

A BILL

To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes.

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 2010”.

5 **SEC. 2. TABLE OF CONTENTS.**

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TITLE I—PROCUREMENT

SEC. 101. ARMY.

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

(1) For aircraft, \$6,952,220,000.

(2) For missiles, \$1,901,679,000.

(3) For weapons and tracked combat vehicles, \$3,211,418,000.

(4) For ammunition, \$2,422,530,000.

(5) For other procurement, \$16,133,117,000.

SEC. 102. NAVY AND MARINE CORPS.

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

3 (1) For aircraft, \$19,294,865,000.

4 (2) For weapons, including missiles and torpedoes, \$3,527,155,000.

5 (3) For shipbuilding and conversion, \$13,776,867,000.

6 (4) For other procurement, \$5,979,194,000.

7 (b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010
8 for procurement for the Marine Corps in the amount of \$2,765,083,000.

9 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be
10 appropriated for fiscal year 2010 for procurement of ammunition for the Navy and Marine Corps
11 in the amount of \$1,551,455,000.

12 **SEC. 103. AIR FORCE.**

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

15 (1) For aircraft, \$12,902,717,000.

16 (2) For ammunition, \$1,079,281,000.

17 (3) For missiles, \$6,337,353,000.

18 (4) For other procurement, \$19,614,690,000.

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

20 Funds are hereby authorized to be appropriated for fiscal year 2010 for Defense-wide
21 procurement in the amount of \$4,475,782,000.

22 **SEC. 105. RAPID ACQUISITION FUND.**

1 Funds are hereby authorized to be appropriated for fiscal year 2010 for the Rapid
2 Acquisition Fund in the amount of \$79,300,000.

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

4 Funds are hereby authorized to be appropriated for fiscal year 2010 for the Joint
5 Improvised Explosive Device Defeat Fund in the amount of \$2,099,850,000.

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

7 Funds are hereby authorized to be appropriated for fiscal year 2010 for Defense
8 Production Act purchases in the amount of \$38,246,000.

9 **SEC. 108. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.**

10 Funds are hereby authorized to be appropriated for fiscal year 2010 for the Mine
11 Resistant Ambush Protected Vehicle Fund in the amount of \$5,456,000,000.

12 **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

13 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

16 (1) For the Army, \$10,496,180,000.

17 (2) For the Navy, \$19,378,112,000.

18 (3) For the Air Force, \$28,022,113,000.

19 (4) For Defense-wide activities, \$21,048,138,000, of which \$190,770,000 is
20 authorized for the Director of Operational Test and Evaluation.

21 **TITLE III—OPERATION AND MAINTENANCE**

22 **Subtitle A—Authorization of Appropriations**

23 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

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

4 (1) For the Army, \$83,445,543,000.

5 (2) For the Navy, \$41,289,929,000.

6 (3) For the Marine Corps, \$9,237,823,000.

7 (4) For the Air Force, \$44,775,027,000.

8 (5) For the Defense-wide activities, \$35,935,546,000.

9 (6) For the Army Reserve, \$2,824,522,000.

10 (7) For the Navy Reserve, \$1,346,560,000.

11 (8) For the Marine Corps Reserve, \$315,592.

12 (9) For the Air Force Reserve, \$3,205,153,000.

13 (10) For the Army National Guard, \$6,578,680,000.

14 (11) For the Air National Guard, \$6,175,623,000.

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

16 (13) For Environmental Restoration, Army, \$415,864,000.

17 (14) For Environmental Restoration, Navy, \$285,869,000.

18 (15) For Environmental Restoration, Air Force, \$494,276,000.

19 (16) For Environmental Restoration, Defense-wide, \$11,100,000.

20 (17) For Environmental Restoration, Formerly Used Defense Sites, \$267,700,000.

21 (18) For Over seas Humanitarian, Disaster, and Civic Aid programs,

22 \$109,869,000.

23 (19) For Cooperative Threat Reduction programs, \$404,093,000.

1 (20) For the Overseas Contingency Operations Transfer Fund, \$5,000,000.

2 (21) For the Iraq Freedom Fund, \$115,300,000.

3 (22) For the Department of Defense Acquisition Workforce Development Fund,
4 \$100,000,000.

5 (23) For the Pakistan Counterinsurgency Capability Fund, \$700,000,000.

6 **Subtitle B—Environmental Provisions**

7 **SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR**
8 **CERTAIN COSTS IN CONNECTION WITH THE FORMER**
9 **NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.**

10 (a) AUTHORITY TO REIMBURSE.—

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

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

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

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

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

7 **Subtitle C—Other Provisions**

8 **SEC. 321. REFINED PETROLEUM PRODUCTS, MARGINAL EXPENSE TRANSFER** 9 **ACCOUNT.**

10 (a) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by inserting
11 after section 2228 the following new section:

12 **“§ 2228a. Refined petroleum products, marginal expense transfer account**

13 “(a) ACCOUNT.—There is established in the Treasury the Refined Petroleum Products,
14 Marginal Expense Transfer Account (hereinafter in this section referred to as the ‘Transfer
15 Account’). During any fiscal year, amounts in the Transfer Account shall be available without
16 further appropriation to pay the marginal costs needed to purchase up to the quantity of refined
17 petroleum products specified in the fiscal year budget request for use by Department of Defense
18 entities for such year.

19 “(b) CALCULATION OF MARGINAL COSTS.—Marginal costs shall be calculated as the
20 difference between the actual market prices paid by the Department of Defense for the refined
21 petroleum products purchased in a fiscal year and the prices specified for the purchase of such
22 products in the President's budget for that year.

1 Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the
2 Armed Forces and other activities and agencies of the Department of Defense for providing
3 capital for the Defense Working Capital Funds in the amount of \$1,851,919,000.

4 **SEC. 402. NATIONAL DEFENSE SEALIFT FUND.**

5 Funds are hereby authorized to be appropriated for fiscal year 2010 for the National
6 Defense Sealift Fund in the amount of \$1,642,758,000.

7 **SEC. 403. DEFENSE HEALTH PROGRAM.**

8 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
9 year 2010 for expenses, not otherwise provided for, for the Defense Health Program, in the
10 amount of \$29,058,398,000, of which—

11 (1) \$28,123,154,000 is for Operation and Maintenance;

12 (2) \$613,102,000 is for Research, Development, Test, and Evaluation; and

13 (3) \$322,142,000 is for Procurement.

14 **SEC. 404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
16 appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise
17 provided for, for Chemical Agents and Munitions Destruction, Defense, \$1,560,760,000, of
18 which—

19 (1) \$1,146,802,000 is for Operation and Maintenance;

20 (2) \$401,269,000 is for Research, Development, Test, and Evaluation; and

21 (3) \$12,689,000 is for Procurement.

22 (b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized
23 for—

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

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

6 **SEC. 405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-**
7 **WIDE.**

8 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
9 year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug
10 Activities, Defense-wide, \$1,383,587,000.

11 **SEC. 406. DEFENSE INSPECTOR GENERAL.**

12 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
13 year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the
14 Department of Defense, \$281,320,000, of which—

15 (1) \$280,320,000 is for Operation and Maintenance; and

16 (2) \$1,000,000 is for Procurement.

17 **SEC. 407. DEFENSE COALITION SUPPORT FUND.**

18 Funds are hereby authorized to be appropriated for the Defense Coalition Support Fund
19 in the amount of \$22,000,000.

20 **Subtitle B—Armed Forces Retirement Home**

21 **SEC. 411. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES**
22 **RETIREMENT HOME.**

1 (4) The Air Force Reserve, 69,500.

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

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

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

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

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

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

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

19 **SEC. 503. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF**
20 **THE RESERVES.**

21 Within the end strengths prescribed in section 411(a), the reserve components of the
22 Armed Forces are authorized, as of September 30, 2010, the following number of Reserves to be
23 serving on full-time active duty or full-time duty, in the case of members of the National Guard,

1 for the purpose of organizing, administering, recruiting, instructing, or training the reserve
2 components:

3 (1) The Army Reserve, 16,261.

4 (2) The Navy Reserve, 10,818.

