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NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

REPORT

[TO ACCOMPANY S. 3454]

ON

AUTHORIZING APPROPRIATIONS FOR FISCAL YEAR 2011 FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE AND FOR MILITARY CONSTRUCTION, TO PRESCRIBE MILITARY PERSONNEL STRENGTHS FOR SUCH FISCAL YEAR, AND FOR OTHER PURPOSES

TOGETHER WITH

ADDITIONAL VIEWS

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

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(111th Congress, 2d Session)

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Calendar No. 414

111TH CONGRESS, 2d Session | SENATE | REPORT 111–201

AUTHORIZING APPROPRIATIONS FOR FISCAL YEAR 2011 FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE, FOR MILITARY CONSTRUCTION, AND FOR DEFENSE ACTIVITIES OF THE DEPARTMENT OF ENERGY, TO PRESCRIBE PERSONNEL STRENGTHS FOR SUCH FISCAL YEAR, AND FOR OTHER PURPOSES

JUNE 4, 2010.—Ordered to be printed

Filed, under authority of the order of the Senate of May 28 (legislative day, May 26, 2010)

Mr. LEVIN, from the Committee on Armed Services, submitted the following

R E P O R T

[To accompany S. 3454]

The Committee on Armed Services reports favorably an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and recommends that the bill do pass.

PURPOSE OF THE BILL

This bill would:

(1) authorize appropriations for (a) procurement, (b) research, development, test and evaluation, (c) operation and maintenance and the revolving and management funds of the Department of Defense for fiscal year 2011;

(2) authorize the personnel end strengths for each military active duty component of the Armed Forces for fiscal year 2011;

(3) authorize the personnel end strengths for the Selected Reserve of each of the reserve components of the Armed Forces for fiscal year 2011;

(4) impose certain reporting requirements;

(5) impose certain limitations with regard to specific procurement and research, development, test and evaluation actions

and manpower strengths; provide certain additional legislative authority, and make certain changes to existing law;

(6) authorize appropriations for military construction programs of the Department of Defense for fiscal year 2011; and

(7) authorize appropriations for national security programs of the Department of Energy for fiscal year 2011.

Committee overview

The United States Armed Forces have been involved in armed conflict for more than 8 years—8 and one half years in Afghanistan and 7 years in Iraq. Whether engaged in combat in Afghanistan or Iraq, delivering humanitarian assistance to victims of an earthquake in Haiti, training foreign national forces to combat terrorism in their own countries, or assisting State and federal agencies responding to emergencies here at home, the men and women of our Armed Forces, both active and reserve, are serving honorably and courageously to promote and defend our Nation's interests. They do so often at great personal risk and significant sacrifice to themselves and their families.

After more than 8 years of war, our military, particularly our ground forces, are severely stressed and the readiness of the military services to conduct the full range of their assigned missions remains low.

The administration has honed its counterinsurgency strategy in Afghanistan, put in place a new military leadership team, deployed additional U.S. forces, and stressed a more regional approach, including in particular a greater emphasis on Pakistan. The redeployment of U.S. forces from Iraq continues.

To date in this Second Session of the 111th Congress, the Committee on Armed Services has conducted 38 hearings and formal briefings on the President's budget request for fiscal year 2011, the ongoing conflict in Afghanistan, and related defense matters.

In order to provide a framework for the consideration of these matters, the committee identified 10 guidelines to guide its work on the National Defense Authorization Act for Fiscal Year 2011. These guidelines are:

1. Improve the quality of life of the men and women of the all-volunteer force (active duty, National Guard and Reserves) and their families through fair pay, policies and benefits, including first rate health care, and address the needs of the wounded, ill, and injured servicemembers and their families.

2. Provide our service men and women with the resources, training, technology, equipment (especially force protection), and authorities they need to succeed in combat and stability operations.

3. Enhance the capability of the armed forces to conduct counterinsurgency operations and apply the lessons of Iraq to Afghanistan, as appropriate.

4. Address the threats from nuclear weapons and materials by strengthening and accelerating nonproliferation programs, maintaining a credible nuclear deterrent, reducing the size of the nuclear weapons stockpile, and ensuring the safety, security, and reliability of the stockpile, the delivery systems, and the nuclear infrastructure.

5. Improve the ability of the armed forces to counter nontraditional threats, focusing on terrorism, the proliferation of weapons of mass destruction and their means of delivery.

6. Enhance the capability of the security forces of allied and friendly nations to defeat al Qaeda, its affiliates, and other violent extremist organizations.

7. Seek to reduce our Nation's strategic risk by taking action aimed at restoring, as soon as possible, the readiness of the military services to conduct the full range of their assigned missions.

8. Terminate troubled programs and activities, improve efficiencies, and apply the savings to higher-priority programs.

9. Emphasize the reduction of dependency on fossil fuels and seek greater energy security and independence and pursue technological advances in traditional and alternative energy storage, power systems, renewable energy production, and more energy efficient ground, air, and naval systems.

10. Promote aggressive and thorough oversight of the Department's programs and activities to ensure proper stewardship of taxpayer dollars and compliance with relevant laws and regulations.

Explanation of funding summary

The administration's budget request for national defense discretionary programs within the jurisdiction of the Senate Committee on Armed Services for fiscal year 2011 was $725.9 billion and was in three parts:

- $548.9 billion for the base budget of the Department of Defense,
- $159.3 billion for overseas contingency operations, which funds the wars in Iraq and Afghanistan, and
- $17.7 billion for national security programs in the Department of Energy and for the Defense Nuclear Facilities Safety Board.

The bill authorizes $725.7 billion for National Defense programs. The bill authorizes $1.4 billion more than was requested for the base budget of the Department of Defense and $1.7 billion less than was requested for overseas contingency operations. The bill authorizes the requested level of funding for national security programs in the Department of Energy and an increase of $5.0 million for the Defense Nuclear Facilities Safety Board.

The administration's budget for national defense also included discretionary programs outside the jurisdiction of the Senate Committee on Armed Services, discretionary programs that do not require further authorizations, mandatory programs that are part of current law, and a mandatory proposal dealing with concurrent receipt. When these programs are added to the administration's budget the total request for national defense totaled $739.3 billion as re-estimated by the Congressional Budget Office.

The following two tables summarize the direct authorizations and the equivalent budget authority levels for fiscal year 2011 defense programs. The first table summarizes committee action on the authorizations within the jurisdiction of this committee. It includes the authorization for spending from the trust fund of the Armed Forces Retirement Home which is outside the national defense budget function. The second table summarizes the total budget authority implication for national defense by adding funding for

items that are not within the jurisdiction of this committee or that do not require an annual authorization.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2011

(In Thousands of Dollars)

	FY 2011 Request	Senate Change	Senate Authorized
DISCRETIONARY AUTHORIZATIONS WITHIN THE JURISDICTION OF THE ARMED SERVICES COMMITTEE			
Division A: Department of Defense Authorizations			
Division A: Base Budget (Titles I, II, III, IV, XIV)			
Title I: PROCUREMENT			
Aircraft Procurement, Army	5,976,867	−15,700	5,961,167
Missile Procurement, Army	1,887,437	−216,974	1,670,463
Weapons & Tracked Combat Vehicles, Army	1,723,561	−99,277	1,624,284
Procurement of Ammunition, Army	1,979,414	−28,600	1,950,814
Other Procurement, Army	9,765,808	164,182	9,929,990
Joint Improvised Explosive Device Defeat Fund	215,868	−215,868	
Aircraft Procurement, Navy	18,508,613	622,548	19,131,161
Weapons Procurement, Navy	3,359,794	41,000	3,400,794
Procurement of Ammunition, Navy & Marine Corps	817,991		817,991
Shipbuilding & Conversion, Navy	15,724,520		15,724,520
Other Procurement, Navy	6,450,208	21,600	6,471,808
Procurement, Marine Corps	1,344,044		1,344,044
Aircraft Procurement, Air Force	15,366,508	−26,200	15,340,308
Missile Procurement, Air Force	5,463,272	7,692	5,470,964
Procurement of Ammunition, Air Force	667,420		667,420
Other Procurement, Air Force	17,845,380	31,000	17,876,380
Procurement, Defense-Wide	4,280,368	88,400	4,368,768
Subtotal, PROCUREMENT	**111,377,073**	**373,803**	**111,750,876**
Title II: RESEARCH, DEVELOPMENT, TEST & EVALUATION			
RDT&E, Army	10,333,392	240,153	10,573,545
RDT&E, Navy	17,693,496	136,289	17,829,785
RDT&E, Air Force	27,247,302	82,500	27,329,802
RDT&E, Defense-Wide	20,661,600	208,900	20,870,500
Operational Test & Evaluation, Defense	194,910		194,910
Subtotal, RESEARCH, DEVELOPMENT, TEST & EVALUATION	**76,130,700**	**667,842**	**76,798,542**
Title III: OPERATION AND MAINTENANCE			
Operation and Maintenance, Army	33,971,965		33,971,965
Operation and Maintenance, Army Reserve	2,879,077		2,879,077
Operation and Maintenance, Army National Guard	6,572,704		6,572,704
Operation and Maintenance, Navy	38,134,308	109,000	38,243,308
Operation and Maintenance, Marine Corps	5,590,340		5,590,340
Operation and Maintenance, Navy Reserve	1,367,764		1,367,764
Operation and Maintenance, Marine Corps Reserve	285,234		285,234
Operation and Maintenance, Air Force	36,844,512	133,312	36,977,824
Operation and Maintenance, Air Force Reserve	3,301,035	102,792	3,403,827
Operation and Maintenance, Air National Guard	5,941,143	101,096	6,042,239
Operation and Maintenance, Defense-wide	30,583,896	−101,000	30,482,896
US Court Of Appeals For The Armed Forces, Defense	14,068		14,068
Overseas Humanitarian, Disaster And Civic Aid	108,032		108,032
Cooperative Threat Reduction	522,512		522,512
Acquisition Development Workforce Fund	217,561		217,561

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2011—Continued

(In Thousands of Dollars)

	FY 2011 Request	Senate Change	Senate Authorized
Environmental Restoration, Army	444,581		444,581
Environmental Restoration, Navy	304,867		304,867
Environmental Restoration, Air Force	502,653		502,653
Environmental Restoration, Defense	10,744		10,744
Environmental Restoration Formerly Used Sites	276,546		276,546
Overseas Contingency Operations Transfer Fund	5,000		5,000
Subtotal, OPERATION AND MAINTENANCE	**167,878,542**	**345,200**	**168,223,742**
Title IV: MILITARY PERSONNEL	**138,540,700**		**138,540,700**
Title XIV: OTHER AUTHORIZATIONS			
Defense Working Capital Funds	160,965		160,965
Defense Commissary Agency	1,273,571		1,273,571
National Defense Sealift Fund	934,866		934,866
Defense Coalition Support Fund	10,000	−10,000	
Office of the Inspector General	283,354	33,800	317,154
Defense Health Program	30,935,111	22,000	30,957,111
Drug Interdiction & Counter-Drug Activities, Defense	1,131,351	22,500	1,153,851
Chemical Agents & Munitions Destruction, Defense	1,467,307		1,467,307
Subtotal, OTHER AUTHORIZATIONS	**36,196,525**	**68,300**	**36,264,825**
Subtotal, Division A, Base Budget	**530,123,540**	**1,455,145**	**531,578,685**
Division A: Overseas Contingency Operations (OCO) Budget (Title XV)			
Title XV—OVERSEAS CONTINGENCY OPERATIONS			
PROCUREMENT, OCO			
Aircraft Procurement, Army	1,373,803		1,373,803
Missile Procurement, Army	343,828		343,828
Weapons & Tracked Combat Vehicles, Army	687,500		687,500
Procurement of Ammunition, Army	702,591	−50,100	652,491
Other Procurement, Army	5,827,274	−41,000	5,786,274
Joint Improvised Explosive Device Defeat Fund	3,250,000	215,868	3,465,868
Aircraft Procurement, Navy	420,358		420,358
Weapons Procurement, Navy	93,425		93,425
Procurement of Ammunition, Navy & Marine Corps	565,084		565,084
Other Procurement, Navy	480,735		480,735
Procurement, Marine Corps	1,778,243		1,778,243
Aircraft Procurement, Air Force	1,362,420	−204,900	1,157,520
Missile Procurement, Air Force	56,621		56,621
Procurement of Ammunition, Air Force	292,959		292,959
Other Procurement, Air Force	3,087,481		3,087,481
Procurement, Defense-Wide	874,546		874,546
Mine Resistant Ambush Protection Veh Fund	3,415,000		3,415,000
Subtotal, PROCUREMENT, OCO	**24,611,868**	**−80,132**	**24,531,736**
RESEARCH, DEVELOPMENT, TEST & EVALUATION, OCO			
RDT&E, Army	150,906		150,906

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2011—Continued

(In Thousands of Dollars)

	FY 2011 Request	Senate Change	Senate Authorized
RDT&E, Navy	60,401		60,401
RDT&E, Air Force	266,241		266,241
RDT&E, Defense-Wide	157,240	25,500	182,740
Subtotal, RDT&E, OCO	**634,788**	**25,500**	**660,288**
OPERATION AND MAINTENANCE, OCO			
Operation and Maintenance, Army	62,602,618	–400,000	62,202,618
Operation and Maintenance, Army Reserve	286,950		286,950
Operation and Maintenance, Army National Guard	544,349		544,349
Afghanistan Security Forces Fund	11,619,283		11,619,283
Iraq Security Forces Fund	2,000,000	–1,000,000	1,000,000
Operation and Maintenance, Navy	8,946,634		8,946,634
Operation and Maintenance, Marine Corps	4,136,522		4,136,522
Operation and Maintenance, Navy Reserve	93,559		93,559
Operation and Maintenance, Marine Corps Reserve	29,685		29,685
Operation and Maintenance, Air Force	13,487,283		13,487,283
Operation and Maintenance, Air Force Reserve	129,607		129,607
Operation and Maintenance, Air National Guard	350,823		350,823
Operation and Maintenance, Defense-wide	9,426,358		9,426,358
Overseas Contingency Operations Transfer Fund	1,551,781	–245,000	1,306,781
Subtotal, OPERATION AND MAINTENANCE, OCO	**115,205,452**	**–1,645,000**	**113,560,452**
MILITARY PERSONNEL, OCO	**15,275,502**		**15,275,502**
OTHER AUTHORIZATIONS, OCO			
Defense Working Capital Funds	485,384		485,384
Office of the Inspector General	10,529		10,529
Defense Health Program	1,398,092		1,398,092
Drug Interdiction & Counter-Drug Activities, Defense	457,110		457,110
Subtotal, OTHER AUTHORIZATIONS, OCO	**2,351,115**		**2,351,115**
Subtotal, Division A, OCO Budget	**158,078,725**	**–1,699,632**	**156,379,093**
Total, Division A	**688,202,265**	**–244,487**	**687,957,778**

Division B: Military Construction Authorizations

Division B: Base Budget (Titles XXI–XXVI)

Titles XXI–XXVI: MILITARY CONSTRUCTION			
Military Construction, Army	4,078,798	–282,000	3,796,798
Military Construction, Navy and Marine Corps	3,879,104	–168,684	3,710,420
Military Construction, Air Force	1,311,385	71,740	1,383,125
Military Construction, Defense-Wide	3,118,062	84,582	3,202,644
Chemical Demilitarization Construction	124,971		124,971
Security Investment Program	258,884		258,884
Military Construction, Army National Guard	873,664	89,366	963,030
Military Construction, Army Reserve	318,175	33,500	351,675
Military Construction, Navy Reserve	61,557		61,557

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2011—Continued

(In Thousands of Dollars)

	FY 2011 Request	Senate Change	Senate Authorized
Military Construction, Air National Guard	176,986	159,100	336,086
Military Construction, Air Force Reserve	7,832		7,832
Subtotal, MILITARY CONSTRUCTION	**14,209,418**	**−12,396**	**14,197,022**
Titles XXI–XXVI: FAMILY HOUSING			
Family Housing Construction, Army	92,369		92,369
Family Housing O&M, Army	518,140		518,140
Family Housing Construction, Navy and Marine Corps	186,444		186,444
Family Housing O&M, Navy and Marine Corps	366,346		366,346
Family Housing Construction, Air Force	78,025		78,025
Family Housing O&M, Air Force	513,792		513,792
Family Housing O&M, Defense-Wide	50,464		50,464
Homeowners Assistance Fund	16,515		16,515
Family Housing Improvement Fund	1,096		1,096
Subtotal, FAMILY HOUSING	**1,823,191**		**1,823,191**
Title XXXVII: BRAC			
Defense Base Closure Account 1990	360,474		360,474
Defense Base Closure Account 2005	2,354,285		2,354,285
Subtotal, BRAC	**2,714,759**		**2,714,759**
Subtotal, Division B, Base Budget	**18,747,368**	**−12,396**	**18,734,972**
Division B: Overseas Contingency Operations (OCO) Budget (Title XXIX)			
MILITARY CONSTRUCTION, OCO			
Military Construction, Army	929,996	98,180	1,028,176
Military Construction, Air Force	280,506	−86,740	193,766
Military Construction, Defense-Wide	46,500		46,500
Subtotal, Division B, OCO Budget	**1,257,002**	**11,440**	**1,268,442**
Total, Division B	**20,004,370**	**−956**	**20,003,414**
SUBTOTAL, BASE BUDGET, DIVISIONS A & B	548,870,908	1,442,749	550,313,657
SUBTOTAL, OCO BUDGET, DIVISIONS A & B	159,335,727	−1,688,192	157,647,535
TOTAL, DEPARTMENT OF DEFENSE (051)	**708,206,635**	**−245,443**	**707,961,192**
Division C: Department of Energy National Security Authorizations and Other Authorizations			
Division C (Titles XXXI and XXXII)			
Department of Energy Authorization (Title XXXI)			
Electricity Delivery and Energy Reliability	6,188	−6,188	
Title XXXI: NATIONAL NUCLEAR SECURITY ADMINISTRATION			
Weapons' Activities	7,008,835	6,188	7,015,023
Defense Nuclear Nonproliferation	2,687,167		2,687,167

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2011—
Continued

(In Thousands of Dollars)

	FY 2011 Request	Senate Change	Senate Authorized
Naval Reactors	1,070,486		1,070,486
Office of the Administrator	448,267		448,267
Subtotal, NATIONAL NUCLEAR SECURITY ADMINISTRATION	**11,214,755**	**6,188**	**11,220,943**
Title XXXI: ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES			
Defense Environmental Cleanup	5,588,039		5,588,039
Other Defense Activities	878,209		878,209
Subtotal, ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES	**6,466,248**		**6,466,248**
TOTAL, DEPARTMENT OF ENERGY	**17,687,191**		**17,687,191**
Title XXXII: DEFENSE NUCLEAR FACILITIES SAFETY BOARD			
Defense Nuclear Facilities Safety Board	28,640	5,000	33,640
TOTAL, DEFENSE NUCLEAR FACILITIES SAFETY BOARD	**28,640**	**5,000**	**33,640**
TOTAL, ATOMIC ENERGY DEFENSE PROGRAMS (053)	**17,715,831**	**5,000**	**17,720,831**
GRAND TOTAL, NATIONAL DEFENSE (050)	**725,922,466**	**–240,443**	**725,682,023**
MEMORANDUM: NON-DEFENSE AUTHORIZATION			
Title IV—Armed Forces Retirement Home (Function 600)	71,200		71,200
MEMORANDUM: TRANSFER AUTHORITIES (NON-ADDS)			
Title X—General Transfer Authority (non-add)	[5,000,000]		[5,000,000]
Title XV—Special Transfer Authority (non-add)	[4,000,000]		[4,000,000]

NATIONAL DEFENSE BUDGET AUTHORITY IMPLICATION

(In Thousands of Dollars)

	FY 2011 Request	Senate Change	Senate Authorized
Summary, Discretionary Authorizations Within the Jurisdiction of the Armed Services Committee			
SUBTOTAL, BASE BUDGET, DIVISIONS A & B	548,870,908	1,442,749	550,313,657
SUBTOTAL, OCO BUDGET, DIVISIONS A & B	159,335,727	–1,688,192	157,647,535
TOTAL, DEPARTMENT OF DEFENSE (051)	708,206,635	–245,443	707,961,192
TOTAL, ATOMIC ENERGY DEFENSE PROGRAMS (053)	17,715,831	5,000	17,720,831
GRAND TOTAL, NATIONAL DEFENSE	**725,922,466**	**–240,443**	**725,682,023**
Base National Defense Discretionary Programs that are Not In the Jurisdiction of the Armed Services Committee or Do Not Require Additional Authorization			
Defense Production Act Purchases	28,746		28,746
Indefinite Account: National Science Center, Army	25		25
Indefinte Account: Disposal Of DOD Real Property	10,317		10,317
Indefinite Account: Lease Of DOD Real Property	8,884		8,884
Subtotal, Budget Sub-Function 051	**47,972**		**47,972**
Formerly Utilized Sites Remedial Action Program	130,000		130,000
Subtotal, Budget Sub-Function 053	**130,000**		**130,000**
Other Discretionary Programs	7,017,000		7,017,000
Subtotal, Budget Sub-Function 054	**7,017,000**		**7,017,000**
Total Defense Discretionary Adjustments (050)	**7,194,972**		**7,194,972**
Budget Authority Implication, National Defense Discretionary			
Department of Defense--Military (051)	708,254,607	–245,443	708,009,164
Atomic Energy Defense Activities (053)	17,845,831	5,000	17,850,831
Defense-Related Activities (054)	7,017,000		7,017,000
Total BA Implication, National Defense Discretionary	**733,117,438**	**–240,443**	**732,876,995**
National Defense Mandatory Programs, Current Law (CBO Estimates)			
Concurrent receipt accrual payments to the Military Retirement Fund	4,754,000		4,754,000
Concurrent receipt policy proposal	410,000	–410,000	
Revolving, trust and other DOD Mandatory	1,240,000		1,240,000
Offsetting receipts	–1,751,000		–1,751,000
Subtotal, Budget Sub-Function 051	**4,653,000**	**–410,000**	**4,243,000**
Energy employees occupational illness compensation programs and other	1,158,000		1,158,000
Subtotal, Budget Sub-Function 053	**1,158,000**		**1,158,000**
Radiation exposure compensation trust fund	44,000		44,000
Payment to CIA retirement fund and other	292,000		292,000
Subtotal, Budget Sub-Function 054	**336,000**		**336,000**
Total National Defense Mandatory (050)	**6,147,000**	**–410,000**	**5,737,000**
Budget Authority Implication, National Defense Discretionary and Mandatory			
Department of Defense--Military (051)	712,907,607	–655,443	712,252,164
Atomic Energy Defense Activities (053)	19,003,831	5,000	19,008,831
Defense-Related Activities (054)	7,353,000		7,353,000
Total BA Implication, National Defense Discretionary and Mandatory	**739,264,438**	**–650,443**	**738,613,995**

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Subtitle B—Army Programs

Airborne common sensor and enhanced medium altitude reconnaissance and surveillance system (sec. 111)

The budget request included $88.5 million in Aircraft Procurement, Army for the purchase of three low rate initial production Enhanced Medium Altitude Reconnaissance and Surveillance System (EMARSS) aircraft. The committee understands, however, that the EMARSS program has an ambitious and risky development schedule that has already suffered schedule delays that makes the obligation of these funds in fiscal year 2011 unlikely. The committee recommends a provision that would prohibit the obligation of any funds for the Airborne Common Sensor, EMARSS, until the Assistant Secretary of the Army for Acquisition, Logistics, and Technology certifies to the congressional defense committees that the system has successfully completed its limited user tests and demonstrates the technical performance necessary for successful Milestone C approval.

Subtitle C—Navy Programs

Multiyear funding for detail design and construction of LHA replacement ship designated LHA–7 (sec. 121)

The committee recommends a provision that would authorize the Navy to execute the contract for LHA–7 over fiscal years 2011 and 2012, subject to the availability of appropriations for that purpose in budgets after 2011.

Requirement to maintain Navy airborne signals intelligence capabilities (sec. 122)

The committee recommends a provision that would prohibit the retirement of the EP–3E Airborne Reconnaissance Integrated Electronic System II fleet or the Special Projects Aircraft (SPA) until the Navy has readied replacements that are equivalent or better in terms of meeting the requirements of the combatant commanders. The provision also requires that the two systems be maintained and upgraded to remain current against evolving threats and operational requirements.

The committee believes that this provision is necessary to ensure that the Navy sustains adequate signals intelligence (SIGINT) and multi-intelligence collection support for the Marine Corps, special

forces, ground component commanders, and naval fleet commanders, and joint combatant commands.

The Navy terminated the EP–X program due to escalating costs and a desire to pursue other solutions. The committee does not quarrel with this decision, but is concerned that the Navy shifted the EP–X outyear funds to other priorities and had no concrete plans for the future. The committee is concerned that the Navy's airborne intelligence collection capabilities would be seriously degraded as the current systems deteriorate well before new capabilities come on line.

The EP–3E and SPA fleets must be maintained and kept current while the Navy firms up and executes plans to acquire SIGINT on the Broad-Area Maritime Surveillance unmanned aerial system (UAS), and develops and produces the ship-based medium-endurance UAS.

The committee notes that the Navy operates multiple Reaper UAS under the Saber Focus program that have capable, and in some respects, unique sensors. These assets have been deployed both as a demonstration and to support operations overseas. The Navy's leadership is considering whether to cease operating these aircraft and transfer them to the Air Force. The committee has concerns about this proposed transfer. The committee's view is that the Navy's long-term plan to shift a much larger portion of its intelligence collection capabilities to UAS in the future could benefit from the continued availability of Reaper platforms to test sensors and to develop Navy UAS operational concepts. These Saber Focus assets could complement the SPA fleet if operated and managed together. The committee is also concerned that the transfer of these assets to the Air Force could result in the loss of, or a gap in, support for deployed forces.

Reports on service life extension of F/A–18 aircraft by the Department of the Navy (sec. 123)

The committee recommends a provision that would require the Secretary of the Navy to conduct a business case analysis comparing two options: (1) conducting a service life extension program (SLEP) for legacy F/A–18 aircraft beyond 8,600 hours; and (2) buying new F/A–18E/F aircraft. The provision also would specify the elements of that analysis. The Secretary would be required to complete that analysis and submit it to the congressional defense committees before he could begin such a SLEP effort.

The Department of the Navy has testified that, among the alternatives available to the Department for managing the shortfall it has projected in tactical aircraft inventory, one is to conduct a SLEP for some portion of the F/A–18 fleet that extends their service life beyond 8,600 flying hours. However, several objective reports have suggested that extending the service life of legacy F/A–18A–D aircraft to 10,000 hours may require significant depot work to rebuild parts of each aircraft. Such a situation raises uncertainty about the costs of such a program.

The provision would also require the Secretary of the Navy to submit to the congressional defense committees a report on the operational risks and effects of any decision to reduce the size of F/A–18 squadrons before the Secretary takes any such action. The

provision would also specify topics or issues that this report should address. The committee understands that the Department of the Navy is planning to ask for funding to extend the service life of F/A–18 aircraft in fiscal year 2012 and will start reducing the size of its land-based F/A–18 squadrons in fiscal year 2011. Therefore, the committee directs the Secretary of the Navy to submit the reports at the time the President submits his fiscal year 2012 budget proposal to Congress.

One of the ways that the Navy has decided it could deal with the shortfall of strike fighter aircraft would be to reduce the squadron size for expeditionary F/A–18 squadrons from 12 to 10 planes, beginning in fiscal year 2011. The committee understands that the Navy also intends to reduce the size of F/A–18 training squadrons. The committee, however, has seen no evidence that the Department of the Navy has conducted an operational risk assessment and analysis of the effects of these reductions. The committee believes that a final decision on reducing operational or training squadrons should be made only after the Department has completed those analyses and has reported on them to the congressional defense committees.

Inclusion of basic and functional design in assessments required prior to start of construction of first ship of a shipbuilding program (sec. 124)

The committee recommends a provision that would amend section 124 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to tighten the requirements under which the Secretary of the Navy is required to certify that a new shipbuilding program has achieved sufficient design maturity at the time the Navy begins construction on the first ship of any major shipbuilding program.

The Government Accountability Office, in its May 2009 report, "Best Practices: High Levels of Knowledge at Key Points Differentiate Commercial Shipbuilding from Navy Shipbuilding (GAO–09–322)," identified key steps that leading commercial shipbuilders and ship buyers follow to ensure their vessels deliver on-time, within planned costs, and with a high degree of innovation.

One critical step in this process is achieving design stability before start of fabrication. Leading commercial firms assess a ship design as stable once all basic and functional design activities have been completed (usually in the form of a complete 3D product model).

Section 124 as currently written does not specifically require that the assessment of design maturity directly address the completeness of the 3D modeling or completion of the activities that make up basic and functional design. This provision would add that requirement.

Multiyear procurement authority for F/A–18E, F/A–18F, and EA–18G fighter aircraft (sec. 125)

The committee recommends a provision that would amend section 128 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 110–84). Section 128 of the National Defense Authorization Act for Fiscal Year 2010 provided specific authorization,

as required under section 2306b of title 10, United States Code, for the Secretary of the Navy to enter into a multiyear contract for the purchase of additional F/A–18E, F/A–18F, or EA–18G aircraft under certain conditions, including that: (1) the statutorily required written certifications be submitted to the congressional defense committees; and (2) the Secretary sign the contract by a certain time. This provision would change the effective dates in section 128 to reflect the fact that the Department was unable to meet those specified dates.

The committee strongly cautions the Department that how it proceeded here is neither preferred nor desirable, and should not be viewed as setting any precedent for acquiring major systems on a multiyear basis in the future. However, the committee believes that, against the backdrop of challenges to the Navy's managing its projected shortfall in tactical aviation (discussed elsewhere in this report), the savings of $590.0 million identified by the Secretary of Defense is "substantial" within the meaning of section 2306b of title 10, United States Code, and sufficient reason to accept the delayed agreement. Therefore, the committee recommends authorizing the Secretary of the Navy to sign a multiyear contract for these aircraft before the end of the fiscal year.

Extracting substantial savings from major systems near the end of their production is hard to achieve. In this case, the committee approves of the Department's proposal to: (1) implement certain cost reduction initiatives; (2) avoid certain sources of cost peculiar to this program; (3) implement a proposed multiyear contract free of certain "reopener" clauses that, if exercised, could easily extinguish its savings estimate; and (4) adopt a fixed price-type contract as the vehicle for implementing the multiyear agreement.

Subtitle D—Joint and Multiservice Matters

System management plan and matrix for the F–35 Joint Strike Fighter Aircraft Program (sec. 141)

The committee recommends a provision that would require that the Secretary of Defense establish a system management plan and matrix for the F–35 Joint Strike Fighter (JSF) program that would be used to measure progress in gaining maturity for the system during the remainder of the system development and demonstration (SDD) program.

The committee believes that the F–35 represents an essential national capability. However, it remains concerned about whether the F–35 Joint Strike Fighter program will deliver required capability required by each of the services when the services need it and at prices the Department can afford.

The basis for that concern arises principally from several reviews that were conducted late last year at the direction of the Secretary of Defense, including reviews by the Joint Estimating Team, an Industry Manufacturing Review Team, and a Joint Assessment Team. In their annual assessments of the program, the Director, Operational Testing and Evaluation and the Government Accountability Office (GAO) also conveyed troubling information about the program's ability to perform as promised.

Based on the reviews he directed, the Secretary of Defense fundamentally restructured the program to: (1) extend the development test schedule to March 2015; (2) add additional research, development, testing, and evaluation funds to pay for mitigating known risks; (3) buy another carrier variant developmental test aircraft and add another software integration line to the program; (4) use up to three aircraft procured under low-rate initial production (LRIP) contracts for developmental testing; (5) reduce procurement quantities over the future-years defense program to slow the planned production ramp up and offset added funding for developmental testing; and (6) install a new fee structure that would provide incentives for the contractor team to achieve key performance events and cost goals. While the Marine Corps may delay its initial operational capability date for a few months in 2012, the Navy and the Air Force extended theirs several years to 2016.

The committee supports the Secretary's plan to restructure the F–35 JSF program. However, the committee believes that greater insight into it for Congress and others outside the Department is warranted. To achieve that goal, the committee believes that the Defense Department needs to establish milestones against which we can measure progress of the program.

Therefore, in accordance with the goals set forth by the Program Executive Officer for the program, the committee expects the Department of Defense to manage the F–35 Joint Strike Fighter aircraft program so as to achieve the following milestones by the end of this calendar year:

(1) achieve first flight of the F–35C (carrier variant);

(2) install and operate Block 1.0 software on all flight test aircraft to be delivered this year;

(3) fully implement those recommendations of the Independent Manufacturing Review Team, reflected in its October 2009 report and its follow-on assessment of the Production Integrated Transition Plan, that address manufacturing issues affecting initial production (in particular, those recommendations relating to the global supply chain; parts shortages and change management; first article inspections; test and evaluation; quantitative management metrics; the reduction of unit recurring flyaway costs; an integrated management plan/integrated management schedule; the completion of an independent schedule risk assessment by the government; and assessments of producibility);

(4) deliver all LRIP Lot I aircraft and all remaining developmental aircraft (except for the additional F–35C test aircraft to be bought with fiscal year 2011 funds) in flyable status with software in Block 1.0 configuration;

(5) deliver 11 test aircraft in flyable status with software in Block 1.0 configuration to Patuxent River Naval Air Station and Edwards Air Force Base;

(6) conduct test flights at a rate of 12 flights per aircraft per month;

(7) complete a minimum of 400 test flights;

(8) deliver at least 3 training aircraft to Eglin Air Force Base; and

(9) capture real-time data from the flight testing of all F–35 JSF developmental aircraft and training aircraft using the F–35 Autonomous Logistics Information System. Such data collection shall be sufficient to support the Department's development of a revised operations and sustainment estimate in the second quarter of fiscal year 2012.

If the program reaches each of those milestones, the committee believes that the program will be in a position to award a fixed-price incentive fee contract no later than the fiscal year 2011 procurement.

The Acting Program Executive Officer in the Joint Program Office and the prime contractor both stipulated that the foregoing milestones are achievable.

The committee expects that the program will achieve these milestones and that, if they are not, the Department of Defense will undertake appropriate action to correct any reason for delays, including (but not limited to) withholding fees.

The recommended provision would look prospectively to measure progress during the remainder of the SDD program. As GAO recommended in its most recent report, "Joint Strike Fighter: Additional Costs and Delays Not Meeting Warfighter Requirements on Time," such a plan should provide criteria and conditions for comparing documented results to expected progressive levels of demonstrated weapon system maturity in relationship to planned increases in future procurement quantities.

The committee believes that the system management plan and matrix required under this section will serve as a useful tool by which Congress can require the Department to explain how increasing levels of demonstrated, quantifiable knowledge about the Joint Strike Fighter program's maturity at annual procurement decision-points justify increased procurement funding and quantities, as the program proceeds to a full-rate procurement decision.

Contracts for commercial imaging satellite capacities (sec. 142)

The committee recommends a provision that would require the Department of Defense (DOD) to procure or acquire the capacity of imaging satellites with 1.5-meter telescopes after December 31, 2010, if DOD seeks to sustain an augmentation of national overhead imagery capabilities with commercial-class electro-optical capability. The committee intends for DOD to begin to procure or acquire the use of 1.5-meter imaging satellites when it is necessary to replenish the additional capacity being acquired through the Enhanced View contract around the middle of the decade.

The committee was informed by DOD officials that DOD no longer has a requirement for survivable, wartime, moderate resolution, wide-area electro-optical imagery. The committee was informed that the additional capacity being acquired through the Enhanced View contract vehicle is intended solely as a backup in the event of shortfalls or gaps in the collection of imagery by National Intelligence Program (NIP) funded satellite programs. The committee was told that the collection capacity provided by the commercial augmentation program is actually in excess of requirements when the national overhead constellation is at normal levels

of capacity. The committee was informed by DOD officials that, in the event of a gap or shortfall in national overhead collection capacity, DOD would lower the altitude of the planned 1.1-meter satellites to increase their resolution, regardless of the significant reduction this would cause in the lifetime of the satellites.

The committee requests that the Chairman of the Joint Requirements Oversight Council provide the committee with a summary of DOD's peacetime and wartime requirements for space-based electro-optical imaging other than from national overhead collection systems prior to conference on the National Defense Authorization Act for Fiscal Year 2011.

The committee notes that a gap or shortfall in national overhead collection capacity would most heavily impact the satisfaction of requirements for high-resolution point target collection. The committee notes further that 1.5-meter satellites would be far more capable of providing high-resolution point collection capacity than 1.1-meter satellites to make up for any such gap. If the purpose of the additional capacity being acquired through the Enhanced View contract is to provide insurance against a gap in national overhead collection, 1.5-meter satellites are clearly preferable.

Information provided to the committee from the Office of the Vice Chairman of the Joint Chiefs of Staff indicates that the 10-year cost of procuring and operating 1.5-meter satellites, and associated ground costs, would be comparable to the 10-year cost of acquiring the capacity of 1.1-meter satellites, using independent cost estimates of the cost of the 1.5-meter satellites. Yet, the performance of the 1.5-meter satellites would be much greater than the 1.1-meter satellites. If DOD decides to procure the 1.5-meter satellites directly, the Department should contract with the Commercial Data Providers (CDP) to operate the satellites and to process and disseminate the data through the CDPs' ground infrastructure, and to allow the CDPs to sell imagery commercially.

In terms of performance, on a one-to-one comparison, the 1.5-meter would collect 3–4 times more high-resolution points and high-priority points, and 40–60 percent more total points. In the event of a delay or an impairment in national overhead capabilities, a 1.5-meter satellite initiative could regain performance to the baseline, whereas the 1.1-meter constellation would fall far short.

For these reasons, the committee is persuaded that DOD should pursue the 1.5-meter-class commercial satellites in the future.

Quarterly reports on the use of Combat Mission Requirements funds (sec. 143)

The committee recommends a provision that would require the Commander of U.S. Special Operations Command (USSOCOM) to report to the congressional defense committees quarterly on the use of Combat Mission Requirements funding. The quarterly reports would address: (1) the balance of the Combat Mission Requirements account at the beginning of the quarter; (2) the balance of the Combat Mission Requirements account at the end of the quarter; (3) any transfer of funding into or out of the Combat Mission Requirements account during the quarter (including the source of any transfer into the fund, and the objective of any transfer out of the fund); (4) a description of any Combat Mission Requirements

approved for procurement and/or procured during the quarter; and (5) the amount of funds committed to each requirement.

The committee understands that the Combat Mission Requirements account plays an important role in providing funding for critical equipment to satisfy emergent requirements for deploying and deployed special operations forces. However, the committee believes that increased visibility over the account, including transfers into and out of the account, is necessary to ensure that the congressional defense committees possess sufficient information to exercise adequate oversight of relevant procurement accounts. The committee encourages USSOCOM to review its practices regarding transfers into and out of the account to ensure that these practices are consistent with requirements of law and policy related to the reprogramming of defense funds.

Integration of solid state laser systems into certain aircraft (sec. 144)

The committee notes that the Department of Defense has longstanding research and development programs to advance the military usefulness of high-powered lasers mounted on aircraft for defensive and offensive capabilities. Recent advances in the power and cooling of solid state lasers have led the Department to begin to develop, integrate, and test such lasers on military aircraft such as the B–1 bomber. There is concern that the Department may solely focus on the B–1 platform without fully analyzing the cost-benefit implications as it moves from demonstration to development.

Hence, the committee recommends a provision for the Department to provide to the congressional defense committees no later than February 2011, a report analyzing various candidate aircraft that are being considered as platforms for high power solid state lasers and provide an estimated unit cost to develop an integrated laser-aircraft system. The analysis should also estimate the operations and maintenance costs of such an integrated laser aircraft system. The committee notes there may not be complete data for some candidate aircraft but asks the Department to begin this analysis as early as possible in order to fully understand long-term life cycle costs.

The committee also requests that the analysis of the B–1 should consider the operational placement of the laser in the aft bay so as to maintain the operational kinetic capabilities of the forward and center bays.

Budget Items

Army

AH–64 fuselage manufacturing

The budget request included $160.7 million in Aircraft Procurement, Army (APA) for AH–64 Apache block III helicopters. The committee recommends an increase of $5.5 million in APA to acquire special tooling and qualify a domestic source for the manufacture of the Apache helicopter airframe assembly.

Guardrail common sensor

The budget request included $30.2 million in Aircraft Procurement, Army, in the Overseas Contingency Operations budget for the Guardrail Common Sensor (GRCS) program. The Army decided to modernize and retain 14 GRCS platforms after the budget was submitted. As a result, the Army requires only $6.0 million of the $30.2 million requested. The committee therefore recommends a reduction of $24.2 million.

Air warrior survival vest ensemble reset program

The budget request included $52.4 million in Aircraft Procurement, Army (APA) for aircrew integrated systems, but provided no funding for the Air Warrior survival vest ensemble reset program. The Army requires inspection and reset of aviation survival equipment carriers, flotation collars, and egress air equipment. Due to increased operations in Afghanistan and Iraq, equipment is wearing out before its planned maintenance. The committee recommends an increase of $3.0 million in APA for the Air Warrior survival vest ensemble reset program.

Non-line of sight launch system

The budget request included $350.6 million in Missile Procurement, Army (MPA) for the non-line of sight launch system (NLOS–LS). The committee is aware that due to performance shortfalls, high projected costs for each missile, and the availability of other technologies to meet precision artillery fire requirements, the Army has recommended cancellation of the NLOS–LS program. Accordingly, the committee recommends a decrease of $350.6 million in MPA for the NLOS–LS.

Patriot upgrades

The budget request included $57.2 million in Missile Procurement, Army for modification of the Patriot air and missile defense system and the Patriot Advanced Capability 3 (PAC–3) interceptor missile, but insufficient funds to repair and recertify PAC–3 missiles, and procure additional upgraded Patriot launching station kits. These PAC–3 upgrades are an Army Chief of Staff unfunded priority for fiscal year 2011. Accordingly, the committee recommends an increase of $133.6 million in Missile Procurement, Army to cover the cost of the Patriot repairs and upgrades included on its Unfunded Priorities List. The Patriot system is the only combat-proven missile defense system in the U.S. military, and demand for Patriot and the PAC–3 missile is high among regional combatant commanders, since it provides defensive capability against the many existing short-range ballistic missiles in their Areas of Responsibility.

Paladin Integrated Management program

The budget request included $105.3 million in Weapons and Tracked Combat Vehicle Procurement, Army (WTCV) for Paladin Integrated Management (PIM) systems. The PIM program would upgrade and extend the life of the Army's current M109A6 Paladin self-propelled howitzer system. The committee is aware that due to technical and program management challenges the procurement of

PIM systems will be delayed and therefore procurement is premature. The committee recommends a decrease of $105.3 million in WTCV for PIM procurement.

M2A1 quick change barrel kits

The budget request included $15.0 million in Weapons and Tracked Combat Vehicles (WTCV) for M2 50 caliber machine gun modifications. The committee recommends an increase of $6.0 million in WTCV for procurement of M2A1 quick change barrel kits to support operational safety and enhance the effectiveness of the M2 machine gun.

120mm mortars, Advanced Precision Mortar Initiative reduction

The budget request included $28.6 million in the base budget and $70.0 million in the Overseas Contingency Operations (OCO) budget request in Procurement of Ammunition, Army for the Advanced Precision Mortar Initiative (APMI) 120mm mortars, all types. The Army was able to achieve substantial savings through open competition in the source selection process and as a result no longer needs this funding.

The committee recommends a decrease of $28.6 million in the base budget request and a decrease of $50.1 million in the OCO for APMI unit cost savings.

Efficiency and safety modifications to Heavy Expanded Mobility Ammunition Trailer

The budget request included $25.6 million in Other Procurement, Army (OPA) for tactical trailers, but included no funds for the Heavy Expanded Mobility Ammunition Trailer (HEMAT) systems. The committee recommends an increase of $5.0 million in OPA for HEMAT systems.

Navstar Global Positioning System

The budget request included $45.7 million in Other Procurement, Army (OPA) for the Navstar Global Positioning System. The committee recommends an increase of $51.2 million in OPA for Navstar global positioning systems. The additional funding would be used to accelerate replacement of older versions of the Precision Lightweight Global Position System Receivers that are not Selective Availability Anti-Spoofing Module (SAASM) compliant. SAASM-compliance is a critical component of Army electronic force tracking and identification systems. This is a Chief of Staff, Army unfunded priority.

Tactical Local Area Network

The budget request included $201.1 million in Other Procurement, Army (OPA) for information systems. The Army has a requirement to support Civil Affairs and Psychological Operations units with Tactical Local Area Network (TACLAN) to consolidate numerous automation and communications efforts into a single program consisting of both hardware and common-user software applications. The committee recommends an increase of $55.0 million in

OPA to accelerate the acquisition and fielding of TACLAN. This is a Chief of Staff, Army unfunded priority.

Lightweight Counter Mortar Radar

The budget request included $58.0 million in Other Procurement, Army (OPA) for the Lightweight Counter Mortar Radar (LCMR). The LCMR (version 3) is a force protection system that provides 360 degrees all around coverage to detect, locate, and report the target location of enemy mortar firing systems. The committee recommends an increase of $47.1 million in OPA for LCMR. This is a Chief of Staff, Army unfunded priority.

Brigade Combat Team unattended ground sensor

The budget request included $29.7 million in Other Procurement, Army (OPA) for Brigade Combat Team unattended ground sensors (BCT–UGS). The committee notes that after 6 years of development and an investment of approximately $130.0 million the BCT–UGS system has failed in user tests to demonstrate required technical performance, is unreliable, and has not proven its tactical effectiveness or utility. Specifically, the UGS system demonstrated poor communications connectivity, inadequate transmission ranges, poor image quality, and frequent system failures.

The committee also notes that the Army will conduct a System Breakout/Contracting Review in December 2010 to address whether the BCT–UGS full-rate production will be multi-sourced through an open competition to qualified technologies and vendors. The Army reports that non-BCT–UGS systems already procured and deployed do not meet all the Capability Production Document's requirements or are not compliant with the Army's communications network. However, the committee is aware that the program of record BCT–UGS system does not meet all the requirements either. The committee is concerned that the Army is missing an opportunity to test alternatives and introduce competition into its UGS program by failing to take advantage of multiple technologies from multiple vendors that may have developed or are capable of developing and producing unattended sensors. Accordingly, the committee directs that the Assistant Secretary of the Army for Acquisition, Logistics, and Technology conduct tests of currently available alternative UGS capabilities with particular emphasis on technical maturity, interoperability, operational effectiveness, reliability, and affordability.

Given the technical challenges confronting the Army's BCT–UGS system, procurement is premature. The committee recommends a decrease of $29.7 million in OPA for BCT–UGS.

Forward Entry Devices

The budget request included $6.9 million in Other Procurement, Army (OPA) for Advanced Field Artillery Tactical Data System Forward Entry Devices (FED). The FED is a pocket-sized, handheld computer used by artillery forward observers to communicate target data to artillery fire direction centers for precision target engagement. The committee recommends an increase of $16.2 million in OPA to procure 408 additional FED devices. This is a Chief of Staff, Army unfunded priority.

Line of Communication Bridge

The budget request included $53.7 million in Other Procurement, Army (OPA) for tactical bridges. The Army has three levels of bridging: Assault, Tactical, and Line-of-Communication (LOCB). The LOCB provides a sustained capability for heavy traffic over a long period of time. Funds provided would accelerate procurement of the LOCB to meet an operational needs statement to support forces in Afghanistan. The committee recommends an increase of $15.0 million in OPA for LOCB. This is a Chief of Staff, Army unfunded priority.

Fido explosives detection system

The budget request included $226.0 million in Other Procurement, Army (OPA) for ground standoff mine detection systems, but provided no funds for the Fido explosives detection system. The Fido explosives detector is deployed and in use by units in Iraq to counter improvised explosive devices and land mines. The committee recommends an increase of $7.0 million in OPA for the Fido explosive detection system.

