

# A BILL

To authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes.

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

## 3   **SECTION 1. SHORT TITLE.**

4           This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2009".

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

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

7                   (1) Division A—Department of Defense Authorizations.

8                   (2) Division B—Military Construction Authorizations.

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

### DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

#### TITLE I—PROCUREMENT

##### Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Rapid Acquisition Fund.

Sec. 106. Joint Improvised Explosive Device Defeat Fund.

Sec. 107. Defense Production Act purchases.

##### Subtitle B—Air Force Programs

Sec. 111. Performance based logistics contracts for the F-35 Joint Strike Fighter.

#### TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

##### Authorization of Appropriations

Sec. 201. Authorization of appropriations.

### TITLE III—OPERATION AND MAINTENANCE

#### Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Sec. 302. Working capital funds.

Sec. 303. Other Department of Defense programs.

#### Subtitle B—Environmental Provisions

Sec. 311. Reimbursement of Environmental Protection Agency Wellfield Superfund Site, Moses Lake, Washington.

#### Subtitle C—Workplace and Depot Issues

Sec. 321. Exception from prohibition on contractor performance of firefighting functions.

Sec. 322. Exception to prohibition on contracts for performance of security guard functions.

Sec. 323. Authority to consider depot level maintenance and repair using contractor furnished equipment or leased facilities as core logistics.

#### Subtitle D—Other Matters

Sec. 331. Recovery of missing military property.

### TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

#### Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Increase in Marine Corps Reserve general officers in an active status.

Sec. 403. Exclusion of certain personnel from counting for active-duty end strengths.

#### Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

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

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

Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.

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

#### Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Sec. 422. Armed Forces Retirement Home.

### TITLE V—MILITARY PERSONNEL POLICY

#### Subtitle A—Officer Personnel Policy

Sec. 501. Amendment of limited exclusion of joint duty requirements.

Sec. 502. Changes to promotion policy objectives for joint officers.

Sec. 503. Length of joint duty assignments.

Sec. 504. Streamlining language of joint duty requirements for promotion to general or flag officer.

Sec. 505. Technical changes to "joint specialty" terminology.

Sec. 506. Conforming changes to "joint specialty" terminology.

Sec. 507. Increased tenure for lieutenant generals.

#### Subtitle B—Reserve Component Management

- Sec. 511. Extension of Retention on the Reserve active status list of military technicians (dual status) until age 60.
- Sec. 512. Increase age limitation of reserve component chaplains and medical officers beyond age 64.
- Sec. 513. Conforming amendments to increase the mandatory retirement age for Reserve officers.
- Sec. 514. Authority to require the uniform by military technicians (dual status).
- Sec. 515. National Guard officers in Federal and federally funded State status.
- Sec. 516. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty during a contingency operation.

#### Subtitle C—Education and Training

- Sec. 521. Awarding of Master of Arts in Strategic Security Studies.
- Sec. 522. Tuition reimbursement and use of funds at the United States Air Force Institute of Technology.
- Sec. 523. Expanded authority to award degrees.
- Sec. 524. Authority to prescribe authorized strength for the United States Naval Academy.

#### Subtitle D—General Service Authorities

- Sec. 531. Change in requirement for posthumous certification.
- Sec. 532. Raise maximum reenlistment term.

#### Subtitle E—Other Matters

- Sec. 541. Civil liability for noncompliance and enforcement of Servicemembers Civil Relief Act.

### TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

#### Subtitle A—Bonuses and Special and Incentive Pays

- Sec. 601. One-year extension of certain bonus and special pays for reserve forces.
- Sec. 602. One-year extension of certain bonus and special pay authorities for certain health care professionals.
- Sec. 603. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 604. Direct accession bonus for psychology officers.
- Sec. 605. Extending maximum length of nuclear officer incentive pay agreements for service.

#### Subtitle B—Travel and Transportation Allowances

- Sec. 611. Travel and transportation allowances for certain family members to attend the burial ceremony or memorial service of members who die on duty.

#### Subtitle C—Retired Pay and Survivor Benefits

- Sec. 621. Waiver of recoupment of overpayments of retired pay to spouse or former spouse as a result of retroactive disability determination.
- Sec. 622. Survivor Benefit Plan: extension of period for election deemed to have been made.
- Sec. 623. Survivor Benefit Plan: multiple beneficiaries.
- Sec. 624. Survivor Benefit Plan: financial responsibility for Survivor Benefit Plan participation.
- Sec. 625. Survivor Benefit Plan: presumptive proportionate share.
- Sec. 626. Revocation of ten-year rule for direct payment of retired pay.
- Sec. 627. Allowing member to submit application for direct payment.
- Sec. 628. Disregard periods of confinement for dependent victims of abuse.
- Sec. 629. Clarifying amendment regarding jurisdiction for purposes of allocation of retired pay under the Uniformed Services Former Spouse Protection Act.

- Sec. 630. Division of retired pay to be based on member's length of service and pay grade at time of divorce.
- Sec. 631. Increases for divisions of retired pay expressed as a dollar amount.
- Sec. 632. Prohibit court-ordered payments before retirement based on imputation of retired pay.
- Sec. 633. Allow member to waive notice and provide court order upon request.
- Sec. 634. Lump sum payments to former spouses of members of the uniformed services.

#### Subtitle D—Other Matters

- Sec. 641. Permanent retention of eligibility for the earned income tax credit by service members deployed to a combat zone.
- Sec. 642. Exclusion from gross incomes of adjustments to the family separation allowance.
- Sec. 643. Family pet shipment during evacuation of non-essential personnel.

### TITLE VII—HEALTH CARE PROVISIONS

#### Subtitle A—TRICARE Program Improvements

- Sec. 701. Revising TRICARE program cost sharing amounts.
- Sec. 702. Changes in payment options for TRICARE Prime.
- Sec. 703. Obstetrical travel for command-sponsored dependents of uniformed members assigned to very remote areas outside the continental United States.

#### Subtitle B—Other Matters

- Sec. 711. Mental health evaluations of members of the armed forces by masters-level clinical social workers with an independent license.

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

#### Subtitle A—Acquisition Policy and Management

- Sec. 801. Revision to the requirement for 15-day waiting period to issue solicitations after publication of synopsis.
- Sec. 802. Repeal of Small Business Competitiveness Demonstration Program.
- Sec. 803. Enhanced transfer of technology developed at DoD laboratories.

#### Subtitle B—Provisions Relating to Major Defense Acquisition Programs

- Sec. 811. Unmanned systems.

#### Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 821. Extension of length of contracts for renewable energy sources and associated services.
- Sec. 822. Modification of authority to accept financial and other incentives related to energy savings and similar new authority related to energy systems.
- Sec. 823. Timeliness requirements on post-award bid protest jurisdiction of the Court of Federal Claims.

#### Subtitle D—Other Matters

- Sec. 831. Applicability of the restriction on specialty metals.
- Sec. 832. Clarification of jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts.
- Sec. 833. Streamline jurisdiction over government contract claims, disputes and appeals arising out of maritime contracts.
- Sec. 834. Repeal of the military system breakout list.

### TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

- Sec. 901. Permanent authority to accept gifts to benefit members of the armed forces and Department of Defense employees injured or killed in line of duty and their dependents.
- Sec. 902. Modification of procedures to preserve the search and rescue capabilities of the Federal government consistent with military requirements.

Subtitle B—Chemical Demilitarization Program

- Sec. 911. Chemical Demilitarization Citizens' Advisory Commission in Colorado and Kentucky.
- Sec. 912. Modify the termination requirements for assistance to State and local governments under the Chemical Stockpile Emergency Preparedness Program.

Subtitle C—Intelligence-Related Matters

- Sec. 921. Operational files of the Defense Intelligence Agency.
- Sec. 922. Prohibition on disclosure of certain geodetic products.
- Sec. 923. Technical changes following the redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Increase limitation on advance billing of working capital fund customers.
- Sec. 1002. Crediting of admiralty claim receipts for damage to DoD working capital fund account property.
- Sec. 1003. Licensing of intellectual property; definitions.

Subtitle B—Policy Relating to Vessels and Shipyards

- Sec. 1011. Temporary waiver of the minimum aircraft carrier requirement.
- Sec. 1012. Clarification of status of government rights in the designs of Department of Defense vessels, boats, craft, and components thereof.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Expansion and extension of authority to provide additional support for counter-drug activities of certain foreign governments.

Subtitle D—Matters Related to Homeland Security

- Sec. 1031. Reserve support for responses to certain emergencies.
- Sec. 1032. Reserve support to major public emergencies.
- Sec. 1033. Reserve support to enforcement of federal authority.
- Sec. 1034. Reserve support to Federal aid for State governments.
- Sec. 1035. Procurement of equipment by State and local governments.
- Sec. 1036. Confidential business and homeland security information sharing.

Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1041. Minimum annual purchase amounts for airlift from carriers participating in the Civil Reserve Air Fleet.

Subtitle F—Other Matters

- Sec. 1051. Presentation of burial flag to spouses.

- Sec. 1052. Defense Production Act Amendments of 2008.
- Sec. 1053. Amendment to annual submission of information regarding information technology capital assets.

#### TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Increase in authorized number of Defense Intelligence Senior Executive Service employees.
- Sec. 1102. Permanent extension of Department of Defense voluntary reduction in force authority.
- Sec. 1103. Flexibility in paying annuity to Federal retirees who return to work.
- Sec. 1104. Direct hire authority for healthcare professionals of the Department of Defense.
- Sec. 1105. Extension of authority to make lump sum severance payments.
- Sec. 1106. Technical change to the definition of a professional accounting position.

#### TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

##### Subtitle A—Assistance and Training

- Sec. 1201. Fund foreign visitors to the service academy international programs and establish per diem for faculty and cadets in study abroad programs.

##### Subtitle B—Nonproliferation Matters and Countries of Concern

- Sec. 1211. Waiver of certain sanctions Against North Korea.

##### Subtitle C—Other Matters

- Sec. 1221. Sales of defense services to be performed overseas to support direct commercial sales by United States companies.

#### TITLE XIII—MATTERS RELATING TO BUILDING PARTNER CAPABILITIES TO COMBAT TERRORISM AND ENHANCE STABILITY

##### Subtitle A—Building Partners' Security Capacity

- Sec. 1301. Building the partnership capacity of foreign military and other security forces.

##### Subtitle B—Enhancing Partners' Capability for Effective Operations

- Sec. 1311. Loans of significant military equipment.
- Sec. 1312. Grants of non-lethal excess defense articles by geographic combatant commanders.
- Sec. 1313. Establishment of a defense coalition support account to maintain inventory of critical items for coalition partners.
- Sec. 1314. Reimbursement of salaries for reserve components in support of security cooperation missions.
- Sec. 1315. Enhanced authority to pay incremental expenses for participation of developing countries in combined exercise.

##### Subtitle C—Developing Commonality by Expanding Professional Military Education, Training, and Support for Partners

- Sec. 1321. Authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability.
- Sec. 1322. Enhancing participation of the Department of Defense in multinational military centers of excellence.
- Sec. 1323. Regional defense combating terrorism fellowship program.
- Sec. 1324. Military-to-military contacts and comparable activities.
- Sec. 1325. Payment of personnel expenses for multilateral cooperation programs.
- Sec. 1326. Enhancing the ability of the United States Government to conduct complex operations.

Subtitle D—Setting Conditions Through Support for Local Populations

- Sec. 1331. Amendments of authority for humanitarian assistance.
- Sec. 1332. Making permanent and global the commanders' emergency response program for urgent humanitarian and reconstruction needs in the field.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.

TITLE XXI—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2101. Modification of long-term leasing authority for military family housing.
- Sec. 2102. Unspecified minor construction.
- Sec. 2103. Flexibility in determining domestic family housing lease maximums.
- Sec. 2104. Transfer of proceeds from property conveyance, Marine Corps Logistics Base, Albany, Georgia.

Subtitle B—Real Property and Facilities Administration

- Sec. 2111. Modification of utility system conveyance authority.
- Sec. 2112. Repeal of requirement to follow State law governing the provision of electric utility service.
- Sec. 2113. Permanent authority to purchase municipal services for military installations in the United States.
- Sec. 2114. Clarification of congressional reporting requirements for certain real property transactions of the military departments.

Subtitle C—Base Closure and Realignment

- Sec. 2121. Annual base closure and realignment report.

Subtitle D—Other Matters

- Sec. 2131. Cooperative agreement authority for management of cultural resources on certain sites outside military installations.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

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

4 **DIVISION A—DEPARTMENT OF DEFENSE**

5 **AUTHORIZATIONS**

6 **TITLE I—PROCUREMENT**

7 **Subtitle A—Authorization of Appropriations**

1 **SEC. 101. ARMY.**

2 Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for  
3 the Army as follows:

- 4 (1) For aircraft, \$5,009,835,000.
- 5 (2) For missiles, \$2,211,460,000.
- 6 (3) For weapons and tracked combat vehicles, \$3,687,077,000.
- 7 (4) For ammunition, \$2,275,791,000.
- 8 (5) For other procurement, \$11,367,926,000.

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

10 (a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for  
11 procurement for the Navy as follows:

- 12 (1) For aircraft, \$14,716,774,000.
- 13 (2) For weapons, including missiles and torpedoes, \$3,575,482,000.
- 14 (3) For shipbuilding and conversion, \$12,732,918,000.
- 15 (4) For other procurement, \$5,482,856,000.

16 (b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009  
17 for procurement for the Marine Corps in the amount of \$1,512,765,000.

18 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be  
19 appropriated for fiscal year 2009 for procurement of ammunition for the Navy and Marine Corps  
20 in the amount of \$1,122,712,000.

21 **SEC. 103. AIR FORCE.**

22 Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for  
23 the Air Force as follows:

- 1 (1) For aircraft, \$12,676,496,000.
- 2 (2) For ammunition, \$894,478,000.
- 3 (3) For missiles, \$5,536,728,000.
- 4 (4) For other procurement, \$16,128,396,000.

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

6 Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense-wide  
7 procurement in the amount of \$3,164,228,000.

8 **SEC. 105. RAPID ACQUISITION FUND.**

9 Funds are hereby authorized to be appropriated for fiscal year 2009 for Rapid Acquisition  
10 Fund in the amount of \$102,045,000.

11 **SEC. 106. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**

12 Funds are hereby authorized to be appropriated for fiscal year 2009 for Joint Improvised  
13 Explosive Device Defeat Fund in the amount of \$496,300,000.

14 **SEC. 107. DEFENSE PRODUCTION ACT PURCHASES.**

15 Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense  
16 Production Act purchases in the amount of \$36,365,000.

17 **Subtitle B—Air Force Programs**

18 **SEC. 111. PERFORMANCE BASED LOGISTICS CONTRACTS FOR THE F-35 JOINT**  
19 **STRIKE FIGHTER.**

20 (a) AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—Funds available to the  
21 Department of Air Force and the Department of Navy for operation and maintenance may be  
22 used to fund both expense and investment costs under Performance Based Logistics contracts for  
23 the Joint Strike Fighter (JSF) F-35.

1 (b) DEFINITION.—In this section, the term "Performance Based Logistics contract" means  
2 a contract for the acquisition of sustainment support as an integrated, affordable, performance  
3 package designed to optimize system readiness and availability, while achieving performance  
4 goals for the JSF with clear lines of authority and responsibility and with cost insight.

5 (c) SUNSET.—The authority provided by this section shall terminate on September 30,  
6 2015.

## 7 **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

### 8 **Authorization of Appropriations**

#### 9 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

10 Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the  
11 Department of Defense for research, development, test, and evaluation, as follows:

12 (1) For the Army, \$10,524,085,000.

13 (2) For the Navy, \$19,337,238,000.

14 (3) For the Air Force, \$28,066,617,000.

15 (4) For Defense-wide activities, \$21,688,001,000, of which \$188,772,000 is  
16 authorized for the Director of Operational Test and Evaluation.

## 17 **TITLE III—OPERATION AND MAINTENANCE**

### 18 **Subtitle A—Authorization of Appropriations**

#### 19 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

20 Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the  
21 Armed Forces and other activities and agencies of the Department of Defense, for expenses, not  
22 otherwise provided for, for operation and maintenance, in amounts as follows:

23 (1) For the Army, \$31,243,092,000.

- 1 (2) For the Navy, \$34,922,398,000.
- 2 (3) For the Marine Corps, \$5,597,254,000.
- 3 (4) For the Air Force, \$35,902,487,000.
- 4 (5) For the Defense-wide activities, \$26,091,864,000.
- 5 (6) For the Army Reserve, \$2,642,341,000.
- 6 (7) For the Navy Reserve, \$1,311,085,000.
- 7 (8) For the Marine Corps Reserve, \$213,131,000.
- 8 (9) For the Air Force Reserve, \$3,142,892,000.
- 9 (10) For the Army National Guard, \$5,875,546,000.
- 10 (11) For the Air National Guard, \$5,879,576,000.
- 11 (12) For the United States Court of Appeals for the Armed Forces, \$13,254,000.
- 12 (13) For Environmental Restoration, Army, \$447,776,000.
- 13 (14) For Environmental Restoration, Navy, \$290,819,000.
- 14 (15) For Environmental Restoration, Air Force, \$496,227,000.
- 15 (16) For Environmental Restoration, Defense-wide, \$13,175,000.
- 16 (17) For Environmental Restoration, Formerly Used Defense Sites, \$257,796,000.
- 17 (18) For Overseas Humanitarian, Disaster, and Civic Aid programs, \$83,273,000.
- 18 (19) For Former Soviet Union Threat Reduction programs, \$414,135,000.
- 19 (20) For the Overseas Contingency Operations Transfer Fund, \$9,101,000.

20 **SEC. 302. WORKING CAPITAL FUNDS.**

21 Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the  
22 Armed Forces and other activities and agencies of the Department of Defense for providing  
23 capital for working capital and revolving funds in amounts as follows:

1 (1) For the Defense Working Capital Funds, \$1,489,234,000.

2 (2) For the National Defense Sealift Fund, \$1,962,253,000.

3 (3) For the Defense Coalition Support Fund, \$22,000,000.

4 **SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

5 (a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the  
6 Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the  
7 Defense Health Program, in the amount of \$23,615,202,000, of which—

8 (1) \$23,117,359,000 is for Operation and Maintenance;

9 (2) \$193,938,000 is for Research, Development, Test, and Evaluation; and

10 (3) \$303,905,000 is for Procurement.

11 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY.—

12 (1) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be  
13 appropriated for the Department of Defense for fiscal year 2009 for expenses, not  
14 otherwise provided for, for Chemical Agents and Munitions Destruction, in the amount of  
15 \$1,485,634,000, of which—

16 (A) \$1,152,668,000 is for Operation and Maintenance;

17 (B) \$268,881,000 is for Research, Development, Test, and Evaluation; and

18 (C) \$64,085,000 is for Procurement.

19 (2) USE.—Amounts authorized to be appropriated under paragraph (1) are  
20 authorized for—

21 (A) the destruction of lethal chemical agents and munitions in accordance  
22 with section 1412 of the Department of Defense Authorization Act, 1986 (50  
23 U.S.C. 1521); and

1 (B) the destruction of chemical warfare materiel of the United States that  
2 is not covered by section 1412 of such Act.

3 (c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are  
4 hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for  
5 expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities,  
6 Defense-wide, in the amount of \$1,060,463,000.

7 (d) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for  
8 the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the  
9 Office of the Inspector General of the Department of Defense, in the amount of \$247,845,000, of  
10 which—

11 (1) \$246,445,000 is for Operation and Maintenance; and

12 (2) \$1,400,000 is for Procurement.

13 **Subtitle B—Environmental Provisions**

14 **SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR**  
15 **CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD**  
16 **SUPERFUND SITE, MOSES LAKE, WASHINGTON.**

17 (a) AUTHORITY TO REIMBURSE.—

18 (1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary  
19 of Defense may transfer not more than \$64,049.40 to the Moses Lake Wellfield  
20 Superfund Site 10-6J Special Account.

21 (2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to  
22 reimburse the Environmental Protection Agency for its costs incurred in overseeing a  
23 remedial investigation/feasibility study performed by the Department of the Army under

1 the Defense Environmental Restoration Program at the former Larson Air Force Base,  
2 Moses Lake Superfund Site, Moses Lake, Washington.

3 (3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is  
4 provided for in the interagency agreement entered into by the Department of the Army  
5 and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site  
6 in March 1999.

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

10 (c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount  
11 transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield  
12 Superfund Site.

### 13 **Subtitle C—Workplace and Depot Issues**

#### 14 **SEC. 321. EXCEPTION FROM PROHIBITION ON CONTRACTOR PERFORMANCE** 15 **OF FIREFIGHTING FUNCTIONS.**

16 Section 2465(b) of title 10, United States Code, is amended by adding at the end the  
17 following new paragraph:

18 "(5) A contract for the performance of firefighting functions to—

19 "(A) fight wildland fires such as range or forest fires, and

20 "(B) perform wildland fire management such as prescribed burning."