5 (3) The Marine Corps Reserve, 2,261.

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

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

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

9 **SEC. 504. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

10 The minimum number of military technicians (dual status) as of the last day of fiscal year
11 2010 for the reserve components of the Army and the Air Force (notwithstanding section 129 of
12 title 10, United States Code) shall be the following:

13 (1) For the Army Reserve, 8,154.

14 (2) For the Army National Guard of the United States, 26,901.

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

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

17 **SEC. 505. FISCAL YEAR 2010 LIMITATION ON NUMBER OF NON-DUAL STATUS**

18 **TECHNICIANS.**

19 (a) LIMITATIONS.—

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

23 (A) For the Army National Guard of the United States, 2,500.

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

2 (2) ARMY RESERVE.—The number of non-dual status technicians employed by the
3 Army Reserve as of September 30, 2010, may not exceed 836.

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

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

9 **SEC. 506. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE**
10 **ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

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

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

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

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

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

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

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

20 **Subtitle B—Military Personnel Policy Generally**

21 **SEC. 511. REVISIONS TO ANNUAL REPORT REQUIREMENT ON JOINT OFFICER**
22 **MANAGEMENT.**

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

1 (1) in paragraph (1)(A), by striking “and their education and experience”;

2 (2) by striking paragraph (3);

3 (3) by transferring subparagraph (B) of paragraph (4) to the end of paragraph
4 (1), redesignating that subparagraph as subparagraph (C), aligning that subparagraph
5 with the margin of subparagraph (B) of paragraph (1), and capitalizing the first word
6 of that subparagraph;

7 (4) by striking the remainder of paragraph (4), as amended by paragraph (3) of
8 this section;

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

10 (6) by striking paragraph (6);

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

13 (8) by redesignating paragraph (12) as paragraph (9) and in that paragraph
14 striking “each time the” and all that follows and inserting “the principal courses of
15 instruction for Joint Professional Military Education Level II, the number of officers
16 graduating from each of the following:

17 “(A) The Joint Forces Staff College.

18 “(B) The National Defense University.

19 “(C) Senior Service Schools.”; and

20 (9) by redesignating paragraph (13) as paragraph (10).

21 **SEC. 512. CLARIFICATION OF PERFORMANCE POLICIES FOR MILITARY**

22 **MUSICAL UNITS AND MUSICIANS.**

1 (a) CLARIFICATION.—Section 974 of title 10, United States Code, is amended to read as
2 follows:

3 **“§ 974. Military musical units and musicians: performance policies; restriction on**
4 **performance in competition with local civilian musicians**

5 “(a) MILITARY MUSICIANS PERFORMING IN AN OFFICIAL CAPACITY.—

6 “(1) RESTRICTION ON PERFORMANCES IN COMPETITION WITH LOCAL CIVILIAN
7 MUSICIANS.—A military musical unit, and a member of the armed forces who is a
8 member of such a unit performing in an official capacity, may not engage in the
9 performance of music in competition with local civilian musicians.

10 “(2) PERFORMANCES IN COMPETITION WITH LOCAL CIVILIAN MUSICIANS.—For
11 purposes of paragraph (1), the following shall, except as provided in paragraph (3), be
12 included among the performances that are considered to be a performance of music in
13 competition with local civilian musicians:

14 “(A) A performance that is more than incidental to an event that (i) is not
15 supported, in whole or in part, by United States Government funds, and (ii) is not
16 free to the public.

17 “(B) A performance of background, dinner, dance, or other social music at
18 an event that (i) is not supported, in whole or in part, by United States
19 Government funds, and (ii) is held at a location not on a military installation.

20 “(3) PERFORMANCES NOT IN COMPETITION WITH LOCAL CIVILIAN MUSICIANS.—For
21 purposes of paragraph (1), the following shall not be considered to be a performance of
22 music in competition with local civilian musicians:

1 “(A) A performance (including background, dinner, dance, or other social
2 music) at an official United States Government event that is supported, in whole
3 or in part, by United States Government funds.

4 “(B) A performance at a concert, parade, or other event, that is a patriotic
5 event or a celebration of a national holiday and is free to the public.

6 “(C) A performance that is incidental to an event that (i) is not supported,
7 in whole or in part, by United States Government funds, or (ii) is not free to the
8 public.

9 “(D) A performance (including background, dinner, dance, or other social
10 music) at—

11 “(i) an event that is sponsored by or for a military welfare society,
12 as defined in section 2566 of this title;

13 “(ii) an event that is a traditional military event intended to foster
14 the morale and welfare of members of the armed forces and their families;
15 or

16 “(iii) an event that is specifically for the benefit or recognition of
17 members of the armed forces, their family members, veterans, civilian
18 employees of the Department of Defense, or former civilian employees of
19 the Department of Defense, to the extent provided in regulations
20 prescribed by the Secretary of Defense.

21 “(E) A performance (including background, dinner, dance, or other social
22 music)—

1 “(i) to uphold the standing and prestige of the United States with
2 dignitaries and distinguished or prominent persons or groups of the United
3 States or another nation; or

4 “(ii) in support of fostering and sustaining a cooperative
5 relationship with another nation.

6 “(b) PROHIBITION OF MILITARY MUSICIANS ACCEPTING ADDITIONAL REMUNERATION FOR
7 OFFICIAL PERFORMANCES.—A military musical unit, and a member of the armed forces who is a
8 member of such a unit performing in an official capacity, may not receive remuneration for an
9 official performance, other than applicable military pay and allowances.

10 “(c) RECORDINGS.—

11 “(1) AUTHORITY.—When authorized under regulations prescribed by the
12 Secretary of Defense for purposes of this section, a military musical unit may produce
13 recordings for distribution to the public, at a cost not to exceed expenses of production
14 and distribution.

15 “(2) CREDITING OF FUNDS.—Amounts received in payment for a recording
16 distributed to the public under this subsection shall be credited to the appropriation or
17 account providing the funds for the production of the recording. Any amount so credited
18 shall be merged with amounts in the appropriation or account to which credited, and shall
19 be available for the same purposes, and subject to the same conditions and limitations, as
20 amounts in such appropriation or account.

21 “(d) PERFORMANCES AT FOREIGN LOCATIONS.—Subsection (a) does not apply to a
22 performance outside the United States, its commonwealths, or its possessions.

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

4 “(3) may, to vindicate the public interest, assess a civil penalty against each
5 defendant—

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

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

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

15 **“SEC. 802. PRIVATE CAUSES OF ACTION.**

16 “A servicemember, dependent, or other person protected by any provision of this Act
17 may commence an action in any appropriate United States District Court or in a State court of
18 competent jurisdiction to enforce any requirement imposed or protection afforded by any
19 provision of this Act. The court may grant to any such servicemember, dependent, or person
20 such appropriate relief as is authorized under section 801(b)(1) or (b)(2). The court may also, in
21 its discretion, grant a prevailing party reasonable attorneys’ fees and costs.

22 **“SEC. 803. PRESERVATION OF OTHER REMEDIES.**

23 “The remedies provided under sections 801 and 802 are in addition to and do not

1 preclude any other causes of action available under Federal or State law or any other remedies
2 otherwise available under Federal or State law, including any award for consequential and
3 punitive damages.”.

4 (b) APPLICABILITY.—Title VIII of the Servicemembers Civil Relief Act, as added by
5 subsection (a), shall apply to any cause of action, claim, or action to enforce the Servicemembers
6 Civil Relief Act, or to seek damages or other relief under any provision of that Act, in progress
7 on the date of the enactment of this Act or that may be brought after such date.

8 (c) CONFORMING AMENDMENTS.—

9 (1) Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is
10 amended by striking subsection (f).

11 (2) Sections 301(c), 302(b), 303(d), 305(h), 306(e), and 307(c) of such Act (50
12 U.S.C. App. 531(c), 532(b), 533(d), 535(h), 536(e), and 537(c)) are amended—

13 (A) by striking “PENALTIES” and all that follows through “(1)”; and

14 (B) by striking paragraph (2).