The committee further directs that, not later than August 1, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, shall provide to the congressional defense committees a report on the Army's requirement, development, procurement, and fielding of Fido systems. The report should include the quantities currently in the Army inventory and deployed to theater and in use, and quantities of Fido systems requested in pending operational needs statements, if any, and how the Army plans to satisfy those requests.

Ground soldier system

The budget request includes $110.5 million in Other Procurement, Army for the Ground Soldier System (GSS). The GSS is a dismounted small unit leaders' command and control system that increases tactical awareness, communication, navigation, safety, and unit effectiveness. The committee supports the Army's efforts to enhance the operational capabilities of its platoons, squads, and other small units for an increasingly complex and lethal operating environment. However, the committee notes that the Army's acquisition plan for GSS has high schedule risk and will procure over 4,500 systems ahead of the results of a 2010 limited user test and a Milestone C decision scheduled for early 2011. The Committee also notes that only 198 of over 4,500 GSS sets will actually deliver in fiscal year 2011. Accordingly, the committee recommends a decrease of $28.8 million in OPA for GSS.

Operator driving simulator

The budget request included $297.2 million in Other Procurement, Army (OPA) for non-system training devices, but included no funds for operator driving simulators. Additional driving simulators would allow deploying soldiers to maximize their training time while providing a realistic experience without risk to personnel or equipment. The committee recommends an increase of $5.0 million in OPA for operator driving simulators.

Immersive group simulation virtual training system

The budget request included $297.2 million in Other Procurement, Army (OPA) for non-system training devices, but provided no funding for the Immersive Group Simulation Virtual Training System (IGS–VTS). The IGS–VTS is a fully immersive, interactive virtual reality platform that supports soldier vehicle training. The committee recommends an increase of $6.0 million in OPA for the IGS–VTS.

Combat skills marksmanship trainer

The budget request included $297.2 million in Other Procurement, Army (OPA) for non-system training devices. The committee recommends an increase of $6.0 million in OPA for additional combat skills marksmanship trainer systems.

Mine resistant ambush protected vehicle virtual trainers

The budget request included $297.2 million in Other Procurement, Army (OPA) for non-system training devices, but provided no funding for the Mine Resistant Ambush Protected Vehicle Virtual Trainer (MRAP–VVT). The MRAP–VVT is a fully interactive virtual reality platform that supports soldier vehicle training. The committee recommends an increase of $6.0 million in OPA for the MRAP–VVT.

Combined arms collective training facility

The budget request included $23.3 million in Other Procurement, Army (OPA) non-system training devices for combined arms collective training facilities. The committee recommends an increase of $3.2 million in OPA to accelerate the installation of combined arms collective training facilities.

Joint Improvised Explosive Device Defeat Fund

Joint Improvised Explosive Device Defeat Fund

The budget request includes $215.9 million for the Joint Improvised Explosive Device Defeat Fund (JIEDDF) staff and infrastructure line of operation. The committee recommends full funding for Joint Improvised Explosive Device Defeat Organization (JIEDDO), but recommends transferring all of JIEDDF funds from title I to the same budget activities in title XV, which fund the Overseas Contingency Operations (OCO) of the Department.

The committee believes JIEDDO—despite the Department's decision to institutionalize it—should be in the OCO portion of the budget request as it was established in response to threats confronted by U.S. forces in Afghanistan and Iraq.

Navy

F–18 multiyear procurement savings

The budget request included $1,083.9 million to purchase 12 EA–18G and $1,787.2 million to purchase 22 F/A–18E/F aircraft. Since the Navy had not completed negotiations for proposed multiyear procurement contract for these F–18 air-

craft, the Navy based the budget estimates on executing a series on annual procurements.

The committee understands that a multiyear contract for F–18s will result in $130.5 million savings in fiscal year 2011 compared to the budget request, consisting of $45.9 million savings for EA–18G and $84.6 million for F/A–18E/F.

The committee has included a provision elsewhere in this Act that would enable the Navy to sign the multiyear contract, and, therefore, recommends a reduction of $130.5 million to the budget request.

F/A–18E/F

The budget request included $1,787.2 million to purchase 22 F/A–18E/F aircraft. This is four more than were approved in the fiscal year 2010 budget. This is also an increase of 5 aircraft from the fiscal year plan for 17 aircraft included in the last future-years defense program (FYDP) by President Bush.

The committee has expressed concern that the Navy is facing a sizeable gap in aircraft inventory as older F/A–18A–D Hornets retire before the aircraft carrier variant (F–35C) of the Joint Strike Fighter is available. The committee raised this issue in the committee reports accompanying: (1) S. 1547 (S. Rept. 110–77) of the National Defense Authorization Act for Fiscal Year 2008; (2) S. 3001 (S. Rept. 110–335) of the National Defense Authorization Act for Fiscal Year 2009; and (3) S. 1390 (S. Rept. 111–35) of the National Defense Authorization Act for Fiscal Year 2010.

Two years ago, the committee received testimony from the Navy about a projected shortfall in Navy tactical aviation. The Navy indicated that, under assumptions current at that time, it would experience a shortfall of 69 tactical aircraft in the year 2017, a number that swells to 125 when requirements of the United States Marine Corps are included.

Last year, the Chief of Naval Operations said that the projected gap may be as high as 250 aircraft total for the Department of the Navy.

This year, the Navy says that through various "management techniques," the maximum shortfall is now projected to be around 150 aircraft, or 3–4 carriers' worth of airplanes.

This change is not based on a change in overall requirements. The committee is disappointed that, despite promises that the Department of Defense intends to review the whole issue of tactical aircraft force structure in the pending Quadrennial Defense Review, no decision on force structure came from that effort. The committee had hoped that the Department's tactical aviation procurement strategies would have been informed by the Quadrennial Defense Review.

The committee is still seeking details behind the changed assumptions that lead to the new estimates. At first impression, some of these appear to be legitimate actions that the Navy should take. For example, changing the fielding plan for the Marine Corps F–35B to replace older F/A–18 aircraft, rather than first replacing AV–8B aircraft that still have service life remaining, seems to be reasonable. Other changed assumptions do not appear to be so legitimate. For example, a portion of the shortfall reduction comes

from reducing land-based Marine Corps F/A–18 squadron sizes from 12 to 10 aircraft. The committee has seen no analysis that would indicate that the effect of taking such action has been assessed in terms of war fighting capability. In fact, it represents the sort of action to modify requirements arbitrarily that the committee feared would be taken in the face of the impending shortage.

The change does not derive from implementing a service life extension program (SLEP) for older F/A–18s. The Navy says that any decision on undertaking a SLEP to solve some portion of that shortfall will not be made until the time the President submits the budget request for fiscal year 2012.

The committee understands that a SLEP to extend the life of select legacy F/A–18s from 8,600 to 10,000 flight hours is currently estimated to cost on average $26.0 million per plane. In light of such costs, and in anticipation of the Navy's negotiating a multiyear procurement contract that could result in substantial savings over current procurement costs, the committee expects the Navy to present a thorough business case analysis with the fiscal year 2012 budget of the appropriate mix of alternatives for addressing the potential shortfall of aircraft, including both SLEP and new procurement.

The committee is encouraged by the increase in F/A–18E/F procurement in the fiscal year budget, both compared to fiscal year 2010 and compared to the plan for fiscal year 2011 in the last Bush FYDP. The committee understands that this increase was part of the Department's effort to address the shortfall and buy enough aircraft in the FYDP to make a multiyear procurement achieve the substantial savings that would make such a commitment attractive. On April 30, 2010, the Secretary of the Navy informed the Navy was still working through the details of negotiating with the contractor team on a multiyear contract that would take advantage of the authority provided by section 128 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

The committee applauds the Navy's efforts to reduce the shortfall, but believes that more action now is necessary. The committee is concerned that delays in the F–35 Joint Strike Fighter program could exacerbate the problem beyond what it appears to be now. Therefore, the committee recommends an increase of $325.0 million to buy six additional F/A–18E/F aircraft in fiscal year 2011.

MH–60R/S mission avionics

The budget request included $232.1 million in Aircraft Procurement, Navy (APN), for advance procurement for the MH–60R ($162.0 million) and the MH–60S ($70.1 million). Within that total, the request included $36.0 million ($32.3 million for MH–60R and $3.7 million MH–60S) for economic order quantity (EOQ) funding associated with a potential multiyear procurement contract for MH–60R/S mission avionics that the Navy had hoped to award in fiscal year 2011.

In the committee's view, the Department should provide the certifications required under section 2306b of title 10, United States Code, in the same year as it seeks authorization for EOQ funding.

The committee understands, however, that due to an internal oversight within the Navy, the Navy was not able to obtain the cer-

tifications from the Secretary of Defense required under section 2306b of title 10, United States Code, and therefore will not be able to award any contract in 2011 for EOQ funding associated with a potential multiyear procurement request.

The committee understands that the Navy believes that it can preserve savings from a potential multiyear procurement contract by applying the 2011 EOQ funds instead to regular advance procurement activities in 2011.

Therefore, the committee recommends shifting all funds requested for EOQ to regular advance procurement activities.

AN/AAR–47 missile warning system computer processor upgrade

The budget request included $21.9 million in Aircraft Procurement, Navy (APN), for common electronic counter measures, but included no funds for the AN/AAR–47 missile warning system. The AN/AAR–47 warns of approaching missiles by detecting radiation associated with rocket motors and automatically initiates flare ejection. The committee recommends an increase of $5.0 million in APN for AN/AAR–47 missile warning system computer processor upgrade.

Readiness support for Navy unfunded aviation spares and repair parts maintenance priorities

The budget request included $18.5 billion for Aircraft Procurement, Navy (APN) of which $1.2 billion was for aircraft spares and repair parts, which is also one of only three unfunded requirements submitted by the Chief of Naval Operations. The Vice Chief of Naval Operations testified before the committee that this unfunded requirement is executable, and would directly support and restore Naval readiness.

The committee notes that the same unfunded priorities for ship and aircraft depot maintenance were identified in fiscal year 2010 but were not fully supported by the Committees on Appropriations of the Senate and the House of Representatives. As a result a 1-year backlog of deferred aircraft depot maintenance was not executed. The committee is concerned that failure to address this backlog and failure to support this unfunded request for active and reserve aircraft spares and repair parts in fiscal year 2011 for active and reserve units will continue to jeopardize and erode aircraft materiel readiness, further reduce the service life of the fleet, increase long-term sustainment costs, and further increase strategic risk for the Nation.

Additionally, the Vice Chief of Naval Operations testified before the committee that failure to support unfunded aircraft depot maintenance requirements could result in reducing flying hours and deferred training exercises which are vital to naval readiness and our responsibility to maintain a trained and equipped force. Exacerbating the issue, increased operational tempo in the United States Central Command area of operations has already resulted in added materiel strain on the fleet. The committee notes that as demand for aircraft use and flying hours increased, the demand and requirement for additional spares and repair parts increased

40 percent in fiscal year 2011 largely due to V–22, EA–18G, F/A–18E/F, and E–2C/D operational tempo increases.

The committee continues to urge the Secretary of the Navy and Chief of Naval Operations to fully restore aircraft spares and repair parts requirements in the fiscal year 2012 base budget request.

The committee recommends an increase of $423.0 million in APN for aircraft depot maintenance spares to support 3,700 individual fleet aircraft.

Weapons industrial facilities

The budget request included $3.3 million for various activities at government-owned, contractor-operated weapons industrial facilities. The committee recommends an increase of $30.0 million to accelerate the facilities restoration program at the Allegany Ballistics Laboratory.

Gun mount mods

The budget request included $44.0 million in Weapons Procurement, Navy (WPN), for various types of gun weapon system and sub-system modifications and upgrade requirements, including $35.4 million for various modifications for the Mk 38 Mod 2 Minor Caliber Gun System, but included no funding improving the depot support capability for the Mk 38 Mod 2 system nor for the Mk 110 Gun System.

The committee believes that the Navy needs to move more expeditiously to establish and expand the level of depot support for these weapons systems. The committee recommends an increase of $11.0 million in WPN for improving depot support capability for gun weapons systems, including $6.0 million for the Mk 110 system and $5.0 million for the Mk 38 Mod 2 system.

Virginia-class tube test equipment

The budget request included $132.0 million in Other Procurement, Navy (OPN), for Virginia-class submarine support equipment, but no funding to procure tube test equipment for the class.

In order to maintain the readiness of submarine weapon systems, the Navy maintains a number of land-based test platforms at the Naval Undersea Warfare Center (NUWC). The Navy has installed test platforms at NUWC for all active classes of submarines, except for the Virginia-class submarines. The committee believes that funds should be used to provide NUWC with capability to support the Virginia-class by providing actual shipboard equipment that would allow NUWC to replicate ship conditions as closely as possible in executing its fleet support missions.

Therefore, the committee recommends an increase of $4.8 million for the procurement of tube test equipment for the Virginia-class.

Remote monitoring and troubleshooting project

The budget request included $126.8 million in Other Procurement, Navy (OPN), for ship support equipment items costing less than $5.0 million, but included no funding for developing and implementing a remote monitoring and troubleshooting capability that would allow Navy engineers to provide global remote

sustainment support to the fleet by remotely reading on-board sensors, monitoring shipboard system status, and providing expert advice to sailors as they maintain and repair ship systems.

The committee believes that such a capability would yield savings, but, perhaps more importantly, lead to better readiness levels. Therefore, the committee recommends an increase of $2.9 million in OPN for completing a system design update, developing deployment plans, and certifications and deploying the initial system.

Helicopter hangar door upgrades

The budget request included $126.8 million in Other Procurement, Navy (OPN), for ship support equipment items costing less than $5.0 million, but included no funding for buying upgrade kits for DDG–51 helicopter hangar doors.

The helicopter hangar doors on DDG–51 destroyers have been experiencing a significant number of failures. When the doors are inoperable, the ship is prevented from being able to launch and recover its embarked helicopter. The Navy has been investigating a helicopter hangar door upgrade program which would be a comprehensive solution to the readiness issue facing the largest ship class in the U.S. Navy.

The committee believes that fielding an upgrade helicopter hangar door would lead to better readiness levels. Therefore, the committee recommends an increase of $3.6 million in OPN for buying DDG–51 hangar door upgrade kits.

Range support vehicle

The budget request included $27.7 million in Other Procurement, Navy (OPN), for standard boats, but included no funding for buying any range support vessels that include capability to recover torpedoes and other Navy unmanned systems.

Most Navy installations that have a torpedo recovery mission have antiquated torpedo recovery boat fleets. The committee understands that most of these boats are approximately 40 years old and are at the end of their useful service life. These vessels are expensive to maintain, and have recovery systems that risk damaging new unmanned surface and undersea vehicles.

A new range support vehicle, with a new advanced multi-mission launch and recovery system, would be capable of executing all mission requirements, including lost weapon search, instrument deployment, equipment and personnel transfer, weapon trans-shipment, open ocean retrieval, Coast Guard search and rescue, and support for special vehicles and classified programs associated with anti-submarine warfare.

The committee recommends an increase of $4.4 million in OPN for buying a new range support vessel.

Man overboard indicators

The budget request included $47.3 million in Other Procurement, Navy (OPN), for command support equipment, but no funding to procure man overboard indicators (MOBI).

The Navy has tested a one-per-person MOBI transmitter. Additionally, at least two expeditionary strike groups recommended the Navy procure MOBI transmitters for each embarked sailor, marine,

and airman. The committee understands that a large majority of ship commanding officers having MOBI systems installed have requested additional MOBI transmitters in order to protect all embarked personnel. In addition, the U.S. Navy Safety Center has recommended that each embarked sailor and marine be afforded MOBI protection.

Therefore, the committee recommends an increase of $5.9 million for the procurement of additional MOBI systems.

Air Force

C–17

The budget request included $14.3 million in Aircraft Procurement, Air Force (APAF), for C–17 aircraft procurement in the full funding line to purchase various support equipment items, and $153.3 million for C–17 post production support activities. The Air Force made this request in error, as they should have requested $114.4 million of the post production support funds in the full funding line, instead of the post production support line.

The Air Force asked that the committee make a zero sum transfer of this amount to the proper funding line. Therefore, the committee recommends an increase of $114.4 million in the C–17 full funding line and a reduction to the C–17 post production support line of the same amount.

Airborne signals intelligence payload

The budget request included $863.6 million in Aircraft Procurement, Air Force, for the MQ–9 Reaper unmanned aerial vehicle. Of that amount, $18.3 million is requested to begin production of the Airborne Signals Intelligence Payload 2C (ASIP 2C).

The Government Accountability Office notes that the Milestone B decision for this project will be made in November 2011, which means that the sensor will not be ready for production in fiscal year 2011. Therefore, the committee recommends a reduction of $18.3 million.

C–135 modifications

The budget request included $44.2 million in Aircraft Procurement, Air Force (APAF), for the C–135 Modifications Program, including $8.4 million to begin procurement of the Block 45 upgrade program, and no funding for fielding any infrared countermeasures systems on the KC–135R tanker fleet. The Block 45 upgrade program for the KC–135 will address reliability, maintainability, and obsolescence issues currently experienced in the tanker fleet by replacing current cockpit equipment with the following new systems: (1) digital flight director; (2) digital radar altimeter; (3) digital autopilot; and (4) electronic engine instrument displays.

The committee believes that the Air Force should take greater steps to keep the KC–135 tanker fleet viable for meeting combatant commander requirements. The Air Force plan now appears to be to wait for fielding infrared countermeasures on tankers with the fielding of KC-X to provide a capability to operate in increased threat areas. The committee believes that the KC-X program should have that capability, but does not agree that the Air Force

should wait on KC-X. Even under the most optimistic KC-X acquisition plans, the KC–135R fleet will be operating for many years to come.

Therefore, the committee believes that the Air Force should begin to outfit high priority aircraft in the KC–135R fleet with pod-based large aircraft infrared countermeasures (LAIRCM) systems to make them better able to support war fighting requirements and recommends an increase in fiscal year 2011 for that purpose.

The committee supports the Block 45 upgrade program, but understands that the Air Force has decided to defer $5.0 million of the fiscal year 2011 Block 45 procurement request until fiscal year 2012.

The committee recommends an increase of $11.0 million for LAIRCM installations on 10 KC–135 aircraft and a reduction of $5.0 million to reflect delays in the Block 45 program.

E–8 modifications

The budget request included $188.5 million in Aircraft Procurement, Air Force (APAF), for the E–8 Modifications Program, including $120.4 million to procure two re-engining kits for the Joint Surveillance/Target Attack Radar System (JSTARS) aircraft.

The JSTARS system has been providing indispensible intelligence, surveillance, and reconnaissance support to those serving in combat operations. In Afghanistan, the JSTARS wide-area ground surveillance radar plays a critical role in the military's ability to track and engage Taliban insurgents and find improvised explosive devices. The demands placed upon the JSTARS fleet underscores growing operational, sustainment, and safety issues with the existing engines.

Because engine problems currently jeopardize both the current operations and long-term viability of the JSTARS fleet, the Air Force commenced a JSTARS re-engining program in May 2008. Last year, the Air Force sought to interrupt the re-engining program when: (1) program officials saw cost increases in the program; (2) an Air Force Fleet Viability Board (FVB) report raised questions about the long-term prospects for retaining the JSTARS fleet; and (3) questions arose about the best way to meet ground moving target indicator (GMTI) capability in the future.

The committee recognizes that a significant portion of the cost increases that arose were the result of having to restructure the acquisition program from a commercial-type acquisition contract to one that follows normal Defense acquisition rules. Buying re-engining kits at low rates will not do anything to help keep costs under control. The lost economies of scale from only procuring two ship sets instead of four in fiscal year 2011 will raise the cost of the program.

The committee closely studied the FVB report. The major concern in the report revolved around concerns that the original aircraft conversion process had resulted in aircraft with uncertain structural and engineering pedigrees. The committee understands that the Air Force and the contractor team are working through the data in a manner that will resolve uncertainties. The committee had raised such concerns about remaining airframe life during the execution of the original JSTARS program. The committee

was assured by Air Force officials and the contractor team at the time that rigorous oversight and controls on the program were going to ensure that the aircraft delivered from the conversion program would have a full measure of service life remaining after conversion.

The committee believes that the Air Force is wise to consider long-term requirements for meeting GMTI requirements, since new requirements for dismounted GMTI have come from the combatant commanders. The JSTARS system may not be the optimal system for certain niche requirements, but field testing of JSTARS has shown promise for achieving dismounted GMTI capability with the aircraft. Unless the Defense Department were to decide that it can afford to divest itself of broad area GMTI capability, the committee believes that the JSTARS system will have an important place in the future force structure. While the Defense Department studies this mission area, the committee believes it is prudent and involves little risk in continuing the re-engining program to address near-term operating issues, and to address long-term sustainability concerns identified by the FVB report.

Therefore, the committee recommends an increase of $102.5 million for two additional ship sets to retain economies of scale in this effort and put the Air Force on a track to execute the entire program over the future-years defense program to mitigate the negative operational, sustainment, and safety effects of operating with the current engines.

Milsatcom terminals

The budget request included $140.5 million for milsatcom terminals for the family of beyond line of site terminals (FAB–T) in Air Craft Procurement, Air Force, line 75. The FAB–T program has been delayed and procurement funds are now needed to continue FAB–T research. The committee recommends that $116.4 million be transferred to Research, Development, Test, and Evaluation, Air Force, PE 33601F line 180.

Evolved expendable launch vehicle

The budget request included $1.2 billion for the evolved expendable launch vehicle (EELV) in Missile Procurement, Air Force, line 24. The committee recommends an additional $24.0 million for the EELV, including $10.0 million to continue the process of EELV modernization to ensure that the EELV is able to be tracked using global positioning system tracking capability, and $14.0 million for crew augmentation. The additional $14.0 million is recommended to support additional launch crews to accommodate the increase in the launch rate in 2011.

National Polar-orbiting Operational Environmental Satellite System

The budget request included $26.3 million in Missile Procurement, Air Force, line 28 for the Air Force portion of the acquisition of the sensors and the third National Polar-orbiting Operational Environmental Satellite System (NPOESS) satellite vehicle. The committee recommends a reduction of $16.3 million.

The NPOESS was a joint Department of Commerce/National Oceanographic and Atmospheric Administration (NOAA) program that was restructured after the budget was submitted. With the restructuring, the Department of Defense (DOD) will be responsible for the early morning orbit and NOAA will be responsible for the afternoon orbit. Although DOD has indicated its intention to develop a successor program for the morning orbit there is no program plan at the moment. In addition, fiscal year 2010 funds are available to support any NPOESS follow-on decisions.

Joint threat emitter

The budget request included $29.6 million in Other Procurement, Air Force (OPAF), for making improvements at combat training ranges, including $11.8 million for the joint threat emitter (JTE) program. These improvements are aimed at increasing the capability to support realistic air-to-air, air-to-ground, ground-to-air, and electronic warfare training, along with the ability to record and play-back events for aircrew debriefing and analysis.

The committee believes that the Air Force should accelerate its range modernization efforts to replace existing systems with JTE and upgrade existing JTE systems.

Therefore, the committee recommends an increase of 7.5 million in OPAF for the JTE modernization program.

Eastern processing facility

The budget request included $91.0 million for the Spacelift Range System in Other Procurement, Air Force, line 43 but no funds for the Eastern processing facility. The committee recommends an increase of $14.0 million to complete the Eastern processing facility.

Kodiak Launch Complex

The budget request included $91.0 for the Spacelift Range System (SLRS) in Other Procurement, Air Force, line 43 but no funds for the Kodiak Launch Complex (KLC). The committee recommends an increase of $9.5 million to sustain the KLC to support Air Force and other U.S. government launches.

Defense-wide

Terminal High Altitude Area Defense system

The budget request included $858.9 million in Procurement, Defense-wide, for procurement of Terminal High Altitude Area Defense (THAAD) interceptors. The committee notes that there is currently a production and delivery delay of more than 3 months for THAAD interceptors because of a pending failure review board investigation of a failed safety component, the Laser-Initiated Ordnance System optical block. The committee commends MDA for conducting a thorough failure investigation and resolving the problem before resuming production and delivery of interceptors. Given this production delay, the committee recommends a reduction of $25.0 million in Procurement, Defense-Wide, for THAAD production. This recommendation is made without prejudice to the THAAD system, and reflects the fact-of-life delay in production and

delivery, and the consequent inability of the program to execute the full level of requested funds within fiscal year 2011.

Special Operations Force Deployable Nodes

The budget request included $58.4 million in Procurement, Defense-wide for special operations force (SOF) communications equipment and electronics, including SOF Deployable Nodes (SDN). SDN are a family of secure satellite communications devices that provide special operations personnel with deployable video, voice, and data transmission capabilities. The SDN family of devices come in light, medium, and heavy variants to meet the mission-tailored requirements of special operations units. The Commander of U.S. Special Operations Command has identified a $28.0 million shortfall in funding for SDN-Light and SDN-Medium devices.

The committee recommends an increase of $28.0 million in Procurement, Defense-wide for SDN-Light and SDN-Medium devices for U.S. Special Operations Command.

Enhanced Combat Optical Sight

The budget request included $30.1 million in Procurement, Defense-wide for Small Arms and Weapons. However, it included no funding for Enhanced Combat Optical Sights (ECOS) for grenade launchers used by special operations forces. U.S. Special Operations Command has a validated requirement for 5,386 ECOS, but has not procured any to date.

The committee recommends an increase of $3.0 million in Procurement, Defense-wide, Small Arms and Weapons, for the procurement of ECOS by U.S. Special Operations Command.

Special Operations Forces Combat Assault Rifle

The budget request included $30.1 million in Procurement, Defense-wide for Small Arms and Weapons, including $2.7 million for Special Operations Forces Combat Assault Rifles (SCAR). The SCAR family of rifles includes 5.56 and 7.62 mm variants, each with replacement barrels of different lengths to ensure modularity to meet mission requirements. The SCAR provides special operations personnel with improved reliability, lethality, and versatility over legacy rifles. The Commander of U.S. Special Operations Command has identified a $1.6 million shortfall in funding for these rifles.

The committee recommends an increase of $1.6 million in Procurement, Defense-wide for the SCAR family of rifles for U.S. Special Operations Command.

Ground Mobility Vehicle modification kits

The budget request included $30.9 million in Procurement, Defense-wide for Tactical Vehicles, but did not include any funding for Ground Mobility Vehicle (GMV) modification kits. The GMV is a Service-provided High Mobility Multipurpose Wheeled Vehicle modified to meet special operations mission requirements. Special operations-peculiar modifications provide enhanced survivability, mobility, payload, and communications capabilities. The Commander of U.S. Special Operations Command has identified a $55.0 million shortfall in funding for GMV modification kits.

The committee recommends an increase of $55.0 million in Procurement, Defense-wide, Tactical Vehicles, for GMV modification kits for U.S. Special Operations Command.

Special operations binocular/monocular visual augmentation devices

The budget request included $8.3 million in Procurement, Defense-wide for binocular/monocular vision augmentation devices. These devices allow special operations personnel to detect, recognize, and identify targets under varying light conditions or at ranges at which the operator would not normally be able to see. The Commander of U.S. Special Operations Command has identified a $20.9 million shortfall in funding for these visual augmentation devices. Currently, special operations personnel are forced to share visual augmentation devices to accomplish missions.

The committee recommends an increase of $20.9 million in Procurement, Defense-wide for binocular/monocular visual augmentation devices for U.S. Special Operations Command.

Clip On Thermal Imager

The budget request included $18.6 million in Procurement, Defense-wide for the special operations forces (SOF) visual augmentation, lasers, and sensor systems. However, no funding was included for Clip On Thermal Imagers (COTI). These imagers attach to night vision goggles to significantly increase their performance in extreme low light or foliated conditions and provide the user with much greater situational awareness on the battlefield. The Commander of U.S. Special Operations Command has identified a $4.9 million shortfall in funding for these imagers.

The committee recommends an increase of $4.9 million in Procurement, Defense-wide, SOF Visual Augmentation, Lasers and Sensor Systems, for COTIs for U.S. Special Operations Command.

Items of Special Interest

Assessment of helicopter support

The committee directs the Secretary of Defense to provide, not later than January 15, 2011, the congressional defense committees his assessment of the helicopter requirements for civil support missions in Alaska. The Secretary's assessment should be based upon, and update if necessary, the determination of Department of Defense civil support requirements pursuant to section 1815 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181). The Secretary shall report his findings and the actions he proposes to take, if any, with respect to any capability gaps identified by his assessment.

Combat search and rescue helicopter fleet

The committee is concerned that the missions of the fleet of the Air Force combat search and rescue HH–60 helicopters, which has been expanded to include medical evacuation in Afghanistan, is dramatically increasing the routine "wear and tear" on these aging aircraft.

The committee directs the Secretary of the Air Force, in consultation with the Commander, U.S. Air Force Special Operations Command, to submit a report to the congressional defense committees within 90 days of enactment of this Act to address aircraft maintenance, upgrade, and replacement efforts currently underway to ensure that this mission can continue to be effectively executed.

Development and fielding of Paladin Integrated Management program

The M109A6 Paladin is the 6th version of the M109 self-propelled howitzer, originally designed in the 1950s and produced in the 1960s. According to the Office of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, the Paladin will begin to reach obsolescence by 2012 with the engine becoming unsupportable and increased track, suspension, and generator failures.

Last year, in the Senate report accompanying S. 1390 (S. Rept. 111–35) of the National Defense Authorization Act for Fiscal Year 2010, the committee directed the Army to prioritize the development and fielding of the Paladin Integrated Management (PIM) program due to the cancellation of the Non-Line of Sight Cannon program. The Army responded by making PIM a top priority and planned for full rate production beginning in 2012. The committee is aware that due to program mismanagement, the full rate production will not begin until 2017 based on the Army's current timeline. The committee is concerned by the Army's apparent inability to develop and execute a Paladin modernization program in less than 7 years. Delay in the PIM program will negatively impact the operational effectiveness and reliability of the Army's only self-propelled howitzer, as well as its broader indirect fire systems development program.

Accordingly, the committee directs the Secretary of the Army to reassess the PIM development and production schedules and report to the congressional defense committees, not later than November 1, 2010, its plans to compress the overall timeline. The report shall include cost, schedule, and performance alternatives that provide high, medium, and low risk options to developing, producing, and fielding PIM on a compressed schedule.

F–16 upgrades

The committee has received and reviewed the Air Force's report on procurement of so-called "4.5 generation" fighter aircraft required by section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84). From this document, it is clear that the Air Force would prefer to ensure its F–16 fleet will remain capable through the end of its projected service life in 2025 by making appropriate upgrades to the fleet, rather than purchasing new F–16s. The committee notes that while mid-life extension programs and other upgrades have extended the capability of the existing F–16 fleet, there are still gaps in fourth generation capabilities that will need to be addressed. In addition, there are some investments in capability improvements that would have a potentially very positive effect on operating and support costs for the remainder of the life of the F–16 fleet. One such effort would

be upgrading the current F–16 radar with an active electronically scanned radar (AESA) that has been developed and flight tested on the F–16. The committee understands that the Air Force estimates that this AESA radar offers an 8 to 10 fold reduction in operations and sustainment cost, and a 5 to 10 fold increase in reliability over the mechanically scanned AN/APG–68 radar.

The committee strongly supports Air Force efforts to maintain and modernize the F–16 to avoid potential shortfalls in numbers or capabilities of these aircraft. As a part of that plan, the committee directs the Air Force to consider including AESA retrofit funding for engineering and manufacturing development and low-rate initial procurement in the budget request for fiscal year 2012, and recommends that any such retrofit program be executed expeditiously in order to minimize any potential shortfalls in force structure or capability.

40mm target practice rounds

The committee is aware that the MK281 target practice round is non-dud producing and an environmentally safe training cartridge for the M203 grenade launcher and MK19 grenade machine gun weapon systems. The committee directs the Secretary of the Army to submit a report to the congressional defense committees no later than November 30, 2010, that details the Army's 40mm training cartridge requirements, acquisition history and strategy, including past and projected reprogramming actions, an assessment of the 40mm training cartridge industrial base, and a description of the annual consumption of 40mm target practice cartridges for the last 5 years.

High Mobility Multi-Purpose Wheeled Vehicle

The Committee is aware that vulnerabilities to improvised explosive devices in the current fleet of utility (thin-skinned) and armored High Mobility Multi-Purpose Wheeled Vehicles (HMMWV) has reduced the operational usefulness of these vehicles in support of overseas contingency operations, particularly, in Iraq and Afghanistan. The Committee also notes that this limited use of HMMWVs in theater has resulted in far fewer than expected combat losses and significantly lower maintenance demands and costs. Despite the appropriately limited use of HMMWVs in Iraq and Afghanistan due to these force protection considerations, the HMMWV will remain the foundation of the Department's light tactical wheeled vehicle fleet for years to come. The Army alone will have over 152,000 HMMWVs in its inventory, of which 60,000 will be armored.

The Committee supports the Army's and Marine Corps' plans to initiate a selective HMMWV recapitalization program that prudently resets, rebuilds, and extends the life of the existing utility and armored vehicle fleets at their current capabilities. At the same time, the Army and Marine Corps will investigate new armor technologies that may increase the HMMWV's protective capabilities and that could be applied in an additional recapitalization program. The Committee understands that should new approaches to HMMWV armor prove technologically feasible and affordable, the Army intends that the recapitalization program to apply this capa-

bility would be based upon a full and open competition among public, private, or public-private partnership providers.

The Committee supports this approach as a means of getting the most value out of what will be a very large utility and armored HMMWV vehicle fleet for many years to come. This approach will also look seriously at technologies to increase the HMMWVs force protection and survivability and potentially increase their relevance and availability for deployed contingency operations. Accordingly, the Committee directs the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, and the Assistant Secretary of the Navy for Acquisition to submit to the congressional defense committees, not later than March 31, 2011, a report from each, detailing the military department's acquisition strategy for HMMWV recapitalization. The required reports shall include:

(1) the requirements and analysis of alternatives regarding recapitalization of the existing HMMWV fleet, for active and reserve components, at the current levels of capability of utility and armored variants;

(2) the strategy and plans for research, development, testing, competition, and procurement, including schedules and funding profiles, associated with a new program to recapitalize HMMWVs with increased survivability, mobility, or operational capability; and

(3) the relationship of the military department's HMMWV recapitalization programs, for both current and potential future capabilities, with plans for the development and procurement of the Joint Light Tactical Vehicle.

Finally, the Committee directs the Assistant Secretaries of the Army and Navy named above to submit a report each describing their analysis and acquisition decisions at the conclusion of live fire testing of new armor alternatives, their business case analysis leading to a decision to compete a recapitalization program, and their decision to award a contract or contracts at the conclusion of a competition, if held.

Rapid equipping soldier support equipment

The committee notes with concern that the Army has been slow to obligate and expend funds provided by Congress for its rapid equipping soldier support equipment program. As of March this year, the Army had failed to obligate $320.0 million provided in fiscal years 2008 and 2009 appropriations. The committee supports making funds available to the Army to meet the emergent requirements of deployed forces and take advantage of new technologies that have high military value and are immediately available for use. In this regard the committee has been willing to accept the uncertainty associated with providing the Department obligating authority without knowing specifically if or for what the funds will be used. The Department has the responsibility to prudently judge whether or not, as well as when and for what, to use these funds. However the committee expects the Army to aggressively manage this program to ensure that funds are obligated and expended within a reasonable time for the purposes intended. Accordingly, the committee directs the Assistant Secretary of the Army for Acquisition, Logistics, and Technology to provide a monthly report to

the congressional defense committees detailing the obligation and expenditure of funds in the rapid equipping soldier support equipment program until funds made available in fiscal years 2008, 2009, and 2010 are obligated. The Assistant Secretary should include in his initial report a description of how the funds are managed and what official is responsible for directing their use to ensure timely financial execution. Each subsequent report should include a justification for delays in obligation of such funds, if beyond the fiscal year for which they were made available.

Report on expeditionary amphibious warfare ship force structure

The Marine Corps provides a combined-arms, expeditionary force in readiness able to deploy rapidly by sea or air. Marine air-ground task forces are in high demand for missions such as sustained combat operations; irregular warfare; forward presence; maritime security; humanitarian assistance; disaster relief; and security cooperation.

The committee has heard testimony that the joint requirement for amphibious forcible entry is having a simultaneously employable two Marine Expeditionary Brigade (MEB) assault capability, reinforced and supported by a Maritime Prepositioning Force (MPF) squadron. Carrying one MEB assault echelon requires approximately 17 operationally available amphibious warfare ships, resulting in a combined total requirement of 34 operationally available ships. These 34 ships would carry a force of approximately 15,000 to 18,000 Marines and their equipment, vehicles, aircraft, and logistics support. The Secretary of the Navy, the Chief of Naval Operations, and the Commandant of the Marine Corps have determined that the Navy needs to have a total inventory of 38 ships to achieve a 34-ship level that is operationally available throughout the year. This larger number of ships allows for ships that are unavailable due to extended maintenance availabilities.

The Navy's "Report to Congress on Annual Long-Range Plan for Construction of Naval Vessels for FY 2011" uses the 313-ship battle force inventory as its baseline. In light of current fiscal constraints, the report states an amphibious inventory of approximately 33 amphibious ships will be maintained for the Marine Corps' assault echelon. The senior leadership of the Department of the Navy, including the Commandant, has testified to the committee that a 33-ship force of amphibious vessels represents an acceptable level of risk.

The Navy's report also indicates that the amphibious assault ships USS *Nassau* (LHA–4) and USS *Peleliu* (LHA–5) will be decommissioned earlier than had been planned, resulting in a reduction in amphibious warfare force inventory levels to a level of 29 ships within the current future-years defense program. This reduction may create a higher level of strategic risk. It is not clear to the committee that either the Department of the Navy or the Department of Defense has yet assessed and incorporated these revised force levels into updated planning to determine if this smaller force can meet combatant commander requirements.

The committee notes the Navy's ability to reestablish a 33-ship force may be adversely affected by a constrained shipbuilding budg-

et, among other factors. The new *San Antonio*-class of amphibious transport dock ships and LHA–6 class amphibious assault ships continue to experience construction delays and late deliveries. Moreover, in-service *San Antonio*-class ships are now experiencing structural and material deficiencies that oblige the Navy to remove them from service at least temporarily to conduct unscheduled maintenance and repair availabilities.

The Navy also has revised its long-range shipbuilding plans in ways that will reduce the capability of its amphibious force structure. The Mobile Landing Platform (MLP) was originally planned to be a part of the larger Maritime Prepositioning Force (Future) (MPF (F)). The MPF (F) set of capabilities were being developed under a sea-basing concept that would have provided a means to conduct combat operations and other missions in areas of the world where access to port facilities was not available.

The Navy has now restructured the previous MPF (F) concept in favor of enhancing existing afloat prepositioning capabilities for use in low-threat environments. As a result of this change, the Navy may delay acquisition of large, medium-speed roll-on/roll-off ships by more than a decade. Additionally, the MLP has been redesigned as a smaller, less capable ship than the ship for which Congress authorized and appropriated advance procurement funding in fiscal year 2010.

Therefore, the committee directs the Congressional Budget Office (CBO) to conduct a capabilities-based study of the Navy's latest 30-year shipbuilding plan for amphibious warfare ship force structure. The study shall address each of the foregoing developments by assessing their effect on: (1) the Navy's ability to satisfy joint and combatant commander requirements for U.S. Marine Corps amphibious capabilities; (2) the Navy's ability to support U.S. Marine Corps force-in-readiness requirements, to include operational tempo and personnel tempo; and (3) training and readiness of the Marine Corps to execute its full set of expeditionary amphibious missions. The committee directs that the CBO provide this report to the congressional defense committees by March 1, 2011.

The committee also directs the Secretary of Defense to complete an operational capabilities-based assessment that reviews and reconciles amphibious requirements, ship retirement schedules, and the 30-year shipbuilding plan. The report will include: (1) combatant commanders' requirements for sufficient expeditionary amphibious capabilities; (2) Marine Corps' requirements for sufficient expeditionary amphibious capabilities to fully support combatant commanders' requirements; (3) effects of early decommissioning of amphibious ships prior to their replacement on Marine Corps training, capacity, force structure, and combat capability; (4) review of Marine Corps operations and contingency plans that require expeditionary amphibious capabilities; (5) review of how Marine Corps expeditionary capabilities and Navy expeditionary amphibious ships and capacity fit within the U.S. military's regional concept of operations and defense-planning scenarios; and (6) description of the cost savings associated with retiring amphibious ships on their current schedule and an explanation of how the Navy will invest such savings in other programs or to address other funding requirements. The committee directs that the Secretary of Defense

provide this report to the congressional defense committees by March 1, 2011.

Surface ship construction and industrial base issues

The committee recognizes that the Navy's most recent Long-Range Plan for the Construction of Naval Vessels continues the Navy's long stated goal of a minimum fleet of 313 battle force ships. The committee notes that this plan is based on a 2005 Force Structure Assessment and a new Force Structure Assessment is required to address expanded requirements identified in the 2009 Quadrennial Defense Review for irregular warfare support, ballistic missile defense, intratheater lift, and humanitarian missions. The committee encourages the Navy to complete this review as expeditiously as possible so the results can be incorporated in the next Long-Range Plan.

The committee continues to have significant concerns regarding the implications of the plan for the non-nuclear surface ship industrial base. If the Navy and industry, working together, are unable to control requirement driven cost growth and deliver the ships in the plan for the projected costs, the inevitable reductions in quantity will likely impact the Navy's ability to reach the required fleet size and further jeopardize the industrial base. The committee notes that the current shipbuilding plan includes the cost of the SSBN (X) program and the committee encourages the Navy to closely scrutinize requirements for this program in order to minimize its impact on the recapitalization of the Navy's battle force.

Furthermore, the committee urges the Navy and the contractors to negotiate as expeditiously as possible fair and reasonable construction contracts for ships previously authorized in order to reduce uncertainty and maintain and foster affordability in the procurement of large surface combatants and other naval vessels.

In reviewing the Long-Range Plan for the Construction of Naval Vessels in conjunction with recent program performance highlights, the committee notes the following observations and expectations:

The stated requirement for amphibious ships is 38 vessels; however, the Long-Range Plan projects accepting moderate risk by having 33 ships by 2016, but then declining to 29 or 30 ships after 2034. Although there have been improvements in recently delivered ships, cost and quality issues have been all too common in the procurement of large and medium amphibious ships, making an already constrained shipbuilding budget more difficult to execute. A new dock landing ship class, LSD(X), is important to the recapitalization of the amphibious force. The requirements for this ship must be closely validated to ensure affordability. The committee notes the Navy's plan to have a gap year following the lead ship of the class and believes that this may help alleviate cost, schedule, and performance issues. Overall, the committee remains concerned with the Navy's management of the amphibious ship accounts and expects continued close scrutiny of these programs by Navy leadership.

In large surface combatants, the Navy's last official report stated that the industrial base can only be effectively sustained if naval ship yards were building the equivalent of three DDG–51 destroyers per year, with additional work assumed at one of the yards.

Even if the Navy fully executes both of the large surface combatant programs of record in the near-term, the President's fiscal year 2011 budget request and future-years defense program propose to buy an average of 1.5 large surface combatants per year. Even at projected procurement rates, the number of cruisers and destroyers falls below the required level of 88 ships in 2027 and remains below that level for the following 13 years. At its worst, the number of large surface combatants is 21 ships below the expected requirement in 2034.

The Navy has testified that continued demand for large surface combatants to meet forward presence and strike operations requirements coupled with emerging ballistic missile defense requirements drives the Navy to consider abandoning lesser priority missions for more recent, higher priority ones. In light of the current pressure on the large surface combatant force, the committee is concerned that the Navy's projected rate of production is insufficient, and anticipates that the Navy will closely assess future demand for large surface combatants, and operational and additional risk to the industrial base of maintaining relatively low rates of procurement for large surface combatants.

The committee remains concerned with the Navy's ability to execute what it believes is an overly optimistic procurement strategy for large surface combatants. The truncation of the DDG–1000, the restart of the DDG–51 class and the proposed Flight III variant of the DDG–51 inject a great deal of instability into the SCN accounts. The Navy's testimony before Congress has led this committee to identify six risk areas in the Navy's plan for DDG–51s: (1) the availability of the Air and Missile Defense Radar; (2) the extent and cost of modifications to the underlying ship's design package to support proposed changes to the ship; (3) increased limitation on service life margins of the early restart ships; (4) combat system software integration; (5) the overall complexity of various separate programs that need to converge for successful completion of the restart and Flight III programs; and (6) cost and schedule growth for the Aegis Combat System Modernization. The committee expects the Navy to keep it closely apprised of developments in these risk areas so that it can monitor appropriate risk mitigation efforts.

The Littoral Combat Ship (LCS) program has made progress during the past year and the recent decision to move to a single design should improve affordability. The LCS fleet is expected to comprise 55 vessels of the Navy's 313–ship fleet force structure. Even modest cost growth in this large component of the fleet magnifies the problem of achieving that objective. The committee notes that the Navy's acquisition strategy for the LCS program introduces competition for this class of ships and is therefore cautiously optimistic that this program is making progress.

In summary, the committee considers the specialized shipbuilding industrial base for large surface combatants, amphibious ships, Navy auxiliary ships, and littoral vessels as a critical component of national security and expects the Department of Defense to appropriately sustain this industrial base. The committee expects the Department of the Navy to include these considerations as it

incorporates the updated force structure assessment in the upcoming Long-Range Plan for the Construction of Naval Vessels.

The committee understands that the Navy is conducting a comprehensive review of the shipbuilding industrial base and calls upon the Navy to update the committee on the scope and timeline for such a study. The committee understands the objective of the study is to identify the challenges facing the Navy and the associated shipbuilding industrial base and the strategies for mitigating the effects of those challenges. The committee expects that this study will inform its deliberations in connection with the fiscal year 2012 budget. As a general proposition, the committee expects that the Department of Defense will provide the Navy with the support it needs to focus on the matters referred to above.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Subtitle B—Program Requirements, Restrictions, and Limitations

Limitation on use of funds for alternative propulsion system for the F–35 Joint Strike Fighter program (sec. 211)

The committee recommends a provision that would require that, before spending any additional funds on the F136 engine that is being developed as an alternative propulsion system of the F–35 Joint Strike Fighter program, the Secretary of Defense would have to certify that development of the alternate propulsion system:

(1) will:

(a) reduce the total life cycle-cycle costs of the F–35 Joint Strike Fighter program;

(b) improve the operational readiness of the fleet of F–35 Joint Strike Fighter aircraft; and

(2) will not:

(a) disrupt the F–35 Joint Strike Fighter program during the research, development, and procurement phases of the program; or

(b) result in the procurement of fewer F–35 Joint Strike Fighter aircraft during the life cycle of the program.

Limitation on use of funds by Defense Advanced Research Projects Agency for operation of National Cyber Range (sec. 212)

The budget request included $10.0 million for the Defense Advanced Research Projects Agency (DARPA) in PE 35103E for the National Cyber Range (NCR) in the Cyber Security Initiative. In the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84), the conferees noted concern with DARPA that it had not yet identified a transition partner for the NCR, nor were there funds programmed in any other organization's budget to support continued operations of the NCR. The committee remains concerned about the lack of a transition path.

Therefore, the committee recommends a provision to prohibit any expenditure of funds for the NCR until 90 days after the Under Secretary of Defense for Acquisition, Technology, and Logistics submits a report to the Committees on Armed Services of the Senate and the House of Representatives on plans for transitioning the NCR to sustainment and operations. Furthermore, funds expended on the NCR 90 days after the report is submitted can only be for research and development activities to ensure and assess the functionality of the NCR.

This required report should determine the possible options for transition recipients, and for each option described, should clearly articulate the steps that should be taken, proposed milestones, and funding necessary for full transition. Included in the range of options, the report should consider the establishment of a government consortium of the NCR as a government-owned government-operated, or a government-owned contractor operated facility.

Enhancement of Department of Defense support of science, mathematics, and engineering education (sec. 213)

Section 2192 of title 10, United States Code, provides the Secretary of Defense certain authorities in support of improving education in the scientific, mathematics, and engineering skills—commonly referred to as Science, Technology, Engineering, and Mathematics (STEM)—necessary to meet the long-term national defense needs of the United States for personnel proficient in such skills. Pursuant to these STEM-related authorities, the committee commends the Department of Defense for recently developing and releasing a STEM Education and Outreach Strategic Plan Framework, and looks forward to its implementation.

