

## S 3002

Department of Defense Authorization Act for Fiscal Year 2009

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### Sponsor

**Name:** Sen. Levin, Carl [D-MI]

**Party:** Democratic • **State:** MI • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	Senate	Reported Original Measure	May 12, 2008

### Subjects & Policy Tags

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Armed Forces and National Security

### Related Bills

Bill	Relationship	Last Action
110 S 3001	Related document	<b>Oct 14, 2008:</b> Became Public Law No: 110-417.
110 HR 5658	Related bill	<b>Jun 3, 2008:</b> Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 758.

Department of Defense Authorization Act for Fiscal Year 2009 - **Division A: Department of Defense Authorizations - Title I: Procurement - Subtitle A: Authorization of Appropriations** - (Sec. 101) Authorizes appropriations for FY2009 for the Army, Navy and Marine Corps, and Air Force for aircraft, missiles, weapons and tracked combat vehicles, ammunition, shipbuilding and conversion, and other procurement.

(Sec. 104) Authorizes appropriations for FY2009 for defense-wide procurement.

**Subtitle B: Army Programs** - (Sec. 111) Provides that, if the Secretary of the Army certifies to Congress the operational effectiveness of the Stryker Mobile Gun System, or the Secretary of Defense (Secretary) waives such certification requirement, then the Secretary shall ensure that such System is subject to testing to confirm the efficacy of any actions necessary to mitigate operational effectiveness, suitability, and survivability deficiencies identified in initial operational test and evaluation and live-fire test and evaluation. Requires quarterly reports from the Secretary of the Army to the congressional defense and appropriations committees on required mitigating actions to address System deficiencies.

(Sec. 112) Directs the Secretary of the Army to report to the defense and appropriations committees on the capabilities-based assessment of small arms by the Army Training and Doctrine Command. Prohibits the obligation of more than 75% of the FY2009 Department of Defense (DOD) funds authorized for the Guardrail Common Sensor program until after such report is submitted. States that, if the assessment identifies gaps in the current capabilities of Army small arms and the Secretary of the Army determines that a new weapon is required to address such gaps, then such Secretary shall procure the needed weapon through full and open contract competition. Requires a report from the Secretary to the defense and appropriations committees on the procurement of carbine-type rifles.

**Subtitle C: Navy Programs** - (Sec. 131) Amends the National Defense Authorization Act (NDAA) for FY2008 to authorize the Secretary of the Navy to enter into contracts for advance procurement and construction of components for the Virginia-class submarine program if such Secretary determines that cost savings or construction efficiencies may be achieved through such contracts.

(Sec. 132) Earmarks specified Navy shipbuilding and conversion funds for the nuclear refueling and complex overhaul of the nuclear aircraft carrier U.S.S. Theodore Roosevelt.

**Subtitle D: Air Force Programs** - (Sec. 151) Earmarks specified Air Force aircraft procurement funds for either the advance procurement in FY2010 of, or the winding down of the production line for, the F-22A fighter aircraft. Requires the President to make certain certification to the defense and appropriations committees prior to the availability of such funding.

**Subtitle E: Joint and Multiservice Matters** - (Sec. 171) Directs the Secretary to include with annual defense budget materials: (1) an annual long-term plan for the procurement of aircraft for the Navy and Air Force; and (2) a certification that future-year budgets provide for the funding of such aircraft at levels sufficient to cover long-term plan requirements. Outlines: (1) the aircraft covered under the plan and certification; and (2) annual aircraft procurement plan requirements. Provides that, when an annual budget is insufficient to cover procurement plan requirements, the Secretary shall include an assessment of the risks associated with the resulting reduced force structure.

**Title II: Research, Development, Test, and Evaluation - Subtitle A: Authorization of Appropriations** - (Sec. 201) Authorizes appropriations for FY2009 for DOD for research, development, test, and evaluation (RDT&E). Earmarks specified amounts for the Defense Science and Technology Program.

**Subtitle B: Program Requirements, Restrictions, and Limitations** - (Sec. 211) Requires the Secretary of the Air Force to develop and submit to the defense and appropriations committees a plan to conduct and support research, development, and demonstration of technologies that could evolve into the next generation of overhead non-imaging infrared systems. Prohibits the obligation of more than 50% of amounts authorized for the Air Force Third Generation Infrared Surveillance program until 30 days after such plan is submitted.

(Sec. 212) Directs the Secretary to develop and submit to the defense and appropriations a multiyear roadmap to develop advanced battery technologies and sustain domestic advanced battery manufacturing capabilities and a supply chain to ensure that DOD has assured access to advanced battery technologies to support current and emerging military needs.

(Sec. 213) Requires the Secretary to: (1) establish mechanisms under which the director of a defense laboratory may utilize up to 3% of the funds made available to such laboratory through DOD for research and development of technologies in support of military missions; and (2) report annually to the defense and appropriations committees on the use of such authority.

(Sec. 214) Earmarks 1% of the funds authorized after FY2008 for certain DOD information security and assurance programs for a program or activities to anticipate, identify, and develop advances in information technology that will create security challenges for DOD.

(Sec. 215) Requires, as of October 1, 2012, each DOD airborne intelligence collection system connected to the Distributed Common Ground/Surface System to have the capability to operate with the Network-Centric Collaborative Targeting System. Authorizes case-by-case waivers of such requirement by the Chairman of the Joint Requirements Oversight Council.

**Subtitle C: Missile Defense Programs** - (Sec. 231) Directs the Secretary to review, and report to Congress on, U.S. ballistic missile defense (BMD) policy and strategy.

(Sec. 232) Prohibits the obligation or expenditure of authorized funds for the procurement, construction, or deployment of long-range missile defenses in Europe until: (1) the government of the country involved has given final approval; and (2) 45 days have elapsed following receipt by Congress of a report, required under the NDAA for Fiscal Year 2008, concerning options for BMD for forward deployed forces of the United States and its allies. Requires, as an additional limitation on such funding, that the Secretary certify to Congress that the proposed interceptor to be deployed as part of such BMD system has demonstrated a high probability of accomplishing its mission.

(Sec. 233) Requires the Director of Operational Test and Evaluation (OT&E) to: (1) review and evaluate testing conducted on the first Airborne Laser system aircraft; and (2) report to the Secretary and Congress on such system's operational effectiveness, suitability, and survivability. Prohibits funding for a second or subsequent aircraft under such program until the Secretary certifies to Congress as to the system's effectiveness.

(Sec. 234) Amends the NDAA for Fiscal Year 2002 to require the OT&E Director to annually characterize the operational effectiveness, suitability, and survivability of the BMD system and elements that have been fielded or tested during the preceding fiscal year.