15 (d) TECHNICAL CORRECTIONS.—Such Act is further amended —

16 (1) in section 202(d)(1) (50 U.S.C. App. 522(d)(1)), by striking “affect” in the
17 first sentence and inserting “effect”; and

18 (2) in sections 204(a), 306(c), and 701(c) (50 U.S.C. App. 524(a), 536(c), and
19 591(c)), by striking “AFFECT” in the subsection heading and inserting “EFFECT”.

20 (e) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is
21 amended by adding at the end the following:

“TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE

“Sec. 801. Enforcement by the Attorney General.

“Sec. 802. Private Causes of Action.

“Sec. 803. Preservation of Other Remedies.”

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

2 **Subtitle A—Pay and Allowances**

3 **SEC. 601. EXTENSION OF AUTHORITY FOR INCOME REPLACEMENT**

4 **PAYMENTS FOR RESERVE COMPONENT MEMBERS**

5 **EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR**

6 **ACTIVE DUTY SERVICE.**

7 Section 910(g) of title 37, United States Code, is amended by striking “December 31,
8 2009” and inserting “December 31, 2010”.

Subtitle B—Extension of Certain Bonuses and Special and Incentive Pays

9 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY**

10 **AUTHORITIES FOR RESERVE FORCES.**

11 The following sections of chapter 5 of title 37, United States Code, are amended by
12 striking “December 31, 2009” and inserting “December 31, 2010”:

13 (1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

14 (2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

15 (3) Section 308d(c), relating to special pay for enlisted members assigned to
16 certain high-priority units.

17 (4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons
18 without prior service.

19 (5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus
20 for persons with prior service.

21 (6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment

1 bonus for persons with prior service.

2 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY**

3 **AUTHORITIES FOR HEALTH CARE PROFESSIONALS.**

4 (a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are
5 amended by striking “December 31, 2009” and inserting “December 31, 2010”:

6 (1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

7 (2) Section 16302(d), relating to repayment of education loans for certain health
8 professionals who serve in the Selected Reserve.

9 (b) TITLE 37 AUTHORITIES.—The following sections of chapter 5 of title 37, United States
10 Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

11 (1) Section 302c-1(f), relating to accession and retention bonuses for
12 psychologists.

13 (2) Section 302d(a)(1), relating to accession bonus for registered nurses.

14 (3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

15 (4) Section 302g(e), relating to special pay for Selected Reserve health
16 professionals in critically short wartime specialties.

17 (5) Section 302h(a)(1), relating to accession bonus for dental officers.

18 (6) Section 302j(a), relating to accession bonus for pharmacy officers.

19 (7) Section 302k(f), relating to accession bonus for medical officers in critically
20 short wartime specialties.

21 (8) Section 302l(g), relating to accession bonus for dental specialist officers in
22 critically short wartime specialties.

1 (9) Section 335(k), relating to special bonus and incentive pay authorities for
2 officers in health professions.

3 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES**
4 **FOR NUCLEAR OFFICERS.**

5 The following sections of chapter 5 of title 37, United States Code, are amended by
6 striking "December 31, 2009" and inserting "December 31, 2010":

7 (1) Section 312(f), relating to special pay for nuclear-qualified officers extending
8 period of active service.

9 (2) Section 312b(c), relating to nuclear career accession bonus.

10 (3) Section 312c(d), relating to nuclear career annual incentive bonus.

11 (4) Section 333(i), relating to special bonus and incentive pay authorities for
12 nuclear officers.

13 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT**
14 **OF OTHER TITLE 37 BONUSSES AND SPECIAL PAY.**

15 The following sections of chapter 5 of title 37, United States Code, are amended by
16 striking "December 31, 2009" and inserting "December 31, 2010":

17 (1) Section 301b(a), relating to aviation officer retention bonus.

18 (2) Section 307a(g), relating to assignment incentive pay.

19 (3) Section 308(g), relating to reenlistment bonus for active members.

20 (4) Section 309(e), relating to enlistment bonus.

21 (5) Section 324(g), relating to accession bonus for new officers in critical skills.

22 (6) Section 326(g), relating to incentive bonus for conversion to military
23 occupational specialty to ease personnel shortage.

1 (7) Section 327(h), relating to incentive bonus for transfer between armed forces.

2 (8) Section 330(f), relating to accession bonus for officer candidates.

3 (9) Section 331(h), relating to general bonus authority for enlisted members.

4 (10) Section 332(g), relating to general bonus authority for officers.

5 (11) Section 334(i), relating to special aviation incentive pay and bonus
6 authorities for officers.

7 (12) Section 351(i), relating to hazardous duty pay.

8 (13) Section 352(g), relating to assignment pay or special duty pay.

9 (14) Section 353(j), relating to skill incentive pay or proficiency bonus.

10 (15) Section 355(i), relating to retention incentives for members qualified in
11 critical military skills or assigned to high priority units.

12 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT**
13 **OF REFERRAL BONUSES.**

14 The following sections of title 10, United States Code, are amended by striking
15 “December 31, 2009” and inserting “December 31, 2010”:

16 (1) Section 1030(i), relating to health professions referral bonus.

17 (2) Section 3252(h), relating to Army referral bonus.

18 **Subtitle C—Retired Pay and Survivor Benefits**

19 **SEC. 621. EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF**
20 **RETIRED PAY AND DISABILITY COMPENSATION.**

21 (a) PHASED EXPANSION.—Subsection (a) of section 1414 of title 10, United States Code,
22 is amended to read as follows:

23 “(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—

1 “(1) IN GENERAL.—Subject to subsection (b), a member or former member of the
2 uniformed services who is entitled for any month to retired pay and who is also entitled
3 for that month to veterans’ disability compensation for a qualifying service-connected
4 disability (hereinafter in this section referred to as a ‘qualified retiree’) is entitled to be
5 paid both for that month without regard to sections 5304 and 5305 of title 38.

6 “(A) During the period beginning on January 1, 2004, and ending on
7 December 31, 2013, payment of retired pay to such a qualified retiree is subject to
8 subsection (c), except that payment of retired pay is subject to subsection (c) only
9 during the period beginning on January 1, 2004, and ending on December 31,
10 2004, in the case of the following:

11 “(i) A qualified retiree receiving veterans’ disability compensation
12 for a disability rated as 100 percent.

13 “(ii) A qualified retiree receiving veterans’ disability compensation
14 at the rate payable for a 100 percent disability by reason of a
15 determination of individual unemployability.

16 “(B) Notwithstanding the provisions of subsection (c), on or after January
17 1, 2010, a qualified retiree described in subparagraph (2)(B) or (2)(C) is entitled
18 to payment of both retired pay and compensation under this subsection, subject to
19 subsection (b).

20 “(2) QUALIFYING SERVICE-CONNECTED DISABILITY.—In this section, the term
21 ‘qualifying service-connected disability’ means—

22 “(A) in the case of a member or former member receiving retired pay
23 under any provision of law other than chapter 61 of this title or under chapter 61

1 with 20 years or more of service otherwise creditable under section 1405 or
2 computed under section 12732 of this title, a service-connected disability or
3 combination of service-connected disabilities that is rated as not less than 50
4 percent disabling by the Secretary of Veterans Affairs;

5 “(B) in the case of a member or former member receiving retired pay
6 under chapter 61 of this title with less than 20 years of service otherwise
7 creditable under section 1405 or computed under section 12732 of this title, a
8 service-connected disability or combination of service-connected disabilities that
9 is rated at the disabling level specified by the Secretary of Veterans Affairs and is
10 effective on or after the following dates:

11 “(i) January 1, 2010, rated 100 percent, or a rate payable at 100
12 percent by reason of individual unemployability or rated 90 percent;

13 “(ii) January 1, 2011, rated 80 percent or 70 percent; and

14 “(iii) January 1, 2012, rated 60 percent or 50 percent; and

15 “(C) in the case of a member or former member receiving retired pay
16 under chapter 61 regardless of years of service, a service-connected disability or
17 combination of service-connected disabilities that is rated at the disabling level
18 specified by the Secretary of Veterans Affairs and is effective on or after the
19 following dates:

20 “(i) January 1, 2013, rated 40 percent or 30 percent; and

21 “(ii) January 1, 2014, any rating.”.

