

PUBLIC LAW 110-417—OCT. 14, 2008

**DUNCAN HUNTER NATIONAL DEFENSE
AUTHORIZATION ACT FOR FISCAL YEAR 2009**

Public Law 110-417
110th Congress

An Act

Oct. 14, 2008
[S. 3001]

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

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

Duncan Hunter
National Defense
Authorization
Act for Fiscal
Year 2009.

SECTION 1. SHORT TITLE; FINDINGS; SENSE OF CONGRESS.

(a) **SHORT TITLE.**—This Act may be cited as the “Duncan Hunter National Defense Authorization Act for Fiscal Year 2009”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) Representative Duncan Hunter was elected to serve northern and eastern San Diego in 1980 and served in the House of Representatives until the end of the 110th Congress in 2009, representing the people of California’s 52d Congressional district.

(2) Previous to his service in Congress, Representative Hunter served in the Army’s 173rd Airborne and 75th Ranger Regiment from 1969 to 1971.

(3) During the Vietnam conflict, Representative Hunter’s distinguished service was recognized by the award of the Bronze Star and Air Medal, as well as the National Defense Service Medal and the Vietnam Service Medal.

(4) Representative Hunter served on the Committee on Armed Services of the House of Representatives for 28 years, including service as Chairman of the Subcommittee on Military Research and Development from 2001 through 2002 and the Subcommittee on Military Procurement from 1995 through 2000, the Chairman of the full committee from 2003 through 2006, and the ranking member of the full committee from 2007 through 2008.

(5) Representative Hunter has persistently advocated for a more efficient military organization on behalf of the American people, to ensure maximum war-fighting capability and troop safety.

(6) Representative Hunter is known by his colleagues to put the security of the Nation above all else and to provide for the men and women in uniform who valiantly dedicate and sacrifice themselves for the protection of the Nation.

(7) Representative Hunter has demonstrated this devotion to the troops by working to authorize and ensure quick deployment of add-on vehicle armor and improvised explosive device jammers, which have been invaluable in protecting the troops from attack in Iraq.

(8) Representative Hunter worked to increase the size of the U.S. Armed Forces, which resulted in significant increases in the size of the Army and Marine Corps.

(9) Representative Hunter has been a leader in ensuring sufficient force structure and end-strength, including through the 2006 Committee Defense Review, to meet any challenges to the Nation. His efforts to increase the size of the Army and Marine Corps contributed to the enactment by the Congress and the subsequent implementation by the Administration of the larger forces.

(10) Representative Hunter is a leading advocate for securing America's borders.

(11) Representative Hunter led efforts to strengthen the United States Industrial Base by working to enact legislation that ensures that the national industrial base will be able to design and manufacture those products critical to America's national security.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Duncan Hunter, Representative from California, has discharged his official duties with integrity and distinction, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

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

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

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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

- Sec. 1. Short title; findings; sense of Congress.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees.
- Sec. 4. Explanatory statement.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. National Guard and Reserve equipment.

Subtitle B—Army Programs

- Sec. 111. Separate procurement line items for Future Combat Systems program.
- Sec. 112. Clarification of status of Future Combat Systems program lead system integrator.
- Sec. 113. Restriction on obligation of funds for Army tactical radio pending report.
- Sec. 114. Restriction on obligation of procurement funds for Armed Reconnaissance Helicopter program pending certification.
- Sec. 115. Stryker Mobile Gun System.

Subtitle C—Navy Programs

- Sec. 121. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.
- Sec. 122. Littoral Combat Ship (LCS) program.
- Sec. 123. Report on F/A-18 procurement costs, comparing multiyear to annual.

Sec. 124. Authority for advanced procurement and construction of components for the Virginia-class submarine program.

