Descriptive Title

1 SEC. ___. ONE-YEAR EXTENSION OF COMMANDERS' EMERGENCY RESPONSE
2 PROGRAM AND EXTENSION OF DUE DATE FOR QUARTERLY
3 REPORTS TO CONGRESS.

4 (a) ONE-YEAR EXTENSION OF AUTHORITY.—

5 (1) AUTHORITY FOR FISCAL YEAR 2010.—Subsection (a) of section 1202 of the
6 National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
7 3455), as most recently amended by section 1214 of the Duncan Hunter National Defense
8 Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4630), is
9 amended—

10 (A) in the subsection heading, by striking "FISCAL YEARS 2008 AND 2009"
11 and inserting "FISCAL YEAR 2010";

12 (B) by striking "each of fiscal years 2008 and 2009" and inserting "fiscal
13 year 2010";

14 (C) by striking "for such fiscal year"; and

15 (D) by striking "$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in
16 fiscal year 2009" and inserting "$1,500,000,000".

17 (2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect
18 on October 1, 2009.

19 (b) EXTENSION OF DUE DATE FOR QUARTERLY REPORTS.—Subsection (b)(1) of such
20 section is amended—

21 (1) by striking "15 days" and inserting "45 days"; and

22 (2) by striking "of fiscal years 2008 and 2009" and inserting "of any fiscal year
23 during which the authority under subsection (a) is in effect".

Legislative Language

1 (c) TECHNICAL AMENDMENTS.—Subsections (e)(1) and (f)(1) of such section are

2 amended by striking "the date of the enactment of the Duncan Hunter National Defense

3 Authorization Act for Fiscal Year 2009" and inserting "October 14, 2008,".

Section-by-Section Analysis

Section-by-Section analysis

This proposal would authorize $1.5 billion for the Commanders' Emergency Response Program (CERP) in fiscal year (FY) 2010 and would authorize the Secretary of Army to submit the quarterly CERP reports to Congress within 45 days from the end of the quarter, rather than the 15 days presently required. The steps involved, the complexity, and the review and coordination processes for the CERP Quarterly Report, preclude the Department of Defense from meeting the present 15-days' requirement. Changing the requirement to allow 45 days would provide a more realistic due date for the Department to meet.

Budget Implications

Budget Implications: This proposal would be funded from within Overseas Contingency Operations appropriations requested in the Administration's FY 2010 Overseas Contingency Operations request. This proposal has not been offset by a reduction to other program expenditures. The cost is reflected in the following table and an explanation of the costing methodology follows:

RESOURCE REQUIREMENTS ($MILLION) REFLECTED IN PRESIDENT'S BUDGET								
	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	Appropriation From	Budget Activity	Dash-1 Line Item
OM-DW	$14.389	$14.677	$14.971	$15.270	$15.575	O&M, DW	BA04	4G-4GTJ
Total	$14.389	$14.677	$14.971	$15.270	$15.575			

NUMBER OF PERSONNEL AFFECTED								
	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	Appropriation To	Budget Activity	Dash-1 Line Item
Army	0	0	0	0	0			
Navy	0	0	0	0	0			
Marine Corps	0	0	0	0	0			
Air Force	0	0	0	0	0			
Total	0	0	0	0	0			

Unified Legislative Budget (ULB) Proposal Number: N/A

Department priorities

Department of Defense Priority: Prevail in Today's Wars — This proposal would extend the authority for CERP, which has proven to be a high-impact, relatively low-cost program, indispensable to security and stabilization efforts in Iraq and Afghanistan.

Army Priority: This proposal would be very helpful if it were enacted this cycle. It is number 3 of the 11 proposals submitted by the Army this year.

Resubmission Justification

Resubmission Justification: For the 2010 legislative season, the proposal was not rejected. It was not selected, however, as mission critical. The issues noted in the sectional analysis remain, and legislative relief is still required.

Proposal contact information

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Agency Subject Matter Expert: Ms. Dayna Hutchings, OUSDC, (PB/Operations Directorate), (703) 614-6521

Changes to existing law

Changes to Existing Law: This proposal would make the following changes to section 1202 of the National Defense Authorization Act for Fiscal Year 2006, as amended:

SEC. 1202. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR ~~FISCAL YEARS 2008 AND 2009~~ FISCAL YEAR 2010.—During ~~each of fiscal years 2008 and 2009~~ fiscal year 2010, from funds made available to the Department of Defense for operation and maintenance ~~for such fiscal year~~, not to exceed ~~$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009~~ $1,500,000,000 may be used by the Secretary of Defense to provide funds—

(1) for the Commanders' Emergency Response Program; and

(2) for a similar program to assist the people of Afghanistan.

Underline additions

(b) QUARTERLY REPORTS AND BRIEFINGS.—

Strike deletions

(1) IN GENERAL.—Not later than ~~15 days~~ 45 days after the end of each fiscal-year quarter ~~of fiscal years 2008 and 2009~~ of any fiscal year during which the authority under subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(2) ADDITIONAL MATTERS TO BE INCLUDED.— * * *

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(e) PROHIBITION ON CERTAIN PROJECTS UNDER THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—

(1) PROHIBITION.—Except as provided in paragraph (2), funds made available under this section for the Commanders' Emergency Response Program in Iraq may not be obligated or expended to carry out any project commenced after ~~the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009~~ October 14, 2008, if the total amount of such funds made available for the purpose of carrying out the project exceeds $2,000,000.

(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply with respect to funds managed or controlled by the Department of Defense that were otherwise

provided by another department or agency of the United States Government, the Government of Iraq, the government of a foreign country, a foundation or other charitable organization (including a foundation or charitable organization that is organized or operates under the laws of a foreign country), or any source in the private sector of the United States or a foreign country.

(3) WAIVER.—The Secretary of Defense may waive the prohibition contained in paragraph (1) if the Secretary of Defense—

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(f) CERTIFICATION ON CERTAIN PROJECTS UNDER THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—

(1) CERTIFICATION.—Funds made available under this section for the Commanders' Emergency Response Program in Iraq may not be obligated or expended to carry out any project commenced after ~~the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009~~ October 14, 2008, if the total amount of such funds made available for the purpose of carrying out the project exceeds $1,000,000 unless the Secretary of Defense certifies that the project addresses urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people.

(2) DELEGATION.—The Secretary may delegate the authority under paragraph (1) to the Deputy Secretary of Defense.

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Underline additions

Strike deletions