(Sec. 235) Requires the: (1) Secretary to contract with the National Academy of Sciences (NAS) for an independent assessment of the boost-phase BMD programs of the United States; and (2) NAS to report assessment results to the Secretary and the defense and appropriations committees. Provides funding.

(Sec. 236) Directs the Secretary to: (1) contract for an independent assessment of the feasibility and advisability of developing a space-based interceptor element to the BMD system; and (2) submit the completed assessment to the defense committees. Provides funding.

(Sec. 237) Earmarks specified RDT&E funds for the activation and deployment of the AN/TPY-2 forward-based X-band radar to a classified location. Prohibits the availability of such funds until the Secretary reports to the defense committees on such deployment.

**Subtitle D: Other Matters** - (Sec. 251) Includes within systems subject to survivability testing by the OT&E Director any system or program so designated by the Director. Removes the requirement that the Director provides guidance and consultation with respect to operational test and evaluation or survivability testing of force protection equipment.

(Sec. 252) Requires biennial reports from the Commander of the United States Joint Forces Command to the defense and appropriations committees on the conduct and outcomes of joint and service concept development and experimentation.

(Sec. 253) Repeals a required annual report from the Under Secretary of Defense for Acquisition, Technology, and Logistics (Under Secretary) to the defense and appropriations committees on activities under the Technology Transition Initiative.

(Sec. 254) Directs the Secretary to designate a senior DOD official as the Executive Agent of the Department of Defense for printed circuit board technology. Requires the Secretary to issue a directive describing specific roles, responsibilities, and authorities of the Executive Agent.

(Sec. 255) Directs the Secretary to report to the defense committees on implementation of recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(Sec. 256) Requires the Under Secretary to conduct, and periodically update, an assessment of methods for verification of trust of semiconductors procured by DOD from commercial sources for utilization in mission critical components of potentially vulnerable defense systems.

**Title III: Operation and Maintenance - Subtitle A: Authorization of Appropriations** - (Sec. 301) Authorizes appropriations for FY2009 for operation and maintenance (O&M) for the Armed Forces and specified activities and agencies of DOD.

**Subtitle B: Environmental Provisions** - (Sec. 311) Amends the Sikes Act to expand the authority of the Secretary of a military department to enter into conservation cooperative agreements to include agreements to maintain or improve natural resources outside (currently, only within) DOD installations if the purpose is to relieve or eliminate challenges that would or could interfere with current or anticipated military activities.

(Sec. 312) Authorizes the Secretary to transfer specified funds to the Moses Lake Wellfield Superfund Site Special Account to reimburse the Environmental Protection Agency (EPA) for costs incurred in overseeing a remedial investigation and feasibility study performed by the Army.

(Sec. 313) Directs the Secretary to establish a program to control and eradicate the brown tree snake population from military facilities in Guam and to ensure that military activities, including the transport of civilian and military personnel and equipment to and from Guam, do not contribute to the spread of such snakes.

**Subtitle C: Workplace and Depot Issues** - (Sec. 321) Allows depot-level maintenance and repair work performed at a Center of Industrial and Technical Excellence by federal employees using equipment furnished by contractors or utilizing facilities leased by the government to be considered as workload necessary to maintain core logistics capability for purposes of the defense industrial base.

(Sec. 322) Includes Army depots in Arkansas, Illinois, and New York within covered depots for which the Secretary of a military department shall invest a prescribed percentage into their capital budgets.

**Subtitle D: Reports** - (Sec. 331) Amends the Bob Stump National Defense Authorization Act for Fiscal Year 2003 to require additional information under annual DOD submissions of data regarding information technology capital assets.

**Subtitle E: Other Matters** - (Sec. 341) Directs the Secretary to: (1) conduct a technical and operational assessment of risks imposed to mission critical DOD installations, facilities, and activities by extended power outages; (2) develop integrated prioritized plans to eliminate, reduce, or mitigate such risks; and (3) report annually to Congress on such efforts.

(Sec. 342) Allows the Secretary to authorize any military installation to accept any financial incentives, financial assistance, or services generally available from a gas or electric utility or state or local government to use or construct an energy system using solar or another renewable form of energy, if consistent with DOD energy performance goals and plans.

(Sec. 343) Prohibits any member of the Armed Forces, civilian federal employee, contractor personnel, or other person from selling, lending, or giving away any clothing, arms, articles, equipment, or other military or DOD property, except in accordance with statutes and regulations governing government property. Authorizes any federal, state, or local law enforcement official to seize such property if improperly transferred. Makes this section applicable to any military or DOD property disposed of on or after January 1, 2002.

**Title IV: Military Personnel Authorizations - Subtitle A: Active Forces** - (Sec. 401) Sets forth authorized end strengths for active-duty forces as of the end of FY2009.

**Subtitle B: Reserve Forces** - (Sec. 411) Sets forth authorized end strengths as of the end of FY2009 for members of the Selected Reserve and reserve personnel on active duty in support of the reserves.

(Sec. 413) Sets forth minimum end strengths for FY2009 for Army and Air Force dual status military technicians.

(Sec. 414) Provides a FY2009 limitation on the number of non-dual status Army and Air Force military technicians.

(Sec. 415) Sets forth, during FY2009, the maximum number of reserve personnel authorized to be on active duty for operational support.

(Sec. 416) Increases as of the end of FY2009 the number of: (1) reserves on active duty in support of the Army National Guard and Army Reserve; and (2) dual status military technicians of the Army National Guard. Provides funding.

(Sec. 417) Revises the authorized end strengths for Marine Corps reserve officers on active duty in the grades of major and lieutenant colonel to meet new force structure requirements.

**Subtitle C: Authorization of Appropriations** - (Sec. 421) Authorizes appropriations for FY2009 for military personnel.

**Title V: Military Personnel Policy - Subtitle A: Officer Personnel Policy** - (Sec. 501) Increases the authorized

percentage of officers that may be appointed to serve on active duty in grades above major general and rear admiral. Excludes from such end strength limits officers serving under a call or order of active duty for three years or less.

(Sec. 502) Reduces the authorized end strengths for general and flag officers serving on active duty. Allows the Secretary to designate up to 324 general and flag officer positions for joint duty assignments. Excludes those positions from the general and flag officer end strengths. Provides an additional exclusion for general and flag officers assigned to temporary joint duty assignment billets. Requires that not less than: (1) 12% of all general and flag officers serve in an acquisition position; and (2) 10% who serve in an acquisition position have significant contracting experience.