Subtitle D—Air Force Programs

Sec. 131. Maintenance of retired KC-135E aircraft.
 Sec. 132. Repeal of multi-year contract authority for procurement of tanker aircraft.
 Sec. 133. Reports on KC-(X) tanker aircraft requirements.
 Sec. 134. F-22A fighter aircraft.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Annual long-term plan for the procurement of aircraft for the Navy and the Air Force.
 Sec. 142. Report on body armor acquisition strategy.
 Sec. 143. Small arms acquisition strategy and requirements review.
 Sec. 144. Requirement for common ground stations and payloads for manned and unmanned aerial vehicle systems.
 Sec. 145. Report on future jet carrier trainer requirements of the Navy.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
 Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Additional determinations to be made as part of Future Combat Systems milestone review.
 Sec. 212. Analysis of Future Combat Systems communications network and software.
 Sec. 213. Future Combat Systems manned ground vehicle Selected Acquisition Reports.
 Sec. 214. Separate procurement and research, development, test, and evaluation line items and program elements for Sky Warrior Unmanned Aerial Systems project.
 Sec. 215. Restriction on obligation of funds for the Warfighter Information Network—Tactical program.
 Sec. 216. Limitation on source of funds for certain Joint Cargo Aircraft expenditures.
 Sec. 217. Requirement for plan on overhead nonimaging infrared systems.
 Sec. 218. Advanced energy storage technology and manufacturing.
 Sec. 219. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
 Sec. 220. Requirements for certain airborne intelligence collection systems.
 Sec. 221. Limitation on obligation of funds for Enhanced AN/TPQ-36 radar system pending submission of report.

Subtitle C—Missile Defense Programs

Sec. 231. Annual Director of Operational Test and Evaluation characterization of operational effectiveness, suitability, and survivability of the ballistic missile defense system.
 Sec. 232. Independent study of boost-phase missile defense.
 Sec. 233. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.
 Sec. 234. Review of the ballistic missile defense policy and strategy of the United States.
 Sec. 235. Airborne Laser System.
 Sec. 236. Activation and deployment of AN/TPY-2 forward-based X-band radar.

Subtitle D—Reports

Sec. 241. Biennial reports on joint and service concept development and experimentation.
 Sec. 242. Report on participation of the historically black colleges and universities and minority-serving institutions in research and educational programs and activities of the Department of Defense.
 Sec. 243. Report on Department of Defense response to findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

Subtitle E—Other Matters

Sec. 251. Modification of systems subject to survivability testing oversight by the Director of Operational Test and evaluation.

- Sec. 252. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.
- Sec. 253. Assessment of technology transition programs and repeal of reporting requirement.
- Sec. 254. Trusted defense systems.
- Sec. 255. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.
- Sec. 256. Executive agent for printed circuit board technology.
- Sec. 257. Review of conventional prompt global strike technology applications and concepts.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

- Sec. 311. Authorization for Department of Defense participation in conservation banking programs.
- Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
- Sec. 313. Expand cooperative agreement authority for management of natural resources to include off-installation mitigation.
- Sec. 314. Expedited use of appropriate technology related to unexploded ordnance detection.
- Sec. 315. Closed loop re-refining of used motor vehicle lubricating oil.
- Sec. 316. Comprehensive program for the eradication of the brown tree snake population from military facilities in Guam.

Subtitle C—Workplace and Depot Issues

- Sec. 321. Comprehensive analysis and development of single Government-wide definition of inherently governmental function and criteria for critical functions.
- Sec. 322. Study on future depot capability.
- Sec. 323. Government Accountability Office review of high-performing organizations.
- Sec. 324. Consolidation of Air Force and Air National Guard aircraft maintenance.
- Sec. 325. Report on Air Force civilian personnel consolidation plan.
- Sec. 326. Report on reduction in number of firefighters on Air Force bases.
- Sec. 327. Minimum capital investment for certain depots.

Subtitle D—Energy Security

- Sec. 331. Annual report on operational energy management and implementation of operational energy strategy.
- Sec. 332. Consideration of fuel logistics support requirements in planning, requirements development, and acquisition processes.
- Sec. 333. Study on solar and wind energy for use for expeditionary forces.
- Sec. 334. Study on alternative and synthetic fuels.
- Sec. 335. Mitigation of power outage risks for Department of Defense facilities and activities.

Subtitle E—Reports

- Sec. 341. Comptroller General report on readiness of Armed Forces.
- Sec. 342. Report on plan to enhance combat skills of Navy and Air Force personnel.
- Sec. 343. Comptroller General report on the use of the Army Reserve and National Guard as an operational reserve.
- Sec. 344. Comptroller General report on link between preparation and use of Army reserve component forces to support ongoing operations.
- Sec. 345. Comptroller General report on adequacy of funding, staffing, and organization of Department of Defense Military Munitions Response Program.

Subtitle F—Other Matters

- Sec. 351. Extension of Enterprise Transition Plan reporting requirement.
- Sec. 352. Demilitarization of loaned, given, or exchanged documents, historical artifacts, and condemned or obsolete combat materiel.
- Sec. 353. Repeal of requirement that Secretary of Air Force provide training and support to other military departments for A-10 aircraft.
- Sec. 354. Display of annual budget requirements for Air Sovereignty Alert Mission.