To further the important strategic goal of ensuring that our Nation and the Department has an adequate future talent pool of scientists and engineers for national competitiveness and defense needs, the committee recommends a provision to section 2192 of title 10, United States Code, permitting the Secretary of Defense to carry out these activities through the military departments, which in many cases have close working relationships between their research laboratories and local academic institutions.

The committee also recommends a provision to section 2194 of title 10, United States Code, to authorize the Secretary of Defense to permit the directors of defense laboratories to enter into cooperative agreements with appropriate entities to assist laboratory personnel in STEM-related activities with local academic institutions.

Program for research, development, and deployment of advanced ground vehicles, ground vehicle systems, and components (sec. 214)

The committee recommends a provision that would authorize the Secretary of Defense to carry out a cost-shared program, in cooperation with industry, academia, and other federal agencies, including the Department of Energy, to develop and deploy advanced technology ground vehicles and their component parts. The purposes of this program would be to maximize collective investments in development and deployment of advanced ground vehicle technologies and to identify and support technological advances critical to sustained, long-term development of ground vehicle technologies for use by the Department of Defense (DOD).

In carrying out such a program, the committee recommends that DOD work in close collaboration with federal and non-federal partners to leverage investments in ground vehicle power and propulsion technologies and accelerate technology innovation and commercialization. The committee recommends DOD consider a variety of joint opportunities including research and development initiatives, pilot programs, and establishment of public-private partner-

ships such as research centers, prototype facilities, and test beds. Such a program should include research and development and deployment of technologies including, but not limited to, batteries, advanced materials, power electronics, fuel cells and fuel cell systems, hybrid systems, and advanced engines.

Demonstration and pilot projects on cybersecurity (sec. 215)

The committee recommends a provision that would require the Secretary of Defense, in support of and in coordination with the Secretary of Homeland Security, to develop and conduct pilot demonstrations to determine the potential contribution of commercial technology and capabilities to the defense of government and defense industrial base cyber networks and systems, and various means by which the government can acquire or apply those commercial technologies and capabilities.

The committee strongly supports the potential piloting projects recently developed within the executive branch, and recommends authorization of $30.0 million to execute the pilots described in this section. The committee is heartened that the administration is finally recognizing the enormous potential role for the private sector in cybersecurity. The funding would be authorized in line 196, Research, Development, Test, and Evaluation, Defense-wide, PE 32019K.

The committee is persuaded that the major telecommunications and Internet Service Providers, collectively, have unparalleled visibility into global networks which would enable them to detect cyber intrusions and attacks as they are forming and transiting towards their targets. These companies also already possess potent tools and techniques for countering these attacks in order to defend their own infrastructure and the networks and applications of their customers. However, while each of the major companies possesses impressive visibility, it is only by combining their collective network visibility that a comprehensive, global warning and assessment capability can be achieved. Furthermore, while these companies already share information about threats and problems, they do so on an ad hoc and non-real-time basis. An integrated attack warning and response capability requires an engineered, real-time exchange and consolidation of threat information and response capabilities.

The committee believes that it is essential for the administration to determine how a commercial consortium could be formed, what the government's role would be in establishing and managing such a consortium, and how the government could and should participate. The committee is aware that there are significant legal and policy issues that would need to be carefully worked through, including possible anti-trust concerns and legal restrictions on the sharing of the content of communications with the government, even if that content is malicious software. The committee's intent is that the administration proceed as far as it can as soon as it can, on a pilot basis, but completely within the confines of existing policy and legal constraints. The administration should not wait to begin those elements of this pilot that can be pursued right away until it has sorted out and resolved all the issues associated with a fully operational commercial consortium that is integrated into government security operations centers.

The committee stresses that this commercial consortium pilot depends on sponsorship from the Department of Homeland Security (DHS), and that the DOD role would be to support DHS.

The committee is also very interested in the potential for commercially outsourced, managed security services to rapidly increase the security of key elements of the Defense Industrial Base. If this pilot is successful, it could provide a model for defending other privately owned critical infrastructure, as well as federal departments and agencies, consistent with the Managed Trusted Internet Protocol Services program executed by the General Services Administration (GSA), which now includes managed security services under the Networx contract vehicle.

This model also could be easily extended to encompass outsourcing of network services and computing, including cloud computing. The committee believes that there is evidence to support the contention that such comprehensive outsourcing would provide better service and far better security, at equal or even reduced cost. The committee notes that GSA achieved precisely these results through its own cloud outsourcing program.

The committee hopes that these two pilots could demonstrate that there are means to dramatically improve the Nation's cybersecurity capabilities rapidly, affordably, and without taxing the limited abilities of DHS and other federal organizations to manage complex systems acquisitions. The models demonstrated through these pilots also could complement, and be integrated with, the Einstein 3 program, and existing defense-in-depth cybersecurity capabilities within the Department of Defense, the Department of State, the Department of Justice, and elsewhere.

A third pilot would involve creating a commercial construct and processes that would permit DOD to rapidly acquire operational or technical cyber capabilities from the private sector, to incentivize commercial investments in technology and capabilities, and to facilitate the transition of these capabilities into both government programs and commercial markets. A major goal would be to achieve agility in exploiting innovations and closing vulnerabilities. The committee expects that this pilot would contribute to the cyber acquisition strategy that would be required by sec. 933 of this Act.

The provision would require DOD to conduct a fourth pilot whose purpose would be to develop a process to enable the evaluation and comparison of commercial cyber security products and services across a common set of standards and a common taxonomy. The committee intends that the Department exploit the work of the private sector's development of the Consensus Audit Guidelines and the security controls developed by the National Institute of Standards and Technology. These guidelines and controls are based on the most significant attack patterns, and could form a framework for organizing and integrating commercial products and services.

The committee understands that these pilots will take some time to initiate and complete, but expects the Department to be aggressive, in keeping with the Department's own declared anxiety about the rising cybersecurity threat and the need for forceful corrective action.

Subtitle C—Missile Defense Matters

Sense of Congress on ballistic missile defense (sec. 231)

The committee recommends a provision that would express the sense of Congress on ballistic missile defense issues, including: 1) that the Phased Adaptive Approach (PAA) to missile defense in Europe is an appropriate response to the missile threat from Iran, and that it is consistent with the guidance from Congress in 2009; 2) that the PAA is not intended to, and will not, provide a missile defense capability relative to Russia's deterrent missile force, or diminish strategic stability with Russia; 3) to support efforts of the U.S. Government and the North Atlantic Treaty Organization to cooperate with Russia on missile defense relative to Iranian missile threats; 4) that the Ground-based Midcourse Defense system currently provides adequate defensive capability against potential future long-range missile threats from Iran; 5) that the United States should continue to improve and deploy missile defense systems to defend itself against limited attack and to strengthen regional stability; 6) that, as part of this effort, the Department of Defense should pursue the development, testing, and deployment of operationally effective versions of all variants of the Standard Missile–3 (SM–3) for all four phases of the Phased Adaptive Approach to missile defense in Europe; 7) that the SM–3 Block IIB interceptor should be capable of addressing potential future long-range missiles from Iran; 8) that there are no constraints contained in the New START Treaty on the development or deployment of effective missile defenses; and 9) that the Department should continue the development and testing of the two-stage Ground-Based Interceptor as a hedge against potential technical challenges with the development of the SM–3 Block IIB interceptor.

Repeal of prohibition on certain contracts by the Missile Defense Agency with foreign entities (sec. 232)

The committee recommends a provision that would repeal section 222 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180). That section prohibits the use of Department of Defense (DOD) funds for entering into a contract with a foreign government or firm for research, development, test, or evaluation in connection with strategic missile defense.

As has been the case in recent years, and as the Ballistic Missile Defense Review of February 2010 made clear, robust international cooperation is an essential component of the U.S. ballistic missile defense program. DOD has a growing number of important cooperative projects with foreign nations, such as the joint U.S.-Japanese development of the Standard Missile 3, Block II A interceptor missile, or the joint U.S.-Israeli development of several ballistic missile defense systems.

Section 222 is now contrary to the policy, practice, and intent of the United States, and it hinders the ability of the Missile Defense Agency to contract directly with foreign governments and entities. Repealing that section would enhance the opportunities for international cooperation on missile defense.

Medium Extended Air Defense System (sec. 233)

The committee recommends a provision that would limit the availability of any fiscal year 2011 funds for the Medium Extended Air Defense System (MEADS) until several conditions are met: 1) the Department of Defense (DOD) has completed the Critical Design Review and the System Program Review for the MEADS program and made a decision on how or whether to proceed with MEADS or an alternative to MEADS; 2) the Secretary of Defense has submitted a report to the congressional defense committees providing a detailed explanation of the decision concerning the future of MEADS; and 3) 60 days have elapsed following the receipt of the Secretary's report. The provision would specify a number of elements to be included in the Secretary's report.

The committee is deeply concerned with the significant uncertainties surrounding the MEADS program, a tri-national development effort between the United States, Germany, and Italy, to develop a next-generation lower-tier air and missile defense system. As the system approaches a Critical Design Review scheduled for August 2010, it is estimated to be about $1.0 billion over budget and about 18 months behind schedule. There are also concerns that MEADS will not meet all its Army requirements, including the ability to be transported by C–130 aircraft.

Furthermore, the Army and DOD have decided that, in order to meet their needs for integrated air and missile defense in an interoperable fashion with other U.S. systems, the U.S. MEADS command, control, and battle management system must be the Integrated Battle Control System (IBCS), which is not part of the original MEADS program agreement. There is also concern that the interceptor missile for MEADS, the Missile Segment Enhancement (a modification of the Patriot Advanced Capability 3 missile), may have technical or schedule risks associated with an aggressive test schedule, which may delay its availability for MEADS.

In addition, our international partners may have reservations about proceeding with the previously planned MEADS system. The German parliament is seeking information on less expensive alternatives to MEADS, and it appears that Italy may not procure the MEADS system.

All these factors suggest that the program could be on an unstable path, including the possibility of significant modification or even termination. Accordingly, the committee believes that DOD and the Army should proceed cautiously and deliberately with MEADS in order to avoid making decisions that may be unnecessarily costly or that may need to be reversed.

In this regard, the committee cautions the Army against spending fiscal year 2010 funds for MEADS efforts that may be reversed, or that may require additional termination fees if the program is later terminated.

Acquisition accountability reports on the Ballistic Missile Defense System (sec. 234)

The committee recommends a provision that would require the Missile Defense Agency (MDA) to establish and maintain an acquisition baseline for each program element of the Ballistic Missile Defense System, with specified elements, and to provide annual re-

ports to the congressional defense committees on the acquisition baselines, starting in February 2011. The reports would also include a description of the activities of the Missile Defense Executive Board for the preceding fiscal year.

The committee notes that Congress has previously urged the MDA to develop and report acquisition baselines on its program elements to improve management, accountability, and transparency, but MDA has not developed such baselines previously, despite commitments to do so. The Government Accountability Office has also recommended numerous times that MDA should develop and use acquisition baselines for cost, schedule, and performance in order to permit objective assessments of their progress on missile defense acquisition programs. The lack of MDA acquisition baselines has been a significant impediment to adequate oversight of MDA programs, and has made MDA activities much less transparent and accountable than other Major Defense Acquisition Programs.

The committee recognizes that the current leadership of the Missile Defense Agency has taken the initiative to develop acquisition baselines and use them as a central management tool. The committee commends MDA's leadership for taking this important step, and looks forward to receiving the baselines and using them to assess progress on MDA programs. The committee believes it is important to require such baselines in law to ensure that they will be an enduring feature of MDA program management and oversight in the future.

Independent review and assessment of the Ground-based Midcourse Defense system (sec. 235)

The committee recommends a provision that would require the Secretary of Defense to select an entity outside the Department of Defense to conduct an independent review and assessment of the Department's plans for the Ground-based Midcourse Defense (GMD) system. Within 6 months of the date of enactment of this Act, the outside entity would submit to the Secretary and the congressional defense committees a report containing the results of the review and assessment, and any recommendations for how the Department could improve upon its plans for the GMD system.

Budget Items

Army

Army basic research

The budget request included $406.9 million in Army basic research to develop a foundational scientific and technological understanding to solve Army-unique problems and develop knowledge for an uncertain future. The Army's basic research program makes investments in a number of thrust areas ranging from biotechnology to quantum information science. Consistent with these research thrusts, the committee recommends increases in PE 61102A of $6.0 million for advanced energy storage research and research into ultracold forms of matter for future navigation systems. In PE 61103A, the committee recommends an additional $2.0 million for

new lightweight materials for vehicle protection. The committee also recommends an increase of $2.0 million in PE 61104A for materials processing research.

Army materials technologies

The budget request included $29.9 million in PE 62105A for applied research on materials technology. The committee notes that the Defense Science Board Task Force on the Department of Defense (DOD) Energy Strategy recommended that DOD continue to invest in mobile, in-theater synthetic fuels processes that would address DOD's fuel problem by reducing battlespace fuel demand. Consistent with that recommendation, the committee recommends an additional $1.5 million for the research on advanced biofuels.

The Army's current armor development technology objective seeks to develop lightweight, affordable, manufacturable armor protection against a variety of threats. In support of that objective, the committee recommends an additional $3.0 million for applied composite materials research; $2.0 million for research on high strength glass fibers for armor applications; and $1.5 million for lighter body armor technology development. Lastly, the committee recommends $2.0 million for PE 63005A for advanced multifunctional armor technology, $1.5 million for PE 63001A for moldable fabric armor, and $2.0 million in PE 63734A for improved projectile and hardened structure testing.

In addition to armor and other direct warfighting applications, lighter and stronger materials can also improve other logistical and support-related systems. To further these capabilities, the committee recommends $2.0 million in PE 63005A to advance the development of composite shelters for the maintenance of tactical ground vehicles.

The 2007 report on the Defense Nanotechnology Research Program indicated that the Department is working to increase investments in nanomanufacturing since "this area remains a significant barrier to the commercialization of nanomaterials and nanotechnology-based products." The committee recommends an additional $4.0 million for PE 62105A for research on manufacturing of nanosensors for military applications.

Unmanned aerial systems research and development

The budget request included $43.5 million in PE 62211A towards applied research of aviation technologies, both manned and unmanned. Unmanned aerial systems (UAS) have seen dramatically increased utilization during recent operations, but there are shortfalls in higher performing propulsion systems and integration issues that remain to be addressed. In support of these efforts, the committee recommends an increase of $2.0 million in PE 62211A for unmanned aerial system integration. In addition, the committee recommends an increase of $8.5 million in PE 63003A for improved UAS engine development, rotorcraft corrosion reduction efforts, and improving capabilities to more rapidly insert new aviation technologies, including enhanced systems to detect hostile fire.

Advanced concepts and simulation

The budget request included $20.6 million in PE 62308A for advanced concepts and simulation research. The 2006 National Research Council study on "Defense Modeling, Simulation, and Analysis" recommended research investment on video game-based training and simulation to further training and education activities in the Department of Defense. Consistent with that recommendation, the committee recommends an additional $2.0 million for cognitive modeling and simulation research to support tactical decision-making by military planners in training and operational scenarios.

Ground vehicle research

The budget request included $64.7 million in PE 62601A and $89.5 million in PE 63005A for research on combat vehicles and automotive technologies. The Army has established a technology objective to develop advanced survivability systems for the protection of crew and passengers in current and future tactical wheeled vehicles. To support these efforts, the committee recommends an increase of $12.0 million in PE 63005A for development of advanced ground vehicle survivability technologies including, but not limited to, external armor solutions, threat sensors, and other defensive measures, and $2.0 million in PE 62105A and $2.9 million in PE 78045A for research on advanced composite and alloy materials for vehicle armor.

The Army has established a technology objective to develop and demonstrate wheeled vehicle power and mobility technologies, including commercial engines adapted to military requirements that reduce cost, increase efficiency, and improve reliability. To support these efforts, the committee recommends an increase of $18.0 million in PE 63005A for development of advanced power electronics, improved thermal management, and development of other engine subsystems. To better understand and prevent engine and vehicle wear, the committee recommends $2.0 million in PE 62601A for research on engine and transmission friction and wear.

Robotic systems

The budget request included $64.7 million in PE 62601A and $89.5 million in PE 63005A for research on combat vehicles and automotive technologies. The committee notes the increasing use and value of robotic systems on the battlefield to perform counter-improvised explosive device maneuvers; intelligence, surveillance, and reconnaissance; and other tactical missions. The committee also notes that section 220 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398) established a goal that by 2015, one-third of the operational ground combat vehicles acquired through the Army's Future Combat Systems program will be unmanned. In support of these goals, the committee recommends an increase of $12.0 million in PE 62601A for the development of robotics systems, vehicle autonomy, and advanced energy and propulsion systems for robotic vehicles. The committee also recommends an increase of $2.0 million in PE 63005A for the development of autonomous and connected vehicle technologies for logistics, force protection, and other applications.

Vehicle energy and power programs

The budget request included $64.7 million in PE 62601A and $89.5 million in PE 63005A for combat vehicle research and development. The committee has been focused on and supportive of efforts to increase the energy efficiency and performance of combat and tactical vehicles through the application of advanced energy technologies. These technologies can also enable capabilities such as silent watch, extended range, and the provision of mobile electric power, all of which serve to significantly enhance the operational capability of warfighters. To support the Army's goals in this area, the committee recommends an increase of $7.0 million in PE 62601A for hybrid electric vehicle testing and hybrid truck development. The committee also recommends $1.5 million for applied research on advanced materials for energy storage, conversion, and distribution.

The committee notes that the Army has been experimenting with a variety of hybrid systems to support Future Combat Systems, trucks, and light tactical vehicles. Consistent with the development of hybrid engines and systems to support military applications, the committee recommends an increase of $7.0 million in PE 63005A for improved auxiliary power, battery systems, and overall power management. The committee recommends $12.0 million for improvements in vehicle electronics and their underlying architecture for more advanced and efficient systems for the warfighter. The committee also notes that hybrid engines and plug-in technologies hold particular promise for use in theater and recommends an increase of $6.7 million for development in PE 63005A.

Reactive armor technologies

The budget request included $60.3 million in PE 62618A for ballistics technologies. The Army has established a technology objective to develop armor and vehicle structure technologies to influence all future generations of combat vehicles. To support this effort and enhance industrial production capacity, the committee recommends an increase of $3.0 million for research on reactive armor systems.

Advanced detection research

The budget request included $5.3 million in PE 62622A for applied research towards improving personnel and platform survivability. The committee recommends an increase of $1.5 million to PE 62622A for development of new technologies for the standoff detection of radionuclides. In addition, the committee recommends an increase of $2.0 million in PE 62234N for the development of new materials for focal planes in infrared detectors and an increase of $3.0 million in PE 62712A for improved multispectral imaging technology for explosives detection.

Acoustic sensors systems

The budget request included $42.6 million in PE 62624A for applied research on weapons and munitions technology. The Army's Sensor and Information Fusion for Improved Hostile Fire Situational Awareness technology objective seeks to develop enhanced acoustic and other sensors to detect, locate, and classify a wide

range of threats. In support of these efforts, the committee recommends an additional $2.0 million for continued development of gunfire detection and location systems. Similarly, the committee recommends an additional $2.0 million in PE 63710A for situation awareness research and technology development.

Military engineering technology

The budget request included $79.2 million in PE 62784A for military engineering technologies. The Army has established a technology objective to improve battlespace and terrain awareness for forces by creating actionable information from terrain, atmospheric, and weather impacts and their effects on Army assets. In support of this objective, the committee recommends an additional $2.0 million for geosciences and atmospheric research.

Medical and warfighter technologies

The budget request included $27.7 million in PE 62786A for warfighter technology and $96.8 million in PE 62787A for applied research on medical technologies. To support development of combat casualty care capabilities, the committee recommends an additional $2.0 million in PE 62787A for research on explosion blast interactions with protective equipment and personnel. In addition, the committee recommends an increase of $5.0 million in PE 62787A for new modeling and treatment approaches for traumatic brain and spinal cord injuries, $3.0 million in PE 64771N for retinal transplant technologies for vision restoration in blast trauma victims, and $1.0 million in PE 62786A for research to enhance combat ration shelf life and nutrition.

Thermal resistant fiber research

The budget request included $27.7 million in PE 62786A for warfighter technologies, including those to improve solider and small combat unit survivability. In order to help address the threat of burn injuries to deployed warfighters, the committee recommends an increase of $2.5 million for thermal resistant fiber research.

Army advanced medical research and technologies

The budget request included $71.5 million in PE 63002A for advanced medical technologies. The Army's medical research program on this effort focuses on warfighter medical protection performance standards that demonstrate and transition technologies and tools associated with biomechanical-based health risks, injury assessment and prediction, soldier survivability, and performance during continuous operations. Consistent with these efforts, the committee recommends an additional $2.0 million for the development of biosensor controller and monitor systems, $2.5 million for body temperature conditioning technologies, $2.0 million for enhanced medical training, and $2.0 million for eye trauma research.

The committee commends the Army and Department of Defense for its work developing advanced prosthetics technologies for use by wounded warriors. In support of these efforts, the committee recommends an additional $2.0 million for lower limb prosthetics de-

velopment and an additional $4.0 million for improved prosthetics manufacturing.

Telemedicine is becoming an important area of medical technology in need of further development to continue to deliver quality care to our troops in the battlefield and at home. In support of developing telemedicine tools, the committee recommends an additional $1.5 million for telemedicine research and $3.0 million for handheld telemedicine device development.

The committee further recommends an additional $5.5 million for research on the integration of medical technologies to address combat casualty care issues and $12.0 million to support research on Gulf War illnesses.

Army weapon systems sustainment

The budget request included $89.5 million in PE 63005A for research on combat vehicles and automotive technologies. Many of the legacy systems utilized by the Army are decades old and require parts for frequent repairs. As the systems age, often the parts and assemblies are no longer being manufactured, making them expensive and difficult to locate. The committee recommends an increase of $4.0 million in PE 63005A to help reduce the life cycle costs of legacy Army systems by addressing the costs associated with diminishing manufacturing and material sources through reengineering, substitute part testing and evaluation, and additional research. In addition, the committee recommends an additional $1.5 million in PE 62105A for weapon systems repair technologies.

Force projection technology

The budget request included $89.5 million in PE 63005A for research on combat vehicles and automotive technologies. The committee recommends an additional $8.0 million in PE 63005A for critical improvements to force projection technologies. Thrust areas include research, development, and engineering support for Army fuels and lubricants, water purification and handling, military bridging, material handling, mechanical counter-mine and counter-improvised explosive device equipment, and other equipment to support Army requirements for the mobilization and support of military personnel in deployed locations. The committee also recommends an additional $4.5 million in PE 63005A specifically for improved water generation and purification systems.

Training and simulation systems

The budget request included $15.3 million in PE 63015A for next-generation training and simulation systems. To enhance training for battlefield lifesaving skills, the committee recommends an additional $1.0 million for combat medic training systems.

Aircraft survivability systems

The budget request included $18.4 million in PE 63270A for electronic warfare technologies. The Army has established a technology objective to develop and integrate threat warning sensors and countermeasures to protect aircraft against small arms, rocket propelled grenades, man-portable air defense systems, and other threats. Consistent with that objective, the committee recommends an addi-

tional $3.0 million for development of laser technologies to improve aircraft survivability against missile threats.

Missile artillery advanced technology development

The budget request included $84.5 million in PE 63313A for missile and rocket advanced technology development.

The committee is aware that after an investment of $1.5 billion over several years the Defense Department will cancel the Non-Line of Sight Launch System (NLOS–LS) program. This cancelation was due to performance shortfalls, high projected costs for each missile, and the availability of other technologies to meet the Army's precision artillery fire requirements.

The committee notes that ground launched rocket (unguided) and missile (guided) artillery systems have been part of the Army's mix of indirect fire capabilities for generations. Despite the cancelation of the NLOS–LS program, the Army retains an appropriate interest in technology development and experimentation involving modern missile artillery of all sizes, ranges, and targeting capabilities. Additionally, the committee understands that upon termination of the NLOS–LS program the Army will own the technical data rights to that system's container launch unit. This container launch unit could provide the basis for a deliberate, comprehensive, and open development and experimentation effort taking advantage of a variety of technologies with the potential to overcome the performance shortfalls and cost challenges of the cancelled NLOS–LS.

Accordingly, the committee recommends an increase of $9.5 million in PE 63313A for missile and rocket advanced technology development.

Military engineering systems

The budget request included $27.4 million in PE 63734A for advanced military engineering technologies. The committee recommends an additional $1.0 million for permafrost research to enhance the understanding and implications of permafrost-related geophysical phenomenology on defense infrastructure and systems for current and future operations.

Consistent with efforts to improve Department of Defense energy security and efficiency, the committee recommends an additional $8.0 million in PE 63734A for development of solar cell technologies for use at military installations. In addition, the committee recommends an increase of $2.0 million in PE 61153N for research using nanomaterials for solar cells.

Adaptive robotic technology

The budget request included $11.5 million in PE 63305A for Army missile defense systems integration, but no funds for development of adaptive robotic technology to improve integrated missile defense capabilities. The committee recommends an increase of $3.0 million in PE 63305A for development of adaptive robotic technology for Army missile defense and space mission requirements, including processes, tools, models, and simulations for improved integration of complex functions and operations.

Advanced environmental controls

The budget request included $11.5 million in PE 63305A for Army missile defense systems integration, but no funds for advanced environmental control systems. The committee recommends an increase of $3.0 million in PE 63305A for the development of thermal management control systems that can support sensors and electronic systems that operate in the harsh environmental conditions required by missile defense systems. The committee notes that advanced environmental control systems have applicability to a variety of military systems that operate in harsh environments.

Advanced imaging technologies

The budget request included $11.5 million in PE 63305A for advanced missile and rocket technologies. The Army has a technical objective to develop tactical information technologies for assured network operations and to enable battlefield information sharing. Consistent with that objective, the committee recommends an increase of $2.5 million for imaging and networking research to enable rapid and precise target discrimination and identification.

Alternative power technology

The budget request included $11.5 million in PE 63305A for Army missile defense systems integration, but no funds for alternative power technologies. The committee recommends an increase of $2.0 million in PE 63305A for development of alternative power technologies for missile defense and other military applications. The Army relies on fossil fuel to generate power for forward deployed missile defense systems, including their sensors, command and control, and communications systems. Such reliance is both expensive and logistically burdensome. Alternative energy sources could provide significant benefits for missile defense and other military applications.

Hostile fire detection for helicopters

The budget request included $4.9 million in PE 64270A for aircraft survivability equipment development, but included no funds for hostile fire detection. The committee recommends an increase of $5.0 million in PE 64270A for hostile fire detection development for helicopters.

Non-line of sight launch system

The budget request included $81.2 million in PE 64646A for the non-line of sight launch system (NLOS–LS). The committee is aware that in April 2010 the Army recommended termination of the NLOS–LS program. This was due to performance shortfalls, high projected costs for each missile, and the availability of other technologies to meet precision artillery fire requirements. Accordingly, the committee recommends a decrease of $81.2 million in PE 64646A for the NLOS–LS.

XM1125 smoke projectile

The budget request included $24.3 million in PE 64802A for weapons and munitions engineering and development, but provided no funds for artillery munitions development. The committee rec-

ommends an increase of $8.0 million in PE 64802A for development of the XM1125 155mm howitzer smoke projectile based upon a new, safer chemical content.

Paladin Integrated Management program

The budget request included $53.6 million in PE 64854A for Paladin Integrated Management (PIM) system development. The PIM program would upgrade and extend the life of the Army's current M109A6 Paladin self-propelled howitzer system. The committee is concerned that this important artillery system upgrade for the Army's heavy force should have the resources to reduce technical risk and recover from this delay. The committee recommends an increase of $30.0 million in PE 64854A for PIM technology development.

Trojan Swarm

The budget request included $3.7 million in Research, Development, Test, and Evaluation, Army, in PE 33032A for the Trojan program. The committee strongly supports the Trojan Swarm initiative and applauds the Army's innovative approach to rapidly fielding substantially greater communications capacity and agile networking capabilities for deployed ground forces in Afghanistan. Theater commanders and the Army leadership understand that this conflict's center of gravity is located where soldiers interact with the people of Afghanistan. Traditionally, the focus for Army communications and intelligence support was on brigade and higher echelons; this counterinsurgency campaign requires that focus to be on battalion and lower echelons. The Army, with support from the Intelligence, Surveillance, and Reconnaissance Task Force, is fielding a robust 3G cellular network for ground forces, for both forward operating bases (FOB) and mobile patrols, connected via airborne and satellite communications nodes.

The committee recommends that the Army work with other Department of Defense organizations, the interagency, and the Afghan Ministry of Telecommunications, to connect its FOBs via spurs to the backbone fiber-optic network nearing completion in Afghanistan. The committee also recommends that the Army incorporate passive electronic surveillance capabilities, both ground- and air-based, into the Trojan Swarm architecture. The committee recommends authorization of an additional $10.0 million for these activities.

Army test and evaluation programs

The budget request included $59.0 million in PE 65602A for technical test instrumentation and targets. The committee notes that this account and related accounts fund the operations, sustainment, and modernization of Army test ranges. These ranges are critical to the delivery of operational systems to deployed forces since they provide the facilities and infrastructure for both the developmental and operational testing of defense systems to validate their operational effectiveness, suitability, and reliability.

The committee notes that the Dugway Proving Grounds is the Department of Defense's premier testing facility for chemical and biological defense systems. To support the continued development

of these capabilities, the committee recommends an increase of $4.0 million for field test equipment improvements.

To help address the integration of test and training activities between Fort Bliss, White Sands Missile Range, and Holloman Air Force Base, the committee recommends an increase of $1.2 million for tools for frequency management, airspace deconfliction, and real-time monitoring of ranges.

The budget request also included $4.7 million in PE 65605A for the Department of Defense High Energy Laser Test Facility (HELSTF). The committee notes that the Army planned to use the facility beginning in 2010 for tests associated with the High Energy Laser Technology Demonstrator program. To support these activities, the committee recommends an increase of $5.0 million for HELSTF.

Enhanced Army energy testing

The budget request included $59.0 million in PE 65602A for Army technical test instrumentation and targets. The committee recommends an increase of $5.0 million in PE 65602A to support energy testing that would integrate renewable energy technologies, including solar, geothermal, biomass, nuclear, wind, and waste-to-energy, into a central storage system that routes the energy to a smart distribution and monitoring system.

Unserviceable ammunition demilitarization through chemical dissolution

The budget request included $61.1 million in PE 65805A for munitions standardization, effectiveness, and safety, but provided no funds for unserviceable ammunition demilitarization through chemical dissolution. The committee recommends an increase of $2.6 million in PE 65805A to design and construct a prototype chemical dissolution demilitarization system for the disposal of high risk, high cost, unserviceable, or obsolete ammunition.

Advanced ultrasonic inspection of helicopter rotor blades

The budget request included $61.1 million in PE 78045A for end-item industrial preparedness activities, but provided no funds for ultrasonic inspection of helicopter rotor blades and condition monitoring of helicopter components. The committee recommends an increase of $2.0 million in PE 78045A for ultrasonic inspection of helicopter rotor blades and condition monitoring of helicopter components to develop advanced ultrasonic techniques to significantly reduce inspection time and increase aircraft availability.

Navy

University research initiatives

The budget request included $108.7 million in PE 61103N for university research initiatives. The Navy's survivability and self-defense science and technology focus area has a specific objective to develop advanced construction materials for survivable platforms. In support of that objective, the committee recommends an additional $1.0 million in PE 61103N for blast and impact resistant structures.

Energetics research

The budget request included $98.2 million in PE 62114N for applied research on power projection technologies. The committee recommends an additional $3.0 million for research on advanced energetic materials to support efforts to counter new types of asymmetric threats such as chemical-biological weapons as well as increasing capabilities to defeat deeply buried targets.

Advanced energy research

The budget request included $107.4 million in PE 62123N towards applied research on a broad range of technologies focused on all naval platforms and their protection, including advanced energy and power systems. The committee recommends an increase of $1.9 million in PE 62123N for advanced wind energy research. In addition, the committee recommends similar increases for energy research in the other services. For the Air Force, the committee recommends an increase of $3.0 million in PE 62102F for research on advanced heat exchangers. For the Army, the committee recommends an increase in PE 62075A of $2.5 million for portable solar power generators, an increase of $2.0 million for silicon carbide devices for quieter power generators, and an increase of $2.0 million for integrating nanoscale technologies into improved batteries. The committee also recommends an increase of $2.0 million in PE 61111D8Z for cryo-cooled superconducting systems to improve the efficiencies and integration of thermal management systems.

Navy force protection research

The budget request included $107.4 million in PE 62123N for applied research on force protection technologies. The Navy's power and energy science and technology focus area has a goal to develop efficient power conversion technologies with a wide range of energy sources to provide reliable power for a range of naval systems. To support this goal, the committee recommends an increase of $2.5 million for research on integrated power systems for future platforms that have all-electric propulsion and weapon loads.

The Navy's survivability and self-defense science and technology focus area seeks to enhance force protection by using innovative sensors to help detect and defeat incoming attacks. In support of that initiative, the committee recommends an increase of $2.5 million for the development of port security sensors for under-hull inspection of ships.

Consistent with the Navy's platform mobility technology objectives to develop new advanced platform designs supporting new directions in naval warfare, such as increased agility, the committee recommends an increase of $2.0 million for improved design and development tools for high-speed boats constructed from advanced composites.

Warfighter sustainment technologies

The budget request included $113.7 million in PE 62236N for applied research on warfighter sustainment technologies. The committee notes the continued need for optimization of composite materials for use in a range of maritime vessels and equipment. For

this reason, the committee recommends an additional $1.5 million in PE 62236N for composite material optimization research.

In support of continuing Navy and Department of Defense initiatives to reduce corrosion costs, the committee recommends an additional $2.0 million for efforts on the development of sustainment and remanufacturing processes, asset health and logistics management techniques, and materials aging and corrosion abatement technologies.

The Department of Defense anti-tamper program seeks to deter the reverse engineering and exploitation of critical technology in order to impede technology transfer, stop alteration of system capability, and prevent the development of countermeasures to U.S. systems. In support of these efforts, the committee recommends an additional $1.0 million in PE 62236N for research on anti-reverse engineering nanodevices, as well as an increase of $1.5 million in PE 65790D8Z for research on anti-tamper software.

Advanced unmanned underwater vehicle research

The budget request included $49.5 million in PE 62435N for applied research on ocean warfighting environments. The Navy's platform mobility science and technology focus area includes the goal of development and delivery of system and equipment technologies to improve autonomous and unmanned vehicle mobility. In support of this goal, the committee recommends an increase of $3.0 million for advanced unmanned undersea vehicle research. For undersea warfare applied research in PE 62747N, the committee recommends an increase of $1.5 million for accelerated development of an acoustic search glider.

In order to support Navy efforts to enhance the understanding of optical propagation within challenging ocean environments in support of mine countermeasures and underwater autonomous network communications, the committee recommends an additional $1.0 million for research on extended range underwater imaging sensors and optical communications networks.

Mobile intelligence and tracking systems

The budget request included $117.9 million in PE 63114N for advanced technologies for power projection. The Navy has a science and technology objective to develop data fusion and analysis technologies for actionable intelligence generation to defeat adaptive irregular threats in complex environments. In support of that objective, the committee recommends an increase of $2.0 million for research on data processing and fusion technologies to support multiple simultaneous detections, tracking, identification, and targeting of asymmetric and mobile threats in combat operations.

Formable textiles

The budget request included $61.9 million in PE 63123N for force protection advanced technology, but included no funding for development of formable textiles for complex shaped aerospace composite applications.

This effort has supported the development of infrastructure necessary to provide a stable, consistent environment to support an aircraft manufacturing program utilizing materials which hold

promise for reducing manufacturing costs of aerospace-grade, complex curved structural composite parts by enabling, via the materials, improved formability, greater utilization of automated manufacturing technologies as opposed to the current labor intensive hand lay-up methods.

The committee recommends an increase of $3.0 million to enable further development of formable textiles for complex shaped aerospace composite applications.

Mobile repair capability

The budget request included $61.9 million in PE 63123N for force protection advanced technology, but included no funding to develop advanced coating process technologies for naval aviation platforms and components.

Previous development work has shown that direct metal deposition (DMD) technology may be used to repair of a variety of worn/corroded Navy aircraft components. In fact, the Navy has successfully demonstrated repairs on high-strength steel and various other alloy materials in a laboratory environment using these processes. The committee believes that the Navy should continue developing this DMD technology to expand the repair capability to allow deployments of this repair technology directly on Navy vessels. Such an expansion of the program would allow Navy personnel to make local repairs, thus reducing the demand on shore based maintenance operations and increasing operational availability.

Therefore, the committee recommends an increase of $3.0 million for developing a mobile capability for making DMD repairs on naval equipment.

Rare earth alternatives

The budget request included $61.9 million in PE 63123N for force protection advanced technology, but included no funding to develop domestic sources of rare earth materials that could be used to produce permanent magnet motors.

Application of permanent magnet motors has the potential to expand significantly within the Department. At this time, we do not have access to domestic sources of the raw materials for these magnets. The committee believes that the Department needs to identify and develop domestically produced alternative materials, material technology, and manufacturing methods involving rare earth elements. Therefore, the committee recommends an increase of $3.0 million to support such a program.

Single generator operations

The budget request included $61.9 million in PE 63123N for force protection advanced technology, but included no funding for development of a lithium battery technology that could replace one of the three generators normally in operation or reserve aboard all large Navy ships.

If lithium battery technology could be scaled up to a capacity of roughly 2.5 megawatts, such a battery would replace one of the three ship service generators normally in operation or in reserve aboard all surface combatants. Such a battery system could provide a lower cost, higher quality source of electrical power that would

replace redundant back-up power sources dedicated to subsystems throughout the ship.

The committee recommends an increase of $5.0 million to enable the development of such lithium battery technology.

High-Integrity Global Positioning System

The budget request included $40.9 million in PE 63235N for the High-Integrity Global Positioning System. The committee recommends no funding for this program. The committee notes that there is still no demonstrated user for the concept, moreover the cost of implementing the concept would be very high and require additional expensive user equipment. It is also not clear how the approach is being considered or how the required hardware modifications are being coordinated with the Joint Tactical Radio System open architecture approach.

Hybrid heavy lift logistics vehicle

The budget request included $98.3 million in PE 63236N for warfighter sustainment advanced technology developments, but included no funding to develop any concepts for providing innovative tools for supporting force and their logistics.

The committee is aware of a proposal to establish a program to engineer, design and test key components, and achieve a critical design review of a very large hybrid aircraft that could be used as a heavy lift transport in wartime. The project could help address the U.S. military's future airlift requirements by providing a highly-efficient hybrid airlifter that will be able to transport a complete combat force (troops, vehicles, helicopters, and supplies) great distances without loss of unit cohesion or physical readiness to fight. Hybrid heavy lift aircraft have the potential of being more fuel efficient than fixed-wing aircraft by burning as little as 40 percent of the fuel as a traditional fixed-wing aircraft, when compared on a fuel consumed on a "per ton/mile" basis.

The committee believes this possible development is worth exploring to increase the options for meeting such logistics requirements in the future, and recommends an increase of $1.5 million for that purpose.

Lighter-than-air research platform

The budget request included $98.3 million in PE 63236N for warfighter sustainment advanced technology developments, but included no funding to develop long distance ferry capabilities.

The committee believes that unmanned capabilities will continue to replace functions that currently require an aircrew. The committee is aware of a proposal to conduct further research on such an unmanned lighter-than-air capability, which can also serve as a research platform for the Navy. The committee recommends an additional $2.5 million to support development of a lighter-than-air research platform.

Advanced actuators for submarines

The budget request included $608.6 million in PE 63561N for advanced submarine systems development, including $25.1 million to reduce submarine self noise, $4.9 million to reduce total ownership

costs, and $4.2 million for developing new ship concepts. However, the budget request included no funding for developing quiet advanced electrical actuators.

The committee believes that the Navy should develop advanced drive electric motors for use in Navy submarines to reduce noise signature through the use of noise-cancelling and vibration reduction technologies. The goal of such a development would be to enable the Navy to design and build all-electric submarines, or to backfit existing submarines with such systems to make them more electric. In either case, the committee believes that introducing such technology could result in reduced operations and support costs and increased readiness in the fleet.

The committee recommends an additional $3.0 million to support developing quiet advanced electrical actuators.

Submarine shock mitigation

The budget request included $608.6 million in PE 63561N for advanced submarine systems development, but included no funding for developing full-scale controllable shock mitigation devices to protect weapons aboard submarines.

The Navy has designed various rafting systems that are intended to mitigate shock and vibrations for major portions of the combat systems and other equipment systems within submarines to make submarines more producible and sustainable throughout their service lives. The committee understands there is available technology that could be applied to mitigating shock and vibration to which Navy submarine weapons are exposed, and reduce the demands for making special ship construction provisions for isolating weapons from shock. If successful, such a shock mitigation system could reduce demands for more expensive future ship design and construction efforts, thereby achieving savings.

Therefore, the committee recommends an additional $3.0 million to support developing full-scale controllable shock mitigation devices to protect weapons aboard submarines.

Submarine payloads

The budget request included $608.6 million in PE 63561N for advanced submarine systems development, including $8.3 million for various submarine payloads and sensors development activities.

The Secretary of the Navy and the Chief of Naval Operations established goals to increase the employment of unmanned vehicles in future operations. Some of our submarines (SSGNs and later Virginia-class submarines) have large volume payload tubes to interface with the ocean. These tubes provide the capacity to carry larger unmanned vehicles. A prototype launch and recovery module for an SSGN tube is being built with delivery planned for December 2010. This is an enabler for the rapid integration of payloads into submarines at a reduced cost. With addition fiscal year 2011 funds, the Navy could demonstrate the use of payloads to conduct various intelligence, surveillance, and reconnaissance missions that have not been possible before.

The Navy needs a more formal program to integrate unmanned payloads into submarines and leverage these capabilities for future requirements. Therefore, the committee recommends an additional

$20.0 million to support advanced submarine payloads development activities and to allow the Navy to define a more formal plan for this activity.

In addition, the committee directs the Secretary of the Navy to submit a report with the fiscal year 2012 budget submission that defines the Navy's plans for integrating current and future unmanned payloads into submarines.

Ship hydrodynamic test facilities improvement

The budget request included $1.8 million in PE 63564N for ship preliminary design and feasibility studies, but included no funding for continuing improvements to support the Navy's own ship hydrodynamics test facilities.

The Naval Surface Warfare Center, Carderock Division has implemented a 5-year, five-phase, fixed-price contract to replace the wave-making system in the maneuvering and sea keeping basin with modern systems capable of supporting current and future Navy needs.

Fiscal year 2011 would represent the final year of that effort, but the Navy did not fund the final phase of the contract. The committee believes that the Navy should complete this upgrade effort to support current and future design activities, and recommends an additional $10.0 million for that purpose.

Common network interface system

The budget request included $24.3 million in PE 63582N for combat systems integration, but included no funding for continuing development of the common network interface (CNI) system.

The Navy completed funding for the so-called CNI Flight 0 in 2009. The Navy has installed CNI Flight 0 on five of the LHA/LHD vessels, and has planned several spirals into 2013. The Navy partially funded the next spiral of CNI capability ("Flight 0+"), but has chosen now to shift the resources required to finish that development to other programs. The Navy had also intended to outfit the remaining LHA/LHD vessels with either CNI Flight 0 or Flight 0+.

The committee has consistently supported moving the Navy to open architecture in its ship systems.

The committee believes that the Navy should: (1) complete development of CNI Flight 0+; (2) backfit the Flight 0+ capability on the Flight 0 ships; and (3) install CNI on additional LHA/LHD vessels. The committee recommends an additional $3.0 million for those purposes.

Decision and energy reduction tool

The budget request included $40.5 million in Research, Development, Test, and Evaluation, Navy, in PE 63635M for Marine Corps Ground Combat/Support System, but no funds for a decision and energy reduction tool to apply computer simulation techniques to model and predict the performance of fuel-efficiency technologies.

The committee recommends an authorization of $45.0 million, an increase of $4.5 million for this purpose.

Navy energy research

The budget request included $30.4 million in PE 63724N for the Navy energy program. This program works to evaluate, adapt, and demonstrate energy related technologies for Navy aircraft and ship operations. In support of these goals, the committee recommends an increase of $2.5 million for the development of fuel cell technologies for naval applications, and an additional $3.0 million for improvements to high-density energy storage development.

Flame retardant textile fabric

The budget request included $4.1 million in PE 63739N for Navy logistics productivity initiatives, but included no funding to develop more cost effective, flame retardant fabrics.

Intumescent materials are materials that undergo a chemical change when exposed to heat or flames, becoming viscous then forming expanding bubbles that harden into a dense, heat insulating multi-cellular char. Previous research showed that intumescent flame retardants generate far higher levels of char than conventional retardants. In doing so, they provide extremely high levels of fire resistance to underlying surfaces (garment). However, a major drawback of using such materials in textile applications, usually as applied coatings, has been that even the most water-insoluble of these intumescent materials do not survive the textile-laundering processes.

The committee believes that the Navy should develop these materials further by investigating: (1) the best fiber combination for treatment with advanced flame retardant chemicals; (2) the best flame retardant finishing agent for treating those textiles; and (3) the best technique for applying that flame retardant finishing agent to the textiles.

The committee recommends an increase of $1.5 million to develop this important technology.

Optical interconnect

The budget request included $4.1 million in PE 63739N for Navy logistics productivity initiatives, but included no funding to develop low cost, high quality fiber optic interconnect technology for military aerospace application. The Department of Defense continues to demand increasing data processing, communication, and system control capabilities. The next-generation data and communication management systems needed for weapons systems will depend upon tightly integrated optical fiber solutions, also known as optical interconnect. This solution optimizes space utilization while achieving high bandwidth, decreased weight, immunity to electromagnetic interference, resistance to corrosion, and improved safety and security. The Navy has requirements for next-generation optical interconnect technology for several aircraft platform systems, and anticipates that this technology could be applied to Navy vessels as well. The committee recommends an increase of $5.0 million to develop this important technology.

Air and missile defense radar

The budget request included $274.4 million in PE 64501N for advanced above water sensors, including $228.4 million for the air and missile defense radar (AMDR) program.

The Navy's AMDR program is intended to produce a next-generation radar system designed to provide ballistic missile defense, air defense, and surface warfare capabilities. The fiscal year 2010 budget includes $113.6 million for AMDR technology development contracts and the fiscal year 2011 budget request includes $145.3 million for AMDR technology development contracts.

In December 2009, the Navy released a request for proposals for AMDR technology development. The Navy intends to award these technology development contracts after completion of Milestone A, which has been delayed. The Navy had planned to have a Milestone A decision in the third quarter of fiscal year 2010, but the Navy now expects that decision in August, after the Navy completes key analyses.

Based on this delayed decision, the Government Accountability Office has estimated that $22.5 million of the fiscal year 2010 funds are not needed to fund fiscal year 2010 activities and could be applied to fiscal year 2011 requirements.

Therefore, the committee believes the Navy should use 2010 resources available for AMDR instead of reprogramming them, which obviate the need for $22.5 million of the funds requested in fiscal year 2011.

TB–33 thinline towed array

The budget request included $118.9 million in PE 64503N for SSN–688 and Trident modernization programs, including $11.6 million for making further developments of the TB–33 thinline towed array system.

Since last year, the Navy has restructured the TB–33 program to provide an additional year of development activity, including fabricating a production representative unit for conducting operational testing. After that testing, the Navy plans to begin production of the TB–33 in fiscal year 2012.

The committee believes that the Navy requires additional resources to complete fabrication of that production representative unit and complete special test modules to evaluate the final TB–33 design.

The committee recommends an increase of $3.8 million to complete development of the TB–33 thinline towed array.

Advanced manufacturing for submarine bow domes

The budget request included $155.5 million in PE 64558N for new design SSN activities, but included no funding to continue a program to develop advanced manufacturing processes and techniques for fabricating submarine bow domes and rubber boots.