#### 21 **SEC. 322. EXCEPTION TO PROHIBITION ON CONTRACTS FOR PERFORMANCE** 22 **OF SECURITY GUARD FUNCTIONS.**

23 Section 2465(b) of title 10, United States Code, is amended by adding at the end the

1 following new paragraph:

2           "(5) A contract for security guard functions at any military installation or facility  
3           for the duration of a Force Protection Condition higher than Alpha; provided that such  
4           contract shall not result in the displacement of any Federal employee, and shall continue  
5           in effect no more than 90 days following the termination of such a higher Force  
6           Protection Condition."

7 **SEC. 323. AUTHORITY TO CONSIDER DEPOT LEVEL MAINTENANCE AND**  
8 **REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR**  
9 **LEASED FACILITIES AS CORE LOGISTICS.**

10           Section 2474 of title 10, United States Code, is amended by adding at the end the  
11 following new subsection:

12           "(h) EXCEPTION FOR CORE LOGISTICS.—Depot-level maintenance and repair workload  
13 performed at a Center of Industrial and Technical Excellence by federal government employees  
14 using contractor-furnished equipment or by government employees utilizing government-leased  
15 facilities may be considered as workload necessary to maintain core logistics capability  
16 identified in section 2464 of this title if the depot-level maintenance and repair workload is the  
17 subject of a public-private partnership entered into pursuant to subsection (b)."

18 **Subtitle D—Other Matters**

19 **SEC. 331. RECOVERY OF MISSING MILITARY PROPERTY.**

20           (a) IN GENERAL.—Section 2789 of title 10, United States Code, is amended to read as  
21 follows:

22 **"§ 2789. Recovery of Department of Defense property: unauthorized disposition**

23           "(a) PROHIBITION.—No member of the armed forces, civilian employee of the

1 Government, contractor personnel, or any other person may sell, lend, pledge, barter, or give any  
2 clothing, arms, articles, equipment, or any other military or Department of Defense property to  
3 any unauthorized person.

4 "(b) SEIZURE OF IMPROPERLY DISPOSED OF PROPERTY.—If a member of the armed forces,  
5 civilian employee of the Government, contractor personnel, or any other person has disposed of  
6 military or Department of Defense property in violation of subsection (a), any civil or military  
7 officer of the United States or any State or local law enforcement official may seize the property,  
8 wherever found. If such property is in the possession of a person who is not authorized to  
9 receive it, that person in possession has no title or right to, or interest in, the property.  
10 Possession of such property by a person who is neither a member of the armed forces nor an  
11 official of the United States is prima facie evidence that the property has been disposed of in  
12 violation of subsection (a).

13 "(c) DELIVERY OF SEIZED PROPERTY.—Any official who seizes property under subsection  
14 (b) and is not authorized to retain it for the United States shall deliver the property to an  
15 authorized member of the armed forces or other authorized official of the Department of  
16 Defense.

17 "(d) RETROACTIVE ENFORCEMENT AUTHORIZED.—This section shall apply to any military  
18 or Department of Defense property which was the subject of unauthorized disposition any time  
19 after January 1, 2002.

20 "(e) SEVERABILITY CLAUSE.—In the event that any portion of this section is held  
21 unenforceable, all other portions of this section shall remain in full force and effect."

22 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of  
23 such title is amended by striking the item relating to section 2789 and inserting the following

1 new item:

2 "2789. Recovery of Department of Defense property: unauthorized disposition .".

3 **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

4 **Subtitle A—Active Forces**

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

6 The Armed Forces are authorized strengths for active duty personnel as of September 30,  
7 2009, as follows:

8 (1) The Army, 532,400.

9 (2) The Navy, 325,300.

10 (3) The Marine Corps, 194,000.

11 (4) The Air Force, 316,600.

12 **SEC. 402. INCREASE IN MARINE CORPS RESERVE GENERAL OFFICERS IN AN**  
13 **ACTIVE STATUS.**

14 The table in section 12004(a) of title 10, United States Code, is amended by striking "10"  
15 in the item relating to the Marine Corps and inserting "12".

16 **SEC. 403. EXCLUSION OF CERTAIN PERSONNEL FROM COUNTING FOR**  
17 **ACTIVE-DUTY END STRENGTHS.**

18 (a) IN GENERAL.—Section 115(i) of title 10, United States Code, is amended by adding at  
19 the end the following new paragraph:

20 "(14) Members of a reserve component ordered to active duty under section  
21 12301(d) of this title or full-time National Guard duty under section 502(f)(2) of title 32  
22 for the purpose of responding to a serious domestic manmade or natural disaster, accident  
23 or catastrophe."

1 (b) CONFORMING AMENDMENT.—Such section is further amended by inserting "and (14)"  
2 in subsection (b)(3)(B) after "(8)".

3 **Subtitle B—Reserve Forces**

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

5 (a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve  
6 personnel of the reserve components as of September 30, 2009, as follows:

7 (1) The Army National Guard of the United States, 352,600.

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

9 (3) The Navy Reserve, 66,700.

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

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

12 (6) The Air Force Reserve, 67,400.

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

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

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

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

23 Whenever such units or such individual members are released from active duty during any fiscal

1 year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve  
2 component shall be increased proportionately by the total authorized strengths of such units and  
3 by the total number of such individual members.

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

6 Within the end strengths prescribed in section 411(a), the reserve components of the  
7 Armed Forces are authorized, as of September 30, 2009, the following number of Reserves to be  
8 serving on full-time active duty or full-time duty, in the case of members of the National Guard,  
9 for the purpose of organizing, administering, recruiting, instructing, or training the reserve  
10 components:

- 11 (1) The Army National Guard of the United States, 29,950.
- 12 (2) The Army Reserve, 16,170.
- 13 (3) The Navy Reserve, 11,099.
- 14 (4) The Marine Corps Reserve, 2,261.
- 15 (5) The Air National Guard of the United States, 14,337.
- 16 (6) The Air Force Reserve, 2,733.

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

18 The minimum number of military technicians (dual status) as of the last day of fiscal year  
19 2009 for the reserve components of the Army and the Air Force (notwithstanding section 129 of  
20 title 10, United States Code) shall be the following:

- 21 (1) For the Army Reserve, 8,395.
- 22 (2) For the Army National Guard of the United States, 27,210.
- 23 (3) For the Air Force Reserve, 10,003.

1 (4) For the Air National Guard of the United States, 22,452.

2 **SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF NON-DUAL STATUS**  
3 **TECHNICIANS.**

4 (a) LIMITATIONS.—

5 (1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of  
6 title 10, United States Code, the number of non-dual status technicians employed by the  
7 National Guard as of September 30, 2009, may not exceed the following:

8 (A) For the Army National Guard of the United States, 1,600.

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

10 (2) ARMY RESERVE.—The number of non-dual status technicians employed by the  
11 Army Reserve as of September 30, 2009, may not exceed 595.

12 (3) AIR FORCE RESERVE.—The number of non-dual status technicians employed  
13 by the Air Force Reserve as of September 30, 2009, may not exceed 90.

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

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

19 During fiscal year 2009, the maximum number of members of the reserve components of  
20 the Armed Forces who may be serving at any time on full-time operational support duty under  
21 section 115(b) of title 10, United States Code, is the following:

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

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

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

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

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

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

5 **Subtitle C—Authorization of Appropriations**

6 **SEC. 421. MILITARY PERSONNEL.**

7 There is hereby authorized to be appropriated to the Department of Defense for military  
8 personnel for fiscal year 2009 a total of \$114,896,340,000.

9 **SEC. 422. ARMED FORCES RETIREMENT HOME.**

10 There is hereby authorized to be appropriated for fiscal year 2009 from the Armed Forces  
11 Retirement Home Trust Fund the sum of \$63,010,000 for the operation of the Armed Forces  
12 Retirement Home.

13 **TITLE V—MILITARY PERSONNEL POLICY**

14 **Subtitle A—Officer Personnel Policy**

15 **SEC. 501. AMENDMENT OF LIMITED EXCLUSION OF JOINT DUTY**  
16 **REQUIREMENTS.**

17 Section 526(b)(2)(A) of title 10, United States Code, is amended by striking "and a  
18 general and flag officer position" and inserting "three general and flag officer positions".

19 **SEC. 502. CHANGES TO PROMOTION POLICY OBJECTIVES FOR JOINT**  
20 **OFFICERS.**

21 Section 662 of title 10, United States Code, is amended—

22 (1) in subsection (a), by striking "that—(1)" and all that follows through the  
23 period at the end and inserting "that officers in the grade of major (or in the case of the

1 Navy, lieutenant commander) or above who have been designated as a Joint Qualified  
2 Officer are expected as a group to be promoted to the next higher grade at a rate not less  
3 than the rate for officers of the same armed force in the same grade and competitive  
4 category."; and

5 (2) in subsection (b), by striking "officers who are serving in, or have served in,  
6 joint duty assignments, especially with respect to the record of officer selection boards in  
7 meeting the objectives of paragraphs (1), (2), and (3) of subsection (a)" and inserting  
8 "Joint Qualified Officers in the grades of major (or in the case of the Navy, lieutenant  
9 commander) through colonel (or in the case of the Navy, captain), especially with respect  
10 to the record of officer selection boards in meeting the objective of subsection (a)".

11 **SEC. 503. LENGTH OF JOINT DUTY ASSIGNMENTS.**

12 Section 664 of title 10, United States Code, is amended—

13 (1) in subsection (d)—

14 (A) in paragraph (1), by amending subparagraph (D) to read as follows:

15 "(D) a qualifying reassignment from a joint duty assignment—

16 "(i) for unusual personal reasons (including extreme hardship and  
17 medical conditions) beyond the control of the officer or the armed forces;

18 or

19 "(ii) to another joint duty assignment immediately after—

20 "(I) the officer was promoted to a higher grade, if the  
21 reassignment was made because no joint duty assignment was  
22 available within the same organization that was commensurate  
23 with the officer's new grade; or



1 (4) by striking subsection (g) and inserting the following:

2 "(g) ACCRUED JOINT EXPERIENCE.—For the purposes of subsection (f)(3), joint  
3 experience (e.g., temporary duty in joint assignments, joint individual training, and participation  
4 in joint exercises) as prescribed in regulations by the Secretary of Defense, with the advice of the  
5 Chairman of the Joint Chiefs of Staff, may be aggregated to equal a full tour of duty.";

6 (5) in subsection (h)—

7 (A) by amending paragraph (1) to read as follows:

8 "(1) The Secretary of Defense may award constructive credit in the case of an  
9 officer (other than a general or flag officer) who, for reasons of military necessity, is  
10 reassigned from a joint duty assignment within 60 days of meeting the tour length criteria  
11 prescribed in subsection (f)(1), (f)(2), or (f)(4). The amount of constructive service that  
12 may be credited to such officer shall be the amount sufficient for the completion of the  
13 applicable tour of duty requirement, but in no case more than 60 days."; and

14 (B) by striking paragraph (3); and

15 (6) by striking subsection (i).

16 **SEC. 504. STREAMLINING LANGUAGE OF JOINT DUTY REQUIREMENTS FOR**  
17 **PROMOTION TO GENERAL OR FLAG OFFICER.**

18 (a) IN GENERAL.—Section 619a of title 10, United States Code, is amended—

19 (1) in the heading, by striking "**joint duty assignment**" and inserting "**Joint**  
20 **Qualified Office designation**";

21 (2) by amending subsection (a) to read as follows:

22 "(a) GENERAL RULE.—An officer on the active-duty list of the Army, Navy, Air Force, or  
23 Marine Corps may not be appointed to the grade of brigadier general or rear admiral (lower half)

1 unless the officer has been designated as a Joint Qualified Officer in accordance with section 661  
2 of this title.";

3 (3) in subsection (b)—

4 (A) by striking "paragraph (1) or paragraph (2) of subsection (a), or both  
5 paragraphs (1) and (2) of subsection (a)," in the matter preceding paragraph (1)  
6 and inserting "subsection (a)"; and

7 (B) in paragraph (4), by striking "within that immediate organization is not  
8 less than two years" and inserting "is not less than two years, and if the officer has  
9 successfully completed a program of education as described in subsections (b)  
10 and (c) of section 2155 of this title"; and

11 (4) by striking subsection (h).

12 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of  
13 chapter 36 of such title is amended by striking the item relating to section 619a and inserting the  
14 following new item:

15 "619a. Eligibility for consideration for promotion: Joint Qualified Officer designation required before promotion to  
16 general or flag grade; exceptions."

17 **SEC. 505. TECHNICAL CHANGES TO "JOINT SPECIALTY" TERMINOLOGY.**

18 (a) JOINT DUTY ASSIGNMENTS AFTER COMPLETION OF JOINT PROFESSIONAL MILITARY  
19 EDUCATION.—Section 663 of title 10, United States Code, is amended—

20 (1) in subsection (a)—

21 (A) in the heading, by striking "JOINT SPECIALTY OFFICERS.—" and  
22 inserting "JOINT QUALIFIED OFFICERS.—"; and

23 (B) by striking "officer with the joint specialty" and inserting "Joint  
24 Qualified Officer"; and

1 (2) in subsection (b)(1), by striking "do not have the joint specialty" and inserting  
2 "are not designated as Joint Qualified Officers".

3 (b) PROCEDURES FOR MONITORING CAREERS OF JOINT OFFICERS.—Section 665 of such  
4 title is amended—

5 (1) in subsection (a)(1)(A), by striking "officers with the joint specialty" and  
6 inserting "Joint Qualified Officers"; and

7 (2) in subsection (b)(1), by striking "officers with the joint specialty" and  
8 inserting "Joint Qualified Officers".

9 **SEC. 506. CONFORMING CHANGES TO "JOINT SPECIALTY" TERMINOLOGY.**

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

11 (1) in paragraph (1)—

12 (A) in subparagraph (A), by striking "selected for the joint specialty" and  
13 inserting "designated as a Joint Qualified Officer"; and

14 (B) in subparagraph (B), by striking "selection for the joint specialty" and  
15 inserting "designation as a Joint Qualified Officer";

16 (2) in paragraph (2), by striking "officers with the joint specialty" and inserting  
17 "Joint Qualified Officers";

18 (3) in paragraph (3), by striking "selected for the joint specialty" each place it  
19 appears and inserting "designated as Joint Qualified Officers";

20 (4) in paragraph (4)—

21 (A) in subparagraph (A), by striking "selected for the joint specialty" and  
22 inserting "designated as Joint Qualified Officers"; and

23 (B) by amending subparagraph (B) to read as follows:

1                   "(B) a comparison of the number of officers who were designated as a  
2                   Joint Qualified Officer who had served in a Joint Duty Assignment List billet and  
3                   completed Joint Professional Military Education Phase II, with the number  
4                   designated as a Joint Qualified Officer based on their aggregated joint experiences  
5                   and completion of Joint Professional Military Education Phase II.";

6                   (5) by striking paragraph (5);

7                   (6) by amending paragraph (6) to read as follows:

8                   "(6) The promotion rate for Joint Qualified Officers, compared with the  
9                   promotion for other officers considered for promotion from within the promotion zone in  
10                  the same pay grade and the same competitive category. A similar comparison will be  
11                  made for officers both below the promotion zone and above the promotion zone.";

12                  (7) by striking paragraphs (7), (8), and (9);

13                  (8) in paragraph (10), by striking "selection for the joint specialty" and inserting  
14                  "designation as a Joint Qualified Officer";

15                  (9) by striking paragraph (13); and

16                  (10) by amending paragraph (16) to read as follows:

17                  "(16) The number of officers, captain (or in the case of the Navy, lieutenant) and  
18                  above, certified at each level of joint qualification as established in regulation and policy  
19                  by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff.

20                  Such numbers shall be reported by service and grade of the officer."

21                  **SEC. 507. INCREASED TENURE FOR LIEUTENANT GENERALS.**

22                  Section 14508 of title 10, United States Code, is amended—

23                  (1) by redesignating subsections (c), (d), and (e) as subsections (d), (e) and (g),

1           respectively; and

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

3           "(c) THIRTY EIGHT YEARS OF SERVICE FOR LIEUTENANT GENERALS AND VICE  
4 ADMIRALS.—Unless retired, Retired Reserve, or discharged at an earlier date, each reserve  
5 officer of the Army, Air Force, or Marine Corps in the grade of lieutenant general, and each  
6 reserve officer of the Navy in the grade of vice admiral shall be separated in accordance with  
7 section 14514 of this title on the later of the following:

8                   "(1) 30 days after completion of 38 years of commissioned service; or

9                   "(2) the fifth anniversary of the date of the officer's appointment in the grade of  
10 lieutenant general or vice admiral."; and

11                   (3) by inserting after subsection (e) the following new subsection (f):

12           "(f) RETENTION OF LIEUTENANT GENERALS.—A reserve officer of the Army or Air Force  
13 in the grade of lieutenant general who would otherwise be removed from an active status under  
14 subsection (b) may in the discretion of the Secretary of the Army or the Secretary of the Air  
15 Force, as the case may be, be retained in an active status, but not later than the date on which the  
16 officer becomes 66 years of age."

17                                   **Subtitle B—Reserve Component Matters**

18           **SEC. 511. EXTENSION OF RETENTION ON THE RESERVE ACTIVE STATUS LIST**

19                                   **OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.**

20           Section 10216(f) of title 10, United States Code, is amended by striking "of the Army"  
21 and inserting "concerned".

22           **SEC. 512. INCREASE AGE LIMITATION OF RESERVE COMPONENT CHAPLAINS**

23                                   **AND MEDICAL OFFICERS BEYOND AGE 64.**

1 (a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of title 10, United  
2 States Code, is amended by striking "67 years" and inserting "68 years".

3 (b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324(a) of title 32,  
4 United States Code, is amended—

5 (1) by striking "or" at the end of paragraph (1);

6 (2) by redesignating paragraph (2) as paragraph (3); and

7 (3) by inserting after paragraph (1) the following new paragraph (2):

8 "(2) in the case of a chaplain or medical officer, he becomes 68 years of age; or,".

9 **SEC. 513. CONFORMING AMENDMENTS TO INCREASE THE MANDATORY**  
10 **RETIREMENT AGE FOR RESERVE OFFICERS.**

11 (a) SELECTIVE SERVICE AND UNITED STATES PROPERTY AND FISCAL OFFICERS.—Section  
12 12647 of title 10, United States Code, is amended by striking "60 years" and inserting "62 years".

13 (b) RETENTION OF RESERVE OFFICERS.—

14 (1) INCREASED AGE.—Section 14702(b) of such title is amended by striking "60  
15 years" and inserting "62 years".

16 (2) CONFORMING AMENDMENTS.—

17 (A) The heading for such section is amended by striking "60" and  
18 inserting "62".

19 (B) The heading for subsection (b) of such section is amended by striking  
20 "60" and inserting "62".

21 (3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter  
22 1409 of such title is amended by striking the item relating to section 14702 and inserting  
23 the following new item:

24 "14702. Retention on reserve active-status list of certain officers until age 62."

1 **SEC. 514. AUTHORITY TO REQUIRE THE UNIFORM BY MILITARY**  
2 **TECHNICIANS (DUAL STATUS).**

3 Section 10216(a) of title 10, United States Code is amended by adding at the end the  
4 following new paragraph:

5 "(4) Under regulations prescribed by the Secretary concerned, the Secretary may  
6 require a military technician (dual status), while performing duties as a military  
7 technician (dual status), to wear the uniform appropriate for the member's grade and  
8 component of the armed forces."

9 **SEC. 515. NATIONAL GUARD OFFICERS IN FEDERAL AND FEDERALLY FUNDED**  
10 **STATE STATUS.**

11 Section 325 of title 32, United States Code, is amended—

- 12 (1) in subsection (a)(2), by striking "in command of a National Guard unit";  
13 (2) by redesignating subsection (b) as subsection (d); and  
14 (3) by inserting after subsection (a) the following new subsections:

15 "(b) **ADVANCE AUTHORIZATION AND CONSENT.**—The President and Governor of the State  
16 or Territory or Puerto Rico, or the commanding general of the District of Columbia National  
17 Guard, as the case may be, respectively, may give the authorization and consent required by  
18 subsection (a)(2), in advance, for the purpose of establishing the succession of command of a  
19 unit.

20 "(c) **NATIONAL GUARD DUTIES.**—An officer who is not relieved from duty in the  
21 National Guard while serving on active duty pursuant to subsection (a)(2) may perform any duty  
22 authorized to be performed by the laws of his State or Territory, Puerto Rico, or the District of  
23 Columbia, as the case may be, by the National Guard without regard to the limitations imposed

1 by section 1385 of title 18, provided the officer is exercising those duties in his status as a  
2 member of the National Guard and not in his status as a member of the National Guard of the  
3 United States."