(Sec. 503) Provides that, with certain exceptions, an officer must be designated as a joint qualified officer, rather than a joint specialty officer, before becoming eligible for promotion to a general or flag officer.

(Sec. 504) Revises generally authorities concerning required lengths of joint duty assignments, including: (1) service excludable from joint tour length requirements; (2) service excluded from the computation of average tour lengths; and (3) accrued joint experience.

(Sec. 506) Makes reserve officers eligible to serve on military boards of inquiry for the separation of regular officers for substandard performance and other reasons.

(Sec. 507) States that an officer serving as the Staff Judge Advocate to the Commandant of the Marine Corps shall have the grade of major general. Excludes such position from Marine Corps end strengths for officers above the grade of brigadier general.

(Sec. 508) Increases from 21 to 25 the authorized number of permanent professors at the U.S. Air Force Academy.

(Sec. 509) Authorizes the retirement of a regular warrant officer of the Navy, Marine Corps, or Coast Guard 60 days after the completion of 30 years of active service.

(Sec. 510) Removes as a condition for a posthumous commission or warrant that the death be in the line of duty. Provides as a new condition a certification by the Secretary of the military department concerned (Secretary concerned) that at the time of death the member was qualified for appointment to the next higher grade.

**Subtitle B: Enlisted Personnel Policy** - (Sec. 521) Increases from six to eight years the maximum period of reenlistment for members of the regular Armed Forces.

**Subtitle C: Reserve Component Management** - (Sec. 531) Excludes from authorized end strength limits for reserve general and flag officers serving in an active status those Army, Navy, and Air Force reserve officers serving in joint duty assignments.

(Sec. 532) Extends to the Secretary of the Air Force the authority to defer until age 60 the mandatory separation of reserve dual-status military technicians.

(Sec. 533) Increases from 60 to 62 the mandatory retirement age for: (1) commissioned officers assigned to the Selective Service System or as federal property and fiscal officers; and (2) headquarters and reserve technician officer personnel.

(Sec. 534) Authorizes the promotion of reserve officers who are recommended for promotion to fill a position vacancy and who are ordered to active duty in support of a contingency operation.

(Sec. 535) Allows reserve component chaplains and medical officers to be retained until age 68.

(Sec. 536) Authorizes all National Guard officers (current law allows only such officers in command of a National Guard unit) to retain their state status while serving on active duty when authorized by the President and with the consent of the state governor or the commanding general of the District of Columbia National Guard, as applicable. Allows such consent or authorization to be given in advance when establishing the succession of command of a unit.

(Sec. 537) States that the limitation on DOD assistance to a state National Guard Youth Challenge Program may not be construed as a limitation on the amount of assistance that may be provided by other sources.

(Sec. 538) Requires a report from the Secretary to the defense and appropriations committees on the collection by DOD of information on the civilian skills, qualifications, and certifications of members of the reserves that are relevant to military manpower requirements, and the matching of such skills with applicable billets (assignments).

**Subtitle D: Education and Training** - (Sec. 551) Makes the authorized limit of midshipmen at the U.S. Naval Academy 4,400 or such lower number as prescribed by the Secretary of the Navy.

(Sec. 552) Requires the United States Air Force Institute of Technology to charge tuition to any attendees other than members and civilian employees of the Air Force.

(Sec. 553) Conforms the stipend authorized for baccalaureate students in nursing or other health professions under the health professions stipend program to that paid to participants in the Armed Forces Health Professions Scholarship Program.

(Sec. 554) States that only members separating under honorable conditions (currently, conditions other than dishonorable) are eligible to use educational assistance provided under the Montgomery GI Bill for up to ten years after such separation.

(Sec. 555) Authorizes: (1) service academy superintendents to pay travel, subsistence, and related expenses of officers, students, and representatives of foreign countries visiting the academy concerned; and (2) the payment of per diem for cadets and midshipmen traveling or studying abroad.

**Subtitle E: Defense Dependents' Education Matters** - (Sec. 561) Continues and funds through FY2009 DOD authority to assist local educational agencies (LEAs) that benefit dependents of members of the Armed Forces and DOD civilian employees.

(Sec. 562) Earmarks specified DOD O&M funds for impact aid for children with severe disabilities.

(Sec. 563) Amends the John Warner National Defense Authorization Act for Fiscal Year 2007 (Warner Act) to direct the Secretary to work collaboratively with the Secretary of Education to ease the transition of military dependent students from DOD dependent schools to other schools and among schools of LEAs.

**Subtitle F: Military Family Readiness** - (Sec. 571) Authorizes the Secretary to carry out programs to provide or make available to spouses of military personnel on active duty education and training to facilitate the pursuit of a portable career.

**Subtitle G: Other Matters** - (Sec. 581) Directs the Secretary to develop and report to the defense committees on a policy designed to prevent suicide by members of the Armed Forces.

(Sec. 582) Authorizes the Secretary or Secretary concerned, upon a determination that a member or former member has

suffered imprisonment following conviction by a court-martial as a result of injustice or error of DOD or any of its employees acting in an official capacity, to provide fair and equitable relief, including the payment of money. Requires annual DOD defense budget reports to include a statement of amounts paid for such purpose.

(Sec. 583) Allows a member who is the husband of a woman who gives birth to be given up to 21 days of leave in connection with such birth.

(Sec. 584) Includes the Military World Games as an international sports competition in which members may be authorized to participate. Increases the amount that may be expended during each four-year period, beginning on October 1, 2008, for participation in certain international sports competitions. Requires the Secretary to submit to the defense committees a plan for the participation in and hosting of international sports activities, competitions, and events.

(Sec. 585) Authorizes each department Secretary to carry out a pilot program under which regular officers and enlisted members may be inactivated from active duty in order to meet personal or professional needs, and afterward returned to active duty. Excludes from such pilot program officers and members receiving certain bonuses. Limits: (1) participation to 20 officers and 20 enlisted members; and (2) to three years the period of inactivation. Reduces military pay and allowances, including special and incentive pays, during the program period, but requires the continuation of active duty-level medical and dental care. Prohibits the promotion of participating officers and enlisted members during the inactivation period. Requires each Secretary to submit to the defense and appropriations committees an interim and final report on programs conducted. Commences on January 1, 2009, and terminates on December 31, 2014, the authority to conduct a pilot program.

(Sec. 586) Prohibits a DOD officer or employee from interfering with the provision of legal advice to the Chairman of the Joint Chiefs of Staff (JCS) and to the JCS.

**Title VI: Compensation and Other Personnel Benefits - Subtitle A: Pay and Allowances** - (Sec. 601) Waives any FY2009 pay increases tied to increases in the General Schedule of Compensation for government employees. Increases by 3.9%, effective January 1, 2009, the rates of basic pay for military personnel.