The committee believes that developing the capability to build large structures consisting of composite materials that are cured outside an autoclave will provide manufacturing flexibility, maintain reliability and quality requirements, and could allow fabrication of much larger structures, such as domes and boots for larger submarines.

The committee recommends an additional $1.3 million to continue this program.

Common command and control system module

The budget request included $155.5 million in PE 64558N for new design SSN activities, but included no funding for developing a common command and control system module for application to Virginia-class submarines or an Ohio-class replacement program, SSBN(X).

The committee understands that the Navy could design a new command and control module for submarines that could also significantly reduce construction costs on all submarine classes, but certainly would enable rapid reconfiguration of mission equipment in these spaces, reduce the demands on watch standers, and reduce the total ownership costs to the Navy for supporting disparate command and control configurations.

Therefore, the committee recommends an increase of $9.0 million in PE 64558N to continue these development activities.

Submarine airborne intelligence, surveillance, and reconnaissance capability

The budget request included $50.5 million in PE 64562N for submarine tactical warfare systems development, but included no funding for developing concepts and technologies that could support a covertly launched, organic submarine intelligence, surveillance, and reconnaissance (ISR) unmanned aerial vehicle (UAV) system.

The committee expects that the Navy will begin development of a submarine-based unmanned aerial vehicle system in fiscal year 2012.

In anticipation of that, the Navy could use additional funding to begin tasks leading to a design of a capsule that could enable a submarine to covertly launch a UAV. These tasks would include selecting final materials, improving reliability, testing for environmental and system safety, and integrating the UAV system with the submarine communications and command and control suites.

The committee recommends an increase of $4.6 million to further develop this submarine-launched UAV capability.

Submarine artificial intelligence-based combat system software module

The budget request included $50.5 million in PE 64562N for submarine tactical warfare systems development, but included no funding for developing an artificial intelligence-based combat system software module.

The Navy has begun an effort to develop a mission focused, decision-tailored command decision support system (CDSS) to use within the current submarine open architecture combat system that would introduce intelligent agent-based automation, advanced visualization, and collaboration technologies.

Such a command decision support system should improve decision making by submarine commanding officers and senior staff, leading to improved mission effectiveness with reduced control room manning.

The committee recommends an increase of $7.0 million to continue development of an artificial intelligence-based combat system software module.

Submarine environment for evaluation and development

The budget request included $50.5 million in PE 64562N for submarine tactical warfare systems development, but included no funding to continue the submarine environment for evaluation and development (SEED) program.

This program has provided a low-cost test bed for industry and academia to create and evaluate innovative ideas and to integrate their products into currently deployed and conceptual systems. This test bed avoids the complication and expense of testing such ideas and products on more costly shore-based hardware or actual fleet equipment until the Navy can determine whether the ideas merit further development.

The committee supports this activity and recommends an increase of $5.5 million to continue and expand this activity.

Submarine weapon acquisition and firing system

The budget request included $50.5 million in PE 64562N for submarine tactical warfare systems development, but included no funding to continue development of an automated weapon acquisition and firing system (WAFS).

An automated WAFS could provide an accurate target solution and aid submarine crews in properly configuring the weapon and executing procedures to acquire the target. The crew could rely on such an expert system to automatically determine optimal ballistic settings, based on the target solutions and weapon tactics best practices, and thereby eliminate the need for crews to rely on reference documents.

The committee recommends an increase of $3.0 million to continue development of a WAFS capability.

SSGN weapon launcher technology insertion

The budget request included $50.5 million in PE 64562N for submarine tactical warfare systems development, but included no funding to continue Navy's common weapon launcher program to integrate common weapon launchers on SSGNs.

The Navy plans to complete integration of the common weapons launcher into the Virginia-class combat system in fiscal year 2010. However, the Navy has not funded extending this capability to the SSGN fleet, which will operate as attack submarines throughout much of their mission profiles. This means that the Navy would have to forego the opportunity to achieve savings by consolidating training and logistics for the launcher systems on these boats with that of the Virginia-class submarines.

The committee believes that such an omission is short-sighted, and recommends an increase of $5.0 million to integrate the common weapon launcher on SSGNs.

Automated fiber optic manufacturing capability

The budget request included $153.7 million in PE 64567N for ship contract design and live fire test and evaluation activities, but

included no funding for continuing development of an automated fiber optic manufacturing capability.

Last year, the Navy completed production of a fully automated factory work cell that will support aircraft carrier construction/overhaul and Virginia-class submarine programs. The Navy believes that this manufacturing capability will allow the shipbuilding industry to produce factory terminated fiber optic cable assemblies and systems much more efficiently, which should generate millions of dollars in shipbuilding program cost savings. The Navy is also using fiscal year 2009 and 2010 resources to develop portable capabilities for field installation, field repair, and maintenance derived from the technologies of the automated manufacturing line. Such portable capability would be useful both by ship construction personnel during construction and overhaul, and by ship's force personnel in performing maintenance when ships are not in the yards.

The committee believes that the Navy should continue these efforts in fiscal year 2011, and recommends an additional $4.0 million for that purpose.

Autonomous unmanned surface vehicle

The budget request included $45.9 million in PE 64755N for ship self defense (detect and control) projects, but included no funding for the autonomous unmanned surface vehicle (AUSV) program. The AUSV program supports the U.S. Navy's anti-terrorism, force protection, and homeland defense missions. The AUSV can protect commercial harbors, coastal facilities such as commercial and military airports and nuclear power plants, inland waterways, and large lakes. The vessel will utilize a variety of advanced sensing and perimeter monitoring equipment for surveillance and detection of targets of interest.

The committee recommends an increase of $5.7 million to continue this development.

Next-generation Phalanx

The budget request included $5.9 million in PE 64756N for ship self-defense (engage: hard kill), but included no funding for next-generation Phalanx. The Phalanx weapon system is the Navy's principal close-in weapon system for ship self-defense, and has proven to be extremely adaptive for performance against emerging air and surface target sets. The continually evolving nature of the threat, unique challenges posed by operations in the littorals, increased emphasis on single ship probability of raid annihilation, and fact of life technology obsolescence require continued development effort to sustain the superior performance of this critical ship self-defense system. The committee recommends an increase of $12.0 million in PE 64756N for the continued development of the next-generation Phalanx.

NULKA anti-ship missile decoy system

The budget request included $84.5 million for ship self- defense soft-kill systems development in PE 64757N, including $5.4 million for various development activities related to the NULKA anti-ship missile decoy system.

The Navy has identified a series of development activities associated with the NULKA system that are required to understand and deal with emerging threats:

(1) develop advanced radio frequency digital circuits enabling wider frequency coverage;

(2) design an architecture that will ensure seamless operation with a variety of U.S. Navy combat systems;

(3) integrate NULKA into the Navy's Aegis weapon control system open architecture; and

(4) provide shipboard test and trial support.

The committee recommends an increase of $7.0 million for the NULKA development program to continue these efforts.

Composite tissue transplantation for combat wound repair

The budget request included $12.3 million in PE 64771N for medical development activities, but included no funding to continue the composite tissue transplantation for combat wound repair program.

In 2009, the Navy began an effort to establish a multidisciplinary center for the systematic study of composite tissue transplantation. The Navy intends for this center to conduct mechanistic studies on the immune response and rejection of transplanted tissues and establish a capability to conduct clinical trials in hand transplantation. The program includes a strategy to collect and analyze clinical data and materials to further the knowledge base on composite tissue transplants and will be used to develop novel immunosuppressive treatments.

In 2010, the Navy is expanding these efforts to conduct the actual clinical trials for hand transplants.

The committee believes this effort needs to continue in fiscal year 2011, and recommends an increase of $2.0 million to do that.

Navy information technology programs

The budget request included $28.3 million in PE 65013N for information technology development. To support initiatives to improve network centric operations, data fusion, and human systems interfaces, the committee recommends an increase of $5.0 million for information systems research and technology.

Navy manufacturing technology

The budget request included $46.2 million in PE 78011N for Navy manufacturing technology programs. The committee notes that in 2006, the Defense Science Board recommended that investments in the manufacturing technology program be increased to a level of 1 percent of the total research, development, test, and evaluation budget. The Board also found that the manufacturing technology program has invested in efforts that have reduced systems cost and improved systems performance. Consistent with those recommendations and findings, the committee recommends an increase of $5.0 million for integrated manufacturing enterprise development to streamline manufacturing techniques, business practices, and practices to reduce costs of Navy platforms.

Strike study

The budget request included $81.2 million in Research, Development, Test, and Evaluation, Navy, PE 11221N line 162 for strategic submarine and weapons systems support. The committee recommends a decrease of $10.0 million. Of the amount requested $10.0 million was for a study for ambiguity and other issues that associated with conventional and nuclear payloads on strategic ballistic missile submarines. The committee recommends no funds for the study. The committee notes that the National Academy of Sciences conducted an extensive study on this issue and the additional study would be redundant.

Virtual Maintenance Engineering Platform

The budget request included $81.2 million in Research, Development, Test, and Evaluation, Navy, PE 11221N line 162 for strategic submarine and weapons systems support but no funds for the Virtual Maintenance Engineering Platform (VMEP). The committee recommends an additional $1.5 million for information assurance certification for the VMEP system so that it can be installed on strategic submarines.

Tomahawk cost reduction initiatives

The budget request included $10.6 million for various upgrades to the Tomahawk missile and the Tomahawk mission planning center, but included no funding for making changes to the missile to reduce recurring production costs. The largest expense in the Tomahawk missile is the engine. The committee believes that the Navy and contractor team could improve manufacturing efficiencies on key components of the engine to reduce recurring production costs enough to more than pay for any non-recurring investment necessary to design and test those improvements.

Therefore, the committee recommends an increase of $7.6 million to fund non-recurring engineering to design and implement: (1) manufacturing system improvements; and (2) engine and missile interface improvements.

Aircraft metal alloys

The budget request included $133.6 million in PE 63123N for various aviation improvement programs, but included no funding for further developing new metal alloys for aircraft applications.

The Navy has funded basic research on new metal alloys that show promise for application to military aircraft components. This has resulted in designing and developing two new ultra-high performance alloys, M54 for airframe applications (primarily landing gear), and C64 for gears. The committee understands that the performance of these alloys far exceeds currently used materials, because they provide substantial cost and weight savings while being virtually maintenance free in service and safer for the environment than using current materials. Current environmental concerns for existing materials arise from the fact that current alloys used in landing gear steels have to be coated in environmentally devastating cadmium. Developing these alloys further could lead to certification and qualification of these alloys and manufacturing of test articles. The committee understands that test articles using

these alloys would then be evaluated according to priorities established in the Defense Department's Environmental Security Technology Certification Program.

The committee recommends an additional $2.8 million for maturing these alloys.

Aircraft windscreen laminates

The budget request included $133.6 million in PE 63123N for various aviation improvement programs, but included no funding for developing a sacrificial windscreen laminates that would also provide protection from laser and electromagnetic attacks.

The committee believes that there is an increasing risk in laser and electromagnetic interference (EMI) attacks against Defense Department aircraft. The Navy has been developing sacrificial windscreen laminates that maintain current performance in preventing damage from erosion, but, in addition, provide passive EMI and laser protection. Unlike complicated electronic devices, this passive system is continuously providing protection to aircrews and critical aircraft electronics, such as targeting and communications systems. The committee understands that the Naval Air Systems Command has concluded that this new laminate material could be fielded with only modest additional development, and could provide a long-term solution to this increasing threat.

Therefore, the committee recommends an additional $1.7 million to develop improved aircraft windscreen laminates.

Tracking helicopter structural life

The budget request included $133.6 million in PE 63123N for various aviation improvement programs, but included no funding for developing a system to track helicopter structural life.

The Department of the Navy lacks a comprehensive program for tracking the structural life of its helicopters. Implementing such a program would allow the Navy to better track their helicopters and its components based on actual aircraft flight usage. Traditional tracking methods are based on paper records and assume the aircraft flies a predetermined or "design" flight pattern.

With the advent of onboard flight data recorders, the actual flight pattern can be determined by collecting on-board flight recorder data and determining the exact damage caused to the aircraft by each flight. By tracking the components based on actual flight usage, unnecessary and premature component removals could be eliminated. Furthermore, aircrew safety would be enhanced by knowing exactly how the aircraft flies and predicting when a component should be removed to prevent failure of the component and a potential mishap.

The committee recommends an additional $2.5 million to develop a structural life tracking program for Department of the Navy helicopters.

System for triaging key evidence

The budget request included $245.3 million in Research, Development, Test, and Evaluation, Navy, in PE 26313M for Marine Corps Communications Systems. The committee recommends an authorization of $247.1 million, $1.8 million above the request, to enhance

the capabilities of the System for Triaging Key Evidence (STRIKE). STRIKE is a successful digital media exploitation system in use by a wide variety of organizations and forces. It provides a capability to rapidly determine, in the field, what information is stored on phones, computers, portable media, and other devices; what stripped down information should be extracted and downloaded; and to analyze content. The device can dramatically reduce the amount of material that needs to be transmitted to rear echelons for analysis, and provides immediate, on-scene support to tactical forces.

Marine Corps personnel carrier data management system

The budget request included $26.8 million in Research, Development, Test, and Evaluation, Navy, in PE 26623M for initial development activities for the Marine Corps Personnel Carrier (MPC). The committee recommends an authorization of an additional $2.0 million for a performance feedback and assessment system to assist the program manager in acquiring and applying operational data to the design and maintenance of the MPC.

Unique identification web-based tracking and accountability software

The budget request included $100.4 million in Research, Development, Test, and Evaluation, Navy, in PE 26623M for Marine Corps Ground Combat/Supporting Arms Systems. The committee recommends authorization of $4.5 million above the request for unique identification data management and tracking software for a web-based, enterprise-wide application with secure mobile computing.

Air Force

Cyber research and training

The budget request included $351.0 million in Air Force defense research sciences to fund fundamental broad-based scientific and engineering research in areas critical to Air Force weapon systems. In support of research in the growing field of cyber security, the committee recommends an increase of $2.0 million in PE 61102F for the development of related modeling and simulation training capabilities. Similarly, the committee recommends an increase of $4.0 million in PE 61101E for research on security for critical and vulnerable control networks.

Air Force materials research

The budget request included $137.3 million in PE 62102F for applied materials research. The Air Force's Energy Program Policy has a stated objective of increasing renewable resources on Air Force bases. In support of that objective, the committee recommends an increase of $1.0 million for efforts to design, implement, and test systems and processes capable of producing renewable energy at large scales for military installations.

The committee notes that the 2003 National Research Council study "Materials Research to Meet 21st Century Defense Needs" identified a number of high priority research areas in advanced

materials in order to address defense requirements. The study recommended investing in technologies that would integrate nondestructive inspection and evaluation into the original design of both materials and structures. Consistent with this recommendation, the committee recommends an additional $2.0 million for the development of health monitoring sensors for aerospace components. The committee also recommends an additional $1.0 million for light alloy parts development.

The National Research Council recommended that the Department of Defense "make investments in research leading to new strategies for the processing, manufacture, inspection, and maintenance of materials and systems." Therefore, the committee recommends an increase of $2.0 million in PE 62102F for research on nano-manufacturing models, analyses, and controls to develop the next-generation of manufacturing processes and systems.

Aerospace vehicle technologies

The budget request included $144.7 million in PE 62201F for aerospace vehicle technologies. The committee recommends an additional $2.5 million for unmanned aerial system (UAS) collaboration technologies to support the development of advanced UAS and enhance the ability to integrate UAS pilots, sensor operators, and information analysts, as well as to better coordinate and collaborate their activities.

Reconfigurable electronics and software

The budget request included $111.9 million in PE 62601F for space technologies. The Department of Defense's January 2007 "Response to Findings and Recommendations of the Defense Science Board Task Force on High Performance Microchip Supply" highlighted the Department's need for microelectronic systems, local field programmable gate arrays, with functions that could be changed to support different types of systems. In support of meeting that need, the committee recommends an increase of $500,000 for research on reconfigurable electronics.

Seismic research program

The budget request included $111.9 million in PE 62601F for space technologies. The committee remains particularly concerned with ongoing developments in rogue state nuclear programs. Consequently, the committee recommends an additional $5.0 million for the Air Force seismic research program. This program has and will continue to enable the United States to monitor compliance with the current moratorium on nuclear testing.

Space plasma research

The budget request included $48.2 million in PE 62601F for space survivability and surveillance applied research focused on developing technologies to protect spacecraft against the harmful effects of the space environment. In support of these efforts, the committee recommends an increase of $2.0 million in PE 62601F to improve ground testing capabilities to better understand the effects of space plasmas on spacecraft performance and mission life.

Directed energy research

The budget request included $53.4 million in PE 62890F towards high-energy laser research. In support of these efforts, the committee recommends an increase of $2.0 million in this account for improved directed energy research and development coordination by the Directed Energy Joint Technology office. The Secretary shall provide to Congressional defense committees no later than February 2011, a long-term plan of the roles and responsibilities of the Joint Technology Office for High Energy Lasers for supporting the overall mission of the Department in directed energy.

Air Force advanced materials research

The budget request included $33.4 million in PE 63112F for the development of advanced materials for weapon systems. The committee recommends an additional $10.0 million to support the Metals Affordability Initiative, a joint government and industry consortium aimed at strengthening the metals industrial base through collaborative technology development and transition projects. The overall program helps improve current processing technologies and develop novel techniques for primary metal production, part manufacturing, and weapon system support. The committee also recommends a specific increase of $1.5 million in PE 62204F in order to accelerate development of gallium nitride materials, a compound in high demand for high performance electronics in the defense realm.

The committee also notes the need to improve the readiness and maintainability of airframes beyond the fiscal year 2010 budget request amount in PE 63112F. In support of this objective, the committee recommends an increase of $2.0 million for research on nondestructive testing technologies and $2.0 million for improved composite repair in theater. To improve manufacturing technology and the availability of frequency selective surface structures for a variety of specialized antenna applications, the committee recommends an additional $2.0 million in PE 63680F.

Finally, to support Air Force efforts to develop cheaper, alternative sources of aviation fuel, the committee recommends an increase of $3.0 million in PE 63112F for sewage-derived biofuels research.

Advanced fuels and propulsion

The budget request included $136.1 million in PE 63216F to develop advanced aerospace power and propulsion technologies. The committee recommends an increase of $2.0 million in PE 63216F for algal biofuel research. In addition, the committee recommends an increase of $2.0 million in PE 63734A for alternative biofuel research.

Air Force advanced propulsion systems

The budget request included $136.1 million in PE 63216F for aerospace propulsion and power technology. To support efforts under the High Speed Turbine Engine Demonstrator project as part of the Versatile Affordable Advanced Turbine Engine program, the committee recommends an additional $4.0 million to develop supersonic turbine engines that can support the development of a

long-range high-speed strike missile. The committee notes that the Department of Defense is continuing its investments in the development of unmanned aerial vehicle (UAV) capabilities for intelligence, strike, and other missions. In support of foundational systems capabilities efforts, the committee recommends an additional $2.5 million for the development of scalable UAV engines.

Finally, to support continued development of high-temperature power electronics to meet critical needs of the Joint Strike Fighter and other aircraft platform systems, the committee recommends an increase of $4.0 million for research and development using silicon carbide power modules.

Carbon nanotubes

The budget request included $83.7 million for advanced spacecraft technology in Research, Development, Test, and Evaluation, Air Force, PE 63401F line 22, but no funds for carbon nanotubes. The committee recommends $2.0 million for research to support a U.S.-based source of high purity carbon nanotube solutions for space and other defense applications.

Collaboration gateway

The budget request included $5.0 million in Research, Development, Test, and Evaluation, Air Force, in PE 63260F for Intelligence Advanced Development, but no funds for a collaboration gateway for disseminating, accessing, and sharing video imagery across classified and unclassified networks. The committee recommends an authorization of $2.0 million above the requested amount for this project.

Global Positioning System operating control segment

The budget request included no funds in Research, Development, Test, and Evaluation, Air Force, PE 63423F line 33. The budget request did include $381.9 million for the Global Positioning System III (GPS III) operating control segment (OCX) in Research, Development, Test, and Evaluation, Air Force, PE 35265F line 212 with the budget request for the GPS III space vehicle development. The committee believes that the funds for the OCX should remain in PE 63423F line 33, where the funds were appropriated in fiscal year 2010. The committee recommends a $381.9 million reduction in line 212 and an increase in line 33 to effect the transfer.

Space situational awareness

The budget request included $61.0 million in Research, Development, Test, and Evaluation, Air Force (RDTEF), PE 63438F for Space Control Technology but not funds to integrate data from the Missile Defense X-band radar or the Sea-based X-band platform into the space surveillance network. The committee recommends an increase of $6.0 million to integrate this data into the space surveillance network.

Space protection program

The budget request included $8.3 million in Research, Development, Test, and Evaluation, Air Force, PE 63830F line 40 for the space protection program. The committee recommends an addi-

tional $5.0 million. The space protection program develops an integrated space protection strategy to support the national security space enterprise to identify and recommend solutions to protect space capabilities. As the threats to space systems continue to grow, improving the ability to identify assess and protect against this wide range of threats is essential.

Next-generation military satellite communications

The budget request included no funds in Air Force Research, Development, Test, and Evaluation (RDTEF), for next-generation military satellite communications to identify technologies that could be used on future military communications satellites. Congress provided $50.0 million for continued research and development in next-generation military satellite communications, including for protected communications in fiscal year 2010, following cancellation of the Transformational Communications satellite (T-Sat) program. The committee is disappointed that no funds were included in the fiscal year 2011 budget request.

The committee recommends an increase of $50.0 million in a new program element, PE 64436F line 52. This new PE is created to continue the efforts to explore communications technologies that could be utilized on future blocks of current communications satellite or eventually on next-generation communications satellite. These risk reduction efforts should include continued efforts to reduce the cost, weight, and complexity of current radiation hardening techniques.

One of the many problems with the T-Sat program was that it was started with very immature technologies. In the future when new or evolved communications satellites are needed, the committee wants to ensure that the technologies are sufficiently mature to be fielded with low cost and schedule risk.

Operationally Responsive Space

The budget request included $94.0 million for Operationally Responsive Space (ORS) in Air Force Research, Development, Test, and Evaluation PE 64857F including $20.2 million for ORS–1, a small satellite being built at the request of U.S. Central Command (CENTCOM) to satisfy the Command's urgent need number 3. ORS–1 is currently on schedule to launch at the end of 2010, which would demonstrate the ability to design, build, and launch a satellite within 2 years of a decision to start. This is a significant accomplishment.

While ORS continues to make progress in all of its three tiers, the funding for fiscal year 2011 is not adequate to continue the necessary efforts for the crosscutting portions of the ORS office, including modeling and simulation, satellite command and control, future planning and other activities to support the overall ORS partnerships. The committee recommends an additional $20.0 million to restore funding for this effort to the fiscal year 2010 level. The additional funds will help ORS to continue to identify unique approaches for small responsive satellites and improve responsive capabilities.

The committee commends the ORS Office and the other agencies and military services for participating in this innovative approach

to space. The committee is concerned, however, that the ORS Office has not been able to take full advantage of various streamlined acquisition approaches and directs the Air Force to assist ORS in identifying areas where improvement is needed and to grant ORS the necessary authorities. The committee directs the Secretary of the Air Force to provide a report to the congressional defense committees that would outline a plan for ORS to utilize directly streamlined acquisition authorities no later than February 1, 2011.

The committee supports the ORS efforts to explore flexible payloads for use on responsive satellite buses with common interfaces. These payloads include synthetic aperture radar and other payloads to enhance the ability of the warfighter to monitor the battlespace and to augment conventional intelligence surveillance and reconnaissance assets.

One of the areas that the ORS Office has not focused on is next-generation launch capabilities. At the present there is adequate launch capability but it is expensive. The committee is aware of a different approach to designing launch vehicles that might reduce in the long run the cost of launch, and that might be suitable for small and medium (Delta II) class and below launch. The committee recommends $15.0 million for the radially segmented launch vehicle for ORS and the Space Test Program to continue concept development and determine the technical validity of the approach.

National Polar-Orbiting Operational Environmental Satellite

The budget request included $325.5 million in Research, Development, Test, and Evaluation, Air Force, PE 35178F line 58 for the National Polar-Orbiting Operational Environmental Satellite (NPOESS). The NPOESS was a joint Department of Defense, National Aeronautics and Space Administration (NASA), and Department of Commerce (DOC) National Oceanographic and Atmospheric Administration (NOAA) weather satellite program. The committee recommends $100.0 million, a reduction of $225.5 million.

Shortly after the budget request for fiscal year 2011 was submitted, the administration decided to dissolve the NPOESS program and directed DOD and NOAA to develop separate programs. As part of this structuring DOD was assigned responsibility for the early morning orbit and the DOC–NOAA was assigned responsibility for the afternoon orbit. Neither DOD nor DOC–NOAA has identified a new program plan to implement the restructuring decision. As a result the fiscal year 2010 funds are available to develop a new follow-on program and all of the fiscal year 2011 funds will not be needed. The committee is disappointed with the decision to dissolve the joint NPOESS program and is concerned that the new, yet to be determined, program may not be able to ensure continuity in weather satellites.

The DOD last launched a weather satellite, the Defense Meteorological Satellite (DMSP) in 2009, and has two more DMSP satellites in storage, DMSP–19 and DMSP–20. These satellites have been in storage for many years and will require a service life extension program before they could be launched to fill any gaps caused by the restructuring of the NPOESS program.

The committee urges the DOD and the Air Force to decide on a follow-on program as quickly as possible to ensure that there are no gaps in weather coverage. The committee does not believe that relying on the DMSP–19 and DMSP–20 as a means of avoiding or delaying a new program is a realistic option. When it was restructured, the NPOESS program was already 6 years behind. On the other hand, the NPOESS program was technically sound and had made substantial investments in a variety of weather and environmental sensors that should be preserved. The committee sees no benefit to be gained from redesigning sensors already designed, and in some cases delivered, under the NPOESS program.

The committee directs the DOD and the Air Force to prepare a program plan designed to launch a first satellite as soon as possible following the planned launch of DMSP–19 in early fiscal year 2013. The program plan for the follow-on should be provided with the fiscal year 2012 budget request. The committee supports a strategy that will result in the first NPOESS successor satellite to be ready to launch as soon as technically feasible. The U.S. cannot tolerate a gap in weather coverage.

Nuclear Enterprise Surety Tracking Initiative

The budgeted request included $60.5 million for nuclear weapons support Air Force Research, Development, Testing, and Evaluation, PE 64222F line 60 but no fund for the Nuclear Enterprise Surety Tracking Initiative (NESTI). The committee recommends an increase of $8.0 million for the NESTI to develop secure electronic systems to track the location and status of nuclear weapons and critical nuclear components.

Space-based space surveillance system

The budget request included $426.5 million in Space Situation Awareness, Air Force Research, Development, Test, and Evaluation, PE 64425 line 70. The committee recommends a reduction of $30.0 million for the Space-based space surveillance system (SBSS) follow-on. The SBSS block–10 program has been delayed; as a result, $30.0 million of the $38.0 million included in the budget request for the follow-on program will not be needed in fiscal year 2011.

Space-based Infrared System

The budget request included $530.0 million for the Space-based Infrared system (SBIRS) for Research, Development, Test, and Evaluation, Air Force, PE 64441 line 72 including $175.2 million for ground development. The SBIRS program is a missile early warning, technical intelligence, and battlespace awareness system with Highly Elliptical Orbit (HEO) sensors and Geosynchronous Earth Orbit (GEO) satellites. The committee recommends an additional $15.0 million for HEO ground integration and data exploitation.

The GEO–1 satellite has been plagued by schedule delays and cost overruns. In previous years additional funds were needed to resolve GEO–1 problems. As a result funds to support ground integration and HEO data exploitation were diverted to resolve the GEO–1 issues. Congress provided additional funds in fiscal year

2010 to increase the analytic efforts to support HEO sensors so that the full capability of the HEO sensors can be understood and exploited including the benefits from HEO stereo applications. More work remains to be done, particularly as additional HEO sensors become available.

Although the delivery and launch schedule for the GEO–1 satellite continues to slip, the committee notes that the Air Force expects the GEO–1 satellite will be ready to ship no later than March 2011, assuming the ongoing software problems are resolved.

The committee directs the Air Force to include adequate funding in the fiscal year 2012 budget request to continue exploitation of the HEO sensors and to ensure a robust exploitation program for the GEO–1 satellite, assuming that it launches in late 2011 or early 2012.

The committee notes that the overhead persistent infrared (OPIR) architecture study, which was due last summer, is still not completed. This study is essential for making decisions with respect to future OPIR requirements including those for SBIRS satellites and sensors and the Precision Tracking Satellite System being developed by the Missile Defense Agency.

Third generation infrared surveillance

The budget request included no funds for third generation infrared surveillance (3GIRS) in Research, Development, Test, and Evaluation, Air Force, PE64443F line 73. The committee recommends an increase of $25.0 million. The Air Force has no technology development line for next-generation infrared technology. While the Air Force has decided to continue with the Spaced-based Infrared Satellite (SBIRS) system, the committee believes that at some point there will be a need to augment, update or replace the SBIRS system. To ensure that technologies are sufficiently mature when needed, the committee recommends the additional funding to ensure continued focus on next-generation focal plane arrays and other technologies.

Air Force test and evaluation

The budget request included $61.6 million in PE 64759F for Air Force major test and evaluation investment. The committee notes the importance of preserving the capability to test missiles and their sub-systems, such as sensors and structures, at very high speeds. To support the enhancement of these capabilities, the committee recommends an increase of $4.5 million for upgrades to the high-speed test track at Holloman Air Force Base.

Space test program

The budget request included $47.6 million in Research, Development, Test, and Evaluation, Air Force, PE 65864F line 104 for the space test program (STP). The committee recommends an increase of $15.0 million to support the possibility of increasing small experimental satellite and sensor launches from one every 2 years to one every 18 months and to increase the number of piggyback launches including those using the Evolved Expendable Launch Vehicle secondary payload adapter ring.

B–2

The budget request included $260.5 million in Research, Development, Test, and Evaluation, Air Force, PE 11127F line 120 for B–2 Squadrons, including $92.3 million for extremely high frequency (EHF) increment 2 to develop a low observable EHF antenna and radome and install Family of Beyond Line of Sight terminals (FAB-T)on the B–2 aircraft.

At the end of December 2009, the Air Force decided that the previous technical approach using a mechanically steered EHF antenna presented an unacceptably high risk and decided to pursue an active electronically scanned array (AESA) antenna. With this decision the schedule for achieving an initial operational capability for EHF increment 2 has been delayed at least 4 years from fiscal year 2015 to fiscal year 2019. The approach adopted would be the first time an AESA antenna for EHF communications was developed for aircraft. Moreover, the critical elements of the new approach are only at technical readiness levels 3 and 4.

The committee is concerned that this shift may result in even further delays to the ability of the B–2 to have EHF communications capability. The committee is also concerned about the decision making process and the technical rationale underpinning the shift in approach. As a result, the committee directs the Air Force to establish an external independent technical review team to review the technical approach adopted and the Government Accountability Office to review the decision making process utilized by the Air Force. The independent technical review team should specifically examine the Air Force's proposed shift from a mechanically steered EHF antenna to an AESA antenna, and the cost, schedule, and technical risks of this proposed shift. No more than 50 percent of the funds available for the B–2 for EHF increment 2 in fiscal year 2011 may be obligated until the reviews have been completed and submitted to the congressional defense committees.

Cyber operations security institute

The budget request included $2.3 million in Research, Development, Test, and Evaluation, Air Force, in PE 28021F for Information Warfare Support, but no funds for the Cyber Operations Security Institute (COSI). COSI is a public-private partnership supporting the Air Force Global Strike Command in the area of visualization, video war-gaming, and command and control of cyber tools. The committee recommends an authorization of $1.5 million above the requested amount for COSI.

Application Software Assurance Center of Excellence

The budget request included $140.0 million in Research, Development, Test, and Evaluation, Air Force, in PE 33140F for the Information Systems Security Program (ISSP). The budget request did not include funds for the Air Force's Application Software Assurance Center of Excellence (ASACOE) aside from salaries for government personnel.

The Air Force Air Material Command's Electronic Systems Center established the ASACOE in 2005 after a very serious cybersecurity breach resulted in the loss of the personnel records of 33,000 Air Force officers. A vulnerable custom software application was

the avenue for the intrusion. The Air Force realized that it had a major problem with vulnerable software applications that was accelerating as more and more applications and services were becoming web-based and accessible through the Internet. In a far-sighted move, the Air Force established the ASACOE to start to fix that problem. However, the committee understands that the Center has been funded almost entirely from internal sources on an ad hoc basis and will soon enter a "stand by" status due to lack of funding.

The ASACOE's mission is to (1) foster security into the software development and maintenance life cycle, and (2) enable the defense of software applications against attacks. This Center is unique in the Department of Defense and has received high marks for its work. It has developed best practices and methodologies for securely developing and testing software, including automated tools to discover vulnerabilities and to monitor running applications in real time.

The committee is concerned that the level and manner of funding for the ASACOE is not commensurate with the scope of the software applications vulnerability problem in the Air Force and the rest of the Defense Department. The committee recommends an authorization of $7.0 million above the requested amount for the Air Force ISSP program to sustain the ASACOE and extend the scope of its work. The committee directs the Secretary of the Air Force, in coordination with the Assistant Secretary of Defense for Networks and Information Integration, to provide a report to the congressional defense committees by February 15, 2011, on the role of the ASACOE in securing software applications for the Air Force and the Department of Defense overall.

Malware research technology demonstration and validation

The budget request included $140.0 million in Research, Development, Test, and Evaluation, Air Force, in PE 33140F for the Information Systems Security Program, but no funds for malware research technology demonstration and validation. This initiative will provide capabilities for testing, demonstrating, and transitioning technologies for cybersecurity to support Air Force rapid and agile cyber acquisition efforts.

The committee recommends an authorization of $1.8 million for this project, for a total authorization of $141.8 million for this program element.

Milsatcom terminals

The budget request included $186.6 million for milsatcom terminals including $136.3 million for the family of beyond line of site terminals (FAB–T) Research, Development, Test, and Evaluation, Air Force, PE 33601F line 180. The FAB–T program has been delayed and research and development funds are now needed to continue FAB–T research. The committee recommends that $116.4 million be transferred from Air Craft Procurement, Air Force line 75.

Environmental awareness for unmanned systems

The budget request included $169.0 million in PE 35206F for development of advanced airborne reconnaissance systems tech-

nologies, such as sensors, data links, targeting networks, and quick reaction capabilities, in support of both manned and unmanned reconnaissance platforms.

Today, unmanned aerial vehicle (UAV) systems rely almost entirely upon the Global Positioning System (GPS)-based navigation systems. While such navigation systems have worked well for UAVs to this point, there is the risk that future operations could be thwarted by foes using GPS denial techniques. A navigation system that would operate with an awareness of the environment aboard could be relied upon to operate in GPS-denied environments, and could allow UAVs to operate over longer missions by having them automatically adapt their flight profiles to the prevailing conditions.

Therefore, the committee recommends an additional $5.0 million for developing an architecture for UAV avionics software systems that would permit UAVs to operate with an awareness of environmental conditions and automatically adapt to those conditions.

Wide-Area Airborne Surveillance Program of Record

The budget request included $78.7 million in Research, Development, Test, and Evaluation, Air Force, in PE 35206F for the Wide-Area Airborne Surveillance Program of Record (WAAS POR).

The administration plans to issue the request for proposals (RFP) for the WAAS POR in the fourth quarter of fiscal year 2010, and to award a development contract in the third quarter of fiscal year 2011.

The committee concludes that this schedule is premature for the following reasons. The Department of Defense (DOD) has operational experience with WAAS imagery systems only through early versions of the Army Constant Hawk and Marine Corps/Air Force Angel Fire programs. These systems' limitations are significant in the areas of resolution, frame rate, area of coverage, night time performance, and timeliness. In addition, the analytic tools, communications, storage and retrieval capabilities to support these and subsequent quick-reaction capabilities (QRC) remain limited. Operations research studies sponsored by the Under Secretary of Defense for Intelligence and the Joint Staff have concluded that the benefits of these early WAAS systems are limited. These studies suggest the possibility that substantially improved WAAS systems could be more valuable for the "find-fix-finish," forensic analysis, and force overwatch missions could be more valuable, with larger coverage areas, resolution, frame rate, and so forth, but this has not been demonstrated.

DOD will soon deploy several additional WAAS QRCs that, if properly resourced and supported, will answer the questions about value and illuminate requirements for any future program of record. Forward-deployed commanders and senior DOD officials are eager to see these QRCs deployed. These include the first increment of Gorgon Stare, the Blue Devil block I, the second version of Constant Hawk, and a very capable, small form-factor WAAS camera for the Army and Marine Corps Shadow unmanned aerial vehicle (UAV). In addition, soon after these deployments, DOD will deploy the second increment of Gorgon Stare and Blue Devil Bock II, each with the Defense Advanced Research Projects Agency

(DARPA) Autonomous Realtime Ground Ubiquitous Surveillance (ARGUS) camera, which will approach or match the draft requirements for the WAAS POR in the visible spectrum.

DARPA has initiated two additional rapid development projects directly relevant to the WAAS mission. One is Wide-Area Network Detection (WAND) that will pair the ARGUS camera with real-time signals intelligence and geolocation capabilities. The other is an advanced infrared sensor that will match the daytime capabilities of the current ARGUS camera.

The Blue Devil Block I QRC will also test the operational value of real-time WAAS imagery coupled with precision SIGINT and high-resolution full-motion video, and networked with other sensors. Block II will attempt to field capabilities similar, and derived from, the DARPA WAND project.

Whereas the ARGUS-like area coverage may be necessary for sizable urban areas, it is "overkill" for operations in rural areas, and may well be too expensive to proliferate anyway. The smaller, lighter, and cheaper Wide Focal Plane Array Camera that the Navy is developing for the Shadow UAV appears to be better suited for operations in rural areas and where there is a potential need for large numbers of systems.

In light of this large number of innovative, near-term WAAS programs heading for trial in Afghanistan, and the considerable uncertainties remaining about WAAS requirements and benefits, the committee is not willing to commit to a near-term locking in of WAAS POR requirements. Indeed, the QRC efforts of the Army, Air Force, Navy, and DARPA appear likely to continue to innovate and to meet the evolving needs of forces deployed in Afghanistan and elsewhere. The committee is more inclined to buttress and enhance these ongoing QRC efforts to ensure that deployed forces are adequately supported.

In that regard, the committee notes that the Gorgon Stare Increment II program is short of funds for the National Geospatial Intelligence Agency (NGA) to provide necessary processing, exploitation, and dissemination (PED). The same is true for the Blue Devil Block II.

Accordingly, the committee recommends an authorization of $15.0 million for the WAAS POR, a reduction of $63.7 million from the request. Elsewhere in this report, the committee recommends an increase of $22.5 million in PE 35102BQ, line 213, for NGA WAAS PED. The committee's recommendation would defer issuance of an RFP and contract award for the WAAS POR for at least 1 year.

Global Positioning System augmentation

The budget request included $446.3 million in Research, Development, Test, and Evaluation, Air Force, for the Global Positioning System III space vehicle in PE 35265F line 212. The committee recommends an additional $10.0 million to study the idea of using mini-GPS satellites to augment the coverage of GPS III and heritage GPS satellites. The committee believes that there is a possibility that a mix of 24 GPS III satellites and 6 or more mini-GPS satellites could provide additional coverage in areas where it is difficult to acquire a GPS signal such as mountainous areas and

urban areas. It is also possible that additional mini-GPS satellites could fill any gaps in GPS coverage caused by on-orbit failures of a GPS satellite.

The mini-GPS satellites would be small satellites using one of many existing small commercial satellite buses with L1, L2, and L5 signals only, and no additional capabilities. The committee directs the Air Force to review the possibility of using mini-GPS satellites and to submit a report to the congressional defense committees setting forth the results of the review no later than December 1, 2010. The report should include an estimate of the cost of each mini-GPS satellite.

Global Positioning System operating control segment

The budget request included $828.2 million in Research, Development, Test, and Evaluation, Air Force, PE 35265F line 212 for Global Positioning System III (GPS III) including $381.9 million for the operating control segment (OCX).

The committee believes that the funds for the OCX should remain in PE 63423F line 33, where the funds where appropriated in fiscal year 2010 and separate from the funds for development of the GPS III space vehicle. The committee recommends a $381.9 million reduction in line 212 and an increase in line 33 to effect the transfer.

Joint Space Operation Center System

The budget request included $132.7 million for the Joint Space Operation Center (JSpOC) system in Research, Development, Testing, and Evaluation, Air Force, PE 35614F line 213. The JSpOC system is focused on upgrading the ability of the JSpOC to track, monitor, predict, and to respond in real time to events in space. The committee recommends an additional $6.0 million to continue the Karnac study, which is a joint Air Force and Department of Energy National Laboratory effort to utilize and modify existing capabilities developed to support the nuclear weapons program to improve the JSpOC capabilities, including using nontraditional data and three dimensional modeling and simulation capability. This is the second of a 2-year program. The committee urges the Air Force to include funds for the last year of Karnac in the fiscal year 2012 budget request.

Nuclear detonation detection system

The budget request included $72.2 million in Research, Development, Test, and Evaluation, Air Force, PE 35913F line 215 for the nuclear detonation (NUDET) detection system to detect, locate, and report any nuclear detonations in the atmosphere or in space. The committee recommends an additional $30.0 million to integrate the Space and Atmospheric Burst Reporting System (SABRS) on the fourth Space-based Infrared System Geosynchronous satellite (SBIRS GEO–4). SABRS is the follow-on to the NUDET system currently on the Defense Satellite Program satellites. The SABRS NUDET sensors were to be on all SBIRS GEO satellites. Although there are plans for initial SABRS sensors to be on other satellites there is no plan for the fourth SABRS sensor. In 2007, the Air Force committed to integrating the third SABRS sensor on the

GEO–3 satellite but later decided not to fund integration of any SABRS sensors on any SIBRS GEO satellites. The additional funds will ensure the SABRS NUDET sensor is integrated on the SBIRS GEO–4 satellite.

Defense-wide

Cognitive computing

The budget request included $90.1 million in PE 62304E for cognitive computing, including $9.0 million for the development of a social networking site for veterans. The committee recommends a reduction of $9.0 million to terminate this specific project since its activities do not appear to align themselves with the Defense Advanced Research Projects Agency's vision of addressing challenging problems. Furthermore, such activities, if truly deemed necessary, should be undertaken by either a service or an appropriate agency that has the necessary policy and legal expertise to ensure personal privacy and the confidentiality of health data on such a site.

Advanced chem-bio protective materials

The budget request included $169.3 million in PE 62384BP for chemical and biological defense applied research, but no funds to develop advanced non-woven chemical and biological protective materials. The committee recommends an increase of $1.5 million in PE 62384BP for development of non-woven advanced materials that are capable of protection and defeat against airborne chemical and biological agents and toxins. Such materials would have application for both individual and collective protection missions.

Chemical and biological infrared detector

The budget request included $169.3 million in PE 62384BP for chemical and biological defense applied research, but included no funds to develop miniaturized infrared detection technology. The committee recommends an increase of $3.0 million in PE 62384BP to continue development and miniaturization of an advanced infrared detection system for chemical and biological agents. The objective is to demonstrate a functional prototype that operates at high speed and sensitivity with low false alarm rates. Such a system could reduce the logistical burden compared to other technologies.

Department of Defense Research & Engineering Cyber security activities

The budget request included two new budget lines for cyber security activities within Department of Defense Research & Engineering (DDR&E): $10.0 million in PE 62668D8Z for Cyber Security Research and $10.0 million in PE 63668D8Z for Cyber Security Advanced Technology Development. The committee notes the broad range of cyber security-related activities in the Department, including the services and the Defense Advanced Research Projects Agency (DARPA), and the lack of more coordination across these entities.

The committee is concerned that DDR&E perceives the need to develop its own funding lines instead of working with the Department of Defense Office for Networks and Information Integration

to coordinate and influence the services' and DARPA's activities in this arena. Hence, the committee recommends a reduction of $5.0 million in each of the above program element lines.

Weapons of mass destruction analysis reachback tool

The budget request included $212.7 million in PE 62718BR for research and development of weapons of mass destruction defeat technologies. The committee recommends an increase of $3.0 million in PE 62718BR for development of a decision-making and analysis tool for the Defense Threat Reduction Agency to provide rapid analysis of chemical, biological, or radiological events to combatant commanders. The number of such reachback requests from combatant commands has increased significantly over the past several years, and there is a need for improved analysis and planning capabilities.

Non-lethal weapons technology

The budget request included $26.5 million in PE 1160401BB for Special Operations Technology Development. However, no funding was included for development of non-lethal weapons technology. Non-lethal weapons provide increased capabilities to special operations forces to engage and immobilize personnel and vehicles with minimal risk of significant injury or damage to the target. The Commander of U.S. Special Operations Command has identified a $3.0 million shortfall in funding for development of non-lethal weapons technologies for special operations specific missions and target sets.

The committee recommends an increase of $3.0 million for the development of non-lethal weapons technologies for the U.S. Special Operations Command.

Combating terrorism technologies

The budget request included $85.3 million in PE 63122D8Z for combating terrorism technology support. The committee notes that improvised explosive devices continue to be a primary weapon of choice in attempted and successful acts of terrorism in the United States, against its friends and allies, and against our uniformed and civilian personnel in theater. In order to promote the development of advanced blast resistant construction materials and buildings, the committee recommends an increase of $2.5 million for impact and blast loading laboratory testing technologies.

Foreign language correlation and translation

The budget request included $85.3 million in PE 63122D8Z to develop and deliver capabilities that address needs and requirements with direct operational application to combating terrorism. Part of these efforts include technologies to capture, translate, and correlate information in multiple foreign languages. The committee recommends an increase of $1.0 million in this account for activities related to these efforts.

Reconnaissance and data exploitation system

The budget request included $85.3 million in PE 63122D8Z for development of technologies to support combating terrorism, but in-

cluded no funding to continue development of a reconnaissance and data exploitation system.

The Department of Defense (DOD) needs improved intelligence, reconnaissance, and surveillance (ISR) tools. With the rapidly increasing and pervasive deployment of unmanned, limited payload ISR platforms such as unmanned aerial vehicles (UAV), the need for minimal size, weight, and power ISR sensor systems is paramount.

DOD has been developing a reconnaissance and data exploitation (REX) system that will allow sensors systems to fuse the output of hyperspectral imaging sensors and other electro-optic (EO) sensors and achieve integrated real time target detection capability. Because of its limited demands on platforms for space and weight, the REX payload promises to be able to integrate into a wide variety of airborne and ground-based platforms whose limited payload capacities have precluded such an option. In particular, REX will allow the rapidly expanding fleets of small military UAVs to: (1) take advantage of the powerful automated target detection inherent in multispectral sensors; and (2) enable sensor operators to cue high resolution EO sensors to support target identification. Completing development of the REX system should permit DOD to take better advantage of existing technologies, which should reduce the time needed to deploy capabilities to support the combatant commanders and also reduce the costs of doing so.

Therefore, the committee recommends an additional $7.0 million for developing the REX system.

Plant-based vaccine development

The budget request included $177.1 million in PE 63384BP for chemical and biological defense advanced development, but no funds for using plants to produce vaccines against biological threats. The committee recommends an increase of $3.0 million in PE 63384BP for plant-based vaccine development, including a potential vaccine against multiple threat agents. The committee is aware of significant progress made by the Defense Advanced Research Projects Agency in demonstrating the rapid production of candidate vaccines using plants. Advancing this potential could permit production of vaccines quickly after a biological threat or disease first appears.

Defense Logistics Agency energy research

The budget request included $20.5 million in PE 63712S for generic logistics technology demonstrations. The Defense Logistics Agency (DLA) is responsible for acquiring and managing all of the fuel required by the military. The DLA energy readiness research and development program has thrust areas that include research on alternative energy, including fuel cells and the conversion of waste and biomass into fuels. Noting the strategic importance of reducing the military's dependency on fossil fuels and in support of these objectives, the committee recommends an additional: $4.0 million for biofuels research, $1.5 million for research on the conversion of biomass into logistics fuels, $8.0 million to continue the vehicle fuel cell and logistics program, and $2.0 million to accel-

erate the evaluation process of green products, primarily in the biofuel sector.

