



GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1600

MAR 14 2008

The Honorable Richard B. Cheney
President of the Senate
Washington, DC 20515

Dear Mr. President:

The Department of Defense requests that the Congress enact the enclosed legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009.

The purpose of each proposal is stated in the accompanying section-by-section analysis.

The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presenting of these legislative proposals for your consideration and the consideration of the Congress.

Sincerely,

A handwritten signature in cursive script that reads "Daniel J. Dell'Orto".

Daniel J. Dell'Orto
Acting

Enclosure:
As stated





GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1600

MAR 14 2008

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515

Dear Madam Speaker:

The Department of Defense requests that the Congress enact the enclosed legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009.

The purpose of each proposal is stated in the accompanying section-by-section analysis.

The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presenting of these legislative proposals for your consideration and the consideration of the Congress.

Sincerely,

A handwritten signature in cursive script that reads "Daniel J. Dell'Orto".

Daniel J. Dell'Orto
Acting

Enclosure:
As stated



**SEC. ____ . AUTHORITY TO WAIVE LIMITATION ON PREMIUM PAY FOR
FEDERAL CIVILIAN EMPLOYEES.**

1 (a) WAIVER AUTHORITY.—During calendar year 2009 and notwithstanding section 5547
2 of title 5, United States Code, the head of an Executive agency may waive the limitation, up to
3 \$212,100, on the aggregate of basic pay and premium pay payable in a calendar year, for an
4 employee who performs work while in an overseas location that is in the area of responsibility of
5 the Commander of the United States Central Command, in direct support of, or directly related
6 to—

7 (1) a military operation, including a contingency operation; or

8 (2) an operation in response to a declared emergency.

9 (b) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under
10 subsection (a) results in payment of additional premium pay of a type that is normally creditable
11 as basic pay for retirement or any other purpose, such additional pay shall not be considered to
12 be basic pay for any purpose, nor shall it be used in computing a lump-sum payment for
13 accumulated and accrued annual leave under section 5551 of title 5, United States Code.

14 (c) REGULATIONS.—The Director of the Office of Personnel Management may issue
15 regulations to ensure appropriate consistency among heads of executive agencies in the exercise
16 of authority granted by this section.

Section-by-Section Analysis

This section would provide the head of a Federal executive agency with the authority to waive the limitations on the amount of premium pay that may be paid to a Federal civilian employee while the employee performs work in an overseas location that is in the area of responsibility of the Commander of the U.S. Central Command, and in direct support of or directly related to a military operation or operation in response to a declared emergency.

Under current law (section 5547 of title 5, United States Code) premium pay may be paid

to a Federal civilian employee only to the extent that the payment does not cause the aggregate of basic pay and premium pay for any pay period to exceed the greater of the maximum rate of basic pay payable for GS-15 (as adjusted for locality) or the rate payable for level V of the Executive Schedule. As an exception to this limitation, an employee who performs work in connection with an emergency that involves a direct threat to life or property or work that is critical to the mission of an agency may be paid premium pay to the extent that the aggregate of basic pay and premium pay would not, in any calendar year, exceed the greater of the maximum rate of basic pay payable for GS-15 (as adjusted for locality), or the rate payable for level V of the Executive Schedule, in effect at the end of such calendar year.

This section would allow an agency head, during calendar year 2009, to waive the limitations in section 5547 and pay premium pay to a Federal civilian employee performing work in an overseas location, as described above, to the extent that the payment does not cause the aggregate of basic pay and premium pay to exceed \$212,100 in a calendar year.

Cost Implications: The Department of Defense estimates that this section would cost \$4.3 million per year from fiscal year (FY) 2009 through FY 2013. This would be funded from the Component and Defense Activity Operation and Maintenance Fund accounts.

NUMBER OF PERSONNEL AFFECTED

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
DoD-wide	3,504	3,504	3,504	3,504	3,504

RESOURCE REQUIREMENTS (\$MILLIONS)

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
DoD-wide	4.3	4.3	4.3	4.3	4.3

COST METHODOLOGY

The cost of this section will be determined by the number of employees affected, the basic pay of each employee (which varies by grade, step, and location), and the number of hours of overtime worked by each employee. Based on available payroll data for eligible employees in 2006, the additional cost for overtime in excess of the annual premium pay limitation was approximately \$4.3 million. The actual numbers of employees, their salaries, and the length of time additional overtime might be required are based on mission needs three years from now, but the above scenario illustrates the potential impact.

**SEC. ____ . QUALIFICATIONS CHANGE FOR THE DIRECTOR OF THE U.S. ARMY
CHEMICAL MATERIALS AGENCY.**

1 Section 1412(e)(3) of the Department of Defense Authorization Act, 1986 (Public
2 Law 99-145; 50 U.S.C. 1521(e)(3)), as amended by section 153(c) of the National Defense
3 Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 216), is amended—
4 (1) by inserting "and shall prescribe qualifications" before the period at the end of
5 the first sentence; and
6 (2) by striking the second sentence.

Section-by-Section Analysis

This section would eliminate the prescribed qualifications for the director of the management organization responsible for the Chemical Demilitarization Program (currently, the U.S. Army Chemical Materials Agency (CMA)). Under the existing statute, the director of the CMA must be a general officer or civilian equivalent who has: (1) experience in the acquisition, storage and destruction of chemical agents and munitions; (2) training in chemical warfare defense operations; and (3) outstanding qualifications regarding safety in handling chemical agents and munitions. The enumerated qualifications limit the number of officials who may otherwise possess appropriate managerial skills to safely and effectively lead CMA. By authorizing the Secretary to prescribe qualifications (other than the grade level) for the director of the management organization, the U.S. Army obtains flexibility and could expand the pool of general officers or civilian equivalents with demonstrated leadership skills to manage the CMA.

**SEC. ____ . EXPAND COOPERATIVE AGREEMENT AUTHORITY FOR
MANAGEMENT OF NATURAL RESOURCES TO INCLUDE OFF-
INSTALLATION MITIGATION.**

1 Section 103a(a) of the Sikes Act (16 U.S.C. 670c-1(a)) is amended—
2 (1) by inserting "—(1)" after "provide for"; and
3 (2) by inserting before the period at the end the following: "; or (2) the
4 maintenance and improvement of natural resources off Department of Defense
5 installations if the purpose of the cooperative agreement is to relieve or eliminate current
6 or anticipated challenges that could restrict, impede, or otherwise interfere, whether
7 directly or indirectly, with current or anticipated military activities".

Section-by-Section Analysis

This section would expand the authority of the Secretaries of the military departments to enter into cooperative agreements with States, local governments, nongovernmental organizations, and individuals for the maintenance and improvement of natural resources, including areas off military installations. Currently, under section 670-1c of title 16, United States Code, the authority to use such cooperative agreements is limited to natural resources on military installations.

The authority to enter into cooperative agreements for natural resources located off military installations would enable the Department of Defense (DoD) to undertake mitigation measures identified during required consultations with regulators or as part of federal permits required for the execution of DoD projects. Natural resources covered by this amendment include, but are not limited to, unique ecosystems, terrestrial flora and fauna, soils, wetlands and watersheds, mangroves, coral, and other aquatic resources. Cooperative agreements involving property or resources off the installation could be used to enhance compliance with the Endangered Species Act, the Clean Water Act, Executive Order No. 13089 ("Coral Reef Protection"), the Coastal Zone Management Act, the Magnusen-Stevens Act, and other natural resources-related laws.

The expansion of the Department's authority to enter into cooperative agreements would provide additional flexibility for the DoD in responding to mitigation measures proposed by state and federal regulators. It would provide an alternate approach to mitigation that could be more responsive to developing science and knowledge. The added flexibility could expedite the analysis of environmental effects under the National Environmental Policy Act and improve the

DoD's ability to meet changing training needs as well as changing approaches to land use and natural resource management. For example, state and federal regulators have proposed that the Department of the Navy mitigate for the loss of coral due to Navy's dredging in Guam by entering into a cooperative agreement to re-forest nearby non-DoD lands. Those lands suffer from severe erosion due to a lack of vegetative cover. Runoff from the unprotected land damages nearby coral habitat. Under current Sikes Act authority, the Navy would need to acquire a real estate interest in the property to undertake reforestation. That creates unnecessary delay and forces the DoD to obtain a real property interest that otherwise is not needed for any military purpose.

SEC. ____ . INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS

**RESERVE OFFICERS ON ACTIVE DUTY IN THE GRADES OF MAJOR
AND LIEUTENANT COLONEL TO MEET NEW FORCE STRUCTURE
REQUIREMENTS.**

1 The table in section 12011(a) of title 10, United States Code, is amended—

2 (1) by striking the figures under the heading "Major" in the items relating to the

3 Marine Corps Reserve and inserting the following new items:

"99
103
107
111
114
117
120
123
126
129
132
134
136
138
140
142"; and

4 (2) by striking the figures under the heading "Lieutenant Colonel" in the items

5 relating to the Marine Corps Reserve and inserting the following new items:

"63
67
70
73
76
79
82
85
88
91
94

97
100
103
106
109".

Section-by-Section Analysis

This section would enable the Marine Corps, at its discretion, to increase its full-time support lieutenant colonel population to meet current requirements using internal redistribution of manpower without an increase in end strength. The Marine Corps would have the discretion to promote to less than the maximum grade distribution authorized. This would allow the Marine Corps to man the force appropriate to requirements; provide for enhanced support of emerging global requirements; and provide Service flexibility in career progression planning and assignments.

The Marine Corps Reserve provides integrated operational support to the Total Force Marine Corps. Since September 11, 2001, over 40,786 Marines have been ordered to active duty to provide support for the Global War on Terrorism, including 7,350 currently on orders. Reserve Marines continue to expand their contributions in roles traditionally reserved for the active component. Consequently, the requirement for senior grade full-time support to organize, administer, recruit, instruct, and train the Reserve component also has increased. Specifically, senior full-time support grades are required at multiple headquarters, including Marine Forces North, Joint Commands, and the Office of the Secretary of Defense. The nature and duties of these billets require Marines of seniority and experience. In addition, current grade strength limitations do not facilitate officer assignment or attendance at professional training (resident Professional Military Education). This section would provide the necessary grade strength distribution to support these mission requirements.

The Marine Corps currently maintains the lowest grade distribution of officers in the grade of O-5 within the Department of Defense (DoD). This section would increase this percentage to 4.4 percent, still well below the overall DoD average of 5.4 percent.

Cost Implications: The Department of Defense estimates that this section would cost \$77,350 in fiscal year (FY) 2009, and approximately \$444,760 from FY 2009-2013, and would be funded from the Marine Corps Reserve - Personnel account. However, the Marine Corps would fund this within existing budget authority.

This section would increase the number of lieutenant colonels by 7, but not increase the overall controlled grade ceiling. Instead, the Marine Corps would increase the number of lieutenant colonels and decrease the number of majors. The Department used the marginal difference in compensation between a major and a lieutenant colonel to calculate the cost estimate. As a result, this section does not meet the threshold of a budget-related proposal.

SEC. ____ . ENHANCING EDUCATION PARTNERSHIPS.

1 (a) IN GENERAL.—Chapter 111 of title 10, United States Code, is amended by inserting
2 after section 2194 the following new section:

3 **"§ 2194a. Education partnerships: operational support in the social and applied sciences**
4 **and humanities**

5 "(a) AUTHORITY.—The Secretary of Defense may authorize any operational command
6 under the jurisdiction of the Department of Defense to enter into one or more education
7 partnership agreements with educational institutions in the United States for the purpose of—

8 "(1) obtaining timely information and advice relevant to the operational
9 command's mission and area of responsibility from subject matter experts in the social
10 and applied sciences;

11 "(2) encouraging and enhancing study of the operational command's mission,
12 geographic or functional areas of responsibility, and their environment; and

13 "(3) encouraging and enhancing study in the associated social and applied
14 scientific and humanitarian disciplines.