- Sec. 355. Revision of certain Air Force regulations required.
- Sec. 356. Transfer of C-12 aircraft to California Department of Forestry and Fire Protection.
- Sec. 357. Limitation on treatment of retired B-52 aircraft for Air Combat Command headquarters.
- Sec. 358. Increase of domestic breeding of military working dogs used by the Department of Defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision in permanent active duty end strength minimum levels.

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.
- Sec. 416. Additional waiver authority of limitation on number of reserve component members authorized to be on active duty.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

- Sec. 501. Mandatory separation requirements for regular warrant officers for length of service.
- Sec. 502. Requirements for issuance of posthumous commissions and warrants.
- Sec. 503. Authorized number of general officers on active duty in the Army and Marine Corps, limited exclusion for joint duty requirements, and increase in number of officers serving in grades above major general and rear admiral.
- Sec. 504. Modification of authority on Staff Judge Advocate to the Commandant of the Marine Corps.
- Sec. 505. Eligibility of reserve officers to serve on boards of inquiry for separation of regular officers for substandard performance and other reasons.
- Sec. 506. Delayed authority to alter distribution requirements for commissioned officers on active duty in general officer and flag officer grades and limitations on authorized strengths of general and flag officers on active duty.

Subtitle B—Reserve Component Management

- Sec. 511. Extension to other reserve components of Army authority for deferral of mandatory separation of military technicians (dual status) until age 60.
- Sec. 512. Modification of authorized strengths for certain Army National Guard, Marine Corps Reserve, and Air National Guard officers and Army National Guard enlisted personnel serving on full-time reserve component duty.
- Sec. 513. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty in support of a contingency operation.
- Sec. 514. Increase in mandatory retirement age for certain Reserve officers.
- Sec. 515. Age limit for retention of certain Reserve officers on active-status list as exception to removal for years of commissioned service.
- Sec. 516. Authority to retain Reserve chaplains and officers in medical and related specialties until age 68.
- Sec. 517. Modification of authorities on dual duty status of National Guard officers.
- Sec. 518. Study and report regarding Marine Corps personnel policies regarding assignments in Individual Ready Reserve.
- Sec. 519. Report on collection of information on civilian skills of members of the reserve components of the Armed Forces.

Subtitle C—Joint Qualified Officers and Requirements

- Sec. 521. Joint duty requirements for promotion to general or flag officer.
- Sec. 522. Technical, conforming, and clerical changes to joint specialty terminology.
- Sec. 523. Promotion policy objectives for joint qualified officers.
- Sec. 524. Length of joint duty assignments.

- Sec. 525. Designation of general and flag officer positions on Joint Staff as positions to be held only by reserve component officers.
- Sec. 526. Modification of limitations on authorized strengths of reserve general and flag officers in active status serving in joint duty assignments.
- Sec. 527. Reports on joint education courses available through the Department of Defense.

Subtitle D—General Service Authorities

- Sec. 531. Increase in maximum period of reenlistment of regular members of the Armed Forces.
- Sec. 532. Paternity leave for members of the Armed Forces.
- Sec. 533. Pilot programs on career flexibility to enhance retention of members of the Armed Forces.

Subtitle E—Education and Training

- Sec. 540. Authorized strength of military service academies and repeal of prohibition on phased increase in midshipmen and cadet strength limit at Naval Academy and Air Force Academy.
- Sec. 541. Promotion of foreign and cultural exchange activities at military service academies.
- Sec. 542. Increased authority to enroll defense industry employees in defense product development program.
- Sec. 543. Expanded authority for institutions of professional military education to award degrees.
- Sec. 544. Tuition for attendance of Federal employees at the United States Air Force Institute of Technology.
- Sec. 545. Increase in number of permanent professors at the United States Air Force Academy.
- Sec. 546. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve component members supporting contingency operations.
- Sec. 547. Consistent education loan repayment authority for health professionals in regular components and Selected Reserve.
- Sec. 548. Increase in number of units of Junior Reserve Officers' Training Corps.
- Sec. 549. Correction of erroneous Army College Fund benefit amounts.
- Sec. 550. Enhancing education partnerships to improve accessibility and flexibility for members of the Armed Forces.