**Subtitle B: Bonuses and Special and Incentive Pays** - (Sec. 611) Extends through 2009 specified authorities currently scheduled to expire at the end of 2008 with respect to certain special pay and bonus programs within the regular and reserve Armed Forces.

(Sec. 616) Makes permanent (current law terminates it on December 31, 2008) the prohibition on charges for meals received at military treatment facilities by members receiving continuous care at such facility for an injury, illness, or disease incurred in or aggravated during active duty.

(Sec. 617) Authorizes the payment of a retention bonus of up to \$25,000 each year for an officer who: (1) is a psychologist in a pay grade below O-7; (2) has at least eight years of creditable service or has completed any active-duty service commitment incurred for psychology education and training; (3) has completed initial residency training; (4) holds a valid state license to practice as a doctoral level psychologist; and (5) enters into a written agreement to remain on active duty as a psychologist for up to four years after completion of any other service commitment.

Authorizes the payment of a one-time bonus of up to \$400,000 to a person who: (1) is a graduate of an accredited school of psychology; (2) holds a valid state license to practice as a doctoral level psychologist; and (3) enters into a written agreement to accept a commission as an officer psychologist and serve on active duty for at least four years.



(Sec. 618) Provides a three-year maximum extension of active duty for nuclear-qualified officers to receive nuclear career special pay. (Current law provides for special pay for three, four, or five year extensions of service.)

(Sec. 619) Authorizes the payment of incentive pay of up to \$3,000 per year for an individual who: (1) is enrolled as a member of the Senior Reserve Officers' Training Corps (Senior ROTC) or the Marine Corps Platoon Leaders Class; and (2) participates in a foreign language immersion program or enrolls in instruction in a foreign language of strategic interest to DOD. Requires annual reports, during 2010 through 2014, from the Secretary to the Director of the Office of Management and Budget and Congress on the incentive payments. Terminates such authority after December 31, 2013.

**Subtitle C: Travel and Transportation Allowances** - (Sec. 631) Authorizes the transportation of two household pets for a member being evacuated from a permanent station in a foreign area.

(Sec. 632) Authorizes an additional weight allowance of up to 500 pounds for the shipment of professional books and equipment belonging to the spouse of a member making a change of permanent station.

(Sec. 633) Authorizes the Secretary concerned to reimburse or provide transportation to a member of the reserves on active duty of more than 30 days who is performing duty at a temporary duty station for travel between the temporary and the permanent duty station in connection with authorized leave pursuant to a suspension of training of five days or more.

**Subtitle D: Retired Pay and Survivor Benefits** - (Sec. 641) Authorizes the presentation of a burial flag, in the case of a member who dies in service, to: (1) the surviving spouse of the member when such spouse is not otherwise entitled to a flag as a person designated to direct the disposition of remains; and (2) each child of the member.

(Sec. 642) Repeals the requirement for the reduction of any Survivor Benefit Plan (SBP) annuity by the amount of any concurrent dependency and indemnity compensation (DIC) to which a survivor or dependent is entitled. States that a survivor who has received a refund of amounts deducted from a veteran's military retired pay when the DIC offset was in effect shall not be required to repay such refund to the United States. Removes the authority of the Secretary concerned to pay an SBP annuity to a dependent child or children when there is an eligible surviving spouse, thus requiring payment to the surviving spouse. Requires the Secretary concerned to restore SBP annuity eligibility to any eligible surviving spouse who previously elected to transfer such payment to a surviving child or children.

**Subtitle E: Other Matters** - (Sec. 651) Requires members separated from service under the DOD surviving son or daughter policy to receive separation pay, transitional health care, and transitional commissary and exchange benefits.

**Title VII: Health Care Provisions - Subtitle A: TRICARE Program** - (Sec. 701) Requires the Secretary to base the actuarial calculation of the amount of monthly premiums paid by members of the Selected Reserve for health care coverage under the TRICARE Reserve Select program (a DOD managed health care program) on prior-year reported costs of providing benefits.

**Subtitle B: Other Health Care Authorities** - (Sec. 711) Extends to all members of the Selected Reserve (current law allows the benefit only for members of the Selected Reserve of the Army) eligibility for certain preparatory medical and dental services for members assigned to units scheduled for deployment within 75 days after mobilization. Requires the Secretary concerned to provide such services to other members of the Selected Reserve and Individual Ready Reserve with a deployment responsibility, if such services are necessary to meet applicable standards of member medical and dental readiness. Authorizes the Secretary to waive during a national emergency the copayments or other charges paid by such members for enrollment in the TRICARE dental insurance program. Requires a report from the Secretary to the defense committees on DOD policies and procedures to ensure the medical and dental readiness of members of the

Armed Forces.

(Sec. 712) Authorizes the Secretary to include, in currently-required studies and demonstration projects relating to the delivery of military health and medical care, additional studies and demonstration projects to: (1) provide awards and incentives to members and covered beneficiaries who obtain health promotion and disease prevention services; (2) provide awards and incentives to encourage and reward the implementation of innovative health care programs; and (3) improve the medical and dental readiness of members of the reserves.

(Sec. 713) Authorizes the Secretary to pay travel expenses to the United States for a dependent of a member assigned to a very remote location outside the continental United States when such dependent requires or elects anesthesia services for childbirth.

**Subtitle C: Other Health Care Matters** - (Sec. 721) Amends the NDAA for Fiscal Year 2008 to repeal a provision which prohibits the military departments, through FY2012, from converting a military medical or dental position to a civilian medical or dental position. Restores provisions of the Warner Act which require certification by the Secretary concerned that any planned conversion will not increase care cost or decrease the quality of or access to such care.

**Title VIII: Acquisition Policy, Acquisition Management, and Related Matters - Subtitle A: Provisions Relating to Major Defense Acquisition Programs** - (Sec. 801) Provides that if the Secretary determines that a major defense acquisition program (MDAP) requires the delivery of two or more categories of end items which differ significantly in form and function, then the Secretary may designate each category as a major subprogram of that MDAP for purposes of acquisition reporting requirements. Requires 30 days' advance notification of any such designation to the defense and appropriations committees. Revises current reporting requirements with respect to Selected Acquisition Reports, unit cost reports, and program baselines to require the inclusion of major subprogram information.

(Sec. 802) Requires current reporting requirements relating to DOD information technology systems to include both major automated information system programs (current law) and other major information technology investments.

