''identification of the State''.

(b) MILITARY MUNITIONS RESPONSE PROGRAM AND INSTALLATION RESTORATION PROGRAM.—The Secretary of Defense shall—

(1) as part of the Secretary's annual budget submission to Congress, include the funding levels requested for Military Munitions Response Program and Installation Restoration Program; and

(2) evaluate and report on the progress of such programs in the Defense Environmental Program's Annual Report to Congress.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

At this time I yield 3 minutes to my friend, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership in an area that has been of concern for me for a long time, the disappointing and widespread environmental legacy of the Department of Defense. In every State, communities must deal with former training grounds contaminated with live bombs, leftover shells, leaking chemicals.

I have a map here. Every single State, every territory of the United States—and it is an ongoing problem. In June, in Florida, fishermen hauled aboard a live guided missile. On May 22 a farmer plowing his field overturned a live rocket.

We need to be more serious about it, and I appreciate the committee's help, first of all, in focusing with the Department of Defense, requiring the Secretary to report clearly the funding levels requested for the program. We have a new administration. We hope there will be a new commitment to work on this. With additional transparency, we are much more likely to know at least where we are. It's also time for military to be proactive and reduce the amount of munitions generated in the first place.

I'm pleased that they have agreed to another amendment offered by my friend Ms. BROWN-WAITE from Florida to require the Department of Defense to think strategically about ways to lessen the long-term health and environmental consequences, specifically, development of lifecycle accounting for munitions, review of live-fire practicing, and recommending ways to reduce the costs and incidents of unexploded ordnance. Smarter procurement and testing will reduce the long-term impacts of munition, saving money, resources, having safer American lands and more successful operations abroad.

Just a few volleys of a standard rocket system with a 5 percent failure rate generates thousands of unexploded ordnance for training lands here at home, and it complicates our missions abroad. Consider the plight of civilian populations in Iraq and Afghanistan, the millions who will rebuild their lives amidst the munitions wreckage left over the last 6 years of combat.

This is a problem at home in the United States. This is a problem abroad. It is time for us to face up to it. I appreciate the committee's leadership in helping zero in on it. I hope we can do a better job because it will save money while it saves lives at home and abroad.

I enter into the RECORD a list of Munitions and Unexploded Ordnance, UXO, incidents and news for May and June 2009.

June 11, 2009 in Pachtua, MS, 20 Small Unexploded WWII White Phosphorous Bombs Found During Pipeline Work

June 10, 2009. Long Hill, NJ, World War II vet finds ''souvenir'' and alerts bomb squad

June 9, 2009, Norwood, OH, Deactivated Explosives Found At Park

June 9, 2009. Arden Hills, MN, Cleanup Costs Too Much for Potential Developer

June 9, 2009. Arden Hills, MN, Cleanup Costs Too Much for Potential Developer

June 8, 2009. Madiera Beach, FL, Fishing Boat Hauls Up Guided Missile

June 8, 2009. Camp LeJeune, NC, U.S. Supreme Court Refuses to Hear Case About Toxic Water at Camp Lejeune

June 8, 2009. California, MD, Ordnance Uncovered at Landfill

June 4, 2009. Columbus, OH, Road Closed after Artillery Shell Discovered

June 1, 2009. Turtlecreek Township, OH, Discarded Hand Grenade Found

June 1, 2009. Nantahala National Forest, NC, Ordnance Found Near Trail

May 22, 2009. Woolmarket, MS, Explosion Rocks Woolmarket Neighborhood

Mr. MCKEON. Mr. Chairman, I yield at this time 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise in support of my amendment to the National Defense Authorization funding, which is included in en bloc 1. I thank Chairman SKELTON and also Ranking Member MCKEON for allowing this amendment to be included.

In 2005 the Department of Army authorized the creation of the Combat Action Badge to provide special recognition to soldiers who personally engage the enemy during combat operations. This is a very honorable distinction. However, the award limits eligibility for this badge to those soldiers

that served after September 18, 2001, overlooking the thousands of veterans who have made similar sacrifices in previous wars.

My amendment corrects this error by expanding eligibility to include those soldiers who have served since December 7, 1941. In accordance with the wishes of those veterans who may be eligible for this badge, the costs of it would be borne by the individuals, not the military. Therefore, not only does this award recognize veterans who engage the enemy in combat, but it does so at no additional cost to the Army.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. MCKEON. I yield the gentlewoman an additional 15 seconds.

Ms. GINNY BROWN-WAITE of Florida. I urge my colleagues to support this amendment.

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

Ms. SHEA-PORTER. Mr. Chairman, this amendment would ban the use of open-air burn pits overseas after 12 months. Such a dangerous waste disposal method should only be used temporarily while a permanent and safe alternative is developed. The amendment specifically prohibits the burning of medical and hazardous waste or solid waste containing plastic in open-air pits. The burning of such wastes produces chemicals that have proven toxic to humans and represents an unacceptable health risk.

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The U.S. military has been disposing of hundreds of tons of war zone waste through burn pits. All who live and work on these bases are routinely exposed to the smoke from these pits, which includes waste from medical facilities, dining facilities, maintenance facilities, as well as trash. To imagine the scale of these burn pits, the one at Balad Air Base in Iraq has increased from 2 tons per day early on to several hundred tons per day.

We simply must protect our troops who have had repeated exposure to this. We do not wish to see an Agent Orange situation develop here. And so I ask that we set some limits on the burning of these pits.

These pits pose a very serious health risk to our troops. Of the nearly 2 million servicemembers who have deployed, a significant portion has been exposed to the fumes and smoke from such burn pits. Up to now, we have continued to dispose of solid wastes this way. But 6 years in Iraq and 8 years in Afghanistan is far longer than anyone can possibly justify as an emergency measure. I understand that sometimes they may have to do this for 3 or 6 or even 12 months, but it has been 8 years!

In the past, we've been to slow to acknowledge the health effects of Agent Orange and Gulf War Illness. We cannot let that happen to our servicemembers again. For decades, it was impossible for them to access the VA medical services they needed and deserved because there was no recognition of the damage Agent Orange had done. We saw this again, after the Gulf war. In 2008, a study by the National Academy of Sciences validated what veterans of the Gulf War already knew—that Persian Gulf War illness is very real.

