SEC. 1213. PERMANENT AUTHORITY TO PROVIDE REWARDS THROUGH GOVERNMENT PERSONNEL OF ALLIED FORCES AND CERTAIN OTHER MODIFICATIONS TO DEPARTMENT OF DEFENSE PROGRAM TO PROVIDE REWARDS.

(a) PERMANENT AUTHORITY. —Subsection (c)(3) of section 127b of title 10, United States Code, is amended by striking subparagraph (C).

(b) REPEAL OF COMPLETED REPORTING REQUIREMENT.—Such subsection is further amended by striking subparagraph (D).

(c) CHANGE OF SECTION HEADING TO REFLECT NAME OF PROGRAM.—

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

"§127b. Department of Defense Rewards Program".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"127b. Department of Defense Rewards Program.".

[PLEASE NOTE: THE "CHANGES TO EXISTING LAW" DISPLAY BELOW SETS OUT IN RED-LINE FORMAT HOW THE LEGISLATIVE TEXT ABOVE WOULD AMEND EXISTING LAW.]

Section-by-Section Analysis

Section 127b of title 10, United States Code, authorizes the payment of a monetary amount, or provision of a payment-in-kind, to a person as a reward for providing U.S. Government personnel, or government personnel of allied forces participating in a combined operation with the U.S. armed forces, with information or nonlethal assistance that is beneficial to an operation or activity against international terrorism or beneficial to force protection. This proposal would make three amendments to the statute. It would make permanent the authority to offer and pay rewards through government personnel of allied forces, delete a previously completed one-time reporting requirement, and change the title of the section.

This proposal would make permanent the authority to offer and pay rewards through government personnel of allied forces. Existing law allows for this through September 30, 2015.

In addition, this proposal would strike a one-time requirement that directed a report, due on April 1, 2008, detailing the implementation and assessment of offering and paying rewards through government personnel of allied forces. The report was submitted. Subsection (f)(2)(D) of section 127b directs the Secretary of Defense to report on this matter as part of the annual report on administration of the rewards program.

Finally, this proposal also would change the heading of the section from "Assistance in combating terrorism: rewards" to "Department of Defense Rewards Program." The title, in its current form, does not accurately encompass the scope of the existing program (the existing title only relates to operations against international terrorism and does not relate to force protection). The proposed name (Department of Defense Rewards Program) would more accurately describe the full scope of the program and reflect the commonly used name of the program, both within the Department of Defense and throughout the U.S. Government.

Budgetary Implications: There would be no additional costs associated with this proposal. The proposal to make permanent the authority to offer and pay rewards through government personnel of allied forces only addresses the means rewards can be offered and paid. The other two proposals are administrative in nature. Rewards paid through this program are paid out of the DoD Rewards Program budget line under the Operation and Maintenance, Defense-Wide appropriation.

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2016	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
OSD	0.0	0.0	0.0	0.0	0.0	Operation & Maintenance-Defense-Wide	04	4GTN	1002198T
Total	0.0	0.0	0.0	0.0	0.0	Operation & Maintenance-Defense-Wide	04	4GTN	1002198T

Changes to Existing Law: This proposal would make the following changes to section 127b of title 10, United States Code:

§ 127b. ~~Assistance in combating terrorism: rewards~~<u>Department of Defense Rewards Program</u>

(a) AUTHORITY.—The Secretary of Defense may pay a monetary amount, or provide a payment-in-kind, to a person as a reward for providing United States Government personnel, or government personnel of allied forces participating in a combined operation with the armed forces, with information or nonlethal assistance that is beneficial to—

(1) an operation or activity of the armed forces, or of allied forces participating in a combined operation with the armed forces, conducted outside the United States against international terrorism; or

(2) force protection of the armed forces, or of allied forces participating in a combined operation with the armed forces.

(b) LIMITATION.—The amount or value of a reward provided under this section may not exceed $5,000,000.

(c) DELEGATION OF AUTHORITY.—(1) The authority of the Secretary of Defense under subsection (a) may be delegated only—

(A) to the Deputy Secretary of Defense and an Under Secretary of Defense, without further redelegation; and

(B) to the commander of a combatant command, but only for a reward in an amount or with a value not in excess of $1,000,000.

(2) A commander of a combatant command to whom authority to provide rewards under this section is delegated under paragraph (1) may further delegate that authority, but only for a reward in an amount or with a value not in excess of $10,000, except that such a delegation may be made to the commander's deputy commander, or to the commander of a command directly subordinate to that commander, without regard to such limitation. Such a delegation may be made to the commander of a command directly subordinate to the commander of a combatant command only with the approval of the Secretary of Defense, the Deputy Secretary of Defense, or an Under Secretary of Defense to whom authority has been delegated under subparagraph (1)(A).

(3)(A) Subject to subparagraphs (B) and (C), an official who has authority delegated under paragraph (1) or (2) may use that authority, acting through government personnel of allied forces, to offer and make rewards.

(B) The Secretary of Defense shall prescribe policies and procedures for making rewards in the manner described in subparagraph (A), which shall include guidance for the accountability of funds used for making rewards in that manner. The policies and procedures shall not take effect until 30 days after the date on which the Secretary submits the policies and procedures to the congressional defense committees. Rewards may not be made in the manner described in subparagraph (A) except under policies and procedures that have taken effect.

~~(C) Rewards may not be made in the manner described in subparagraph (A) after September 30, 2015.~~

~~(D) Not later than April 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of this paragraph. The report shall identify each reward made in the manner described in subparagraph (A) and, for each such reward—~~

~~(i) identify the type, amount, and recipient of the reward;~~

~~(ii) explain the reason for making the reward; and~~

~~(iii) assess the success of the reward in advancing the effort to combat terrorism.~~

(d) COORDINATION.—(1) The Secretary of Defense shall prescribe policies and procedures for the offering and making of rewards under this section and otherwise for administering the authority under this section. Such policies and procedures shall be prescribed in consultation with the Secretary of State and the Attorney General and shall ensure that the making of a reward under this section does not duplicate or interfere with the payment of a reward authorized by the Secretary of State or the Attorney General.

(2) The Secretary of Defense shall consult with the Secretary of State regarding the making of any reward under this section in an amount or with a value in excess of $2,000,000.

(e) PERSONS NOT ELIGIBLE.—The following persons are not eligible to receive a reward under this section:

(1) A citizen of the United States.

(2) An officer or employee of the United States.

(3) An employee of a contractor of the United States.

(f) ANNUAL REPORT.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of the rewards program under this section during the preceding fiscal year.

(2) Each report for a fiscal year under this subsection shall include the following:

(A) Information on the total amount expended during that fiscal year to carry out the rewards program under this section during that fiscal year.

(B) Specification of the amount, if any, expended during that fiscal year to publicize the availability of rewards under this section.

(C) With respect to each reward provided during that fiscal year—

(i) the amount or value of the reward and whether the reward was provided as a monetary payment or in some other form;

(ii) the recipient of the reward and the recipient's geographic location; and

(iii) a description of the information or assistance for which the reward was paid, together with an assessment of the significance and benefit of the information or assistance.

(D) Information on the implementation of paragraph (3) of subsection (c).

(E) A description of the status of program implementation in each geographic combatant command.

(F) A description of efforts to coordinate and de-conflict the authority under subsection (a) with similar rewards programs administered by the United States Government.

(G) An assessment of the effectiveness of the program in meeting its objectives.

(3) The Secretary may submit the report in classified form if the Secretary determines that it is necessary to do so.

(g) DETERMINATIONS BY THE SECRETARY.—A determination by the Secretary under this section is final and conclusive and is not subject to judicial review.