4 **SEC. 516. CLARIFICATION OF AUTHORITY TO CONSIDER FOR A VACANCY**  
5 **PROMOTION NATIONAL GUARD OFFICERS ORDERED TO ACTIVE**  
6 **DUTY DURING A CONTINGENCY OPERATION.**

7 Section 14317 of title 10, United States Code, is amended—

8 (1) in subsection (d), by inserting before the period at the end of the first sentence  
9 the following: ", or the officer has been ordered to or is serving on active duty in support  
10 of a contingency operation"; and

11 (2) in subsection (e)(1)(B), by inserting ", or by examination for Federal  
12 recognition under title 32" after "title".

13 **Subtitle C—Education and Training**

14 **SEC. 521. AWARDING OF MASTER OF ARTS IN STRATEGIC SECURITY STUDIES.**

15 (a) IN GENERAL.—Section 2163 of title 10, United State Code, is amended—

16 (1) by striking the heading and inserting the following:

17 **"§ 2163. National Defense University: master's degree programs";**

18 (2) in subsection (a), by inserting "or master of arts" after "science"; and

19 (3) in subsection (b), by adding at the end the following new paragraph:

20 "(4) MASTER OF ARTS IN STRATEGIC SECURITY STUDIES.—The degree of master of  
21 arts in strategic security studies, to graduates of the University who fulfill the  
22 requirements of the program at the School for National Security Executive Education."

23 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of

1 such title is amended by striking the item relating to section 2163 and inserting the following  
2 new item:

3 "2163. National Defense University: master's degree programs."

4 (c) APPLICABILITY TO 2006-2008 GRADUATES.—Paragraph (4) of section 2163(b) of title  
5 10, United States Code, as added by subsection (a) of this section, shall apply to any person who  
6 becomes a graduate on or after September 6, 2006.

7 **SEC. 522. TUITION REIMBURSEMENT AND USE OF FUNDS AT THE UNITED**  
8 **STATES AIR FORCE INSTITUTE OF TECHNOLOGY.**

9 Section 9314(c) of title 10, United States Code, is amended by adding at the end the  
10 following new paragraphs:

11 "(4)(A) To cover the costs of their attendance, the Air Force Institute of  
12 Technology shall charge tuition for students who are not—

13 "(i) members of the armed forces under paragraphs (1) through (3); nor

14 "(ii) attending the Institute under Department of the Air Force  
15 sponsorship.

16 "The organization sending such a student shall bear the costs of tuition for that student.

17 "(B) The students covered by subparagraph (A) include civilian employees from  
18 military departments other than the Air Force, other Department of Defense agencies,  
19 other Federal agencies, and private (non-governmental) entities.

20 "(5) Amounts received by the Institute for instruction of students enrolled under  
21 this section shall be retained by the Institute to defray the costs of such instruction. The  
22 source and disposition of such funds shall be specifically identified in the records of the  
23 Institute."

24 **SEC. 523. EXPANDED AUTHORITY TO AWARD DEGREES.**

1 (a) UNITED STATES ARMY WAR COLLEGE.—(1) The text of section 4321 of title 10,  
2 United States Code, is amended to read as follows:

3 "Under regulations prescribed by the Secretary of the Army, the Commandant of the  
4 United States Army War College may, upon recommendation of the faculty of the college,  
5 confer appropriate degrees upon graduates of the college who meet the degree requirements  
6 consistent with the recommendations of the United States Department of Education and  
7 principles of the regional accrediting body."

8 (2) The heading for such section is amended by striking "**master of strategic studies**  
9 **degree**".

10 (3) The table of sections at the beginning of chapter 401 of such title is amended by  
11 striking the item relating to section 4321 and inserting the following new item:

12 "4321. United States Army War College."

13 (b) UNITED STATES ARMY COMMAND AND GENERAL STAFF COLLEGE.—The text of  
14 section 4314 of such title is amended to read as follows:

15 "Under regulations prescribed by the Secretary of the Army, the Commandant of the  
16 United States Army Command and General Staff College may, upon recommendation of the  
17 faculty of the college, confer appropriate degrees upon graduates of the college who meet the  
18 degree requirements consistent with the recommendations of the United States Department of  
19 Education and principles of the regional accrediting body."

20 (c) MARINE CORPS UNIVERSITY.—(1) Section 7102 of such title is amended—

21 (A) by striking subsections (a), (b), (c), and (d) and inserting the following new  
22 subsection (a):

23 "(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the  
24 President of the Marine Corps University may, upon recommendation of the faculty of a school

1 or college of Marine Corps University, confer appropriate degrees upon graduates of the school  
2 or college who meet the degree requirements consistent with the recommendations of the United  
3 States Department of Education and principles of the regional accrediting body.";

4 (B) by redesignating subsection (e) as subsection (b); and

5 (C) by striking "**masters degrees**" in the heading and inserting "**authority**".

6 (2) The table of sections at the beginning of chapter 401 of such title is amended by  
7 striking the item relating to section 7102 and inserting the following new title:

8 "7102. Marine Corps University: authority; board of advisors."

9 (d) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—Section 9314(a) of such  
10 title is amended to read as follows:

11 "(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Air Force, the  
12 Commander of Air University may, upon recommendation of the faculty of the United States Air  
13 Force Institute of Technology, confer appropriate degrees upon graduates of those programs who  
14 meet the degree requirements consistent with the recommendations of the United States  
15 Department of Education and principles of the regional accrediting body."

16 (e) AIR UNIVERSITY.—The text of section 9317 of such title is amended to read as  
17 follows:

18 "Under regulations prescribed by the Secretary of the Air Force, the Commander of Air  
19 University may, upon recommendation of the faculty of the Air Force programs, confer  
20 appropriate degrees upon graduates of those programs who meet the degree requirements  
21 consistent with the recommendations of the United States Department of Education and  
22 principles of the regional accrediting body."

23 **SEC. 524. AUTHORITY TO PRESCRIBE AUTHORIZED STRENGTH FOR THE**  
24 **UNITED STATES NAVAL ACADEMY.**

1 Section 6954 of title 10, United States Code, is amended—

2 (1) in subsection (a)—

3 (A) by striking "4,000 or such higher number" and inserting "4,400 or  
4 such lower number";

5 (B) by striking "under subsection (h)"; and

6 (C) by striking "limitation" and inserting "prescription"; and

7 (2) by striking subsection (h).

### 8 **Subtitle D—General Service Authorities**

#### 9 **SEC. 531. CHANGE IN REQUIREMENT FOR POSTHUMOUS CERTIFICATION.**

10 (a) POSTHUMOUS COMMISSIONS.—Section 1521 of title 10, United States Code, is  
11 amended—

12 (1) in subsection (a), by striking "in line of duty" each place it appears; and

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

14 "(c) A commission issued under subsection (a) shall require certification by the Secretary  
15 of the military department concerned that at the time of death the member was qualified for  
16 appointment to the next higher grade."

17 (b) POSTHUMOUS WARRANTS.—Section 1522(a) of such title is amended—

18 (1) by striking "in line of duty"; and

19 (2) by adding at the end the following new sentence: "Warrants issued under this  
20 subsection shall require a finding by the Secretary of the military department concerned  
21 that at the time of death the member was qualified for appointment to the next higher  
22 grade."

#### 23 **SEC. 532. RAISE MAXIMUM REENLISTMENT TERM.**

1 (a) IN GENERAL.—Section 505(d) of title 10, United States Code, is amended—

2 (1) in paragraph (2), by striking "six" and inserting "eight"; and

3 (2) in paragraph (3)(A), by striking "six" and inserting "eight".

4 (b) CONFORMING AMENDMENT.—Section 308(a)(2)(ii) of title 37, United States Code, is  
5 amended by striking "six" and inserting "eight".

6 **Subtitle E—Other Matters**

7 **SEC. 541. CIVIL LIABILITY FOR NONCOMPLIANCE AND ENFORCEMENT OF**  
8 **SERVICEMEMBERS CIVIL RELIEF ACT.**

9 (a) GENERAL CIVIL LIABILITY AND ENFORCEMENT.—The Servicemembers Civil Relief  
10 Act (50 U.S.C. App. 501 *et seq.*) is amended by adding at the end the following new title:

11 **"TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE AND ENFORCEMENT**  
12 **"SEC. 801. ENFORCEMENT BY THE ATTORNEY GENERAL**

13 "(a) ENFORCEMENT BY ATTORNEY GENERAL.—The Attorney General may commence a  
14 civil action in any appropriate United States District Court whenever the Attorney General has  
15 reasonable cause to believe that—

16 "(1) any person or group of persons is engaged in, or has engaged in, a pattern or  
17 practice of conduct in violation of any provision of this Act; or

18 "(2) any person or group of persons is denying, or has denied, any person or group  
19 of persons any protection afforded by any provision of this Act, and such denial raises an  
20 issue of general public importance.

21 "(b) RELIEF WHICH MAY BE GRANTED IN CIVIL ACTIONS.—In a civil action under  
22 subsection (a), the court may—

23 "(1) enter any temporary restraining order, temporary or permanent injunction, or

1 other order as may be appropriate;

2 "(2) award monetary damages to a servicemember, dependent, or other person  
3 protected by any provision of this Act who is harmed by the failure to comply with any  
4 provision of this Act, including actual and punitive damages; and

5 "(3) to vindicate the public interest, assess a civil penalty against each  
6 defendant—

7 "(A) in an amount not exceeding \$55,000 for a first violation; and

8 "(B) in an amount not exceeding \$110,000 for any subsequent violation.

9 "(c) INTERVENTION IN CIVIL ACTIONS.—Upon timely application, a servicemember,  
10 dependent, or other person protected by any provision of this Act may intervene in a civil action  
11 commenced by the Attorney General which involves an alleged violation of this Act with respect  
12 to which such person claims to be harmed. The court may grant to any such intervening party  
13 such appropriate relief as is authorized under subsection (b)(1) or (b)(2). The court may, in its  
14 discretion, allow an intervening party who is a prevailing party reasonable attorney's fees and  
15 costs."

16 (b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the  
17 Servicemembers Civil Relief Act is amended by adding at the end the following:

18 "TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE AND ENFORCEMENT

19 "Sec. 801. Enforcement by the Attorney General."

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

21 **Subtitle A—Bonuses and Special and Incentive Pays**

22 **SEC. 601. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAYS FOR**  
23 **RESERVE FORCES.**

1 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME  
2 SPECIALTIES.—Section 302g(e) of title 37, United States Code, is amended by striking  
3 "December 31, 2008" and inserting "December 31, 2009".

4 (b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of such title is  
5 amended by striking "December 31, 2008" and inserting "December 31, 2009".

6 (c) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such  
7 title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

8 (d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY  
9 UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2008" and inserting  
10 "December 31, 2009".

11 (e) READY RESERVE NON-PRIOR SERVICE ENLISTMENT BONUS.—Section 308g(f)(2) of  
12 such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

13 (f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(e) of such  
14 title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

15 (g) PRIOR SERVICE REENLISTMENT BONUS.—Section 308i(f) of such title is amended by  
16 striking "December 31, 2008" and inserting "December 31, 2009".

17 (h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE  
18 IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by  
19 striking "January 1, 2009" and inserting "January 1, 2010".

20 **SEC. 602. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY**

21 **AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.**

22 (a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10,  
23 United States Code, is amended by striking "December 31, 2008" and inserting "December 31,

1 2009".

2 (b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United  
3 States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

4 (c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title  
5 is amended by striking "December 31, 2008" and inserting "December 31, 2009".

6 (d) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is  
7 amended by striking "December 31, 2008" and inserting "December 31, 2009".

8 (e) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is  
9 amended by striking "December 31, 2008" and inserting "December 31, 2009".

10 (f) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME  
11 SPECIALTIES.—Section 302k(f) of such title is amended by striking "December 31, 2008" and  
12 inserting "December 31, 2009".

13 (g) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT  
14 WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking "December 31,  
15 2008" and inserting "December 31, 2009".

16 **SEC. 603. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES**  
17 **FOR NUCLEAR OFFICERS.**

18 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE  
19 SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking "December 31,  
20 2008" and inserting "December 31, 2009".

21 (b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by  
22 striking "December 31, 2008" and inserting "December 31, 2009".

23 (c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is

1 amended by striking "December 31, 2008" and inserting "December 31, 2009".

2 **SEC. 604. DIRECT ACCESSION BONUS FOR PSYCHOLOGY OFFICERS.**

3 (a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after  
4 section 302l the following new section:

5 **"§ 302m. Special pay: accession bonus for psychology officers**

6 "(a) ACCESSION BONUS AUTHORIZED.—A person who is a fully licensed psychologist and  
7 who executes a written agreement described in subsection (d) to accept a commission as an  
8 officer of the armed forces and remain on active duty for a period of not less than four  
9 consecutive years may, upon the acceptance of the agreement by the Secretary concerned, be  
10 paid an accession bonus in the amount determined by the Secretary concerned.

11 "(b) AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may  
12 not exceed \$70,000.

13 "(c) LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under  
14 subsection (a) if—

15 "(1) the person, in exchange for an agreement to accept an appointment as an  
16 officer, received financial assistance from the Department of Defense to pursue a course  
17 of study in psychology; or

18 "(2) the Secretary concerned determines that the person is not qualified to become  
19 and remain certified as a psychologist.

20 "(d) AGREEMENT.—The agreement referred to in subsection (a) shall provide that,  
21 consistent with the needs of the armed force concerned, the person executing the agreement will  
22 be assigned to duty, for the period of obligated service covered by the agreement, as an officer of  
23 the Medical Service Corps of the Army or the Navy or as an officer of the Air Force designated

1 as a biomedical sciences officer.

2 "(e) REPAYMENT.—A person who, after executing an agreement under subsection (a), is  
3 not commissioned as an officer of the armed forces, does not become licensed as a psychologist,  
4 or does not complete the period of active duty in a specialty specified in the agreement shall be  
5 subject to the repayment provisions of section 303a(e) of this title."

6 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is  
7 amended by inserting after the item relating to section 302l the following new item:

8 "302m. Special pay: accession bonus for psychology officers."

9 **SEC. 605. EXTENDING MAXIMUM LENGTH OF NUCLEAR OFFICER**

10 **INCENTIVE PAY AGREEMENTS FOR SERVICE.**

11 Section 312(a)(3) of title 37, United States Code, is amended by striking "three, four, or  
12 five" and inserting "not less than three".

13 **Subtitle B—Travel and Transportation Allowances**

14 **SEC. 611. TRAVEL AND TRANSPORTATION ALLOWANCES FOR CERTAIN**  
15 **FAMILY MEMBERS AND THE PERSON DESIGNATED TO DIRECT**  
16 **THE DISPOSITION OF THE DECEASED’S REMAINS TO ATTEND THE**  
17 **BURIAL CEREMONY OR MEMORIAL SERVICE OF MEMBERS WHO**  
18 **DIE ON DUTY.**

19 (a) UNCONDITIONAL ELIGIBILITY OF MINOR SIBLINGS.—Section 411f(c)(1) of title 37,  
20 United States Code, is amended by adding at the end the following new subparagraph:

21 "(D) Any unmarried brother or sister of the deceased member who is  
22 under 21 years of age, or if age 21 or more a dependent child of the parent or

1 parents of the deceased member, as determined under regulations prescribed  
2 under subsection (f)."

3 (b) UNCONDITIONAL ELIGIBILITY OF PERSON DIRECTING DISPOSITION OF REMAINS.—

4 Subsection (a) of such section is amended by adding at the end the following new paragraph:

5 "(3) The person who directs the disposition of the remains of the deceased  
6 member under section 1482(c) of title 10, or, in the case of a deceased member whose  
7 remains are commingled and buried in a common grave in a national cemetery, the  
8 person who would have been designated under such section to direct the disposition of  
9 the remains if individual identification had been made."; and

10 (c) CONFORMING AMENDMENT.—Subsection (c)(2) of such section is amended by  
11 striking "to—" and all that follows through "(B)" and inserting "to up to two additional persons  
12 closely related to the deceased member who are selected by the person referred to under  
13 subsection (a)(3)".

## 14 **Subtitle C—Retired Pay and Survivor Benefits**

### 15 **SEC. 621. WAIVER OF RECOUPMENT OF OVERPAYMENTS OF RETIRED PAY** 16 **TO SPOUSE OR FORMER SPOUSE AS A RESULT OF RETROACTIVE** 17 **DISABILITY DETERMINATION.**

18 Section 2774 of title 10, United States Code, is amended by adding at the end the  
19 following new subsection:

20 "(g)(1) The Director of the Office of Management and Budget or the Secretary  
21 concerned, as the case may be, shall waive any claim for overpayment against a spouse or former  
22 spouse of a member if—

23 "(A) the payment was disposable retired pay that, pursuant to section 1408 of this

1 title, a court treated as property for the purpose of issuing a final decree of divorce,  
2 dissolution, annulment, or legal separation, including a court ordered, ratified, or  
3 approved property settlement incident to such decree; and

4 "(B) the claim for overpayment is attributable to a determination of entitlement to  
5 disability compensation under title 38.

6 "(2) In this section:

7 "(A) The term 'court' has the meaning given such term in section 1408(a)(1) of  
8 this title.

9 "(B) The term 'disposable retired pay' has the meaning given such term in section  
10 1408(a)(4) of this title.

11 "(C) The term 'final decree' has the meaning given such term in section 1408(a)(3)  
12 of this title.

13 "(D) The term 'member' has the meaning given such term in section 1408(a)(5) of  
14 this title.

15 "(E) The term 'spouse or former spouse' has the meaning given such term in  
16 section 1408(a)(6) of this title."

17 **SEC. 622. SURVIVOR BENEFIT PLAN: EXTENSION OF PERIOD FOR ELECTION**

18 **DEEMED TO HAVE BEEN MADE.**

19 (a) IN GENERAL.—Section 1450(f)(3)(C) of title 10, United States Code, is amended by  
20 striking "one year" and inserting "five years".

21 (b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to  
22 divorces, dissolutions, annulments, or legal separations that become effective after the end of the  
23 90-day period beginning on the date of enactment of this Act.

1 **SEC. 623. SURVIVOR BENEFIT PLAN: MULTIPLE BENEFICIARIES.**

2 (a) PERMIT SPOUSE AND FORMER SPOUSE COVERAGE.—Section 1448(b)(2) of title 10,  
3 United States Code, is amended—

4 (1) in subparagraph (B)—

5 (A) by striking "prevents payment" and inserting "reduces the amount";  
6 and

7 (B) by striking "including payment" and inserting "including the amount  
8 of an annuity"; and

9 (2) in subparagraph (C), by striking "which former spouse is to be provided the  
10 annuity" and inserting "the base amount applicable in determining the amount of the  
11 annuity of each former spouse".

12 (b) PERMIT SPOUSE AND FORMER SPOUSE ANNUITIES.—Section 1450(a)(1) of such title is  
13 amended to read as follows:

14 "(1) SURVIVING SPOUSE AND FORMER SPOUSE(S).—The eligible surviving spouse  
15 and every eligible former spouse."

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

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

1 such reduction in retired pay shall be deducted from the amounts paid to such member, to such  
2 former spouse, or both, as provided by court order or by agreement of the parties."

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

8 (e) COVERAGE FOR SURVIVORS OF RETIREMENT-ELIGIBLE MEMBERS WHO DIE ON ACTIVE  
9 DUTY.—(1) Section 1448(d) of such title is amended—

10 (A) in paragraph (3), by striking "the Secretary—(A) may not pay an annuity  
11 under paragraph (1) or (2); but (B)" and inserting "the Secretary"; and

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

13 "(5) COMPUTATION.—(A) The amount of an annuity payable to a former spouse  
14 pursuant to paragraph (3) shall be computed on the basis of a base amount equal to the  
15 amount of retired pay that, under the authority of section 1408(c) of this title, is treated  
16 under a court order or spousal agreement as the property of such former spouse.

17 "(B) The amount of an annuity payable under paragraph (1) or (2) shall be  
18 computed under section 1451(c) of this title; however, the retired pay otherwise  
19 applicable with respect to such computation shall be reduced by an amount equal to the  
20 base amount that provides the basis for computing the amount of an annuity payable to a  
21 former spouse under paragraph (3) of this subsection."

22 (2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect  
23 to survivors of retirement-eligible members who die on active duty on or after the date of

1 enactment of this Act.

2 (f) COVERAGE FOR SURVIVORS OF PERSONS DYING WHEN ELIGIBLE TO ELECT RESERVE-  
3 COMPONENT ANNUITY.—(1) Section 1448(f) of such title is amended—

4 (A) by striking "the Secretary—(A) may not pay an annuity under paragraph (1)  
5 or (2); but (B)" and inserting "the Secretary"; and

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

7 "(4) COMPUTATION.—(A) The amount of an annuity payable to a former spouse  
8 pursuant to paragraph (3) shall be computed on the basis of a base amount equal to the  
9 amount of retired pay that, under the authority of section 1408(c) of this title, is treated  
10 under a court order or spousal agreement as the property of such former spouse.

11 "(B) The amount of an annuity payable under paragraph (1) or (2) shall be  
12 computed under section 1451(c) of this title; however, the retired pay otherwise  
13 applicable with respect to such computation shall be reduced by an amount equal to the  
14 base amount that provides the basis for computing the amount of an annuity payable to a  
15 former spouse under paragraph (3) of this subsection."