There is a good reason why it is illegal to have open-air burn pits for disposal of medical and hazardous wastes in our country: they pollute and degrade the environment, and harm people's health. If we wanted to burn those chemicals here in America and expose people here, the EPA would swoop down, and we'd be penalized because you can't do that. And why can't you do it—because it's dangerous to our health.

If we support the troops, don't we also support their health? Don't we have the same concerns about their health when they're supporting our country and fighting overseas as we do when they live here in our communities? When they deploy, our servicemembers put their lives at risk to fight for us, and do not deserve to suffer this added, unjustifiable risk. Preventable environmental hazards must not result in ruined health or lost lives.

This amendment takes a critically important step toward addressing the health risks that burn pits pose to our troops. It has been endorsed by the American Legion, DAV, IAVA, MOAA, the National Guard Association, Veterans and Military Families for Progress, and the VFW. And I thank my friend, Mr. BISHOP, for being a leader on this issue and standing up for our troops.

Mr. MCKEON. Mr. Chairman, I am happy to yield at this time to Mr. TURNER, the gentleman from Ohio, subcommittee ranking member, 2 minutes.

Mr. TURNER. Thank you, Ranking Member MCKEON. I want to thank our chairman for his support for an amendment that's in the en bloc.

Two weeks ago, JIM MARSHALL and I introduced the NATO First bill. With the chairman's support, six out of eight of the provisions of that bill are included in some form of the National Defense Authorization Act that recognized support for our allies in Europe. As the U.S. and Russia begin our START negotiations of the previous START Treaty expiring at the end of 2009, it's important for us to set some framework.

This amendment would limit the use of FY 2010 defense funds to implement reductions for U.S. strategic nuclear forces pursuant to a treaty with Russia, for example, START, unless the President certifies that the treaty: one, provides sufficient verification mechanisms; two, does not limit U.S. ballistic missile defense systems capabilities or advanced conventional weapons capabilities; and that the National Nuclear Security Administration is sufficiently funded. The amendment also requires a report on U.S. and Russian nonstrategic nuclear weapons.

I want to thank Roger Zakheim from our staff, who worked diligently for the drafting of the NATO First bill and also for the accomplishment of these amendments.

I want to thank the chairman who has continued to work in a bipartisan way to accomplish a number of provisions in this bill that are important to our national security, and I believe this is certainly one of them.

Mr. SKELTON. Mr. Chairman, the gentleman from Georgia desires to have a colloquy at this point, Mr. KINGSTON.

Mr. KINGSTON. I thank the gentleman for yielding.

I rise today in strong support for the community of Hinesville, Georgia, and Liberty County. I commend the area for their ardent support of our troops and the Army at Fort Stewart, which has continuously engaged in the challenging missions in the defense of our Nation around the globe.

November 2007, the Army announced that Fort Stewart would receive another brigade combat team using the findings of the 2005 Base Realignment and Closure Committee, along with Fort Bliss and Fort Carson. Since that time, the community installation and Congress have geared up and invested for that growth. Working with post leadership and the Pentagon, Congress appropriated funds for military construction projects such as barracks, buildings, and operation facilities at $154 million for FY 2008 and $352 million for FY09. Clearly the Army has invested greatly to maintain Fort Stewart's tradition as an award-winning installation of excellence.

At the urging of the Army staff and the military leadership on post, the Hinesville community stepped forward to be sure that the new troops would have adequate housing and public infrastructure. The Department of Defense also sent the Office of Economic Adjustment to assist the community to properly prepare for the arrival of the new brigade combat team. Investments were made for new schools, roads, infrastructure.

Banks made many loans to property developers who, in turn, purchased land and accelerated their efforts to provide homes and commercial properties to support the arrival of over 10,000 soldiers and family. However, the decision announced by the Army this June has brought all this economic activity to a halt. While some of this infrastructure will be used or absorbed in time, it is clear that without the arrival of the brigade combat team, the city has overbuilt and overinvested.

The economic hardship would not have occurred without the BRAC-based decision to bring additional troops and the Army's insistence that Hinesville get aggressively involved. The community support in Fort Stewart still has much to offer for the Army.

I stand here in support of the provisions within this bill that will help address the hardship incurred by the small rural communities that support Fort Stewart.

Mr. SKELTON. Mr. Chairman, I am pleased to respond to the gentleman from Georgia. He has a long record of support and advocacy for Fort Stewart and our Nation's Armed Forces, and I

am pleased to inform that gentleman that language has been included in this bill to direct the Secretary of Defense to carefully consider the economic impact of this policy change on local communities and to provide to the Congress information about the Department's efforts to mitigate the negative effects. This includes a report on any new enduring missions planned for the bases affected, including a summary of the Department's plans to lessen the economic hardship or investment loss.

I would be happy to work with the gentleman and the Secretary of Defense, of course, to consider how to address the negative impact of recent basing decisions on the local communities that so strongly support our troops.

Mr. KINGSTON. I thank the gentleman for his kind words of support for the patriotic and hardworking people in the communities surrounding Fort Stewart, and I appreciate the chairman's support to work with me through this year's National Defense Authorization Act to ensure that the Army and the local communities can continue to have strong partnerships in the support of the troops.

The Acting CHAIR. The Chair will note that the gentleman from California has 7¾ minutes remaining, and the gentleman from Missouri has 3 minutes remaining.

Mr. MCKEON. Mr. Chairman, at this time, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I thank our ranking member, Mr. MCKEON, and especially our chairman, IKE SKELTON, for approving one of the amendments in the en bloc.

In December, I became the first Member of this House to serve in an imminent danger area in Afghanistan in uniform. During my time, I learned that most NATO soldiers with our command only deployed for 6 months and Americans deployed for 12. Only State and USAID personnel served for years in Afghanistan.

Major General Flynn, our former J–2 of the Joint Chiefs of Staff, now head of all intelligence for the African command under General McChrystal, convinced me that we need a core of experts in uniform who can deliver on years of commitment to the Afghan deployment, who can build especially an expertise in the Afghan languages of Dari and Pashtu. This amendment, the Larsen-Kirk amendment, allows a for-the-duration incentive for members of the military wishing to make a deployment to Afghanistan.