(Sec. 803) Requires each military department Secretary to establish one or more Configuration Steering Boards for the configuration of MDAPs of that department. Directs the Secretary concerned to ensure that each Board meets at least once a year to consider each MDAP of that department. Provides for coordination and consultation between Steering Boards and MDAP program managers.

**Subtitle B: Acquisition Policy and Management** - (Sec. 811) Directs the inspectors general of DOD and of the Departments of Commerce and Energy (the non-defense agencies) to jointly: (1) review the procurement policies, procedures, and internal controls of the non-defense agency applicable to the non-defense agency procurement of property and services on behalf of DOD; and (2) determine whether the non-defense agency is in compliance with defense procurement requirements. Requires certain actions to be taken upon a determination of noncompliance or partial compliance. States that after March 15, 2009, no DOD official may procure property or services in excess of \$100,000 through a non-compliant non-defense agency. Provides an exception with respect to a procurement determined by the Under Secretary as necessary in the interests of DOD. Terminates the prohibition upon non-defense agency compliance.

(Sec. 812) Directs the Secretary to establish within DOD a Contingency Contracting Corps to ensure DOD capability, when needed, to support contingency contracting actions in a deployed environment. Requires: (1) Corps members to be available for deployment in connection with contingency operations; and (2) the Secretary to report annually to specified congressional committees on Corps status.

(Sec. 813) Requires the Secretary to issue guidance to the military department Secretaries and the Chiefs of Staff of the Armed Forces to ensure that each urgent requirements document submitted by an operational field commander is presented to the appropriate authority for review and validation within 60 days after its submission.

(Sec. 814) Directs the Under Secretary to: (1) develop an implementation plan for the incorporation of energy efficiency requirements into key performance parameters for the modification of existing fuel consuming systems of DOD, and the development of new fuel consuming systems; and (2) submit a report on such plan as part of the annual defense budget justification materials submitted for FY2010-FY2015.

**Subtitle C: Amendments Relating to General Contracting Authorities, Procedures, and Limitations - (Sec. 821)**

Authorizes the head of a defense agency to enter into contracts for up to ten years for the purchase of alternative or synthetic fuels. Allows contracts in excess of five years only if the agency head makes certain determinations with respect to the necessity of a longer contract. Prohibits such a purchase unless the contract specifies that lifecycle greenhouse gas emissions associated with the production and consumption of the alternative or synthetic fuels are not greater than such emissions from conventional petroleum-based fuels used in the same application. Directs the Secretary to prescribe regulations allowing the head of an agency to initiate such a contract only upon specified determinations with respect to its appropriateness and compliance with applicable environmental laws and regulations. Requires such regulations to provide that, in any case in which the estimated total expenditure under such a contract is expected to be more than \$540 million (in FY1990 constant dollars), the head of the agency may initiate the contract only upon a finding that the contract will result in savings exceeding 10% of the total costs of procuring an equivalent amount of fuel for the same application through other means.

(Sec. 822) Extends for four years a pilot program under the NDAA for Fiscal Year 1994 for the transition of non-traditional defense contractors from prototype transactions to follow-on contracts. Allows such authority to be used with respect to DOD basic, applied, and advanced research projects.

(Sec. 823) Requires revision of the Department of Defense Supplement to the Federal Acquisition Regulation (FAR) to ensure that, in any competition for a contract valued in excess of \$10 million, an offeror does not receive an advantage for a proposal that would reduce costs for DOD as a consequence of any corporate structure a principal purpose of which is to enable the offeror to avoid payment of any federal or state taxes.

**Subtitle D: Department of Defense Contractor Matters - (Sec. 831)** Directs the Under Secretary to establish and maintain a database of information regarding the integrity and performance of certain persons awarded DOD contracts in excess of \$500,000, for use by DOD officials having authority over contracts. Outlines information to be included in the database, including any criminal or civil proceedings and convictions or judgments against contract awardees. Requires the database to be available to all DOD acquisition professionals, and to Congress. Requires DOD contract officials, before awarding a qualifying contract, to review and consider any information in the database concerning a proposed awardee. Requires the revision of FAR to require that persons with DOD contracts valued at more than \$10 million in the aggregate must semiannually submit to the Under Secretary appropriate information for inclusion in the database.

(Sec. 832) Requires each contract (or task or delivery order) in excess of \$500,000 that calls for the performance of acquisition functions closely associated with inherently governmental functions for or on behalf of DOD to include a clause addressing financial conflicts of interests of contractor employees who will be responsible for the performance of such functions.

(Sec. 833) Directs the Secretary to prescribe a policy for informing employees of a DOD contractor of their whistleblower

rights and protections provided under federal armed forces law.

**Subtitle E: Matters Relating to Iraq and Afghanistan** - (Sec. 841) Requires the Secretary to modify regulations issued pursuant to the NDAA for Fiscal Year 2008 concerning contractors performing private security functions in areas of combat operations to ensure that private security contractors are not authorized to perform inherently governmental functions in such areas. Directs the Secretary to periodically review the performance of private security functions in such areas, and to report to the defense and appropriations committees, in 2009-2011, on such reviews.

(Sec. 842) Amends the NDAA for Fiscal Year 2008 to require the inclusion, in a memorandum of understanding relating to contracting for contracts in Iraq and Afghanistan, of contractor requirements and responsibilities relating to alleged crimes committed by or against contractor personnel.

(Sec. 843) Amends the above Act to: (1) require the Commission on Wartime Contracting in Iraq and Afghanistan to be established in the legislative branch; and (2) authorize the Commission cochairmen to exercise certain waiver authority to ensure that federal retirees serving on the Commission may be paid for such work without forfeiting federal retired pay.

(Sec. 844) Requires the Army Audit Agency, Navy Audit Service, and Air Force Audit Agency to conduct audits to identify potential waste, fraud, and abuse in DOD contracts, subcontracts, and task and delivery orders for: (1) depot overhaul and maintenance of military equipment in Iraq and Afghanistan; and (2) spare parts for military equipment used in Iraq and Afghanistan.

**Subtitle F: Other Matters** - (Sec. 851) Authorizes the Secretary to designate any category of acquisition positions within DOD as shortage category positions (thereby allowing expedited hiring authority). Terminates after FY2012 the authority to appoint a person under the expedited authority.

(Sec. 852) Makes the Secretary a "Secretary concerned" for purposes of the licensing of intellectual property for the defense agencies and defense field activities.

(Sec. 853) Amends the NDAA for Fiscal Year 2004 to repeal annual reporting requirements relating to the military system essential item breakout list.