16 (2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect  
17 to survivors of persons eligible to elect reserve-component annuity retirement-eligible members  
18 who die on or after the date of enactment of this Act.

19 **SEC. 624. SURVIVOR BENEFIT PLAN: FINANCIAL RESPONSIBILITY FOR**  
20 **SURVIVOR BENEFIT PLAN PARTICIPATION.**

21 (a) SPOUSE AND FORMER SPOUSE ANNUITIES.—Section 1452(a) of title 10, United States  
22 Code, is amended—

23 (1) in paragraph (1), by inserting "paragraph (6) of this subsection or" after

1 "Except as provided in"; and

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

3 "(6) COURT ORDER.—If a court order requires the former spouse to pay all or a  
4 part of the costs associated with providing an annuity to the former spouse, the  
5 participant's retired pay shall not be reduced by the portion that the former spouse is  
6 required to pay. The portion of Plan costs that a former spouse is required to pay  
7 pursuant to a Court order under this paragraph must either be paid by direct remittance or  
8 as a deduction from the former spouse's share of the member's retired pay that is received  
9 by direct payment pursuant to section 1408 of this title."

10 (b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to  
11 divorces, dissolutions, annulments, or legal separations that become effective after the end of the  
12 90-day period beginning on the date of enactment of this Act.

13 **SEC. 625. SURVIVOR BENEFIT PLAN: PRESUMPTIVE PROPORTIONATE**  
14 **SHARE.**

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

17 "(D) PRESUMPTIVE PROPORTIONATE AMOUNT FOR FORMER SPOUSE.—In the  
18 case of an annuity provided under the Plan for a former spouse, unless otherwise  
19 agreed to by the member and former spouse or ordered by a court, such term  
20 means any amount of monthly retired pay, which is not less than \$300, payable to  
21 such former spouse as a result of a court treating disposable retired pay of a  
22 member as the property of the member and his spouse under the authority of  
23 section 1408(c)."

1 (b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to  
2 divorces, dissolutions, annulments, and legal separations that become effective after the end of  
3 the 90-day period beginning on the date of enactment of this Act.

4 **SEC. 626. REVOCATION OF TEN-YEAR RULE FOR DIRECT PAYMENT OF**  
5 **RETIRE PAY.**

6 (a) REVOCATION OF TEN-YEAR RULE.—Section 1408(d) of title 10, United States Code, is  
7 amended—

8 (1) by striking paragraph (2); and

9 (2) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6),  
10 respectively.

11 (b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first  
12 day of the first month which begins more than 120 days after the date of enactment of this Act  
13 and shall apply only to payments of retired pay for periods beginning on or after the effective  
14 date of this section in the case of any former spouse of a member or former member of the  
15 uniformed services.

16 **SEC. 627. ALLOWING MEMBER TO SUBMIT APPLICATION FOR DIRECT**  
17 **PAYMENT.**

18 (a) PERMIT APPLICATION FOR DIRECT PAYMENT BY MEMBER.—Section 1408(d) of title  
19 10, United States Code, is amended in the first sentence of paragraph (1) by inserting "by a  
20 member or former member or the spouse or former spouse of such member" after "the Secretary  
21 concerned".

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

1           "(8) A former spouse who accepts payment shall be deemed—

2                       "(A) to have consented and agreed to the recovery of any future  
3           overpayments, including recovery by involuntary collection from the former  
4           spouse or his or her estate; and

5                       "(B) to have agreed to give prompt notice in writing to the Secretary if—

6                               "(i) the operative court order upon which payment is based is  
7           vacated, modified, or set aside;

8                               "(ii) the former spouse remarries, if all or a part of the payment is  
9           for alimony; or

10                              "(iii) the former spouse is ineligible for child support payments due  
11           to the death, emancipation, adoption, or attainment of majority of a child  
12           whose support is provided through direct payment to a former spouse from  
13           retired pay."

14           (c) EFFECTIVE DATE.—The amendments made by this section shall apply to applications  
15           for direct payment of retired pay submitted to the Secretary concerned after the end of the 90-day  
16           period beginning on the date of enactment of this Act.

17           **SEC. 628. DISREGARD PERIODS OF CONFINEMENT FOR DEPENDENT VICTIMS**  
18                              **OF ABUSE.**

19           (a) DISREGARD PERIODS OF CONFINEMENT FOR DEPENDENT VICTIMS OF ABUSE.—  
20           Paragraph (2)(A) of section 1408(h) of title 10, United States Code, is amended by inserting  
21           "(including any periods of confinement served prior to convening authority action on the record  
22           of trial related to the misconduct that resulted in the termination of eligibility to receive retired  
23           pay)" after "on the basis of years of service".

1 (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as of  
2 October 23, 1992, as if included in section 1408(h) of title 10, United States Code, as enacted by  
3 section 653(a)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law  
4 102-484).

5 **SEC. 629. CLARIFYING AMENDMENT REGARDING JURISDICTION FOR**  
6 **PURPOSES OF ALLOCATION OF RETIRED PAY UNDER THE**  
7 **UNIFORMED SERVICES FORMER SPOUSE PROTECTION ACT.**

8 Section 1408(c) of title 10, United States Code, is amended by striking paragraph (4).

9 **SEC. 630. DIVISION OF RETIRED PAY TO BE BASED ON MEMBER'S LENGTH OF**  
10 **SERVICE AND PAY GRADE AT TIME OF DIVORCE.**

11 (a) IN GENERAL.—Section 1408(c) of title 10, United States Code, is amended by adding  
12 at the end the following new paragraph:

13 "(5) In the case of a member as to whom a decree of divorce, dissolution,  
14 annulment, or legal separation becomes final before the date on which the member begins  
15 to receive retired pay, the total monthly retired pay to which a member is entitled, for  
16 purposes of determining 'disposable retired pay,' as defined in paragraph (4) of subsection  
17 (a), that a court may treat in the manner described in paragraph (1), shall be limited to  
18 retired pay computed based on the pay grade, and the length of service of the member  
19 while married, that are creditable toward entitlement to basic pay and to retired pay as of  
20 the date a marital property interest in retired pay terminates. Amounts so calculated shall  
21 be increased by the cumulative percentage of increases in basic pay and retired pay  
22 between the date a marital property interest in retired pay terminates and the effective  
23 date of the member's retirement. Upon request and pursuant to regulations, the Secretary

1 concerned shall calculate disposable retired pay described in this paragraph."

2 (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect  
3 to divorces, dissolutions, annulments, and legal separations that become effective after the end of  
4 the 90-day period beginning on the date of enactment of this Act.

5 **SEC. 631. INCREASES FOR DIVISIONS OF RETIRED PAY EXPRESSED AS A**  
6 **DOLLAR AMOUNT.**

7 (a) MONETARY AMOUNT ADJUSTMENT.—Section 1408(a)(2)(C) of title 10, United States  
8 Code, is amended by striking "expressed in dollars" and inserting "expressed as a specific dollar  
9 amount, with such amount, if so ordered, being adjusted in the same manner and at the same time  
10 as retired pay is adjusted to reflect changes in the Consumer Price Index under section 1401a of  
11 this title,".

12 (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect  
13 to court orders that become effective after the end of the 90-day period beginning on the date of  
14 enactment of this Act.

15 **SEC. 632. PROHIBIT COURT-ORDERED PAYMENTS BEFORE RETIREMENT**  
16 **BASED ON IMPUTATION OF RETIRED PAY.**

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

18 (1) by inserting "(A)" after "(3)"; and

19 (2) by adding at the end the following new subparagraph:

20 "(B) A court may not order a member to make payments based upon an  
21 imputation of a property interest in future retired pay of any kind to a spouse or  
22 former spouse before the date of the member's actual retirement."

23 (b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to final court

1 orders or court orders seeking enforcement of prior final decrees issued on or after the date of the  
2 enactment of this Act.

3 **SEC. 633. ALLOW MEMBER TO WAIVE NOTICE AND PROVIDE COURT ORDER**  
4 **UPON REQUEST.**

5 (a) ALLOW MEMBER TO WAIVE NOTICE AND PROVIDE COURT ORDER UPON REQUEST.—  
6 Section 1408(g) of title 10, United States Code, is amended—

7 (1) by striking "A person" and inserting "Unless notice is waived by the member,  
8 a person"; and

9 (2) by striking "(together with a copy of such order)" and inserting "and, upon  
10 request, a copy of such order".

11 (b) EFFECTIVE DATE.—The amendments made by this section shall apply to court orders  
12 received by the Secretary concerned after the end of the 90-day period beginning on the date of  
13 enactment of this Act.

14 **SEC. 634. LUMP SUM PAYMENTS TO FORMER SPOUSES OF MEMBERS OF THE**  
15 **UNIFORMED SERVICES.**

16 (a) AUTHORITY FOR LUMP SUM PAYMENT.—(1) IN GENERAL.—Chapter 74 of title 10,  
17 United States Code, is amended by adding at the end the following new section:

18 **"§ 1468. Lump sum payments for certain amounts payable to former spouse**

19 "(a) If the present value of a periodic amount described in subsection (b) payable to a  
20 former spouse does not exceed \$5,000, the Secretary concerned shall pay, in a lump sum, an  
21 amount equal to such present value to the former spouse eligible for such benefit.

22 "(b) A periodic amount described in this subsection means:

23 "(1) An annuity under the Survivor Benefit Plan (subchapter II of chapter 73 of

1 this title).

2 "(2) Payment of retired pay pursuant to a court order resulting from the treatment  
3 by the court under section 1408(c) of this title of disposable retired pay of a member of  
4 the uniformed services as the property of the member and his spouse.

5 "(c) With the consent of the former spouse, the Secretary concerned may pay, in a lump  
6 sum, an amount equal to the present value of a periodic amount described in subsection (b) in  
7 excess of \$5,000.

8 "(d) Payment of a lump sum under subsection (a) or (c) of this section shall constitute full  
9 payment of the amounts described in subsection (b) to the former spouse.

10 "(e) For purposes of this section, the term 'present value' means the present value  
11 calculated by using the mortality table, interest rate, and actuarial assumptions pursuant to  
12 regulations prescribed by the Secretary of Defense.

13 "(f) If a former spouse eligible for a payment under subsection (b) or (c) of this section  
14 elects to have all or a portion of such payment paid directly to an eligible retirement plan, and  
15 specifies the eligible retirement plan to which such payment is to be paid (in such form and at  
16 such time as the Secretary concerned may prescribe), such payment shall be made in the form of  
17 a transfer by the Secretary concerned to the trustee of the eligible retirement plan so specified.  
18 For purposes of the preceding sentence, the term 'eligible retirement plan' has the same meaning  
19 as 'eligible retirement plan' for purposes of section 414(v)(2)(B) of the Internal Revenue Code of  
20 1986 (26 U.S.C. 414(v)(2)(B))."

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

23 "1468. Lump sum payments for certain amounts payable to former spouse."

24 (b) ROLLOVER TREATMENT FOR LUMP SUM PAYMENTS PAID TO FORMER SPOUSES OF

1 MEMBERS OF THE UNIFORMED SERVICES.—Section 414 of the Internal Revenue Code of 1986  
2 (relating to definitions and special rules) is amended by adding at the end the following new  
3 subsection:

4 "(y) LUMP SUM PAYMENTS TO FORMER SPOUSES OF MEMBERS OF THE UNIFORMED  
5 SERVICES.—(1) ELIGIBLE FOR ROLLOVER TREATMENT.—For purposes of this part including  
6 section 408, relating to individual retirement accounts, any amount of a lump sum payment paid  
7 to an individual under the authority of section 1468 of title 10, United States Code, shall be  
8 considered an amount paid out of an individual retirement account to the individual for whose  
9 benefit the account is maintained and eligible for rollover treatment under section 402(c)(6).

10 "(2) TRANSFER BY SECRETARY CONCERNED TO TRUSTEE.—Any amount of lump sum  
11 payment transferred by the Secretary concerned to a trustee of an eligible retirement plan in  
12 accordance with section 1468 of title 10, United States Code, shall be treated as an amount  
13 transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) and, as a  
14 result, shall not be includible in gross income for the taxable year of such transfer. For purposes  
15 of this paragraph, the term 'eligible retirement plan' has the meaning given such term by section  
16 401(a)(31)(D)."

17 **Subtitle D—Other Matters**

18 **SEC. 641. PERMANENT RETENTION OF ELIGIBILITY FOR THE EARNED**  
19 **INCOME TAX CREDIT BY SERVICE MEMBERS DEPLOYED TO A**  
20 **COMBAT ZONE.**

21 Section 32(c)(2)(B)(vi) of the Internal Revenue Code of 1986 (relating to the definition  
22 of earned income) is amended to read as follows:

23 "(vi) the earned income of a member of the Armed Forces of the

1 United States shall include wages that are excluded from taxation by  
2 application of section 112."

3 **SEC. 642. EXCLUSION FROM GROSS INCOMES OF ADJUSTMENTS TO THE**  
4 **FAMILY SEPARATION ALLOWANCE.**

5 Section 134(b)(3) of the Internal Revenue Code of 1986 (relating to the exclusion of  
6 qualified military benefits from gross income) is amended—

7 (1) in subparagraph (A), by striking "subparagraphs (B) and (C)" and inserting  
8 "subparagraphs (B), (C), and (D)"; and

9 (2) by adding at the end the following new subparagraph:

10 "(D) EXCEPTION FOR FAMILY SEPARATION ALLOWANCE ADJUSTMENTS  
11 MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the  
12 amount of Family Separation Allowance payable under section 427 of title 37,  
13 United States Code, which is made pursuant to a provision of law enacted after  
14 September 9, 1986."

15 **SEC. 643. FAMILY PET SHIPMENT DURING EVACUATION OF NON-ESSENTIAL**  
16 **PERSONNEL.**

17 Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the  
18 following new subparagraph:

19 "(H) Except as provided in paragraph (2), in connection with an  
20 evacuation from a permanent station located in a foreign area, a member is  
21 entitled to transportation of no more than two family household pets (to include  
22 shipment and the payment of quarantine costs, if any). Alternatively, the member  
23 may be paid reimbursement or a monetary allowance under subparagraph (F) if

1 other commercial transportation means have been used. Exotic pets, endangered  
2 species, horses or livestock, or large pets weighing in excess of 150 pounds are  
3 not authorized."

## 4 **TITLE VII—HEALTH CARE PROVISIONS**

### 5 **Subtitle A—TRICARE Program Improvements**

#### 6 **SEC. 701. REVISING TRICARE PROGRAM COST SHARING AMOUNTS.**

7 (a) **AUTHORITY.**—Section 1086(b) of title 10, United States Code, is amended by adding  
8 at the end the following new paragraph:

9 "(5) Notwithstanding paragraphs (1) through (4), the Secretary of Defense shall  
10 promulgate regulations to revise the requirements for payments by beneficiaries under  
11 this subsection in order to reflect increases in health care costs. Such requirements,  
12 which may include a revised deductible amount, an enrollment fee, and future indexing,  
13 need not be uniform for all such beneficiaries. Any such enrollment fee may be a  
14 condition of eligibility for health care benefits under chapter 55 of this title."

15 (b) **IMPLEMENTATION.**—The Secretary of Defense shall promulgate the regulations  
16 required by section 1086(b)(5) of title 10, United States Code, as added by subsection (a), after  
17 first considering the recommendations of the Task Force on the Future of Military Health Care  
18 regarding the beneficiary and Government cost sharing structure required to sustain military  
19 health benefits over the long term, as required by subsection (c)(3)(H) of section 711 of the John  
20 Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120  
21 Stat. 2083). The regulations shall become effective not later than 90 days after the date of  
22 enactment of this Act. The Secretary shall submit the regulations, and a report describing the  
23 rationale for the changes promulgated, to the Committees on Armed Services of the Senate and

1 House of Representatives at least 30 days before such regulations become effective.

2 **SEC. 702. CHANGES IN PAYMENT OPTIONS FOR TRICARE PRIME.**

3 (a) MONTHLY DEDUCTIONS.—Section 1097a(c) of title 10, United States Code, is  
4 amended to read as follows:

5 "(c) ENROLLMENT FEE PAYMENTS.—The Secretary of Defense shall establish procedures  
6 for the collection of enrollment fees charged for an enrollment in TRICARE Prime to a member  
7 or former member of the uniformed services eligible for medical care under section 1074(b) of  
8 this title from the member's retired pay, retainer pay, or equivalent pay, as the case may be. To  
9 the maximum extent practicable, the enrollment fee payable by a member entitled to such pay  
10 shall be deducted and withheld from the retired pay of the member (if pay is available to the  
11 member).".

12 (b) CHARGES FOR HEALTH CARE.—Section 1097(e) of such title is amended by striking  
13 "shall permit such covered beneficiaries to pay, on a quarterly basis," and inserting "may permit  
14 such covered beneficiaries whose retired pay, retainer pay, or equivalent pay, as the case may be,  
15 is insufficient for them to pay enrollment fees by deduction from such pay as specified in section  
16 1097a of this title to pay, in full at the beginning of the enrollment period or on a quarterly basis,  
17 by check, money order, credit card, or electronic funds transfer".

18 **SEC. 703. OBSTETRICAL TRAVEL FOR COMMAND-SPONSORED DEPENDENTS**  
19 **OF UNIFORMED MEMBERS ASSIGNED TO VERY REMOTE AREAS**  
20 **OUTSIDE THE CONTINENTAL UNITED STATES.**

21 Section 1040 of title 10, United States Code, is amended—

22 (1) in subsection (a), by inserting ", and subject to subsection (e)" after  
23 "subsection (b) "; and

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

2 "(e) With respect to the provision of obstetrical care, appropriate medical attention  
3 includes the availability or provision of obstetrical anesthesia equal to the services available in a  
4 Military Treatment Facility located in the United States. If these services are not available in  
5 remote areas outside the continental United States and air transportation would be needed to  
6 travel to the nearest appropriate medical facility in which adequate medical care is available,  
7 then the Secretary may authorize the beneficiary to choose to receive transportation to the  
8 continental United States and be treated at a Military Treatment Facility, that can provide  
9 appropriate obstetrical services, nearest to the closest port of entry into the continental United  
10 States. All other benefits of subsection (a) shall apply, provided that the United States shall incur  
11 no greater cost than would be incurred in connection with transportation (including per diem) to  
12 the nearest appropriate medical facility in which adequate medical care is available outside the  
13 continental United States."

14 **Subtitle B—Other Matters**

15 **SEC. 711. MENTAL HEALTH EVALUATIONS OF MEMBERS OF THE ARMED**  
16 **FORCES BY MASTERS-LEVEL CLINICAL SOCIAL WORKERS WITH**  
17 **AN INDEPENDENT LICENSE.**

18 Section 546(g)(3) of the National Defense Authorization Act for Fiscal Year 1993 (Public  
19 Law 102-484; 106 Stat. 2419), is amended by striking "doctorate" and inserting "license".

20 **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,**  
21 **AND RELATED MATTERS**

22 **Subtitle A—Acquisition Policy and Management**

23 **SEC. 801. REVISION TO THE REQUIREMENT FOR 15-DAY WAITING PERIOD TO**

1                                   **ISSUE SOLICITATIONS AFTER PUBLICATION OF SYNOPSIS.**

2                   (a) AMENDMENT OF SMALL BUSINESS ACT 15-DAY SOLICITATION ISSUANCE DELAY.—

3   Section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)(3)(A)) is amended by striking  
4   "15 days" and inserting "ten days".

5                   (b) AMENDMENT OF THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT 15-DAY

6   SOLICITATION ISSUANCE DELAY.—Section 18(a)(3)(A) of the Office of Federal Procurement  
7   Policy Act (41 U.S.C. 416(a)(3)(A)) is amended by striking "15 day" and inserting "ten days".

8   **SEC. 802. REPEAL OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION**  
9                                   **PROGRAM.**

10                  Sections 701 through 722 of the Business Opportunity Development Reform Act of 1988  
11   (Public Law 100-656; 15 U.S.C. 644 note), as amended, are repealed.

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

14   **SEC. 811. UNMANNED SYSTEMS.**

15                  Section 941 of the John Warner National Defense Authorization Act for Fiscal Year 2007  
16   (Public Law 109-364; 120 Stat 2083) is amended—

17                         (1) by amending subsection (a) to read as follows:

18                         "(a) The Department of Defense shall develop a policy, to be applicable throughout the  
19   Department of Defense on research, development, test and evaluation, and procurement, of  
20   unmanned systems in a manner that is fiscally responsible and enhances war fighter capability.";

21                         (2) in subsection (b)—

22                                 (A) by amending paragraph (1) to read as follows:

23                                 "(1) An identification of Joint Capability Areas in which unmanned systems can

1 potentially provide the means to address potential capability gaps.";

2 (B) by amending paragraph (2) to read as follows:

3 "(2) Deliberate consideration of unmanned systems as potential candidates for  
4 acquisition when a materiel solution has been deemed appropriate for satisfying a  
5 capability requirement."; and

6 (C) in paragraph (5), by striking ", including" and all that follows through

7 "systems"; and

8 (5) by amending subsection (d) to read as follows:

9 "(d) ROADMAP.—The Department of Defense shall develop and implement a roadmap  
10 that includes—

11 "(1) goals for the development of unmanned system technologies to address  
12 capabilities identified pursuant to subsection (b)(1); and

13 "(2) the establishment of programs to address technical, operational, and  
14 production challenges, and gaps in capabilities, with respect to unmanned systems.".