15 "(b) COST.—Except as provided in this section, execution of these partnership
16 agreements shall be at no cost to the government.

17 "(c) PARTNERSHIP AGREEMENT PROVISIONS.—Under a partnership agreement entered
18 into with an educational institution under this section, the operational command—

19 "(1) may provide office space and associated administrative, technical and
20 overhead support;

21 "(2) may reimburse educational institution personnel for travel and incidental
22 expenses performed in fulfillment of the partnership agreement; and

1 "(3) may loan equipment to the institution for the purposes stated in subsection (a)
2 and for up to five years duration in support of such agreement.

3 "(d) TREATMENT OF PERSONS.—Persons performing services under the terms of a
4 partnership agreement shall—

5 "(1) not be entitled to any compensation from the United States except as
6 provided for in subsection (c);

7 "(2) not be considered a government employee under the National Security
8 Personnel System or any other Federal employment system; and

9 "(3) serve at the mutual convenience of the command and the educational
10 institution.

11 "(e) DEFINITIONS.—For the purposes of this section:

12 "(1) The term 'educational institution' means colleges, universities, and any other
13 nonprofit institutions dedicated to the advancement of the social and applied sciences or
14 humanities.

15 "(2) The term 'social and applied sciences and humanities' includes anthropology,
16 business, communications, economics, education, history, languages, political science,
17 psychology, and sociology."

18 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
19 amended by inserting after the item relating to section 2194 the following new item:

20 "2194a. Education partnerships: operational support in the social and applied sciences and humanities."

Section-by-Section Analysis

This section seeks to clarify and enhance the Department of Defense's (DoD) authorities under the Education Partnership Act to enter into cooperative agreements with educational

institutions in the United States for the purpose of promoting mutually beneficial study in a range of academic disciplines. The proposed amendment allows engagement in areas of critical interest beyond the current scope of authorities available only to the physical sciences, mathematics, and engineering.

Current law and Department policies promote civil-military cooperation to achieve national security objectives and support a sustainable technology and industrial base; however, technical issues preclude readily integrating expertise in subject areas highly relevant to understanding multiple key elements of U.S. and foreign nations' national power, such as economics and political science. The Education Partnership Act, 10 U.S.C. 2194, is intended to overcome these obstacles, but it falls short in that it is unclear as to the disciplines that may be explored via cooperative agreements with qualified institutions.

Authorities granted elsewhere in title 10 -- for example, in sections 2360 and 2361 -- are oriented toward traditional employment, research and development, technology transfers, and other acquisition activities requiring competitive bidding and formal contracts. The research-related authorities found in section 2371 preclude the use of cooperative agreements; likewise, the applicable general financial authorities in 31 U.S.C. 6303 also preclude such agreements and require the Department to use formal procurement processes under the Federal Acquisition Regulation and Defense Federal Acquisition Regulation Supplement.

The uniform and comprehensive policies and procedures for implementing and administering this enhanced authority already exist in part 32 of DoD 3210.6-R, Department of Defense Grant and Agreement Regulations. These regulations meet the requirements of OMB Circular A-110 for managing agreements with educational institutions.

U.S. Southern Command faces a wide variety of current and emerging threats, challenges, and opportunities in its Area of Responsibility, the majority of which do not lend themselves to exclusively traditional military approaches. The ability to interact with academic regional and subject matter experts in relevant disciplines will enhance DoD's ability to support the National Security, National Military, and Theater Security Cooperation Strategies.

**SEC. ____ . USE OF FUNDS FOR UNIFIED COUNTERDRUG AND
COUNTERTERRORISM CAMPAIGN IN COLOMBIA.**

1 Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal
2 Year 2005 (Public Law 108-375; 118 Stat. 2042) is amended—

3 (1) in subsection (a)(1), by striking "through 2008" and inserting "through 2010";

4 and

5 (2) in subsection (c), by striking "through 2008" and inserting "through 2010".

Section-by-Section Analysis

This section would extend through fiscal year (FY) 2010 the authorities provided in the Ronald W. Reagan National Defense Authorization Act for FY 2005 that allow the Department of Defense to support a unified campaign against narcotics trafficking and activities by organizations designated as terrorist organizations. It also would extend the troop caps for two additional years. These important authorities allow the Department of Defense (DoD) the flexibility to use funds appropriated for counter-narcotics activities to support Colombian efforts against terrorist organizations intimately involved in narcotics activities. This section would permit the DoD to provide support to the Government of Colombia as it continues to make progress against narco-terrorist organizations.

On November 22, 2004, the President of the United States, in a joint press conference in Cartagena with Colombian President Uribe, announced that the United States would continue to support the Government of Colombia in its campaign against narcoterrorism. This commitment was formalized in the Deputies Committee meeting of October 18, 2005, which directed continued support to Colombia at levels similar to FY 2005 and FY 2006.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act (NDAA) of 2005 allows DoD funds used for assistance to Colombia to be used to "support a unified campaign ... against terrorist organizations such as the FARC, ELN and AUC" in fiscal years 2005 and 2006. The FY 2007 NDAA extended this authority through 2008.

This extension would continue to provide the Command flexibility in supporting operations in Colombia while adhering to all of the other constraints, such as not allowing U.S. military personnel to participate in Colombian military combat operations. The Command has never reached the 800 military personnel limit contained in the current authority. During FY 2005, the first year of implementation, the number of military personnel in Colombia never exceeded 538.

SEC. ____ . USE OF FUNDS FOR COUNTER-DRUG AND COUNTER-TERRORISM.

1 Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public
2 Law 108-136; 117 Stat. 1594), as amended by section 1021 of the National Defense
3 Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. ____), is amended by
4 striking "through 2008" and inserting "through 2009".

Section-By-Section Analysis

This section would extend the current authority through fiscal year (FY) 2009.

The current authority, which expires at the end of FY 2008, provides that a joint task force of the Department of Defense that provides support to law enforcement agencies conducting counter-drug activities may also provide, subject to all applicable laws and regulations, support to law enforcement agencies conducting counter-terrorism activities.

SEC. ____ . RIDING GANG MEMBER REQUIREMENTS.

1 (a) IN GENERAL.—Section 1018 of the John Warner National Defense Authorization Act
2 for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2381) is amended—

3 (1) in subsection (a)—

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

5 "(1) IN GENERAL.—The Secretary of Defense may not award, renew, extend, or
6 exercise an option to extend any charter of a vessel documented under chapter 121 of
7 title 46, United States Code, for the Department of Defense, or any contract for the
8 carriage of cargo by a vessel documented under that chapter for the Department of
9 Defense, unless the charter or contract, respectively, includes provisions that allow riding
10 gang members to perform work on the vessel during the effective period of the charter or
11 contract only under terms, conditions, restrictions, and requirements as provided in
12 section 8106 of title 46, United States Code.";

13 (B) by striking paragraphs (2) and (3); and

14 (C) by redesignating paragraph (4) as paragraph (2); and

15 (2) in subsection (b), by amending paragraph (1) to read as follows:

16 "(1) IN GENERAL.—Pursuant to regulations issued by the Secretary of Defense, an
17 individual—

18 "(A) who is aboard a vessel, which under charter or contract for the
19 carriage of cargo for the Department of Defense, for purposes other than engaging
20 in the operation or maintenance of the vessel; and

21 "(B) who—

22 "(i) accompanies, supervises, guards, or maintains unit equipment

1 aboard a ship, commonly referred to as supercargo personnel;
2 "(ii) is one of the force protection personnel of the vessel;
3 "(iii) is a specialized repair technician; or
4 "(iv) is otherwise required by the Secretary of Defense to be
5 aboard the vessel,
6 shall not be deemed a riding gang member for the purposes of title 46, United States
7 Code."

8 (b) TECHNICAL AMENDMENTS.—Section 1018(a)(2), as redesignated in subsection (a), is
9 amended by striking "8106" and inserting "2101".

Section-by-Section Analysis

Section 8106 of title 46, United States Code, limits the use of non-U.S. citizen riding gang members on U.S. flagged merchant vessels. Section 2101 of title 46 defines a riding gang member as an individual who does not hold a merchant mariner document and is not a regular member of the ships crew who performs watch standing duties. The riding gang may perform limited functions aboard the ship, but must at all times be supervised by a crew member holding a merchant mariner document.

The John Warner National Defense Authorization Act for Fiscal year 2007 required the Secretary of Defense to include in contracts for DoD charters and contracts for the carriage of goods provisions substantially similar to the riding gang limitations of section 8106 of title 46. However, the Act also required the use of only U.S. citizens as riding gang member and contrary to the definition of "riding gang member" required the riding gang member to hold a merchant mariner document.

The Authorization Act also provided four exceptions to the contractual requirements for personnel associated with the cargo, force protection personnel, repair technicians, and other personnel required by the Secretary of Defense to be aboard the vessel other than for maintenance or operation of the vessel. However, there was no parallel exception under section 8106. In order for the Department to effectively use the exceptions contained in the Authorization Act, those exceptions also must apply to the requirements of Title 46. It does little good for the Secretary to exempt a contractor from a contractual provision when the contractor is in otherwise bound by law. This section would authorize the Secretary of Defense to invoke the exceptions both under the contract and under section 8106 of title 46.

**SEC. ____ . ADDITION OF DESIGNATED MAJOR SUBPROGRAMS TO MAJOR
DEFENSE ACQUISITION PROGRAMS.**

1 Title 10, United States Code, is amended—

2 (1) in section 2430—

3 (A) by redesignating subsection (b) as subsection (c); and

4 (B) by inserting after subsection (a) the following new subsection (b):

5 "(b) The Secretary of Defense may further designate a major subprogram of a major
6 defense acquisition program whenever such further designation is deemed appropriate for the
7 purposes of acquisition reporting.";

8 (2) in section 2432—

9 (A) in subsection (a)—

10 (i) in paragraph (1)—

11 (I) by inserting "or designated major subprogram of a major
12 defense acquisition program" after "with respect to a major defense
13 acquisition program"; and

14 (II) by inserting "or designated major subprogram" after
15 "the acquisition program" each place it appears; and

16 (ii) in paragraph (2), by inserting "or designated major
17 subprogram" after "major defense acquisition program" each place it
18 appears;

19 (B) in subsection (c)(1), by inserting "or designated major subprogram"
20 after "major defense acquisition program" each places it appears; and

21 (C) in subsection (e), by inserting "or designated major subprogram" after

1 "major defense acquisition program";

2 (3) in section 2433—

3 (A) in subsection (a)—

4 (i) in paragraph (2), by striking "included in the baseline
5 description of the program" and inserting "included in the baseline
6 description of the program or designated major subprogram";

7 (ii) in paragraph (4), by striking "major defense acquisition
8 program" and inserting "major defense acquisition program or designated
9 major subprogram"; and

10 (ii) in paragraph (5), by striking "major defense acquisition
11 program" and inserting "major defense acquisition program or designated
12 major subprogram";

13 (B) in subsection (c), by striking "program acquisition unit cost for the
14 program or the procurement unit cost for the program" and inserting "program
15 acquisition unit cost for the program or designated major subprogram or the
16 procurement unit cost for the program or designated subprogram,";

17 (C) in subsection (d)—

18 (i) in paragraph (1), by striking "with respect to a program" and
19 inserting "with respect to a major defense acquisition program or
20 designated major subprogram,";