It's for-the-duration deployments that helped us win World War II. DOD and senior commanders feel that this language that will build a dedicated long-term Afghan core of enlisted officers will quickly become the leaders of our Afghan NATO effort.

Based on our bipartisan bill that Congressman LARSEN and I introduced, our bill would lay out a $250,000 payment for a soldier willing to make a for-the-duration commitment and another $250,000 for a 4.0 or better score in Pashtu or Dari. In my discussions with the troops currently in the field in Kandahar, they are pumped up about the opportunity that this commitment would be.

I feel that only a small number of soldiers would sign up, but each one of them, if strategically placed in key Afghan provinces, would become vital assets to our effort and the success of President Obama's campaign in Afghanistan. And I really applaud the chairman and the ranking minority member for putting this in the bill.

Mr. ANDREWS. I am pleased to yield 1 minute to my friend and colleague, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the chairman for yielding.

I rise to join my colleague, Representative CAROL SHEA-PORTER, in urging my colleagues to support our amendment which would ban the use of open burn pits in war zones.

Disturbing reports are coming to light every day about the reckless disposal of hazardous waste in open burn pits in Iraq and Afghanistan and the devastating toll they are taking on the health of hundreds of our service men and women. It is encouraging that Secretary Shinseki and Secretary Gates have responded to our questions and stated they have taken seriously our concerns about the danger of burn pits, but this legislation is necessary to see to it that this action takes place.

The legislation is endorsed by the American Legion, by the DAV, by the IAVA, by the National Guard Association, and by the VFW. I urge its passage.

Mr. MCKEON. Mr. Chairman, I reserve the balance of our time.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my friend, a member of the Armed Services Committee, the gentleman from Virginia (Mr. NYE) for 1 minute.

Mr. NYE. I would like to thank the chairman for yielding.

Mr. Speaker, a lot of the legislation that comes through this House deals with obscure technical points in Federal programs that most Americans have never and will never hear of.

However, the amendment that I have introduced, along with my good friends and colleagues from Virginia, Mr. GERRY CONNOLLY and Mr. TOM PERRIELLO, is a commonsense solution to a common problem faced by our military personnel.

In my district of Hampton Roads, many men and women are regularly deployed overseas to Iraq and Afghanistan. When a soldier, sailor, airman, or marine is preparing to leave their home and family to serve their country in harm's way, the last thing he or she should have to worry about is paying a cell phone contract termination fee.

In the last Congress, legislation was passed to allow deployed servicemembers to exit an individual cell phone contract without paying a penalty, and this amendment will extend that same protection to military personnel whose phones are registered through family plans.

The amendment is supported by the Iraq and Afghanistan Veterans of America, and I urge all my colleagues to join me in easing the burden on our men and women in uniform.

Mr. MCKEON. I yield, at this time, 1 minute to the gentleman from Arizona (Mr. FRANKS), a member of the committee.

Mr. FRANKS of Arizona. I thank the distinguished gentleman.

Mr. Chairman, I want to say that I support the Hastings amendment because it tries to make sure that groups determined by the Attorney General to be of violent or extremist nature are not recruited into military service. But I take some offense that one of the Cabinet-level officials of our government categorized people who are, quote, dedicated to a single issue such as opposition to abortion or immigration as right-wing extremists, and I am concerned that the amendment might be misunderstood.

And I would like to hear from the other side that this is not the intent of the amendment and that we would make sure that someone that was dedicated to the patriotism and protecting their country, which it takes a certain amount of extreme dedication to go out and pour one's blood on a foreign battlefield for the cause of human freedom, and I want to make sure that those individuals are not considered extremists under Mr. HASTINGS' part of the en bloc amendment.

Would anyone speak to that on the other side?

The Acting CHAIR. Is the gentleman asking someone to yield?

Mr. FRANKS of Arizona. Yes, I would yield to the chairman.

The Acting CHAIR. The gentleman's time has expired, however.

Mr. SKELTON. I yield to the gentleman.

Mr. FRANKS of Arizona. I guess I am asking the chairman of the committee that the Hastings amendment would not include—the definition of right-wing extremists would not be included in the amendment that's being offered by the Hastings amendment under the en bloc.

Mr. SKELTON. We will have to check, just a moment.

Mr. FRANKS of Arizona. Mr. Chairman, maybe I could just ask for your assurances that people dedicated to single issues in this country such as opposition to abortion or immigration would not be considered extremists and not be disallowed into the military; at least, that would not be your intent under this amendment.

Mr. SKELTON. That is correct.

The Acting CHAIR. The gentleman from Missouri. The gentleman from Missouri has three-quarters of a minute remaining.

Mr. SKELTON. I yield the balance of my time to the to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Thank you, Mr. Chairman.

Mr. Chairman, I am pleased to introduce this amendment with my fellow Virginians Mr. NYE and Mr. PERRIELLO. During the 110th Congress, the Servicemembers Civil Relief Act did address cell phone and property lease contracts for active-duty deployed. However, they did not address—they addressed individual cell phone contracts and individual leases. They did not provide that protection to family cell phone plans.

As a result, we have servicemembers who are finding themselves having to continue to pay obligations to cell phone companies. Under the motor vehicle section of our amendment, the leasing agent may not charge an early termination penalty, something also not addressed in SCRA last year.

This is a practical amendment that will help our active-duty deployed and their families make sure that they are safe and secure from this kind of hounding when they are serving their country overseas.

The Acting CHAIR. The time of the gentleman has expired.

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Mr. MCKEON. Mr. Chairman, I continue to reserve, unless the chairman needs more time.

The Acting CHAIR. The majority has no time remaining.

Mr. MCKEON. I yield such time as he may consume to the gentleman from Missouri.

Mr. SKELTON. I yield 1 minute to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Mr. Chairman, I am proud to rise today with my freshmen colleagues from Virginia, GERRY CONNOLLY and GLENN NYE, for this commonsense solution.

When our men and women in uniform are deployed, they should not be punished; they should be celebrated. This is a commonsense fix to ensure that there are no termination fees when cutting off a cell phone contract or an auto leasing deal for our troops when they deploy.

This is the sort of thing that I think the new class came here to do; see a problem, find a solution, and bring it to this floor. We are proud today to do this for all of those who serve, and we request support for the amendment.