22 (b) CONFORMING SPECIAL RULE MODIFICATION.—Subsection (b) of such section is
23 amended to read as follows:

1 “(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—

2 “(1) GENERAL RULE.—The retired pay of a member retired under chapter 61 of
3 this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the
4 extent that the amount of the member’s retired pay under chapter 61 of this title exceeds
5 the amount of retired pay to which the member would have been entitled under any other
6 provision of law based upon the member’s service in the uniformed services if the
7 member had not been retired under chapter 61 of this title.

8 “(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The
9 retired pay of a member retired under chapter 61 of this title with fewer than 20 years of
10 creditable service otherwise creditable under section 1405 or computed under section
11 12732 of this title, is subject to reduction under sections 5304 and 5305 of title 38, but
12 only to the extent that the amount of the member’s retired pay under chapter 61 of this
13 title exceeds the amount equal to 2½ percent of the member’s years of creditable service
14 multiplied by the member’s retired pay base under section 1406(b)(1) or 1407 of this
15 title, whichever is applicable to the member.”.

16 (c) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking
17 “the second sentence” and inserting “subparagraph (A)”.

18 (d) CLERICAL AMENDMENTS.—

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

21 **“§ 1414. Concurrent payment of retired pay and veterans’ disability compensation”.**

22 (2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of
23 such title is amended by striking the item related to section 1414 and inserting the

1 following new item:

“1414. Concurrent payment of retired pay and veterans’ disability compensation.”.

2 (e) EFFECTIVE DATE.—The amendments made by this section shall take effect on
3 January 1, 2010.

4 **TITLE VII—WOUNDED WARRIOR PROVISIONS**

5 **SEC. 701. PROVISION OF SPECIAL MONTHLY COMPENSATION ALLOWANCE** 6 **TO CATASTROPHICALLY INJURED SERVICE MEMBERS** 7 **RECOVERING FROM COMBAT OR COMBAT-RELATED** 8 **CATASTROPHIC INJURIES.**

9 (a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by adding at the
10 end the following new section:

11 **“§ 439. Special monthly compensation for members of the uniformed services with combat**
12 **or combat-related catastrophic injuries**

13 “(a) COMPENSATION AUTHORIZED.—(1) Under regulations prescribed by the Secretary of
14 Defense, the Secretary concerned may pay to any member of the uniformed services described in
15 paragraph (2) a special monthly compensation in an amount determined under paragraph (3).

16 “(2) A member eligible for the compensation authorized by paragraph (1) is a member—

17 “(A) who has a combat-related catastrophic injury or illness and for whom a
18 licensed physician has certified that the member is in need of assistance from another
19 person to perform the personal functions required in everyday living; and

20 “(B) who has elected to participate in the expedited disability evaluation process.

21 “(3) The Secretary of Defense may establish additional eligibility criteria in the
22 regulations required by paragraph (1).

1 “(4) The amount of the special monthly compensation authorized by paragraph (1) shall
2 be determined under criteria prescribed by the Secretary of Defense, but may not exceed the
3 amount of the aid and attendance allowance authorized by section 1114(r) of title 38 for veterans
4 in need of regular aid and attendance. In determining the amount of the compensation, the
5 Secretary concerned shall consider the extent to which home health care and related services are
6 being provided by the Government and the extent to which aid and attendance services are being
7 provided by family and friends who may be compensated with funds provided through the
8 special monthly compensation authorized by this section.

9 “(5) The duration of the special monthly compensation authorized by paragraph (1) shall
10 be 120 days from the date of the member’s election to participate in the expedited disability
11 evaluation process or until the member is medically retired from service, so long as the member
12 otherwise remains eligible.

13 “(b) DEFINITIONS.—In this section:

14 “(1) The term ‘catastrophic injury or illness’ means a permanent, severely
15 disabling injury, disorder, or disease that compromises the ability to carry out the
16 activities of daily living to such a degree that the member requires personal or mechanical
17 assistance to leave home or bed, or requires constant supervision to avoid physical harm
18 to self or others.

19 “(2) The term ‘combat-related’ means having the attributes described in section
20 1413a of title 10.”.

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:

“439. Special monthly compensation for members of the uniformed services with combat or
combat-related catastrophic injuries.”.

1 **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,**
2 **AND RELATED MATTERS**

3 **SEC. 801. PERMANENT AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION**
4 **PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.**

5 Section 4202 of the Clinger-Cohen Act of 1996 (division D of Public Law 104–106; 110
6 Stat. 652; 10 U.S.C. 2304 note) is amended by striking subsection (e).

7 **SEC. 802. CLARIFICATION OF UNIFORM SUSPENSION AND DEBARMENT**
8 **REQUIREMENT.**

9 Section 2455(a) of the Federal Acquisition Streamlining Act of 1994 (31 U.S.C. 6101
10 note) is amended by inserting “at any level, including subcontracts at any tier,” in the second
11 sentence after “any procurement or nonprocurement activity”.

12 **SEC. 803. EXTENSION AND PERMANENT AUTHORITY FOR SMALL BUSINESS**
13 **INNOVATION RESEARCH COMMERCIALIZATION PROGRAM.**

14 (a) EXTENSION TO SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.—Section 9(y) of
15 the Small Business Act (15 U.S.C. 638(y)) is amended by inserting “and Small Business
16 Technology Transfer Program” in paragraphs (1), (2), and (4) after “Small Business Innovation
17 Research Program”.

18 (b) PERMANENT AUTHORITY.—Such section is further amended—

19 (1) by striking “Pilot” each place it appears (including in the heading for
20 subsection (y)); and

21 (2) by striking paragraph (6).

1 **SEC. 804. AUTHORITY FOR GOVERNMENT SUPPORT CONTRACTORS TO HAVE**
2 **ACCESS TO TECHNICAL DATA BELONGING TO PRIME**
3 **CONTRACTORS.**

4 (a) AUTHORITY.—

5 (1) ACCESS TO TECHNICAL DATA.—Subsection (c) of section 2320 of title 10,
6 United States Code, is amended—

7 (A) by striking “or” at the end of paragraph (1);

8 (B) by redesignating paragraph (2) as paragraph (3); and

9 (C) by inserting after paragraph (1) the following new paragraph (2):

10 “(2) notwithstanding any limitation upon the license rights conveyed under
11 subsection (a), allowing a Government support contractor access to and use of any
12 technical data delivered under a contract covered by this chapter if the Government
13 support contractor accessing or using that technical data executes a contract with the
14 Government agreeing to and acknowledging—

15 “(A) that proprietary or nonpublic technical data furnished will be
16 accessed and used only for the purposes stated in that contract;

17 “(B) that a breach of that contract by a Government support contractor
18 with regard to a third party’s ownership or rights in such technical data may
19 subject that Government support contractor—

20 “(i) to criminal, civil, administrative, and contractual actions in law
21 and equity for penalties, damages, and other appropriate remedies by the
22 United States; and

1 “(ii) to civil actions for damages and other appropriate remedies by
2 the contractor or subcontractor whose technical data is affected by the
3 breach;

4 “(C) that such technical data provided to a Government support contractor
5 under the authority of this section shall not be used by that Government support
6 contractor to compete against the third party for Government or non-Government
7 contracts; and

8 “(D) that any breach of these nondisclosure obligations may constitute a
9 violation of section 1905 of title 18; or”.

10 (2) DEFINITION.—Such section is further amended by adding at the end the
11 following new subsection:

12 “(f) GOVERNMENT SUPPORT CONTRACTOR DEFINED.—In this section, the term
13 ‘Government support contractor’ means a contractor (and any of its subcontractors) whose
14 primary purpose is to furnish independent and impartial advice or technical assistance directly to
15 the Government in support of the Government’s management and oversight of a program or
16 effort, rather than to directly furnish an end item or a service to accomplish a program or effort.”.