The committee also recommends an additional $1.0 million to continue to improve the use of radio-frequency identification technology for better tracking across the DLA supply chain.

Printed circuit board industrial assessment

The budget request included $402.8 million in PE 63890C for ballistic missile defense enabling technologies, including $36.6 million for the Producibility and Manufacturing Technology project, but it included no funds to support the Department of Defense (DOD) Executive Agent for Printed Circuit Board Technology. This Executive Agent position was created pursuant to section 256 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110–417) and is part of a partnership between the Missile Defense Agency (MDA) and the Navy. The Executive Agent is intended to support the needs of DOD for assured high quality printed circuit boards in a variety of critical weapon systems. The committee directs that, of the funds available in PE 63890C, MDA use up to $2.0 million to support the Executive Agent to conduct an industrial capabilities assessment of the printed circuit board industrial sector, including the supply chain, to meet future DOD technology needs. The Executive Agent shall provide the industrial capabilities assessment to the congressional defense committees within 180 days after the enactment of this Act.

U.S.-Israeli short-range ballistic missile defense

The budget request included $121.7 million in PE 63913C for U.S.-Israeli cooperative ballistic missile defense programs, including $46.7 million for co-development of a short-range ballistic missile defense system called "David's Sling Weapon System." This system is intended to provide an affordable defense of Israel against short-range missiles and long-range rockets of the type fired by Hezbollah from Lebanese territory in the summer of 2006. The United States is co-managing the development of the system to ensure that it is compatible with U.S. missile defense systems and to provide an option for the U.S. military to procure the system in the future, if needed. The committee recognizes that the threat to Israel from such short-range missiles and rockets has increased. Therefore, the committee recommends an increase of $25.0 million to accelerate the development of the David's Sling short-range ballistic missile defense system.

The budget request included no funds for the Israeli "Iron Dome" short-range rocket defense system. However, in mid-May of 2010, the Department of Defense requested that Congress approve $205.0 million of fiscal year 2011 funds to accelerate and expand Israeli procurement of the Iron Dome system. The committee recommends an increase of $205.0 million in PE 63913C for the Israeli Iron Dome system.

Corrosion control research

The budget request included $4.8 million in PE 64016D8Z for corrosion programs. In support of Department of Defense efforts to reduce maintenance costs due to corrosion, the committee rec-

ommends an additional $3.0 million for corrosion research activities.

Chem-bio defense system development and demonstration

The budget request included $407.1 million in PE 64384BP for chemical and biological defense system development and demonstration, but no funds to continue developing a don/doff upgrade to the Joint Service Aircrew Mask (JSAM). The committee recommends an increase of $2.0 million in PE 64384BP to continue developing a don/doff in-flight upgrade to the JSAM to permit aircrews to put on the mask quickly in flight if there is a chemical or biological threat present. This would obviate the need for aircrews to wear the mask when it is not needed.

The committee understands from the Department of Defense that there is a funding imbalance in Budget Activity 5 for the Transformational Medical Technologies Initiative program. This results in requested funds that are excess to need and also in the wrong funding lines. Therefore, the committee recommends a decrease of $15.0 million in PE 64384BP, and a transfer of a total of $50.0 million to funding lines for Budget Activities 1, 2, and 3, as reflected in the funding tables, and as indicated by the Department.

Defense Technical Information Center unjustified growth

The budget request included $61.1 million in PE 65801KA for the Defense Technical Information Center. This budget request represents an increase of $11.8 million over last year. The committee notes that the budget justification material does not adequately explain an increase of this amount and therefore recommends a decrease of $10.0 million.

Center for Intelligence and Security Studies

The budget request for PE 301301L for Research, Development, Test, and Evaluation for the Defense Intelligence Agency (DIA) within the General Defense Intelligence Program is classified. The committee recommends authorization of $3.0 million above the requested amount to sustain DIA's program at the Center for Intelligence and Security Studies to improve the capability and quality of intelligence analysts and arranging internships with security clearances in the intelligence community.

Technology development for tactical unmanned aerial systems

The budget request included $16.3 million in PE 34210BB for the development of new capabilities for intelligence, surveillance, and reconnaissance, including technology upgrades for tactical unmanned aerial systems (UAS). Tactical UASs are used heavily by special operations personnel for situational awareness and target acquisition. The committee recommends an increase of $4.0 million to continue development of technologies to improve the capabilities of tactical UASs by increasing payload, reducing noise signature, and improving engine performance.

Wide-area aerial tactical situation awareness

The budget request included $16.3 million in Research, Development, Test, and Evaluation, Defense-wide, in PE 34210BB for Special Applications for Contingencies for the Special Operations Command (SOCOM). The committee recommends an authorization of $1.7 million above the requested amount to assist SOCOM in integrating a new 413 megapixel wide-area airborne surveillance (WAAS) camera system on SOCOM's Viking 400 unmanned aerial vehicle (UAV) system. This camera and the Viking 400 would provide a WAAS capability in between that which is being demonstrated by the Navy on the Shadow UAV and by the Defense Advanced Research Projects Agency and the military services on the Reaper UAV and other large platforms.

Center of excellence for geospatial science

The budget request included classified amounts in Research, Development, Test, and Evaluation, Defense-wide, in PE 35102BQ for the Defense Geospatial Intelligence Program. The committee recommends authorization of an additional $1.0 million to continue funding for the Center of Excellence for Geospatial Science, which provides scientific support for the National Geospatial Intelligence Agency as well as education and training for students seeking careers in the intelligence community.

Industrial Base Innovation Fund and supply chain

The budget request included $21.8 million in PE 78011S for Defense Logistics Agency (DLA) manufacturing technology efforts. A February 2006 report by the Defense Science Board regarding the Department of Defense's Manufacturing Technology Program points out that manufacturing technology plays a critical role in addressing development, acquisition, and sustainment problems associated with advanced weapons programs and recommended increased funding in this area.

The committee recommends an additional $30.0 million to continue the Industrial Base Innovation Fund program. The committee directs that DLA, jointly with the Deputy Under Secretary of Defense for Industrial Policy, continue to make investments in manufacturing research that address defense industrial base shortfalls especially related to surge production requirements and diminishing sources of defense material. In addition, the committee also recommends an additional $2.0 million in support of the Northwest manufacturing initiative.

Furthermore, to improve supply chain efficiencies, the committee recommends $1.5 million to PE 62705A to improve radio frequency identification tracking devices.

Lithium ion battery safety research

The budget request included $13.9 million in PE 1160483BB for the development of technologies for underwater systems used by special operations forces. Lithium ion technology has shown promise for reducing the size of batteries while also improving their performance characteristics. However, lithium ion battery technology needs additional development to improve safety for use in under-

water systems. The committee recommends an increase of $1.6 million for lithium ion battery safety research.

Defense Advanced Research Projects Agency execution issues

The budget request included $3.1 billion for the research and management activities of the Defense Advanced Research Projects Agency (DARPA). A key change in the portfolio was a 59 percent increase in basic research funding activities compared to a 4 percent decrease in advanced technology development. The committee notes that while an increase in basic research is beneficial and reverses a trend that has affected the broader national science and technology enterprise, it is concerned that the ability to transition technology will be adversely impacted unless there is a more appropriate balance between basic research and advanced technology development. The committee will be monitoring the impacts of this portfolio adjustment over the coming year.

In addition, while DARPA's fiscal performance has notably improved, the committee is still concerned about the timeliness of sustained funding execution. The committee recommends a reduction of $143.4 million from DARPA's overall budget to reflect continuing concerns about timely and effective execution of funds by the agency.

Items of Special Interest

Aegis Ballistic Missile Defense

The budget request included $1.5 billion in PE 63892C for Aegis Ballistic Missile Defense (BMD) research and development, and $94.0 million in Procurement, Defense-Wide, for the procurement of eight Standard Missile 3 (SM–3) Block IB interceptors for the Aegis BMD system. In addition, the budget request includes funding in two new Aegis BMD-related funding lines to support the new Phased Adaptive Approach (PAA) to missile defense in Europe: $281.4 million in PE 64880C for development of land-based SM–3 capabilities and $318.8 million in PE 64881C for co-development, with Japan, of the SM–3 Block IIA interceptor.

The Aegis BMD system is the centerpiece of the PAA to missile defense in Europe, which will involve the deployment, at sea and on land, of four increasingly capable variants of the SM–3 interceptor (Blocks IA, IB, IIA, and IIB) over the four phases of the PAA from 2011 to 2020. Given its inherent mobility and flexibility, as well as its evolving capability to defend against all ranges of ballistic missiles from nations like Iran and North Korea, Aegis BMD will also be the core of other regional missile defense architectures, for example in the Middle East and East Asia.

The committee strongly supports the development, testing, production, and deployment of operationally effective Aegis BMD and SM–3 capabilities in sufficient numbers to support the needs of regional combatant commanders and to implement the PAA in Europe. However, the committee has several concerns relating to the Aegis BMD program.

First, the committee notes that the Missile Defense Agency (MDA) is focused on production of the SM–3 Block IB, and is not

planning production of more SM–3 IA interceptors. Consequently, the supplier base for unique SM–3 IA components will soon no longer be qualified to supply those components if needed in the future. If there is a problem or delay with the development of the SM–3 IB, a delay in the planned first flight test of the SM–3 IB, or the test is not successful, it would create a situation where no operational SM–3 interceptors (Block IA) can be produced, at a time when increasing the interceptor inventory is essential. The committee directs the Department of Defense (DOD) to consider what actions could be taken to mitigate this risk and expects DOD to take appropriate actions to keep SM–3 IA suppliers qualified and able to produce additional SM–3 IA if necessary, including the possibility of a reprogramming action with fiscal year 2010 funds. The committee is aware that MDA has studied a variety of such options and that there are near-term mitigation options available, including procurement of Block IA kill vehicle kits or additional Block IA interceptors, if action is taken before the suppliers go out of qualification.

Second, the committee notes that the planned production schedule for the SM–3 IB has a steep increase between fiscal year 2011 with 8 interceptors and fiscal year 2012 with 66 interceptors, an eightfold increase. Although the committee supports the objective of fielding adequate numbers of SM–3 Block IB interceptors after testing has demonstrated their capability, this will be a challenging ramp-up in the production rate. The committee is concerned that this planned production increase may cause unanticipated production problems, including production delays, similar to the experience with far lower production rates for the Block IA interceptor. The committee urges MDA to consider risk mitigation options for this steep production increase, including the possibility of budgeting some research and development funds to cope with production challenges.

Third, the committee is concerned that the development effort for the SM–3 Block IIB missile is not currently being managed by the Aegis BMD program office, but rather within the MDA technology development program office. The significant milestones and capabilities achieved to date with the Aegis BMD program have resulted in large part from the close collaboration between the Aegis BMD program office and the Navy, which has more than 30 years of experience in the development, testing, fielding, and operation of the Standard Missile series and the Aegis Weapon System. The committee believes it is essential for this collaborative relationship to continue with respect to the SM–3 Block IIB program, and directs MDA to ensure that the Aegis BMD program office has the central role in the management of the Block IIB program.

Finally, the current plan for deployment of the SM–3 Block IIB interceptor would be limited to deployment on land because of shipboard safety concerns related to the anticipated use of hypergolic fuels in the Block IIB interceptor. The committee directs MDA and the Navy to conduct an analysis of options for alternative technologies or practices that would permit the deployment of the SM–3 Block IIB on Aegis BMD ships, as well as on land, and to report to the congressional defense committees on the results of this analysis not later than April 30, 2011.

Ballistic missile defense overview

The budget request included $9.9 billion for ballistic missile defense, including $8.4 billion for the Missile Defense Agency (MDA), and $1.5 billion for Army and related missile defense programs. This represents an increase of nearly $700.0 million over the amount appropriated for fiscal year 2010.

The committee commends the administration for several important recent initiatives in ballistic missile defense, all of which are consistent with previous guidance from Congress.

In September 2009, President Obama announced his decision to accept the unanimous recommendation of the Secretary of Defense and the Joint Chiefs of Staff to pursue the Phased Adaptive Approach (PAA) to missile defense in Europe. This approach, centered on the Aegis Ballistic Missile Defense (BMD) system and its Standard Missile–3 (SM–3) interceptor, will provide timely defensive capability against the existing and evolving Iranian ballistic missile threat to Europe and the potential threat to the United States in the future. (Several Aegis BMD program management concerns are described elsewhere in this report.)

In February 2010, the Department of Defense released the report of the first-ever Ballistic Missile Defense Review (BMDR), which was required by section 234 of the Duncan Hunter National Defense Act for Fiscal Year 2009 (Public Law 110–417), initiated by the committee. The BMDR provided a comprehensive review of U.S. missile defense strategy, policies, plans, and programs.

The BMDR established six policy priorities that are guiding the current and planned missile defense program: 1) the United States will continue to defend the Homeland against the threat of limited ballistic missile attacks; 2) the United States will defend against regional missile threats to U.S. forces, while protecting allies and partners and enabling them to defend themselves; 3) before new capabilities are deployed, they must undergo testing that enables assessment under realistic operational conditions; 4) the commitment to new capabilities must be fiscally sustainable over the long-term; 5) U.S. BMD capabilities must be flexible enough to adapt as threats change; and 6) the United States will seek to lead expanded international efforts for missile defense.

As Secretary of Defense Gates stated in his letter of transmittal of the BMDR report, "If fully implemented in coming years, the plans reflected here will significantly improve the security of the United States and its allies while also enhancing international stability." The committee shares this view.

Consistent with the BMDR, and in order to implement the PAA and to fulfill the missile defense needs of regional combatant commanders, the budget request included funds to increase the planned inventory of SM–3 and Terminal High Altitude Area Defense (THAAD) interceptors, as Congress had previously directed. The current plan is for 436 SM–3 Block IA and IB interceptors by 2015 and for 9 THAAD batteries with 431 interceptors by 2015, an increase of nearly 250 interceptors above plans announced for fiscal year 2010. This represents a significant enhancement in the capacity to defend our forward deployed forces, allies, and partners against the existing threat of short- and medium-range missiles

and against the evolving regional missile threat. According to Secretary Gates, this effort is a "top priority."

The budget request also included funds for new sensor programs to enhance the performance of the Ballistic Missile Defense System (BMDS) against missiles of all ranges. One such initiative is the Airborne Infrared (ABIR) program, which seeks to develop unmanned aerial vehicles with the ability to provide early and accurate missile tracking data to regional missile defense systems like Aegis BMD at sea and on land. Such an ABIR capability could permit early intercepts of missiles in their ascent phase of flight, before they can deploy countermeasures. It would also improve defense against attacks with numerous missiles, such as those practiced in recent years by North Korea and Iran.

Another new sensor initiative is the Precision Tracking Space System (PTSS). The MDA concept is that an operational low-earth orbit (LEO) infrared satellite, such as PTSS, would improve significantly the ability to track, throughout their post-boost flight, missiles from countries such as Iran and North Korea. The precision tracking capability that could be provided by such a LEO satellite constellation could enable earlier interceptor launches and earlier intercepts of missiles in flight, including against numerous missiles, thus improving defensive capability significantly.

The MDA has adopted a novel approach to developing prototypes for the PTSS that should ensure mature technical readiness levels are achieved before any decision is made to procure operational satellites. This approach includes support from government laboratories and the Air Force Space and Missile Systems Center. Since an operational PTSS system would have to be part of the overhead persistent infrared architecture operated by the Air Force, an early and close relationship with the Air Force is necessary to ensure a smooth transition to the Air Force, and MDA appears to be planning such a relationship. The committee expects an operational PTSS to be compatible with the Air Force multi-mission space operation center protocols. The committee believes MDA and the Air Force should explore concepts wherein the MDA would control the prototype payloads and the Air Force would control the prototype satellites.

The committee supports the approach adopted by MDA for establishing requirements and developing PTSS prototypes, and believes that MDA should consider taking advantage of the platform potential that a PTSS prototype would provide and explore the option of including a technically mature visible-band surveillance sensor, in addition to the infrared sensor, as part of the prototyping effort—as long as it would not delay or otherwise interfere with the PTSS prototype development effort.

As stated in the BMDR, because of the Ground-based Midcourse Defense (GMD) system deployed in Alaska and California, "the United States is currently protected against the threat of a limited ICBM [intercontinental ballistic missile] attack." In addition to the 30 operational Ground-Based Interceptors (GBIs) planned for the system, the Department is planning to complete installation of 7 spare silos in Missile Field 2 at Fort Greely, Alaska, as a hedge against the potential future expansion of a long-range missile threat from a country such as North Korea or Iran. The Depart-

ment does not intend to procure operational interceptors for these silos, but would have the option of emplacing stockpiled test or spare interceptors in them in the future, as a contingency operational capability, in case the need should arise.

As part of Phase 1 of the PAA, the Department is planning to deploy a forward-based THAAD-type radar, designated AN/TPY–2, in southern Europe in the 2011 timeframe. In addition to enhancing the European regional defensive capability of the PAA systems, this deployment will provide substantially improved and earlier missile tracking information of potential future long-range Iranian missile launches. This improved information would enhance the performance of the GMD system against such a potential future Iranian missile threat to the United States and could permit the GMD system to operate in a "shoot-look-shoot" mode, rather than firing two GBIs at each target missile. This could effectively double the number of potential Iranian threat missiles that the existing GMD system could engage.

The committee notes that section 232 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) required the Department to submit to the congressional defense committees, at the time of the fiscal year 2011 budget request, a report containing an assessment and plan for the GMD system. This report was to provide information on the Department's plans for maintaining and sustaining the GMD system through its service life. The committee is disappointed that the required report was not submitted on time and still has not been received as of mid-May. The intent of Congress in requiring the report at the same time as the budget request was to ensure that the report would be available for consideration during deliberations on the fiscal year 2011 budget request. By failing to submit the report, even within 3 months of the deadline, the Department has not only failed to meet the intent of Congress, but has prevented the committee from being able to consider the results of the report. The committee expects more timely responses to requirements in law.

One of the major policy initiatives of the BMDR is the requirement for operationally realistic testing to demonstrate the capability of missile defense systems before they are deployed. This "fly before you buy" approach is long overdue and is consistent both with longstanding congressional direction and normal acquisition practice for Major Defense Acquisition Programs. In order to ensure adequate testing of its systems, MDA has created a new Integrated Master Test Plan (IMTP) that takes the evaluation-based testing approach long recommended by the Director of Operational Test and Evaluation. This approach seeks to provide the specific information needed to validate and verify models and simulations necessary to understand and have confidence in the performance of the BMDS. For the first time, the IMTP includes plans for dedicated operational tests to demonstrate the capability of missile defense systems. The committee believes this is an important and necessary step in fielding effective missile defense systems.

The committee notes that the MDA targets program is still a major concern for the missile defense test program, and for the successful development of effective missile defense systems. A number of notable target failures, such as the air-launched target for

THAAD flight test 11, have been very costly and have caused significant delays. The committee believes that MDA needs to further improve the quality, reliability, and affordability of its targets.

The committee notes its serious concern with contractor quality control problems experienced by MDA. The committee commends MDA for focusing on quality problems and encourages MDA to continue taking a strong approach to demanding and enforcing quality control with its contractors, including seeking defects clauses and warranties in any new contracts, and any other appropriate means of holding contractors accountable for their performance. The committee believes it is unacceptable for contractors to produce components and systems that do not meet the quality standards required to provide effective defense against ballistic missiles, and that the government should not pay for defective or inferior products.

Coordination of the Minerva Program, the Human Social Cultural Behavior Modeling Program, and Strategic Multi-layer Assessment efforts

The committee commends the Department of Defense for investing in research activities related to improving its basic understanding of the social, cultural, behavioral, and political forces that shape regions of the world of strategic importance to the Nation, as well as understanding the dynamics of terrorist and other irregular warfare actors. Currently, activities related to this area that are being pursued include the Minerva Program, the Human Social Cultural Behavior Modeling Program, as well as Strategic Multi-layer Assessment efforts.

However, the committee notes that given the broad range of activities and the importance of this work, it is not clear that appropriate coordination and collaboration is occurring to maximize synergies between various research communities and to avoid unnecessary duplication. Furthermore, it is not clear how the results of these efforts will directly inform and impact broader counterterrorism and counterinsurgency strategies, psychological operations and other counter influence activities and efforts to counter violent extremism.

Hence, the committee requests that the Under Secretary of Defense for Policy and the Director of Defense Research and Engineering submit a report by September 1, 2011, to the congressional defense committees describing coordinating mechanisms between the above mentioned activities and plans for how the results of the Department's research efforts will be used to aid counterterrorism and counterinsurgency strategies, psychological operations and other counter influence plans, and efforts to counter violent extremism.

Defense Science Board study on cyber research and development

Section 931 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) required that the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD (AT&L)) provide a report by March 1, 2010, which has not yet been delivered, on a strategy for organizing the research and development or-

ganizations within the Department of Defense to develop "leap-ahead" cyber operations.

The committee directs that the Defense Science Board (DSB) conduct an independent assessment for the USD (AT&L) of this strategy and its implementation over the course of fiscal year 2011, and report to the USD (AT&L) by February 1, 2012. The committee directs that the DSB also examine the research budgets and plans for cyberwarfare and cybersecurity of the military services and the defense agencies and evaluate whether the level of investment and the planned activities will meet the future needs of the Department. The committee intends that this report shall be available for congressional review no later than March 1, 2012.

Director of Operational Test and Evaluation personnel issues

The committee is aware that test and evaluation activities have increased in complexity and scope over the past several years. As the demands of these test and evaluation activities have increased, the demands have also increased on the activities of the Office of the Director of Operational Test and Evaluation (DOT&E).

The committee is concerned that, as test and evaluation demands have increased on DOT&E, their personnel capabilities have not kept pace with the demands. Therefore, the committee directs DOT&E to submit a report to the congressional defense committees not later than January 15, 2011, containing a DOT&E strategic workforce plan, including DOT&E personnel requirements, allocations, resources, and plans, to manage the increased complexity and demands of test and evaluation activities performed by DOT&E.

High speed encryption

Both the National Security Agency (NSA) and the National Reconnaissance Office (NRO) are developing very high-speed encryption technology. The NSA approach is significantly less expensive and will be fielded soon. The more expensive and longer-term NRO approach would provide on-demand protocol agility. The committee's examination thus far of this issue casts doubt on the need for such agility and therefore the need for the large NRO investment. The administration has assured the committee that a joint NRO-NSA study is underway to determine what capabilities are required in the future. The committee directs that the Assistant Secretary of Defense for Networks and Information Integration, in coordination with the Office of the Director of National Intelligence, assume oversight of this study and provide a report to the congressional defense and intelligence committees by February 1, 2011.

Integrated Sensor is Structure

The budget request included $303.1 million in PE 63286E for Advanced Aerospace Systems. Of that amount, $103.4 million supports persistent or responsive intelligence, surveillance, and reconnaissance (ISR) programs, including Vulture and Integrated Sensor is Structure (ISIS). As noted last year, the committee is concerned that the Defense Advanced Research Projects Agency (DARPA), the

Office of the Secretary of Defense, and the military departments have numerous persistent or responsive ISR capabilities in development and transition plans for a number of DARPA programs to the services are not clear.

In particular, the committee is concerned about the future direction of ISIS. While the committee understands the vital need for a long-duration, large aperture capability, the transition plan for ISIS is being called into question with recent Air Force funding actions. Hence, the committee will continue to monitor the progress of this program in order to ensure that this operational gap is addressed in the most cost-effective manner.

In addition, the committee notes that the Department of Defense (DOD) is pursuing a wide variety of air vehicles, classified as aerostats, airships, and rigid aeroshell variable buoyancy vehicles, and directs DOD to provide the congressional defense committees with a report by March 1, 2011, that reviews the status and future plans of these programs to ensure that the most cost-effective systems are being pursued and that the highest priority science and technology challenges for persistent unmanned capabilities are being addressed.

Multi-mission Maritime Aircraft prognostics

The budget request included $929.3 million in PE 65500N for the Multi-mission Maritime Aircraft (MMA) program that is developing a replacement for the P–3 maritime patrol aircraft. In the MMA program, the Navy is developing the P–8A aircraft, a derivative of the commercial B–737 aircraft.

As a part of the overall P–8 development program, the Navy is funding prognostics and health management technologies that are included in a performance based service specification contract.

Development of the overall P–8 program appears to be proceeding well, but the committee is concerned that the Navy may be giving insufficient attention and funding to the prognostics and health management technologies for this aircraft. The committee has heard allegations that the Navy may have diverted funds budgeted for these programs to solve other emerging problems. If the Navy were to forego embedding such technologies in the new production aircraft, it will have little opportunity to add them later.

The committee believes that diverting funds from prognostics and health management development activities would be incredibly short-sighted. Such a diversion may help solve near-term problems with other parts of the development program, but that runs the risk of saddling the fleet with an aircraft that would be more difficult and more expensive to maintain for decades to come. The Navy should take action to ensure that the MMA program and other new aircraft programs adopt advanced preventative and predictive technologies to the maximum extent practicable, in order to promote safety for our aircrews and enhance mission readiness of the aircraft.

Multiple User Objective System

The budget request included $405.7 million for the Multiple User Objective System (MUOS) in Research, Development, Test, and Evaluation, Navy, PE 33109N line 194. The MUOS provides

narrowband ultra high frequency (UHF) satellite communications capability to a wide variety of users. The committee notes that the MUOS program is more than 2 years behind schedule and that several of the current UHF satellites on orbit have lost capability and capacity or failed earlier than expected. The committee has been concerned for several years that there will be a gap or decreased availability of UHF communications.

Congress has supported efforts to develop additional on orbit UHF capacity including the idea of hosted payloads. Although the Navy started a hosted payload program in 2008 to provide additional UHF capacity, it was cancelled in 2009. As a result the Navy was forced to look at ways to augment UHF capability using existing satellite systems. While this exercise has been productive there is still not enough UHF capacity. As a result the Navy finally decided to explore again commercial options for UHF capability and recently issued a request for sources to provide that capability. The committee fully supports long-term UHF augmentation not only to protect against further slips in the MUOS program but also to protect any additional unforeseen failures of existing capacity.

If, in reviewing the responses to the sources-sought notice, the Navy determines that it needs additional authority or other assistance the committee urges the Navy to inform it promptly.

Report on implementation of industry standardized hardware and software interfaces

The committee is interested in exploring opportunities to ensure that various aerospace and other systems adopt and use industry standard interfaces. This would include common hardware and software modules to increase compatibility and move to more plug and play like concepts. The committee directs the Air Force to review options for implementing a modular, scalable, and rapidly deployable avionics standard for aerospace vehicles and report to the Committees on Armed Services of the Senate and the House of Representatives no later than March 1, 2011, on the feasibility and affordability of such an approach.

Test Resources Management Center

In fiscal year 2010, the committee recommended increases to PE 64759A and PE 64759F to strengthen the Department of Defense's test and evaluation capabilities. The committee understands that the Test Resources Management Center (TRMC) is performing a review of the service's test and evaluation investments and looks forward to the results of such a review with the submission of the fiscal year 2012 budget. The committee also encourages the TRMC to discuss any issues with its workforce that may be associated with increased testing and evaluation requirements across the Department. The committee continues to encourage the services to continue to work more closely with the TRMC in order for them to perform their responsibilities regarding oversight and management of the Department's test and evaluation enterprise that is critically important for the successful fielding of weapon systems.

TITLE III—OPERATION AND MAINTENANCE

Explanation of tables

Subtitle A—Authorization of Appropriations

Subtitle B—Environmental Provisions

Reimbursement of Environmental Protection Agency for certain costs in connection with the Twin Cities Army Ammunition Plant, Minnesota (sec. 311)

The committee recommends a provision that would authorize the Secretary of the Army to transfer not more than $5,620,000 in fiscal year 2011 to the Environmental Protection Agency's Hazardous Substance Superfund to reimburse the Environmental Protection Agency (EPA) for past costs relating to the response actions performed at the Twin Cities Army Ammunition Plant located in Arden Hills, Minnesota.

Established in 1941, the Twin Cities Army Ammunition Plant (TCAAP) produced various types of ammunition for about the next 30 years. In 1983, the TCAAP was placed on the National Priority List and is currently an active Superfund site. In 1987, the Department of the Army entered into an agreement with the EPA and the Minnesota Pollution Control Agency that covered the cleanup project at the TCAAP. The agreement provided for, among other things, the recovery of expenses incurred by the EPA. Specifically, the agreement provided that the EPA would submit to the Army accountings for "costs incurred in performing oversight of this Agreement and costs of response actions" related to the TCAAP cleanup. Over the ensuring years, EPA submitted to the Army various such accountings for costs incurred pursuant to this agreement. Despite the terms of the agreement, however, the Army has not reimbursed the EPA apparently because the Army lacked the authority to transfer the funds.

The provision would authorize the Army to transfer not more than $5,620,000 for costs incurred by the EPA and is intended by the committee to fully satisfy the costs incurred by EPA related to the cleanup at TCAAP pursuant to the terms of the agreement.

Payment to Environmental Protection Agency of stipulated penalties in connection with Naval Air Station, Brunswick, Maine (sec. 312)

The committee recommends a provision that would authorize the Secretary of Defense to transfer not more than $153,000 to the Hazardous Substance Superfund for the payment of a stipulated penalty assessed by the Environmental Protection Agency (EPA) on June 12, 2008, against Naval Air Station, Brunswick, Maine, for failure of the Navy to timely sample certain monitoring wells pur-

suant to a schedule included in a Federal Facility Agreement entered into between the Navy and the EPA for Naval Air Station, Brunswick on October 19, 1990.

Requirements relating to Agency for Toxic Substances and Disease Registry investigation of exposure to drinking water contamination at Camp Lejeune, North Carolina (sec. 313)

The committee recommends a provision that would require the Secretary of the Navy to take certain actions to ensure that the Agency for Toxic Substances and Disease Registry (ATSDR) has access to all documents, records, and electronic data that is relevant to studies of contamination and remediation of drinking water systems at Camp Lejeune, North Carolina. The provision also would restrict the use of funds for the administrative processing or adjudication of claims filed regarding water contamination at Camp Lejeune and would require the Secretary of the Navy to report to the congressional defense committees when disputes between the Navy and the ATSDR cannot be resolved within 60 days of the dispute arising.

Commission on Military Environmental Exposures (sec. 314)

The committee recommends a provision that would require the President to establish a Commission on Military Environmental Exposures that would provide expert advice to the President and Congress on exposures of current and former members of the armed forces and their dependants to environmental hazards on military installations. The Commission would consist of nine members appointed by the President, after consultation with the leadership of the Committees on Armed Services and Veterans Affairs of the Senate and House of Representatives. The Commission would have 1 year after convening to review the matter and report to the President. The President would then submit the report to the designated congressional committees within 90 days.

The committee believes that this Commission is needed to provide independent, expert advice to the President and Congress on this important issue. The need for the Commission has been demonstrated by a number of cases of potential environmental exposure at military installations. For example, at the Marine Corps Base Camp Lejeune in North Carolina, military members and their families may have been exposed to contaminated drinking water from wells on the base in the early 1980s and earlier. Since then, the Department of the Navy and the Agency for Toxic Substances and Disease Registry have been struggling to determine the nature and extent of such exposures and whether and to what degree service members and their families stationed at Camp Lejeune during that period might have developed adverse health conditions as a result of the exposure. In another example, service members and families stationed at Naval Air Facility (NAF), Atsugi, Japan, may have been exposed to hazardous air emissions from a privately-owned waste incinerator located just outside the fence line of the base. As with the Camp Lejeune situation, the possible exposures have been studied and subsequent illnesses have been documented, but the connection between the exposures and the subsequent health condi-

tions remains largely unknown. In both the Camp Lejeune and the NAF Atsugi situations, the facts indicate exposure to some level of environmental hazard and members of the military populations who lived at those installations report various adverse health conditions. What remains elusive is the extent to which those exposures caused or contributed to the health condition and whether there are better ways for the Federal Government to respond to, address and, as warranted, provide compensation or health benefits as a remedy to these potential exposures.

As a result of these situations and others, and in recognition of the likelihood that similar such situations will arise in the future, the committee recommends this Commission review the potential for exposure to environmental hazards at military installations and to provide advice on how to handle these matters in the future. The Commission would not be tasked with providing recommendation or advice on specific exposures at particular military installations, but would instead review the broader issue of exposures at military installations generally and make recommendations on how best to handle them, including evaluating risk, addressing possible health concerns, and responding to requests for redress. The provision would also require the Commission to inventory those military installations on the National Priority List and estimate the magnitude of the exposures at those sites and the number of people potentially exposed.

The provision expressly states that the Commission shall in no way be interpreted to delay, encroach on, or impede any studies, reviews, assessments, or remediation associated with environmental hazards. Instead, the Commission's work should proceed without affect on work being done in connection with assessment and remedy for any specific military installation, including Camp Lejeune and NAF Atsugi.

Subtitle C—Workplace and Depot Issues

Depot level maintenance and recapitalization parts supply (sec. 321)

The committee recommends a provision that requires a report, no later than 90 days after the date of enactment of this Act, from the Director of the Defense Logistics Agency (DLA), on the status of the DLA Joint Logistics Operations Center's drawdown, retrograde, and reset program for the equipment from Iraq and Afghanistan. The report shall also include: the status of the overall supply chain management of repairing this materiel; the scope of operation to repair and re-supply materiel to the military services, including projected costs and lists of major components needed; the current and projected timeline for the completion of the drawdown, retrograde, and reset program in Iraq; the percentage and level of expected refurbishment to take place in the United States and the percentage and level of expected refurbishment overseas; and a comprehensive assessment of parts management, including a timeline of cumulative backlogs or parts on backorder, impacts on projected manufacturing competition time, and plans to reduce and minimize backlogs in parts availability.

Subtitle D—Energy Security

Alternative aviation fuel initiative (sec. 331)

The committee recommends a provision that would establish goals for the alternative aviation fuel initiative of the Air Force. The provision would also require the submission of reports by the Air Force, the Army, the Navy, and the Defense Science Board.

Subtitle E—Other Matters

Additional limitation on indemnification of United States with respect to articles and services sold by working-capital funded Army industrial facilities and arsenals outside the Department of Defense (sec. 341)

The committee recommends a provision that would amend section 4543 of title 10, United States Code, to ensure that Army arsenals and industrial facilities can sell their products and services outside the Department of Defense (DOD) on the same terms and conditions as other industrial facilities of DOD.

The committee expects the Army to use this authority to enhance the core capabilities of the arsenals and industrial facilities only in cases where the products or services are not available from any commercial source in the United States and the sale of such products or services outside of DOD is consistent with the interests of national security.

Extension of Arsenal Support Program Initiative (sec. 342)

The committee recommends a provision that would extend the Arsenal Support Program Initiative (ASPI) authority for 1 fiscal year and awaits the findings of the comprehensive depot study before making an informed decision on the future of ASPI.

The National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) extended the ASPI for 1 year and is currently set to expire at the end of fiscal year 2011. In the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) the Committees on Armed Services of the Senate and House of Representatives directed a comprehensive depot study to assess a wide range of manufacturing and depot maintenance activities to include ASPI. The committee has yet to receive the completed report.

The committee notes that since Congress established ASPI in 2001 as a demonstration program for Army arsenals, the program has yet to sustain core capabilities of the arsenals and other industrial facilities and by extension enhance military readiness. ASPI has instead been primarily used to rent excess arsenal administrative office space to commercial tenants, which tends to be more profitable than leasing manufacturing space, according to detailed analysis conducted by the Congressional Budget Office (CBO).

A November 2009 report from the Government Accountability Office (GAO) found that of the 44 commercial tenants on Army industrial facilities, only 4 are engaged in activities that have helped to strengthen the arsenals' core manufacturing capabilities or related workforce skills.

The committee is very concerned that through July 2009, the Army has received over $73.0 million for ASPI through congressionally directed funds in annual appropriations and authorization Acts. CBO analysis has revealed an annualized real return-on-capital of 1.25 percent on obligations and 1.62 percent on outlays through 2008.

Furthermore, the November 2009 GAO report found that "the Army has missed an opportunity to ensure that program execution is aligned with its own priorities because Army guidance does not specify which of the authority's 11 purposes the Army considers to be its highest priorities . . . the Army has not established performance goals and measures for ASPI."

The committee notes the Army has not developed guidance nor incorporated the priorities identified in the conference report accompanying the National Defense Authorization Act for Fiscal Year 2008, (Public Law 110–181) which encouraged the Army to recruit more tenants that enhance the arsenals' core missions and workforce skills. Furthermore, the November 2009 GAO report found that "while the Army has developed some metrics to assess the program, existing metrics measure only the number of ASPI contracts secured and cost savings or cost avoidance to the Army, rather than the extent to which the program is making progress toward achieving the broad goals represented by the purposes established in the ASPI authority."

Accordingly, the committee directs the Secretary of the Army to determine the highest priorities among the 11 ASPI purposes as a component of a comprehensive strategy to achieve its desired results, establish performance goals for ASPI, and establish outcome-focused performance metrics to assess the progress the Army has made toward addressing the 11 ASPI purposes, including securing tenants that could use any existing skilled workforce and provide for the reemployment and retraining of skilled manufacturing workers.

The committee directs that the aforementioned report be delivered to the congressional defense committees no later than 90 days after the enactment of this act.

The committee remains concerned that the cost savings to the Army have not been significant and continues to encourage the Army to explore the use of other existing and readily available authorities to accomplish the same goals as ASPI as detailed in enclosure 2 of the November 2009 GAO report.

Four-year extension of authority to provide logistics support and services for weapons systems contractors (sec. 343)

The committee recommends a provision that would amend section 365(g)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) by extending the September 30, 2010, sunset to September 30, 2014.

The committee notes this provision would not change the authorities already granted by Congress, but would simply extend the program for 4 more years. This provision was requested by the Department of Defense to allow continued exploration of potential

projects and to develop an evaluation to be submitted to Congress as to whether the authorities should be made permanent or allowed to expire.

The committee supports the Department's current emphasis on competitive procurements to support major weapon systems and concur there should be more opportunities available for the Defense Logistics Agency to provide the efficient and effective support envisioned by this program.

The committee notes this provision is budget neutral as it does not impact amounts appropriated.

Recovery of improperly disposed of Department of Defense property (sec. 344)

The committee recommends a provision that would prohibit the sale or other disposition of Department of Defense (DOD) property except in accordance with statutes and regulations governing such property. If property is disposed of in violation of this prohibition, the property would be subject to seizure by appropriate law enforcement officials. The appropriate federal district court would have jurisdiction to determine whether property was improperly disposed of and is subject to seizure.

In 2008, the Government Accountability Office (GAO) reported that sensitive and stolen U.S. military items are available for purchase on the internet. Items offered for sale included sensitive parts for F–14 fighters, chemical and biological gear, night vision goggles, and infrared patches used to identify U.S. troops on the battlefield. GAO also reported that certain civilian store owners were acting as conduits for defense-related property—including Kevlar vests, flak jackets, and gas masks—that were likely stolen from the military.

DOD has informed the committee that:

> ". . . the hazards posed by improperly disposed DOD property include the use, by Taliban fighters, of American infrared uniform patches, available on the internet, to avoid American attacks and get close to American targets (Afghanistan, June 2009); the use of stolen military uniforms by Al Qaeda to execute an attack on the American Embassy in Yemen, resulting in the death of sixteen people (September 2008); the use, by insurgents in Karbala, Iraq, of American military uniforms to enter a U.S. military compound, resulting in the deaths of five American service members (January 2007); and the use of American military-grade communications systems, available online, to coordinate terrorist attacks in ten locations in Mumbai, India, resulting in 173 deaths and 308 injuries (November 2008)."

The committee concludes that DOD needs effective statutory authority to address the improper disposal of DOD property and ensure the recovery of such property regardless of to whom it was furnished and who was responsible for its improper disposal.

Commercial sale of small arms ammunition in excess of military requirements (sec. 345)

The committee recommends a provision that would make available the commercial sale of small arms ammunition and ammunition components in excess of military requirements, including fired cartridge cases, which are not otherwise prohibited from commercial sale or certified by the Secretary of Defense as unserviceable or unsafe.

The provision also specifies that no small arms ammunition and ammunition components in excess of military requirements may be made available for commercial sale under this provision before such ammunition and ammunition components are offered for transfer or purchase, as authorized by law, to another Federal department or agency, or for sale to state and local law enforcement, firefighting, homeland security, and emergency management agencies pursuant to section 2576 of title 10, United States Code.

Modification of authorities relating to prioritization of funds for equipment readiness and strategic capability (sec. 346)

The committee recommends a provision that would amend section 323 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) to address concerns about the adequacy of the information that the Army provides to Congress on the costs of equipping and manning the modular force.

Specifically, the recommended amendment would streamline the statutory language to clarify the Army's reporting requirements and remove a reporting element concerning the Army's definition of costs of modularity versus costs of modernization and reset.

The recommended amendment would also add several new reporting elements, including sections that would address equipment items and personnel specialties identified as "key enablers" that make the modular force as or more capable than non-modular units it replaced. In particular, the Army would be required to report on its key enabler requirements, on hand items, planned purchases, authorized and actual personnel levels, and shortfalls projected throughout the period covered by the future-years defense program. This additional information would better assist Congress in understanding the true costs of equipping and manning the Army's modular force.

Additionally, the recommended amendment would update the Government Accountability Office's (GAO) reporting requirement and link it to the Army's annual report. This approach would allow the GAO to provide Congress with more complete, useful, and up to date information than as currently provided by section 323. The amendment would require GAO to provide an assessment of the Army's report, but would also give GAO the discretion to provide additional information as appropriate.

Finally, the recommended amendment would extend the reporting requirements to 2017 to encompass the likely period following the drawdown of overseas contingency operations for which significant resources may be required to continue Army equipment and personnel reset.

Repeal of requirement for reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units (sec. 347)

The committee recommends a provision that would repeal the requirement for a quarterly report from the Secretary of Defense covering withdrawals or diversions of equipment from reserve components as provided for in section 349 of the John Warner National Defense Authorization Act for Fiscal Year 2008 (Public Law 109–346). The intent of section 349 at the time of its enactment was to provide oversight of equipment transfers out of the reserve components in support of the growing requirement of Operations Iraqi Freedom and Enduring Freedom. Since that time, operational equipment demands have largely stabilized and plans for U.S. forces drawdown from Iraq render this quarterly report less relevant. Additionally, information provided to Congress by the Department in the annual National Guard and Reserves Equipment Report and in Quarterly Readiness Reports to Congress allow sufficient insight for oversight of reserve component equipment issues.

Revision to authorities relating to transportation of civilian passengers and commercial cargoes by Department of Defense when space unavailable on commercial lines (sec. 348)

The committee recommends a provision that amend section 2649 of title 10, United States Code, to: (1) expand the means by which transportation may be provided to civilian passengers and commercial cargo to include vehicles and aircraft operated by the Department of Defense (DOD); and (2) when such transportation is provided in response to an emergency, disaster response, or humanitarian request, allow DOD to credit any amounts received in reimbursement to the appropriation, fund, or account incurring the expense of providing the transportation.

Section 2649 of title 10, United States Code, currently authorizes the Secretary of Defense to transport civilian passengers and commercial cargoes on vessels operated by DOD, when such transportation is not commercially available. Under the current language, reimbursement must be made at rates not less than those charged by commercial companies for the same services, and amounts received are deposited in the Treasury as miscellaneous receipts.

The committee expects that the use of any expanded authority granted under the revision to section 2649 will continue to be limited to emergency, humanitarian, and similar exceptional circumstances.

Budget Items

Navy

Readiness support for Navy unfunded aircraft maintenance priorities

The budget request included $38.1 billion for Operation and Maintenance, Navy (OMN) of which $1.2 billion was for aircraft depot maintenance. One of only three unfunded requirements submitted by the Chief of Naval Operations was aircraft depot mainte-

nance. The Vice Chief of Naval Operations testified before the committee that this unfunded requirement is executable, would directly support and restore Naval readiness, and "buy down our backlog of air frames and engines".

The committee notes that these same unfunded priorities were identified in fiscal year 2010 but were not fully supported by the Committees on Appropriations of the Senate and the House of Representatives. As a result a 1-year backlog of deferred aircraft depot maintenance was not executed. The committee is concerned that failure to address this backlog and failure to support this unfunded request for active and reserve aircraft depot maintenance in fiscal year 2011 for active and reserve units will continue to jeopardize and erode aircraft materiel readiness, further reduce the service life of the fleet, increase long-term sustainment costs, and further increase strategic risk for the Nation.

Additionally, the Vice Chief of Naval Operations testified before the committee that failure to support unfunded aircraft depot maintenance requirements could result in reducing flying hours and deferred training exercises which are vital to naval readiness and our responsibility to maintain a trained and equipped force. Exacerbating the issue, increased operational tempo in the United States Central Command area of operations has already resulted in added materiel strain on the fleet.

The committee continues to urge the Secretary of the Navy and Chief of Naval Operations to fully restore ship depot maintenance requirements in fiscal year 2012 base budget request.

The committee recommends an increase of $74.0 million in OMN for aircraft depot maintenance to fund 21 deferred airframes and 342 deferred engines.

Readiness support for Navy unfunded ship maintenance priorities

The budget request included $38.1 billion for Operation and Maintenance, Navy (OMN) of which $4.7 billion was for ship depot maintenance. One of only three unfunded requirements submitted by the Chief of Naval Operations was ship depot maintenance. The Vice Chief of Naval Operations testified before the committee that this unfunded requirement is executable and would directly support and restore Naval readiness.

The committee notes that these same unfunded priorities were identified in fiscal year 2010 but were not fully supported by the Committees on Appropriations of the Senate and the House of Representatives. As a result a 1-year backlog of deferred ship depot maintenance was not executed. The committee is concerned that failure to address this backlog and failure to support this unfunded request for ship depot maintenance in fiscal year 2011 for active and reserve ships will continue to jeopardize and erode ship materiel readiness, further reduce the service life of the fleet, increase long-term sustainment costs, and further increase strategic risk for the Nation.

Additionally, the Vice Chief of Naval Operations testified before the committee that failure to support unfunded ship depot maintenance requirements could result in deferred port visits and deferred training exercises which are vital to fleet readiness and our

responsibility to maintain a trained and equipped force. Exacerbating the issue, increased operational tempo in the United States Central Command area of operations has already resulted in added materiel strain on the fleet.

The committee continues to urge the Secretary of the Navy and Chief of Naval Operations to fully restore ship depot maintenance requirements in fiscal year 2012 base budget request.

The committee recommends an increase of $35.0 million in OMN for ship depot maintenance to fund nine deferred surface ship non-docking availabilities.

Air Force

Air Force amended budget submission for C–130s

In the fiscal year 2011 budget request, the Air Force requested to move C–130s from the Air National Guard (ANG) and Air Force Reserve to active duty. The committee notes a recent request from the Air Force asks to reverse this move and keep the C–130s in the reserve component.

The committee notes this budget rearrangement which moves the C–130 aircraft back into the reserve component includes all weapon system sustainment funding appropriate for fiscal year 2011. While flying hours for these aircraft will remain in the active duty appropriation for fiscal year 2011, it is the Air Force's intent in fiscal year 2012 and the out years to transfer the flying hours back to the specific reserve component accounts. The committee notes these flying hours will be fenced in a training program element to be used specifically for primary flight training at Little Rock, Arkansas, while the requirement remains.

Additionally, the committee notes that six C–130s in the Puerto Rico ANG unit will not be retired in fiscal year 2011. The committee notes that adequate funds exist in the ANG program to operate these aircraft through the end of fiscal year 2011.

Readiness support for Air Force unfunded weapons system sustainment priorities

The budget request included $46.0 billion for Operation and Maintenance, Air Force (OMAF) of which $3.2 billion was for depot maintenance and weapon system sustainment (WSS). WSS is the number one priority in unfunded requirements submitted by the Chief of Staff of the Air Force in fiscal year 2011. The Vice Chief of the Air Force testified before the committee that this unfunded requirement is executable and would directly support and restore Air Force readiness.