15 **SEC. 803. ENHANCED TRANSFER OF TECHNOLOGY DEVELOPED AT DOD**  
16 **LABORATORIES.**

17 (a) DEFINITIONS.—As used in this section—

18 (1) The terms "department" and "military department" have the meaning specified  
19 at section 101 of title 10, United States Code.

20 (2) The term "DoD laboratory" or "laboratory" means any facility or group of  
21 facilities that is owned, leased, operated, or otherwise used by the Department of Defense  
22 and that meets the definition of "laboratory" at section 3710a(d)(2), of title 15, United  
23 States Code.

1 (b) AUTHORITY.—The Secretary of Defense and the Secretaries of the military  
2 departments each—

3 (1) may authorize the heads of DoD laboratories to grant nonexclusive, exclusive,  
4 or partially exclusive licenses, royalty free or for royalties or for rights to other  
5 intellectual property, for computer software and its related documentation developed at a  
6 DoD laboratory, provided that—

7 (A) the computer software and related documentation would be a trade  
8 secret under the meaning of section 552(b)(4) of title 5, United States Code, if the  
9 information had been obtained from a non Federal party;

10 (B) the public is notified of the availability of the software and related  
11 documentation for licensing and interested parties have a fair opportunity to  
12 submit applications for licensing;

13 (C) such licensing activities and licenses shall comply with the  
14 requirements under section 209 of title 35, United States Code; and

15 (D) the software originally was developed to meet the military needs of  
16 the Department of Defense; and

17 (2) shall provide appropriate precautions against the unauthorized disclosure of  
18 any computer software or documentation covered by paragraph (1)(A), including  
19 exemption from section 552 of title 5, United States Code, for a period of up to 5 years  
20 after the development of the computer software by the DoD laboratory.

21 (c) ROYALTIES.—(1) Except as provided in paragraph (2), any royalties or other  
22 payments received by the department from licensing computer software or documentation under  
23 subsection (b)(1) shall be retained by the department and shall be disposed of as follows:

1 (A)(i) The department shall pay each year the first \$2,000, and thereafter at least  
2 15 percent, of the royalties or other payments to be divided among the employees who  
3 developed the computer software.

4 (ii) The department may provide appropriate lesser incentives, from royalties or  
5 other payments, to laboratory employees who are not developers of such computer  
6 software, but who substantially increased the technical value of the software.

7 (iii) The department shall retain the royalties and other payments received until it  
8 makes payments to employees of a DoD laboratory under clause (i) or (ii).

9 (iv) The department may retain an amount reasonably necessary to pay expenses  
10 incidental to the administration and distribution of royalties or other payments under this  
11 section by an organizational unit of the department other than its laboratories.

12 (B) The balance of the royalties or other payments shall be transferred by the  
13 department to its laboratories, with the majority share of the royalties or other payments  
14 going to the laboratory where the development occurred. The royalties or other payments  
15 so transferred to any DoD laboratory may be used or obligated by that laboratory during  
16 the fiscal year in which they are received or during the 2 succeeding fiscal years—

17 (i) to reward scientific, engineering, and technical employees of the DoD  
18 laboratory, including developers of sensitive or classified technology, regardless of  
19 whether the technology has commercial applications;

20 (ii) to further scientific exchange among the laboratories of the agency;

21 (iii) for education and training of employees consistent with the research and  
22 development missions and objectives of the department or DoD laboratory, and for other  
23 activities that increase the potential for transfer of the technology of the laboratories;

1 (iv) for payment of expenses incidental to the administration and licensing of  
2 computer software or other intellectual property made at that DoD laboratory, including  
3 the fees or other costs for the services of other agencies, persons, or organizations for  
4 intellectual property management and licensing services; or

5 (v) for scientific research and development consistent with the research and  
6 development missions and objectives of the DoD laboratory.

7 (C) All royalties or other payments retained by the department or DoD laboratory  
8 after payments have been made pursuant to subparagraphs (A) and (B) that are  
9 unobligated and unexpended at the end of the second fiscal year succeeding the fiscal  
10 year in which the royalties and other payments were received shall be paid into the  
11 Treasury.

12 (2) If, after payments under paragraph (1)(A), the balance of the royalties or other  
13 payments received by the department in any fiscal year exceed 5 percent of the funds received  
14 for use by the DoD laboratory for research, development, engineering, testing and evaluation or  
15 other related administrative, processing or value-added activities for that year, 75 percent of such  
16 excess shall be paid to the Treasury of the United States and the remaining 25 percent may be  
17 used or obligated under paragraph (1)(B). Any funds not so used or obligated shall be paid into  
18 the Treasury of the United States.

19 (3) Any payment made to an employee under this section shall be in addition to the  
20 regular pay of the employee and to any other awards made to the employee, and shall not affect  
21 the entitlement of the employee to any regular pay, annuity, or award to which he is otherwise  
22 entitled or for which he is otherwise eligible or limit the amount thereof except that the monetary  
23 value of an award for the same project or effort shall be deducted from the amount otherwise

1 available under this paragraph. Payments, determined under the terms of this paragraph and  
2 made to an employee developer as such, may continue after the developer leaves the DoD  
3 laboratory or department. Payments made under this section shall not exceed \$75,000 per year  
4 to any one person unless the President approves a larger award (with the excess over \$75,000  
5 being treated as a Presidential award under section 4504 of title 5, United States Code).

6 (d) INFORMATION IN REPORT.—The report required by section 2515(d) of title 10, United  
7 States Code, shall include information regarding the implementation and effectiveness of this  
8 section.

9 (e) EFFECTIVE DATE AND EXPIRATION.—The authority provided for in this section is for a  
10 pilot program to test the effectiveness of this authority and shall expire on December 31, 2013.

### 11 **Subtitle C—Other Matters**

#### 12 **SEC. 821. EXTENSION OF LENGTH OF CONTRACTS FOR RENEWABLE ENERGY** 13 **SOURCES AND ASSOCIATED SERVICES.**

14 Section 501(b)(1)(B) of title 40, United States Code, is amended to read as follows:

15 "(B) PUBLIC UTILITY CONTRACTS.—

16 "(i) IN GENERAL.—A contract for public utility services may be  
17 made for a period of not more than 10 years.

18 "(ii) RENEWABLE ENERGY CONTRACTS.—A contract for renewable  
19 energy may be made for a period of not more than 20 years. All such  
20 contracts are to be subject to availability of annual appropriations.

21 "(iii) DEFINITIONS.—In this paragraph:

1                   "(I) PUBLIC UTILITY SERVICES.—The term 'public utility  
2                   services' means generation, transmission, distribution, or other  
3                   services directly used in providing public utility services.

4                   "(II) RENEWABLE ENERGY.—The term 'renewable energy'  
5                   means electric energy generated from solar, wind, biomass, landfill  
6                   gas, ocean (including tidal, wave, current, and thermal),  
7                   geothermal, municipal solid waste, or new hydroelectric generation  
8                   capacity achieved from increased efficiency, or additional new  
9                   capacity at an existing hydroelectric project, and the transmission,  
10                  distribution, or other services directly used in providing electricity  
11                  from renewable energy sources."

12   **SEC. 822. MODIFICATION OF AUTHORITY TO ACCEPT FINANCIAL AND**  
13                   **OTHER INCENTIVES RELATED TO ENERGY SAVINGS AND**  
14                   **SIMILAR NEW AUTHORITY RELATED TO ENERGY SYSTEMS.**

15                  (a) ENERGY SAVINGS.—Section 2913(c) of title 10, United States Code, is amended by  
16                  inserting ", state or local government" after "gas or electric utility".

17                  (b) ENERGY SYSTEMS.—Section 2915 of such title is amended by adding at the end the  
18                  following new subsection:

19                  "(f) ACCEPTANCE OF FINANCIAL INCENTIVE, FINANCIAL ASSISTANCE, OR SERVICES.—The  
20                  Secretary of Defense may authorize any military installation to accept any financial incentive,  
21                  financial assistance, or services generally available from a state or local government, gas or  
22                  electric utility, to use or construct an energy system using solar energy or other renewable form  
23                  of energy if the use or construction of the system is consistent with the energy performance goals

1 and energy performance plan for the Department of Defense developed under section 2911 of  
2 this title."

3 **SEC. 823. TIMELINESS REQUIREMENTS ON POST-AWARD BID PROTEST**

4 **JURISDICTION OF THE COURT OF FEDERAL CLAIMS.**

5 Section 1491(b)(3) of title 28, United States Code, is amended by adding at the end the  
6 following new sentences: "Every action under this subsection, other than those based either  
7 upon alleged improprieties in a solicitation which are apparent prior to bid opening or the time  
8 set for receipt of initial proposals, shall be barred unless the action is filed no later than 10 days  
9 after the basis for the action is known or should have been known, whichever is earlier.

10 Excepted are actions challenging a procurement conducted on the basis of competitive proposals  
11 under which a debriefing is requested and, when requested, is required. In such cases, with  
12 respect to any basis for action which is known or should have been known either before or as a  
13 result of the debriefing, the action shall be barred unless filed no later than 10 days after the date  
14 on which the debriefing is held."

15 **Subtitle D—Other Matters**

16 **SEC. 831. APPLICABILITY OF THE RESTRICTION ON SPECIALTY METALS.**

17 (a) IN GENERAL.—Section 2533b(k) of title 10, United States Code, is amended to read as  
18 follows:

19 "(k) NATIONAL SECURITY EXCEPTION.—Subsection (a) does not apply to procurements  
20 for which the Secretary of Defense or the Secretary of the military department concerned  
21 determines in writing that an exception is in the national security interest of the United States."

22 (b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by striking  
23 "(j)" and inserting "(k)".

1 **SEC. 832. CLARIFICATION OF JURISDICTION OF THE UNITED STATES**

2 **DISTRICT COURTS TO HEAR BID PROTEST DISPUTES INVOLVING**  
3 **MARITIME CONTRACTS.**

4 Section 1491 of title 28, United States Code, is amended by adding at the end the  
5 following new subsection:

6 "(d) Jurisdiction over any actions described under subsection (b)(1) of this section arising  
7 out of a maritime contract or a proposed maritime contract shall be governed by this section, and  
8 shall not be subject to the jurisdiction of the District Courts of the United States under the Act of  
9 March 9, 1920, commonly known as the 'Suits in Admiralty Act' (41 Stat. 525; 46 U.S.C. App.  
10 741 et seq.), or the Act of March 3, 1925, commonly known as the 'Public Vessels Act' (43 Stat.  
11 1112; 46 U.S.C. App. 781 et seq.)."

12 **SEC. 833. STREAMLINE JURISDICTION OVER GOVERNMENT CONTRACT**

13 **CLAIMS, DISPUTES AND APPEALS ARISING OUT OF MARITIME**  
14 **CONTRACTS.**

15 Section 4 of the Contract Disputes Act of 1978 (41 U.S.C. 603) is amended to read as  
16 follows:

17 "SEC. 4. Appeals under subsection (g) of section 8 and suits under section 10 arising out  
18 of maritime contracts shall be governed exclusively by this Act."

19 **SEC. 834. REPEAL OF THE MILITARY SYSTEM BREAKOUT LIST.**

20 Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law  
21 108-136; 117 Stat. 1543) is repealed.

22 **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND**  
23 **MANAGEMENT**

1                                   **Subtitle A—Department of Defense Management**

2   **SEC. 901. PERMANENT AUTHORITY TO ACCEPT GIFTS TO BENEFIT MEMBERS**  
3                                   **OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE**  
4                                   **EMPLOYEES INJURED OR KILLED IN LINE OF DUTY AND THEIR**  
5                                   **DEPENDENTS.**

6                   Section 2601(b) of title 10, United States Code, is amended by striking paragraph (4).

7   **SEC. 902. MODIFICATION OF PROCEDURES TO PRESERVE THE SEARCH AND**  
8                                   **RESCUE CAPABILITIES OF THE FEDERAL GOVERNMENT**  
9                                   **CONSISTENT WITH MILITARY REQUIREMENTS.**

10                  Section 1085 of the Ronald W. Reagan National Defense Authorization Act for Fiscal  
11   Year 2005 (Public Law 108-375; 118 Stat. 2065) is amended—

12                               (1) in the matter before paragraph (1)—

13                                       (A) by striking "capabilities at any military installation" and inserting  
14                                       "units at any military installation";

15                                       (B) by striking "equivalent" and inserting "adequate"; and

16                                       (C) by striking "by—" and inserting "by one or a combination of—";

17                               (2) by striking "or" at the end of paragraph (1);

18                               (3) in paragraph (2)—

19                                       (A) by inserting ", through active-duty, reserve component, or National  
20                                       Guard assets," after "directly"; and

21                                       (B) by striking the period at the end and inserting "; or"; and

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

23                                       "(3) State and local government agencies in the relevant area."

1                                   **Subtitle B—Chemical Demilitarization Program**

2   **SEC. 911. CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSION**  
3                                   **IN COLORADO AND KENTUCKY.**

4                   Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law  
5 102-484; 106 Stat. 2341) is amended by adding at the end the following new subsection:

6                   "(i) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS ADVISORY  
7 COMMISSIONS.—Notwithstanding subsections (b), (f), and (g), and consistent with the Strom  
8 Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112  
9 Stat. 1920) and the Department of Defense Appropriations Act, 2003 (Public Law 107-248; 116  
10 Stat. 1519), responsibilities for the Chemical Demilitarization Citizens Advisory Commissions in  
11 Colorado and Kentucky will be transferred from the Secretary of the Army to the Program  
12 Manager for Assembled Chemical Weapons Alternatives. The Program Manager for Assembled  
13 Chemical Weapons Alternatives will ensure the ability to receive citizen and State concerns  
14 regarding the ongoing chemical destruction program in these States. A representative from the  
15 Office of the Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense  
16 Programs will meet with these commissions not less often than twice a year. Funds appropriated  
17 for the Assembled Chemical Weapons Alternatives Program will be used for travel and  
18 associated travel cost for these Citizens' Advisory Commissioners, when such travel is conducted  
19 at the invitation of the Department of Defense Special Assistant for Chemical and Biological  
20 Defense and Chemical Demilitarization Programs."

21   **SEC. 912. MODIFY THE TERMINATION REQUIREMENTS FOR ASSISTANCE TO**  
22                                   **STATE AND LOCAL GOVERNMENTS UNDER THE CHEMICAL**  
23                                   **STOCKPILE EMERGENCY PREPAREDNESS PROGRAM.**

1 Subparagraph (B) of section 1412(c)(5) of the Department of Defense Authorization Act,  
2 1986 (Public Law 99-145; 99 Stat. 748; 50 U.S.C. 1521), as amended, is further amended to read  
3 as follows:

4 "(B) Assistance may be provided under this paragraph until all activities  
5 associated with the close-out of grants and cooperative agreements provided  
6 pursuant to subparagraph (A) between the Federal Emergency Management  
7 Agency and state and local governments are complete, but such assistance may  
8 not be provided after 6 months from the date agent destruction operations have  
9 been completed in such jurisdiction."

### 10 **Subtitle C—Intelligence-Related Matters**

#### 11 **SEC. 921. OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE AGENCY.**

12 Section 705 of the National Security Act of 1947 (50 U.S.C. 432c) is amended by striking  
13 subsection (g).

#### 14 **SEC. 922. PROHIBITION ON DISCLOSURE OF CERTAIN GEODETIC PRODUCTS.**

15 Section 455 of title 10, United States Code, is amended by adding at the end the  
16 following new subsections:

17 "(d) PROHIBITION ON DISCLOSURE OF GEODETIC PRODUCTS.—Any person, including any  
18 current and former government and contractor personnel, who, without authorization, knowingly  
19 distributes, transfers or engages in the sale of any product that the Secretary of Defense has  
20 withheld from the public in accordance with subsection (b) shall be subject to the penalties and  
21 administrative actions set forth in subsection (e).

1           "(e) PENALTIES AND ADMINISTRATIVE SANCTIONS.—(1) CRIMINAL PENALTIES.—Whoever  
2 engages in conduct constituting a violation of subsection (b) or (d) shall be imprisoned for not  
3 more than 5 years or fined as provided under title 18, or both.

4           "(2) CIVIL PENALTIES.—The Attorney General may bring a civil action in an appropriate  
5 United States district court against any person who engages in conduct constituting a violation of  
6 subsection (b) or (d). Upon proof of such conduct by a preponderance of the evidence, the  
7 person is subject to a civil penalty. An individual who engages in such conduct is subject to a  
8 civil penalty of not more than \$50,000 for each violation plus twice the amount of compensation  
9 that the individual received or offered for the prohibited conduct. An organization that engages  
10 in such conduct is subject to a civil penalty of not more than \$500,000 for each violation plus  
11 twice the amount of compensation that the organization received or offered for the prohibited  
12 conduct."

13   **SEC. 923. TECHNICAL CHANGES FOLLOWING THE REDESIGNATION OF**  
14           **NATIONAL IMAGERY AND MAPPING AGENCY AS NATIONAL**  
15           **GEOSPATIAL-INTELLIGENCE AGENCY.**

16           (a) TECHNICAL CHANGES TO UNITED STATE CODE.—Titles 5 and 44, United States Code,  
17 are amended by striking "National Imagery and Mapping Agency" each place it appears and  
18 inserting "National Geospatial-Intelligence Agency".

19           (b) TECHNICAL CHANGES TO OTHER ACTS.—(1) Section 105(a) of the Ethics in  
20 Government Act of 1978 (Public Law 95-521; 5 U.S.C. App. 4) is amended by striking "National  
21 Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

1 (2) Section 8(h) of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C.  
2 Appendix) is amended by striking "National Imagery and Mapping Agency" and inserting  
3 "National Geospatial-Intelligence Agency".

4 (3) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (Public Law  
5 100-347; 29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Imagery and Mapping  
6 Agency" and inserting "National Geospatial-Intelligence Agency".

7 (4) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (Public Law  
8 102-392; 44 U.S.C. 501 note), is amended by striking "National Imagery and Mapping Agency"  
9 and inserting "National Geospatial-Intelligence Agency".

10 (5) Section 201 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C.  
11 121) is amended by striking "National Imagery and Mapping Agency" and inserting "National  
12 Geospatial-Intelligence Agency".

## 13 **TITLE X—GENERAL PROVISIONS**

### 14 **Subtitle A—Financial Matters**

#### 15 **SEC. 1001. INCREASE LIMITATION ON ADVANCE BILLING OF WORKING** 16 **CAPITAL FUND CUSTOMERS.**

17 Section 2208(1)(3) of title 10, United States Code, is amended by striking  
18 "\$1,000,000,000" and inserting "\$2,000,000,000".

#### 19 **SEC. 1002. CREDITING OF ADMIRALTY CLAIM RECEIPTS FOR DAMAGE TO** 20 **DOD WORKING CAPITAL FUND ACCOUNT PROPERTY.**

21 Section 7623(b) of title 10, United States Code, is amended by striking the last sentence  
22 and inserting the following new sentence: "Amounts received under this section shall be covered  
23 into the Treasury as miscellaneous receipts, except that amounts received for damage or loss to

1 property operated and maintained with funds from a Department of Defense working capital  
2 fund account shall be credited to that account."

3 **SEC. 1003. LICENSING OF INTELLECTUAL PROPERTY; DEFINITIONS.**

4 Section 2260 of title 10, United States Code, is amended—

5 (1) in subsection (a), by inserting "or the Secretary of Homeland Security" after  
6 "Secretary of Defense;" and

7 (2) by amending subsection (e) to read as follows:

8 "(e) DEFINITIONS.—In this section:

9 "(1) The terms 'trademark', 'service mark', 'certification mark', and  
10 'collective mark' have the meanings given such terms in section 45 of the Act of  
11 July 5, 1946 (commonly referred to as the Trademark Act of 1946; 15 U.S.C.  
12 1127).

13 "(2) The term 'Secretary concerned' means the Secretary of a military  
14 department, the Secretary of Defense, with respect to matters concerning the  
15 Defense Agencies and Defense Field Activities, and the Secretary of Homeland  
16 Security, with respect to matters concerning the Coast Guard when it is not  
17 operating as a service in the Department of the Navy."