Subtitle F—Defense Dependents' Education

- Sec. 551. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 552. Impact aid for children with severe disabilities.
- Sec. 553. Transition of military dependent students among local educational agencies.
- Sec. 554. Calculation of payments for eligible federally connected children under Department of Education's Impact Aid program.

Subtitle G—Military Justice

- Sec. 561. Effective period of military protective orders.
- Sec. 562. Mandatory notification of issuance of military protective order to civilian law enforcement.
- Sec. 563. Implementation of information database on sexual assault incidents in the Armed Forces.

Subtitle H—Decorations, Awards, and Honorary Promotions

- Sec. 571. Replacement of military decorations.
- Sec. 572. Authorization and request for award of Medal of Honor to Richard L. Etchberger for acts of valor during the Vietnam War.

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- Sec. 581. Presentation of burial flag to the surviving spouse and children of deceased members of the Armed Forces.
- Sec. 582. Education and training opportunities for military spouses.
- Sec. 583. Sense of Congress regarding honor guard details for funerals of veterans.

Subtitle J—Other Matters

- Sec. 591. Prohibition on interference in independent legal advice by the Legal Counsel to the Chairman of the Joint Chiefs of Staff.
- Sec. 592. Interest payments on certain claims arising from correction of military records.

- Sec. 593. Extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.
- Sec. 594. Modification of matching fund requirements under National Guard Youth Challenge Program.
- Sec. 595. Military salute for the flag during the national anthem by members of the Armed Forces not in uniform and by veterans.
- Sec. 596. Military Leadership Diversity Commission.
- Sec. 597. Demonstration project on service of retired nurse corps officers as faculty at civilian nursing schools.
- Sec. 598. Report on planning for participation and hosting of the Department of Defense in international sports activities, competitions, and events.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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- Sec. 601. Fiscal year 2009 increase in military basic pay.
- Sec. 602. Permanent extension of prohibition on charges for meals received at military treatment facilities by members receiving continuous care.
- Sec. 603. Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses.
- Sec. 604. Availability of second family separation allowance for married couples with dependents.
- Sec. 605. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
- Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. Extension of authorities relating to payment of other title 37 bonuses and special pays.
- Sec. 615. Extension of authorities relating to payment of referral bonuses.
- Sec. 616. Increase in maximum bonus and stipend amounts authorized under Nurse Officer Candidate Accession Program and health professions stipend program.
- Sec. 617. Maximum length of nuclear officer incentive pay agreements for service.
- Sec. 618. Technical changes regarding consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
- Sec. 619. Use of new skill incentive pay and proficiency bonus authorities to encourage training in critical foreign languages and foreign cultural studies and authorization of incentive pay for members of precommissioning programs pursuing foreign language proficiency.
- Sec. 620. Accession and retention bonuses for the recruitment and retention of officers in certain health professions.

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Special weight allowance for transportation of professional books and equipment for spouses.
- Sec. 622. Shipment of family pets during evacuation of personnel.

Subtitle D—Retired Pay and Survivor Benefits

- Sec. 631. Extension to survivors of certain members who die on active duty of special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
- Sec. 632. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

- Sec. 641. Use of commissary stores surcharges derived from temporary commissary initiatives for reserve component and retired members.
- Sec. 642. Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installations.

Subtitle F—Other Matters

- Sec. 651. Continuation of entitlement to bonuses and similar benefits for members of the uniformed services who die, are separated or retired for disability, or meet other criteria.

TITLE VII—HEALTH CARE AND WOUNDED WARRIOR PROVISIONS

Subtitle A—Improvements to Health Benefits

- Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.
- Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
- Sec. 703. Chiropractic health care for members on active duty.
- Sec. 704. Calculation of monthly premiums for coverage under TRICARE Reserve Select after 2008.
- Sec. 705. Program for health care delivery at military installations projected to grow.
- Sec. 706. Guidelines for combined medical facilities of the Department of Defense and the Department of Veterans Affairs.

Subtitle B—Preventive Care

- Sec. 711. Waiver of copayments for preventive services for certain TRICARE beneficiaries.
- Sec. 712. Military health risk management demonstration project.
- Sec. 713. Smoking cessation program under TRICARE.
- Sec. 714. Preventive health allowance.
- Sec. 715. Additional authority for studies and demonstration projects relating to delivery of health and medical care.