17 (b) CRIMINAL PENALTY.—Section 1905 of title 18, United States Code, is amended by
18 inserting “or being an officer, agent or employee of a private sector organization having a
19 contractual nondisclosure agreement under the authority of section 2320(c)(2) of title 10,” after
20 “Antitrust Civil Process Act (15 U.S.C. 1311-1314),”.

21 **SEC. 805. REPORTS TO CONGRESS ON FULL DEPLOYMENT DECISIONS FOR**
22 **MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.**

1 (a) IMPLEMENTATION SCHEDULE.—Section 2445b(b)(2) of title 10, United States Code, is
2 amended by striking “, initial operational capability, and full operational capability” and
3 inserting “and full deployment decision”.

4 (b) CRITICAL CHANGES IN PROGRAM.—Section 2445c(d)(2)(A) of such title is amended
5 by striking “initial operational capability” and inserting “a full deployment decision”.

6 **SEC. 806. REPEAL OF REQUIREMENTS FOR REPORTING ON CERTAIN**
7 **INFORMATION TECHNOLOGY INVESTMENT PROGRAMS.**

8 (a) DEFINITION OF “OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT
9 PROGRAM”.—Section 2445a of title 10, United States Code, is amended by striking subsection
10 (d).

11 (b) COST, SCHEDULE, AND PERFORMANCE INFORMATION.—Section 2445b of such title is
12 amended—

13 (1) in subsection (a), by striking “and each other major information technology
14 investment program;” and

15 (2) by striking subsection (d).

16 (c) REPORTS.—Section 2445c(a) of such title is amended—

17 (1) by striking “or other major information technology investment program” each
18 place it appears;

19 (2) in subsections (a), (d)(2)(A), (f)(1), and (f)(2), by striking “or information
20 technology investment”;

21 (3) in subsection (d)(2)—

22 (A) in subparagraph (B), by striking “or section 2445b(d)”;

23 (B) in subparagraph (C), by striking “or section 2445b(d) of this title, as

1 applicable”; and

2 (C) in subparagraph (D), by striking “or major information technology
3 investment” and “or section 2445b(d) of this title, as applicable”; and

4 (4) in subsection (f)(3), by striking “or information technology investment, as
5 applicable.”.

6 **SEC. 807. MODIFICATION OF DEADLINE FOR SUBMISSION OF ANNUAL REPORT**
7 **TO CONGRESS UNDER SECTION 2466 OF TITLE 10, UNITED STATES**
8 **CODE.**

9 Section 2466(d)(1) of title 10, United States Code, is amended by striking “April 1 of”
10 and inserting “90 days after the date on which the President’s Budget for the next fiscal year is
11 submitted to Congress”.

12 **SEC. 808. REVISION TO DEFINITIONS OF MAJOR DEFENSE ACQUISITION**
13 **PROGRAM AND MAJOR AUTOMATED INFORMATION SYSTEM FOR**
14 **PURPOSES OF CERTAIN COSTS, SCHEDULE, AND PERFORMANCE**
15 **REPORTS.**

16 (a) MAJOR DEFENSE ACQUISITION PROGRAM.—Section 2430 of title 10, United States
17 Code, is amended by adding at the end the following new subsection:

18 “(c) In the case of a Department of Defense acquisition program that, by reason of
19 paragraph (2) of section 2445a(a) of this title, is a major automated information system program
20 under chapter 144A of this title and that, by reason of paragraph (2) of subsection (a), is a major
21 defense acquisition program under this chapter, the Secretary of Defense may designate that
22 program to be treated only as a major automated information system program or to be treated
23 only as a major defense acquisition program.”.

1 (b) MAJOR AUTOMATED INFORMATION SYSTEM.—Section 2445a(a) of such title is
2 amended by inserting “that is not a highly sensitive classified program (as determined by the
3 Secretary of Defense)” after “(either as a product or service)”.

4 **SEC. 809. EXCEPTION FOR EMERGENCY OPERATIONS.**

5 (a) EXCEPTION FOR PROCUREMENTS IN SUPPORT OF EMERGENCY OPERATIONS.—
6 Paragraph (1) of subsection (d) of section 2533a of title 10, United States Code, is amended to
7 read as follows:

8 “(1) Procurements in support of emergency operations.”.

9 (b) DEFINITION OF EMERGENCY OPERATIONS.—Subsection (j) of such section is
10 amended—

11 (1) by striking “GEOGRAPHIC COVERAGE.—” and inserting “DEFINITIONS.—(1)”;

12 and

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

14 “(2) In this section, the term ‘emergency operations’ means any of the following:

15 “(A) Contingency operations.

16 “(B) Operations in defense against or recovery from nuclear, biological, chemical,
17 or radiological attack against the United States.

18 “(C) Operations in response to an incident of national significance, emergency
19 declaration, national emergency, or major disaster declared by the President.

20 “(D) Combat operations.”.

21 **SEC. 810. CONTRACT AUTHORITY FOR ADVANCED DEVELOPMENT OF INITIAL**
22 **OR ADDITIONAL PROTOTYPE UNITS.**

1 (a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting
2 after section 2302d the following new section:

3 **“§ 2302e. Contract authority for advanced development of initial or additional prototype**
4 **units**

5 “(a) AUTHORITY.—A contract initially awarded from the competitive selection of a
6 proposal resulting from a general solicitation as defined in section 2302(2)(B) may contain a
7 contract line item or an option for—

8 “(1) the delivery of initial or additional prototype items if the item or a prototype
9 thereof is created as the result of work performed under the initial competed research
10 contract; or

11 “(2) the provision of advanced component development, or prototype of
12 technology developed in the initial underlying contract.

13 “(b) DELIVERY.—A contract line item or option as described in subsection (a)(1) shall
14 require the delivery of the minimal amount of initial or additional prototype items to allow for
15 the timely solicitation and award of a production contract for those items. Such contract option
16 may have a value only up to three times the value of the initial contract and any subsequent
17 development or procurement must be subject to the terms of section 2304 of this title.

18 “(c) TERM.—A contract line item or option as described in subsection (a)(2) shall be for a
19 term of not more than 12 months.

20 “(d) USE OF AUTHORITY.—Each military department may use this authority up to four
21 times per year and the Secretary of Defense may approve up to an additional four options per
22 year for projects supported by agencies of the Department of Defense.”.

23 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
24 amended by inserting after the item relating to section 2302d the following new item:

“2302e. Contract authority for advanced development of initial or additional prototype units.”.

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

**SEC. 901. REPEAL OF CERTAIN LIMITATIONS ON PERSONNEL AND
CONSOLIDATION OF REPORTS ON MAJOR DEPARTMENT OF
DEFENSE HEADQUARTERS ACTIVITIES.**

(a) REPEAL OF CERTAIN LIMITATIONS ON PERSONNEL ASSIGNED TO MAJOR
HEADQUARTERS ACTIVITIES.—

(1) REPEALS.—The following provisions of law are repealed:

(A) Section 143 of title 10, United States Code.

(B) Section 194 of such title.

(C) Sections 3014(f), 5014(f), and 8014(f) of such title.

(D) Section 601 of the Goldwater-Nichols Department of Defense
Reorganization Act of 1986 (10 U.S.C. 194 note).

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 4 of title 10, United
States Code, is amended by striking the item relating to section 143.

(B) The table of sections at the beginning of subchapter I of chapter 8 of
such title is amended by striking the item relating to section 194.

(b) CONSOLIDATED ANNUAL REPORT.—

(1) INCLUSION IN ANNUAL DEFENSE MAPOWER REQUIREMENTS REPORT.—Section
115a of such title is amended by inserting after subsection (e) the following new
subsection:

1 “(f) The Secretary shall also include in each such report the following information with
2 respect to personnel assigned to or supporting major Department of Defense headquarters
3 activities:

4 “(1) The military end strength and civilian full-time equivalents assigned to major
5 Department of Defense headquarters activities for the preceding fiscal year and estimates
6 of such numbers for the current fiscal year and the budget fiscal year.

7 “(2) A summary of the replacement during the preceding fiscal year of contract
8 workyears providing support to major Department of Defense headquarters activities with
9 military end strength or civilian full-time equivalents, including an estimate of the
10 number associated with the replacement of contracts performing inherently governmental
11 or exempt functions .