18 **Subtitle B—Policy Relating to Vessels and Shipyards**

19 **SEC. 1011. TEMPORARY WAIVER OF THE MINIMUM AIRCRAFT CARRIER**  
20 **REQUIREMENT.**

21 Section 5062(b) of title 10, United States Code, is amended by inserting after the first  
22 sentence the following new sentence: "Notwithstanding the preceding sentence or any other  
23 provision of law, the naval combat forces of the Navy may include less than 11 operational

1 aircraft carriers for the period of time between the decommissioning of the USS ENTERPRISE  
2 (CVN 65) and the commissioning of the CVN 78."

3 **SEC. 1012. CLARIFICATION OF STATUS OF GOVERNMENT RIGHTS IN THE**  
4 **DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, CRAFT,**  
5 **AND COMPONENTS THEREOF.**

6 (a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at  
7 the end the following new section:

8 **"§ 7317. Status of Government rights in the designs of vessels, boats, craft, and**  
9 **components thereof**

10 "Notwithstanding any other provision of law, Government rights in the design of a vessel,  
11 boat, or craft, and its components, including the hull, decks, superstructure, and all shipboard  
12 equipment and systems, shall be determined solely by operation of section 2320 of this title or by  
13 the instrument under which the design was developed for the Government."

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

16 "7317. Status of Government rights in the designs of vessels, boats, craft, and components thereof."

17 **Subtitle C—Counter-Drug Activities**

18 **SEC. 1021. EXPANSION AND EXTENSION OF AUTHORITY TO PROVIDE**  
19 **ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF**  
20 **CERTAIN FOREIGN GOVERNMENTS.**

21 (a) EXTENSION OF AUTHORITY.—Paragraph (2) of subsection (a) of section 1033 of the  
22 National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881),  
23 as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004

1 (Public Law 108-136, 117 Stat.1593) and section 1022 of the National Defense Authorization  
2 Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2137), is amended by striking "2008"  
3 and inserting "2011".

4 (b) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such  
5 section is amended by adding at the end the following new paragraphs:

6 "(19) The Government of Niger.

7 "(20) The Government of Mauritania.

8 "(21) The Government of Mali.

9 "(22) The Government of Chad.

10 "(23) The Government of Indonesia.

11 "(24) The Government of Philippines.

12 "(25) The Government of Honduras.

13 "(26) The Government of Nicaragua.

14 "(27) The Government of El Salvador."

15 (c) TYPES OF SUPPORT.—Subsection (c)(2) of such section is amended by striking "  
16 subject to section 484(a) of the Foreign Assistance Act of 1961 (22 U.S. C. 2291c(a)),".

17 (d) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is  
18 amended—

19 (1) by striking "\$60,000,000" and inserting "\$80,000,000"; and

20 (2) by striking "or \$60,000,000 during either of the fiscal years 2007 and 2008"  
21 and inserting "\$80,000,000 during years 2008 through 2011".

22 **Subtitle D—Matters Related to Homeland Security**

23 **SEC. 1031. RESERVE SUPPORT FOR RESPONSES TO CERTAIN EMERGENCIES.**

1 Section 12304(b) of title 10, United States Code, is amended—

2 (1) by striking "or" at the end of paragraph (1);

3 (2) by striking the period at the end of paragraph (2) and inserting "; or"; and

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

5 "(3) in the case of the Army Reserve, Navy Reserve, Air Force Reserve, Marine  
6 Corps Reserve, and the Coast Guard Reserve, a major disaster or emergency as those  
7 terms are defined in section 5122 of title 42."

8 **SEC. 1032. RESERVE SUPPORT TO MAJOR PUBLIC EMERGENCIES.**

9 Section 333 of title 10, United States Code, is amended by inserting "and order to active  
10 duty units or members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps  
11 Reserve, and Coast Guard Reserve," after "Federal service,".

12 **SEC. 1033. RESERVE SUPPORT TO ENFORCEMENT OF FEDERAL AUTHORITY.**

13 Section 332 of title 10, United States Code, is amended by inserting "order to active duty  
14 units or members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps  
15 Reserve, and Coast Guard Reserve," after "militia of any State,".

16 **SEC. 1034. RESERVE SUPPORT TO FEDERAL AID FOR STATE GOVERNMENTS.**

17 Section 331 of title 10, United States Code, is amended by inserting "order to active duty  
18 units or members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps  
19 Reserve, and Coast Guard Reserve," after "requested by that State,".

20 **SEC. 1035. PROCUREMENT OF EQUIPMENT BY STATE AND LOCAL**  
21 **GOVERNMENTS.**

22 (a) IN GENERAL.—Section 381 of title 10, United States Code, is amended—

23 (1) in subsection (a)(1)—

1 (A) in the matter preceding subparagraph (A)—  
2 (i) by striking "law enforcement"; and  
3 (ii) by inserting ", homeland security, counter-terrorism, and  
4 emergency response" after "counter-drug";  
5 (B) in subparagraph (A)—  
6 (i) in the matter preceding clause (i), by inserting ", homeland  
7 security, counter-terrorism, and emergency response" after "counter-drug";  
8 and  
9 (ii) in clause (i), by striking "law enforcement";  
10 (C) in subparagraph (C), by striking "law enforcement" each place it  
11 appears; and  
12 (D) in subparagraph (D), by striking "law enforcement";  
13 (2) in subsection (c)—  
14 (A) by striking "law enforcement"; and  
15 (B) by inserting ", homeland security, counter-terrorism, and emergency  
16 response" after "counter-drug"; and  
17 (3) in subsection (d)—  
18 (A) in paragraph (2), by inserting "or emergency response" after "law  
19 enforcement" both places it appears; and  
20 (B) in paragraph (3)—  
21 (i) by striking "law enforcement";  
22 (ii) by inserting ", homeland security, counter-terrorism, and  
23 emergency response" after "counter-drug"; and

1 (iii) by inserting "and, in the case of homeland security, may not  
2 include any equipment that is not found on the Authorized Equipment List  
3 as published by the Department of Homeland Security" after "purposes".

4 (b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as  
5 follows:

6 **"§ 381. Procurement by State and local governments of equipment suitable for counter-**  
7 **drug, homeland security, counter-terrorism, and emergency response**  
8 **activities through the Department of Defense".**

9 (2) The table of sections at the beginning of chapter 18 of such title is amended by  
10 striking the item relating to section 381 and inserting the following new item:

11 "381. Procurement by State and local governments of equipment suitable for counter-drug, homeland security,  
12 counter-terrorism, and emergency response activities through the Department of Defense."

13 **SEC. 1036. CONFIDENTIAL BUSINESS AND HOMELAND SECURITY**  
14 **INFORMATION SHARING.**

15 (a) IN GENERAL.—Section 130d of title 10, United States Code, is amended to read as  
16 follows:

17 **"§ 130d. Treatment under the Freedom of Information Act of confidential business**  
18 **information and homeland security information shared with State and local**  
19 **personnel**

20 "The sharing of confidential business information or homeland security information,  
21 pursuant to section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482), by any Federal  
22 agency, with State and local personnel (as defined in such section) shall not be considered  
23 release of such information to the public, and shall not constitute a waiver of any applicable  
24 exemption to the release of such information under section 552 of title 5."

1 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such  
2 title is amended by striking the item relating to section 130d and inserting the following new  
3 item:

4 "130d. Treatment under the Freedom of Information Act of confidential business information and homeland  
5 security information shared with State and local personnel."

6 **Subtitle E—Miscellaneous Authorities and Limitations**

7 **SEC. 1041. MINIMUM ANNUAL PURCHASE AMOUNTS FOR AIRLIFT FROM**  
8 **CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.**

9 (a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at  
10 the end the following new section:

11 **"§ 9515. Airlift services: minimum annual purchase amount for carriers participating in**  
12 **Civil Reserve Air Fleet**

13 "(a) IN GENERAL.—The Secretary of Defense may award to air carriers or air carrier  
14 contractor team arrangements (carriers) participating in the Civil Reserve Air Fleet on a fiscal  
15 year basis a one-year contract for airlift services with a minimum purchase amount determined in  
16 accordance with this section.

17 "(b) MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum  
18 purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on  
19 forecast needs, but may not exceed the amount equal to 80 percent of the annual average  
20 expenditure of the Department of Defense for commercial airlift during the five-fiscal year  
21 period ending in the fiscal year before the fiscal year for which such contracts are awarded.

22 "(2) In calculating the annual average expenditure of the Department of Defense for  
23 airlift for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any  
24 fiscal year exhibiting unusually high demand for commercial airlift if the Secretary determines

1 that the omission of such fiscal year from the calculation will result in a more accurate forecast  
2 of anticipated commercial airlift for purposes of that paragraph.

3 "(3) The aggregate amount of the minimum purchase amount for all contracts awarded  
4 under subsection (a) for a fiscal year, as determined under paragraph (1), shall be allocated  
5 among all carriers awarded contracts under that subsection for such fiscal year in proportion to  
6 the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

7 "(c) ADJUSTMENT TO MINIMUM PURCHASE AMOUNT FOR PERIODS OF UNAVAILABILITY OF  
8 AIRLIFT.—In determining the minimum purchase amount payable under a contract under  
9 subsection (a) for airlift provided by a carrier during the fiscal year covered by such contract, the  
10 Secretary of Defense may adjust the amount allocated to the carrier under subsection (b)(3) to  
11 take into account periods during such fiscal year when services of the carrier are unavailable for  
12 usage by the Department of Defense, including during periods of refused business or suspended  
13 operations or when the carrier is placed in nonuse status pursuant to section 2640 of this title for  
14 safety issues.

15 "(d) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the  
16 minimum purchase of airlift from a carrier for a fiscal year under a contract under subsection (a)  
17 is not utilized to purchase airlift from the carrier in such fiscal year, such amount shall be  
18 provided to the carrier before the first day of the following fiscal year.

19 "(e) COMMITMENT OF FUNDS.—The Secretary of each military department shall transfer  
20 to the transportation working capital fund a percentage of the total amount anticipated to be  
21 required in such fiscal year for payment of minimum purchase amounts under all contracts  
22 awarded under subsection (a) for such fiscal year equivalent to the percentage of the anticipated  
23 use of airlift by such military department during such fiscal year from all carriers under contracts

1 awarded under subsection (a) for such fiscal year. All such amounts will be transferred by the  
2 last day of the fiscal year to meet the requirements of (d) above unless minimum purchase  
3 amounts have already been met by the Department.

4 "(f) AVAILABILITY OF AIRLIFT.—(1) From the total amount of airlift available for a fiscal  
5 year under all contracts awarded under subsection (a) for such fiscal year, a military department  
6 shall be entitled to obtain a percentage of such airlift equivalent to the percentage of the  
7 contribution of the military department to the transportation working capital fund for such fiscal  
8 year under subsection (e).

9 "(2) A military department may transfer any entitlement to airlift under paragraph (1) to  
10 any other military department or to any other agency, element, or component of the Department  
11 of Defense.

12 "(g) ELIGIBILITY.—In order to be eligible for the higher minimal business guarantees  
13 authorized by this section, carriers must—

14 "(1) have an average on-time pick up rate, based on factors within the air carrier's  
15 control, of at least 90 percent if under contract with the Department in the prior year;

16 "(2) offer some amount of commitment to the Civil Reserve Air Fleet in excess of  
17 the minimum required for participation; and

18 "(3) not have refused a DOD request to act as a host for other CRAF carriers at  
19 intermediate staging bases during the prior year.

20 "(h) SUNSET.—The authorities in this section shall expire on December 31, 2015."

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

23 "9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet."

24 **Subtitle F—Other Matters**

1 **SEC. 1051. PRESENTATION OF BURIAL FLAG TO SPOUSES.**

2 Section 1482(a) of title 10, United States Code, is amended by adding at the end the  
3 following new paragraph:

4 "(12) Presentation of a flag of equal size to the flag presented under paragraph  
5 (10) to the surviving spouse (including a remarried surviving spouse) of the deceased  
6 member if the person to be presented a flag under paragraph (10) is other than the  
7 spouse."

8 **SEC. 1052. DEFENSE PRODUCTION ACT AMENDMENTS OF 2008.**

9 (a) Section 717(a) of the Defense Production Act of 1950 (50 USC. App. 2166(a)) is  
10 amended by striking "September 30, 2008" and inserting September 30, 2013".

11 (b) Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is  
12 amended by striking "2003 through 2008" and inserting "2009 through 2013".

13 (c) Section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) is  
14 amended—

15 (1) in subsection (a)(6)—

16 (A) by amending subparagraph (A) to read as follows:

17 "(A) IN GENERAL.—Except as provided in paragraph (7), the President  
18 shall take no action under this section unless the industrial resource shortfall  
19 which such action is intended to correct has been identified in writing and  
20 transmitted to the Committee on Banking, Housing and Urban Affairs of the  
21 Senate and the Committee on Financial Services of the House of Representatives.  
22 Such notification shall be accompanied by a statement from the President

1 demonstrating that the notification is in accordance with the provisions of  
2 paragraph (5).";

3 (B) in subparagraph (B), by striking "60 days" and inserting "30 days";

4 and

5 (C) in subparagraph (C), by striking "\$50,000,000" and inserting

6 "\$200,000,000"; and

7 (2) by amending subsection (e) to read as follows:

8 "(e) INSTALLATION OF EQUIPMENT IN INDUSTRIAL FACILITIES.—When in his judgment it  
9 will aid the national defense, the President is authorized to install additional equipment, facilities,  
10 processes or improvements to plants, factories, and other industrial facilities owned by the  
11 United States Government, and to install government-owned equipment in plants, factories, and  
12 other industrial facilities owned by private persons. The President may also provide for the  
13 modification or expansion of facilities in which such equipment will be installed, including the  
14 modification or improvement of production processes. When it will aid the national defense, the  
15 President may also sell or otherwise transfer such government-owned equipment to the owners  
16 of such plants, factories or other industrial facilities."

17 (d) Section 304(b)(2) of the Defense Production Act of 1950 (50 U.S.C. App. 2094(b)(2))  
18 is amended to read as follows:

19 "(2) all moneys received by the Federal Government on transactions entered into  
20 pursuant to section 303."

21 **SEC. 1053. AMENDMENT TO ANNUAL SUBMISSION OF INFORMATION**

22 **REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.**

1 Section 351(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year  
2 2003 (Public Law 107-314; 116 Stat. 2516), is amended to read as follows:

3 "(2) Information technology capital assets that have an estimated total cost for the  
4 fiscal year for which the budget is submitted in excess of \$30,000,000 and been  
5 determined by the Department of Defense Chief Information Officer and the Office of  
6 Management and Budget to be significant investments and are required to submit a  
7 Capital Asset Plan (Exhibit 300) to OMB in accordance with OMB Circular A-11,  
8 Section 300."

## 9 **TITLE XI—CIVILIAN PERSONNEL MATTERS**

### 10 **SEC. 1101. INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE** 11 **SENIOR EXECUTIVE SERVICE EMPLOYEES.**

12 Section 1606(a) of title 10, United States Code, is amended by striking "594" and  
13 inserting 694".

### 14 **SEC. 1102. PERMANENT EXTENSION OF DEPARTMENT OF DEFENSE** 15 **VOLUNTARY REDUCTION IN FORCE AUTHORITY.**

16 Section 3502(f) of title 5, United States Code, is amended by striking paragraph (5).

### 17 **SEC. 1103. FLEXIBILITY IN PAYING ANNUITY TO FEDERAL RETIREES WHO** 18 **RETURN TO WORK.**

19 Section 9902(j) of title 5, United States Code, is amended to read as follows:

20 "(j) PROVISIONS RELATING TO REEMPLOYMENT.—(1) The Secretary of Defense may,  
21 under procedures and criteria prescribed under paragraph (2), waive the application of the  
22 provisions of section 8344 or 8468 of this title on a case-by-case or group basis for employment  
23 of an annuitant in a position in the Department of Defense.

1           "(2) The Secretary shall prescribe procedures for the exercise of any authority under this  
2 subsection, including criteria for any exercise of authority and procedures for a delegation of  
3 authority.

4           "(3) An employee as to whom a waiver under this subsection is in effect shall not be  
5 considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of this title."

6   **SEC. 1104. DIRECT HIRE AUTHORITY FOR HEALTHCARE PROFESSIONALS OF**  
7                           **THE DEPARTMENT OF DEFENSE.**

8           (a) AUTHORITY.—Chapter 99 of title 5, United States Code, is amended by adding at the  
9 end the following new section:

10   **"§ 9905. Direct hire authority for healthcare professionals**

11           "(a)(1) AUTHORITY.—The Secretary may appoint in the competitive civil service an  
12 individual described in subsection (b) or identified under subsection (c) for a position within the  
13 Department of Defense without regard to the provisions of subchapter I of chapter 33 of title 5,  
14 United States Code, (other than section 3303 and 3328 of such title).

15           "(2) PREFERENCE.—In using the authority provided by this subsection, the Secretary shall  
16 apply the principles of preference for the hiring of veterans and other persons established in such  
17 subchapter.

18           "(b) ELIGIBLE INDIVIDUALS.—The following individuals may be appointed under  
19 subsection (a):

20                   "(1) Physicians.

21                   "(2) Dentists.

22                   "(3) Podiatrists.

23                   "(4) Optometrists.

- 1           "(5) Registered nurses.
- 2           "(6) Physician assistants.
- 3           "(7) Expanded-function dental auxiliaries.
- 4           "(8) Chiropractors.
- 5           "(9) Occupational, physical, recreation/creative arts, and respiratory therapists.
- 6           "(10) Nuclear medicine, medical instrument, health, environmental health,
- 7           medical, pathology, psychology, pharmacy, and medical records technicians.
- 8           "(11) Diagnostic radiologic, therapeutic radiologic, medical, and
- 9           cytotechnologists.
- 10          "(12) Social service, rehabilitation therapist, nursing, and medical support
- 11          assistants.
- 12          "(13) Psychologists.
- 13          "(14) Social workers.
- 14          "(15) Dietitians.
- 15          "(16) Industrial hygienists.
- 16          "(17) Microbiologists.
- 17          "(18) Chemists.
- 18          "(19) Biostatisticians.
- 19          "(20) Health system specialists.
- 20          "(21) Health system specialists/administrators.
- 21          "(22) Orthotist/prosthetists.
- 22          "(23) Medical records specialists/administrators.
- 23          "(24) Biomedical engineers.

1           "(25) Pharmacists.

2           "(26) Audiologist/speech pathologists.

3           “(27) Licensed practical nurses.

4           "(c) ADDITIONAL ELIGIBLE INDIVIDUALS.—The Secretary may identify other individuals  
5 in a healthcare occupation or profession who may be appointed under the authority in subsection  
6 (a) when the Secretary determines the use of such authority is necessary because of an expansion  
7 or other change in the healthcare mission of the Department or difficulty in employing  
8 individuals in such healthcare occupation or profession for service in the Department as a result  
9 of competing sources of employment or other reasons."

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

12 "9905. Direct hire authority for healthcare professionals."

13 **SEC. 1105. EXTENSION OF AUTHORITY TO MAKE LUMP SUM SEVERANCE**  
14 **PAYMENTS.**

15          Section 5595(i)(4) of title 5, United States Codes, is amended by striking "October 1,  
16 2010" and inserting "October 1, 2014".

17 **SEC. 1106. TECHNICAL CHANGE TO THE DEFINITION OF A PROFESSIONAL**  
18 **ACCOUNTING POSITION.**

19          Section 1599d(e) of title 10, United States Code, is amended by striking "GS-510, GS-  
20 511, and GS-505" and inserting "0505, 0510, 0511, or equivalent".

21 **TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

22 **Subtitle A—Assistance and Training**

23 **SEC. 1201. FUND FOREIGN VISITORS TO THE SERVICE ACADEMY**

1                   **INTERNATIONAL PROGRAMS AND ESTABLISH PER DIEM FOR**  
2                   **FACULTY AND CADETS IN STUDY ABROAD PROGRAMS.**

3           (a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding the  
4 following new section:

5           **"§ 1060c. Service academy international programs language and cultural immersion and**  
6                   **foreign exchange and cooperation activities**

7           "The superintendents of the United States Military Academy, United States Naval  
8 Academy, and United States Air Force Academy may pay the travel, subsistence, and special  
9 compensation of officers, students, and representatives of foreign countries and other hosting and  
10 entertainment expenses of foreign visitors that the superintendent concerned considers necessary  
11 for international cooperation. When United States Air Force Academy and United States  
12 Military Academy cadets, and United States Naval Academy midshipmen, travel or study abroad  
13 in programs to enhance language skills and cultural understanding, the superintendent concerned  
14 may determine that a rate lower than the per diem authorized in accordance with the Joint  
15 Federal Travel Regulations should be used."

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

18           "1060c. Service academy international programs language and cultural immersion and foreign exchange and  
19                   cooperation activities."