Subtitle C—Wounded Warrior Matters

- Sec. 721. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries.
- Sec. 722. Clarification to center of excellence relating to military eye injuries.
- Sec. 723. Center of Excellence in the Mitigation, Treatment, and Rehabilitation of Traumatic Extremity Injuries and Amputations.
- Sec. 724. Additional responsibilities for the wounded warrior resource center.
- Sec. 725. Sense of Congress on research on traumatic brain injury.
- Sec. 726. Extension of Senior Oversight Committee with respect to wounded warrior matters.
- Sec. 727. Modification of utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.

Subtitle D—Other Matters

- Sec. 731. Report on providing the Extended Care Health Option Program to dependents of military retirees.
- Sec. 732. Increase in cap on extended benefits under extended health care option (ECHO).
- Sec. 733. Department of Defense task force on the prevention of suicide by members of the Armed Forces.
- Sec. 734. Transitional health care for certain members of the Armed Forces who agree to serve in the Selected Reserve of the Ready Reserve.
- Sec. 735. Enhancement of medical and dental readiness of members of the Armed Forces.

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

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- Sec. 801. Assessment of urgent operational needs fulfillment.
- Sec. 802. Implementation of statutory requirements regarding the national technology and industrial base.
- Sec. 803. Commercial software reuse preference.
- Sec. 804. Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

- Sec. 811. Inclusion of major subprograms to major defense acquisition programs under acquisition reporting requirements.
- Sec. 812. Inclusion of certain major information technology investments in acquisition oversight authorities for major automated information system programs.
- Sec. 813. Transfer of sections of title 10 relating to Milestone A and Milestone B for clarity.
- Sec. 814. Configuration steering boards for cost control under major defense acquisition programs.

Sec. 815. Preservation of tooling for major defense acquisition programs.

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

Sec. 821. Definition of system for Defense Acquisition Challenge Program.

Sec. 822. Technical data rights.

Sec. 823. Revision to the application of Cost Accounting Standards.

Sec. 824. Modification and extension of pilot program for transition to follow-on contracts under authority to carry out certain prototype projects.

Sec. 825. Clarification of status of Government rights in the designs of Department of Defense vessels, boats, craft, and components thereof.

Subtitle D—Provisions Relating to Acquisition Workforce and Inherently Governmental Functions

Sec. 831. Development of guidance on personal services contracts.

Sec. 832. Sense of Congress on performance by private security contractors of certain functions in an area of combat operations.

Sec. 833. Acquisition workforce expedited hiring authority.

Sec. 834. Career path and other requirements for military personnel in the acquisition field.

Subtitle E—Department of Defense Contractor Matters

Sec. 841. Ethics safeguards related to contractor conflicts of interest.

Sec. 842. Information for Department of Defense contractor employees on their whistleblower rights.

Sec. 843. Requirement for Department of Defense to adopt an acquisition strategy for Defense Base Act insurance.

Sec. 844. Report on use of off-shore subsidiaries by defense contractors.

Sec. 845. Defense industrial security.

Subtitle F—Matters Relating to Iraq and Afghanistan

Sec. 851. Clarification and modification of authorities relating to the Commission on Wartime Contracting in Iraq and Afghanistan.

Sec. 852. Comprehensive audit of spare parts purchases and depot overhaul and maintenance of equipment for operations in Iraq and Afghanistan.

Sec. 853. Additional matters required to be reported by contractors performing security functions in areas of combat operations.

Sec. 854. Additional contractor requirements and responsibilities relating to alleged crimes by or against contractor personnel in Iraq and Afghanistan.

Sec. 855. Suspension of statutes of limitations when Congress authorizes the use of military force.

Subtitle G—Governmentwide Acquisition Improvements

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Sec. 862. Limitation on length of certain noncompetitive contracts.

Sec. 863. Requirements for purchase of property and services pursuant to multiple award contracts.

Sec. 864. Regulations on the use of cost-reimbursement contracts.

Sec. 865. Preventing abuse of interagency contracts.

Sec. 866. Limitations on tiering of subcontractors.

Sec. 867. Linking of award and incentive fees to acquisition outcomes.

Sec. 868. Minimizing abuse of commercial services item authority.

Sec. 869. Acquisition workforce development strategic plan.

Sec. 870. Contingency Contracting Corps.

Sec. 871. Access of Government Accountability Office to contractor employees.

Sec. 872. Database for Federal agency contract and grant officers and suspension and debarment officials.

Sec. 873. Role of Interagency Committee on Debarment and Suspension.

Sec. 874. Improvements to the Federal procurement data system.