21 (ii) in paragraph (2), by striking "with respect to a program" and
22 inserting "with respect to a major defense acquisition program or
23 designated major subprogram,"; and

1 (iii) in paragraph (3), by striking "with respect to such program"
2 and inserting "with respect to such major defense acquisition program or
3 designated major subprogram";

4 (D) in subsection (e)—

5 (i) in paragraph (1), by striking "major defense acquisition
6 program" and inserting "major defense acquisition program or designated
7 major subprogram"; and

8 (ii) in paragraph (2), by striking "major defense acquisition
9 program" and inserting "major defense acquisition program or designated
10 major subprogram"; and

11 (E) in subsection (g)(1)—

12 (i) in subparagraph (F), by inserting before the period at the end
13 the following: "for each program and designated major subprogram"; and

14 (ii) in subparagraph (K), by inserting before the period at the end
15 the following: "for each program and designated major subprogram"; and

16 (4) in section 2435—

17 (A) in subsection (a)(1), by striking "major defense acquisition program
18 under the jurisdiction of such Secretary" and inserting "major defense acquisition
19 program or designated major subprogram of a major defense acquisition program
20 under the jurisdiction of such Secretary, heretofore referred to as the program";

21 (B) in subsection (c)—

22 (i) by inserting "(1)" before "A baseline";

23 (ii) by redesignating paragraphs (1), (2), and (3) as subparagraphs

1 (A), (B), and (C), respectively; and

2 (iii) in paragraph (1), as redesignated by clause (ii), by striking
3 "major defense acquisition program" and inserting "major defense
4 acquisition program or major designated subprogram";

5 (C) in subsection (d)—

6 (i) in paragraph (1), by striking "major defense acquisition
7 program" and inserting "major defense acquisition program or major
8 subprogram of a major defense acquisition program";

9 (ii) in paragraph (2), by striking "major defense acquisition
10 program" and inserting "major defense acquisition program or designated
11 major subprogram"; and

12 (iii) in paragraph (3), by striking "major defense acquisition
13 program" and inserting "major defense acquisition program or designated
14 major subprogram"; and

15 (D) in subsection (e)(2)—

16 (i) by striking "program manager for a program" and inserting "or
17 program manager for a program or designated major subprogram"; and

18 (ii) by striking "any other factor of the program" and inserting "any
19 other factor of the program or designated major subprogram".

Section-by-Section Analysis

This section would clarify the Department of Defense's obligation to provide unit cost reports to Congress by amending sections 2430 (Major defense acquisition program defined), 2432 (Selected Acquisition Reports); 2433 (Unit cost reports), and 2435 (Baseline description) of title 10, United States Code, and to provide for the designation of major subprograms of major defense acquisition programs and separate baseline description and unit cost reporting for such

designated major subprograms.

The rationale for recognizing designated major subprograms is due to the nature of unit cost reporting which assumes that the quantity upon which the unit cost is based is somewhat uniform with respect to cost and functionality. There are generally two cases where the use of subprograms for unit cost reporting is applied. The first is when a variant of a program is significantly different in cost and functionality, e.g., Standard Missile Block IV versus Standard Missile Blocks I-III. The inclusion of the Block IV in the calculation of a program unit cost yields a distorted (i.e., much higher) unit cost that is not representative of the unit cost of the program variants. The second case is where the major components (or subprograms) of the program are not similar commodities, e.g., the Patriot PAC 3 Missile system, which consists of two key commodities, missiles and fire units. These cannot be combined together in a rational way to produce a unit cost that is representative of the program. For this reason, the Department has implemented separate Baseline Descriptions and Unit Cost Reporting procedures for designated major subprograms.

**SEC. ____ . REPEAL OF PERSONNEL LIMITATIONS ON OFFICE OF THE
SECRETARY OF DEFENSE, DEFENSE AGENCIES, DOD FIELD
ACTIVITIES, AND MILITARY DEPARTMENT HEADQUARTERS.**

1 (a) REPEAL.—(1) Sections 143 and 194 of title 10, United States Code, are repealed.

2 (2) The table of sections at the beginning of chapter 4 of such title is amended by striking
3 the item relating to section 143.

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

6 (b) REMOVAL OF PERSONNEL LIMITATIONS FROM MILITARY DEPARTMENT
7 HEADQUARTERS ACTIVITIES.—Sections 3014, 5014, and 8014 of such title are amended by
8 striking subsection (f).

9 (c) CONSTRUCTION.—Nothing in this section is intended to diminish the authorities of the
10 Secretary of Defense and the Director of National Intelligence as set out in section 102A of the
11 National Security Act of 1947 (50 U.S.C. 403-1) with respect to—

12 (1) the development, determination, and management of the annual budgets of the
13 Joint Military Intelligence Program and the National Intelligence Program; and

14 (2) the role of the Director of National Intelligence in the transfer and
15 reprogramming of funds or personnel.

Section-by-Section Analysis

This section would repeal sections 143 and 194, and strike subsection (f) from sections 3014, 5014, and 8014, of title 10, United States Code, to conform to sections 324 and 901 of the National Defense Authorization Act for Fiscal Year 2008 (NDAA).

Section 901 of the NDAA repealed the Department-wide limit on major Department of Defense (DoD) headquarters activities (10 U.S.C. 130a). However, there remain five additional sub-limits in Title 10 which prevent the Department from moving forward with the intent of

repealing the overall limit. These include the sub-limits on the Office of the Secretary of Defense (section 143), the Defense Agencies and Field Activities (section 194), and the military department headquarters limits (sections 3014, 5014, and 8014). Section 324 of the NDAA specifically restricts the Department from limiting the number of conversions of functions to DoD civilian employees.

Sections 324 and 901 are not consistent with each other. The Department will not be able to keep from exceeding statutory limits on headquarters activities without creating policies and processes that limit the number of conversions from contractor to civilian manpower. However, this would violate section 324 which directs insourcing when appropriate and restricts limitations on these conversions.

The intent behind repealing 10 U.S.C. 130a was to allow the Secretary of Defense to consolidate service and supply functions (infrastructure) and convert personnel demands to the most cost-effective method to provide needed services.

Section 191 of title 10 allows the Secretary of Defense to create Defense Agencies or Department of Defense (DoD) Field Activities in order to consolidate supply and service activity when he determines that such action would be more effective, economical, or efficient. These organizations are the Secretary's method for creating efficiencies within the Department and align efforts across the military departments and throughout the Department as a whole. These organizations include the Defense Logistics Agency, Defense Finance and Accounting Service, DoD Education Activity, Defense Commissary Agency, and Defense Contract Management Agency, as well as smaller specific functions of the Department (*e.g.*, the Defense Prisoner of War/Missing Personnel Office and Tricare Management Activity) and consolidated intelligence efforts (the National Security Agency is specifically exempt from the section 194 limits, but other intelligence assets, including the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, and the Counterintelligence Field Activity, are not). In cases of large-scale consolidation or reorganization, the Department of Defense, with the Office of Management and Budget, will develop plans to ensure that such consolidation or reorganization would be adequately funded and would not lead to inefficiency or significant interruption in the provision of needed support services.

While the Department is addressing the reduction of infrastructure within the military departments, repealing section 194 would allow the Secretary the flexibility to create infrastructure efficiencies and resource reductions by consolidating common infrastructure demands where appropriate. This numerical limitation (which currently represents approximately seven percent of the Department as a whole, much lower than the infrastructure proportion within the military departments) restricts the Secretary from using more appropriate and broader solutions when looking at cost and functional efficiencies.

Moreover, repealing the limitations on the Department's and Military Departments' Headquarters Activities would give the Department the ability to manage its workforce based upon workload and on the most cost-effective workforce, as required by sections 129 and 129a of title 10, United States Code.

Subsection (c) of this proposal makes it clear that the repeal of section 194 is not intended to diminish the respective authorities: (1) of the Secretary of Defense or the Director of National Intelligence (DNI) in section 102A of the National Security Act of 1947 to develop, determine, and manage the annual budgets for the Joint Military Intelligence Program and the National Intelligence program; and (2) of the DNI to approve the transfer and reprogramming of funds within the National Intelligence Program, to be consulted concerning the transfer and reprogramming of funds within the Joint Military Intelligence Program, and to transfer personnel authorized for an element of the intelligence community to another such element.

SEC. ____ . CAREER INTERMISSION PILOT PROGRAM.

1 (a) AUTHORITY TO ESTABLISH CAREER INTERMISSION PILOT PROGRAM.—The Secretary
2 concerned may establish a pilot program under which officers and enlisted members may be
3 released from active duty for periods of no more than three years, to meet personal or
4 professional needs, and be returned to active duty at the end of the period of inactive duty. The
5 program shall be known as the Career Intermission Pilot Program.

6 (b) REQUIREMENTS OF THE PROGRAM.—

7 (1) No more than 20 officers and 20 enlisted members of each armed force within
8 the military departments serving on active duty (other than for training) per year may be
9 selected for participation in the program established under this section.

10 (2) The period during which a program participant is away from active duty may
11 not exceed three years from the date of release from active duty. All program
12 participants will return to active duty at the end of their period of participation in the
13 program.

14 (3) Before being released from active duty, each program participant will be
15 appointed in or enlisted in the military department's Ready Reserve and will enter into an
16 agreement with the Secretary concerned or his designee under which the participant
17 agrees to serve on active duty in the regular or reserve component as determined by the
18 needs of the military department for a period of not less than two months for every month
19 of program participation following the participant's return to active duty.

20 (4) After release from active duty, each program participant will remain in their
21 respective military department's Ready Reserve and will report once per month to a
22 location as directed by each military department.

1 (5) Time spent in the program shall not count toward—

2 (A) eligibility for retirement or transfer to the Ready Reserve under either
3 chapter 571 or chapter 1223 of title 10, United States Code;

4 (B) computation of retired or retainer pay under chapter 71 or chapter
5 1223 of title 10, United States Code; or

6 (C) computation of total years of commissioned service under section
7 14706 of title 10, United States Code.

8 (c) MEDICAL AND DENTAL CARE.—Notwithstanding any other provision of law, a
9 member of the Ready Reserve in the Career Intermission Pilot Program is entitled to—

10 (1) the same medical and dental care under chapter 55 of title 10, United States
11 Code, as is provided to members of the Armed Forces and their dependents at military
12 treatment facilities; and

13 (2) the same coverage under the TRICARE program as is provided to members of
14 the armed forces on active duty for a period of more than 30 days and the dependents of
15 such members.

16 (d) PROMOTION ELIGIBILITY.—(1) OFFICERS.—Notwithstanding any other provision of
17 law, an officer participating in the Career Intermission Pilot Program shall not be eligible for
18 consideration for promotion under either chapter 36 or chapter 1405 of title 10, United States
19 Code. Upon return to active duty—

20 (A) an officer's date of rank shall be adjusted to a later date under regulations
21 prescribed by the Secretary of Defense; and

22 (B) the officer shall be eligible for consideration for promotion when officers of
23 the same competitive category, grade and seniority are eligible for consideration.

1 (2) ENLISTED MEMBERS.—An enlisted participant in the Career Intermission Pilot
2 Program is ineligible for consideration for promotion from the date of his release from active
3 duty through the period of his participation in the program, until such time after his return to
4 active duty as he becomes eligible by reason of his time in grade and such other requirements as
5 may be specified in military department regulations.

6 (e) PAY.—(1) Each month during participation in the program, participants will be paid
7 two times one thirtieth of the basic pay to which the participant would be otherwise entitled
8 based on grade and years of service if the participant were on active duty.