The committee is very concerned that the Air Force only funded WSS at approximately 65 percent of their requirement in the fiscal year 2011 budget request, and that requirement only increases to approximately 82 percent of their WSS requirement if Other Contingency Operations funding is authorized. The committee notes that even with $337.2 million in unfunded requirements for WSS, the amount only increases to 85 percent.

The committee is very concerned that failure to fully fund the Air Force's depot maintenance requirements will result in a perpetual and persistent backlog of deferred maintenance active, reserve, and

Air National Guard aircraft. Such a failure will continue to jeopardize and erode aircraft materiel readiness, further reduce the service life of the fleet, increase long-term sustainment costs, and further increase strategic risk for the Nation.

Additionally, the Vice Chief of Staff of the Air Force testified before the committee that the Air Force currently faces a "$2.0 billion deficit" with respect to deferred aircraft and engines that require depot maintenance support. Exacerbating the issue, increased operational tempo in the United States Central Command area of operations has already resulted in added materiel strain on the fleet and placed a heavy demand on a wide range of aircraft.

The committee strongly urges the Secretary of the Air Force and Chief of Staff of the Air Force to fully restore and transition WSS requirements in fiscal year 2012 base budget request and to develop a more sustainable WSS plan.

The committee recommends an increase of $337.2 million to the Air Force's Operation and Maintenance accounts, as follows: OMAF, $150.0 million for WSS to fund one B–2 programmed depot maintenance (PDM) and B–1 high velocity maintenance initiative, and dome/sensor repairs to alleviate degradation of space collision avoidance systems and ensure Spacelift Range compliance with Department of Defense Information Assurance requirements to be implemented in fiscal year 2011; Operation and Maintenance, Air Force Reserve, $99.0 million for WSS to fund two A–10 service life extension programs, two A–10 scheduled structural inspections, six KC–135 PDMs, and six C–5 engine overhauls for Air Force Reserve units; and Operation and Maintenance, Air National Guard, $88.2 million to fund one C–5 PDM, one C–5 major system inspection, and five KC–135 PDMs.

Defense-wide

Defense Security Cooperation Agency

The budget request included $683.9 million in Operation and Maintenance, Defense-wide (OMDW), for the Defense Security Cooperation Agency (DSCA). Of this amount, $500.0 million was requested for the Global Train and Equip program to build the capacity of foreign military forces to meet emerging security threats. The amount requested for the Global Train and Equip program exceeds the program's current authorized level for fiscal year 2011 of $350.0 million under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) and section 1206 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417).

The administration is in the process of conducting a comprehensive interagency review of the security assistance authorities of the Department of Defense and the Department of State, including the DOD Global Train and Equip program. The committee understands that this review should be completed prior to the completion of the fiscal year 2012 budget request. The committee welcomes this review and looks forward to any proposals for enhancing U.S. security assistance that result from this process.

The committee also notes that the request for the DSCA includes $5.0 million for the Stability Operations Fellowship program (SOFP). The committee has previously recommended the elimination of funding for the SOFP on the grounds that no authority exists for the Department of Defense to conduct this fellowship program. The committee believes that the SOFP goal of educating foreign military personnel in stability operations can be achieved through other security assistance programs, including the International Military Education and Training program, and again recommends the elimination of funding for SOFP.

Therefore, the committee recommends a decrease of $155.0 million to OMDW for DSCA, consisting of a decrease of $150.0 million for the Global Train and Equip program and a decrease of $5.0 million for the SOFP.

Readiness and Environmental Protection Initiative

The budget request included $39.8 million in Operation and Maintenance, Defense-wide (OMDW) for the Readiness and Environmental Protection Initiative (REPI). The committee believes the military departments should continue to pursue the voluntary agreements with other public and private entities as authorized under section 2684a of title 10, United States Code, to prevent the development or use of property that would be incompatible with the mission of an installation, and preserve habitat that is compatible with environmental requirements that might otherwise result in current or anticipated environmental restrictions on military bases. More can and should be done to protect important military test and training assets and to preserve the land around these installations.

The committee recommends an increase of $25.0 million in OMDW for REPI and directs that the military departments give priority to projects that benefit critical mission training sites that have the greatest potential to prevent or reduce encroachment through the creation of a compatible use buffer zone.

Department of Defense support for program development and interagency training for rule of law operations

The budget request included $2.2 billion in Operation and Maintenance, Defense-wide (OMDW), for the Office of the Secretary of Defense (OSD). The committee directs that up to $750,000 of this amount may be available to support a program for continued strategic planning, program development, and interagency training for rule of law operations.

The committee recognizes the continuing importance of efforts to promote the rule of law for stabilization operations and building governance capacity in Iraq and Afghanistan. The committee notes that Department of Defense Instruction (DODI) Number 3000.05, dated September 16, 2009, states that stability operations are a core U.S. military mission and directs the Department to assist other U.S. Government agencies and other entities in the planning, preparation, and execution of reconstruction and stabilization efforts, including strengthening governance and the rule of law. While commitment to the rule of law is central to the success of stability operations, the committee believes insufficient progress

has been made by the agencies participating in rule of law operations, specifically the Departments of State, Justice, and Defense, to build strategic plans and stand up theater-specific training programs that will prepare military and civilian personnel of the U.S. Government to conduct rule of law operations.

The committee applauds the efforts of the U.S. Army, through the Judge Advocate General's Legal Center and School, to make progress in this vital and dynamic area. The committee is aware that a request for proposal is in process to initiate a program to conduct strategic planning and a training program in building rule of law capacity. However, it is important at this juncture that the Office of the Secretary of Defense, building on the Army's efforts, take a leadership role and address the critical need for improved planning, training, and coordination among U.S. Government agencies with relevant experience and cultural understanding.

The committee also directs the Under Secretary of Defense for Policy to submit a report to the Committees on Armed Services of the Senate and of the House of Representatives not later than January 31, 2011, assessing the capabilities and capacities of the Department to conduct rule of law operations and assist other U.S. Government agencies in planning and executing rule of law operations, consistent with DODI Number 3000.05.

Department of Defense Education Activity Operation and Maintenance funding

The amount authorized to be appropriated for the Department of Defense Education Activity Operations and Maintenance account includes the following changes from the budget request. The provisions underlying these changes in funding levels are discussed in greater detail in title V of this committee report.

[Changes in millions of dollars]

Impact aid for schools with military dependent students	30.0
Assistance for schools with military students due to rebasing	5.0
Impact aid for children with severe disabilities	10.0
Total	45.0

Unobligated Balances

Unobligated Operation and Maintenance balances

The committee notes that the sustained challenges associated with combat operations in Iraq and Afghanistan have created a difficult fiscal management situation, especially for the Army and Marine Corps. However, the Department of Defense continues to under-execute its Operation and Maintenance (O&M) appropriations for the active and reserve components. According to the Government Accountability Office (GAO), the Department of Defense had $1.4 billion in average yearly unobligated balances for fiscal years 2005 through 2009. The military departments had $1.1 billion in average yearly unobligated balances for fiscal years 2005 through 2009.

The committee is disappointed that the Department of Defense continues to underfund the full requirement of important maintenance and readiness accounts in its annual request in anticipation of Overseas Contingency Operations (OCO) appropriations. The committee notes that whether made available in annual or OCO

and supplemental appropriations, the Department and the Services must ensure that taxpayer dollars are appropriately managed to provide the best possible readiness for the force and avoid the expiration of obligating authority.

Accordingly, the committee recommends a decrease of $16.0 million to O&M, Defense-wide.

Items of Special Interest

Acoustic intelligence archive programs

The National Acoustic Intelligence Laboratory at the Office of Naval Intelligence (ONI) within the National Maritime Intelligence Center (NMIC) provides validated hydro-acoustic signature data to intelligence community partners and U.S. Navy acquisition programs in both raw and processed forms. The acoustic intelligence (ACINT) archive contains digital and analog media containing acoustic intelligence collected by all means.

The committee understands that the ACINT analog archive may be deteriorating with age due to a condition called oxide shedding, in which the magnetized coating separates from the tapes, making the data un-retrievable.

Given the importance of the data that may be lost if the Department does not complete transferring this data to digital media, the committee directs the Secretary of the Navy, within 60 days of enactment of this Act, to submit a report to the congressional defense committees containing:

(1) an assessment of the integrity of the ACINT archive and the status of the previously funded digitization program, including;

(a) the number of analog tapes digitized;

(b) the number of analog tapes that will not be digitized when current funding expires;

(c) the cost of completing any unfinished transfers to digital media; and

(d) lessons that may be learned from the Navy's digitization efforts by other intelligence organizations;

(2) recommendations for the secure digitization of all analog tapes maintained by the National Acoustic Intelligence Laboratory at the ONI within the NMIC;

(3) a description of the procedures to be used for the disposal of analog tapes and maintenance of the ACINT archive post-digitization; and

(4) budget requirements to continue the current digitization program, dispose of analog tapes, and maintain the ACINT archive post-digitization.

Air Force food transformation initiative

In October 2010, the Air Force plans to launch the first stage of a planned initiative to transform its food service operations, including dining facilities, flight kitchen snack bars and catering services. Implementation is scheduled to begin at six Air Force bases: Elmendorf Air Force Base, Alaska; Little Rock Air Force Base, Arkansas; Fairchild Air Force Base, Washington; Travis Air Force

Base, California; MacDill Air Force Base, Florida; and Patrick Air Force Base, Florida.

The committee directs the Government Accountability Office (GAO) to undertake a comprehensive review of the initiative as implemented at the first six bases and report its findings and recommendations to the congressional defense committees within 6 months after the enactment of the National Defense Authorization Act for Fiscal Year 2011. The GAO review shall address, at a minimum, the following:

- Is the concept of a single food service provider to serve appropriated funded dining facilities, non-appropriated funded facilities and catering requirements a viable approach to food service operations on Air Force bases?
- Are there other models that should be considered to provide more effective food service on Air Force bases?
- What impact has the initiative had on quality of service, the cost of service to airmen, the size of the customer base, the hours of service, and the utilization of food service facilities on Air Force bases?
- What impact has the initiative had on the cost and efficiency of Air Force food service operations and the economic viability of such operations?
- What impact has the initiative had on food service personnel, including military personnel, civilian employees of appropriated fund entities, civilian employees of non-appropriated fund entities, and employees of Ability One?
- What mechanism is used to obtain feedback from food service users, and what impact has the initiative had on morale of service members?

The committee urges the Air Force to limit the initiative to the initial six bases until Congress and the Air Force have had an opportunity to review the GAO report.

Kirtland Air Force Base jet fuel spill

Between 1950 and 1999, a 16-inch underground pipe used to offload jet fuel leaked an estimated two to eight million gallons of fuel into the soil at Kirtland Air Force Base in New Mexico. Investigations are underway on the exact size and location of the plume. However, the committee has been informed that this fuel has migrated over 400 feet downward to the aquifer used by the city of Albuquerque for its drinking water. One recent estimate puts the size of the fuel plume at over 1/3 of a mile in length and over a foot in height at its maximum point, with its leading edge within 3,700 feet of the first of several drinking wells used by the city of Albuquerque.

The committee directs the Secretary of the Air Force to report to the congressional defense committees on the Kirtland jet fuel spill by no later than 90 days after the date of the enactment of this Act. The report should provide the Department's assessment of the scope of the problem and the steps that the Department has taken or plans to take to address the problem.

The committee expects the Department of the Air Force and the other military departments to request sufficient funds to cover high priority (level one) remediation requirements and to prioritize these

requirements on the basis of risk factors in accordance with established protocols.

Littoral combat ship report

The committee has concluded that the projected ship decommissioning and construction schedule presented in the Navy's program described in its "Report to Congress on Annual Long-Range Plan for Construction of Naval Vessels for FY 2011" could have a negative effect on some of the Nation's Navy bases. This would arise because of a gap that will occur as a result of small surface combatants being retired years before Littoral Combat Ship replacements will arrive.

The Navy's 2010 document "Report on Strategic Plan for Homeporting the Littoral Combat Ship" provided the committee with the Navy's notional strategic plan for stationing the Littoral Combat Ship through fiscal year 2020. In order to fully understand the effects of the Navy's current decommissioning and shipbuilding timeline, the committee directs the Secretary of the Navy to submit a report to the congressional defense committees that would provide the timeline and detailed homeport locations for the Littoral Combat Ships that will be delivered through 2020. The committee directs the Secretary of the Navy to submit the reports at the time the President submits his fiscal year 2012 budget proposal to Congress.

As the Navy finalizes its plans, the committee encourages the Navy to expedite delivery of the Littoral Combat Ship to those Navy bases that need replacement ships to mitigate capability gaps that will result from the retirement of smaller surface combatants.

Report and timeline for the Secretary of the Navy's energy goals

The committee notes that the five goals announced by the Secretary of the Navy in October 2009 with respect to renewable energy are ambitious, commendable, and essential to restoring Navy readiness. However, the committee is concerned that the Navy has yet to budget, plan, and articulate a comprehensive strategy with milestones and metrics, on how the Navy will actually accomplish those five energy goals.

Accordingly, the committee directs the Secretary of the Navy to submit a report to the congressional defense committees not later than February 1, 2011. The report should include cost estimates, incremental steps, and measurable timelines upon which the five goals set forth by the Secretary of the Navy will be met.

Requirements for standard ground combat camouflage uniforms

Section 352 of the National Defense Authorization Act (NDAA) for Fiscal Year 2010 (Public Law 111–84) established that the design and fielding of all future ground combat and camouflage utility uniforms of the armed forces may uniquely reflect the identity of the individual military services as long as such uniforms, to the maximum extent possible, provide members of every military service an equivalent level of performance, functionality, and protection commensurate with their respective assigned combat missions;

minimize risk to the individual soldier, sailor, airman, or marine operating in the joint battlespace; and provide interoperability with other components of individual war fighter systems, including body armor and other individual protective systems.

Section 352 also required the Government Accountability Office (GAO) to review performance, interoperability, costs and logistics, and patents or other proprietary elements involved in the services' ground combat camouflage uniforms. In April 2010, the GAO reported that the services have continued to develop unique ground combat uniforms. GAO found no performance standards for specific combat environments, no criteria for evaluating the effectiveness of camouflage patterns, and no requirements for the services to test interoperability between their uniforms and other tactical gear.

While the GAO indicated that forums are available for the sharing of technology, the committee believes these forums for sharing could be better used. In particular, Department of Defense Instruction (DODI) 4140.63, dated August 5, 2008, established the Joint Clothing and Textiles Governance Board and assigned the Director, Defense Logistics Agency, as chair of the Board. The Board is responsible to "ensure collaboration and DOD-wide integration of clothing and textile activities". However, it appears that such coordination and integration has failed to occur in practice.

Section 352(d) requires the secretaries of the military departments to establish joint criteria for future ground combat uniforms not later than 270 days after receiving the GAO report. The joint criteria are required to take into account the GAO findings and recommendations and ensure that new technologies, advanced materials, and other advances in ground combat uniform design may be shared between the military services and are not precluded from being adapted for use by any military service due to military service-unique proprietary arrangements. The committee is concerned that the military services continue to develop their own unique ground combat uniforms without regard to this requirement.

The committee is particularly concerned by a December 2009 policy memorandum issued by the Chief of Naval Operations, which permits only certain categories of Navy personnel to wear advanced digital camouflage on the battlefield in Iraq and Afghanistan. The committee believes that the most advanced technologies and materials should be made available to all military personnel serving in the theater of operations.

Accordingly, the committee directs the Secretary of Defense to report to the congressional defense committees by no later than August 1, 2010, on the steps that the Department has taken and plans to take to implement the requirements of section 352(d) and ensure that new technologies, advanced materials, and other advances in ground combat uniform design may be shared between the services, and are not prevented from being adapted for use by any single service due to service-unique proprietary arrangements. The report should specifically address the steps that have been taken or will be taken by the secretaries of the military departments, in conjunction with the Joint Staff and combatant commands, to update their ground combat uniform standards and develop operational performance criteria for camouflage as a basis to evaluate its effectiveness specific to the various combat environ-

ments for the purpose of increasing the interoperability of the ground combat forces; eliminating any unique features that could pose a tactical risk in a theater of operations; maximizing conformance with personal protective equipment and body armor; and optimizing coloration and pattern for the ground combat uniform for the terrain, climate, and conditions in which the forces may be operating.

The GAO report noted that the services have used the Army Natick Soldier Research, Development, and Engineering Center during development of their ground combat uniforms to test the effectiveness of camouflage patterns, and in some cases camouflage effectiveness of ground combat uniforms and protective equipment. Given this emerging expertise, the committee encourages the services to use the Army Natick Soldier Research, Development, and Engineering Center to guide their development of camouflage effectiveness criteria and testing.

The committee strongly encourages the secretaries of the military departments to explore additional methods for sharing uniform technology across the services as they develop their ground combat uniforms. The committee is concerned that the services may not be sharing these technologies early and often enough in the process. While the GAO found some examples of uniform technology shared across the services, the committee emphasizes the importance of sharing new technologies, advanced materials, and other advances in ground combat uniform design between the military services.

Reserve component pre-deployment equipment fielding and training

The committee is aware that reserve component and National Guard units face training equipment challenges when they are mobilized and deployed in support of contingency operations around the world. Reserve and National Guard units do not always train with the equipment they will use in theater until they are mobilized and arrive at their pre-deployment training stations.

The committee understands that the Rapid Fielding Initiative (RFI) was designed to create a rapid, centralized fielding system to ensure that the newest equipment would be available to units and individuals for training prior to deployment. In June 2008, the Department of the Army established a pilot program accelerating the RFI fielding schedule from the post-mobilization to the pre-mobilization phase of deployment training for specific reserve component and National Guard units deploying in fiscal year 2010. The committee understands that this pilot program is ongoing and that the final data will be collected, analyzed, and a report completed sometime in early 2011.

The committee is concerned that despite the efforts of the RFI pilot, current training equipment availability and fielding policy does not always ensure that reserve and National Guard troops and units have sufficient time to train with new equipment prior to their deployment. The committee urges the Department of Defense to make additional efforts to provide the individual and unit equipment that reserve and National Guard units will use while deployed in a manner that allows for the most effective and effi-

cient training. Accordingly, the committee directs the Chief of Staff of the Army to submit to the congressional defense committees, not later than January 31, 2011, the results of the RFI pilot study, including his assessment of equipping issues related to reserve and National Guard pre-mobilization and pre-deployment training, and the Army's plans for changes or improvements to ensure that their reserve component forces have the equipment they need for efficient and effective training prior to deployment.

Review of Army and Marine Corps Readiness Reporting

The committee is disappointed that implementation of the Defense Readiness Reporting System (DRRS) began in 2001 and has yet to fully replace the Global Status of Resources and Training Status. Furthermore, the Government Accountability Office found in a September 2009 report that the Department of Defense (DOD) "needs to strengthen management and oversight of DRRS". Accurate readiness reporting statistics as well as capabilities are essential to the DOD being able to execute our National Military Strategy.

The committee notes that in recent years, the Services have directed their units to make several changes in the way they report unit readiness. Specifically, the Army has updated its readiness reporting policy and has directed its units to provide additional information concerning the units' abilities to perform directed missions as well as the units' core mission. The Army reports this information in its readiness reporting system that feeds information into DRRS. Leveraging the Army's approach, the Marine Corps has recently developed its own system in order to collect and analyze readiness data to feed information to DRRS.

The committee wishes to better understand the extent to which the changes will help the services to more accurately capture data, interpret, and report on the readiness of their forces. Accordingly, the committee directs the Comptroller General to review Army and Marine Corps readiness reporting systems.

This review should assess any changes that the Services have made to their approach to reporting readiness, identify the steps that units have taken to implement the directed readiness reporting changes, including the extent to which the Services have aligned these changes with existing strategies for training and deploying forces, such as the Army's force generation cycle, and assess the impact of these changes on the content of readiness information available to decisionmakers within the Department and Congress.

The committee directs the Comptroller General to submit this review no later than April 15, 2011 to the congressional defense committees.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The committee recommends a provision that would authorize active-duty end strengths for fiscal year 2011, as shown below:

	Fiscal year		
	2010 authorization	2011 request	2011 recommendation
Army	562,400	569,400	569,400
Navy	328,800	328,700	328,700
Marine Corps	202,100	202,100	202,100
Air Force	331,700	332,200	332,200

The committee has supported the growth in the Army and the Marine Corps over the past 4 years, and in the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84), Congress increased the authorized active-duty end strengths of all the services, authorizing over 55,000 more active-duty service members across all services. Section 403 of that Act authorized the Secretary of Defense to increase the Army's active-duty end strength to 592,400 in fiscal years 2011 and 2012 if he determined it necessary to support operational requirements or organizational restructuring.

Last year, the Secretary of Defense announced that the Army would be increasing its active-duty end strength by 22,000 in order to ensure that deploying units would be properly manned. The Department submitted a budget amendment to achieve 15,000 of that growth during fiscal year 2010. The committee supported the Secretary and authorized active-duty Army end strength of 562,400 rather than the 547,400 originally proposed by the Department, with the understanding that the additional 7,000 would be requested in fiscal year 2011. The committee supports the 2011 request of 569,400, and expects the Army to use all available authorized end strength, for which it has budgeted in 2011, to increase dwell time for individual soldiers and units, improve readiness, and ensure that deploying units are sufficiently manned.

The committee supports the administration's request and recommends active-duty end strengths for fiscal year 2011 for the Army of 569,400, the Marine Corps of 202,100, the Navy of 328,700, and the Air Force of 332,200.

Subtitle B—Reserve Forces

End strengths for Selected Reserve (sec. 411)

The committee recommends a provision that would authorize Selected Reserve end strengths for fiscal year 2011, as shown below:

	Fiscal year		
	2010 authorization	2011 request	2011 recommendation
The Army National Guard of the United States	358,200	358,200	358,200
The Army Reserve	205,000	205,000	205,000
The Navy Reserve	65,500	65,500	65,500
The Marine Corps Reserve	39,600	39,600	39,600
The Air National Guard of the United States	106,700	106,700	106,700
The Air Force Reserve	69,500	71,200	71,200
The Coast Guard Reserve	10,000	10,000	10,000

End strengths for Reserves on active duty in support of the Reserves (sec. 412)

The committee recommends a provision that would authorize full-time support end strengths for fiscal year 2011, as shown below:

	Fiscal year		
	2010 authorization	2011 request	2011 recommendation
The Army National Guard of the United States	32,060	32,060	32,060
The Army Reserve	16,261	16,261	16,261
The Navy Reserve	10,818	10,688	10,688
The Marine Corps Reserve	2,261	2,261	2,261
The Air National Guard of the United States	14,555	14,584	14,584
The Air Force Reserve	2,896	2,992	2,992

End strengths for military technicians (dual status) (sec. 413)

The committee recommends a provision that would authorize end strengths for military technicians (dual status) for fiscal year 2011, as shown below:

	Fiscal year		
	2010 authorization	2011 request	2011 recommendation
The Army Reserve	8,395	8,395	8,395
The Army National Guard of the United States	27,210	27,210	27,210
The Air Force Reserve	10,417	10,720	10,720
The Air National Guard of the United States	22,313	22,394	22,394

Fiscal year 2011 limitation on number of non-dual status technicians (sec. 414)

The committee recommends a provision that would establish limits on the number of non-dual status technicians who may be employed in the Department of Defense as of September 30, 2011, as shown below:

	Fiscal year		
	2010 authorization	2011 request	2011 recommendation
The Army National Guard of the United States	1,600	2,520	1,600
The Air National Guard of the United States	350	350	350
The Army Reserve	595	595	595
The Air Force Reserve	90	90	90

The committee recommends maintaining Army National Guard non-dual status end strength at 1,600, consistent with prior years, 920 less than the administration's request. The committee notes that under a Presidential waiver of end strength limitations, the Army National Guard currently employs over 3,000 non-dual status technicians, many of whom serve at State headquarters. The committee is concerned that the requested strength may be too high once the wars end, particularly considering that non-dual status technicians are federal employees and cannot be easily separated. The committee considers the end strength limitations of this section appropriate to meet permanent peacetime requirements. Additionally, the temporary hiring authority for non-dual status technicians found elsewhere in this Act should alleviate the pressures created by the operations tempo of the dual status technician population. Finally, the committee is still waiting for two reports from the Department of Defense on the full-time support requirements of the reserve components generally, and the specific requirements for non-dual status technicians.

Maximum number of Reserve personnel authorized to be on active duty for operational support (sec. 415)

The committee recommends a provision that would establish limits on the number of Reserve personnel authorized to be on active duty for operational support under section 115(b) of title 10, United States Code, as of September 30, 2011, as shown below:

	Fiscal year		
	2010 authorization	2011 request	2011 recommendation
The Army National Guard of the United States	17,000	17,000	17,000
The Army Reserve	13,000	13,000	13,000
The Navy Reserve	6,200	6,200	6,200
The Marine Corps Reserve	3,000	3,000	3,000
The Air National Guard of the United States	16,000	16,000	16,000
The Air Force Reserve	14,000	14,000	14,000

Subtitle C—Authorizations of Appropriations

Military personnel (sec. 421)

The committee recommends a provision that would authorize funds to be appropriated for military personnel accounts of the Department of Defense for fiscal year 2011.

Subtitle D—Armed Forces Retirement Home

Authorization of appropriations for Armed Forces Retirement Home (sec. 431)

The committee recommends a provision that would authorize $71.2 million to be appropriated for fiscal year 2011 from the Armed Forces Retirement Home Trust Fund for the operation of the Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Modification of promotion board procedures for joint qualified officers and officers with joint staff experience (sec. 501)

The committee recommends a provision that would amend section 612 of title 10, United States Code, to require promotion selection boards considering officers who are serving on, or have served on, the Joint Staff, or who are joint qualified officers, to include as a member of the board at least one joint qualified officer designated by the Chairman of the Joint Chiefs of Staff, and to authorize the Secretary of Defense to waive this requirement for promotion selection boards considering medical officers, dental officers, veterinary officers, medical service officers, nurses, biomedical science officers, chaplains, judge advocates, and officers in the science and technology field for which joint requirements do not exist. The provision would also amend sections 615 and 618 of title 10, United States Code, to clarify that these statutes regarding information furnished to selection boards and action on reports of selection boards are applicable to boards that consider officers who are serving on, or have served on, the Joint Staff or are joint qualified officers.

Nondisclosure of information from discussions, deliberations, notes, and records of special selection boards (sec. 502)

The committee recommends a provision that would amend sections 613, 628 and 14104 of title 10, United States Code, to clarify that the nondisclosure provisions applicable to promotion selection boards for officers on the active-duty list and on the reserve active-status list are also applicable to promotion selection boards for warrant officers and for special selection boards.

Administrative removal of officers from promotion list (sec. 503)

The committee recommends a provision that would amend sections 629 and 14310 of title 10, United States Code, to require the administrative removal of an officer's name from a promotion list, under regulations prescribed by the Secretary concerned, if the officer was recommended for promotion but was discharged, dropped from the rolls, or transferred to a retired status before being promoted.

Technical revisions to definition of "joint matters" for purposes of joint officer management (sec. 504)

The committee recommends a provision that would amend section 668(a) of title 10, United States Code, to change the definition

of joint matters to matters related to the achievement of unified action by integrated military forces and to clarify that participation in any one of several enumerated joint activities meets the requirement. The provision defines integrated military forces as forces that involve participants from more than one of the military departments or a military department and (1) other departments or agencies of the United States, (2) the military forces or agencies of other countries, or (3) non-governmental persons or entities.

Modification of authority for officers selected for appointment to general and flag officer grades to wear insignia of higher grade before appointment (sec. 505)

The committee recommends a provision that would amend chapter 45 of title 10, United States Code, to authorize officers selected for appointment to grades of lieutenant general, vice admiral, general, or admiral, whose nomination has been confirmed by the Senate, to wear the insignia for that higher grade for a period of up to 14 days before assuming the duties of the position for which the higher grade is authorized. The provision would also amend section 777 of title 10, United States Code, to remove the required 30 day waiting period following congressional notification before officers below the grades of major general or rear admiral are authorized to wear the insignia of the next higher grade.

Temporary authority to reduce minimum length of commissioned service required for voluntary retirement as an officer (sec. 506)

The committee recommends a provision that would amend sections 3911, 6323, and 8911 of title 10, United States Code, to authorize the service secretaries to approve the voluntary retirement of officers who have completed 20 years of service, 8 of which are active service as a commissioned officer. This temporary authority would begin on the date of enactment of this Act and end on September 30, 2013.

Age for appointment and mandatory retirement for health professions officers (sec. 507)

The committee recommends a provision that would amend section 532 of title 10, United States Code, to authorize appointment of individuals with certain medical skills who will not be able to complete 20 years of active commissioned service before age 62 as regular and reserve commissioned officers. The provision also amends section 1251 of title 10, United States Code, to authorize the service secretary to defer until age 68 the mandatory retirement of certain health professions officers.

Authority for permanent professors at the United States Air Force Academy to hold command positions (sec. 508)

The committee recommends a provision that would amend section 9334(b) of title 10, United States Code, to authorize the Secretary of the Air Force to allow a permanent professor at the United States Air Force Academy on an operational tour or sabbatical duty away from the Academy to exercise command of units to which they are assigned.

Authority for appointment of warrant officers in the grade of W–1 by commission and standardization of warrant officer appointing authority (sec. 509)

The committee recommends a provision that would amend sections 571 and 12241 of title 10, United States Code, to authorize appointments of warrant officers, W–1, in both the regular and reserve components, to be made by warrant or commission.

Continuation of warrant officers on active duty to complete disciplinary action (sec. 510)

The committee recommends a provision that would amend chapter 33A of title 10, United States Code, to authorize the Secretary of the military department concerned to delay the mandatory separation or retirement of a warrant officer against whom action has been commenced with a view to trying the warrant officer by court-martial.

Authority to credit military graduates of the National Defense Intelligence College with completion of joint professional military education Phase I (sec. 511)

The committee recommends a provision that would amend section 2154 of title 10, United States Code, to authorize graduates of the National Defense Intelligence College to receive credit for completion of joint professional military education Phase I.

Expansion of authority relating to phase II of three-phase approach to joint professional military education (sec. 512)

The committee recommends a provision that would amend section 2154 of title 10, United States Code, to authorize adjunct faculty of the Armed Forces Staff College to teach the joint professional military education Phase II course of instruction at locations other than the Joint Forces Staff College primary campus in Norfolk, Virginia.

Subtitle B—Reserve Component Management

Repeal of requirement for new oath when officer transfers from active-duty list to reserve active-status list (sec. 521)

The committee recommends a provision that would amend section 12201 of title 10, United States Code, to repeal the requirement that an officer who transfers from the active component to the reserve component execute a new oath of office.

Authority to designate certain Reserve officers as not to be considered for selection for promotion (sec. 522)

The committee recommends a provision that would amend section 14301 of title 10, United States Code, to authorize a service secretary to provide that a Reserve officer who is in an active status but in a duty status in which the officer earns retirement points only for membership in a reserve component of an armed force shall not be considered for selection for promotion while remaining on the reserve active-status list.

Authority for assignment of Air Force Reserve military technicians (dual status) to positions outside Air Force Reserve unit program (sec. 523)

The committee recommends a provision that would amend section 10216 of title 10, United States Code, to authorize assignment of Air Force Reserve technicians (dual status) outside of the Air Force Reserve unit program.

Authority for temporary employment of non-dual status technicians to fill vacancies caused by mobilization of military technicians (dual status) (sec. 524)

The committee recommends a provision that would amend section 10217 of title 10, United States Code, to authorize the reserve components to hire additional non-dual status technicians to fill vacancies created by mobilized dual status technicians for up to two years, or for the length of the mobilization, whichever is shorter.

Direct appointment of graduates of the United States Merchant Marine Academy into the National Guard (sec. 525)

The committee recommends a provision that would amend section 305 of title 32, United States Code, to authorize federal recognition of graduates of the United States Merchant Marine Academy as commissioned officers of the National Guard.

Subtitle C—Education and Training

Grade of commissioned officers in uniformed medical accession programs (sec. 531)

The committee recommends a provision that would amend sections 2114(b) and 2121(c) of title 10, United States Code, to authorize medical students attending the Uniformed Services University of the Health Sciences and students participating in the armed forces Health Professions Scholarship and Financial Assistance Programs who have prior commissioned service to serve, while on active duty, in pay grade O–1, or in pay grade O–2 if they meet specified promotion criteria prescribed by the service secretary. The provision would also amend section 2004a of title 10, United States Code, to provide that an officer detailed as a student at a medical school would serve on active duty in the same grade with the same entitlement to pay as specified in section 2114(b) of title 10, United States Code.

Authority to waive maximum age limitation on admission to the service academies for certain enlisted members who served in Operation Iraqi Freedom or Operation Enduring Freedom (sec. 532)

The committee recommends a provision that would authorize service secretaries to waive the maximum age limitations for admission to the military service academies in sections 4346, 6958, and 9346 of title 10, United States Code, for up to 5 enlisted members of the armed forces per year who (1) become 23 years of age while serving in Operation Iraqi Freedom or Operation Enduring Freedom or were candidates for admission and were prevented

from entering the academy before July 1 of the year in which the members became 23 years of age because of service in Operation Iraqi Freedom or Operation Enduring Freedom, (2) possess an exceptional overall record that sets them apart from other candidates for admission to the academy, and (3) have not passed their twenty-sixth birthday on July 1 of the year in which the members enter the academy.

Active duty obligation for military academy graduates who participate in the Armed Forces Health Professions Scholarship and Financial Assistance Program (sec. 533)

The committee recommends a provision that would amend sections 4348, 6959, and 9348 of title 10, United States Code, to clarify that graduates of service academies who participate in the Armed Forces Health Professions Scholarship and Financial Assistance Program (HPSP) must serve their academy service obligation on active duty after graduating from HPSP.

Participation of Armed Forces Health Professions Scholarship and Financial Assistance Program recipients in active duty health profession loan repayment program (sec. 534)

The committee recommends a provision that would amend section 2173 of title 10, United States Code, to authorize loan repayment for students who incurred student loans pursuing an appropriate degree prior to enrolling in the Armed Forces Health Professions Scholarship and Financial Assistance Program.

Increase in number of private sector civilians authorized for admission to the National Defense University (sec. 535)

The committee recommends a provision that would amend section 2167(a) of title 10, United States Code, to increase from 20 to 35 the number of eligible private sector civilians who work in organizations relevant to national security who are authorized to receive instruction at the National Defense University.

Modification of Junior Reserve Officers' Training Corps minimum unit strength (sec. 536)

The committee recommends a provision that would amend section 2031 of title 10, United States Code, to establish a minimum enrollment of 75 for Junior Reserve Officers' Training Corps units at institutions where total student enrollment does not exceed 1,000, and a minimum enrollment of 100 at institutions where total student enrollment exceeds 1,000.

Increase in maximum age for prospective Reserve Officers' Training Corps financial assistance recipients (sec. 537)

The committee recommends a provision that would amend section 2107 of title 10, United States Code, to increase the maximum age for eligibility to receive a Reserve Officers' Training Corps (ROTC) scholarship from age 31 to age 35 in the calendar year in which an individual is eligible for appointment as an ensign in the Navy or as a second lieutenant in the Army, Air Force, or Marine

Corps. The provision would also amend section 2107a of title 10, United States Code, to increase the maximum age for eligibility to receive an ROTC scholarship from age 31 to age 35 in the calendar year in which a specially selected member of the Army Reserve or Army National Guard is eligible for appointment as a second lieutenant in the Army Reserve or Army National Guard.

Modification of education loan repayment programs (sec. 538)

The committee recommends a provision that would amend sections 2171 and 16301 of title 10, United States Code, to subject the loan repayment programs under those sections to the repayment provisions of section 303a(e) of title 37, United States Code, and to authorize the service secretaries to pay a lump sum payment for the balance of any loans the services agreed to pay under a written agreement existing at the time of the service member's death.

Enhancements of Department of Defense undergraduate nurse training program (sec. 539)

The committee recommends a provision that would amend section 2016 of title 10, United States Code, to make technical and clarifying changes to the Department of Defense undergraduate nurse training program. The provision would also change the date for initiation of a pilot program to increase the number of nurses serving in the armed forces from no later than July 1, 2011, to no later than August 31, 2012.

Authority for service commitment of reservists who accept fellowships, scholarships, or grants to be performed in the Selected Reserve (sec. 540)

The committee recommends a provision that would amend section 2603(b) of title 10, United States Code, to authorize members of the Selected Reserve to fulfill a service obligation incurred for acceptance of a fellowship, scholarship, or grant by serving on active duty for a period of at least three times the length of the period of the education or training, or in the Selected Reserve for a period of at least five times the length of the period of the education or training.

Health professions scholarship and financial assistance program for civilians (sec. 541)

The committee recommends a provision that would authorize the Department of Defense to establish a health professions scholarship and financial assistance program for eligible civilians. The program would provide financial assistance for civilians to pursue a course of study leading to a degree related to the health professions, with a corresponding obligation of service as a Department of Defense or military department civilian employee.

The committee commends the Department for its dedication to helping to increase the number of health professionals available to provide care for service members and their families, and hopes this financial assistance program serves to enhance the medical capabilities of the Department and the services.

Annual report on Department of Defense graduate medical education programs (sec. 542)

The committee recommends a provision that would require the Secretary of Defense to report annually on the status of graduate medical education programs of the Department of Defense. The committee recognizes that such programs are essential to ensuring the quality and vitality of the military health care system, and training of uniformed providers essential to medical readiness. The provision is intended to ensure visibility for the Department and Congress on the status of training programs and enable actions to mitigate challenges faced by such programs.

Subtitle D—Defense Dependents' Education

Continuation of authority to assist local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 551)

The committee recommends a provision that would authorize $30.0 million in Operation and Maintenance, Defense-wide (OMDW), for continuation of the Department of Defense assistance program to local educational agencies that are impacted by enrollment of dependent children of military members and civilian employees of the Department of Defense.

The committee also recommends authorization of $5.0 million in OMDW for assistance to local educational agencies with significant changes in enrollment of military and civilian school-aged dependent children due to base closures, force structure changes, or force relocations.

Impact aid for children with severe disabilities (sec. 552)

The committee recommends a provision that would authorize $10.0 million in Operation and Maintenance, Defense-wide, for impact aid payments for children with disabilities under section 8003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)), using the formula set forth in section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), for continuation of Department of Defense assistance to local educational agencies that benefit eligible dependents with severe disabilities.

Authority to expand eligibility for enrollment in Department of Defense elementary and secondary schools to certain additional categories of dependents (sec. 553)

The committee recommends a provision that would amend section 2164 of title 10, United States Code, to authorize the enrollment in Department of Defense elementary and secondary schools of dependents of wounded, ill, or injured service members who reside in temporary housing, and of service members who reside in temporary housing due to an ongoing base housing privatization project, regardless of whether the temporary housing is on federal property.

Subtitle E—Leave and Related Matters

Leave of members of the reserve components of the armed forces (sec. 556)

The committee recommends a provision that would amend section 701 of title 10, United States Code, to authorize reserve component members to carry over leave accumulated during periods of active service without regard to separation or release from active service, subject to the leave carryover limits contained elsewhere in that section. Under current law, service members must use or sell earned leave prior to separation or release from their active service. The provision would also amend section 501 of title 37, United States Code, to allow reserve component members to sell leave accumulated and carried over under this authority in the event they separate or retire from their reserve component.

Non-chargeable rest and recuperation absence for certain members undergoing extended deployment to a combat zone (sec. 557)

The committee recommends a provision that would authorize the service secretaries, under regulations prescribed by the Secretary of Defense, to provide rest and recuperation absence of up to 15 days, including round-trip travel at government expense, to certain service members entitled to hardship duty pay while serving in a combat zone designated by the President.

Subtitle F—Military Justice Matters

Reform of offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice (sec. 561)

The committee recommends a provision that would amend section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice (UCMJ)) to separate Article 120, UCMJ, into three separate articles of the UCMJ: Article 120, UCMJ, would apply to the offenses of rape and sexual assault of any person; Article 120b, UCMJ, would apply to sexual offenses against children under the age of 16 years; and Article 120c, UCMJ, would apply to other non-consensual sexual misconduct offenses. Article 120a, UCMJ, which applies to the offense of stalking, would not be changed. The changes in law included in this provision were recommended by the Joint Services Committee on Military Justice and the Secretary of Defense to address deficiencies in existing law that have been identified by military courts and which were addressed in the report of the Defense Task Force on Sexual Assault in the Military (December 2009).

Enhanced authority to punish contempt in military justice proceedings (sec. 562)

The committee recommends a provision that would amend section 848 of title 10, United States Code, to increase the maximum fine for contempt in military justice proceedings from $100 to $1,000. The provision also adds willful disobedience of a lawful writ, process, order, rule, decree, or command of a military judge,

court of inquiry, the United States Court of Appeals for the Armed Forces, a military Court of Criminal Appeals, a provost court, or military commission as a basis for punishment for contempt.

Authority to compel production of documentary evidence prior to trial in military justice cases (sec. 563)

The committee recommends a provision that would amend section 847 of title 10, United States Code, to authorize subpoenas duces tecum to compel production of documentary evidence prior to trial by court-martial, consistent with other federal criminal court practice.

Subtitle G—Awards and Decorations

Cold War Service Medal (sec. 566)

The committee recommends a provision that would authorize the Secretary of Defense to authorize the issuance of a Cold War Service Medal by the service secretaries.

Authority for award of Bronze Star medal to members of military forces of friendly foreign nations (sec. 567)

The committee recommends a provision that would amend section 1133 of title 10, United States Code, to authorize the award of the Bronze Star to members of military forces of friendly foreign nations for actions occurring in geographic areas in which members of the United States military are authorized to receive imminent danger pay.

Authorization and request for award of Distinguished-Service Cross to Shinyei Matayoshi for acts of valor during World War II (sec. 568)

The committee recommends a provision that would authorize the Secretary of the Army to award the Distinguished-Service Cross to Shinyei Matayoshi for acts of valor in World War II.

Authorization and request for award of Distinguished-Service Cross to Jay C. Copley for acts of valor during the Vietnam War (sec. 569)

The committee recommends a provision that would authorize the Secretary of the Army to award the Distinguished-Service Cross to former Captain Jay C. Copley for acts of valor during the Vietnam War.

Subtitle H—Wounded Warrior Matters

Disposition of members found to be fit for duty who are not suitable for deployment or worldwide assignment for medical reasons (sec. 571)

The committee recommends a provision that would amend chapter 61 of title 10, United States Code, to prohibit involuntary administrative separation of a service member who has been determined by a Physical Evaluation Board (PEB) to be fit for duty based on a subsequent administrative determination that the member is unsuitable for deployment or worldwide assignment based on

the same medical condition that was considered by the PEB. The service member could be retired or separated for physical disability if a reevaluation by the PEB results in a determination that the member is unfit to perform the duties of the member's office, grade, rank, or rating.

The committee is disappointed that the Department of Defense has not resolved the differing approaches of the services to this problem despite numerous complaints, inquiries, and expressions of concern about the inequitable treatment of military personnel with medical conditions. The committee expects the Secretary of Defense to issue uniform guidance to the services about how to proceed in the disposition of currently serving service members who fall into this category.

Authority to expedite background investigations for hiring of wounded warriors and spouses by the Department of Defense and defense contractors (sec. 572)

The committee recommends a provision that would amend section 1564 of title 10, United States Code, to authorize expedited background investigations required for the granting of security clearances for service members expected to be medically retired or separated, their spouses, and surviving spouses of service members who die from a wound, injuries, or illness incurred or aggravated in the line of duty, to assist these individuals in obtaining employment with the Department of Defense or a Department of Defense contractor.

Subtitle I—Military Family Readiness Matters

Additional members of Department of Defense Military Family Readiness Council (sec. 581)

The committee recommends a provision that would amend section 1781a of title 10, United States Code, to require the addition of two members to the Department of Defense Military Family Readiness Council. One representative would be the spouse of an officer serving in the grade of general or admiral, and the other would be the Director of the Office of Community Support for Military Families With Special Needs.

The committee believes that the Council would greatly benefit from the inclusion of a representative who can advocate for the needs of military families with special needs dependents. The committee is concerned that funds have not been reprogrammed to support significant improvements in programs for military families with special needs, as required by section 563 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84). The committee expects that when the plan to implement these statutory requirements is complete, funding will be aligned within available defense-wide and military department resources to fully meet requirements for fiscal years 2010 and 2011, and that these programs will be fully funded in future years.

The committee also believes that public transparency of Council actions should be increased, and encourages the Council to establish a website. This website should serve to keep military families informed about upcoming Council meetings and to post the out-

comes of prior meetings, and to increase transparency of Council activities and reports. The committee understands that certain information is already available to the public due to Federal Advisory Committee Act requirements, but believes military families could be better served by the establishment of a centrally located, easy to find and navigate Council website.

Enhancement of community support for military families with special needs (sec. 582)

The committee recommends a provision that would make several modifications to requirements for the Office of Community Support for Military Families With Special Needs. The provision would:

(1) require that the office conduct periodic reviews of best practices in the provision of medical and educational services for children with special needs;

(2) authorize the secretaries of the military departments to establish or support centers to provide medical and educational services for military children with special needs; and

(3) require the formation of an advisory panel comprised of military family members to provide advice to the Director of the office on services and support for military children with special needs.

Pilot program on scholarships for military dependent children with special education needs (sec. 583)

The committee recommends a provision that would require the Secretary of Defense to conduct a pilot program, beginning in the 2011–2012 school year, to assess the feasibility and advisability of awarding scholarships to military children with special education needs for the purpose of ensuring access to appropriate education and related services based on an individualized education program. The program would identify and assess obstacles faced by military families in obtaining a free and appropriate public education for their eligible children. The amount of the scholarship would be the lesser of the cost of school tuition and fees or $7,500. The pilot would terminate in September 2016.

The provision would also require the Secretary of Defense to consult with the Secretary of Education in the development of options and actions to enhance access to benefits available to military dependent children under the Individuals with Disabilities Education Act (Public Law 108–446).

Reports on child development centers and financial assistance for child care for members of the armed forces (sec. 584)

The committee recommends a provision that would require the Secretary of Defense to submit a report not later than 6 months after the date of the enactment of this Act, and biennially thereafter, on Department of Defense child development centers and financial assistance provided by the Department for off-installation child care.

Subtitle J—Other Matters

Department of Defense policy concerning homosexuality in the armed forces (sec. 591)

The committee recommends a provision that would repeal section 654 of title 10, United States Code, to be effective 60 days after the date on which the Secretary of Defense has received the report of the Department of Defense's comprehensive review of the implementation of a repeal of 10 U.S.C. § 654 (comprehensive review), and the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff certify to Congress that they have considered the report and proposed plan of action of the comprehensive review, that the Department of Defense has prepared the necessary policies and regulations to implement the discretion provided by the repeal of section 654 of title 10, United States Code, and that the implementation of policies and regulations pursuant to the discretion provided by the repeal is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention for the armed forces.

The committee intends to hold hearings upon receipt of the findings of the comprehensive review to ensure that the findings of the review and the recommended policy revisions are consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention for the armed forces.

Recruitment and enlistment of charter school graduates in the armed forces (sec. 592)

The committee recommends a provision that would require the Secretary of Defense to prescribe a policy by June 1, 2011, on the recruitment and enlistment in the armed forces of graduates of charter schools.

The committee is concerned that the recruiting commands of the armed forces do not have adequate guidance about how to categorize under the Department's three-tier system graduates of the expanding number and types of charter schools in the United States. U.S. News and World Report rated 8 charter schools as among the top 25 high schools in America in 2009. The committee believes that the Department must do more to clarify its guidance to ensure that recruiters consider graduates of such charter schools in the appropriate tier category.

The committee also believes that a process should be established that will enable charter schools and their advocates to present their education credentials in a manner that will ensure uniform, accurate designation as Tier 1 schools when appropriate.