Subtitle H—Other Matters

Sec. 881. Expansion of authority to retain fees from licensing of intellectual property.

Sec. 882. Report on market research.

Sec. 883. Report relating to munitions.

Sec. 884. Motor carrier fuel surcharges.

Sec. 885. Procurement by State and local governments of equipment for homeland security and emergency response activities through the Department of Defense.

Sec. 886. Review of impact of covered subsidies on acquisition of KC-45 aircraft.

Sec. 887. Report on the implementation of earned value management at the Department of Defense.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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- Sec. 901. Plan required for personnel management of special operations forces.
- Sec. 902. Director of Operational Energy Plans and Programs.
- Sec. 903. Corrosion control and prevention executives for the military departments.
- Sec. 904. Participation of Deputy Chief Management Officer of the Department of Defense on Defense Business System Management Committee.
- Sec. 905. Modification of status of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.
- Sec. 906. Requirement for the Secretary of Defense to prepare a strategic plan to enhance the role of the National Guard and Reserves.
- Sec. 907. General Counsel to the Inspector General of the Department of Defense.
- Sec. 908. Business transformation initiatives for the military departments.

Subtitle B—Space Activities

- Sec. 911. Extension of authority for pilot program for provision of space surveillance network services to entities outside United States Government.
- Sec. 912. Investment and acquisition strategy for commercial satellite capabilities.
- Sec. 913. Space posture review.

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- Sec. 921. Responsibilities for Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky.
- Sec. 922. Cost-benefit analysis of future treatment of hydrolysate at Pueblo Chemical Depot, Colorado.

Subtitle D—Intelligence-Related Matters

- Sec. 931. Technical changes following the redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.
- Sec. 932. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
- Sec. 933. Technical amendments relating to the Associate Director of the CIA for Military Affairs.

Subtitle E—Other Matters

- Sec. 941. Enhancement of authorities relating to Department of Defense regional centers for security studies.
- Sec. 942. Restriction on obligation of funds for United States Southern Command development assistance activities.
- Sec. 943. Authorization of non-conventional assisted recovery capabilities.
- Sec. 944. Report on homeland defense and civil support issues.
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TITLE X—GENERAL PROVISIONS

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- Sec. 1001. General transfer authority.
- Sec. 1002. One-time shift of military retirement payments.
- Sec. 1003. Management of purchase cards.
- Sec. 1004. Codification of recurring authority on United States contributions to the North Atlantic Treaty Organization common-funded budgets.
- Sec. 1005. Incorporation of funding decisions into law.

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- Sec. 1011. Conveyance, Navy drydock, Aransas Pass, Texas.
- Sec. 1012. Report on repair of naval vessel in foreign shipyards.
- Sec. 1013. Report on plan for disposal of certain vessels stricken from the Naval Vessel Register.
- Sec. 1014. Reimbursement of expenses for certain Navy mess operations.
- Sec. 1015. Policy relating to major combatant vessels of the strike forces of the United States Navy.

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- Sec. 1021. Extension of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.

- Sec. 1022. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
- Sec. 1023. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia and continuation of numerical limitation on assignment of United States personnel.
- Sec. 1024. Expansion and extension of authority to provide additional support for counter-drug activities of certain foreign governments.
- Sec. 1025. Comprehensive Department of Defense strategy for counter-narcotics efforts for United States Africa Command.
- Sec. 1026. Comprehensive Department of Defense strategy for counter-narcotics efforts in South and Central Asian regions.

Subtitle D—Miscellaneous Authorities and Limitations

- Sec. 1031. Enhancement of the capacity of the United States Government to conduct complex operations.
- Sec. 1032. Crediting of admiralty claim receipts for damage to property funded from a Department of Defense working capital fund.
- Sec. 1033. Minimum annual purchase requirements for charter air transportation services from carriers participating in the Civil Reserve Air Fleet.
- Sec. 1034. Semi-annual reports on status of Navy Next Generation Enterprise Networks program.
- Sec. 1035. Sense of Congress on nuclear weapons management.
- Sec. 1036. Sense of Congress on joint Department of Defense-Federal Aviation Administration executive committee on conflict and dispute resolution.
- Sec. 1037. Sense of Congress on sale of new outsize cargo, strategic airlift aircraft for civilian use.