Mr. BERMAN. Mr. Chair, I rise in opposition to the Turner amendment to H.R. 2647.

While I appreciate the fact that the gentleman incorporated a number of changes suggested by the Chairman of the Armed Services Committee—which clearly improved the text—and that this debate is about what kind of a strategic force reduction agreement to have, rather than whether to have one at all, I remain concerned about the timing of this amendment.

It is offered as President Obama is preparing to embark on an important visit to Moscow, where he and Russian President Medvedev will hold a summit to discuss a range of critical issues, including the negotiation of a new agreement on U.S. and Russian strategic nuclear forces.

Limiting the scope of a future treaty on the eve of these sensitive discussions would make it much more difficult for the President to negotiate an agreement that adequately protects U.S. national security interests.

Indeed, imposing these limits would only give Russian negotiators additional leverage over the United States as these negotiations begin.

Aside from the fact that this amendment undermines the U.S. negotiating posture, the Executive Branch would almost surely declare that this provision infringes on the President's constitutional authority. So we are providing the Russians with leverage on a provision that the President is likely to treat as advisory. I simply don't think this is the right approach.

In a more general sense, the amendment would also undermine the President's efforts to improve relations with Russia, and particularly to increase cooperation with Moscow on preventing Iran from developing a nuclear weapons capability.

Mr. Chair, for all of these reasons, I urge my colleagues to oppose the Turner amendment.

Mr. COHEN. Mr. Chair, I would like to thank Chairman SKELTON, Ranking Member MCKEON, and former Ranking Member MCHUGH for their tireless work to put together this year's National Defense Authorization Act.

My amendment to the NDAA directs the Department of Defense to report on the potential effects of expanding the current statute regarding directing disposition of remains of a servicemember who dies in combat. The DOD is to report back to Congress within 180 days with their findings.

I filed this amendment because the current policy under 10 U.S.C. 1482 is too restrictive, limiting the individuals who can be designated to a spouse, blood relative, or adoptive parent.

In today's society, many families are not as simple as that.

Specialist Christopher Fox of Memphis, only 21 years old, was on his second tour in Iraq and was due to be discharged from the Army in July of this year.

However, he died in Iraq on September 29, 2008 of wounds sustained when he encountered small-arms fire while on patrol.

Specialist Fox wanted his mother-figure—the woman who was awarded temporary custody when he was seventeen—to oversee his burial arrangements.

Her name was listed on the DD93 form filled out by Specialist Fox to direct disposition of his remains, as required by the DOD.

However, due to Federal law, DOD could not allow his written intent to be carried out.

I know that Specialist Fox is not alone in wanting someone other than a spouse or blood relative to oversee their burial arrangements.

Expansion of the 10 U.S.C. 1482 is supported by the Air Force Association, AMVETS, the National Guard Association of the United States, the National Association of Uniformed Services, the United States Army Warrant Officers Association, and the Vietnam Veterans of America.

We need to remember the sacrifices of our servicemembers and do what we can to honor their memory and their wishes.

It is with this purpose that I filed this amendment to require the DOD to study the current statute. I urge my colleagues to support and pass this amendment.

Mr. COSTA. Mr. Chair, I rise today asking my colleagues support an amendment to H.R. 2647, the National Defense Authorization Act for FY10. This amendment would request the Secretary of Defense to carry out a study and submit to the congressional defense committees a report on the distribution of hemostatic agents to ensure each branch of the military is complying with their own policies on hemostatic agents.

Since the American Civil War, the percentage of our men and women that are killed in action has remained unchanged at approximately twenty percent, despite the numerous advances in battlefield equipment and treatment. The American Red Cross also estimates that half of all military deaths on the battlefield are a result of excessive blood loss. All branches of our Armed Services are using hemostatic agents, which are either surgical gauze with blood clotting agents or a granular powder, which have been proven to save the lives of soldiers and Marines.

In February 2003, the Committee on Tactical Combat Casualty Care, an organization made up of over 30 military and civilian doctors, recommended that all combatants carry hemostatic dressings. Military Medicine published a report in January 2005 which stated that ''the use of effective hemostatic dressings will benefit most combat injuries (whether they are life threatening or not) because better hemorrhage control is always advantageous.''

It is clear that the men and women who are risking their lives in combat zones should have access to any and all life saving items, including hemostatic agents. Also, these combat zones can be extremely hostile and the terrain can be extreme, resulting in delays in evacuating injured soldiers or Marines. We need to ensure that not only field medical staff is supplied with these life saving items, but ensure that each solider and Marine has one in their individual first aid kit as well.

This amendment also includes a Sense of Congress that every member of the Armed Services deployed in a combat zone should carry a hemostatic agent and asks the Department of Defense to submit a report back to Congress on how these agents are distributued and where distribution problems may occur.

I want to thank Chairman SKELTON and Ranking Member MCKEON for accepting this amendment. Also, I want to thank both of them and their staff for their hard work on this authorization.

Mr. SMITH of New Jersey. Mr. Chair, today I am offering an amendment to the fiscal year 2010 National Defense Authorization Act that will ensure that the Department of Defense has done their due diligence and that my constituents have access to information needed regarding a DOD proposal that will significantly impact our local community.

By way of background, over 20 years ago, the Navy entered into a Section 801 Housing agreement to build 300 units on Naval Weapons Station Earle. Because of changed home porting plans initiated in the 1990's, there are simply no sailors or dependents to live there. When Colts Neck was put into my district in 2003, the units were already 75 percent unoccupied.

Naval Weapons Station Earle's mostly vacant 300 units of housing at Laurelwood has long been—and is today—unnecessary, obsolete and a financial burden to the Navy. Regrettably, the Navy is still in a bind and has

made one bad decision after another in an attempt to recoups losses they failed to properly anticipate in 1988.

Despite the fact that there are next to no tenants at Laurelwood, the contract stipulates mandatory federal payment to the developer—estimated to be $3.5 million a year—regardless of occupancy.

At issue today are the deeply troubling consequences imposed by an egregiously flawed contract. The so-called out-lease period which becomes effective in 2010 and ends in 2040 makes all 300 housing units available to virtually anyone with rent money, with a guarantee of unimpeded access inside one of the most sensitive munitions depots in the country.