9 (2) Notwithstanding any other provision of law, a participant is entitled to the travel and
10 transportation allowances under section 404 of title 37, United States Code, for travel performed
11 from the member's residence, at the time of release from active duty to participate in the
12 Program, to the location in the United States designated by the member as his residence during
13 the period of participation in the Program, and for the member's travel to his residence upon
14 return to active duty at the end of the member's participation in the Program. An allowance will
15 be paid under this subsection for travel to and from only one residence.

16 (3) While away from active duty as a participant in the Career Intermission Pilot Program
17 under this section, a member may not receive any special or incentive pay or bonus under
18 chapter five of title 37, United States Code, to which the member would otherwise be entitled for
19 such period. When the member returns to active duty after the period of participation in the
20 Career Intermission Pilot Program, the member will be entitled to receive, in addition to basic
21 pay, all of the special and incentive pays which the member was receiving before being released
22 from active duty to participate in the Career Intermission Pilot Program and for which the
23 member is qualified at the time of return to active duty.

1 (f) COMPUTATION OF TOTAL YEARS OF SERVICE.—Section 14706(a) of title 10, United
2 States Code, is amended by adding at the end the following new paragraph:
3 "(4) Service while participating in the Career Intermission Pilot Program."
4 (g) DURATION OF PROGRAM AUTHORITY.—The authority to conduct the Program
5 authorized by this section shall commence on January 1, 2009 and expire on December 31, 2014.

Section-by-Section Analysis

The section would give the Secretaries of the military departments the ability to test the effectiveness of offering an alternative career retention option in designated specialties and skills where monetary incentives alone have not produced the retention results desired. The demonstration project would offer a temporary career intermission to support personal and professional responsibilities while retaining healthcare benefits in exchange for obligated service at the end of the period prescribed. Using this pilot program authority, the Department of Defense can evaluate changes or additions to the personnel management system to determine whether or not they should be applied to the general force.

Specifically, the purpose of the pilot program is to provide temporary authority to: (1) allow 60 active duty officers and 60 active duty enlisted personnel (20 per year) to transition from the Active component into the Ready Reserve for a period not to exceed three years while retaining healthcare benefits and receiving a Reserve stipend; (2) change the date or rank of a Reserve officer who is placed on the active duty list to a later date, even though the officer has served continuously in the Ready Reserve; (3) provide an exemption from promotion consideration while in the Ready Reserve; and (4) provide military medical and dental care in accordance with section 1074 of title 10, United States Code, even though the Service members would not meet the requirements of subsection (a)(2). The authority for the pilot program would continue for six years; participants would depart active duty over the course of the first three years of the program and return to active duty over the course of the following three years.

The pilot program conducted under this temporary authority would encourage active duty Service members, including full-time support Reserve members, to voluntarily agree to a temporary "pause" in their career path in exchange for obligated service of two years and/or months of active duty for every year and/or month of program participation. Program participants would be administratively attached to the Ready Reserve for purposes of accountability, training, and stipend pay, but would not be eligible for retirement credit or transfer to the Ready Reserve. Participants would not be required to participate in the Selected Reserve during their participation in the program. Inactive training requirements would be flexible to meet the needs of the individual member while still maintaining proficiency in the Service member's designated skill set and could include online training and correspondence courses. Payment of special or incentive pays or bonuses will be suspended while the member is in an Individual Ready Reserve (IRR) status participating in the Career Intermission Pilot

Program. Payment will resume upon return to active duty status. The Secretaries of the military departments will have the discretion to: (1) make critical skills bonus payments prior to the member commencing IRR status in full; (2) make partial payments, with remainder paid upon the member's return to active duty status; or (3) defer payments until the member returns to active duty status.

Each participant would be in an Individual Ready Reserve category that does not require a specified number of inactive duty training periods or of annual days of active duty. Participants would be required to report monthly to a location designated by the individual military departments and to perform one day of active duty each year for the purpose of completing annual medical and administrative screening.

Upon return to active duty, officers would be appointed in the component from which they left active duty unless the needs of the military department required appointment in another component. Enlisted members would be enlisted in the component in which they were serving at the time of their release from active duty to participate in the program.

The Department of Defense anticipates that this career intermission pilot program would encourage retention by providing an opportunity for Service members to focus on personal and professional goals and responsibilities for a temporary period followed by a return to full operational readiness. The pilot program responds to growing workforce trends of demographically diverse individuals with generationally different career expectations. This demonstration project would give the Department the ability to evaluate the impact that a seamless career intermission, accomplished via transition between Active and Reserve duty, has on such key issues as retention, diversity, and critical competencies.

Cost Implications: This section would produce a cost avoidance of a portion of the active duty pay and allowances of the individual participants during the period of the "career intermission" since they would not receive pay associated with active duty (their normal salary). The remaining portion of the allowances, and benefits costs of the participants included in this pilot program would be used to pay the "drill pay" of the member while affiliated with the Ready Reserve and to continue the active duty benefits articulated in this section.

Currently, only the Navy plans to create a pilot program. Therefore, the Department of Defense estimates that this section would produce a total cost avoidance of \$27,195,380 from fiscal year (FY) 2009 through FY 2013.

Navy Career Intermission Pilot Program					
Program Cost					
Actual Dollars	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Number of Officers	20	40	60	40	20
Medical-DHAN Rate	127,240	270,400	430,980	305,280	162,180
Annual Pay	452,080	929,440	1,434,300	983,840	504,760
Subtotal	579,340	1,199,880	1,865,340	1,289,160	666,960

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Number of Enlisted	20	40	60	40	20
Medical-DHAN Rate	127,240	270,400	430,980	305,280	162,180
Annual Pay	230,860	460,920	704,700	481,480	240,840
Subtotal	358,120	731,360	1,135,740	786,800	403,040
TOTAL Program Cost	\$937,460	\$1,931,240	\$3,001,080	\$2,075,960	\$1,070,000
Cost Avoided not on Active Duty					
Actual Dollars	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Number of Officers	20	40	60	40	20
Subtotal	2,552,480	5,299,000	8,156,280	5,611,400	2,894,860
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Number of Enlisted	20	40	60	40	20
Subtotal	1,225,260	2,530,760	3,890,460	2,672,440	1,378,180
Cost Avoided not on Active Duty	\$3,777,740	\$7,829,760	\$12,046,740	\$8,283,840	\$4,273,040
TOTAL COST AVOIDED	\$2,840,280	\$5,898,520	\$9,045,660	\$6,207,880	\$3,203,040

**SEC. ____ . REFINED PETROLEUM PRODUCTS, MARGINAL EXPENSE TRANSFER
ACCOUNT.**

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

3 **"§ 2228a. Refined petroleum products, marginal expense transfer account**

4 "(a) ACCOUNT.—There is established in the Treasury the 'Refined Petroleum Products,
5 Marginal Expense Transfer Account' ('Transfer Account'). During any fiscal year, amounts in
6 the Transfer Account shall be available without further appropriation to pay the marginal costs
7 needed to purchase up to the quantity of refined petroleum products specified in the fiscal year
8 budget request for use by Department of Defense entities for such year.

9 "(b) CALCULATION OF MARGINAL COSTS.—Marginal costs shall be calculated as the
10 difference between the actual market prices paid by the Department of Defense for the refined
11 petroleum products in a fiscal year and the prices specified for the purchase of such products in
12 the President's budget for that year.

13 "(c) TRANSFER OF FUNDS.—(1) During the course of any fiscal year, amounts sufficient to
14 pay the marginal costs under subsection (a) shall be transferred from the Transfer Account to the
15 Defense-Wide Working Capital Fund.

16 "(2) To the extent that the price specified for the purchase of refined petroleum products
17 in the President's budget submission for a fiscal year exceed the actual market prices paid by the
18 Department for such products purchased in that year, the difference in price shall be transferred
19 from the Defense-Wide Working Capital Fund to the Transfer Fund and such amounts shall be
20 cancelled.

21 "(3) The transfer of such additional amount needed, amounts not needed through August,

1 and an estimate for September should be transferred before the end of the fiscal year, with a final
2 accounting and transfer within 60 days after the end of the fiscal year.

3 "(4) The transfer authority provided by this section is in addition to any other transfer
4 authority available to the Department of Defense.

5 "(d) AUTHORIZATION OF APPROPRIATIONS.—There is appropriated to the Transfer
6 Account such sums as may be necessary to carry out this section."

7 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
8 amended by inserting after the item relating to section 2228 the following new item:

9 "2228a. Refined petroleum products, marginal expense transfer account."

Section-by-Section Analysis

Due to the difficulties in forecasting volatile fuel prices ten to twenty-two months in advance of the fiscal year, the Department of Defense is requesting an indefinite appropriation to cover the difference between the funds the Department budgets for the purchase of refined petroleum products and the actual market prices the Department pays for fuel, *i.e.*, the additional marginal expense.

Dramatic fuel market price increases, after the budget has been transmitted to the Congress and after the Congress has appropriated funding for fuel, have a significant impact on the Department of Defense budget process. Recent increases in fuel prices during budget execution have been substantially financed through supplemental appropriations to the Department of Defense. The timing lag between the fuel price increase and the receipt of the supplemental fuel funding results in the disruption of other Defense programs and, in some cases, requires reprogramming actions. This section would eliminate that problem.

The military departments and Defense agencies will continue to budget for fuel and other refined petroleum products as they have in the past. The budget request for fuel starts with the Administration's economic assumptions about the future cost of crude oil, which is based on the futures market and is consistent with private sector forecasts.

The indefinite appropriation would apply only to the additional marginal expense of purchasing refined petroleum products, currently financed through supplemental appropriations. Not covered are the additional costs that the Defense-Wide Working Capital Fund charges its customers for transportation, facilities, overhead, and depreciation costs.

The indefinite appropriation would provide additional funds when fuel prices increase above the budgeted price. When fuel prices drop below the budgeted price, the extra budgeted

funds would be cancelled. Over time it is anticipated that any additional funds provided by the indefinite appropriation would be offset by the cancellation of funds budgeted for fuel purchases, but not needed for that purpose due to decreases in the price of fuel. In this way the risk is shared.

The establishment of a separate transfer account would provide visibility. In addition, business rules have been established to allow for the monthly reconciliation of Department of Defense fuel purchases. The monthly reconciliation will ensure auditability and transparency of transactions to and from the transfer account.

Cost Implications: For fiscal year 2009, the President's budget contains funding to purchase up to **xxx** million barrels of refined petroleum products, based on a crude oil equivalent to a West Texas Intermediate cost of \$84.01 a barrel and an average refined petroleum product cost of \$109.21 a barrel. The cost for specific petroleum products and specific quantities purchased is specified in the Budget Justification Materials for the Defense Logistics Agency (DLA) portion of the Defense-Wide Working Capital Fund and in the DLA Defense customer budget justifications books. For each subsequent year, this information would be provided in the President's Budget Appendix and the appropriate Defense Justification Materials.

**SEC. ____ . REVISED DEADLINE FOR TRANSFER OF ARLINGTON NAVAL ANNEX
TO ARLINGTON NATIONAL CEMETERY.**

1 Subsection (h) of section 2881 of the Military Construction Authorization Act for Fiscal
2 Year 2000 (division B of Public Law 106-65; 113 Stat. 879), as amended by section 2863 of the
3 Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-
4 107; 115 Stat. 1330), section 2851 of the Military Construction Authorization Act for Fiscal Year
5 2003 (division B of Public Law 107-314; 116 Stat. 2726), section 2881 of the Military
6 Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 115
7 Stat. 2153), and section 2871 of the Military Construction Authorization Act for Fiscal Year
8 2008 (division B of Public Law 110-181; 122 Stat. ____) is further amended by striking "2011"
9 in paragraph (1) and inserting "2012".