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- Sec. 1041. Report on corrosion control and prevention.
- Sec. 1042. Study on using Modular Airborne Fire Fighting Systems (MAFFS) in a Federal response to wildfires.
- Sec. 1043. Study on rotorcraft survivability.
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- Sec. 1058. Sense of Congress with respect to videotaping or otherwise electronically recording strategic intelligence interrogations of persons in the custody of or under the effective control of the Department of Defense.
- Sec. 1059. Modification of deadlines for standards required for entry to military installations in the United States.
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- Sec. 1102. Temporary discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.
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- Sec. 1111. Exceptions and adjustments to limitations on personnel and reports on such exceptions and adjustments.

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- Sec. 1202. Availability across fiscal years of funds for military-to-military contacts and comparable activities.
- Sec. 1203. Availability across fiscal years of funds to pay incremental expenses for participation of developing countries in combined exercises.
- Sec. 1204. Extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
- Sec. 1205. Authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the Armed Forces.
- Sec. 1206. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
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- Sec. 1411. Authorized uses of National Defense Stockpile funds.
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- Sec. 1501. Authorization of additional appropriations for operations in Afghanistan and Iraq for fiscal year 2009.
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TITLE XVI—RECONSTRUCTION AND STABILIZATION CIVILIAN
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- Sec. 2001. Short title.
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TITLE XXIV—DEFENSE AGENCIES

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- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
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- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
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- Sec. 2721. Independent design review of National Naval Medical Center and military hospital at Fort Belvoir.

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- Sec. 2801. Incorporation of principles of sustainable design in documents submitted as part of proposed military construction projects.
- Sec. 2802. Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount.
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- Sec. 2805. Improved oversight and accountability for military housing privatization initiative projects.
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- Sec. 2811. Clarification of congressional reporting requirements for certain real property transactions.
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Subtitle C—Provisions Related to Guam Realignment

- Sec. 2821. Sense of Congress regarding military housing and utilities related to Guam realignment.
- Sec. 2822. Federal assistance to Guam.
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- Sec. 2831. Certification of enhanced use leases for energy-related projects.
- Sec. 2832. Annual report on Department of Defense installations energy management.

Subtitle E—Land Conveyances

- Sec. 2841. Land conveyance, former Naval Air Station, Alameda, California.
- Sec. 2842. Transfer of administrative jurisdiction, decommissioned Naval Security Group Activity, Skaggs Island, California.
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- Sec. 2844. Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio.
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- Sec. 2847. Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia.

Subtitle F—Other Matters

- Sec. 2851. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
- Sec. 2852. Acceptance and use of gifts for construction of additional building at National Museum of the United States Air Force, Wright-Patterson Air Force Base.
- Sec. 2853. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.
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TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Subtitle A—Fiscal Year 2008 Projects

- Sec. 2901. Authorized Army construction and land acquisition projects.

- Sec. 2902. Authorized Navy construction and land acquisition projects.
- Sec. 2903. Authorized Air Force construction and land acquisition projects.
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- Sec. 2905. Termination of authority to carry out fiscal year 2008 Army projects.

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- Sec. 2911. Authorized Army construction and land acquisition projects.
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY
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TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.
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Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Modification of functions of Administrator for Nuclear Security to include elimination of surplus fissile materials usable for nuclear weapons.
- Sec. 3112. Limitation on Funding for Project 04-D-125 Chemistry and Metallurgy Research Replacement facility project, Los Alamos National Laboratory, Los Alamos, New Mexico.
- Sec. 3113. Nonproliferation and national security scholarship and fellowship program.
- Sec. 3114. Enhancing nuclear forensics capabilities.
- Sec. 3115. Utilization of contributions to International Nuclear Materials Protection and Cooperation program and Russian plutonium disposition program.
- Sec. 3116. Review of and reports on Global Initiatives for Proliferation Prevention program.
- Sec. 3117. Limitation on availability of funds for Global Nuclear Energy Partnership.

Subtitle C—Reports

- Sec. 3121. Extension of deadline for Comptroller General report on Department of Energy protective force management.
- Sec. 3122. Report on compliance with Design Basis Threat issued by the Department of Energy in 2005.
- Sec. 3123. Modification of submittal of reports on inadvertent releases of restricted data.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Authorization of appropriations for fiscal year 2009.
- Sec. 3502. Limitation on export of vessels owned by the Government of the United States for the purpose of dismantling, recycling, or scrapping.
- Sec. 3503. Student incentive payment agreements.
- Sec. 3504. Riding gang member requirements.
- Sec. 3505. Maintenance and Repair Reimbursement Program for the Maritime Security Fleet.
- Sec. 3506. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy and for other purposes.
- Sec. 3507. Actions to address sexual harassment and violence at the United States Merchant Marine Academy.
- Sec. 3508. Assistance for small shipyards and maritime communities.
- Sec. 3509. Marine war risk insurance.
- Sec. 3510. MarAd consultation on Jones Act Waivers.
- Sec. 3511. Transportation in American vessels of government personnel and certain cargoes.
- Sec. 3512. Port of Guam Improvement Enterprise Program.