The Navy's EIS and the ROD should have been comprehensive reviews of all relevant challenges, dangers, and costs associated with the proposed matriculation of Laurelwood to civilian use. They were not.

Both documents fell short in addressing the myriad of valid concerns raised by the community including security, education and transportation, to name just a few. The Navy initiated its review process of Laurelwood as far back as 2002 so the questions left unanswered by their ''analysis'' are numerous and troubling.

On education, for example, their study offers us no assurances whatsoever of anything close to fairness and equity. Under the Navy plan, local communities are left to educate hundreds of non-military children for whom the towns can not adequately plan without proper numbers. The Navy's assumption that a third of these children would be educated in public schools is unsupported and masks the real problems that these schools will face when the influx of between 300 and 600 new students happens. My amendment is necessary to ensure that the school boards have all relevant information and can plan and budget accordingly.

The Navy has been extraordinarily myopic on the paramount issue of security and both the EIS and the ROD are devoid of any meaningful analysis of the true costs to the Navy and surrounding jurisdictions if Laurelwood rents to civilians who are then able to drive onto and through the base.

We cannot hermetically seal our military bases but, in my view, the Navy's proposal unwittingly does the reverse: it creates vulnerabilities where they do not exist today. It compromises national security and unnecessarily puts the people on and around Earle in potential danger.

Shortly after federal prosecutors revealed that a group of young men were planning to infiltrate Fort Dix, which is also located in my Congressional District, and kill as many servicemembers as possible, Congress recognized the vulnerability of our military bases and took steps to ensure that those who are seeking access to our bases are thoroughly checked and accounted for.

However, the Navy now plans to remove these restrictions and allow any member of the public to drive onto and through the largest munitions depot on the East Coast.

Incredibly, the Navy believes that ''impacts to security from the proposed action are not anticipated.'' In my opinion—which is supported by a Department of Defense Inspector General (IG) report I requested earlier this year—the Navy is not providing adequate security at the base now. I requested this report after a security guard at the base raised concerns regarding the performance of the security contractors at Earle (D–2009–045). The IG produced troubling findings. They stated that the Navy did not know whether all contractor security guards had completed a background check or that they had completed all training required by the contract.

The Navy's security plan places undue faith in a fence as a means to deterring or mitigating access and appears to rely simply on adjusting already inadequate patrols currently performed by private security guards at no perceived increase in cost.

The Navy believes that ''additional security personnel will likely be required to patrol the additional perimeter fencing,'' but gives no clue whatsoever as to how many and at what cost. Again, this information—which GAO will provide in accordance to my amendment—is needed if a prudent decision is to be reached.

It is worth noting that two of the other installations that are approaching the outlease deadline share similar security concerns. Port Hueneme's security officials believe that ''allowing the general public to live in the units would, at a minimum, indirectly affect the mission of the base'' and require ''additional police officers and patrols, and an increased security budget.'' Ft. Hood recently required that the renters of their Section 801 Housing units must undergo a background check as a condition of residency—although given the demand for this housing by military personnel, no background checks have been conducted or are expected.

In my view, the 1988 contract itself—written long before the bitter lessons of the USS *Cole*, the Khobar Tower bombings, the destruction of our embassies in Nairobi and Dar es Salaam, and 9/11—fails to anticipate and its authors could not have adequately understood as we do today the dangers inherent in proximity, enhanced 24/7 surveillance of potential targets, and the proliferation of sleeper terror cells.

The 9/11 Commission Report is replete with instances of dangers unrecognized, unacknowledged, and unanticipated that led to the worst terrorist attack on US soil ever.

I strongly believe that the Navy is in the process of compounding its initial 1988 contracting mistake with a far more serious one that is fraught with significant danger for Navy personnel and the people residing in adjacent communities.

Until now, the security of my constituents and the costs that they will bear when this proposal is implemented has been deferred to the interest that has a conflict of interest: the Navy.

My amendment would change that. It will ensure a thorough and comprehensive study of all relevant factors. It will allow our local community to adequately plan and budget for the impacts of the decision—which they overwhelmingly oppose—and I urge its adoption.

Mr. MCKEON. Mr. Chairman, if the gentleman from Missouri requires no further time, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, since we have no additional requests, I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 2, AS MODIFIED, OFFERED BY MR. MC KEON

The Acting CHAIR. It is now in order to consider Amendment No. 2, as modified, printed in House Report 111–182.

Mr. MCKEON. Mr. Chairman, it is my pleasure to introduce this amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2, as modified, offered by Mr. MCKEON:

At the end of subtitle E of title X (page 374, after line 2), insert the following new section:

SEC. 1055. SENSE OF CONGRESS HONORING THE HONORABLE JOHN M. MCHUGH.

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

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

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

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

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

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

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

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

(8) Since the 103rd Congress, Representative McHugh has served on the Armed Services Committee of the House of Representatives and subsequently was appointed Chairman of the Morale, Welfare, and Recreation Panel before being appointed Chairman of the Military Personnel Subcommittee.

(9) Representative McHugh began serving on the Unites States Military Academy Board of Visitors in 1995, and he was appointed to the Board of Visitors by the Speaker of the House in 2007.

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

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

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

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to introduce this amendment that honors a good friend of mine, a good friend of the House of Representatives, a good friend of our Armed Forces and the American people, Congressman JOHN MCHUGH.

Mr. Chairman, Representative MCHUGH has represented New York's 23rd Congressional District in the House of Representatives since 1993—we came here together—and he has done so with honor and integrity. Representative MCHUGH's district includes Fort Drum, the home of the outstanding 10th Mountain Division, for which he has been a tireless advocate. He is honored and respected by all members of the 10th Mountain Division, past and present.

Prior to his service in the House of Representatives, he served for many years in local, State and Federal government. Since coming to the House of Representatives, he has been a champion for the members of the Armed Forces. He is known by his colleagues as a leader on national defense and security issues and a relentless advocate for America's military personnel and their families.

While in the House, he has led the effort to increase Army and Marine Corps end-strength levels, increase military personnel pay, reduce the unfair tax on veterans' disability and military retiree pay, or concurrent receipt, and safeguard military retiree benefits for our troops.