Section-by-Section Analysis

This section would extend by one year the date upon which administrative jurisdiction of the Arlington Annex transfers from the Navy to the Army. The National Defense Authorization Act for Fiscal Year 2008 extended the deadline by one year, from 2010 to 2011. The Department of Defense (DoD) needs an additional year to take into account more recent projections on Arlington National Cemetery out-year requirements, as well as realignments mandated under the base realignment and closure (BRAC) process. This additional time would allow the DoD to wind down its occupancy of Federal Office Building #2 (FOB #2) in an economically sensible way during the BRAC process, while still allowing the Arlington National Cemetery to obtain the property as soon as it can. In one year alone, office space at FOB #2 will cost approximately \$10 million less than equivalent office space elsewhere in the National Capital Region.

This section would not obstruct or degrade the ANC's requirements because the ANC does not plan to develop the Navy Annex property until 2013 or later. If ANC needs to revise its plans, it still will be able to request the transfer at any time and the DoD will be required to fulfill that request within 12 months.

This section is in conformance with the master plan required by section 2881 of the National Defense Authorization Act for Fiscal Year 2000 (relating to the use of the FOB #2 property). This section would not affect the requirements of the Defense Base Closure and Realignment Act of 1990 regarding deadlines for completing the realignment of the current

tenant organizations in FOB #2.

Cost Implications: This section will require no additional funding. Instead, this section would save an estimated \$24 million by eliminating unnecessary expenses for leasing swing space, fitting out the spaces for tenants, and moving-in and moving-out costs that would otherwise be incurred to temporarily move existing Department of the Navy tenants of FOB #2 into interim space to comply with the January 1, 2011 deadline to transfer administrative jurisdiction of the property to the Army. The one-year extension granted by the Congress in the National Defense Authorization Act for Fiscal Year 2008 would have minimal impact on reducing expenses as FOB #2 tenants would still have to incur all moving costs, saving only one year out of a two-year lease cost.

**SEC. ____ . REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. THEODORE
ROOSEVELT.**

1 (a) AMOUNT AUTHORIZED FROM THE SCN ACCOUNT.—Of the amount authorized to be
2 appropriated by section 102(a)(3) for Shipbuilding, Conversion and Repair, Navy for fiscal year
3 2009, \$124,500,000 is available for the commencement of the nuclear refueling and complex
4 overhaul of the U.S.S. Theodore Roosevelt (CVN 71) during fiscal year 2009. The amount made
5 available in the preceding sentence is the first increment in the three-year funding planned for the
6 nuclear refueling and complex overhaul of that vessel.

7 (b) CONTRACT AUTHORITY.—The Secretary of the Navy is authorized to enter into a
8 contract during fiscal year 2009 for the nuclear refueling and overhaul of the U.S.S. Theodore
9 Roosevelt (CVN 71).

10 (c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under
11 subsection (b) shall provide that any obligation of the United States to make a payment under the
12 contract for a fiscal year after fiscal year 2009 is subject to the availability of appropriations for
13 that purpose for that later fiscal year.

Section-by-Section Analysis

This section would allow for contracting of a three-year incrementally-funded Aircraft Carrier Refueling Complex Overhaul (RCOH) from the Shipbuilding, Conversion and Repair, Navy (SCN) account. This language would provide the authority to commence the refueling overhaul in fiscal year (FY) 2009, which would help level the workload at the shipyard to avoid a lay-off of 300 Northrop Grumman Newport News skilled workers, such as electricians and machinists, in FY 2009. Starting the overhaul in FY 2009 also would avoid not only an overhead increase of approximately \$50 million across the Future Years Defense Plan associated with the additional work in FY 2009, but also the cost to reconstitute the 300 skilled workers that would otherwise be laid off.

Section 127 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) and section 126 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), provided similar authority for the U.S.S. Carl Vinson (CVN

70) and the U.S.S. Dwight D. Eisenhower (CVN 69) nuclear refueling overhauls, respectively. Both of these overhauls were incrementally funded over a two-year period.

Cost Implications: This section would be cost neutral to the RCOH program. The section simply would provide authority to execute the existing execution budget over a three-year, as opposed to a two-year, period. It would not increase the total cost to complete the RCOH. This is not the first RCOH to be incrementally funded. In addition, this section is consistent with the Navy's budget request and would provide the necessary authorization to execute the CVN 71 overhaul with incremental funding in FYs 2009, 2010 and 2011. The budget account for this section is SCN Line Item 2086.

The Department of Defense intends that this will be a one-time authorization, not to be extended into future years.

**SEC. ____ . FOREIGN LANGUAGE INCENTIVE PAY FOR MEMBERS OF
PRECOMMISSIONING PROGRAMS.**

1 (a) AUTHORITY.—Chapter 5 of title 37, United States Code, is amended by inserting after
2 section 316 the following new section:

3 **"§ 316a. Foreign language incentive pay for members of precommissioning programs**

4 "(a) INCENTIVE PAY.—Regarding foreign languages identified as critical for purposes of
5 national defense, the Secretary of Defense may pay incentive pay to a Senior Reserve Officers'
6 Training Corps member determined eligible under subsection (b).

7 "(b) ELIGIBILITY.—(1) Incentive pay authorized under subsection (a) may be paid to a
8 member enrolled in a Senior Reserve Officers' Training Corps program or the Marine Corps
9 Platoon Leaders Class who—

10 "(A) is a citizen of the United States;

11 "(B) is entitled to subsistence allowance or pay under section 209 of this title;

12 "(C) enlists in an armed force under the jurisdiction of the Secretary of the
13 military department concerned, as prescribed by the Secretary;

14 "(D) contracts with the Secretary of the military department concerned, or
15 designated representative, to serve for the period required by the program;

16 "(E) enters into a written agreement to accept an appointment, if offered, as a
17 commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may
18 be, and to serve in the armed forces for the period prescribed by the Secretary; and

19 "(F) is participating in a SROTC-approved language immersion program, study
20 abroad, or enrolled in an academic course that involves instruction in a foreign language
21 of strategic interest to the Department of Defense.

1 "(2) Notwithstanding the limitation under section 2103a (a) of title 10, regarding a first
2 year member of a four-year Senior Reserve Officers' Training Corps program, such member may
3 be considered eligible under subsection (b) and entitled to subsistence allowance or pay under
4 section 209(c) of this title.

5 "(c) INCENTIVE PAY AMOUNT.—The Secretary of Defense may authorize incentive pay
6 paid under subsection (a) in an amount that may not exceed \$3,000 per year.

7 "(d) REPAYMENT.—A member who receives incentive pay under this section, but who
8 does not satisfactorily complete the foreign language academic course, shall be subject to the
9 repayment provisions of section 303a(e) of this title.

10 "(e) REGULATION.—This section shall be administered under regulations prescribed by
11 the Secretary of Defense for the armed forces under the jurisdiction of the Secretary, by the
12 Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a
13 service in the Navy, by the Secretary of Health and Human Services for the Commissioned
14 Corps of the Public Health Service, and by the Secretary of Commerce for the National Oceanic
15 and Atmospheric Administration.

16 "(f) EXPIRATION OF AUTHORITY AND REPORTING REQUIREMENT.—

17 "(1) No new contracts may be signed under this authority after December 31,
18 2013.

19 "(2) The Secretary of Defense shall, beginning on October 1, 2009 and annually
20 thereafter, provide a report to the Office of Management and Budget and Congress on the
21 effectiveness of the program. This report shall include—

22 "(A) the number of participants enrolled in, continuing with, and leaving
23 the program;

1 "(B) the amounts paid to participants;
2 "(C) the amounts recouped from participants; and
3 "(D) what percentage of the Department of Defense's language
4 requirement is met through this program."

5 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
6 amended by inserting after the item relating to section 316 the following new item:

7 "316a. Foreign language incentive pay for members of precommissioning programs."

Section-by-Section Analysis

This section would allow the Secretary of Defense to provide an incentive pay to Senior Reserve Officers' Training Corps (SROTC) and Marine Corps Platoon Leaders Class (PLC) members (freshmen, sophomores, juniors and seniors) entitled to subsistence allowance or pay under section 209 of title 37, United States Code. Specifically this section would allow the Secretary of Defense to offer a monetary incentive to SROTC and Marine Corps Platoon Leaders Class (PLC) to take foreign language courses of strategic importance to the Department, such as Arabic, Chinese, Dari, and Farsi, identified on the Department's Strategic Language List (SLL).

The Department of Defense (DoD) requires this authority to meet future needs related to officer foreign language proficiency. Providing a restricted monetary incentive to SROTC and PLC members who are enrolled in or achieve proficiency in a strategic language, such as those identified above, would enhance the Department's foreign language capability. The goal of this proposed broad authority is to provide the Department with the necessary flexibility to meet their specific language needs.

The Quadrennial Defense Review (QDR) emphasized the need for greater language capability and included the following wording in their report: "Developing broader linguistic capability and cultural understanding is also critical to prevail in the long war and to meet 21st century challenges.... The Department must dramatically increase the number of personnel proficient in key languages such as Arabic, Farsi, and Chinese and make these languages available at all levels of action and decision – from strategic to the tactical."

Academy Language Training and ROTC Language Training grants are a first step by the Department to gain greater foreign language proficiency. Another example is the privately-funded Olmstead Scholarship program, which presently funds 35 officers a year. The program also supports cadets and midshipmen for summer travel and education at the Service academies and for Title 10 schools. However, the numbers of officers gained through this program are insufficient to meet the needs of today's environment, which consists of increased global presence, missions, and strategic partnerships and coalition alliances. To increase our foreign language capability, the Department needs a more aggressive approach to incentivize officers to

gain language skills prior to commissioning. Providing the authority to offer a significant monetary incentive to SROTC students would send a clear, urgent, and immediate signal to SROTC students and the colleges and universities that host ROTC programs that studying such strategic languages as Arabic, Chinese, Dari, Farsi, and the Central Asian languages is valued.

The Department would not have the authority to pay SROTC students without this legislative change.

Cost Implications: The DoD estimates that this new incentive pay would cost \$34 million in fiscal year (FY) 2009 and \$179 million through FY 2013. This estimate assumes that 50 percent of SROTC and PLC members would participate. The estimate does not include staff and administrative costs.

Language Incentive Pay (\$ in thousands)						
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	Total
Air Force	\$19,988	\$20,448	\$20,918	\$21,400	\$21,892	\$104,646
Navy	\$4,946	\$5,060	\$5,176	\$5,295	\$5,417	\$25,895
Marine Corps	\$1,999	\$2,045	\$2,092	\$2,140	\$2,189	\$10,465
Army	\$7,288	\$7,455	\$7,627	\$7,802	\$7,982	\$38,154
Total	\$34,221	\$35,008	\$35,814	\$36,637	\$37,480	\$179,160

Note: 2.3% annual increases are based on USD(Comptroller)'s Inflation Guidance - FY 2008/2009 Presidential Budget memo dated January 18, 2007 for pay raise assumption.

NUMBER OF PERSONNEL AFFECTED

The DoD estimates that the number of SROTC and PLC members enrolled in foreign language study and eligible for Foreign Language Incentive Pay will be 50 percent of the total SROTC and PLC population of 29,751:

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Air Force	8,850	8,850	8,850	8,850	8,850
Navy	2,153	2,153	2,153	2,153	2,153
Marine Corps	752	752	752	752	752
Army	3,121	3,121	3,121	3,121	3,121
Total	14,876	14,876	14,876	14,876	14,876

The estimated cost for the out years will be further refined through DoD and Service policies. However, the \$3,000 annual cap, as well as the flexibility contained in the legislative proposal, would provide DoD flexibility, policy oversight and establish, restrict, and constrain costs.