**Title IX: Department of Defense Organization and Management - Subtitle A: Department of Defense Management** - (Sec. 901) Classifies as an assistant secretary of defense the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

(Sec. 902) Makes the Deputy Chief Management Officer of the Department of Defense the Vice Chairman of the Defense Business System Management Committee.

(Sec. 903) Repeals caps on management headquarters personnel, made obsolete due to changes under the NDAA for Fiscal Year 2008.

(Sec. 904) Establishes the position of General Counsel to the Inspector General of the Department of Defense.

(Sec. 905) Expresses the sense of Congress that: (1) DOD should make every effort to protect U.S. citizens from an attack on the U.S. homeland involving a chemical, biological, radiological, or nuclear device or high-yield explosives by terrorists or other aggressors; (2) efforts to establish forces for managing the consequences of such attacks should receive the highest level of attention within DOD; and (3) the additional forces necessary should be identified, trained, equipped, and assigned to the United States Northern Command (Command) as soon as possible. Requires three

annual reports from the Secretary to the defense and appropriations committees on progress in assigning such forces to that Command.

(Sec. 906) Directs the Secretary of each military department to carry out an initiative for the business transformation of such department, which shall include a business transformation plan and an enterprise-wide business systems architecture and transition plan. Requires each Secretary to establish an Office of Business Transformation to assist the Chief Management Officer of the department in carrying out the initiative. Outlines Office responsibilities and required initiative elements. Requires initial reports, and report updates, concerning each initiative from the Chief Management Officer of each department to the defense and appropriations committees.

**Subtitle B: Space Matters** - (Sec. 911) Requires the Secretary and the Director of National Intelligence (DNI), in order to clarify U.S. national security space policy and strategy for the near term, to jointly conduct, and report to the defense and appropriations committees on, a comprehensive review of the space posture of the United States over the ten-year period beginning on February 1, 2009.

**Subtitle C: Defense Intelligence Matters** - (Sec. 921) Requires each principal deputy to the senior military officer serving as the: (1) Deputy Chief of the Army Staff for Intelligence; (2) Director of Intelligence for the Chief of Naval Operations; and (3) Assistant to the Air Force Chief of Staff for Intelligence to be a commissioned officer on active duty.

(Sec. 922) Transfers to the: (1) Defense Intelligence Agency management of the Intelligence Systems Support Office; and (2) Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict management of the Center for International Issues Research. Prohibits the Under Secretary of Defense for Intelligence, as of December 1, 2008, from establishing or maintaining a capability to: (1) execute programs of technology or systems development and acquisition; or (2) provide operational support to combatant commands.

(Sec. 923) Directs the Under Secretary to carry out a program on advanced sensor applications to provide for DOD evaluation, on scientific and engineering grounds, of foreign technology utilized for the detection and tracking of submarines. Requires the program to be carried out by the Commander of the Naval Air Systems Command.

**Title X: General Provisions - Subtitle A: Financial Matters** - (Sec. 1001) Authorizes the Secretary, in the national interest, to transfer up to \$5 billion of the amounts made available to DOD in this Act between any such authorizations for that fiscal year, with limitations. Requires congressional notification of each transfer.

(Sec. 1002) Incorporates into this Act the funding tables provided in the report accompanying this bill, and makes the items in each table binding on agency heads.

(Sec. 1003) Provides the total amount to be contributed by the Secretary in FY2009 for the common-funded budgets of NATO (rather than the maximum amount otherwise applicable under the FY1998 baseline limitation).

**Subtitle B: Naval Vessels and Shipyards** - (Sec. 1011) Provides for the determination of government rights in the design of a vessel, boat, or craft, and its components, including the hull, decks, superstructure, and all shipboard equipment and systems, when developed in whole or in part using public funds.

(Sec. 1012) Allows Navy O&M funds to be used to reimburse expenses for certain Navy mess operations. Terminates such authority at the end of FY2010.

**Subtitle C: Counter-Drug Activities** - (Sec. 1021) Amends the NDAA for Fiscal Year 2004 to extend through FY2009 the authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.

(Sec. 1022) Amends the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Reagan Act) to extend through FY2010 the authority for the use of DOD funds for a unified counterdrug and counterterrorism campaign in Colombia.

**Subtitle D: Miscellaneous Authorities and Limitations** - (Sec. 1031) Expands the types of equipment that may be purchased through DOD by state and local governments to include equipment for homeland security and emergency response activities.

(Sec. 1032) Authorizes the Secretary to establish within DOD the Center for Complex Operations, with specified purposes relating to the coordination and carrying out of complex military operations.

(Sec. 1033) Provides for the crediting of admiralty claim receipts for damage to property funded from a DOD working capital fund.

(Sec. 1034) Authorizes the Secretary to award to air carriers participating in the Civil Reserve Air Fleet program on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount of up to 80% of the annual average DOD expenditure for airlift during the prior five-year period. Provides for the adjustment of minimum purchase amounts for periods of air carrier unavailability for airlift. Terminates such authority after December 31, 2015.

(Sec. 1035) Amends the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 to allow the base contract of the Navy-Marine Corps Intranet contract to terminate on October 31, 2010.

(Sec. 1036) Requires that, effective one year after the enactment of this Act, the DOD manpower mix criteria and the FAR be revised to provide that: (1) the interrogation of prisoners of war and other detainees is an inherently governmental function that cannot be transferred to private contractors who are beyond the reach of controls applicable to government personnel; and (2) properly trained and cleared contractors may be used as linguists, interpreters, report writers, and information technology technicians if their work is properly reviewed by appropriate government personnel.

(Sec. 1037) Requires the Secretaries of Defense, Energy, Commerce, and State, as well as the Nuclear Regulatory Commission, to keep the defense committees fully and currently informed of any activities undertaken to: (1) carry out purposes and policies relating to nonproliferation programs; or (2) prevent the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons. Requires the DNI to keep such committees informed of any significant activities of foreign nations with respect to the proliferation of such weapons or their means of delivery.

(Sec. 1038) Expresses the sense of Congress that: (1) the United States should maintain clear and unambiguous command and control of its nuclear weapons; (2) the safety and security of such weapons and related equipment should be a high priority; (3) the President should nominate a qualified individual for the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; and (4) the Secretary should establish and fill a senior position within the Office of the Under Secretary of Defense for Policy to be responsible solely for the strategic and nuclear weapons policy of DOD.

(Sec. 1039) Expresses the sense of Congress that the Secretary should seek an agreement with the Administrator of the Federal Aviation Administration (FAA) to establish a joint DOD-FAA executive committee on conflict and dispute resolution with respect to airspace, aircraft certifications, aircrew training, and related issues.