Mr. Chairman, this work is always important, but it has never been more important than now, while our troops are in combat. Representative MCHUGH has done outstanding work to support our men and women in uniform and their families.

Representative MCHUGH has served on the House Armed Services Committee since the 103rd Congress. He was appointed as the chairman of the Morale, Welfare and Recreation panel and then as the chairman of the Military Personnel Subcommittee. His leadership of these two subcommittees has advanced the support and recognition of the needs of the members of our armed services and their families to a greater level than ever before.

More recently, during the 111th Congress Representative MCHUGH was appointed ranking member of the House Armed Services Committee. During his time as ranking member, he continued his tireless work to ensure the success of our Armed Forces, our national defense and our security.

Mr. Chairman, earlier this month President Obama announced his intention to nominate Representative MCHUGH to serve as the Secretary of the Army. I can say with confidence that our loss will definitely be the Army's gain. I am absolutely certain that Representative MCHUGH will serve the Army with the same commitment and dedication that he has provided to our men and women in uniform while he has been on this side of the river.

I want to thank him for his leadership on this committee. His passion for and dedication to the members of our Armed Forces will be sorely missed by this body. He is a great friend that we will miss working with here on the Hill, but I am sure we will have future opportunities to work with him in his new capacity.

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

Mr. SKELTON. Mr. Chairman, I rise in strong support of this amendment, a sense of Congress honoring Congressman JOHN MCHUGH.

The Acting CHAIR. Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. JOHN MCHUGH is an outstanding American, an outstanding Member of Congress, the former ranking member of the House Armed Services Committee. He has served the people of America in this capacity selflessly and with distinction, and it is our opportunity now to express gratitude as a Congress and as a nation for his efforts.

He has represented New York's 23rd Congressional District since 1993. His district includes northern New York, including Fort Drum. He has been a public servant now for some 40 years, having served in the local, the State and Federal levels of our government. He is a highly respected leader on national defense and has been a staunch advocate for America's military personnel and their families.

As chairman and subsequently ranking member of the Subcommittee on Military Personnel on our Armed Services Committee, JOHN MCHUGH has shared my desire to increase the end-strength for the Army and the Marines, enhance military pay, and began efforts to eliminate concurrent receipt to allow the payment of both veterans disability and military retired pay.

Given his background and his experience, the President nominated JOHN MCHUGH to serve as Secretary of the Army on June 2nd of this year. It is a tribute to his accomplishments in national defense on behalf of the servicemen and women and their families.

It is a pleasure to honor him in this manner. It is a pleasure to have served with him. We will, of course, miss him, his brightness, his humor and his quick wit, and his dedication to our Armed Forces. We wish him the very best as he serves as the Secretary of the Army.

I can only say this, Mr. Chairman, that the Army will be in good hands with JOHN MCHUGH. We thank him for his service here and look forward to working with him in his new capacity.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I would like to just embarrass our friend a little bit. Maybe we could ask him to stand where we could all see him.

This sounds like a funeral service. This is not a funeral service, it is not a memorial service. We just want to thank you, JOHN, for your work. He is a young man and will be doing a lot more in the service of his country and his State I am sure in the future.

With that, I yield back the balance of my time.

The Acting CHAIR (Mr. HOLDEN). The question is on the amendment, as modified, offered by the gentleman from California, as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIR. It is now in order to consider Amendment No. 9 printed in House Report 111–182.

Mr. FRANKS of Arizona. Mr. Chairman, I offer amendment No. 9.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. FRANKS of Arizona:

Page 57, line 18, strike section 224 and insert the following new section 224:

SEC. 224. POLICY ON BALLISTIC MISSILE DEFENSE SYSTEM TO PROTECT THE UNITED STATES HOMELAND, ALLIES, AND FORWARD DEPLOYED FORCES.

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

(1) North Korea's nuclear program and its long, medium, and short-range ballistic missiles represent a near-term and increasing threat to the United States, our forward-deployed troops and allies.

(2) North Korea, in violation of United Nations Security Council Resolutions 1695 and 1718, launched a Taepodong-2 rocket on April 5, 2009, demonstrated a multi-stage, long-range ballistic missile. This flight demonstrated a more complete performance than Pyongyang's July 2006 Taepodong-2 launch.

(3) According to reports, the Taepodong-2 long-range ballistic missile could currently threaten the west coast of the United States and, according to estimates by the United States intelligence community, when fully developed could threaten the entire continental United States.

(4) North Korea has deployed the Musudan intermediate range ballistic missile which can threaten Okinawa and Guam, 200 Nodong missiles which can reach Japan, and 600 Scud missiles which threaten South Korea.

(5) North Korea is a missile proliferator and has shared ballistic missile technology with other weapons proliferating nations such as Iran. It also aided Syria with its nuclear program.

(6) North Korea walked away from the Six-Party talks and ordered United States and International Atomic Energy Agency inspectors out of the country in April 2009.

(7) On April 29, 2009, Pyongyang threatened to conduct a nuclear test and launch an intercontinental ballistic missile unless the United Nations Security Council apologize and withdraw all resolutions.

(8) Following through on its provocative threat, North Korea conducted a nuclear test on May 25, 2009 in violation of United Nations Security Council Resolution 1718.

(9) North Korea test-fired six shorter-range missiles off the country's east coast following its nuclear test on May 25, 2009.

(10) On May 25, 2009, President Obama stated, ''North Korea's nuclear ballistic missile programs pose a great threat to the peace and security of the world and I strongly condemn their reckless action. . . The record is clear: North Korea has previously committed to abandoning its nuclear program. Instead of following through on that commitment it has chosen to ignore that commitment. These actions have also flown in the face of United Nations resolutions.''

(11) North Korea's nuclear test and missile launches demonstrate present international diplomatic efforts are not sufficient to deter North Korea from developing, deploying, and launching missiles or developing nuclear technology. There has been no progress toward engagement or complete and verifiable denuclearization of the Korean Peninsula.

(12) The pace and scope of North Korea's actions demonstrate that it is intent on achieving a viable nuclear weapons capability, long-range intercontinental ballistic missile delivery capability, and recognition as a nuclear weapons state.