Updated terminology for the Army Medical Service Corps (sec. 593)

The committee recommends a provision that would amend section 3068(a)(5) of title 10, United States Code, to reflect the current structure of the Army Medical Service Corps by renaming the Pharmacy, Supply, and Administration Section as the Administrative Health Services Section; the Sanitary Engineering Section as the Preventive Medicine Sciences Section; and the Optometry Section as the Clinical Health Sciences Section.

Items of Special Interest

Access to appropriate facilities, services, and support for military families with dependent children with special needs

The committee seeks information to determine if the complex needs of military dependent children with special needs are being met by Department of Defense (DOD) child care and educational programs in accordance with the following applicable federal laws: the Americans with Disabilities Act (Public Law 101–336), the Rehabilitation Act of l973 (Public Law 93–112), and the Individuals with Disabilities Education Act (Public Law 94–142). Therefore, the committee directs the Secretary of Defense to submit a report not later than February 1, 2011, on the following:

(1) the current program for inspection of DOD child development centers, DOD funded child care programs, and DOD schools to ensure compliance with applicable law prohibiting discrimination on the basis of disability and access to and receipt of a free and appropriate public education through special education and related services;

(2) whether or not any non-DOD entity is involved in such inspections, and if not, the feasibility of including non-DOD organizations in such inspections;

(3) the results of the inspections conducted during calendar years 2008, 2009, and 2010;

(4) a summary of the challenges faced by military families with dependent children with special needs in obtaining needed child care or special education and related services;

(5) resources available to military families with dependent children with special needs who require child care or special education and related services provided by DOD;

(6) services available to military dependent children with special needs who attend DOD child care or educational facilities, by location;

(7) outreach programs to inform military families with dependent children with special needs of their rights in the event that child care or special education and related services are denied by a particular DOD or non-DOD facility;

(8) description of litigation or outstanding cases involving denial of child care or special education and related services involving a military dependent child with special needs;

(9) current DOD policy regarding administration of medications in DOD child development centers and schools;

(10) a description of the challenges faced by the Department in meeting child care and educational needs of military dependent children with special needs, especially those with autism, epilepsy, complex medical needs, or a low incidence disability; and

(11) a plan to enhance inspection of DOD child care and special education and related services in accordance with applicable federal law.

The committee directs DOD to consult with the Department of Education, the Department of Health and Human Services, and military family representatives in preparing the report and plan.

The committee further directs the United States Government Accountability Office to review DOD's report and plan, and to submit a report to the committee not later than May 1, 2012, on that review and the availability of services for military dependent children with special needs, including the DOD inspection process as it pertains to children with special needs and challenges faced by these children's families.

Access to the operational reserve

Effective access to the reserve component as an operational force is essential to reducing the burden on all forces and making progress on the roadmap to the best use of the reserve components to achieve national security objectives provided by the findings and recommendations of the Commission on the National Guard and Reserves.

The committee believes that the existing authorities for involuntary mobilization of the reserve components under section 12302 and 12304 of title 10, United States Code, may not offer the necessary flexibility to service planners to facilitate the effective use of the operational reserve. In order to provide trained and ready reserve units and personnel to respond rapidly to contingencies, participate in essential rotational missions, and comply with applicable dwell time goals, additional legal authority to order members of the reserve component into federal military service may be required.

In recent testimony before the Subcommittee on Personnel of the Senate Committee on Armed Services, the Assistant Secretary of Defense for Reserve Affairs stated that "the process by which roles and missions are assigned to the Reserve and Guard should be characterized by a belief that these forces can, and frequently should be, the first choice for recurring and predictable missions within their capabilities, because they are fully accessible. In this context, predictability encourages anticipatory planning—thinking ahead, not just in terms of the type of mission, but the timing and duration of the mission as well. Predictable missions create lead time for proper planning and training. That kind of anticipatory thinking can't be done when the Reserve components are used as the 'last option'."

Additionally, the Commission on the National Guard and Reserves found that "individual volunteerism, while admirable, is not a sustainable means to provide access to the reserve component units that the services require." The committee concurs and recommends that the Secretary of Defense review current mobilization authorities and submit legislative proposals for any additional authority needed to facilitate the involuntary activation of specified numbers of Selected Reserve personnel or units for limited periods of time to support operational requirements.

Comptroller General review of educational fellowships and training-with-industry programs

The committee directs the Comptroller General of the United States to review legislative and educational fellowships and training-with-industry programs of the Department of Defense and the military services to assess the costs to the Government, including

costs charged to the Government by participating institutions, and the effectiveness of the programs in the education and career progression of participating service members. The Comptroller General shall include in the review the following: (1) an assessment of whether the Department's and services' implementation of the programs comply with applicable law and policy; (2) a description of the number of fellows assigned by project and the work-study performed by participating service members during their fellowships; (3) an analysis of the issues involved with assigning service members to organizations with ideological or political agendas or to corporations with a financial interest in Department of Defense or military service contracts, including potential conflicts of interest, and the guidance given to service members in these assignments; (4) whether the follow-on assignments given to participants, including legislative fellows assigned to congressional staff, make use of skills and knowledge obtained during the fellowships in accordance with departmental regulations; and (5) whether the fellowships provide any benefit to the Government.

The Comptroller General shall report to the congressional defense committees by May 1, 2011, on the results of this review.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Extension of authority for increase in basic allowance for housing for areas subject to major disaster or installations experiencing sudden increase in personnel (sec. 601)

The committee recommends a provision that would amend section 403 of title 37, United States Code, to extend the authority to pay additional basic allowance for housing in areas impacted by a major disaster or at installations experiencing a sudden increase in personnel.

Repeal of mandatory high-deployment allowance (sec. 602)

The committee recommends a provision that would repeal the authority and requirement to pay the high-deployment allowance (HDA) under section 436 of title 37, United States Code.

The HDA was enacted prior to the attacks of September 11, 2001, at a time when the services were responding inadequately to the demands being placed on a small number of key warfighters, i.e., the so-called "high demand, low density" personnel. While the services' reliance on too few highly skilled military occupational specialties to deploy too frequently in time of war continues, the committee believes that the greatly enhanced framework of pays and allowances since 2001 and the Department of Defense's efforts to measure and improve dwell time for deployed service members provides sufficient basis to repeal the HDA authority.

The committee believes, however, that the management of deployments of members required under section 991 of title 10, United States Code, is still essential, and that the need still exists for the Department to track deployment days, measure dwell time on an individual basis, and manage the operations tempo of its personnel in a manner that provides clarity to the Department, the services, and Congress concerning the operational demands placed on individual service members. In this regard the committee urges the Secretary of Defense to use the authority under section 991 (b)(4) to define "deployment" to conform with current dwell time goals

Ineligibility of certain Federal Government employees for income replacement payments (sec. 603)

The committee recommends a provision that would amend section 910 of title 37, United States Code, to clarify that civilian employees of the Federal Government may not receive income differential payments concurrently under that section and section 5538 of title 5, United States Code.

Report on costs incurred by members undergoing permanent change of duty station in excess of allowances (sec. 604)

The committee recommends a provision that would require the Secretary of Defense to report to the congressional defense committees within 180 days after the date of enactment of this Act on the expenses incurred by members of the armed forces undergoing a permanent change of station move. The report would include a description of the number of service members who transport a second personally owned vehicle to overseas foreign and non-foreign locations, the expenses they typically incur in doing so, and an assessment of the availability of affordable vehicles at overseas foreign and non-foreign areas, including sales between service members.

Report on basic allowance for housing for personnel assigned to sea duty (sec. 605)

The committee recommends a provision that would direct the Secretary of Defense to submit to the congressional defense committees no later than July 1, 2011, a report assessing the standards used to determine eligibility for and level of compensation of basic allowance for housing for married and single personnel assigned to sea duty, with and without dependents.

Subtitle B—Bonuses and Special and Incentive Pays

One-year extension of certain bonus and special pay authorities for Reserve forces (sec. 611)

The committee recommends a provision that would extend for 1 year the authority to pay the Selected Reserve reenlistment bonus; the Selected Reserve affiliation or enlistment bonus; the special pay for enlisted members assigned to certain high priority units; the Ready Reserve enlistment bonus for persons without prior service; the Ready Reserve enlistment and reenlistment bonus for persons with prior service; the Selected Reserve enlistment and reenlistment bonus for persons with prior service; and income replacement payments for certain reserve component members.

One-year extension of certain bonus and special pay authorities for health care professionals (sec. 612)

The committee recommends a provision that would extend for 1 year the authority to pay the nurse officer candidate accession bonus; the repayment of education loans for certain health professionals who serve in the Selected Reserve; accession and retention bonuses for psychologists; the accession bonus for registered nurses; incentive special pay for nurse anesthetists; special pay for Selected Reserve health professionals in critically short wartime specialties; the accession bonus for dental officers; the accession bonus for pharmacy officers; the accession bonus for medical officers in critically short wartime specialties; and the accession bonus for dental specialist officers in critically short wartime specialties.

One-year extension of special pay and bonus authorities for nuclear officers (sec. 613)

The committee recommends a provision that would extend for 1 year the authority to pay the special pay for nuclear-qualified officers extending their period of active service; the nuclear career accession bonus; and the nuclear career annual incentive bonus.

One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities (sec. 614)

The committee recommends a provision that would extend for 1 year the general bonus authority for enlisted members; the general bonus authority for officers; the special bonus and incentive pay authorities for nuclear officers; the special aviation incentive pay and bonus authorities; and the special health professions incentive pay and bonus authorities. The provision would also extend for 1 year the authority to pay hazardous duty pay; assignment pay or special duty pay; the skill incentive pay or proficiency bonus; and the retention bonus for members with critical military skills or assigned to high priority units.

One-year extension of authorities relating to payment of other title 37 bonuses and special pays (sec. 615)

The committee recommends a provision that would extend for 1 year the authority to pay the aviation officer retention bonus; assignment incentive pay; the reenlistment bonus for active members; the enlistment bonus; the accession bonus for new officers in critical skills; the incentive bonus for conversion to military occupational specialty to ease personnel shortage; the incentive bonus for transfer between armed forces; and the accession bonus for officer candidates.

One-year extension of authorities relating to payment of referral bonuses (sec. 616)

The committee recommends a provision that would extend for 1 year the authority to pay the health professions referral bonus and the Army referral bonus under sections 1030 and 3252 of title 10, United States Code, respectively.

Subtitle C—Travel and Transportation Allowances

Travel and transportation allowances for attendance of members and certain other persons at Yellow Ribbon Reintegration Program events (sec. 621)

The committee recommends a provision that would authorize travel and transportation allowances for members of the uniformed services and up to three designees to attend Yellow Ribbon Reintegration Program events.

The committee believes that the Yellow Ribbon Reintegration Program is evolving as a resource capable of significantly improving the well-being of members of the Guard and Reserve and their families as they continue to experience extensive and repeated deployments. The committee urges the Secretary of Defense to fully implement the Yellow Ribbon Reintegration Program and to ensure

access to support services needed in all phases of the deployment cycle, before and during deployment, demobilization, and post-deployment reconstitution. The Department of Defense should seek greater consistency and coordination of reintegration programs within and among the States. Finally, the committee believes that outreach services must include assistance and support for military families with special needs.

Authority for payment of full replacement value for loss or damage to household goods in certain cases not covered by carrier liability (sec. 622)

The committee recommends a provision that would authorize the Secretary of Defense and the service secretaries to pay full replacement value for property lost or damaged in the course of a household goods shipment under certain circumstances where reimbursement is not available from the contracted carrier.

Subtitle D—Disability, Retired Pay, and Survivor Benefits

Repeal of automatic enrollment in Family Servicemembers' Group Life Insurance for members of the armed forces married to other members (sec. 631)

The committee recommends a provision that would amend section 1967 of title 38, United States Code, to remove service members from automatic enrollment as a dependent under the Family Servicemembers' Group Life Insurance program when they are insured on their own behalf under the Servicemembers' Group Life Insurance program.

Conformity of special compensation for members with injuries or illnesses requiring assistance in everyday living with monthly personal caregiver stipend under Department of Veterans Affairs program of comprehensive assistance for family caregivers (sec. 632)

The committee recommends a provision that would amend section 439 of title 37, United States Code, to establish the rate of the monthly stipend under the Department of Defense family caregiver compensation program as the amount of the caregiver stipend under the Department of Veterans Affairs program of comprehensive assistance for family caregivers authorized in section 1720g of title 38, United States Code. The committee continues to believe that the Departments of Defense and Veterans Affairs must work together to ensure seamless transition of care of all service members retiring for disability, and directs the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, to ensure that caregivers of active-duty service members have access to appropriate caregiver instruction, preparation, and training for which they are eligible under the comprehensive Veterans Affairs family caregiver program.

The committee directs the Secretary of Defense to report no later than 1 year after the date of enactment of this Act on implementation of appropriate caregiver training programs for caregivers of active-duty service members eligible for compensation under section 439 of title 37, United States Code.

Items of Special Interest

Comptroller General report on Department of Defense use and management of incentive pays and bonuses

The committee remains dedicated to ensuring the military pay and compensation system is sufficient to field a high quality all-volunteer force, to include filling hard-to-fill or critical specialties. The Department of Defense and the military services have at their disposal a number of special and incentive pays and bonuses to incentivize recruitment and retention behavior to meet their needs. It is crucial that the Department and the services accurately assess shortages that require incentives to fill, and pay appropriate amounts to fill those shortages.

The committee directs the Comptroller General of the United States to assess the Department's and services' use of cash incentives to recruit and retain highly qualified individuals for service in the armed forces to fill hard-to-fill or critical wartime specialties. The Comptroller General shall include in the assessment an analysis of the hard-to-fill and critical shortages of the Department and the services, their effort to close those shortages through the use of cash incentives, and the effectiveness of those efforts. The Comptroller General shall include in its review both incentives to new recruits to fill hard-to-fill or critical positions as well as incentives for current service members to stay in service or to change their military occupational specialty to fill a more critical need. Finally, the Comptroller General shall verify the extent to which the Department and the services have effective mechanisms in place to appropriately designate which military occupational specialties are critical and do in fact require incentives to fill.

The Comptroller General shall report to the congressional defense committees no later than July 1, 2011, on the results of this assessment and any recommendations for legislative change it believes appropriate to overcome personnel shortages in hard-to-fill or critical specialties.

Comptroller General review of Department of Defense report on housing standards and housing surveys used to determine basic allowance for housing

The committee directs the Comptroller General to review the Department of Defense report on housing standards and housing surveys required by section 605 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) due to the congressional defense committees by July 1, 2010, to determine if the Department is using the most effective, accurate, and efficient system for setting basic allowance for housing (BAH) rates. As part of this review, the Comptroller General shall independently assess the effects of Department base realignment decisions on post populations, and whether the Department has adequately accounted for these basing decisions in determining proper BAH rates, especially in rural areas where the surrounding housing stock may not support a sudden influx of personnel resulting in housing costs that may not be reflected in the established BAH rates. The Comptroller General shall provide the results of this review, including any rec-

ommendations for statutory change, to the congressional defense committees no later than April 1, 2011.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

One-year extension of ceiling on charges for inpatient care under the TRICARE program (sec. 701)

The committee recommends a provision that would extend for 1 year the current limitation on charges for inpatient care in a civilian hospital under TRICARE Standard.

Extension of dependent coverage under the TRICARE program (sec. 702)

The committee recommends a provision that would amend chapter 55 of title 10, United States Code, to provide coverage under the TRICARE program for certain dependents of eligible beneficiaries up to the age of 26 for a premium equal to the total cost of coverage as determined by the Secretary of Defense based on actual program costs.

Under current law, a dependent of a service member or eligible retiree may only qualify for coverage under the TRICARE program until they reach age 21, or age 23 if enrolled in school full-time. The Patient Protection and Affordable Care Act (Public Law 111–148) requires group health plans and health insurers to make coverage available to qualifying dependents until the child reaches 26 years of age. This provision would ensure that eligible dependents of TRICARE beneficiaries are afforded an opportunity to obtain similar coverage.

Recognition of licensed mental health counselors as authorized providers under the TRICARE program (sec. 703)

The committee recommends a provision that would amend section 1079(a)(13) of title 10, United States Code, to include licensed mental health counselors in the list of providers who are authorized to diagnose and treat patients under the TRICARE program. The provision would also require the Secretary of Defense to issue regulations within 180 days of the enactment of this Act setting forth the specific requirements that such counselors must meet in order to practice independently under TRICARE.

The committee notes that the study and report submitted by the Institute of Medicine (IOM) of the National Academy of Sciences on the Provision of Mental Health Counseling Services Under TRICARE pursuant to section 717 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) was published in February of this year. The report's two recommendations are: to allow the independent practice of mental health counselors in TRICARE under certain guidelines, to include appropriate levels of education, licensure, and clinical experience; and to establish a

comprehensive quality management system for all mental health professionals.

The committee directs the Secretary to report on implementation of the IOM recommendations no later than May 1, 2011, including implementation of the quality management system.

Plan for enhancement of quality, efficiencies, and savings in the military health care system (sec. 704)

The committee recommends a provision that would require the Secretary of Defense to develop and submit a plan setting forth actions to be taken to enhance quality, efficiencies, and savings within the military health care system. The committee expects the plan to be a product of collaboration with all military department components of the health care system and its partners, including Designated Providers of the U.S. Family Health Plan, and managed care support contractors.

The committee acknowledges that senior leaders within the Department of Defense are calling for an increase in fees for TRICARE, which have remained unchanged since l995. However, the committee believes that the Department must first do everything within reason to make the health care system more efficient, to improve quality, and to lower cost, through improvements in business practices and preventive care, while maintaining high and improving levels of beneficiary satisfaction.

The committee notes with concern a recent analysis of emergency room visits in one TRICARE Region which concluded that overall emergency room visits by TRICARE beneficiaries were 133 percent greater than a well managed commercial plan. The committee urges the Department to accelerate its efforts to find alternatives that ensure access and quality care in appropriate medical settings.

Subtitle B—Health Care Administration

Postdeployment health reassessments for purposes of the medical tracking system for members of the armed forces deployed overseas (sec. 711)

The committee recommends a provision that would require that postdeployment health reassessments (PDHRA) be included in the medical tracking system and quality assurance program for members deployed overseas. The provision would also require that the results of medical examinations conducted under the system include information on the prescription and administration of psychotropic medications.

The PDHRA is required by Department of Defense (DOD) policy issued in March 2005, based on findings that health concerns, particularly those involving mental health, are frequently identified several months following a service member's return from deployment.

The United States Government Accountability Office (GAO) found in a study published in November 2009 that DOD's central repository of PDHRA questionnaires was missing questionnaires from approximately 72,000 service members, or 23 percent of the population studied. GAO concluded that as a result, DOD does not

have reasonable assurance that health concerns can be identified and addressed.

The committee believes that the PDHRA can be effective in proactively identifying health concerns that emerge following deployments, but believes that better documentation is needed, and that DOD must design and implement, as part of its quality assurance program, a methodologically sound means of determining whether or not service members referred for care obtain the care that is needed.

In addition, the committee remains concerned about DOD's inability to track the prescription and administration of medications in theater, especially of psychotropic medications. In response to questions for the record from a March 2010 Subcommittee on Personnel hearing on the military health care system, the committee was informed that the Military Health System Pharmacy Data Transaction Service has no visibility of pharmacy data for prescriptions dispensed in forward operating areas. Therefore, the provision clarifies that the language requiring DOD to keep records of all health care services received by members prior to or during the course of their deployment must include the prescription and administration of psychotropic medications. The committee expects the Department to expeditiously implement a reliable method to track and manage the prescription and use of pharmaceuticals, to include psychotropic medications, by deployed service members.

Comprehensive policy on consistent automated neurological cognitive assessments of members of the armed forces before and after deployment (sec. 712)

The committee recommends a provision that would require the Secretary of Defense to develop and implement a comprehensive policy on consistent automated neurological cognitive assessments of all service members who are preparing to deploy and all members who have returned from deployment and have experienced an event which could result in traumatic brain injury or a concussion.

Restoration of previous policy regarding restrictions on use of Department of Defense medical facilities (sec. 713)

The committee recommends a provision that would repeal the prohibition on the use of a medical treatment facility or other facility of the Department of Defense to perform an abortion except where the life of the mother would be endangered if the fetus were carried to term or in a case in which the pregnancy is the result of an act of rape or incest. The prohibition on using Department of Defense funds to perform abortions except where the life of the mother would be endangered if the fetus were carried to term would remain in effect.

Travel for anesthesia services for childbirth for command-sponsored dependents of members assigned to remote locations outside the continental United States (sec. 714)

The committee recommends a provision that would amend section 1040(a) of title 10, United States Code, to authorize the Secretary of Defense to pay travel expenses for a command-sponsored dependent of a service member assigned to a remote location out-

side the continental United States who requires or elects certain anesthesia services for childbirth to a location in the United States.

Under current law, payment of travel expenses is authorized for required medical attention that is not available in the locality in order to travel to the nearest medical facility in which adequate medical care is available, which may not be in the United States. The provision would clarify that obstetrical anesthesia services for childbirth should be included in the scope of required medical attention.

Clarification of authority for transfer of medical records from the Department of Defense to the Department of Veterans Affairs (sec. 715)

The committee recommends a provision that would amend section 1614 of the Wounded Warrior Act (found in Public Law 110–181) to align the Act with Health Insurance and Portability and Accountability Act (HIPAA) regulations permitting the release of information without the specific authorization of the service member from the Department of Defense to the Department of Veterans Affairs (VA), with respect to service members who may be transitioning to the VA medical system.

The provision would align law with current HIPAA regulations, and the absence of this change would lead to costly and unnecessary information system changes and delays in transfer of records for wounded, ill, and injured service members entering the disability evaluation system.

Clarification of licensure requirements applicable to military health-care professionals who are members of the National Guard performing certain duty while in state status (sec. 716)

The committee recommends a provision that would amend section 1094(d) of title 10, United States Code, to authorize certain National Guard personnel with a current health care license to provide health care while performing training or duty under section 502(f) of title 32, United States Code, in response to an actual or potential disaster.

Education and training on use of pharmaceuticals in rehabilitation programs for wounded warriors (sec. 717)

The committee recommends a provision that would require the Secretary of Defense to develop and implement education and training programs on the use of pharmaceuticals for patients in or in transition to a wounded warrior unit, medical caregivers, medical case managers, nonmedical case managers, military leaders, and family members. The committee is concerned about reports of and perceptions among seriously ill and injured soldiers that they are over-medicated.

The committee recognizes that most medical and nurse education programs lack formal training in clinical pharmacology. Moreover, the rapid pace of pharmaceutical development exceeds the ability of providers and patients to keep up with current science, including the benefits and risks of pharmacological agents, and the consequences of mixing certain medications. For those reasons, the

committee believes that additional training is a necessary component of the Department of Defense's (DOD) response to concerns about over-medication of seriously ill and injured service members.

The committee directs the Secretary to work with the medical departments of each service, as well as the Food and Drug Administration and National Institutes of Health in the development of the training plan, and to report to the committee within 180 days of the enactment of this Act on plans to implement this requirement. The report shall include a description of existing training through DOD and non-DOD entities, and how or if such readily available programs can be utilized to fulfill this requirement.

Subtitle C—Reports

Report on Department of Defense support of members of the armed forces who experience traumatic injury as a result of vaccinations required by the Department (sec. 731)

The committee recommends a provision that would require the Secretary of Defense to review and submit a report on the adequacy and effectiveness of Department of Defense (DOD) policies, procedures, and systems in place to provide support to members of the armed forces who experience traumatic injury as a result of a vaccination required by DOD.

The report would also require the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to assess the advisability of extending Traumatic Servicemembers' Group Life Insurance to cover such traumatic adverse reactions to DOD-required vaccinations.

Repeal of report requirement on separations resulting from refusal to participate in anthrax vaccine immunization program (sec. 732)

The committee recommends a provision that would amend section 1178 of title 10, United States Code, to remove the requirement that the Secretary of Defense report annually to the Committees on Armed Services of the Senate and the House of Representatives on the numbers of service members separated from the service for refusal to participate in the anthrax vaccine immunization program. This report is no longer necessary as only one service member has been separated for refusal to participate in this program since 2004.

Items of Special Interest

Cognitive rehabilitation therapy for traumatic brain injury

Section 723 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) required the Secretary of Defense to conduct a clinical trial to assess the efficacy of cognitive rehabilitation therapy for members and former members of the armed forces who have been diagnosed with a traumatic brain injury, and to recommend whether or not such therapy should be a covered benefit under the TRICARE program.

According to the Department of Defense (DOD), cognitive rehabilitation therapy is a "long-standing and a significant component of comprehensive rehabilitation for persons with moderate and severe traumatic brain injury," and, when provided in conjunction with therapies to improve speech, language, occupational capabilities and physical therapy, cognitive rehabilitative therapy is provided both within numerous military treatment facilities and under the TRICARE program. However, scientific literature supporting the efficacy of cognitive rehabilitation therapy in patients with persistent symptoms and/or functional limitations as a result of mild traumatic brain injury—one of the most common injuries sustained on the battlefield—remains small.

The committee is pleased that the Department has issued guidance to the military departments to track the outcome of cognitive rehabilitation therapy for patients with mild traumatic brain injury provided by military treatment facilities beginning in calendar year 2010. Additionally, the committee has been informed that the Department will conduct the clinical trial required by section 723 of Public Law 111–84 utilizing up to 2 military treatment facilities in conjunction with 17 clinical sites of the Defense and Veterans Brain Injury Center. These efforts demonstrate the commitment of the Department to validating the most effective therapies, based on needed scientific evidence, for mild traumatic brain injuries incurred on the battlefield. Together, these efforts can lead to better health outcomes and inform policymakers within the Department on future benefit changes within the TRICARE program.

The committee directs the Secretary to report no later than February 1, 2011, on the following:

(1) DOD-wide and service specific policies, procedures, and diagnostic tools concerning traumatic brain injury before, during, and after deployment;

(2) best practices in clinical practice and staffing of military treatment facilities and clinics for providing treatment for traumatic brain injuries;

(3) evidence of clinical outcomes;

(4) collaboration with the Department of Veterans Affairs in screening, treatment, and research; and

(5) efforts to improve early detection and treatment of mild traumatic brain injury.

The report shall also include a review of coverage for cognitive rehabilitation therapy by public and private health programs, and the scientific basis for such coverage.

Embedded behavioral health providers

The committee continues to be concerned about the challenges of identifying and preventing behavioral health problems among service members returning from deployment, and is pleased to learn of efforts to implement the recommendation of the Department of Defense (DOD) Task Force on Mental Health in June 2007 to embed mental health providers within military units, both during deployment and in garrison.

One example is the Army's Mobile Behavioral Health Team (MBHT) at Fort Carson, Colorado. The team consists of six credentialed behavioral health providers (two psychologists and

four licensed clinical social workers), each of whom is assigned exclusively to a single battalion within a brigade combat team. Their goal is to improve early identification of behavioral health problems through more accurate diagnosis, remove barriers to care, and improve treatment outcomes. The committee has learned that initial results of the MBHT program are positive, with service members reporting high levels of satisfaction, unit leaders reporting positive improvements in behavioral health, and fewer reported risk behaviors, such as suicide attempts, domestic problems, or substance abuse. The committee encourages the Army, upon completion of its evaluation of the Fort Carson program, to replicate the successful elements of this model elsewhere, to facilitate early identification and treatment of behavioral health concerns, and to mitigate both inpatient psychiatric admissions and the necessity of referrals off-post for mental health care.

The committee has learned of other initiatives that involve embedding behavioral health counselors within National Guard units that have returned from deployment. Evidence is emerging that these efforts have the potential to help reduce stigma and encourage service members to seek and receive care before their conditions worsen.

The committee acknowledges the priority that the Department has placed on improving behavioral health care for service members and their families, including efforts to increase the number of mental health providers. The committee reiterates its concern that medical and dental readiness, including behavioral health care, must be a priority for the Guard and reserve. Unfortunately, according to the Department of Defense, fewer than 20 percent of those eligible for health care coverage under TRICARE Reserve Select are taking advantage of that option. The Department must redouble its efforts to reach out to eligible members with information on TRICARE medical and dental benefits for the Guard and reserve. In addition, section 735 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) clarified that funds available for operation and maintenance of a reserve component of the armed forces may be available for medical and dental readiness of reserve component members. The committee expects that such funds will be utilized for that purpose, especially in behavioral health.

The committee urges the Department to continue its implementation of recommendations of the DOD Task Force on Mental Health, to include the designation of full-time directors for psychological health at military installations and within the Guard and reserve. The committee believes that it is critical to ensure visible leadership in support of service members seeking behavioral health care at every level of Department of Defense component organizations.

Live tissue training

The committee is aware that the Department of Defense (DOD) currently augments combat trauma training with the use of live animals, known as live tissue training, when no suitable alternative exists. According to the Department, live tissue training is fundamental in providing combat medics with the skill sets re-

quired to perform a number of life-saving procedures and stabilize seriously injured military personnel on the battlefield. The committee notes that DOD sees significant value in live tissue training, particularly because combat medics are deployed after a condensed training program, in most cases, without having gone through medical school. Following such training, combat medics must possess proficiency in a variety of complicated medical procedures which they are often required to perform in the dark, under fire, and in remote locations. According to the Department, simulators currently lack sufficient realism and the ability to replicate combat wounds and the associated emotional stressors combat medics face on the battlefield. The committee also notes that the Department's use of live tissue training is strictly regulated by a number of federal laws and policies and accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care, an international non-profit organization that promotes humane use of animals in science.

On September 5, 2008, the Under Secretary of Defense for Acquisition, Technology, and Logistics established the Use of Live Animals in Medical Education and Training Joint Analysis Team (ULAMET JAT) to address the use of live animals for DOD medical readiness training. The ULAMET JAT found that several critical/high stakes medical procedures are not presently able to be taught using simulation, including treatment of certain penetrating chest wounds, amputation, and hemostasis. The ULAMET JAT noted in its final report, dated July 12, 2009, that "live animal training is the singular opportunity to experience management of injuries in a living system prior to deployment to a combat zone. The next opportunity to use these skills very likely will be treating combat wounded." The ULAMET JAT final report also made nine recommendations related to the Department's policies on the use of animals in combat trauma training and plans to validate and adopt alternatives, including simulation technologies.

The committee believes that the Department should continue to aggressively pursue alternatives to the use of live animals in combat trauma training. However, the committee also believes that the use of animals in combat trauma training remains appropriate for critical/high-risk medical procedures, until such time that alternatives are developed to provide combat medics a better training experience that more closely replicates the combat wounds and emotional stressors encountered on the battlefield. Therefore, the committee directs the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and House of Representatives not later than 90 days after enactment of this Act, on the status of the Department's implementation of the nine actions recommended by the ULAMET JAT in its final report.

Report on the use of temporary military contingency payment adjustments for TRICARE Outpatient Prospective Payment System rates

The committee commends the Department of Defense for extending the comment period on the final rule implementing rate changes for the TRICARE Outpatient Prospective Payment System last year, in order to align reimbursement rates with Medicare as

required by law. The final rule included not only a phase-in period for both network and non-network hospitals serving TRICARE beneficiaries, but also a provision for a temporary military contingency payment adjustment (TMCPA) at any time for hospitals deemed essential for military readiness and support of contingency operations as well as authority for a general TMCPA to address other special needs.

The committee, however, continues to hear from hospitals serving a large number of TRICARE beneficiaries that the application process to receive TMCPAs is long, that metrics by which they are being judged for adjustment payments are unclear, and that there is confusion among TRICARE regional officers and local support contractors about the application and approval process.

The committee therefore directs the Secretary of Defense to report on and provide an assessment of the application process for provision of TMCPAs for the TRICARE Outpatient Prospective Payment System. The report and assessment must include:

(1) the number of hospitals that have applied for a TMCPA since May 1, 2009;

(2) a list of the hospitals that have been granted a TMCPA;

(3) the average processing time for TMCPA applications;

(4) the average time for receipt of reimbursement of TMCPA amounts;

(5) a list of the TMCPA rate adjustment levels granted to approved hospitals, by hospital;

(6) the metrics by which the Department decides whether to grant a TMCPA and the adjustment level provided;

(7) whether the Department works with providers to ensure applications are complete;

(8) whether providers are given access to supporting data, information, and conclusions of the TMCPA adjustment decision, whether or not it receives such an adjustment;

(9) whether there is an appeals process in place for hospitals;

(10) the training provided to TRICARE regional officers and local support contractors on the TMCPA application process; and

(11) the feasibility of not requiring annual re-application.

The committee directs the Department of Defense to submit this report and assessment to the Committees on Armed Services of the Senate and the House of Representatives not later than April 1, 2011.

The committee recognizes that civilian hospitals are essential to the success of the TRICARE program. The committee therefore directs the Department of Defense to make the TMCPA application process as transparent as possible, and to increase lines of communication with these health care providers. The committee also believes there should be a timeframe set for notification and receipt of final settlement amounts to hospitals, in order to ensure that hospitals are able to budget for future years.

The committee notes that the Department of Defense estimates Defense Health Program savings of $793.0 million in fiscal year 2011 as a result of implementing the Outpatient Prospective Payment System. In addition, the Department estimates a $60.0 million savings in out of pocket expenses for TRICARE beneficiaries

under the Extra and Standard options as a result of reduced cost sharing.

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

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

Improvements to structure and functioning of Joint Requirements Oversight Council (sec. 801)

The committee recommends a provision that would update section 181 of title 10, United States Code, to ensure that the provision appropriately reflects the role of the Vice Chairman of the Joint Chiefs of Staff and other senior Department of Defense officials in the development of joint military requirements. The committee expects the changes made by this provision to facilitate: (1) an enhanced role for the combatant commanders in addressing issues within their expertise; (2) a greater emphasis on portfolio management, rather than service-specific approaches to military needs; (3) early trade-offs between cost, schedule, and performance in the development of new requirements; and (4) more effective collaboration between the requirements, acquisition, and budget processes.

Cost estimates for program baselines and contract negotiations for major defense acquisition and major automated information system programs (sec. 802)

The committee recommends a provision that would amend section 2334 of title 10, U.S. Code, to clarify the distinction between cost estimates developed for baseline descriptions and budgetary purposes, and cost estimates developed for the purpose of contract negotiations and the obligation of funds. Under this provision, cost estimates developed for baseline descriptions and budgetary purposes would be developed to provide a high degree of confidence that the program can be completed without the need for significant adjustment to program budgets. Cost estimates developed for contract negotiation purposes would be based on the government's reasonable expectation of successful contractor performance in accordance with the contractor's proposal and previous experience.

The committee understands that the phrase "a high degree of confidence that the program can be completed without the need for significant adjustment to program budgets" means no less than a 50 percent confidence level. In programs with a wide range of uncertainty, a confidence level of greater than 50 percent may be required to ensure a high degree of confidence that significant budget adjustments will not be required.

Section 2334 was included in the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23) to address the problems caused by the reliance of the Department of Defense (DOD) on unrealistic and overly optimistic cost estimates to make program and

budget decisions. Senator Levin explained the need for the provision as follows:

> "[C]ontractors and program offices have every reason to produce optimistic cost estimates and unrealistic performance expectations, because programs that promise revolutionary change and project lower costs are more likely to be approved and funded by senior Administration officials and by Congress. In other words, we get the information we need to run our programs from people who have a vested interest in overpromising. . . .
>
> "The consequences of using such optimistic estimates were correctly identified by DOD's Acquisition Performance Assessment (DAPA) panel two years ago. The DAPA panel found that 'Using optimistic budget estimates . . . forces excessive annual reprogramming and budget exercises within the Department, which in turn causes program "restructuring" that drives long-term cost, causes schedule growth, and opens the door to requirements creep.'"

Unfortunately, some DOD program officials have taken the view that the conservative cost estimates developed for budgetary purposes should also be used for contract negotiation purposes, i.e., that if DOD has decided that it should be prepared for the possibility that a program might cost significantly more than the contractor predicts, we should pay the contractor on that basis. This approach would lock in a worst case cost scenario and eliminate any incentive for the contractor to achieve more successful program outcomes. The committee concludes that budgetary estimates necessarily differ from estimates used for contract negotiation purposes, because they serve a different purpose.

Management of manufacturing risk in major defense acquisition programs (sec. 803)

The committee recommends a provision that would require the Secretary of Defense to issue comprehensive guidance on the management of manufacturing risk in major defense acquisition programs. The provision would also require the Secretary to ensure that manufacturing readiness knowledge and skills are given appropriate consideration as the Department of Defense (DOD) identifies areas of need for funding through the Defense Acquisition Workforce Development Fund established pursuant to section 1705 of title 10, United States Code.

In April 2010, the Government Accountability Office (GAO) reported that billions of dollars in cost growth occur as programs transition from development to production. According to GAO, much of this cost growth is due to "inattention to manufacturing during planning and design, poor supplier management, and a deficit in manufacturing knowledge among the acquisition workforce. Essentially, programs did not identify and resolve manufacturing risks early in development, but carried risks into production where they emerged as significant problems."

GAO reports that commercial firms have addressed similar problems through "a disciplined, gated process that emphasizes manufacturing criteria early in development." DOD has attempted to de-

velop a similar process, based on Manufacturing Readiness Levels, but implementation has been slow. The committee concludes that the costs imposed by the Department's failure to manage manufacturing risk require a stronger and more rapid response.

Extension of reporting requirements for developmental test and evaluation and systems engineering in the military departments and Defense Agencies (sec. 804)

The committee recommends a provision that would amend section 102(b) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23) to extend by 5 years the requirement for the military departments and defense agencies to report on steps that they have taken to rebuild the workforce skills and capabilities needed to perform key developmental test and evaluation and systems engineering functions.

Inclusion of major subprograms to major defense acquisition programs under various acquisition-related requirements (sec. 805)

The committee recommends a provision that would reaffirm that where the Department of Defense designates major subprograms in accordance with section 2430a of title 10, United States Code, unit costs are required to be reported only at the major subprogram level. The provision would also clarify that significant cost or schedule increases and other changes to designated major subprograms that alter the substantive basis for a milestone decision should be reported to the appropriate milestone decision authority and the congressional defense committees in accordance with the requirements of sections 2366a and 2366b of title 10, United States Code.

Technical and clarifying amendments to Weapon Systems Acquisition Reform Act of 2009 (sec. 806)

The committee recommends a provision that would make technical and clarifying amendments to the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23).

Subtitle B—Acquisition Policy and Management

New acquisition process for rapid fielding of capabilities in response to urgent operational needs (sec. 811)

The committee recommends a provision that would require the Secretary of Defense to develop and implement a new acquisition process to ensure the rapid fielding of capabilities in response to urgent operational needs, in accordance with certain recommendations of the July 2009 report of the Defense Science Board Task Force on Fulfillment of Urgent Operational Needs and the April 2010 report of the Government Accountability Office (GAO). The Secretary would also be required to develop and implement an expedited review process to determine whether capabilities proposed as urgent operational needs are appropriate for fielding through the rapid acquisition process or should be fielded through the traditional acquisition process. As a general rule, the rapid acquisition process would be available only for capabilities that can be fielded

within a period of 2 to 24 months, do not require a substantial development effort, are based on technologies that are proven and available, and can be acquired under fixed price contracts.

The acquisition process and the review process required by this section would apply to the full range of processes used by the Department of Defense to identify urgent operational needs, including both joint urgent operational need statements and comparable documents generated by the military departments and the combatant commands. The committee expects the guidance issued pursuant to this section to rationalize the relationship between joint processes and service-specific processes for responding to such needs. In general, the committee understands that service-specific processes are intended to address narrower and more discrete requirements that should require minimal development. In the view of the committee, a fielding requirement of 180 days or less would be appropriate for such requirements.

In some cases, it appears that the military services have stretched the boundaries of rapid acquisition authorities to undertake large and complex acquisition programs that would be more suitable to the traditional acquisition process. For example, the Marine Corps and the Air Force Special Operations Command have used rapid acquisition authority to modify KC–130Js and AC–130s for use in theater, while the Army sought to use other transactions authority to field Long Endurance Multi-Intelligence Vehicles, and the Navy and Air Force have proposed leasing commercially-available, propeller-driven aircraft and fundamentally modifying them for military use. In view of the high development risk associated with some of these programs and the fact that a number of them appear to be redundant or duplicative of existing programs, the committee concludes that the Department needs stronger guidance on the proper application of rapid acquisition processes.

In April 2010, GAO reported significant shortcomings in existing Department of Defense (DOD) processes for meeting urgent operational needs. According to GAO:

> "DOD's guidance for its urgent needs processes is dispersed and outdated. Further, DOD guidance does not clearly define roles and responsibilities for implementing, monitoring, and evaluating all phases of those processes or incorporate all of the expedited acquisition authorities available to acquire joint urgent need solutions. Data systems for the processes lack comprehensive, reliable data for tracking overall results and do not have standards for collecting and managing data. In addition, the joint process does not include a formal method for feedback to inform joint leadership on the performance of solutions. . . . In the absence of a management framework for its urgent needs processes, DOD lacks tools to fully assess how well its processes work, manage their performance, ensure efficient use of resources, and make decisions regarding the long term sustainment of fielded capabilities."

The committee urges the Department to address these shortcomings in its rapid acquisition processes as quickly as possible.

Acquisition of major automated information system programs (sec. 812)

The committee recommends a provision that would require the Secretary of Defense to establish a program to improve the planning and oversight of the acquisition of major automated information systems by the Department of Defense. Section 804 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) required DOD to develop and implement a new acquisition process for information technology systems. The provision recommended by the committee would require that the new acquisition process specifically address the issues of planning, requirements development and management, project management and oversight, earned value management, and risk management. In addition, the Department would be required to develop metrics for measuring performance measurement and to ensure that key program personnel have an appropriate level of relevant experience, training, and education.

Permanent authority for Defense Acquisition Challenge Program (sec. 813)

The committee recommends a provision that would provide permanent authority for the Defense Acquisition Challenge Program, as requested by the Department of Defense (DOD). The Challenge program is designed to provide opportunities for the introduction of innovative and cost-saving technology in DOD acquisition programs.

Exportability features for Department of Defense systems (sec. 814)

The committee recommends a provision that would authorize the Secretary of Defense to carry out activities for the design and incorporation of exportability features—such as technology protection and capability differentiation features—into defense systems during the research and development phase of Department of Defense (DOD) acquisition programs. Under subsection (b) of the provision, the use of DOD funds for activities authorized by this subject is subject to the availability of appropriated funds for such purpose. Appropriated funds are considered to be available if: (1) they are authorized and appropriated for the purpose of such activities; or (2) they are reprogrammed for such purpose in accordance with established procedures.

Reduction of supply chain risk in the acquisition of national security systems (sec. 815)

The committee recommends a provision that would authorize the Secretary of Defense to take certain steps in the procurement process to reduce supply chain risk in the acquisition of sensitive information technology systems that are used for intelligence or cryptologic activities; used for command and control of military forces; or form an integral part of a weapons system. In particular, the Secretary would be authorized to: (1) reduce supply risk by establishing qualification requirements in accordance with the requirements of section 2319 of title 10, United States Code; (2) provide for the consideration of supply chain risk as a significant eval-

uation factor in certain solicitations; and (3) exclude a particular source from consideration where necessary to avoid an unacceptable supply chain risk. The term "supply chain risk" would be defined, as recommended by the Department of Defense, to mean the risk that an adversary may sabotage, maliciously introduce unwanted function, or otherwise subvert the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of a system so as to surveil, deny, disrupt, or otherwise degrade the function, use, or operation of the system.

On December 22, 2009, the Secretary of Defense submitted a report on trusted defense systems, as required by section 254 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417). In that report, the Secretary found that the globalization of the information technology industry has increased the vulnerability of the Department of Defense (DOD) to attacks on its systems and networks. The report found an increasing risk that systems and networks critical to DOD could be exploited through the introduction of counterfeit or malicious code and other defects introduced by suppliers of systems or components. The committee concludes that the Secretary should have the authority needed to address this risk.

Department of Defense policy on acquisition and performance of sustainable products and services (sec. 816)

The committee recommends a provision that would require the Secretary of Defense to report to the congressional defense committees on the progress of the Department of Defense in meeting the goals and objectives established in Executive Order 13514 for the procurement of sustainable products and services. The report would be required to address actions taken by the Department to identify particular sustainable products and services that could contribute to these goals and initiatives, and assess strategies and tools available to promote the use of such products and services across the Department.

Repeal of requirement for certain procurements from firms in the small arms production industrial base (sec. 817)

The committee recommends a provision that would repeal section 2473 of title 10, United States Code, and eliminate the restriction on the Department of Defense to procure small arms parts only from certain manufacturers.

Section 2473 was the result of an Army Science Board study in 1994 determining that, in order to preserve the domestic small arms industry, weapons parts procurement contracts should be limited to three of the largest manufacturers at that time. The committee understands that the health of the U.S. small arms industrial base has significantly improved over the last 15 years. The committee has consistently supported policies and programs that encourage technological competition, industrial innovation, and competitive pricing. Accordingly, the committee recommends repeal of section 2473 of title 10, United States Code.

Prohibition on Department of Defense procurements from entities engaging in commercial activity in the energy sector of the Islamic Republic of Iran (sec. 818)

The committee recommends a provision that would prohibit the Department of Defense from entering into any contract for the procurement of any goods or services from any person or entity through a contract, grant, loan, or loan guarantee in an amount in excess of $1.0 million unless the person or entity certifies to the Secretary of Defense that the person or entity is not: (1) in violation of the Iran Sanction Act of 1996, as amended; (2) has not engaged in the sale of refined petroleum products to the Islamic Republic of Iran; (3) has not engaged in an activity that could contribute to enhancing the ability of the Islamic Republic of Iran to import refined petroleum; (4) has not engaged in the selling, leasing, or otherwise providing to the Islamic Republic of Iran any good, services, or technology that could contribute to maintenance or expansion of the capacity of the Islamic Republic of Iran to produce refined petroleum products; or (5) does not own or control any person or entity that engage in such activity. The Secretary of Defense may waive the prohibition if the Secretary determines that the procurement is essential to the national security interests of the United States.

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

Pilot program on acquisition of military purpose nondevelopmental items (sec. 831)

The committee recommends a provision that would authorize the Secretary of Defense to carry out a pilot program to assess the feasibility and advisability of streamlined procedures for the acquisition of military purpose nondevelopmental items. Under the streamlined procedures, covered contractors would not be required to provide certified cost or pricing data under section 2306a of title 10, United States Code, but would be required to provide other data for the purpose of price reasonableness determinations.

The most recent Quadrennial Defense Review (QDR), released in February 2010, suggests that as the Department of Defense (DOD) tries to acquire innovative technologies and solutions to meet military requirements faster and cheaper, it should find more ways to involve commercial and small business firms in defense acquisitions. While the Federal Acquisition Regulation (FAR) already includes a preference for both commercial items and other nondevelopmental items, the FAR does not include any procedures to incentivize the private development of items that serve solely a military purpose. In fact, the military purpose of an item developed exclusively at private expense may prevent DOD from using streamlined acquisition processes that are available for the purchase of commercial items.

The pilot program under this section is designed to test whether the streamlined procedures similar to those available for commercial items can serve as an effective incentive for non-traditional defense contractors to: (1) channel investment and innovation into areas that are useful to DOD; and (2) provide items developed ex-

clusively at private expense to meet validated military requirements.

The committee notes that the streamlined acquisition procedures developed under this section may have a particular utility in the Department's efforts to rapidly field military capabilities in response to urgent operational needs.

Competition for production and sustainment and rights in technical data (sec. 832)

The committee recommends a provision that would require the Secretary of Defense to issue guidance on rights in technical data to ensure that the Department of Defense (DOD) preserves the option of competition for contracts for the production and sustainment of systems or subsystems that are developed exclusively with Federal funds or without significant contribution by a contractor or subcontractor and that the United States is not required to pay more than once for the same technical data. The provision would also provide DOD with improved tools to address situations in which a contractor has erroneously asserted a restriction on the use or release of technical data that was developed exclusively with Federal funds or without significant contribution by the contractor or subcontractor.