20                   **Subtitle B—Nonproliferation Matters and Countries of Concern**

21           **SEC. 1211. WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA.**

22           (a) ANNUAL WAIVER AUTHORITY.—

1           (1) Except as provided in subsection (b), the President may waive in whole or in  
2 part, with respect to North Korea, the application of any sanction contained in section  
3 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)), for the purpose of—

4                   (A) assisting in the implementation of the North Korean commitment,  
5 undertaken in the Joint Statement of September 19, 2005, "to abandoning all  
6 nuclear weapons and existing nuclear programs" as part of the verifiable  
7 denuclearization of the Korean Peninsula, and verification thereof; and

8                   (B) promoting the elimination of the capability of North Korea to develop,  
9 deploy, transfer, or maintain weapons of mass destruction, or their delivery  
10 systems.

11           (2) Any waiver issued pursuant to this subsection shall expire at the end of the  
12 calendar year in which it was issued.

13 (b) EXCEPTIONS.—

14           (1) The authority under subsection (a) shall not apply with respect to a sanction or  
15 prohibition contained in subparagraph (B), (C) or (G) of section 102(b)(2) of the Arms  
16 Export Control Act unless the President determines, and so certifies to the appropriate  
17 congressional committees, that—

18                   (A) all reasonable steps will be taken to assure that the articles or services  
19 exported or otherwise provided will not be used to improve the military  
20 capabilities of the North Korean armed forces; and

21                   (B) such waiver is in the national security interests of the United States.

22           (2) The authority under subsection (a) shall not apply with respect to—

1 (A) an activity described in subparagraph (A) or (C) of section 102(b)(1)  
2 of the Arms Export Control Act that occurred after September 19, 2005; or

3 (B) an activity described in subparagraph (D) of section 102(b)(1) of such  
4 Act that occurs after the date of enactment of this Act,

5 unless the President determines, and so certifies to the appropriate congressional  
6 committees, that such waiver is vital to the national security interests of the United States.

7 (3) The authority under subsection (a) shall not apply with respect to an activity  
8 described in subparagraph (B) of section 102(b)(1) of such Act that occurs after the date  
9 of enactment of this Act.

10 (c) NOTIFICATIONS AND REPORTS.—

11 (1) Any waiver pursuant to subsection (a) shall be notified in writing to the  
12 appropriate congressional committees.

13 (2) No later than August 31, 2008, and annually thereafter, the President shall  
14 submit to the appropriate congressional committees a report that—

15 (A) lists all waivers issued pursuant to this section in the preceding twelve  
16 months;

17 (B) describes in detail the progress that is being made in the  
18 implementation of the commitment undertaken by North Korea, in the Joint  
19 Statement of September 19, 2005, "to abandoning all nuclear weapons and  
20 existing nuclear programs" as part of the verifiable denuclearization of the Korean  
21 Peninsula;

22 (C) discusses specifically any shortcomings in North Korea's  
23 implementation of that commitment; and

1 (D) lists and describes the progress and shortcomings, in the preceding  
2 twelve months, of all other programs promoting the elimination of North Korea's  
3 capability to develop, deploy, transfer, or maintain weapons of mass destruction  
4 or their delivery systems.

5 (d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term  
6 "appropriate congressional committees" means—

7 (1) the Committees on Appropriations, Armed Services, and Foreign Relations of  
8 the Senate; and

9 (2) the Committees on Appropriations, Armed Services, and Foreign Affairs of  
10 the House of Representatives.

### 11 **Subtitle C—Other Matters**

#### 12 **SEC. 1221. SALES OF DEFENSE SERVICES TO BE PERFORMED OVERSEAS TO** 13 **SUPPORT DIRECT COMMERCIAL SALES BY UNITED STATES** 14 **COMPANIES.**

15 (a) IN GENERAL.—Section 30(a) of the Arms Export Control Act (22 U.S.C. 2770) is  
16 amended by striking ": *Provided, however,* That such services may be performed only in the  
17 United States".

18 (b) CLERICAL AMENDMENT.—The heading of chapter 2B of the Arms Export Control Act  
19 (Public Law 97-392; 96 Stat.1962) is amended to read as follows:

#### 20 **"CHAPTER 2B-SALES OF DEFENSE ARTICLES AND SERVICES TO UNITED** 21 **STATES COMPANIES".**

#### 22 **TITLE XIII—MATTERS RELATING TO BUILDING PARTNER** 23 **CAPABILITIES TO COMBAT TERRORISM AND ENHANCE STABILITY**



1                   "(B) respect for legitimate civilian authority within that country.

2                   "(3) PREPARATION ELEMENTS.—In preparation of execution of programs  
3 authorized under subsection (a), United States armed forces may participate in training  
4 activities authorized by section 2011 of this title in nations where training pursuant to  
5 such section is on-going.

6                   "(c) LIMITATIONS.—

7                   "(1) AVAILABILITY OF FUNDS.—

8                   "(A) The Secretary of Defense may use, or transfer to the Department of  
9 State or any other federal agency, up to \$750,000,000 of funds in any fiscal year  
10 to conduct or support activities authorized under subsection (a).

11                   "(B) Amounts available for the authority in subsection (a) for a fiscal year  
12 may be used for programs under that authority that begin in that fiscal year but  
13 end in the next fiscal year.

14                   "(2) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense  
15 may not use the authority in subsection (a) to provide any type of assistance described in  
16 subsection (b) that is otherwise prohibited by any provision of law.

17                   "(3) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of Defense may not use  
18 the authority in subsection (a) to provide assistance described in subsection (b) to any  
19 foreign country that is otherwise prohibited from receiving such type of assistance under  
20 any other provision of law.

21                   "(4) WAIVER AUTHORITY.—Notwithstanding any other provision of law, the  
22 President or the Secretary of State, as appropriate, may waive any restrictions that may  
23 apply to assistance for military or other security forces provided under this section upon

1 determining that the applicable standard for any such waiver already available under  
2 existing law is met, or otherwise upon determining that it is in the national security  
3 interests of the United States to do so.

4 "(d) FORMULATION AND EXECUTION OF PROGRAM.—The Department of Defense and the  
5 Department of State shall jointly formulate any program authorized under subsection (a). The  
6 Secretary of Defense shall coordinate with the Secretary of State in the implementation of any  
7 program authorized under subsection (a).

8 "(e) CONGRESSIONAL NOTIFICATION.—

9 "(1) ACTIVITIES IN A COUNTRY.—Not less than 15 days before initiating activities  
10 authorized under subsection (a) in any country, the Secretary of Defense, in coordination  
11 with the Secretary of State, shall submit to the congressional committees specified in  
12 paragraph (2) a notice of the following:

13 "(A) The country being assisted pursuant to subsection (a).

14 "(B) The budget, implementation timeline with milestones, and  
15 completion date for completing the program authorized under subsection (a).

16 "(C) The source and planned expenditure of funds to complete the  
17 program authorized under subsection (a).

18 "(2) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees  
19 specified in this paragraph are the following:

20 "(A) The Committee on Armed Services, the Committee on Foreign  
21 Relations, and the Committee on Appropriations of the Senate.

22 "(B) The Committee on Armed Services, the Committee on Foreign  
23 Affairs, and the Committee on Appropriations of the House of Representatives."

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

3 "409. Authority to build the capacity of foreign military and security forces."

4 **Subtitle B—Enhancing Partners' Capacity for Effective Operations**

5 **SEC. 1311. LOANS OF SIGNIFICANT MILITARY EQUIPMENT.**

6 Section 2350(1) of title 10, United States Code, is amended by inserting before the period  
7 at the end the following: ", except that such items of significant military equipment may be  
8 provided for temporary use, not to exceed one year, to security forces of nations participating in  
9 combined operations with the United States armed forces for personnel protection or to aid in  
10 personnel survivability, if the Secretary of Defense, with the concurrence of the Secretary of  
11 State, determines in writing that it is in the national security interests of the United States to  
12 provide such support".

13 **SEC. 1312. GRANTS OF NON-LETHAL EXCESS DEFENSE ARTICLES BY**  
14 **GEOGRAPHIC COMBATANT COMMANDERS.**

15 (a) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after  
16 section 166b the following new section:

17 **"§ 166c. Geographic combatant commander's authority to transfer excess defense articles**

18 "(a) AUTHORIZATION.—A geographic combatant commander, with the concurrence of the  
19 Secretary of State, is authorized to transfer, on a grant basis, a total of \$25,000 per year of non-  
20 lethal excess defense articles to each country within that commander's area of responsibility for  
21 the purpose of building the capacity of such countries to conduct counterterrorist operations, or  
22 to participate in or support military and stability operations consistent with the security interests  
23 of the United States.

1           "(b) LIMITATIONS ON TRANSFERS.—A geographic combatant commander may transfer  
2 excess defense articles under this section only if—

3                   "(1) such articles are drawn from existing stocks of the Department of Defense;

4                   "(2) funds available to the Department of Defense for the procurement of defense  
5 equipment are not expended in connection with the transfer; and

6                   "(3) the transfer of such articles will not have an adverse impact on the military  
7 readiness of the United States.

8           "(c) TRANSPORTATION AND RELATED COSTS.—

9                   "(1) IN GENERAL.—Except as provided in paragraph (2), funds available to the  
10 Department of Defense may not be expended for crating, packing, handling, and  
11 transporting excess defense articles transferred under the authority of this section.

12                   "(2) EXCEPTION.—A geographic combatant commander may provide for the  
13 transportation of excess defense articles without charge to a country for the costs of such  
14 transportation if—

15                           "(A) it is determined that it is in the national interest of the United States  
16 to do so;

17                           "(B) the recipient is a developing country;

18                           "(C) the total weight of the transfer does not exceed 50,000 pounds; and

19                           "(D) such transportation is accomplished on a space available basis.

20           "(d) PROHIBITED TRANSFERS.—A geographic combatant commander may not transfer  
21 under the authority in section (a) excess defense articles that are significant military equipment  
22 as defined in section 47(9) of the Arms Export Control Act (22 U.S.C. 2794(9)).

23           "(e) EXCESS COAST GUARD PROPERTY.—For purposes of this section, the term 'excess

1 defense articles' shall be deemed to include excess property of the Coast Guard. The term  
2 'Department of Defense' shall be deemed, with respect to such excess property, to include the  
3 Coast Guard.

4 "(f) DEFINITIONS.—In this section:

5 "(1) The term 'geographic combatant commander' means the commander of a  
6 combatant command (as such term is defined in section 161(c) of this title) with a  
7 geographic area of responsibility.

8 "(2) The term 'excess defense articles' has the meaning set forth in section 644(g)  
9 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2403(g))."

10 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is  
11 amended by inserting after the item relating to section 166b the following new item:

12 "166c. Geographic combatant commander's authority to transfer excess defense articles."

13 **SEC. 1313. ESTABLISHMENT OF A DEFENSE COALITION SUPPORT ACCOUNT**  
14 **TO MAINTAIN INVENTORY OF CRITICAL ITEMS FOR COALITION**  
15 **PARTNERS.**

16 (a) IN GENERAL.—The Arms Export Control Act is amended—

17 (1) by striking "Special Defense Acquisition Fund" each place it appears and  
18 inserting "Defense Coalition Support Fund";

19 (2) in section 51 (22 U.S.C. 2795)—

20 (A) in subsection (a)—

21 (i) in paragraph (1)—

22 (I) by striking "in consultation with" and inserting "with the  
23 concurrence of";

24 (II) by inserting "and management" after "control";

1 (III) by inserting "temporary use or" after "anticipation of  
2 their"; and  
3 (IV) by inserting ", including to support coalition or  
4 international military stability or counter-terrorist operations" after  
5 "international organizations";  
6 (ii) in paragraph (3), by inserting "(including temporary use)" after  
7 "transfer";  
8 (iii) in paragraph (4)—  
9 (I) by striking "narcotics control purposes" and inserting  
10 "building partner capacity"; and  
11 (II) by striking "such as small boats, planes (including  
12 helicopters), and communication equipment";  
13 (B) in subsection (b)—  
14 (i) by striking "and" at the end of paragraph (2);  
15 (ii) by inserting after paragraph (3) the following new paragraphs:  
16 "(4) collections from leases made pursuant to section 61 of this Act; and  
17 "(5) contributions of money or property from any United States or foreign person  
18 or entity, foreign government, or international organization for use for purposes of the  
19 Fund,"; and  
20 (iii) in the matter after paragraph (5), as added by clause (ii), by  
21 inserting "to the Department of State or the Department of Defense" after  
22 "authorized and appropriated";  
23 (C) by amending subsection (c) to read as follows:

1           "(c) Except during a period of active hostilities, the value of property purchased and held  
2 in inventory under this section may not exceed \$200,000,000. Amounts credited to the Fund  
3 under subsection (b) shall remain available until expended."; and

4                           (D) by adding at the end the following new subsection:

5           "(d) TRANSFER OF FUNDS.—In order to carry out the purposes of this Fund, amounts in  
6 the Fund may be transferred to any current appropriation, fund, or account of the Department of  
7 Defense or the Department of State, and shall be merged with the appropriation, fund, or account  
8 to which transferred."; and

9                           (3) in section 52 (22 U.S.C. 2795a)—

10                           (A) in subsection (a), by inserting "(including temporary use)" after  
11 "transfer"; and

12                           (B) in subsection (b), by striking "The President may" and inserting "The  
13 Secretary of Defense with the concurrence of the Secretary of State may".

14           (b) CONFORMING AMENDMENTS.—Section 114 of title 10, United States Code, is  
15 amended—

16                           (1) by striking subsection (c); and

17                           (2) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e),  
18 respectively.

19 **SEC. 1314. REIMBURSEMENT OF SALARIES FOR RESERVE COMPONENTS IN**  
20 **SUPPORT OF SECURITY COOPERATION MISSIONS.**

21           Notwithstanding provisions concerning the salaries of members of the Armed Forces in  
22 sections 503(a)(3) and 632(d) of the Foreign Assistance Act of 1961, the full cost of salaries of  
23 military reservists may, during fiscal years 2009 and 2010, be included in calculating pricing or

1 value for reimbursement charged under those sections, respectively.

2 **SEC. 1315. ENHANCED AUTHORITY TO PAY INCREMENTAL EXPENSES FOR**  
3 **PARTICIPATION OF DEVELOPING COUNTRIES IN COMBINED**  
4 **EXERCISES.**

5 Section 2010 of title 10, United States Code, is amended by adding at the end the  
6 following new subsection:

7 "(e) Funds available under this section for any fiscal year are available for use for  
8 programs that begin in such fiscal year but end in the next fiscal year."

9 **Subtitle C—Developing Commonality by Expanding Professional Military**  
10 **Education, Training, and Support for Partners**

11 **SEC. 1321. AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN**  
12 **PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND**  
13 **INFORMATION TECHNOLOGY TO ENHANCE MILITARY**  
14 **INTEROPERABILITY.**

15 (a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the Armed Forces  
16 and military forces of friendly foreign nations, the Secretary of Defense, with the concurrence of  
17 the Secretary of State, may—

18 (1) provide to personnel referred to in subsection (b) electronic distributed  
19 learning content for the education and training of such personnel for the development or  
20 enhancement of allied and friendly military and civilian capabilities for multinational  
21 operations, including joint exercises and coalition operations; and

22 (2) provide information technology, including computer software developed for  
23 such purpose, but only to the extent necessary to support the use of such learning content

1 for the education and training of such personnel.

2 (b) AUTHORIZED RECIPIENTS.—The personnel to whom learning content and information  
3 technology may be provided under subsection (a) are military and civilian personnel of a friendly  
4 foreign government, with the permission of that government.

5 (c) EDUCATION AND TRAINING.—Any education and training provided under subsection  
6 (a) shall include the following:

7 (1) Internet-based education and training.

8 (2) Advanced distributed learning and similar Internet learning tools, as well as  
9 distributed training and computer-assisted exercises.

10 (d) APPLICABILITY OF EXPORT CONTROL REGIMES.—The provision of learning content  
11 and information technology under this section shall be subject to the provisions of the Arms  
12 Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law  
13 relating to the transfer of military technology to foreign nations.

14 (e) SECRETARY OF DEFENSE GUIDANCE.—(1) GUIDANCE REQUIRED.—The Secretary of  
15 Defense shall develop and issue guidance on the procedures for the use of the authority provided  
16 in this section.

17 (2) SUBMITTAL TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after issuing  
18 the guidance required by paragraph (1), the Secretary shall submit to the Committees on Armed  
19 Services of the Senate and House of Representatives a report setting forth such guidance.

20 (3) MODIFICATION.—If the Secretary modifies the guidance issued under paragraph (1),  
21 the Secretary shall submit to the committees named in paragraph (2) a report setting forth the  
22 modified guidance not later than 30 days after the date of such modification.

23 (f) ANNUAL REPORT.—(1) REPORT REQUIRED.—Not later than October 31 following the

1 close of the fiscal year in which the authority granted herein is used, the Secretary of Defense  
2 shall submit to the committees named in subsection (f)(1) a report on the exercise of the  
3 authority provided in this section during the preceding fiscal year.

4 (2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year  
5 covered by such report, the following:

6 (A) A statement of the recipients of learning content and information technology  
7 provided under this section.

8 (B) A description of the type, quantity, and value of the learning content and  
9 information technology provided under this section.

10 **SEC. 1322. ENHANCING PARTICIPATION OF THE DEPARTMENT OF DEFENSE**  
11 **IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.**

12 (a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is  
13 amended by adding at the end the following new section:

14 **"§ 2350m. Participation in multinational military centers of excellence**

15 "(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence  
16 of the Secretary of State, authorize the participation of members of the armed forces and  
17 Department of Defense civilian personnel in any multinational military center of excellence  
18 hosted by any nation or combination of nations referred to in subsection (b) for purposes of—

19 "(1) enhancing the ability of military forces and civilian personnel of the nations  
20 participating in such center to engage in joint exercises or coalition or international  
21 military operations; or

22 "(2) improving interoperability between the Armed Forces of the United States  
23 and the military forces of friendly foreign nations.

1           "(b) COVERED NATIONS.—The nations referred to in this section are as follows:

2                   "(1) The United States.

3                   "(2) Any member nation of the North Atlantic Treaty Organization (NATO).

4                   "(3) Any major non-NATO ally.

5                   "(4) Any other friendly foreign nation identified by the Secretary of Defense, with  
6           the concurrence of the Secretary of State, for purposes of this section.

7           "(c) MEMORANDUM OF UNDERSTANDING.—(1) REQUIREMENT.—The participation of  
8           members of the armed forces or Department of Defense civilian personnel in a multinational  
9           military center of excellence under subsection (a) shall be in accordance with the terms of one or  
10          more memoranda of understanding entered into by the Secretary of Defense, with the  
11          concurrence of the Secretary of State, and the foreign nation or nations concerned.

12           "(2) SCOPE.—If Department of Defense facilities, equipment, or funds are used to support  
13          a multinational military center of excellence under subsection (a), the memorandum of  
14          understanding under paragraph (1) with respect to that center shall provide details of any cost-  
15          sharing arrangement or other funding arrangement.

16           "(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1) AVAILABILITY.—Funds appropriated  
17          to the Department of Defense for operation and maintenance are available as follows:

18                   "(A) To pay the United States' share of the operating expenses of any  
19                  multinational military center of excellence in which the United States participates under  
20                  this section.

21                   "(B) To pay the costs of the participation of members of the armed forces and  
22                  Department of Defense civilian personnel in multinational military centers of excellence  
23                  under this section, including the costs of expenses of such participants.

1           "(2) LIMITATION ON USE OF FUNDS.—No funds may be used under this section to fund the  
2 pay or salaries of members of the armed forces and Department of Defense civilian personnel  
3 who participate in multinational military centers of excellence under this section.

4           "(e) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and  
5 equipment of the Department of Defense may be used for purposes of the support of  
6 multinational military centers of excellence under this section that are hosted by the Department.

7           "(f) REPORT ON USE OF AUTHORITY.—

8                   "(1) REPORT REQUIRED.—Not later than October 31 following the close of the  
9 fiscal year in which the authority granted herein is used, the Secretary of Defense shall  
10 submit to the Committee on Armed Services of the Senate and the Committee on Armed  
11 Services of the House of Representatives a report on the use of the authority in this  
12 section during that fiscal year.

13                   "(2) ELEMENTS.—The report required by paragraph (1) shall include the  
14 following:

15                           "(A) A detailed description of the participation of the Department of  
16 Defense, and of members of the armed forces and civilian personnel of the  
17 Department, in multinational military centers of excellence under the authority of  
18 this section during the fiscal year.

19                           "(B) For each multinational military center of excellence in which the  
20 Department of Defense, or members of the armed forces or Department of  
21 Defense civilian personnel, so participated—

22                                   "(i) a description of such multinational military center of  
23 excellence;

1                               "(ii) a description of the activities participated in by the  
2                               Department, or by members of the armed forces or Department of Defense  
3                               civilian personnel; and

4                               "(iii) a statement of the costs of the Department for such  
5                               participation, including—

6                                       "(I) a statement of the United States share of the expenses  
7                                       of such center, and a statement of the percentage of the United  
8                                       States share of the expenses of such center to the total expenses of  
9                                       such center; and

10                                      "(II) a statement of the amount of such costs (including a  
11                                      separate statement of the amount of costs paid for under the  
12                                      authority of this section by category of costs).