(13) In response to the unanimous passage of United Nations Security Council Resolution 1874 on June 12, 2009, North Korea responded that it would not abandon its nuclear programs and vowed to start enriching uranium and weaponize all its plutonium.

(14) Media reports indicate North Korea is warning of a nuclear war. In addition, it may be preparing for launch an intercontinental ballistic missile with the range to reach the United States. Further reports, citing U.S. defense officials, indicate U.S. satellite photos show long-range ballistic missile activity at two launch sites in North Korea.

(15) On February 3, 2009, the Government of Iran successfully launched its first satellite into orbit—an act in direct violation of United Nations Security Council Resolution 1737.

(16) General Maples, Director of the Defense Intelligence Agency, recently said, ''Iran's February 3, 2009, launch of the Safir space launch vehicle shows progress in mastering technology needed to produce ICBMs.''

(17) On April 5, 2009, President Barack Obama said, ''So let me be clear: Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies.''

(18) On May 19, 2009, the Government of Iran test-fired a new two-stage, medium-range, solid fuel, surface-to-surface missile, which can reach Europe, Israel, and United States forces deployed in the Persian Gulf Region.

(19) According to the April 2009 Defense Intelligence Agency report, ''Foreign Ballistic Missile Capabilities'', ''**[**t**]**he threat posed by ballistic missile delivery systems is likely to continue increasing while growing more complex over the next decade. Current trends indicate that adversary ballistic missile system, with advanced liquid- or solid-propellant propulsion systems, are becoming more flexible, mobile, survivable, reliable and accurate while also presenting longer ranges.''

(20) According to the April 2009 Defense Intelligence Agency report, ''Foreign Ballistic Missile Capabilities'', ''Prelaunch survivability is also likely to increase as potential adversaries strengthen their denial and deception measures and increasingly base their missiles on mobile sea- and land-based platforms. Adversary nations are increasingly adopting technical and operational countermeasures to defeat missiles defenses. For example, China, Iran and North Korea exercise near simultaneous salvo firings from multiple locations to defeat these defenses.''

(21) General Kevin Chilton, Commander of the United States Strategic Command testified on March 19, 2009, ''I think the approach for missile defense has been a layered defense, as you've described, that looks at opportunities to engage in the boost phase, in the mid-course, and then terminal.''

(22) General B.B. Bell, Commander, U.S. Forces-Korea testified in July 2007, ''Here in Korea, we have but minutes to detect, acquire, engage and destroy inbound theater ballistic missiles in the SCUD and No-Dong class. We estimate that north Korea has around eight hundred of these missiles in their operational territory. Today, they are capable of carrying conventional and chemical munitions. Intercepting these missiles during their boost phase while over north Korean territory would be a huge combat multiplier for me. Therefore, I enthusiastically support the pursuit of the unique combat capability provided by the ABL in attacking missiles in their boost phase.''

(b) POLICY.—It shall be the policy of the United States to continue development and fielding of a comprehensive, layered missile defense system to protect the homeland of the United States, our forward-deployed forces, and allies against the near-term and increasing short, medium, and long-range ballistic missile threats posed by rogue nations such as North Korea. These missile defenses shall consist of national and theater missile defenses, but neither should come at the expense of the other. It shall also be the policy of the United States to continue developing systems designed to intercept missiles in the boost phase of flight in order to defend against developing sophisticated threats.

(c) ELEMENTS IN DISCHARGE OF THE POLICY.—The discharge of the policy stated in subsection (b) shall include the following:

(1) Continued testing, fielding, sustainment, and modernization of the ground-based midcourse defense system, specifically—

(A) not less than 44 ground-based interceptors at Fort Greely, Alaska and Vandenberg Air Force Base, California;

(B) completion of missile field number two at Fort Greely, Alaska;

(C) aging and surveillance;

(D) capability enhancement;

(E) modernization and obsolescence;

(F) operationally realistic testing; and

(G) viable production capability.

(2) Continued development and testing of the Airborne Laser Program

(3) Continued technology maturation and demonstration of the technologies associated with the Kinetic Energy Interceptor

(4) Continue technology maturation and demonstration of the technologies associated with the Multiple Kill Vehicle

(5) Continued support for on-orbit experimentation of the Space Tracking and Surveillance System demonstration satellites, and concept development and technology maturation for a follow-on capability.

At the end of subtitle C of title II (page 67, after line 5), insert the following new section:

SEC. 227. AVAILABILITY OF FUNDS FOR MISSILE DEFENSE.

(a) FUNDING.—The amount otherwise provided by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $1,200,000,000, for the Missile Defense Agency, of which—

(1) $600,000,000 is to be available for the ground-based midcourse defense system;

(2) $237,000,000 is to be available to the Airborne Laser Program;

(3) $177,100,000 is to be available to the Multiple Kill Vehicle;

(4) $165,900,000 is to be available for the Kinetic Energy Interceptor; and

(5) $20,000,000 is to be available for the Space Tracking and Surveillance System.

(b) OFFSETTING REDUCTION.—The amount otherwise provided by section 3102 for defense environmental cleanup is hereby reduced by $1,200,000,000, to be derived from sites that are projected to meet regulatory milestones ahead of schedule or are at greatest risk of being unable to execute Public Law 111-5 and fiscal year 2010 funding as planned in fiscal year 2010.

The Acting CHAIR. Pursuant to House Resolution 572 and the order of the House of today, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, nuclear weapons, especially those connected to intercontinental ballistic missiles, represent the greatest danger, the greatest weapon ever devised, threatening the human family. The enemies of the United States are defiantly developing delivery systems for those devastating weapons.

Mr. Chairman, to be clear, ballistic missile threats are increasing in the world, and while that threat is increasing, our budget in Congress to effect missile defense is decreasing. My amendment would restore the $1.2 billion that was cut from last year's appropriated amount.

The administration and those who support these cuts have created a false choice between theater defense and homeland defense. If this Congress can find $787 billion for a so-called stimulus economic package, then we have no excuse but to also fund both theater defense and the national defense of the American people.

Mr. Chairman, North Korea has recently conducted a nuclear test and missile launches, and President Obama has called Iran's nuclear and ballistic missile activity ''a real threat.'' Despite the threat increase, this bill slashes by 35 percent the only system that we have that is tested and proven to protect the homeland against ICBMs, our Ground-based Midcourse Defense system. My amendment would restore these cuts.