12 “(3) The plan for the continued review of contract personnel supporting major
13 Department of Defense headquarters activities for possible conversion to military or
14 civilian performance in accordance with section 2463 of this title.”.

15 (2) TECHNICAL AMENDMENTS TO REFLECT NAME OF REPORT.—

16 (A) Subsection (a) of such section is amended by inserting “defense”
17 before “manpower requirements report”.

18 (B)(i) The heading of such section is amended to read as follows:

19 “**§ 115a. Annual defense manpower requirements report**”.

20 (ii) The item relating to such section in the table of sections at the
21 beginning of chapter 2 of such title is amended to read as follows:

“115a. Annual defense manpower requirements report.”.

22 (3) CONFORMING REPEALS.—The following provisions of law are repealed

1 (A) Subsections (b) and (c) of section 901 of the National Defense
2 Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 272).

3 (B) Section 1111 of the Duncan Hunter National Defense Authorization
4 Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4619).

5 **SEC. 902. REPEAL OF CERTAIN LAWS PERTAINING TO THE JOINT COMMITTEE**
6 **FOR THE REVIEW OF COUNTERPROLIFERATION PROGRAMS.**

7 (a) JOINT COMMITTEE FOR THE REVIEW OF COUNTERPROLIFERATION PROGRAMS OF THE
8 UNITED STATES.—Section 1605 of the National Defense Authorization Act for Fiscal Year 1994
9 (Public Law 103-160; 22 U.S.C. 2751 note) is repealed.

10 (b) BIENNIAL REPORT ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.—Section
11 1503 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 22
12 U.S.C. 2751 note) is repealed.

13 **SEC. 903. PROVISION OF SPACE SITUATIONAL AWARENESS SERVICES AND**
14 **INFORMATION TO NON-UNITED STATES GOVERNMENT ENTITIES.**

15 (a) IN GENERAL.—Section 2274 of title 10, United States Code, is amended to read as
16 follows:

17 **“§ 2274. Space situational awareness services and information: provision to non-United**
18 **States Government entities**

19 “(a) AUTHORITY.—The Secretary of Defense may provide space situational awareness
20 services and information to, and may obtain space situational awareness data and information
21 from, non-United States Government entities in accordance with this section. Any such action
22 may be taken in the case of any such entity only if the Secretary determines that such action is
23 consistent with the national security interests of the United States.

1 “(b) ELIGIBLE ENTITIES.—The Secretary may provide services and information under
2 subsection (a) to, and may obtain data and information under subsection (a) from, any non-
3 United States Government entity, including any of the following:

4 “(1) A State government.

5 “(2) The government of a political subdivision of a State.

6 “(3) A United States commercial entity.

7 “(4) The government of a foreign country.

8 “(5) A foreign commercial entity.

9 “(c) REQUIRED AGREEMENT.—The Secretary may not provide space situational
10 awareness services and information under subsection (a) to a non-United States Government
11 entity unless that entity enters into an agreement with the Secretary under which the entity—

12 “(1) agrees to pay an amount that may be charged by the Secretary under
13 subsection (d);

14 “(2) agrees not to transfer any data or technical information received under the
15 agreement, including the analysis of data, to any other entity without the express approval
16 of the Secretary; and

17 “(3) agrees to any other terms and conditions considered necessary by the
18 Secretary.

19 “(d) CHARGES.—(1) As a condition of an agreement under subsection (c), the Secretary
20 may (except as provided in paragraph (2)) require the non-United States Government entity
21 entering into the agreement to pay to the Department of Defense such amounts as the Secretary
22 determines to be necessary to reimburse the Department for the costs to the Department
23 of providing space situational awareness service support under the agreement.

1 “(2) The Secretary may not require the government of a State, or of a political
2 subdivision of a State, to pay any amount under paragraph (1).

3 “(e) CREDITING OF FUNDS RECEIVED.—Funds received for the provision of space
4 situational awareness services pursuant to an agreement under this section shall be credited, at
5 the option of the Secretary, to (1) the appropriation, fund, or account used in incurring the
6 obligation, or (2) an appropriate appropriation, fund, or account currently available for the
7 purposes for which the expenditures were made. Funds so credited shall be merged with, and
8 remain available for obligation with, the funds in the appropriation, fund, or account to which
9 credited.

10 “(f) PROCEDURES.—The Secretary shall establish procedures by which the authority
11 under this section shall be carried out. As part of those procedures, the Secretary may allow
12 space situational awareness services to be provided through a contractor of the Department of
13 Defense.

14 “(g) NONDISCLOSURE.—All information received under subsection (a), records of
15 agreements entered into under subsection (c), and analyses or data provided as a part of the
16 services provided in accordance with the authority under this section are exempt from disclosure
17 under section 552(b)(3) of title 5.

18 “(h) IMMUNITY.—The United States, all agencies and instrumentalities thereof, and all
19 individuals, firms, corporations, and other persons acting for the United States, shall be immune
20 from any suit in any court for any cause of action arising from the provision or receipt of space
21 situational awareness services, whether or not provided in accordance with this section, or any
22 related action or omission.”.

1 (b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at
2 the beginning of chapter 135 of such title is amended to read as follows:

“2274. Space situational awareness services and information: provision to non-United States Government entities.”.

3 (c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October
4 1, 2009, or the date of the enactment of this Act, whichever is later.

5 **TITLE X—GENERAL PROVISION**

6 **Subtitle A—Financial Matters**

7 **SEC. 1001. AUTHORITY FOR AIRLIFT TRANSPORTATION AT DEPARTMENT OF** 8 **DEFENSE RATES FOR NON-DEPARTMENT OF DEFENSE FEDERAL** 9 **CARGOES.**

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

12 “(3) For military airlift services provided to any element of the Federal
13 Government outside the Department of Defense in circumstances other than those
14 specified in paragraphs (1) and (2), but only if the Secretary of Defense determines that
15 provision of those military airlift services will promote improved utilization of airlift
16 capacity without negative effect on national security objectives or the national security
17 interests contained within the United States commercial air industry.”.

18 **SEC. 1002. ADVANCE NOTICE TO CONGRESS OF TRANSFER OF FUNDS FROM A** 19 **WORKING-CAPITAL FUND.**

20 Paragraph (1) of section 2208(r) of title 10, United States Code, is amended to read as
21 follows:

1 “(1) Whenever the Secretary of Defense proposes to exercise authority provided by law to
2 transfer funds from a working-capital fund, including a transfer to another working-capital fund,
3 such transfer may be made only after the Secretary submits to Congress notice of the proposed
4 transfer and a period of five days has passed from the date of the notification.”.

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

6 **SEC. 1011. TEMPORARY REDUCTION IN STATUTORY MINIMUM NUMBER OF** 7 **AIRCRAFT CARRIERS IN ACTIVE SERVICE.**

8 Section 5062(b) of title 10, United States Code, is amended by inserting before the period
9 at the end of the first sentence the following: “, except that during the period beginning on the
10 date of the decommissioning of the USS Enterprise (CVN 65) and ending on the date of the
11 commissioning into active service of the USS GERALD R. FORD (CVN 78), the number of
12 operational aircraft carriers in the naval combat forces of the Navy may be 10”.

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

14 **SEC. 1021. TWO-YEAR EXTENSION OF AUTHORITY TO SUPPORT UNIFIED** 15 **COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN** 16 **COLOMBIA AND CONTINUATION OF NUMERICAL LIMITATIONS** 17 **ON ASSIGNMENT OF UNITED STATES PERSONNEL.**

18 (a) EXTENSION.—Section 1021 of the Ronald W. Reagan National Defense Authorization
19 Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2042), as most recently amended by
20 section 1023 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009
21 (Public Law 110-417; 122 Stat. 4586), is amended in subsections (a)(1) and (c), by striking
22 “2009” and inserting “2011”.

23 (b) CLARIFICATION.—Subsection (c) of such section is amended by inserting “, and its

1 follow-on programs,” after “Plan Colombia” each place it appears.