Cost Methodology: The Department estimated the cost of this section based on a projected SROTC and PLC population of 29,751 as outlined in the Department's FY 2009 Program Budget Review Submission. An example of the monetary incentive would be pay of \$100 per month, for initial enrollment, in a foreign language course. The SROTC and PLC member could receive \$150 per month for a second year of language study, \$200 per month for the third year of language study, and \$250 per month for the fourth year of continuous language study. Incentive

pay also would include funding for attaining DoD-specified proficiency in a language, as well as incentive pay for courses abroad.

**SEC. ____ . AUTHORIZATION TO USE FUNDS FOR NON-CONVENTIONAL
ASSISTED RECOVERY CAPABILITIES.**

1 (a) IN GENERAL.—Upon a determination by a Combatant Commander, and with the
2 concurrence of the relevant Chief of Mission, that such action is necessary in connection with
3 non-conventional assisted recovery efforts, an amount not to exceed \$20,000,000 of the funds
4 appropriated under the heading "Operation and Maintenance, Navy" may be used to establish,
5 develop, and maintain non-conventional assisted recovery capabilities.

6 (b) USE OF FUNDS.—Amounts to be used under subsection (a) may include the provision
7 of support to surrogate and irregular groups or individuals in order to facilitate the recovery of
8 Department of Defense or U.S. Coast Guard military or civilian personnel, or other individuals
9 who, while conducting activities in support of United States military operations, become
10 separated or isolated from friendly forces. The support provided under this section may include,
11 but is not limited to, the provision of equipment, supplies, training, transportation, and other
12 logistical support or funding to support personnel recovery operations and activities.

Section-by-Section Analysis

This section would authorize the Department of Defense (DoD) to develop, manage, and execute a personnel recovery program for isolated DoD, United States Government, and other designated personnel supporting U.S. national interests globally. Current authorities limit access and the ability to operate in denied areas. The Department, at times, requires the support of other government agencies to develop the identified Nonconventional Assisted Recovery (NAR) capabilities. This personnel recovery program includes the use of irregular groups, or individuals, including indigenous personnel, tasked with the establishment of infrastructures, and capabilities that would be used to facilitate the recovery of isolated personnel conducting activities globally in support of Combatant Commander operations. Support to surrogate forces includes, but is not limited to, the provision of equipment, supplies, services, training, transportation, payment, bonuses, third party leasing of structures and services, documentation, minor construction and other logistical funding.

This section would provide sufficient statutory authority to execute the NAR program. Currently, the NAR funding was provided for in the Navy's budget. It has been determined that

United States Joint Forces Command (USJFCOM) will be the Executive Agency for executing the NAR. Currently, USJFCOM does not have sufficient statutory authority to execute this program. Without this authority, USJFCOM will be unable to support such NAR requirements. This will lead to an increased risk to U.S. personnel and the inability for other government agencies to continue personnel recovery support to the Combatant Commands.

Cost Implications: Although USJFCOM does not have statutory authority to execute all aspects of NAR, dollars are currently funded out of the Navy's budget. With dedicated funds for a program of record beginning in fiscal year (FY) 2009, the NAR program is expected to cost \$8.4 million in its first year and increase to \$14.4 million by 2012. The five-year cost is expected to be \$68.4 million and the 10-year cost is expected to be \$140.4 million. The table below presents data from the PDM with the exception that the 10-year number which is based on a 3-percent inflation rate and confirmed by USJFCOM Comptroller.

Dollars in millions

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	5-year	10-year
Discretionary	\$6.4	\$8.4	\$10.4	\$12.4	\$14.4	\$68.4	\$140.4

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorizations of appropriations, Navy.

Sec. 2205. Modification of authority to carry out certain fiscal year 2005 project inside the United States.

Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects inside the United States.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Energy conservation projects.

Sec. 2403. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Sec. 2404. Authorization of appropriations, Defense Agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—CHEMICAL DEMILITARIZATION PROGRAM

Sec. 2601. Authorized Chemical Demilitarization Program construction and land acquisition projects.

Sec. 2602. Authorization of appropriations, Chemical Demilitarization Construction, Defense-wide.

Sec. 2603. Modification of authority to carry out certain fiscal year 1997 project.

Sec. 2604. Modification of authority to carry out certain fiscal year 2000 project.

Sec. 2605. Modification of authority to carry out certain fiscal year 2007 project.

TITLE XXVII—GUARD AND RESERVE FORCES FACILITIES

Sec. 2701. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVIII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2801. Expiration of authorizations and amounts required to be specified by law.

Sec. 2802. Extension of authorizations of certain fiscal year 2006 projects.

Sec. 2803. Extension of authorizations of certain fiscal year 2005 projects.

XXIX—GENERAL PROVISIONS

[Transmitted to Congress as Title XXI, February 7, 2008]

**DIVISION B—MILITARY CONSTRUCTION
AUTHORIZATIONS**

SECTION 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2009".

TITLE XXI—ARMY

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION
PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	45,000,000
Alaska	Fort Richardson	15,000,000
	Fort Wainwright	110,400,000
Arizona	Fort Huachuca	11,200,000
	Yuma Proving Ground	3,800,000
California	Fort Irwin	39,600,000
	Presidio, Monterey	15,000,000
	Sierra Army Depot	12,400,000
Colorado	Fort Carson	534,000,000
Georgia	Fort Benning	267,800,000
	Fort Stewart/Hunter Army Air Field	432,300,000
Hawaii	Schofield Barracks	279,000,000
	Wahiawa	40,000,000

Kansas	Fort Riley	155,000,000
Kentucky	Fort Campbell	108,113,000
Louisiana	Fort Polk	29,000,000
Missouri	Fort Leonard Wood	20,850,000
New York	Fort Drum	90,000,000
	United States Military Academy, West Point	67,000,000
North Carolina	Fort Bragg	36,900,000
Oklahoma	Fort Sill	63,000,000
Pennsylvania	Carlisle Barracks	13,400,000
	Tobyhanna Army Depot	15,000,000
South Carolina	Fort Jackson	30,000,000
Texas	Corpus Christi Storage Complex	39,000,000
	Fort Bliss	1,031,800,000
	Fort Hood	32,000,000
	Fort Sam Houston	96,000,000
	Red River Army Depot	6,900,000
Virginia	Fort Belvoir	7,200,000
	Fort Eustis	14,400,000
	Fort Lee	100,600,000
	Fort Myer	14,000,000
Washington	Fort Lewis	158,000,000
	Total	3,933,663,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real
3 property and carry out military construction projects for the installations or locations outside the
4 United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	67,000,000
Germany	Katterbach	19,000,000
	Wiesbaden Air Base	119,000,000
Japan	Camp Zama	2,350,000
	Sagamihara	17,500,000
Korea	Camp Humphreys	20,000,000
	Total	244,850,000

5 **SEC. 2102. FAMILY HOUSING.**

6 (a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the
7 authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may
8 construct or acquire family housing units (including land acquisition and supporting facilities) at

1 the installations or locations, in the number of units, and in the amounts set forth in the following
2 table:

Army: Family Housing			
Country	Installation or Location	Purpose	Amount
Germany	Wiesbaden Air Base	326 Units	133,000,000
Korea	Camp Humphreys	216 Units	125,000,000
	Total		258,000,000

3 (b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
4 of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural
5 and engineering services and construction design activities with respect to the construction or
6 improvement of family housing units in an amount not to exceed \$579,000.

7 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

8 Subject to section 2825 of title 10, United States Code, and using amounts appropriated
9 pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the
10 Army may improve existing military family housing units in an amount not to exceed
11 \$420,001,000.

12 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

13 Funds are hereby authorized to be appropriated for fiscal years beginning after September
14 30, 2008, for military construction, land acquisition, and military family housing functions of the
15 Department of the Army in the total amount of \$6,010,610,000 as follows:

16 (1) For military construction projects inside the United States authorized by
17 section 2101(a), \$3,933,663,000.

18 (2) For military construction projects outside the United States authorized by
19 section 2101(b), \$244,850,000.

20 (3) For unspecified minor military construction projects authorized by section

1 2805 of title 10, United States Code, \$23,000,000.

2 (4) For architectural and engineering services and construction design under
3 section 2807 of title 10, United States Code, \$200,807,000.

4 (5) For military family housing functions:

5 (A) For construction and acquisition, planning and design, and
6 improvement of military family housing and facilities, \$678,580,000.

7 (B) For support of military family housing (including the functions
8 described in section 2833 of title 10, United States Code), \$716,110,000.

9 (6) For the construction of increment 3 of a barracks complex at Fort Lewis,
10 Washington, authorized by section 2101(a) of the Military Construction Authorization
11 Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2445),
12 \$102,000,000.

13 (7) For the construction of increment 2 of the SOUTHCOM Headquarters at
14 Miami Doral, Florida, authorized by section 2101(a) of the Military Construction
15 Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat.
16 xxxx), \$81,600,000.

17 (8) For the construction of increment 2 of the BDE Complex -
18 Barracks/Community at Vicenza, Italy, authorized by section 2101(b) of the Military
19 Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181;
20 122 Stat. xxxx), \$15,000,000.

21 (9) For the construction of increment 2 of the BDE Complex – Operations
22 Support Facility, at Vicenza, Italy, authorized by section 2101(b) of the Military
23 Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181;

1 122 Stat. xxxx), \$15,000,000.

2 **TITLE XXII—NAVY**

3 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION**

4 **PROJECTS.**

5 (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
6 authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real
7 property and carry out military construction projects for the installations or locations inside the
8 United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	19,490,000
California	Marine Corps Base, Camp Pendleton	799,870,000
	Marine Corps Logistics Base, Barstow	7,830,000
	Marine Corps Air Station, Miramar	48,770,000
	Naval Air Facility, El Centro	8,900,000
	Naval Facility, San Clemente Island	34,020,000
	Naval Air Station, North Island	53,262,000
	Marine Corps Recruit Depot, San Diego	51,220,000
	Marine Corps Base, Twentynine Palms	145,550,000
Connecticut	Naval Submarine Base, Groton	46,060,000
District of Columbia	Naval Support Activity, Washington	24,220,000
Florida	Naval Air Station, Jacksonville	12,890,000
	Naval Station, Mayport	14,900,000
	Naval Support Activity, Tampa	29,000,000
Georgia	Marine Corps Logistics Base, Albany	15,320,000
Hawaii	Marine Corps Base, Hawaii	28,200,000
	Pacific Missile Range, Barking Sands	28,900,000
	Naval Station, Pearl Harbor	80,290,000
Illinois	Recruit Training Command, Great Lakes	62,940,000
Maryland	Naval Surface Warfare Center, Indian Head	13,930,000
Mississippi	Naval Construction Battalion Center, Gulfport	6,900,000
New Jersey	Naval Air Warfare Center, Lakehurst	15,440,000
North Carolina	Marine Corps Air Station, Cherry Point	77,420,000
	Marine Corps Air Station, New River	86,280,000
	Marine Corps Base, Camp Lejeune	353,090,000
Pennsylvania	Naval Support Activity, Philadelphia	22,020,000
Rhode Island	Naval Station, Newport	29,900,000
South Carolina	Marine Corps Air Station, Beaufort	5,940,000
	Marine Corps Recruit Depot, Parris Island	64,750,000
Virginia	Marine Corps Base, Quantico	144,310,000

	Naval Station, Norfolk	53,330,000
	Total	2,384,942,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real
3 property and carry out military construction projects for the installation or location outside the
4 United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	20,600,000
Diego Garcia	Diego Garcia	35,060,000
Djibouti	Camp Lemonier	31,410,000
Guam	Naval Activities, Guam	88,430,000
	Total	175,500,000

5 (c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the
6 authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real
7 property and carry out military construction projects for unspecified installations or locations in
8 the amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Unspecified Worldwide	94,020,000
	Total	94,020,000

9 **SEC. 2202. FAMILY HOUSING.**

10 (a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the
11 authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may
12 construct or acquire family housing units (including land acquisition and supporting facilities) at
13 the installations or locations, in the number of units, and in the amount set forth in the following
14 table:

Navy: Family Housing

State	Installation or Location	Purpose	Amount
Guantanamo Bay	Naval Air Station, Guantanamo Bay	146 Units	62,598,000
	Total		62,598,000

1 (b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
2 of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural
3 and engineering services and construction design activities with respect to the construction or
4 improvement of family housing units in an amount not to exceed \$2,169,000.