(Sec. 1040) Expresses the sense of Congress that the Secretary should: (1) review the benefits and feasibility of pursuing a commercial-military cargo initiative for the C-17 Globemaster aircraft and determine whether such an initiative

is in the national interest; and (2) if so, take appropriate action to coordinate with the FAA to achieve the type of certification required for such aircraft under the Code of Federal Regulations.

**Subtitle E: Reports** - (Sec. 1051) Amends the Department of Defense Authorization Act, 1985 and the NDAA for Fiscal Year 1995 to repeal certain annual report requirements concerning contributions of NATO member nations to the common defense.

(Sec. 1052) Requires a report from the Secretary to the defense and appropriations committees on detention operations at combat theater internment facilities in Iraq since January 1, 2007.

(Sec. 1053) Directs the Secretary to develop and submit to the defense committees a strategic plan to enhance the role of the National Guard and reserves in the national defense.

(Sec. 1054) Requires the Secretary to: (1) review each nonnuclear prompt global strike concept demonstration with respect to which the President requests funding in the FY2010 budget; and (2) report review results to the defense and appropriations committees.

(Sec. 1055) Directs the Secretary and the DNI to jointly: (1) review near-term, mid-term, and long-term bandwidth capacity requirements of DOD and the intelligence community; (2) report review results to the defense, appropriations, and intelligence committees; and (3) establish a formal review process for bandwidth requirements needed to support MDAPs or major system acquisition programs.

**Subtitle F: Wounded Warrior Matters** - (Sec. 1061) Requires, with respect to eligibility for retirement due to disability, a presumption that a disability was incurred on active duty unless there is clear and unmistakable evidence that the disability existed before entering into active duty and was not aggravated by active service.

(Sec. 1062) Amends the Wounded Warrior Act to include as a recovering service member for purposes of the policies and protections under such Act members in an inpatient (currently, only outpatient) status.

(Sec. 1064) Directs the Secretary to provide referrals for legal assistance, where appropriate, to wounded warriors, their families, and their primary caregivers.

(Sec. 1065) Includes as a responsibility of the DOD center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury the conduct of pilot programs to promote or assess various approaches to the treatment of all forms of such injury.

(Sec. 1066) Requires the Secretaries of Defense and Veterans Affairs to jointly: (1) establish a center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations; and (2) report to Congress on center activities.

(Sec. 1067) Directs that such Secretaries jointly: (1) take appropriate action to continue the operations of the Senior Oversight Committee until the end of FY2011; and (2) report to Congress on the advisability of the further extension of the Committee after such date.

**Subtitle G: Other Matters** - (Sec. 1081) Authorizes members and veterans present but not in uniform during the playing of the national anthem to render the military salute in the same manner as members in uniform.

(Sec. 1082) Amends the NDAA for Fiscal Year 2008 to extend certain deadlines for the development and implementation

of standards for access to military installations in the United States.

(Sec. 1083) Amends the federal criminal code to Suspend the running of any statute of limitations applicable to certain offenses against the United States when Congress has enacted specific authorization for the use of the Armed Forces. (Currently, such suspension runs only when the United States is at war.) Increases the length of such suspension from three to five years after the termination of hostilities as proclaimed by a Presidential proclamation, with notice to Congress, or by a concurrent resolution.

**Title XI: Civilian Personnel Matters** - (Sec. 1101) Directs the Secretary to submit annually to Congress a strategic human capital plan to shape the DOD civilian employee workforce, requiring each plan to specifically address the shaping of the DOD senior management, functional, and technical workforce, as well as the defense acquisition workforce. Directs the Secretary to require the Secretary of each military department and the head of each defense agency to report to the Secretary addressing such matters. Prohibits the Secretary from conducting a public-private competition before addressing any DOD civilian workforce gaps. Requires the Comptroller General to review each plan and report review results to the defense committees.

(Sec. 1102) Allows, with a condition, an increase in the authorized number of Defense Intelligence Senior Executive Service personnel.

(Sec. 1103) Provides for expedited hiring procedures for DOD civilian workforce positions under the National Security Personnel System.

(Sec. 1104) Authorizes the Secretary to designate any category of health care position within DOD as a shortage category (thereby allowing expedited hiring authority) if there exists a critical shortage of candidates or a critical hiring need for the position. Terminates such authority at the end of FY2012.

(Sec. 1105) Allows federal employees deployed in support of a contingency operation and DOD employees designated as emergency essential employees to elect to receive automatic life insurance coverage upon notification of such deployment or designation. Allows such employees to elect optional life insurance, or additional optional life insurance, within 60 days following such notification.

(Sec. 1106) Makes permanent (currently terminates at the end of FY2010) DOD voluntary force reduction authority.

(Sec. 1107) Extends through FY2014 (currently, through FY2010) the authority to make lump-sum severance payments with respect to DOD employees.

(Sec. 1108) Authorizes the head of an executive agency to waive pay limitations with respect to federal civilian employees working overseas under areas of the United States Central Command in support of a contingency operation or an operation in response to a declared emergency.

**Title XII: Matters Relating to Foreign Nations - Subtitle A: Assistance and Training** - (Sec. 1201) Increases from \$25 million to \$35 million, beginning with FY2008, the amount of DOD funds authorized for the costs of education and training of foreign military forces and personnel under the Regional Defense Combating Terrorism Fellowship Program.

(Sec. 1202) Authorizes the Secretary to provide to appropriate military and civilian personnel of a friendly foreign government learning content and information technology for the education and training of such personnel for the development or enhancement of allied and friendly military and civilian capabilities for multinational operations. Directs the Secretary to report annually to the defense committees on the exercise of such authority, as well as on the



development and issuance of guidance on procedures for the use of such authority.

(Sec. 1203) Amends the Reagan Act to increase from \$25 million to \$35 million the authorized fiscal year funding for the DOD support of special operations to combat terrorism. Extends such authority through FY2011.

(Sec. 1204) Amends the NDAA for Fiscal Year 2006 to: (1) authorize additional activities under a program to build the capacity of foreign military forces to conduct counterterrorism operations or to support military or stability operations in which U.S. Armed Forces are participating; (2) increase authorized annual funding under the program; and (3) extend such program through FY2011.

(Sec. 1205) Amends the NDAA for Fiscal Year 2006 to increase the fiscal year amount for, and extend through FY2011, a program of support to the State Department for foreign reconstruction, security, or stabilization assistance.

(Sec. 1206) Amends the Warner Act to extend through FY2013 DOD authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.