2 **Subtitle D—Report Terminations**

3 **SEC. 1031. IMPROVED MANAGEMENT OF CONGRESSIONAL REPORTING**

4 **REQUIREMENTS APPLICABLE TO DEPARTMENT OF DEFENSE.**

5 (a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by inserting
6 after section 480 the following new section:

7 **“§ 480a. Reports to Congress: termination after five years**

8 “(a) TERMINATION.—Subject to subsections (b) and (c), each provision of law that
9 requires the Secretary of Defense (or any other officer or employee of the Department of
10 Defense) to submit to Congress (or any committee of Congress) a periodic report shall cease to
11 be effective, with respect to that requirement, five years after the date of the enactment of that
12 provision of law or, in the case of a provision of law enacted before the date of the enactment of
13 this section, five years after the date of the enactment of this section.

14 “(b) GENERAL EXCEPTIONS.—Subsection (a) does not apply to a provision of law
15 containing a requirement for the submittal of a periodic report if that provision of law—

16 “(1) expressly states that the requirement is indefinite in nature; or

17 “(2) specifies a number of years (in excess of five) for which the report is required or
18 states a specific termination date for the report requirement.

19 “(c) EXCEPTIONS FOR SPECIFIC REPORTS.—Subsection (a) does not apply to the
20 following:

21 “(1) The report required by section 113(c) of this title.

22 “(2) Any report required by this chapter.

1 “(d) PERIODIC REPORT DEFINED.—In this section, the term ‘periodic report’ means a
2 report required to be submitted on an annual, semiannual, or other regular periodic basis.”.

3 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
4 amended by inserting after the item relating to section 480 the following new item:

“480a. Reports to Congress: termination after five years.”.

5 **SEC. 1032. REPEAL OF REQUIREMENT FOR ANNUAL REPORT ON MILITARY**
6 **MUSEUMS.**

7 (a) REPEAL.—Section 489 of title 10, United States Code, is repealed.

8 (b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 23 of such
9 title is amended by striking the item relating to section 489.

10 **Subtitle E—Other Matters**

11 **SEC. 1041. ONE-YEAR EXTENSION OF AUTHORITY TO OFFER AND MAKE**
12 **REWARDS FOR ASSISTANCE IN COMBATING TERRORISM**
13 **THROUGH GOVERNMENT PERSONNEL OF ALLIED FORCES.**

14 Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking
15 “September, 30, 2009” and inserting “September, 30, 2010”.

16 **TITLE XI—CIVILIAN PERSONNEL MATTERS**

17 **SEC. 1101. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL**
18 **LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION**
19 **ON PAY FOR FEDERAL CIVLIAN EMPLOYEES WORKING**
20 **OVERSEAS.**

1 (a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1101 of the Duncan Hunter
2 National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615),
3 is amended by striking “calendar year 2009” and inserting “calendar years 2009 and 2010”.

4 (b) EXEMPTION FROM AGGREGATE LIMITATIONS ON PAY.—Subsection (b) of such section
5 is amended by striking “Section 5307 of title 5, United States Code” and inserting “Aggregate
6 limitations on pay, whether established by law or regulation”.

7 **TITLE XII— MATTERS RELATING TO FOREIGN NATIONS**

8 **SEC. 1201. ONE-YEAR EXTENSION OF COMMANDERS’ EMERGENCY RESPONSE**

9 **PROGRAM AND EXTENSION OF DUE DATE FOR QUARTERLY** 10 **REPORTS TO CONGRESS.**

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

12 (1) AUTHORITY FOR FISCAL YEAR 2010.—Subsection (a) of section 1202 of the
13 National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat.
14 3455), as most recently amended by section 1214 of the Duncan Hunter National Defense
15 Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4630), is
16 amended—

17 (A) in the subsection heading, by striking “FISCAL YEARS 2008 AND 2009”
18 and inserting “FISCAL YEAR 2010”;

19 (B) by striking “each of fiscal years 2008 and 2009” and inserting “fiscal
20 year 2010”;

21 (C) by striking “for such fiscal year”; and

22 (D) by striking “\$1,700,000,000 in fiscal year 2008 and \$1,500,000,000 in
23 fiscal year 2009” and inserting “\$1,500,000,000”.

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

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

5 (1) by striking “15 days” and inserting “45 days”; and

6 (2) by striking “of fiscal years 2008 and 2009” and inserting “of any fiscal year
7 during which the authority under subsection (a) is in effect”.

8 (c) TECHNICAL AMENDMENTS.—Subsections (e)(1) and (f)(1) of such section are
9 amended by striking “the date of the enactment of the Duncan Hunter National Defense
10 Authorization Act for Fiscal Year 2009” and inserting “October 14, 2008,”.

11 **SEC. 1202. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES**
12 **PRODUCED IN CENTRAL ASIA, PAKISTAN, AND THE SOUTH**
13 **CAUCASUS.**

14 (a) IN GENERAL.—In the case of a product or service to be acquired in support of
15 operations (including security, transition, reconstruction, and humanitarian relief activities) in
16 Afghanistan for which the Secretary of Defense makes a determination described in subsection
17 (b), the Secretary may conduct a procurement in which—

18 (1) competition is limited to products or services that are from Central Asia,
19 Pakistan, or the South Caucasus;

20 (2) procedures other than competitive procedures are used to award a contract to a
21 particular source or sources from Central Asia, Pakistan, or the South Caucasus; or

22 (3) a preference is provided for products or services that are from Central Asia,
23 Pakistan, or the South Caucasus.

1 (b) DETERMINATION.—A determination described in this subsection is a determination by
2 the Secretary that—

3 (1) the product or service concerned is to be used only by military forces, police,
4 or other security personnel of Afghanistan, the United States, Allies, or coalition partners;
5 or

6 (2) it is in the national security interest of the United States to limit competition,
7 use procedures other than competitive procedures, or provide a preference as described in
8 subsection (a) because—

9 (A) such limitation, procedure, or preference is necessary—

10 (i) to improve local market and transportation infrastructure in
11 Central Asia, Pakistan, or the South Caucasus in order to reduce overall
12 United States transportation costs and risks in shipping goods in support of
13 operations in Afghanistan;

14 (ii) to encourage states of Central Asia, Pakistan, or the South
15 Caucasus to cooperate in expanding supply routes through their territory in
16 support of operations in Afghanistan; or

17 (iii) to help develop a more robust and enduring commercial and
18 transportation network in Central Asia, Pakistan, or the South Caucasus
19 that will connect Afghanistan to its neighbors, promote regional
20 commerce, diversify existing infrastructure in the region, and bolster
21 stability and prosperity in the region; and

22 (B) such limitation, procedure, or preference will not adversely affect—

23 (i) operations in Afghanistan; or

1 (ii) the United States industrial base.

2 (c) PRODUCTS, SERVICES, AND SOURCES FROM CENTRAL ASIA, PAKISTAN, OR THE SOUTH
3 CAUCASUS.—For the purposes of this section:

4 (1) A product is from the Central Asia, Pakistan, or the South Caucasus if it is
5 mined, produced, or manufactured in Georgia, the Kyrgyz Republic, Pakistan, the
6 Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the
7 Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan.

8 (2) A service is from Central Asia, Pakistan, or the South Caucasus if it is
9 performed in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the
10 Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the
11 Republic of Uzbekistan, or Turkmenistan by citizens or permanent resident aliens of
12 Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of
13 Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of
14 Uzbekistan, or Turkmenistan.

15 (3) A source is from Central Asia, Pakistan, or the South Caucasus if it—

16 (A) is located in Georgia, the Kyrgyz Republic, Pakistan, the Republic of
17 Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic
18 of Tajikistan, the Republic of Uzbekistan, or Turkmenistan; and

19 (B) offers products or services that are from Georgia, the Kyrgyz
20 Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the
21 Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan,
22 or Turkmenistan.

1 (d) CONSTRUCTION WITH OTHER AUTHORITY.—The authority provided in subsection (a)
2 is in addition to the authority set out in section 886 of the National Defense Authorization Act
3 for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266; 10 U.S.C. 2302 note).