5 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

6 Subject to section 2825 of title 10, United States Code, and using amounts appropriated
7 pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the
8 Navy may improve existing military family housing units in an amount not to exceed
9 \$318,011,000.

10 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

11 Funds are hereby authorized to be appropriated for fiscal years beginning after September
12 30, 2008, for military construction, land acquisition, and military family housing functions of the
13 Department of the Navy in the total amount of \$3,855,239,000, as follows:

14 (1) For military construction projects inside the United States authorized by
15 section 2201(a), \$2,384,942,000.

16 (2) For military construction projects outside the United States authorized by
17 section 2201(b), \$175,500,000.

18 (3) For military construction projects at unspecified worldwide locations
19 authorized by section 2201(c), \$94,020,000.

20 (4) For unspecified minor military construction projects authorized by section
21 2805 of title 10, United States Code, \$13,670,000.

1 (5) For architectural and engineering services and construction design under
2 section 2807 of title 10, United States Code, \$239,128,000.

3 (6) For military family housing functions:

4 (A) For construction and acquisition, planning and design, and
5 improvement of military family housing and facilities, \$382,778,000.

6 (B) For support of military family housing (including functions described
7 in section 2833 of title 10, United States Code), \$376,062,000.

8 (7) For the construction of increment 2 of kilo wharf extension at Naval Forces
9 Marianas Islands, Guam, authorized by section 2201(b) of the Military Construction
10 Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat.
11 xxxx), \$50,912,000.

12 (8) For the construction of increment 2 of the sub drive-in magnetic silencing
13 facility at Naval Submarine Base, Pearl Harbor, Hawaii, authorized in section 2201(a) of
14 the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public
15 Law 110-181; 122 Stat. xxxx), \$41,088,000.

16 (9) For the construction of increment 3 of the National Maritime Intelligence
17 Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction
18 Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat.
19 2448), \$12,439,000.

20 (10) For the construction of increment 2 of hangar 5 recapitalizations Naval Air
21 Station, Whidbey Island, Washington, authorized by section 2201(a) of the Military
22 Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109-364;
23 120 Stat. 2448), \$34,000,000.

1 (11) For the construction of increment 5 of the limited area production and
2 storage complex at Naval Submarine Base, Kitsap, Bangor, Washington, authorized by
3 section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005
4 (division B of Public Law 108-375; 118 Stat. 2106), \$50,700,000.

5 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
6 **YEAR 2005 PROJECT INSIDE THE UNITED STATES.**

7 The table in section 2201(a) of the Military Construction Authorization Act for Fiscal
8 Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of
9 the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law
10 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for
11 Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. xxxx), is further amended—

12 (1) in the item relating to Strategic Weapons Facility Pacific, Bangor,
13 Washington, by striking "\$295,000,000" in the amount column and inserting
14 "\$311,670,000"; and

15 (2) by striking the amount identified as the total in the amount column and
16 inserting "\$1,084,497,000".

17 **SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
18 **YEAR 2007 PROJECTS INSIDE THE UNITED STATES.**

19 (a) MODIFICATIONS.—(1) The table in section 2201(a) of the Military Construction
20 Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364, 120 Stat. 2083) is
21 amended in the item relating to NMIC/Naval Support Activity, Suitland, Maryland, by striking
22 "\$67,939,000" in the amount column and inserting "\$76,288,000".

23 (2) Section 2205(a)(17) of the Military Construction Authorization Act for Fiscal Year

1 2008 (division B of Public Law 110–181; 122 Stat. xxxx), is amended—

2 (A) in the item relating to Naval Air Station, Whidbey Island, Washington, by
3 striking "\$57,653,000" in the amount column and inserting "\$60,500,000"; and

4 (B) by striking the amount identified as the total in the amount column and
5 inserting "\$772,761,000".

6 (b) CONFORMING AMENDMENTS.—Section 2204(b) of the Military Construction
7 Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452), is
8 amended—

9 (1) in paragraph (1), by striking "\$56,159,000" and inserting "\$64,508,000"; and

10 (2) in paragraph (2), by striking "\$31,153,000" and inserting "\$34,000,000".

11 **TITLE XXIII—AIR FORCE**

12 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION**
13 **PROJECTS.**

14 (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
15 authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire
16 real property and carry out military construction projects for the installations or locations inside
17 the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	15,556,000
Alaska	Elmendorf Air Force Base	138,300,000
California	Edwards Air Force Base	3,100,000
Colorado	United States Air Force Academy	18,000,000
Delaware	Dover Air Force Base	19,000,000
Florida	Eglin Air Force Base	19,000,000
	MacDill Air Force Base	21,000,000
Georgia	Robins Air Force Base	24,100,000
Maryland	Andrews Air Force Base	77,648,000
Mississippi	Columbus Air Force Base	8,100,000

Nevada	Creech Air Force Base	48,500,000
	Nellis Air Force Base	53,300,000
New Mexico	Holloman Air Force Base	25,450,000
Oklahoma	Tinker Air Force Base	48,600,000
South Carolina	Charleston Air Force Base	4,500,000
Texas	Fort Hood	10,800,000
	Lackland Air Force Base	75,515,000
Utah	Hill Air Force Base	36,000,000
Washington	McChord Air Force Base	5,500,000
Wyoming	Francis E. Warren Air Force Base	8,600,000
	Total	660,569,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire
3 real property and carry out military construction projects for the installations or locations outside
4 the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield	57,200,000
Guam	Andersen Air Force Base	5,200,000
Kyrgyzstan	Manas Air Base	6,000,000
Qatar	Qatar	59,638,000
United Kingdom	Royal Air Force Lakenheath	7,400,000
	Total	135,438,000

5 (c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the
6 authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire
7 real property and carry out military construction projects for unspecified installations or locations
8 in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Location	891,000
Worldwide Unspecified	Unspecified Worldwide Locations	52,500,000
	Total	53,391,000

9 **SEC. 2302. FAMILY HOUSING.**

10 (a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the

1 authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may
2 construct or acquire family housing units (including land acquisition and supporting facilities) at
3 the installations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or Location	Purpose	Amount
United Kingdom	Royal Air Force Lakenheath	182 Units	71,828,000
	Total		71,828,000

4 (b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
5 of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out
6 architectural and engineering services and construction design activities with respect to the
7 construction or improvement of family housing units in an amount not to exceed \$7,708,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

9 Subject to section 2825 of title 10, United States Code, and using amounts appropriated
10 pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air
11 Force may improve existing military family housing units in an amount not to exceed
12 \$316,343,000.

13 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

14 Funds are hereby authorized to be appropriated for fiscal years beginning after September
15 30, 2008, for military construction, land acquisition, and military family housing functions of the
16 Department of the Air Force in the total amount of \$1,930,236,000, as follows:

17 (1) For military construction projects inside the United States authorized by
18 section 2301(a), \$660,569,000.

19 (2) For military construction projects outside the United States authorized by
20 section 2301(b), \$135,438,000.

1 (3) For the military construction projects at unspecified worldwide locations
2 authorized by section 2301(c), \$53,391,000.

3 (4) For unspecified minor military construction projects authorized by section
4 2805 of title 10, United States Code, \$15,000,000.

5 (5) For architectural and engineering services and construction design under
6 section 2807 of title 10, United States Code, \$70,494,000.

7 (6) For military family housing functions:

8 (A) For construction and acquisition, planning and design, and
9 improvement of military family housing and facilities, \$395,879,000.

10 (B) For support of military family housing (including functions described
11 in section 2833 of title 10, United States Code), \$599,465,000.

12 **TITLE XXIV—DEFENSE AGENCIES**

13 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND**
14 **ACQUISITION PROJECTS.**

15 (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
16 authorization of appropriations in section 2404(1), the Secretary of Defense may acquire real
17 property and carry out military construction projects for the installations or locations inside the
18 United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or Location	Amount
Defense Education Activity	Fort Campbell, Kentucky	21,400,000
	Fort Bragg, North Carolina	78,471,000
Defense Intelligence Agency	Scott Air Force Base, Illinois	13,977,000
Defense Logistics Agency	Defense Distribution Depot, Tracy, California	50,300,000
	Defense Fuel Supply Center, Dover Air Force Base, Delaware	3,373,000
	Defense Fuel Support Point, Jacksonville, Florida	34,000,000
	Hunter Army Air Field, Georgia	3,500,000

National Security Agency Special Operations Command	Pearl Harbor, Hawaii	27,700,000
	Kirtland Air Force Base, New Mexico	14,400,000
	Altus Air Force Base, Oklahoma	2,850,000
	Philadelphia, Pennsylvania	1,200,000
	Hill Air Force Base, Utah	20,400,000
	Craney Island, Virginia	39,900,000
	Fort Meade, Maryland	31,000,000
	Naval Amphibious Base, Coronado, California	9,800,000
	Eglin Air Force Base, Florida	40,000,000
	Hurlburt Field, Florida	8,900,000
	MacDill Air Force Base, Florida	10,500,000
	Fort Campbell, Kentucky	15,000,000
	Cannon Air Force Base, New Mexico	18,100,000
	Fort Bragg, North Carolina	38,250,000
Fort Story, Virginia	11,600,000	
TRICARE Management Activity	Fort Lewis, Washington	38,000,000
	Fort Richardson, Alaska	6,300,000
	Buckley Air Force Base, Colorado	3,000,000
	Fort Benning, Georgia	3,900,000
	Fort Riley, Kansas	52,000,000
	Fort Campbell, Kentucky	24,000,000
	Aberdeen Proving Ground, Maryland	430,000,000
	Fort Leonard Wood, Missouri	22,000,000
	Tinker Air Force Base, Oklahoma	65,000,000
	Fort Sam Houston, Texas	13,000,000
Washington Headquarters Services	Pentagon Reservation, Virginia	38,940,000
	Total	1,190,761,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2404(2), the Secretary of Defense may acquire real
3 property and carry out military construction projects for the installations or locations outside the
4 United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or Location	Amount
Defense Logistics Agency	Germersheim, Germany	48,000,000
	Souda Bay, Greece	27,761,000
Special Operations Command	Al Udeid, Qatar	9,200,000
TRICARE Management Activity	Naval Activities, Guam	30,000,000
	Total	114,961,000

5 (c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the
6 authorization of appropriations in section 2404(3), the Secretary of Defense may acquire real

1 property and carry out military construction projects for unspecified installations or locations in
2 the amount set forth in the following table:

Defense Agencies: Unspecified Worldwide		
Location	Installation or Location	Amount
Worldwide Unspecified	Unspecified Locations	862,980,000
	Total	862,980,000

3 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

4 Using amounts appropriated pursuant to the authorization of appropriations in section
5 2404(7), the Secretary of Defense may carry out energy conservation projects under chapter 173
6 of title 10, United States Code, in the amount of \$80,000,000.