Inspector General of the Department of Defense for incorporation into the audit plan required by section 842(b)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 234; 10 U.S.C. 2302 note).

(c) **INDEPENDENT CONDUCT OF AUDIT FUNCTIONS.**—All audit functions performed under this section, including audit planning and coordination, shall be performed in an independent manner.

(d) **AVAILABILITY OF RESULTS.**—All audit reports resulting from audits under this section shall be made available to the Commission on Wartime Contracting in Iraq and Afghanistan established pursuant to section 841 of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 230).

(e) **CONSTRUCTION.**—Nothing in this section shall be construed to require any agency of the Federal Government to duplicate audit work that an agency of the Federal Government has already performed.

SEC. 853. ADDITIONAL MATTERS REQUIRED TO BE REPORTED BY CONTRACTORS PERFORMING SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.

Section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 254; 10 U.S.C. 2302 note) is amended—

(1) in subsection (a)(2)(D)—

(A) by striking “or” at the end of clause (ii); and

(B) by inserting after clause (iii) the following new clauses:

“(iv) a weapon is discharged against personnel performing private security functions in an area of combat operations or personnel performing such functions believe a weapon was so discharged; or

“(v) active, non-lethal countermeasures (other than the discharge of a weapon) are employed by the personnel performing private security functions in an area of combat operations in response to a perceived immediate threat to such personnel;” and

(2) in subsection (b)(2)(B) in the matter preceding clause

(i)—

(A) by inserting “comply with and” before “ensure”; and

(B) by striking “comply with—” and inserting “act in accordance with—”.

SEC. 854. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.

(a) **IN GENERAL.**—Section 861(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 253; 10 U.S.C. 2302 note) is amended by adding the following new paragraphs:

“(7) Mechanisms for ensuring that contractors are required to report offenses described in paragraph (6) that are alleged to have been committed by or against contractor personnel to appropriate investigative authorities.

“(8) Responsibility for providing victim and witness protection and assistance to contractor personnel in connection with alleged offenses described in paragraph (6).

“(9) Development of a requirement that a contractor shall provide to all contractor personnel who will perform work on a contract in Iraq or Afghanistan, before beginning such work, information on the following:

“(A) How and where to report an alleged offense described in paragraph (6).

“(B) Where to seek the assistance required by paragraph (8).”.

(b) IMPLEMENTATION.—

(1) THROUGH MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding required by section 861(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 253; 10 U.S.C. 2302 note) shall be modified to address the requirements under the amendment made by subsection (a) not later than 120 days after the date of the enactment of this Act. Deadline.

(2) AS CONDITION OF CURRENT AND FUTURE CONTRACTS.—The requirements under the amendment made by subsection (a) shall be included in each contract in Iraq or Afghanistan (as defined in section 864(a)(2) of Public Law 110-181; 2302 note) awarded on or after the date that is 180 days after the date of the enactment of this Act. Federal agencies shall make best efforts to provide for the inclusion of such requirements in covered contracts awarded before such date.

(c) REPORTING REQUIREMENT.—Beginning not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall make publicly available a numerical accounting of alleged offenses described in section 861(b)(6) of Public Law 110-181 that have been reported under that section that occurred after the date of the enactment of this Act. The information shall be updated no less frequently than semi-annually.

(d) DEFINITIONS.—Section 864(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 253; 10 U.S.C. 2302 note) is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

“(5) CONTRACTOR PERSONNEL.—The term ‘contractor personnel’ means any person performing work under contract for the Department of Defense, the Department of State, or the United States Agency for International Development, in Iraq or Afghanistan, including individuals and subcontractors at any tier.”.

SEC. 855. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting “or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),” after “is at war”;

(2) by inserting “or directly connected with or related to the authorized use of the Armed Forces” after “prosecution of the war”;

(3) by striking “three years” and inserting “5 years”;