Mr. Chairman, North Korea is right now planning a ballistic missile launch, and yesterday in fact declared it is ready to ''wipe out the United States.'' We have a chance this moment to restore the funds to make these systems viable to protect the American people from this exact threat.

I urge my colleagues to vote in favor of protecting the American people and to vote ''yes'' on this amendment.

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

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman is recognized for 10 minutes.

Mrs. TAUSCHER. Mr. Chairman, I stand in significant opposition to this amendment. The committee's bill provides $9.3 billion for missile defense, fully funding the administration's request. The budget supports our efforts to build a robust defense against threats from rogue nations such as North Korea, and increases funding for proven missile defense systems like The Aegis BMD and the Terminal High Altitude Aerial Defense, called THAAD, by $900 million over the budget level of last year.

This amendment would result in wasteful, unnecessary spending. As Secretary Gates told our committee, The security of the American people and the efficacy of the missile defense system are not enhanced by continuing to put money into programs that in terms of their operational concept are fatally flawed or research programs that are essentially sinkholes for taxpayer dollars.

With all due respect, Mr. Chairman, I find myself here trying to rescue the missile defense program from its strongest advocates, because all they want to do is spend money. We have spent $120 billion over the last 10 years on missile defense. I am a strong supporter of missile defense, but unless you have oversight and unless you have an operationally effective system to protect against the existing threats and deploy those systems to protect our forward-deployed troops, the American people and our allies, it is just spending money after money after money.

The advocates of missile defense that just want to spend money don't seem to want to deal with the fact that in this bill we authorize $1 billion to test, sustain and improve the existing system, because what we found out recently is that the system that is deployed has got some problems. It has got problems with operation and maintenance because enough of that money during the previous administration wasn't spent to make sure that the system was maintained.

Democrats are strong on missile defense. We want to make sure we have a proven system, one that is going to not only work but one that is also going to deter, and the best way to do that is to have a system that is operationally effective and tested, one that is maintained properly, and one that is fielded to array against and deter and defeat the threats.

I think that on our side, we believe that we have done that, both during the time of the Bush administration and certainly now in full support of the President's budget request.

Mr. Chairman, I am happy to reserve my time.

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Mr. FRANKS of Arizona. Mr. Chairman, I would just respond by suggesting that to say $1.2 billion in missile defense spending would be wasteful, in the light of the fact that when three airplanes hit this country, it cost us $2 trillion in our economy and nearly $100 billion to clean it up, I think that is shortsighted.

With that, I yield 1 minute to the distinguished ranking member of the committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding.

In the last 2 months, North Korea has followed through on its provocative threat to conduct a nuclear test and launch missiles. Today we hear that Pyongyang is vowing to enlarge its nuclear arsenal and has warned of a ''fire shower of nuclear retaliation.'' These are grave and serious threats.

However, at a time when Iran and North Korea have demonstrated the capability and intent to pursue long-range ballistic missiles and nuclear weapons programs, the defense bill endorsed reductions to capabilities that would provide a comprehensive missile defense system to protect the U.S. homeland, our forward-deployed troops and our allies.

This amendment is common sense. It is a sound measure that would reverse the administration's $1.2 billion cut to missile defense. It would restore a 35 percent reduction to the Nation's Ground-based Midcourse Defense system, located in Alaska and California, which is signed to protect the U.S. homeland. It would restore investments in vital research and development like the airborne laser program, which is the cusp of demonstrating breakthrough technologies.

I urge my colleagues to support this amendment. To do otherwise would be irresponsible.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the distinguished ranking member of the Strategic Forces Subcommittee, Mr. TURNER.

Mr. TURNER. Mr. Chairman, I rise to speak in favor of the Franks amendment. I was very disappointed with the administration's decision to cut $1.2 billion out of missile defense funding below the fiscal year 2009 funding. Make no mistake, this is a cut. We are going to spend $1.2 billion less than we spent in 2009.

We are going to do this while we have increasing threats, not decreasing threats, to the United States. And make no mistake, the Department of Defense has not provided one data point. They have not provided one study. They have not provided any information, no intelligence that indicates we have a reduced threat, all the while we know with this reduced threat, there is no justification for a reduction.

I am concerned with the top-line missile defense cut, I am deeply concerned about the specific cuts that include a 35 percent cut to the Ground-based Midcourse Defense system in Alaska and California, and the administration decision to decrease the planned number of field interceptors, which is our response to North Korea's ICBMs, terminate construction of a missile field in Alaska that is partially complete, and curtail additional GMD development.

I support the Franks amendment. While we have an increased threat, we should not be decreasing our commitment to missile defense.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a long-standing member of the Strategic Forces Subcommittee.

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

Mr. ANDREWS. The issue is not whether the country will have a missile defense; the issue is whether the country will have an effective missile defense.

Ninety-nine percent of the threat comes from regional missiles, so this budget increases by about 50 percent the amount of money that we spend on effective regional defense systems.

But let's talk about what we would do if the Pyongyang threat came true and a missile was fired from North Korea. Here is the first thing we would do: We would rely upon the ground-based systems in Alaska. We put nearly a billion dollars into improving those systems. The Secretary of Defense has testified that the 30 interceptors in place are plenty, that they are enough. We improve upon them, and we use that system.

Second, we look to a system that we frankly think will work better because the testing has been more promising and more accurate, the SM–3, Block 2A interceptors, funding for which is increased by 50 percent in this bill.

The issue is not whether we have a missile defense; it is whether we have one that works. I will requote the Secretary of Defense: ''The security of the American people and the efficacy of the missile defense are not enhanced by continuing to put money into programs that in terms of their operational concept are fatally flawed, or research programs that are essentially sink holes for taxpayers' dollars.''

We would not invest in Civil War-era technology that doesn't work to defend our country. We would invest in the 21st-century technology that does work, and that is what we are doing.

We should oppose this amendment.

The Acting CHAIR. The Committee will rise informally.

The SPEAKER pro tempore (Mr. LARSEN of Washington) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 962. An act to authorize appropriations for fiscal years 2009 through 2013 to promote