7 **SEC. 2403. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES**

8 **FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE**

9 **ACCOUNT 2005.**

10 Using amounts appropriated pursuant to the authorization of appropriations in section
11 2404(9), the Secretary of Defense may carry out base closure and realignment activities,
12 including real property acquisition and military construction projects, as authorized by the
13 Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–
14 510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account
15 2005 established by section 2906A of such Act, in the amount of \$7,138,021,000.

16 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

17 Funds are hereby authorized to be appropriated for fiscal years beginning after September
18 30, 2008, for military construction, land acquisition, and military family housing functions of the
19 Department of Defense (other than the military departments) in the total amount of
20 \$11,297,342,000, as follows:

21 (1) For military construction projects inside the United States authorized by

1 section 2401(a), \$784,511,000.

2 (2) For military construction projects outside the United States authorized by
3 section 2401(b), \$114,961,000.

4 (3) For the military construction projects at unspecified worldwide locations
5 authorized by section 2401(c), \$266,660,000.

6 (4) For unspecified minor military construction projects under section 2805 of
7 title 10, United States Code, \$31,853,000.

8 (5) For contingency construction projects of the Secretary of Defense under
9 section 2804 of title 10, United States Code, \$10,000,000.

10 (6) For architectural and engineering services and construction design under
11 section 2807 of title 10, United States Code, \$155,793,000.

12 (7) For energy conservation projects authorized by section 2402 of this Act,
13 \$80,000,000.

14 (8) For base closure and realignment activities as authorized by the Defense Base
15 Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10
16 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account
17 1990 established by section 2906 of such Act, \$393,377,000.

18 (9) For base closure and realignment activities authorized by section 2403 of this
19 Act and funded through the Department of Defense Base Closure Account 2005
20 established by section 2906A of the Defense Base Closure and Realignment Act of 1990
21 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), \$9,065,386,000.

22 (10) For support of military family housing (including functions described in
23 section 2833 of title 10, United States Code), \$54,581,000.

1 (11) For the construction of increment 4 of the National Security Agency/Central
2 Security Service replacement at Augusta, Georgia, authorized by section 2401(a) of the
3 Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law
4 109-163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental
5 Appropriation Act for Defense, Global War on Terrorism and Hurricane Relief (Public
6 Law 109-234; 120 Stat. 485), \$100,220,000.

7 (12) For the construction of increment 2 of the U.S. Army Medical Research
8 Institute for Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section
9 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B
10 of Public Law 109-364; 120 Stat. 2457), \$209,000,000.

11 (13) For the construction of increment 2 of the SOF Operational Facility at Dam
12 Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization
13 Act of Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. xxxx),
14 \$150,000,000.

15 **TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION**

16 **SECURITY INVESTMENT PROGRAM**

17 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION**

18 **PROJECTS.**

19 The Secretary of Defense may make contributions for the North Atlantic Treaty
20 Organization Security Investment Program as provided in section 2806 of title 10, United States
21 Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this
22 purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as
23 a result of construction previously financed by the United States.

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 Funds are hereby authorized to be appropriated for fiscal years beginning after September
3 30, 2008, for contributions by the Secretary of Defense under section 2806 of title 10, United
4 States Code, for the share of the United States of the cost of projects for the North Atlantic
5 Treaty Organization Security Investment Program authorized by section 2501, in the amount of
6 \$240,867,000.

7 **TITLE XXVI—CHEMICAL DEMILITARIZATION PROGRAM**

8 **SEC. 2601. AUTHORIZED CHEMICAL DEMILITARIZATION PROGRAM**

9 **CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

10 Using amounts appropriated pursuant to the authorization of appropriations in section
11 2602(1), the Secretary of Defense may acquire real property and carry out military construction
12 projects for the installations or locations inside the United States, and in the amounts, set forth in
13 the following table:

Chemical Demilitarization Program: Inside the United States

Agency	Installation or Location	Amount
Army	Blue Grass Army Depot, Kentucky	12,000,000
	Total	12,000,000

14 **SEC. 2602. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL**

15 **DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.**

16 Funds are hereby authorized to be appropriated for fiscal years beginning after September
17 30, 2008, for military construction and land acquisition for Chemical Demilitarization in the total
18 amount of \$134,278,000, as follows:

19 (1) For military construction projects inside the United States authorized by
20 section 2601(a), \$12,000,000.

1 (2) For the construction of phase 10 of a munitions demilitarization facility at
2 Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military
3 Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201;
4 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization
5 Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839), and section
6 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of
7 Public Law 107-314; 116 Stat. 2698), \$65,060,000.

8 (3) For the construction of phase 9 of a munitions demilitarization facility at Blue
9 Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction
10 Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835),
11 as amended by section 2405 of the Military Construction Authorization Act for Fiscal
12 Year 2002 (division B of Public Law 107-107; 115 Stat. 1298), and section 2405 of the
13 Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law
14 107-314; 116 Stat. 2698), \$57,218,000.

15 **SEC. 2603. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
16 **YEAR 1997 PROJECT.**

17 (a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction
18 Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as
19 amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000
20 (division B of Public Law 106-65; 113 Stat. 839) and section 2407 of the Military Construction
21 Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2699), is
22 amended—

23 (1) under the agency heading relating to Chemical Demilitarization Program, in

1 the item relating to Pueblo Army Depot, Colorado, by striking "\$261,000,000" in the
2 amount column and inserting "\$484,000,000"; and

3 (2) by striking the amount identified as the total in the amount column and
4 inserting "\$830,454,000".

5 (b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction
6 Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by
7 striking "\$261,000,000" and inserting "\$484,000,000".

8 **SEC. 2604. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
9 **YEAR 2000 PROJECT.**

10 (a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction
11 Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835), as
12 amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002
13 (division B of Public Law 107-107; 115 Stat. 1298) and section 2405 of the Military
14 Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116
15 Stat. 2698), is amended—

16 (1) under the agency heading relating to Chemical Demilitarization, in the item
17 relating to Blue Grass Army Depot, Kentucky, by striking "\$290,325,000" in the amount
18 column and inserting "\$492,000,000"; and

19 (2) by striking the amount identified as the total in the amount column and
20 inserting "\$949,920,000".

21 (b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction
22 Authorization Act for Fiscal Year 2000 (113 Stat. 839), as so amended, is further amended by
23 striking "\$267,525,000" and inserting "\$469,200,000".

1 **SEC. 2605. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
2 **YEAR 2007 PROJECT.**

3 (a) MODIFICATION.—The table in section 2401 of the Military Construction
4 Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2457), is
5 amended under the agency heading relating to the TRICARE Management Activity, in the item
6 relating to Fort Detrick, Maryland, by striking "\$550,000,000" in the amount column and
7 inserting "\$683,000,000".

8 (b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction
9 Authorization Act of Fiscal Year 2007 (120 Stat. 2461) is amended by striking "\$521,000,000"
10 and inserting "\$654,000,000".

11 **TITLE XXVII—GUARD AND RESERVE FORCES FACILITIES**

12 **SEC. 2701. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND**
13 **ACQUISITION PROJECTS.**

14 Funds are hereby authorized to be appropriated for fiscal years beginning after September
15 30, 2008, for the costs of acquisition, architectural and engineering services, and construction of
16 facilities for the reserve components, and for contributions therefore, under chapter 1803 of title
17 10, United States Code (including the cost of acquisition of land for those facilities), in the
18 following amounts:

19 (1) For the Department of the Army—

20 (A) for the Army National Guard of the United States, \$539,296,000; and

21 (B) for the Army Reserve, \$281,687,000.

22 (2) For the Department of the Navy, for the Navy Reserve and Marine Corps

23 Reserve, \$57,045,000.

1 (3) For the Department of the Air Force—

2 (A) for the Air National Guard of the United States, \$34,374,000; and

3 (B) for the Air Force Reserve, \$19,265,000.

4 **TITLE XXVIII—EXPIRATION AND EXTENSION OF**
5 **AUTHORIZATIONS**

6 **SEC. 2801. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO**
7 **BE SPECIFIED BY LAW.**

8 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in
9 subsection (b), all authorizations contained in titles XXI through XXVII for military construction
10 projects, land acquisition, family housing projects and facilities, and contributions to the North
11 Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations
12 therefore) shall expire on the later of—

13 (1) October 1, 2011; or

14 (2) the date of the enactment of an Act authorizing funds for military construction
15 for fiscal year 2012.

16 (b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military
17 construction projects, land acquisition, family housing projects and facilities, and contributions
18 to the North Atlantic Treaty Organization Security Investment Program (and authorizations of
19 appropriations therefore), for which appropriated funds have been obligated before the later of—

20 (1) October 1, 2011; or

21 (2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for
22 military construction projects, land acquisition, family housing projects and facilities, or
23 contributions to the North Atlantic Treaty Organization Security Investment Program.

1 **SEC. 2802. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006**
2 **PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of the Military Construction
4 Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3501),
5 authorizations set forth in the tables in subsection (b), as provided in sections 2101, 2302, and
6 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an
7 Act authorizing funds for military construction for fiscal year 2010, whichever is later.

8 (b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	9,207,000
		Battle Area Complex	33,660,000
Virginia	Fort Belvoir	Defense Access Road	18,000,000

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	37,650,000
		Purchase Build/Lease Housing (300 units)	18,144,000
California	Edwards Air Force Base	Replace Family Housing (226 units)	59,699,000
Florida	MacDill Air Force Base	Replace Family Housing (109 units)	40,982,000
Missouri	Whiteman Air Force Base	Replace Family Housing (111 units)	26,917,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (255 units)	48,868,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	43,353,000

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Roberts	Urban Assault Course	1,485,000
Idaho	Gowen Field	Railhead, Phase 1	8,331,000
Mississippi	Biloxi	Readiness Center	16,987,000
		Modified Record Fire Range	2,970,000
Montana	Townsend	Automated Qualification Training Range	2,532,000
Pennsylvania	Philadelphia	Stryker Brigade Combat Team Readiness Center	11,806,000
		Organizational Maintenance Shop #7	6,144,930

Defense Agencies: Extension of 2006 Project Authorizations

Agency	Installation or Location	Project	Amount
--------	--------------------------	---------	--------

Defense Logistics Agency	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania	Replace Physical Fitness Facility	6,500,000
--------------------------	--	-----------------------------------	-----------

1 **SEC. 2803. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005**
2 **PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of the Military Construction
4 Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2116),
5 authorizations set forth in the tables in subsection (b), as provided in sections 2101, 2301, 2302
6 and 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of
7 an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

8 (b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2005 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Scholfield Barracks	Combined Arms Collective Training Facility	32,542,000

Air Force: Extension of 2005 Project Authorizations

State/Country	Installation or Location	Project	Amount
Arizona	Davis-Monthan Air Force Base	Replace Family Housing (250 units)	48,500,000
California	Vandenberg Air Force Base	Replace Family Housing (120 units)	30,906,000
Florida	MacDill Air Force Base	Construct Housing Maintenance Facility	1,250,000
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	37,087,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (167 units)	32,693,000
Germany	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center	24,204,000

Army National Guard: Extension of 2005 Project Authorizations

State	Installation or Location	Project	Amount
California	Dublin	Readiness Center, Add/Alt (ADRS)	11,318,000

XXIX—GENERAL PROVISIONS

[Transmitted to Congress as Title XXI, February 7, 2008]