13       "(g) DEFINITIONS.—In this section:

14                               "(1) The term 'multinational military center of excellence' means an entity  
15                               sponsored by one or more nations that is accredited and approved by the Department of  
16                               Defense as offering recognized expertise and experience to personnel participating in the  
17                               activities of such entity for the benefit of United States forces and the militaries of  
18                               friendly foreign nations by providing such personnel opportunities to—

19                                      "(A) enhance education and training;

20                                      "(B) improve interoperability and capabilities;

21                                      "(C) assist in the development of doctrine; and

22                                      "(D) validate concepts through experimentation.

23                               "(2) The term 'major non-NATO ally' means a country (other than a member

1 nation of the North Atlantic Treaty Organization) that is designated as a major non-  
2 NATO ally by the Secretary of Defense, with the concurrence of the Secretary of State,  
3 under section 2350a of this title."

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

6 "2350m. Participation in multinational military centers of excellence."

7 **SEC. 1323. REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP**  
8 **PROGRAM.**

9 Section 2249c(b) of title 10, United States Code, is amended by striking "\$25,000,000"  
10 and inserting "\$35,000,000".

11 **SEC. 1324. MILITARY-TO-MILITARY CONTACTS AND COMPARABLE**  
12 **ACTIVITIES.**

13 Section 168(e) of title 10, United States Code, is amended by adding at the end the  
14 following new paragraph:

15 "(5) Funds available under this section for any fiscal year are available for use for  
16 programs that begin in such fiscal year but end in the next fiscal year."

17 **SEC. 1325. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL**  
18 **COOPERATION PROGRAMS.**

19 (a) IN GENERAL.—Section 1051 of title 10, United States Code, is amended—

20 (1) in the heading, by striking "**Bilateral**" and inserting "**Multilateral, bilateral**";

21 (2) in subsection (a), by striking "a bilateral" and inserting "a multilateral,  
22 bilateral,";

23 (3) in subsection (b)—

24 (A) in paragraph (1)—

1 (i) by striking "to and" and inserting "to, from, and"; and

2 (ii) by striking "bilateral" and inserting " multilateral, bilateral,";

3 and

4 (B) in paragraph (2), by striking "bilateral" and inserting " multilateral,  
5 bilateral,"; and

6 (4) by adding at the end the following new subsection:

7 "(e) Funds available under this section for any fiscal year are available for use for  
8 programs that begin in such fiscal year but end in the next fiscal year."

9 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such  
10 title is amended by striking the item relating to section 1051 and inserting the following new  
11 item:

12 "1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses."

13 **SEC. 1326. ENHANCING THE ABILITY OF THE UNITED STATES GOVERNMENT**  
14 **TO CONDUCT COMPLEX OPERATIONS.**

15 (a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding the  
16 following new section:

17 **"§ 412. Center for Complex Operations**

18 "(a) AUTHORITY.—The Secretary of Defense may establish a Center for Complex  
19 Operations to—

20 "(1) coordinate more effectively the preparation of Department of Defense and  
21 other U.S. Government personnel for complex operations;

22 "(2) foster unity of effort among U.S. Government departments and agencies,  
23 foreign governments and militaries, international organizations, and non-governmental  
24 organizations;

1           "(3) conduct research; collect, analyze, and distribute lessons learned; and  
2           compile best practices in the area of complex operations; and

3           "(4) identify education and training gaps of the Department of Defense and other  
4           federal departments and agencies and facilitate efforts to fill those gaps.

5           "(b) AUTHORITY TO PROVIDE SUPPORT AND TRANSFER FUNDS.—The heads of other  
6           federal departments and agencies are authorized to provide services, including personnel support,  
7           and to transfer funds to the Secretary of Defense to support the operation of the Center for  
8           Complex Operations.

9           "(c) AUTHORITY TO ACCEPT GIFTS AND DONATIONS.—

10           "(1) Subject to paragraph (3), the Secretary of Defense may accept from any  
11           source specified in paragraph (2) any gift or donation for purposes of defraying the costs  
12           or enhancing the operation of the center.

13           "(2) The sources from which gifts and donations may be accepted under this  
14           subsection are the following:

15                   "(A) The government of a State or a political subdivision of a State.

16                   "(B) The government of a foreign country.

17                   "(C) A foundation or other charitable organization, including a foundation  
18                   or charitable organization that is organized or operates under the laws of a foreign  
19                   country.

20                   "(D) Any source in the private sector of the United States or a foreign  
21                   country.

22           "(3) LIMITATION.—The Secretary may not accept a gift or donation under this  
23           subsection if acceptance of the gift or donation would compromise or appear to

1           compromise—

2                           "(A) the ability of the Department of Defense, any employee of the  
3           Department, or any member of the armed forces to carry out the responsibility or  
4           duty of the Department in a fair and objective manner; or

5                           "(B) the integrity of any program of the Department or of any person  
6           involved in such a program.

7                           "(4) CRITERIA FOR ACCEPTANCE.—The Secretary of Defense shall prescribe  
8           written guidance setting forth the criteria to be used in determining the applicability of  
9           paragraph (3) to any proposed gift or donation under this section.

10                          "(d) CREDITING OF FUNDS.—Funds accepted by the Secretary of Defense under this  
11           section shall be credited to appropriations available to the Department of Defense for the Center  
12           for Complex Operations and shall be available for the same purposes as the appropriations with  
13           which merged. Any funds accepted under this section shall remain available until expended.

14                          "(e) DEFINITIONS.—(1) GIFT OR DONATION.—In this section, the term 'gift or donation'  
15           means any gift or donation of funds, materials (including research materials), real or personal  
16           property, or services (including lecture services and faculty services).

17                          "(2) COMPLEX OPERATIONS.—In this section, complex operations are defined as stability,  
18           security, transition and reconstruction operations, counterinsurgency, and irregular warfare."

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

21           "412. Center for Complex Operations."

22           **Subtitle D—Setting Conditions Through Support for Local Populations**

23           **SEC. 1331. AMENDMENTS OF AUTHORITY FOR HUMANITARIAN ASSISTANCE.**

1 Section 2561(a)(1) of title 10, United States Code, is amended by inserting "and, with the  
2 concurrence of the relevant Chief of Mission, for stabilization purposes" after "other  
3 humanitarian purposes".

4 **SEC. 1332. MAKING PERMANENT AND GLOBAL THE COMMANDERS**  
5 **EMERGENCY RESPONSE PROGRAM FOR URGENT**  
6 **HUMANITARIAN AND RECONSTRUCTION NEEDS IN THE FIELD.**

7 (a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding at  
8 the end the following new section:

9 **"§ 410. Commanders' emergency response program**

10 "(a) AUTHORITY.—Funds made available to the Department of Defense for the  
11 Commanders' Emergency Response Program for any fiscal year may be used by the Secretary of  
12 Defense in such fiscal year to provide funds—

13 "(1) for the Commanders' Emergency Response Program in Iraq and a similar  
14 program in Afghanistan; and

15 "(2) for a similar program to assist the people of a developing country where  
16 United States forces are operating.

17 "(b) QUARTERLY REPORT.—Not later than 15 days after the end of each fiscal-year  
18 quarter, the Secretary of Defense shall submit to the congressional defense committees a report  
19 regarding the source of funds and the allocation and use of funds during that quarter that were  
20 made available pursuant to the authority provided in this section or under any other provision of  
21 law for the purposes of the programs under subsection (a).

22 "(c) SUBMISSION OF GUIDANCE.—

23 "(1) INITIAL SUBMISSION.—Not later than 30 days after the date of the enactment

1 of this Act, the Secretary of Defense shall submit to the congressional defense  
2 committees a copy of the guidance issued by the Secretary to the Armed Forces  
3 concerning the allocation of funds through the Commanders' Emergency Response  
4 Program and any similar program to assist the people of a developing country.

5 "(2) MODIFICATIONS.—If the guidance in effect for the purpose stated in  
6 paragraph (1) is modified, the Secretary shall submit to the congressional defense  
7 committees a copy of the modification not later than 15 days after the date on which the  
8 Secretary makes the modification.

9 "(d) WAIVER AUTHORITY.—For purposes of exercising the authority provided by this  
10 section or any other provision of law making funding available for the Commanders' Emergency  
11 Response Program referred to in subsection (a) (including a program referred to in paragraph (2)  
12 of that subsection), the Secretary of Defense may waive any provision of law not contained in  
13 this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the  
14 exercise of that authority.

15 "(e) EXECUTION OF PROGRAM.—Within sixty days of the enactment of this provision, the  
16 Departments of Defense and State shall jointly develop procedures for the exercise of the  
17 authority in subsection (a). Such procedures shall provide for expeditious coordination between  
18 the Department of Defense and the Department of State to achieve agile, appropriate, and  
19 effective use of this authority to promote the security interests of the United States.

20 "(f) COMMANDERS' EMERGENCY RESPONSE PROGRAM DEFINED.—In this section, the term  
21 'Commanders' Emergency Response Program' means the program established by the  
22 Administrator of the Coalition Provisional Authority for the purpose of enabling United States  
23 military commanders in Iraq to respond to urgent humanitarian relief and reconstruction

1 requirements within their areas of responsibility by carrying out programs that will immediately  
2 assist the Iraqi people."

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

5 "410. Commanders' emergency response program."

## 6 **DIVISION B—MILITARY CONSTRUCTION**

### 7 **AUTHORIZATIONS**

#### 8 **SECTION 2001. SHORT TITLE.**

9 This division may be cited as the "Military Construction Authorization Act for Fiscal  
10 Year 2009".

## 11 **TITLE XXI—MILITARY CONSTRUCTION GENERAL PROVISIONS**

### 12 **Subtitle A—Military Construction Program and Military Family Housing**

#### 13 **Changes**

#### 14 **SEC. 2101. MODIFICATION OF LONG-TERM LEASING AUTHORITY FOR** 15 **MILITARY FAMILY HOUSING.**

16 (a) AUTHORITY.—Section 2835 of title 10, United States Code, is amended by adding at  
17 the end the following new subsections:

18 "(i) HOUSING OF OTHER PERSONNEL.—(1) At any point in the lease term, to the extent  
19 that housing constructed and leased under this section is not required by military families, the  
20 Secretary of a military department may assign military members, without dependents, to such  
21 housing without rental charge to the member so assigned.

1           "(2) A member, without dependents, who is assigned to housing pursuant to this section  
2 shall be considered to be assigned to quarters pursuant to section 403(e) of title 37.

3           "(j) CONVERSION TO LONG-TERM LEASING OF MILITARY UNACCOMPANIED HOUSING.—(1)  
4 During the period of the lease term, if the Secretary concerned determines that the housing  
5 constructed and leased under this section is excess to the long-term needs of the Family Housing  
6 Program of the Department of Defense, the Secretary concerned may convert the lease to a long-  
7 term lease of military unaccompanied housing.

8           "(2) The term of the conversion to military unaccompanied housing under paragraph (1)  
9 may not exceed the remaining term of the existing long-term lease of family housing being  
10 converted.

11           "(k) ADVANCE NOTICE OF INTENT TO CONVERT.—The Secretary concerned may not  
12 convert the long-term family housing lease to unaccompanied housing under subsection (j)  
13 until—

14                   "(1) the Secretary concerned submits to the congressional defense committees, in  
15 writing, a notice of the intent to accomplish such conversion to unaccompanied housing,  
16 including—

17                           "(A) a justification for the conversion;

18                           "(B) a description of the long-term lease to be converted;

19                           "(C) the lease amount; and

20                           "(D) the lease expiration date; and

21           "(2) a period of 21 days has expired following the date on which the justification  
22 is received by the committees or, if over sooner, a period of 14 days has expired

1 following the date on which a copy of the justification is provided in an electronic  
2 medium pursuant to section 480 of this title.

3 "(I) SECTION 801 HOUSING.—Subsections (i), (j), and (k) also shall apply to housing  
4 leased by a military department pursuant to authority contained in section 801 of the Military  
5 Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat 782).".

6 **SEC. 2102. UNSPECIFIED MINOR CONSTRUCTION.**

7 Section 2805 of title 10, United States Code, is amended—

8 (1) in subsection (a)(1)—

9 (A) by striking "\$1,500,000" and inserting "\$2,500,000"; and

10 (B) by striking "\$3,000,000" in the last sentence and inserting

11 "\$4,250,000";

12 (2) in subsection (b)(1), by striking "\$750,000" and inserting "\$1,000,000"; and

13 (3) in subsection (c)(1)—

14 (A) in subparagraph (A), by striking "\$1,500,000" and inserting

15 "\$2,000,000"; and

16 (B) in subparagraph (B), by striking "\$750,000" and inserting

17 "\$1,000,000".

18 **SEC. 2103. FLEXIBILITY IN DETERMINING DOMESTIC FAMILY HOUSING**  
19 **LEASE MAXIMUMS.**

20 Section 2828(b) of title 10, United States Code, is amended—

21 (1) in paragraph (2), by striking "paragraphs (3) and (4)" and inserting

22 "paragraphs (3), (4), and (7); and

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

1           "(7) The Secretary of the Army may lease not more than 600 of the 10,000 family  
2           housing units provided in paragraph (1) at an amount not greater than 33 percent above  
3           the maximum lease amount under paragraph (3), as adjusted under paragraph (5) for the  
4           fiscal year in which a unit is leased under this paragraph. The maximum lease amount  
5           provided in this paragraph shall apply only to Army family housing in areas designated  
6           by the Secretary of the Army and for leases not to exceed a term of 2 years."

7           **SEC. 2104. TRANSFER OF PROCEEDS FROM PROPERTY CONVEYANCE,**  
8                           **MARINE CORPS LOGISTICS BASE, ALBANY, GEORGIA.**

9           (a) TRANSFER AUTHORIZED.—The Secretary of Defense may transfer any proceeds from  
10          the sale of approximately 120.375 acres of improved land located at the former Boyett Village  
11          Family Housing Complex at the Marine Corps Logistics Base, Albany, Georgia, into the  
12          Department of Defense Family Housing Improvement Fund established under section 2883(a) of  
13          title 10, United States Code, for carrying out activities under subchapter IV of chapter 169 of that  
14          title with respect to military family housing.

15          (b) NOTIFICATION REQUIREMENT.—A transfer of proceeds under subsection (a) may be  
16          made only after the end of the 30-day period beginning on the date the Secretary of Defense  
17          submits written notice of the transfer to the appropriate committees of Congress.

18                           **Subtitle B—Real Property and Facilities Administration**

19           **SEC. 2111. MODIFICATION OF UTILITY SYSTEM CONVEYANCE AUTHORITY.**

20          Section 2688 of title 10, United States Code, is amended—

21                   (1) by redesignating subsection (j) as subsection (k); and

22                   (2) by inserting after subsection (i) the following new subsection (j):

1           "(j) CONVEYANCE OR CONSTRUCTION OF UTILITY INFRASTRUCTURE AFTER PRIVATIZATION  
2 OF A UTILITY SYSTEM.—(1) The Secretary of a military department may convey, using other than  
3 competitive procedures, utility infrastructure under the jurisdiction of the Secretary on a military  
4 installation to a utility or entity to which a utility system for the installation has been conveyed  
5 under subsection (a) if the Secretary determines the infrastructure will be part of the utility  
6 system and the military department receives as consideration an amount equal to the fair market  
7 value of the utility infrastructure determined in the same manner as the consideration the  
8 Secretary could require under subsection (c) for a conveyance under subsection (a). The  
9 conveyance may consist of all right, title, and interest of the United States or such lesser estate as  
10 the Secretary considers appropriate to serve the interests of the United States.

11           "(2) In lieu of carrying out a military construction project to construct, repair, or replace  
12 utility infrastructure to be used with a utility system that has been conveyed to a utility or entity  
13 under subsection (a), the Secretary concerned may provide funds authorized and appropriated for  
14 the project to such utility or entity for use by the utility or entity to construct, repair, or replace  
15 the utility infrastructure if the Secretary determines the infrastructure will be part of the utility  
16 system. As consideration for the provision of such funds, the Secretary may require a reduction  
17 in charges for utility services in the same manner as a reduction in charges may be required  
18 under subsection (c) for a conveyance under subsection (a)."

19       **SEC. 2112. REPEAL OF REQUIREMENT TO FOLLOW STATE LAW GOVERNING**  
20                               **THE PROVISION OF ELECTRIC UTILITY SERVICE.**

21           (a) IN GENERAL.—Section 591 of title 40, United States Code, is repealed.

22           (b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 5 of  
23 such title is amended by striking the item relating to section 591.

1 **SEC. 2113. PERMANENT AUTHORITY TO PURCHASE MUNICIPAL SERVICES**  
2 **FOR MILITARY INSTALLATIONS IN THE UNITED STATES.**

3 (a) PERMANENT AUTHORITY.—Chapter 141 of title 10, United States Code, is amended  
4 by adding at the end the following new section:

5 **"§ 2410q. Procurement of municipal services for military installations in the United States**

6 "(a) AUTHORITY.—(1) The Secretary a Military Department may procure municipal  
7 services (to include public works and utility services) for any Military installation under the  
8 jurisdiction of the Secretary in the United States from a county or municipal government for the  
9 geographic area in which the installation is located.

10 "(2) The Secretary may acquire such services using procedures other than competitive  
11 procedures if the Secretary determines the price for such services is fair and reasonable and—

12 "(A) the business case supporting the determination—

13 "(i) describes the availability, benefits, and drawbacks of alternative  
14 sources; and

15 "(ii) establishes that performance by the county or municipal government  
16 will not increase costs to the federal government when compared to the cost of  
17 continued performance by the current provider and represents the best value to the  
18 federal government; and

19 "(B) at least 14 days prior to entering into a contract with the county or municipal  
20 government, written notification is provided to the congressional defense committees that  
21 includes a summary of the business case and explains how the adverse impact, if any, on  
22 the federal workforce is being minimized.

1           "(3) The determination described in subparagraph (A) shall not be delegated to a level  
2 lower than a Deputy Assistant Secretary for Installations and Environment or another official at  
3 an equivalent level."

4           "(b) GUIDANCE.—The Secretary of Defense shall issue guidance to address the  
5 implementation of this section."

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

8 "2410q. Procurement of municipal services for military installations in the United States."

9           **SEC. 2114. CLARIFICATION OF CONGRESSIONAL REPORTING REQUIREMENTS**  
10                           **FOR CERTAIN REAL PROPERTY TRANSACTIONS OF THE**  
11                           **MILITARY DEPARTMENTS.**

12           Section 2662(c) of title 10, United States Code, is amended—

13                   (1) by striking "river and harbor projects or flood control projects" and inserting  
14 "Army civil works water resource development projects"; and

15                   (2) by striking "acquisition specifically authorized in a Military Construction  
16 Authorization Act" and inserting "transaction specifically authorized in a Military  
17 Construction Authorization Act or other Act authorizing or directing the activities of the  
18 Department of Defense".

19                           **Subtitle C—Base Closure and Realignment**

20           **SEC. 2121. ANNUAL BASE CLOSURE AND REALIGNMENT REPORT.**

21           Section 2907 of the Defense Base Closure and Realignment Act of 1990 (part A of title  
22 XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended, is amended—

23                   (1) in paragraph (1), by striking "and realignment" each place it appears;

1 (2) in paragraph (2), by striking "and realignments" each place it appears; and  
2 (3) in paragraphs (3), (4), (5), (6), and (7), by striking "or realignment" each place  
3 it appears.

#### 4 **Subtitle D—Other Matters**

#### 5 **SEC. 2131. EXPAND COOPERATIVE AGREEMENT AUTHORITY FOR** 6 **MANAGEMENT OF CULTURAL RESOURCES TO INCLUDE OFF-** 7 **INSTALLATION MITIGATION.**

8 (a) EXPANDED AUTHORITY.—Section 2684(a) of title 10, United States Code, is amended  
9 to read as follows:

10 "(a) AUTHORITY.—(1) The Secretary of Defense or the secretary of a military department,  
11 to the extent permitted by the establishment clause, may enter into a cooperative agreement with  
12 a State, local or tribal government or other entity—

13 "(A) for the preservation, management, maintenance, and improvement of cultural  
14 resources; and

15 "(B) for the conduct of research regarding cultural resources.

16 "(2) Such cultural resources must be located—

17 "(A) on a military installation; or

18 "(B) off a military installation, but only if the cooperative agreement directly  
19 relieves or eliminates current or anticipated restrictions that would or might restrict,  
20 impede, or otherwise interfere, whether directly or indirectly, with current or anticipated  
21 military training, testing, or operations on the installation.

22 "(3) Activities under the cooperative agreement shall be subject to the availability of  
23 funds to carry out the cooperative agreement."

1           (b) CULTURAL RESOURCES.—Subsection (c) of such section is amended by adding at the  
2 end the following new paragraph:

3                       "(5) An Indian sacred site, as the that term is defined in section 1(b)(iii) of  
4           Executive Order 13007."