(Sec. 1207) Authorizes the commander of a combatant command to use Navy O&M funds to establish, develop, and maintain non-conventional assisted recovery capabilities for the recovery of U.S. military or civilian personnel in a foreign country. Requires: (1) expeditious (within 48 hours) notification to the defense and appropriations committees on the use of such authority; and (2) an annual report from the Secretary to such committees on the use of such authority. Terminates the authority at the end of FY2010.

**Subtitle B: Department of Defense Participation in Bilateral, Multilateral, and Regional Cooperation Programs -**

(Sec. 1211) Allows fiscal year funds for military-to-military contacts and comparable activities to be available for programs and activities that begin in a fiscal year and end in the following fiscal year.

(Sec. 1212) Provides the same cross-fiscal-year authority as above for programs and activities of DOD regional centers for security studies. Authorizes the Secretary, for FY2009-FY2010, to waive reimbursement of the costs of activities for nongovernmental personnel who participate in activities of such centers. Limits such waiver amount to \$1 million per fiscal year. Requires a report, in 2010 and 2011, on the attendance of personnel of nongovernmental and international organizations in activities of such centers.

(Sec. 1213) Authorizes the Secretary to pay certain expenses of defense personnel of developing countries in connection with attendance at multilateral (currently, only bilateral or regional) conferences, seminars, and other meetings if such attendance is considered to be in the U.S. national security interest.

(Sec. 1214) Allows the Secretary to authorize the participation of members of the Armed Forces and DOD civilian personnel in multinational military centers of excellence hosted by the United States, a NATO member or major non-NATO ally, or friendly foreign nation which seek to: (1) enhance the ability of the military forces and civilian personnel of the participating nations to engage in joint exercises or coalition or international military operations; or (2) improve interoperability between U.S. armed forces and military forces of friendly foreign nations. Requires annual reports, beginning in FY2009, from the Secretary to the defense committees on the use of such authority.

**Subtitle C: Other Authorities and Limitations -** (Sec. 1221) Authorizes the President to waive any sanction imposed against North Korea under the Arms Export Control Act in order to: (1) assist in the implementation and verification of North Korea's compliance with the commitment to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and (2) promote the elimination of that country's capability to

develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems. Provides a limited exception with respect to certain sanctions, prohibitions, and activities. Requires: (1) 15 days' prior notification from the President to the defense, appropriations, and foreign relations committees with respect to the exercise of any waiver; and (2) an annual report from the President to such committees listing all waivers issued, as well as progress in the implementation of North Korea's denuclearization commitment.

**Subtitle D: Reports** - (Sec. 1231) Amends the NDAA for Fiscal Year 2006 to require quarterly reports on the status of negotiations between the government of Libya and U.S. claimants in connection with the bombing of the LaBelle Discotheque in Berlin, Germany, in April 1986.

(Sec. 1232) Requires a joint report from the Secretaries of Defense and State to the defense, appropriations, and foreign relations committees on implementation of the Building Global Partnership authorities during the period from the enactment of this Act through FY2010.

**Title XIII: Cooperative Threat Reduction With States of the Former Soviet Union** - (Sec. 1301) Specifies the cooperative threat reduction (CTR) programs to be funded through O&M funds provided under this Act. Makes funds appropriated for such purpose available for three fiscal years. Allocates such funds among specified CTR programs. Prohibits such funds from being used for purposes other than those specified until 15 days after the Secretary reports to Congress on the new purposes. Provides limited authority to vary allocated amounts in the national interest, after congressional notification.

**Title XIV: Other Authorizations - Subtitle A: Military Programs** - (Sec. 1401) Authorizes appropriations for DOD for FY2009 for: (1) Defense Working Capital Funds; (2) the National Defense Sealift Fund; (3) the Defense Health Program; (4) chemical agents and munitions destruction; (5) drug interdiction and counter-drug activities; and (6) the Defense Inspector General.

(Sec. 1407) Reduces by \$1.048 billion the aggregate amount authorized to be appropriated by this Division, to be allocated from the following: (1) procurement; (2) RDT&E; (3) O&M; and (4) other authorizations. States that such reductions shall be derived from lower-than-expected inflation than assumptions used in the Concurrent Budget Resolution for Fiscal Year 2009.

**Subtitle B: Armed Forces Retirement Home** - (Sec. 1421) Authorizes appropriations for FY2009 for the Armed Forces Retirement Home.

**Subtitle C: Other Matters** - (Sec. 1431) Amends the NDAA for Fiscal Year 1993 to direct the Secretary of the Army to transfer responsibilities for the Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky to the Program Manager for Assembled Chemical Weapons Alternatives.

(Sec. 1432) Excludes from the vessels authorized to be acquired by the Navy under the National Defense Sealift Fund those ships derived from a Navy design for an amphibious ship or auxiliary support vessel.

**Title XV: Authorization of Additional Appropriations for Operations in Afghanistan** - (Sec. 1502) Authorizes appropriations to DOD for FY2009 to provide additional funds for operations in Afghanistan, specifically for: (1) procurement; (2) the Joint Improvised Explosive Device Defeat Fund; (3) RDT&E; (4) O&M; (5) military personnel; (6) Defense Working Capital Funds; (7) the Defense Health Program; and (8) the Afghanistan Security Forces Fund.

(Sec. 1513) Treats amounts authorized to be appropriated by this title as in addition to amounts otherwise authorized by

this Act.

(Sec. 1514) Authorizes the Secretary, in the national interest, to transfer up to \$3 billion of the amounts made available to DOD in this and the next title between any such authorizations for that fiscal year.

(Sec. 1515) Prohibits the obligation of funds authorized under this title until 15 days after the Secretary reports to the defense and appropriations committees the proposed allocation of such amounts.

(Sec. 1516) Requires the Secretary, in any annual or supplemental budget request for DOD after the date of enactment of this Act, to set forth separately any funding requested for DOD operations in Afghanistan.

## **Title XVI: Authorization of Additional Appropriations for Operations in Iraq - (Sec. 1602)**

### **Actions Timeline**

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- **Sep 18, 2008:** Received in the House.
- **Sep 18, 2008:** Message on Senate action sent to the House.
- **Sep 18, 2008:** Held at the desk.
- **Sep 17, 2008:** Measure laid before Senate by unanimous consent. (consideration: CR S8933)
- **Sep 17, 2008:** Senate struck all after the Enacting Clause and substituted the language of S.3001 amended (Division A only).
- **Sep 17, 2008:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Sep 17, 2008:** Passed Senate with an amendment by Unanimous Consent.
- **May 12, 2008:** Introduced in Senate
- **May 12, 2008:** Committee on Armed Services. Original measure reported to Senate by Senator Levin. Without written report.
- **May 12, 2008:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 733.