4 **SEC. 1203. AUTHORIZATION OF APPROPRIATIONS FOR AFGHANISTAN**
5 **SECURITY FORCES FUND.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
7 appropriated for fiscal year 2010 for the Afghanistan Security Forces Fund in the amount of
8 \$7,462,769,000.

9 (b) LIMITATIONS.—Funds appropriated pursuant to the authorization of appropriations in
10 subsection (a) shall be subject to the conditions contained in subsections (b) through (g) of
11 section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–
12 181; 122 Stat. 428).

13 **SEC. 1204. AUTHORITY TO PROVIDE ADMINISTRATIVE SERVICES AND**
14 **SUPPORT TO COALITION LIAISON OFFICERS OF CERTAIN**
15 **FOREIGN NATIONS ASSIGNED TO JOINT FORCES COMMAND.**

16 (a) EXTENSION OF AUTHORITY.—Section 1051a(a) of title 10, United States Code, is
17 amended—

18 (1) by striking “assigned temporarily” and inserting “assigned temporarily—”;

19 (2) by designating the remainder of the text of that section as paragraph (1) and
20 indenting that text two ems from the left margin;

21 (3) by striking the period at the end and inserting “; or”; and

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

1 “(2) to the headquarters of the combatant command assigned by the Secretary of
2 Defense the mission of joint warfighting experimentation and joint forces training.”.

3 (b) EFFECTIVE DATE.—Paragraph (2) of section 1051a(a) of title 10, United States Code,
4 as added by subsection (a), shall take effect on October 1, 2009, or the date of the enactment of
5 this Act, whichever is later.

6 **TITLE XIII—MILITARY CONSTRUCTION, MILITARY FAMILY**
7 **HOUSING, AND REAL PROPERTY**

8 **SEC. 1301. TEMPORARY INCREASE IN COST THRESHOLD FOR USE OF**
9 **OPERATION AND MAINTENANCE FUNDS FOR UNSPECIFIED**
10 **MINOR MILITARY CONSTRUCTION PROJECTS IN AFGHANISTAN.**

11 (a) INCREASED COST THRESHOLD.—

12 (1) PROJECTS IN AFGHANISTAN.—For purposes of any military construction
13 project to be carried out in Afghanistan that is a contingency operational requirements
14 project, the cost limitation applicable to the project under subsection (c) of section 2805
15 of title 10, United States Code, shall be treated as being \$3,000,000, notwithstanding any
16 otherwise applicable cost limitation under that section.

17 (2) CONTINGENCY OPERATIONAL REQUIREMENTS PROJECT.—For purposes of this
18 subsection, the term “contingency operational requirements project” means a project that
19 is necessary to meet military operational requirements involving the use of the Armed
20 Forces in support of—

21 (A) a declaration of war;

1 (B) a declaration by the President of a national emergency under section
2 201 of the National Emergencies Act (50 U.S.C. 1621); or

3 (C) a contingency operation (as such term is defined in section 101 of title
4 10, United States Code).

5 (b) TRANSPARENCY.—

6 (1) QUARTERLY REPORTS.—Not later than 60 days after the end of each fiscal-
7 year quarter during which subsection (a) is in effect, the Secretary concerned shall submit
8 to the congressional committees specified in paragraph (2) a report on contracts entered
9 into during that quarter under section 2805(c) of title 10, United States Code, for which
10 the applicable cost limitation was the limitation specified in subsection (a). Each such
11 report shall include a statement of obligations during that quarter for each such contract.

12 (2) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in
13 this paragraph are the following:

14 (A) The Committee on Armed Services and the Subcommittee on Defense
15 and the Subcommittee on Military Construction, Veterans Affairs, and Related
16 Agencies of the Committee on Appropriations of the Senate.

17 (B) The Committee on Armed Services and the Subcommittee on Defense
18 and the Subcommittee on Military Construction, Veterans Affairs, and Related
19 Agencies of the Committee on Appropriations of the House of Representatives.

20 (3) SECRETARY CONCERNED.—For purposes of this subsection, the term
21 “Secretary concerned” has the meaning applicable to such term under section 2805 of
22 title 10, United States Code.

1 (c) EXPIRATION.—No funds may be obligated for a project by reason of the provisions of
2 subsection (a) after September 30, 2011.

3 **SEC. 1302. TWO-YEAR EXTENSION OF AUTHORITY FOR PILOT PROJECTS FOR**
4 **ACQUISITION OR CONSTRUCTION OF MILITARY**
5 **UNACCOMPANIED HOUSING.**

6 Subsection (f) of section 2881a of title 10, United States Code, is amended by striking
7 “2009” and inserting “2011”.

8 **SEC. 1303. CONSOLIDATION AND STANDARDIZATION OF NOTICE-AND-WAIT**
9 **REQUIREMENTS APPLICABLE TO REAL PROPERTY LEASES.**

10 (a) GENERAL LEASE AUTHORITY.—Section 2662(a)(1)(C) of title 10, United States Code,
11 is amended by inserting after “United States,” the following: “other than a lease entered into
12 pursuant to section 2667 of this title,”.

13 (b) LEASES OF NON-EXCESS PROPERTY.—Section 2667 of such title is amended—

14 (1) in subsection (c), by striking paragraph (4);

15 (2) in subsection (d), by striking paragraph (6);

16 (3) in subsection (h), by striking paragraphs (3) and (5); and

17 (4) by adding at the end the following new subsection:

18 “(k) NOTICE-AND-WAIT REQUIREMENTS.—(1) The Secretary concerned may not issue a
19 contract solicitation or other lease offering under this section for a lease with an annual rental
20 value that is greater than \$750,000 (other than for a lease under subsection (g)) until the
21 Secretary submits to the Committee on Armed Services of the Senate and the Committee on
22 Armed Services of the House of Representatives a report with respect to the proposed lease and a

1 period of 30 days has elapsed after the date of the submission of the report. Any such report shall
2 include the following:

3 “(A) A description of the proposed lease, including the proposed duration of the
4 lease.

5 “(B) A description of the authorities to be used in entering into the lease and the
6 intended participation of the United States in the lease, including a justification of the
7 intended method of participation.

8 “(C) A statement of the scored cost of the lease, determined using the scoring
9 criteria of the Office of Management and Budget.

10 “(D) A determination that the property involved in the lease is not excess
11 property, as required by subsection (a)(3), including the basis for the determination.

12 “(E) A determination that the proposed lease is directly compatible with the
13 mission of the military installation or Defense Agency the property of which is to be
14 subject to the lease and a description of the anticipated long-term use of the property at
15 the conclusion of the lease.

16 “(F) A description of the requirements or conditions within the contract
17 solicitation or other lease offering for the offeror to address taxation issues, including
18 payments-in-lieu-of taxes, and other development issues related to local municipalities.

19 “(2) The Secretary concerned may not enter into a lease with respect to which a report
20 was required under paragraph (1) until the Secretary submits to the committees specified in that
21 paragraph a report with respect to the proposed lease and either a period of 30 days has elapsed
22 after the date of the submission of the report or a period of 14 days has elapsed after the date of

1 the submission of a copy of the report in an electronic medium pursuant to section 480 of this
2 title. Any such report shall include the following:

3 “(A) A copy of the report submitted under paragraph (1) with respect to that lease.

4 “(B) A description of the differences between the report submitted under
5 paragraph (1) and the report being submitted under this paragraph.

6 “(C) A description of the lease payment required under this section, including a
7 description of any in-kind consideration that will be accepted.

8 “(D) A description of any community support facility or provision of community
9 support services under the lease, regardless of whether the facility will be operated by a
10 covered entity or the lessee or the services will be provided by a covered entity or the
11 lessee.

12 “(E) A description of the competitive procedures used to select the lessee or, in
13 the case of a lease involving the public benefit exception authorized by paragraph (2) of
14 subsection (h), a description of the public benefit to be served by the lease.

15 “(F) In the case of a proposed lease under subsection (a) that involves a project
16 related to energy production and for which the term of the lease exceeds 20 years, a
17 certification that the project is consistent with the Department of Defense performance
18 goals and plan required by section 2911 of this title.”.