Elimination of sunset date for protests of task and delivery order contracts (sec. 833)

The committee recommends a provision that would amend section 2304c of title 10, United States Code, to eliminate the sunset date for protests of task and delivery orders under Department of Defense contracts. The sunset date was included in section 2304c to provide the committee an opportunity to adjust the provision if the new protest authority resulted in a surge of bid protests. In April 2009, the Government Accountability Office reported that only a handful of bid protests are attributable to the new authority. The committee concludes that no adjustment to the authority is needed.

Inclusion of option amounts in limitations on authority of the Defense Advanced Research Projects Agency to carry out certain prototype projects (sec. 834)

The committee recommends a provision that would clarify that the dollar thresholds applicable to prototype projects carried out pursuant to section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) include all option amounts.

Enhancement of Department of Defense authority to respond to combat and safety emergencies through rapid acquisition and deployment of urgently needed supplies (sec. 835)

The committee recommends a provision that would amend section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314), as amended by section 811 of the Ronald W. Reagan National Defense Authorization Act for Fiscal year 2005 (Public Law 108–375), to enhance the authority

provided to the Secretary of Defense to respond quickly to combat emergencies, as requested by the Department of Defense (DOD). The amendment would: (1) authorize DOD to use that authority for the acquisition of all kinds of supplies—including material, equipment, and stores; (2) extend the application of the authority from cases in which combat fatalities have occurred to cases in which combat casualties have occurred or are imminent; and (3) double the ceiling on the use of the authority to $200.0 million in any fiscal year and clarify the applicability of the ceiling. The committee continues to believe that DOD should have the flexibility it needs to rapidly acquire supplies that are likely to prevent imminent casualties on the battlefield.

Subtitle D—Contractor Matters

Contractor business systems (sec. 841)

The committee recommends a provision that would require the Secretary of Defense to develop a program for the improvement of contractor business systems to ensure that such systems provide timely, reliable information for the management of Department of Defense programs by the contractor and by the Department.

Section 887 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), as amended by section 302 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23), directed the Department of Defense to report to Congress on the implementation of earned value management (EVM) systems. The Secretary's report, which was transmitted to Congress on November 2, 2009, concluded that:

> "The effectiveness of the Department's use of EVM is limited by the underlying quality of the data and by the inability to gain access to contractor data, due to antiquated systems. . . . DOD's access to data is an issue because many contractors have not updated their business systems in decades. These older systems rely on manual interfaces that are prone to errors. In addition, industry has not fulfilled its role or self-surveillance. [The Defense Contract Management Agency (DCMA) has] found, in many reviews, that contractors are not compliant with the guidelines in ANSI/EIA–748 [the industry-wide standard] and have not adequately identified those deficiencies themselves."

The report indicates that of the last 13 comprehensive reviews conducted by DCMA, only two contractors were found to be compliant with the industry-wide standard. According to the report, the data quality problems in contractor business systems "hinder the government's ability to meet program objectives by delaying or masking insight into developing problems."

Reports by DCMA, the Defense Contract Audit Agency, and the Commission on Wartime Contracting indicate that the problems identified by the Secretary are not unique to EVM systems, but extend to many other types of contractor business systems—such as estimating systems, purchasing systems, and material manage-

ment systems—on which the Department of Defense also places heavy reliance.

Oversight and accountability of contractors performing private security functions in areas of combat operations (sec. 842)

The committee recommends a provision that would: (1) require contracting activities to assign an appropriate number of personnel to the oversight of contractors performing private security functions in areas of combat operations; and (2) provide new measures to ensure the accountability of such contractors for any failure by their employees or subcontractors to comply with the requirements of law or regulation, or with directives from combatant commanders.

The senior United States commander on the ground in Afghanistan has expressed serious concerns about the use of private security contractors in that country and stressed that private security functions should be placed under the direct control of the Government of Afghanistan or be legitimate coalition forces. The committee directs the Secretary of Defense to report to the congressional defense committees by no later than December 1, 2010, on steps that the Department has taken or plans to take, if any, to reduce its use of private security contractors in Afghanistan.

Enhancements of authority of Secretary of Defense to reduce or deny award fees to companies found to jeopardize the health or safety of Government personnel (sec. 843)

The committee recommends a provision that would amend section 823 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) to authorize the Secretary of Defense to make determinations of fault in cases where the Secretary has reason to believe that a contractor, in the performance of a contract, may have caused the serious bodily injury or death of civilian or military personnel of the Department of Defense (DOD). If the Secretary finds that a contractor caused the death or serious injury through gross negligence or with reckless disregard for the safety of such personnel, this determination may be considered in award fee determinations under section 823, and in past performance evaluations and assessments of contractor responsibility under section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417). A determination by the Secretary under this section would not be determinative of fault for any other purpose.

The committee anticipates that investigations under this provision would be conducted pursuant to existing Department of Defense procedures for administrative fact-finding investigations, such as those provided by Army Regulation 15–6 and the Manual of the Judge Advocate General (JAGMAN) of the Navy. The committee understands that a contractor would have the same right to challenge award fee determinations, past performance evaluations, and assessments of contractor responsibility that are made on the basis of a determination under this section as they currently have to challenge determinations, evaluations, and assessments that are made on any other basis.

Under current law, a case of death or injury to civilian or military personnel may be excluded from consideration under section 823 because the U.S. courts lack jurisdiction to make a determination of fault, or because the contractor is immune from a civil action in the case. The committee concludes that conduct resulting in the death or serious injury of U.S. Government personnel should be considered in the evaluation of contractor performance, regardless whether such conduct is justiciable in the United States courts.

Subtitle E—Other Matters

Extension of acquisition workforce personnel management demonstration program (sec. 851)

The committee recommends a provision that would extend through September 30, 2017, the acquisition workforce personnel management demonstration program authorized by section 4308 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106).

Non-availability exception from Buy American requirements for procurement of hand or measuring tools (sec. 852)

The committee recommends a provision that would clarify that the domestic non-availability exception in the Berry amendment, section 2533a of title 10, United States Code, applies to the purchase of hand or measuring tools. This provision, which was requested by the Department of Defense, is needed to ensure that the Department has continued access to hand or measuring tools that are not available from domestic sources.

Five-year extension of Department of Defense Mentor-Protégé Program (sec. 853)

The committee recommends a provision that would extend for 5 years the mentor-protégé program authorized by section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510), as requested by the Department of Defense.

Extension and expansion of small business programs of the Department of Defense (sec. 854)

The committee recommends a provision that would extend through September 30, 2018, the Department of Defense Small Business Innovative Research program, Small Business Technology Transfer program, and Small Business Commercialization Pilot Program.

The committee notes that these programs have successfully invested in innovative research and technologies that have contributed significantly to the expansion of the defense industrial base and the development of new military systems and capabilities. The committee believes that a multiyear extension of these programs will enhance overall program effectiveness by providing program stability and enabling participants in both the government and the small business community to better plan budgets and investments.

Four-year extension of test program for negotiation of comprehensive small business subcontracting plans (sec. 855)

The committee recommends a provision that would extend for 4 years the authority for Department of Defense (DOD) contractors to negotiate comprehensive small business subcontracting plans in accordance with section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189), as requested by the Department. The provision would also require DOD, in consultation with the Small Business Administration, to report to Congress by no later than March 1, 2012, on the impact and results of the program.

Report on supply of fire resistant fiber for production of military uniforms (sec. 856)

The committee recommends a provision that would require the Government Accountability Office to report to the Committees on Armed Services of the Senate and the House of Representatives on the supply chain for fire resistant fiber for the production of military uniforms.

Contractor logistics support of contingency operations (sec. 857)

The committee recommends a provision that would require the Defense Science Board to carry out a comprehensive review of Department of Defense (DOD) organization, doctrine, training, and planning for contractor logistics support of contingency operations. The provision would also require that the Quadrennial Defense Review and other military planning documents address the expected roles and responsibilities of contractors in military operations and associated risks.

DOD's operations in Iraq and Afghanistan have relied on contractor logistics support to an unprecedented degree. In Iraq, the U.S. has maintained roughly equal numbers of contractor personnel and military forces, although the military force has been drawn down more rapidly than the contractor force over the last year. In Afghanistan, contractors have consistently outnumbered military forces, with 104,000 DOD contractor personnel supporting 64,000 troops as of September 2009.

Because the Department's use of contractor logistics support has reduced costs, increased efficiency, and enabled military forces to focus on warfighting efforts, it appears likely that the United States will continue to rely heavily upon such support in future conflicts. In too many cases, however, such reliance has been driven by day-to-day military needs without adequate consideration to organizational and doctrinal issues. As a result, the Department faces a series of difficult questions about the reliance on contractors in future conflicts. For example:

- Are there logistics functions that should be performed by government personnel?
- Are there types of military operations in which it would be inappropriate to rely so extensively on contractor logistics support?
- What organic capabilities does the Department need to support such functions or operations?

- Should the Department rely on a single logistics contractor to manage support operations, or contract directly with a number of support contractors?
- How should the Department structure itself to ensure proper management and oversight of contractor personnel on the battlefield?
- To what extent should the Department rely upon local nationals, and third-country nationals, to provide logistics support?
- What level of detail on contractor logistics support should be included in operational plans for contingency operations?
- What steps should the Department take to ensure that an appropriate level of contracting expertise is available to the officials responsible for developing such plans?

The committee believes that a systematic review is needed to ensure that the Department's organization, doctrine, training, and planning for contractor logistics support can help shape the appropriate use of contractor logistics support in future conflicts.

Items of Special Interest

Acquisition workforce strategic plan

Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), as amended by section 1108 of the National Defense Authorization Act for 2010 (Public Law 111–84), requires the Secretary of Defense to include a separate chapter on the defense acquisition workforce in the Department's annual strategic human capital plan. As the committee explained in its report on the 2008 bill, this planning requirement is an essential step toward addressing well-documented shortcomings in the acquisition workforce of the Department of Defense (DOD):

> "Earlier this year, the Acquisition Advisory Panel chartered pursuant to section 1423 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) reported that 'curtailed investments in human capital have produced an acquisition workforce that often lacks the training and resources to function effectively.' As a result, 'The Federal Government does not have the capacity in its current acquisition workforce necessary to meet the demands that have been placed on it.' The failure of DOD and other federal agencies to adequately fund the acquisition workforce, the Panel concluded, is '"penny wise and pound foolish," as it seriously undermines the pursuit of good value for the expenditure of public resources.'"

The acquisition workforce strategic plan submitted by the Department in April 2010, after several years of effort, provides a viable, data-driven approach to rebuilding the DOD acquisition workforce that is consistent with both the letter and the spirit of section 851 and section 1108. The committee commends the Department for the quality of the plan and urges the Department to continue to use this document as a baseline to drive DOD strategy for the acquisition workforce and report on progress in implementing that strategy over the period of the future years defense program.

The committee notes that: (1) the Department's plan for the test and evaluation workforce appears to be inconsistent with the high priority given to rebuilding that workforce in the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23); (2) the plan does not appear to include any metric for measuring the Department's progress toward meeting the requirement of section 820 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), regarding key leadership positions in the acquisition workforce; and (3) the material provided by the Department of the Navy and the Department of the Air Force would be more useful if it were presented in the same format as the balance of the plan. The committee urges the Department to address these issues in its next annual update of the plan.

Configuration Steering Boards

Section 814 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) required the military departments to establish Configuration Steering Boards (CSB) to control cost growth on major defense acquisition programs (MDAP). CSBs are required to review proposed changes to program requirements or system configuration that could adversely impact program cost and to recommend changes that improve program cost in a manner consistent with program objectives. Section 814 requires that a CSB meet to consider each major defense acquisition program at least once each year.

However, the Government Accountability Office (GAO) reported in March 2010 that "Only a few programs reported holding configuration steering boards to review requirements changes, significant technical changes, or de-scoping options in 2009." According to GAO, only seven of 42 MDAPs reviewed reported holding a configuration steering board meeting in 2009 and only one program presented potential de-scoping options to decrease cost and schedule risk consistent with program objectives. Moreover, the committee has been informed that some CSBs focus entirely on Key Performance Parameters, to the exclusion of proposed technical configuration changes that may also drive program costs.

The committee directs the Under Secretary of Defense for Acquisition, Technology, and Logistics to take appropriate steps to ensure that CSBs meet at least once a year to consider the full range of proposed changes to program requirements or system configuration for each MDAP, as required by section 814. In addition, the committee directs GAO to review DOD's use of CSBs in fiscal year 2010 and to report to the committee by no later than 180 days after the date of the enactment of this Act on the number of times on which CSBs met with regard to each MDAP and the extent to which such CSBs considered the full range of issues required by the statute.

Contractor past performance information

Section 1091 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) requires federal agencies to collect and maintain information on contractor past performance for consideration in future contract award decisions. The Department of Defense

(DOD) has implemented this requirement through the Contractor Performance Assessment Reporting System (CPARS).

In 2008, the DOD Inspector General reviewed the Department's processes for collecting and maintaining contractor past performance information and reported that CPARS did not include required past performance information. In particular, the Inspector General found that the CPARS database did not include up-to-date performance information for most DOD contracts and that most of the reports included in the database lacked the kind of information needed by contracting officials to make informed decisions related to market research, contract awards, and other acquisition matters.

Senior DOD officials concurred in the Inspector General's findings and agreed to promulgated new guidance designed to address the problem.

Because the evaluation of contractor past performance information continues to play a critical role in contract award decisions, the committee directs the Inspector General to conduct a follow-up review to determine whether the new guidance has resulted in better compliance and a more complete and useful database of contractor past performance information.

Organizational conflicts of interest

Section 207 of the Weapon Systems Acquisition Act of 2009 (Public Law 111–23) required the Secretary of Defense to tighten existing requirements for organizational conflicts of interest (OCI) by contractors in major defense acquisition programs (MDAP). At a minimum, the new regulations are required to: (1) ensure that the Department of Defense (DOD) receives advice on systems architecture and systems engineering (SETA) matters with respect to MDAPs from sources independent of the prime contractor; and (2) ensure that each contract for the performance of SETA functions for an MDAP contains a provision prohibiting the contractor from participating as a prime contractor or a major subcontractor in the development or construction of a weapon system under the MDAP, subject to "such limited exceptions . . . as may be necessary to ensure that the Department of Defense has continued access to advice on systems architecture and systems engineering matters from highly-qualified contractors with domain experience and expertise, while ensuring that such advice comes from sources that are objective and unbiased."

On April 22, 2010, the Department of Defense published a proposed amendment to the Defense Federal Acquisition Regulation Supplement (DFARS) to address the requirements of section 207, as well as other, broader OCI issues. The proposed DFARS rule states that "generally, the preferred method to resolve an organizational conflict of interest is mitigation." The proposed rule requires that a contract for the performance of SETA functions for an MDAP prohibit the contractor from participating as a contractor or a major subcontractor in the development or construction of a weapon system under the MDAP, as required by section 207, unless "the contractor is highly qualified with domain experience and expertise and the organizational conflict of interest will be adequately resolved" through mitigation.

The exception provided by the proposed DFARS rule appears to be broader in scope than the exception authorized by the statute. Moreover, when this language is taken in conjunction with the rule's overall preference for mitigation over avoidance, the rule may be read to reverse the statutory presumption that SETA contractors may be permitted to participate in development and production only in exceptional cases. The committee directs the Secretary of Defense to review this issue and ensure that the final DFARS rule is consistent with the requirements of the statute.

In addition, the committee notes that several DOD components have already issued guidance that is tighter than, but not inconsistent with, the proposed DFARS rule. The committee believes that the final DFARS rule should make it clear that it is not intended to override tighter standards that have been issued by DOD components.

Planning and implementation for hiring civilian employees to replace contractor employees

In 2009, the Secretary of Defense announced plans to hire up to 30,000 new civilian employees of the Department of Defense (DOD) over a 5 year period, to replace contractor employees and restore needed expertise and authority to the DOD workforce. The committee endorses this initiative, which is needed to overcome past funding decisions that precluded trade-offs between civilian employees and contractor employees, and impeded the Department's efforts to achieve a rational balance between the two workforces.

The committee believes that the Department's hiring efforts should focus on individuals with critical skill sets that are most needed by the Department. At a time when DOD desperately needs to rebuild its intellectual capital in critical mission areas, the effort and expense required to hire new civilian employees to replace contractor employees should not be wasted on the conversion of routine commercial functions that can readily be performed by contractors.

In the acquisition workforce, the Department has a demonstrated need for more civilian employees to serve as contracting officials, system engineers, development planners, software engineers, cost estimators, and developmental testers. Outside the acquisition workforce, the Department has a demonstrated need for a wide range of highly skilled professionals, including accountants, auditors, financial management and business process experts, information technology experts, and human resources professionals.

Section 115b of title 10, United States Code, requires the Secretary to prepare an annual strategic workforce plan to shape and improve the Department's civilian employee workforce. In addition, section 2330a of title 10, United States Code, requires the secretaries of the military departments and the heads of the defense agencies to develop inventories of functions and missions performed by contractors and to review those inventories to identify functions that would more appropriately be performed by DOD employees. The committee urges the Department to take advantage of the rational planning processes developed in response to these requirements to focus the hiring effort undertaken pursuant to the Sec-

retary's plans on individuals with the skills and expertise most needed by the Department.

Profit or fee for undefinitized contract actions

Section 809 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) required the Department of Defense (DOD) to issue guidance, with detailed implementation instructions, to ensure the enforcement of requirements applicable to undefinitized contract actions (UCAs), including regulatory limitations on profits or fees. The conference report explained the purpose of the new guidance as follows:

> "[T]he Defense Federal Acquisition Regulation Supplement (DFARS) states that when the final price of a UCA is negotiated after a substantial portion of the required performance has been completed, the negotiated profit rate should reflect any reduced cost risk to the contractor for costs incurred during contract performance before negotiation of the final price. Section 215.404–71–3(d)(2) of the DFARS states: 'When costs have been incurred prior to definitization, generally regard the contract type risk to be in the low end of the designated range. If a substantial portion of the costs have been incurred prior to definitization, the contracting officer may assign a value as low as 0 percent, regardless of contract type.' However, [the Government Accountability Office (GAO)] found no evidence that DOD contracting officers have been observing these requirements in the negotiation of contract fees. The conferees expect the guidance issued pursuant to this section to include procedures for ensuring compliance with these and other requirements regarding UCAs."

In January 2010, GAO reviewed DOD's implementation of section 809. Although DOD has taken a number of steps to enhance its oversight of UCAs, GAO reported that even after the implementation of section 809, DOD officials failed to give the required consideration to reduced cost risk in determining contractor profits or fees. In those cases where DOD officials documented their profit determinations, GAO found that "the contract-type risk factors were skewed toward the middle and high end of the DFARS designated ranges, indicating higher risk for the contractors," rather than the lower risk expected under the DFARS provision. As a result, it appears that DOD continues to pay excessive profits and fees on $18.0 billion in potential obligations for UCAs.

The committee expects DOD to address this problem as recommended by GAO, by revising applicable regulations to provide specific guidance for how to develop, consider, and document assessments of cost risk for profit or fee determinations for all undefinitized contract actions. In addition, the committee directs the Department to revise the semi-annual reporting requirement under section 217.7405(a)(2) of the DFARS to include information on rates of profits and fees negotiated on all UCAs with an estimated value exceeding $5.0 million. The semiannual reports should include a justification for any case in which contracting officials assign a level of contract type risk that is not in the low end of the

designated range, as provided in section 215.404–71–3(d)(2) of the DFARS.

Strategy of addressing national security issues related to rare earth materials in the defense supply chain

Section 843 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) required a Government Accountability Office (GAO) report on rare earth materials in the supply chain of the Department of Defense (DOD). The April 2010 GAO report found that:

- "the use of rare earth materials is widespread in defense systems," including precision-guided munitions, lasers, communication systems, radar systems, avionics, night vision equipment, and satellites;
- "where rare earth materials are used in defense systems, the materials are responsible for the functionality of the component and would be hard to replace without losing performance";
- "current capabilities to process rare earth metals into finished materials are limited mostly to Chinese sources" and increased vertical integration may "increase China's total market power and dominance";
- "rebuilding a U.S. rare earth supply chain may take up to 15 years and is dependent on several factors, including securing capital investments in processing infrastructure, developing new technologies, and acquiring patents, which are currently held by international companies"; and
- "DOD has not yet identified departmentwide national security risks due to rare earth material dependencies" and has no comprehensive plan for addressing such risks.

The committee directs the Under Secretary of Defense for Acquisition, Logistics, and Technology to report to the congressional defense committees on national security issues related to rare earth materials in the defense supply chain by no later than March 15, 2011. The Under Secretary's report should address at a minimum: (1) steps that DOD has taken to identify and address national security risks due to the Department's dependence on Chinese sources for rare earth materials; (2) steps that DOD plans to take within the next 2 years to identify and address such risks; (3) whether direct investment by the United States Government is needed to minimize national security risks associated with an interruption of supply; and (4) when the Department plans to have in place a comprehensive plan in place for addressing such risks.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Repeal of personnel limitations applicable to certain defense-wide organizations and revisions to limitation applicable to the Office of the Secretary of Defense (sec. 901)

The committee recommends a provision that would repeal certain personnel limitations applicable to the Office of the Secretary of Defense and other defense-wide organizations, as requested by the Department of Defense (DOD). The provision would eliminate personnel ceilings that are based on the Department's organization more than 20 years ago. The Department's legislative request states: "These changes are necessary to ensure that defense-wide support organizations are free from outdated personnel limits. It will remove the limits that do not address the 20 years of history within the Department of Defense and changes within the global military and political environment."

Reorganization of Office of the Secretary of Defense to carry out reduction required by law in number of Deputy Under Secretaries of Defense (sec. 902)

The committee recommends a provision that would amend certain provisions of title 10, United States Code, to implement changes in the organizational structure of the Office of the Secretary of Defense (OSD) recommended by the Department of Defense (DOD) in response to the requirement of section 906 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) to eliminate non-statutory Deputy Under Secretary of Defense (DUSD) positions by the end of 2010.

The provision would: (1) redesignate certain Presidentially-appointed, Senate-confirmed (PAS) officials as assistant secretaries of defense; (2) modify the order of precedence of officials within the Office of the Secretary of Defense; (3) authorize the Secretary to add a new Assistant Secretary of Defense for Readiness and Force Management; (4) create a separate statutory provision establishing the position of Deputy Chief Management Officer for DOD; (5) modify the titles of certain non-PAS officials to conform to the new organization; (6) create a separate statutory provision for the Deputy Assistant Secretary of Defense for Defense Manufacturing and Industrial Base Policy; (7) authorize DOD to retain up to five non-statutory DUSDs for a limited period of time; and (8) make other technical and conforming changes.

As explained in the Department's legislative request, "These changes will provide a logical construction for the organization of the most senior officials within OSD by: (1) removing the wide vari-

ance in the status and stature of officials with the same title, and (2) providing the same title to officials of generally equal status and stature."

Revision of structure and functions of the Reserve Forces Policy Board (sec. 903)

The committee recommends a provision that would amend sections 10301 and 113 of title 10, United States Code, to revise the functions and structure of the Reserve Forces Policy Board. The Board would serve as an independent adviser to the Secretary of Defense on strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve components. The provision would reduce the membership of the Reserve Forces Policy Board from 24 members to 20 members, and would authorize retired and enlisted members and members from outside the Department of Defense to serve as members of the board.

Subtitle B—Space Activities

Limitation on use of funds for costs of terminating contracts under the National Polar-orbiting Operational Environmental Satellite System Program (sec. 911)

The committee recommends a provision that would prohibit the Secretary of Defense from using any funds available for the National Polar-orbiting Operational Environmental Satellite System (NPOESS) from being used to pay termination costs until there is an agreement that any termination costs will be equally divided between the Department of Defense (DOD) and the Department of Commerce (DOC).

While the committee does not support termination of the contract and believes that terminating the NPOESS contract would result in the loss of a significant amount of time and money that has been invested in this program, any such decision, if made, should be made, funded, and executed jointly by the DOD and the DOC.

Limitation on use of funds for purchasing Global Positioning System user equipment (sec. 912)

The committee recommends a provision that would prohibit funds available to the Department of Defense (DOD) from being used to purchase Global Positioning System (GPS) user equipment unless such equipment is capable of receiving the military code or "M" code. The DOD has made significant investments to deploying GPS satellites with M code capability to allow improved accessibility to GPS satellites and increase anti-jam and anti-spoof capabilities. The new M code will provide a more robust signal, which will in turn improve signal acquisition, particularly where it is difficult to acquire a signal currently. The new M code will also provide better security in terms of exclusivity, authentication, and confidentiality, along with streamlined key distribution. The committee believes that use of this new signal will greatly improve war fighting capabilities.

The provision includes authority to waive the requirement and would not apply to items such as cars and other commercial vehicles that come equipped with GPS receiver capability.

Plan for integration of space-based nuclear detection sensors (sec. 913)

The committee recommends a provision that would direct the Secretary of Defense in consultation with the Director of National Intelligence and the Administrator of the National Nuclear Security Administration to develop a plan for space-based nuclear detection sensors. The plan would set forth an integration plan for the sensors and lay out a path to comply with section 1065 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

The provision would prohibit the Secretary of Defense from spending more than 75 percent of the funds available for the Space-Based Infrared System (SBIRS) from being obligated until the plan is submitted.

Preservation of the solid rocket motor industrial base (sec. 914)

The committee recommends a provision that would set forth the sense of the Senate with respect to the impact of the cancellation of the National Aeronautics and Space Administration (NASA) Constellation program. The sense of the Senate is specifically focused on the impact cancellation of Ares I, Ares V, or their solid rocket motor alternatives or derivatives, and all supporting elements would have on the solid rocket industrial base, including the vendor and supplier base would have on the programs of the Department of Defense (DOD). The provision would also include a number of findings with respect to the cancellation decision and the lack of discussion about the decision with the DOD. Finally, the provision would direct the Secretary of Defense, in consultation with the Administrator of NASA, to report on the impact of the cancellation of the Constellation program on DOD mission requirements. The report would be due to the Committees on Armed Services of the Senate and the House of Representatives, the Senate Committees on Commerce, Science, and Transportation, and Appropriations, and the House of Representatives Committees on Energy and Commerce, and Appropriations, 180 days after the date of the enactment of this Act.

Implementation plan to sustain solid rocket motor industrial base (sec. 915)

The committee recommends a provision that would direct the Secretary of Defense to develop an implementation plan to sustain the solid rocket motor industrial base. Section 1078 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) directed the Secretary of Defense to develop recommendations to sustain the solid rocket motor industrial base. This provision would utilize the recommendations from that report as the foundation to develop an implementation plan and to identify the necessary funding to sustain the solid rocket motor industrial base.

The committee is concerned that with the recent National Aeronautics and Space Administration (NASA) decisions, the overhead costs associated with the solid rocket motor industrial base will shift exclusively to the Department of Defense (DOD). Until NASA determines the nature of its next-generation launch vehicle, DOD will be the primary purchaser of solid rocket motors. The committee urges the DOD to take the actions necessary to sustain both the engineering and manufacturing capabilities needed for future solid rocket motor requirements and to ensure that the industrial base is appropriately sized to meet these requirements.

Review and plan on sustainment of liquid rocket propulsion systems industrial base (sec. 916)

The committee recommends a provision that would direct the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration (NASA), to review and develop a plan to sustain the liquid rocket propulsion system industrial base. The review would include actions necessary to support current systems and sustain intellectual and engineering capacity to support next-generation systems and engines. The plan would be due by June 1, 2011.

The committee is concerned that launch costs across the board are increasing as the need for new systems has decreased. It is essential that the U.S. maintain a domestic launch capability that can meet the mission assurance requirements of the Federal Government.

Subtitle C—Intelligence Matters

Permanent authority for Secretary of Defense to engage in commercial activities as security for intelligence collection activities (sec. 921)

The committee recommends a provision that would provide permanent authority for the Secretary of Defense to engage in commercial activities as security for intelligence collection activities. This authority has been provided to the Secretary since 1991 but always on a temporary basis with a sunset date. The administration requested a permanent grant of authority, and the committee agrees that this is reasonable.

Modification of attendees at proceedings of Intelligence, Surveillance, and Reconnaissance Integration Council (sec. 922)

The committee recommends a provision that would allow the secretary of each military department to designate an officer or employee to attend the meetings of the Intelligence, Surveillance, and Reconnaissance (ISR) Integration Council. The provision also would delete the terms Joint Military Intelligence Program and Tactical Intelligence and Related Activities Program from the statute that established the ISR Integration Council and replace it with the term Military Intelligence Program.

Report on Department of Defense interservice management and coordination of remotely-piloted aircraft support of intelligence, surveillance, and reconnaissance (sec. 923)

The committee recommends a provision that would require that the Secretary of Defense produce a report consolidating data from the services and information on several Defense-wide activities that would address a number of issues regarding remotely-piloted aircraft systems and the intelligence, surveillance, and reconnaissance capabilities they provide or are intended to provide to the Department. The Secretary would be required to report to the congressional defense committees within 150 days of enactment of this Act.

Report on requirements fulfillment and personnel management relating to Air Force intelligence, surveillance, and reconnaissance provided by remotely-piloted aircraft (sec. 924)

The committee recommends a provision that would require that the Secretary of the Air Force produce a report to address a number of issues regarding the Air Force's management of various aspects of remotely-piloted aircraft systems and the intelligence, surveillance, and reconnaissance capabilities that these systems provide. The Secretary would be required to report to the congressional defense committees within 120 days of enactment of this Act.

Subtitle D—Cyber Warfare, Cyber Security, and Related Matters

Continuous monitoring of Department of Defense information systems for cybersecurity (sec. 931)

The committee recommends a provision that would require the Secretary of Defense to implement a set of information security measures and controls on Department of Defense information networks and systems, and to automate the monitoring of those controls. This process has been very successfully applied at the Department of State and the Department of Justice, and has been proposed as a far more cost-effective method of improving compliance and reporting under the Federal Information Security Management Act.

The committee recognizes that the Department of Defense networks are far larger, more varied, and complex than those operated by the Department of State and the Department of Justice, and that there should not be a "one-size-fits-all" approach to continuous monitoring and dashboard representations of network status and vulnerability. At the same time, the committee is persuaded that the conceptual approach pioneered by the Departments of State and Justice, which are based on audit guidelines developed by the private sector and the National Institute of Standards and Technology, is sound and will make a major contribution to cyber security in the Department of Defense.

Strategy on computer software assurance (sec. 932)

The committee recommends a provision that would require the Secretary of Defense to develop and implement a strategy for securing the software and software applications for covered systems

in the Department of Defense (DOD). This strategy must address the full life cycle of software-based applications and weapons systems, from development, acquisition, test and evaluation, certification and accreditation (C&A), and C&A renewals. The strategy must also address the challenge of remediation of legacy systems, and of monitoring and defending software applications as they are running against cyber attacks.

The committee is informed that a large and growing percentage of successful cyber intrusions, attacks, and thefts have exploited vulnerabilities in software applications, especially custom applications. Some of these attacks are difficult or impossible to detect using packet-based intrusion detection and prevention systems based on known signatures.

The committee understands that usually there are limited requirements, if any, in development contracts for ensuring security in the software code, and regulations permit manual sampling of code to check for vulnerabilities during evaluations and C&A processes.

Congress addressed supply chain risk management in section 254 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417). However, section 254 focused on hardware, and, while DOD included software in its supply chain risk management strategy report, submitted in response to section 254 requirements, policy, regulations, and program planning for software assurance remain largely undeveloped.

The committee emphasizes the importance of developing new technologies for the automated analysis of software code for vulnerabilities and for detecting attempted intrusions. It is not practical to manually examine all the lines of code in all of DOD's critical information systems. Automated tools are commercially available today, but collectively they detected only 60 percent of the vulnerabilities purposefully inserted into code for tests conducted by the National Security Agency. Moreover, these tools only work for software for which the source code is available. It is much more difficult to analyze vulnerabilities without the source code—a very common situation. Commercial tools also exist for monitoring software applications as they are running in order to detect intrusions. Such capabilities appear to be a critical component of a comprehensive defense system.

The committee understands that the cost and effort involved in correcting all discoverable vulnerabilities in all DOD software applications is prohibitive, and therefore agrees that DOD should focus on so-called covered systems. However, major intrusions and data thefts in the private sector have involved penetrations first of non-critical and unprotected "administrative" applications, which provided the access that enabled attacks on important and supposedly more secure applications. If a similar vulnerability exists in DOD, it will not be enough to secure only covered systems.

Strategy for acquisition and oversight of Department of Defense cyber warfare capabilities (sec. 933)

The committee recommends a provision that would require the Secretary of Defense to develop an acquisition process tailored to the unique and demanding requirements of cyber warfare. Military

forces operating in cyberspace will require new or modified tools and capabilities almost constantly, and instantly, to keep pace with the speed at which change occurs in cyberspace. At the same time, it is necessary to ensure that there is an orderly, repeatable, and transparent process for generating and approving requirements, for developing and acquiring those new capabilities, and for reporting the use of such capabilities. Furthermore, due to the uncertainties in the effects of actions in cyberspace, the potentially serious consequences of operations in cyberspace, and the importance of precedents in the development of norms of behavior in cyberspace, it is also critical for the Department of Defense to conduct thorough testing of cyberspace capabilities at facilities that accurately replicate or emulate the operational environment in which those capabilities will be used.

The committee is also concerned about possible adverse effects of dual-hatting the Commander of U.S. Cyber Command as the Director of the National Security Agency (NSA), absent a well-defined cyber acquisition process. NSA has a very large acquisition organization. While that acquisition organization has been making progress in reforming its processes and improving the talent in its acquisition corps, NSA has a history that raises concerns about the lack of rigor and oversight of its operations. No other combatant command has a large acquisition organization in such an intimate relationship, other than U.S. Special Operations Command, which was purposely created to conduct systems acquisition. The committee believes it is necessary to ensure that self-perceived requirements do not emerge in U.S. Cyber Command and migrate under the radar screen of defense acquisition management processes directly to NSA for solutions.

A large fraction of cyberspace tools, applications, and capabilities will be software based and classified. It has been difficult enough historically to maintain appropriate distinctions between genuine "software maintenance" and the development of new capabilities in less highly classified and dynamic major systems. In this critically important and sensitive new mission area of cyber warfare, it is essential to be clear about who is responsible for developing new capabilities—and how that development and fielding is conducted.

Report on the cyber warfare policy of the Department of Defense (sec. 934)

The committee recommends a provision that would require the Secretary of Defense to report to Congress by March 1, 2011, on the cyber policy of the Department of Defense (DOD). The committee's extensive examination of DOD's proposal to establish U.S. Cyber Command as a sub-unified command under U.S. Strategic Command revealed that there are substantial and worrisome gaps in the policy and guidelines needed to govern U.S. military operations in cyberspace. Senior DOD officials testified to this effect, and assured the committee that the Secretary of Defense understands this situation very well and intends to address the outstanding issues vigorously. The committee was informed that the Secretary intends to have answers to some of the major policy questions by the end of this calendar year. The committee places great importance on the fulfillment of this commitment.

The committee appreciates the fact that the new administration inherited these unresolved cyber policy issues and that it may not be reasonable to expect that all of the difficult and complex issues can be resolved by March 1, 2011. Below is an extensive but not exhaustive list of the policy issues that were discussed extensively with DOD officials during the committee's cyber review. If the Secretary's policy review process is unable to address or resolve any of these matters, or others that the Secretary deems significant, the committee requests that the Secretary note them, and explain why they need to be deferred or remain unresolved, and when he expects some resolution.

The issues referred to above are these:

1. The development of a declaratory deterrence posture for cyberspace, including the relationship between military operations in cyberspace and kinetic operations. The committee believes that this deterrence posture needs to consider the current vulnerability of the U.S. economy and government institutions to attack, the relatively lower vulnerability of potential adversaries, and the advantage currently enjoyed by the offense in cyberwarfare;
2. The necessity of preserving the President's freedom of action in crises and confrontations involving nations which may pose a manageable conventional threat to the United States but which in theory could pose a serious threat to the U.S. economy, government, or military through cyber attacks;
3. How deterrence or effective retaliation can be achieved in light of attribution limitations;
4. To the extent that deterrence depends upon demonstrated capabilities or at least declarations about capabilities and retaliatory plans, how and when the Department intends to declassify information about U.S. cyber capabilities and plans or to demonstrate capabilities;
5. How to maintain control of or manage escalation in cyberwarfare, through, for example, such measures as refraining from attacking certain targets (such as command and control and critical infrastructure);
6. The rules of engagement for commanders at various command echelons for responding to threats to operational missions and in normal peacetime operating environments, including for situations in which the immediate sources of an attack are computers based in the United States;
7. How the administration will evaluate the risks and consequences attendant to penetrations of foreign networks for intelligence gathering in situations where the discovery of the penetration could cause the targeted nation to interpret the penetration as a serious hostile act;
8. How DOD shall keep Congress fully informed of significant cyberspace accesses acquired for any purpose that could serve as preparation of the environment for military action;
9. The potential benefit of engaging allies in common approaches to cyberspace deterrence, mutual and collective defense, and working to establish norms of acceptable behavior in cyberspace;

10. The issue of third-party sovereignty to determine what to do when the U.S. military is attacked, or U.S. military operations and forces are at risk in some other respect, by actions taking place on or through computers or other infrastructure located in a neutral third country.

11. The issue of the legality of transporting cyber "weapons" across the Internet through infrastructure owned and/or located in neutral third countries without obtaining the equivalent of "overflight rights."

12. The definition or the parameters of what would constitute an act of war in cyberspace, and how the laws of war should be applied to military operations in cyberspace; and

13. What constitutes use of force in cyberspace for the purpose of complying with the War Powers Act (Public Law 93–148).

Reports on Department of Defense progress in defending the Department and the defense industrial base from cyber events (sec. 935)

The committee recommends a provision that would require the Secretary of Defense to provide annual reports that assess whether the Department is improving its ability to defend Department of Defense networks and information systems and those of the defense industrial base against cyber attacks and intrusions. The first such report would be required to provide a baseline and metrics for measuring performance against an evolving threat, including categorizing the types of attacks and the vulnerabilities that were exploited. These reports would also disclose what information was lost and other impacts on the Department. The reports also would provide a net assessment of the offensive and defensive capabilities of the United States as compared to potential adversaries and other nations with advanced cyber warfare capabilities, along with a comparison of relative dependence on the Internet.

This reporting requirement would expire in 2015.

Subtitle E—Other Matters

Report on organizational structure and policy guidance of the Department of Defense regarding information operations (sec. 951)

The committee recommends a provision that would direct the Secretary of Defense to conduct a review of the Department of Defense's (DOD) organizational structure and policy guidance relating to information operations (IO) activities, which is currently defined by the Department to include electronic warfare, computer network operations, psychological operations, military deception, and operations security. This review shall include, but not be limited to, a review of: (1) the appropriate location within the Department of the lead official responsible for IO, including the designation of a principal staff assistant to the Secretary of Defense for IO; (2) responsibilities for developing and overseeing DOD IO policy and integration activities; (3) responsibilities for DOD oversight and planning, execution, and related policy guidance; (4) responsibilities for intra-DOD and inter-governmental coordination and de-confliction activi-

ties for all DOD IO activities; (5) the roles and responsibilities of the military departments, U.S. Special Operations Command, and functional and geographic combatant commands in the development and implementation of IO; (6) the roles and responsibilities of the defense intelligence agencies for support to IO activities; (7) the appropriate role of the Assistant Secretary of Defense for Public Affairs; (8) related capabilities to include public affairs, civil-military operations, defense support to public diplomacy, and intelligence support; (9) the appropriate policy and implementation management structure for the computer network operations component of IO activities; and (10) the use and oversight of contractors in IO development and implementation. Following this review, the Secretary shall promulgate a new DOD Directive on IO.

A report on the Secretary's review shall be provided to the Committees on Armed Services of the Senate and the House of Representatives no later than 90 days after the enactment of this Act. The committee provides additional guidance related to this provision in the classified annex.

The committee remains concerned about the Department's ability to oversee adequately and manage appropriately the large sums of money flowing into a variety of information operations programs. The committee believes this internal oversight failure is a result of the roles and responsibilities for IO being too fragmented across organizations within the Department and that too much of the policy development and oversight for IO programs has migrated into the Office of the Under Secretary of Defense for Intelligence (USD(I)). Further, the committee believes the review also needs to address the extent to which it is appropriate for USD(I) to be given the responsibility for the development and implementation of IO programs. Further, as a general rule, the committee believes intelligence should inform policy and the Department's current organizational arrangement is not consistent with this widely accepted doctrine.

The committee is also concerned that the establishment of U.S. Cyber Command and the position of Deputy Assistant Secretary of Defense for Cyber and Space Policy calls into question the continued incorporation of computer network operations in the Department's definition of Information Operations, which asserts that all elements under the Information Operations label will be managed and overseen in a fully integrated manner.

Report on the organizational structures of the geographic combatant commands headquarters (sec. 952)

The committee recommends a provision that would require the Secretary of Defense and Chairman of the Joint Chiefs of Staff to report to the Committees on Armed Services of the Senate and the House of Representatives on effectiveness of the interagency-oriented geographic combatant command headquarters' organizational structure. The report shall include, but not be limited to: (1) a description of the organizational model used by each of the geographic combatant commands (GCC); (2) an assessment of the benefits and limitations of each organizational model in meeting broad-ranging military missions; (3) a description and assessment of the role and contribution of other Federal departments and agencies

within each organization model, including any plans to expand interagency participation in the future; (4) a description of any lessons learned from the U.S. Southern Command (SOUTHCOM) and U.S. Africa Command (AFRICOM) organizational structures, to include an assessment of the value-added, if any, of the position of civilian deputy to the commander at SOUTHCOM and AFRICOM; and (5) any other matters the Secretary and Chairman may deem appropriate. The report should be provided to the aforementioned committees no later than 90 days from the enactment of this Act.

In September 2007, SOUTHCOM, with the approval of the Secretary of Defense, began the transformation to a joint, interagency, regional security command. As part of this transformation process, SOUTHCOM altered its organizational structure and functioning. The new enterprise directorate-based organization model was a transition from the traditional Joint Staffing or J-code organizational model used by most of the combatant commands and the Joint Staff. Since the SOUTHCOM reorganization, AFRICOM was established and organized in a similar enterprise directorate-based manner and U.S. European Command is reportedly reviewing the appropriateness of a comparable reorganization.

The committee viewed favorably the effort by SOUTHCOM and AFRICOM to explore methods to synchronize more effectively the soft power elements of national security and to respond more effectively and rapidly to regional issues and transnational threats. In February 2009, however, the Government Accountability Office reported that AFRICOM was having difficulty in integrating interagency personnel into its structure. Moreover, the committee is aware of a recent decision by the SOUTHCOM commander to revert to the former and more traditional J-code organizational structure during the U.S. Government's response to the January 12, 2010, earthquake in Haiti. This decision was reportedly due to, at least in part, command and control and communications shortcomings of the enterprise directorate-based command structure. The committee notes that the Department had previously indicated that these issues had been addressed, most notably in an October 17, 2008, report to the Committees on Armed Services of the Senate and the House of Representatives. The committee remains open to the possibility of more integrated interagency-oriented GCCs, but is interested in better understanding the benefits and limitations of the enterprise directorate-based model.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

General transfer authority (sec. 1001)

The committee recommends a provision that would authorize the transfer of up to $5.0 billion of funds authorized in Division A of this Act to unforeseen higher priority needs in accordance with normal reprogramming procedures. Transfers of funds between military personnel authorizations would not be counted toward the dollar limitation in this provision.

Repeal of requirement for annual joint report from Office of Management and Budget and Congressional Budget Office on scoring of outlays in defense budget function (sec. 1002)

The committee recommends a provision that would repeal section 226 of title 10, United States Code. That section requires the Director of the Office of Management and Budget (OMB) and the Director of the Congressional Budget Office (CBO) to provide Congress with a joint report, no later than April 1 of each year, containing an agreed-upon resolution of all differences between the technical assumptions used by OMB and CBO in preparing the estimates with respect to all accounts in function 050 (national defense) for the budget to be submitted to Congress in the following year. If the two Directors are unable to agree upon any technical assumption, the report reflects the use of averages of the relevant account rates used by the two offices.

This report is unnecessary because it largely duplicates information already provided in the President's Budget. Furthermore, OMB and CBO already work together to reconcile outlay estimates and regularly alert Congress to where outlay estimates differ.

Subtitle B—Naval Vessels and Shipyards

Extension of authority for reimbursement of expenses for certain Navy mess operations (sec. 1011)

The committee recommends a provision that would extend section 1014 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), which authorizes the Department of Defense to fund from Navy operations and maintenance accounts the cost of meals on United States naval and naval auxiliary vessels for non-military personnel, through September 30, 2015, and would establish an annual limit of no more than $1.0 million.

In fiscal year 2009, the Department expended approximately $400,000 for meals sold to authorized personnel during U.S. civil-military operations, including Continuing Promise 2008/2009, Afri-

can Partnership Station 2009, and Pacific Partnership Station 2009. The committee expects the Department's expenditures under this authority will increase in fiscal year 2010 due to Operation Unified Response/Joint Task Force-Haiti.

The committee recognizes the value of recent civil-military operations and humanitarian relief missions—executed by the USNS *Comfort*, USNS *Mercy*, and other vessels—and acknowledges the importance of building partnerships and fostering the positive image of America worldwide. The committee also understands that the participation of non-governmental organizations and host and partner nations is vital to the successful execution of these missions.

Subtitle C—Counterdrug Matters

Notice to Congress on military construction projects for facilities of foreign law enforcement agencies for counterdrug activities (sec. 1021)

The committee recommends a provision that would require the Secretary of Defense to submit to the congressional defense committees a notification of the decision to construct, repair, or modify a facility of a foreign law enforcement agency for the purpose of supporting said agencies' counterdrug activities. This provision would enhance the existing notification and wait requirement under section 1004(h) of the National Defense Authorization Act (NDAA) for Fiscal Year 1991, as amended (Public Law 101–510).

In fiscal year 2009, the Department initiated a number of military construction projects under its support to foreign law enforcement agencies authority (section 1004 of the NDAA for Fiscal Year 1991, as amended), including more than $24.0 million for the construction of the regional law enforcement center in Kandahar, Afghanistan, $1.3 million for the construction of a national narcotics bureau training facility in Indonesia, $2.7 million for an operations center, barracks, and pier in Costa Rica, $0.8 million for construction of an access road for a counter-narcotics unit in Cameroon, and $1.0 million for the renovation of the ministry of interior and state intelligence service buildings in Albania. The congressional defense committees, under current law, are only provided an annual report of these efforts if Congress renews section 1022(a) of the Floyd D. Spence NDAA for Fiscal Year 2001, as amended (Public Law 106–398). This provision would provide improved visibility on the support to foreign law enforcement agencies provided by the Department. The committee, however, also extends section 1022(a) in another section of this Act.

Extension and expansion of support for counter-drug activities of certain foreign governments (sec. 1022)

The committee recommends a provision that would extend by 1 fiscal year the duration of authority for assistance under section 1033 of the National Defense Authorization Act (NDAA) for Fiscal Year 1998 (Public Law 105–85), as amended, extend the limitation on the maximum amount of support, and expand the list of countries that could qualify for assistance under section 1033 to the Government of Nicaragua.

The committee did not look favorably upon the Department's request to increase the maximum amount of support authorized under this provision due to the Department's underemployment of this authority for consecutive fiscal years. The committee is keen to understand the reasons for the Department's continued under utilization of this important building partnership capacity authority, particularly given the addition of six countries in the last 3 years.

Extension and modification of joint task forces support to law enforcement agencies conducting counter-terrorism activities (sec. 1023)

The committee recommends a provision that would extend for 1 fiscal year the authority provided under section 1022 of the National Defense Authorization Act (NDAA) for Fiscal Year 2004 (Public Law 108–136), as amended, which expires at the end of fiscal year 2010, through fiscal year 2011. The provision would also limit the availability of this authority for any fiscal year after 2010 until the Secretary of Defense makes a determination that a significant connection exists between an entity engaged in illegal drug trafficking and the foreign terrorist organization concerned before utilizing this authority and would require the Secretary of Defense to provide a report to Congress as to whether each existing joint task force providing support under section 1022 of the NDAA for Fiscal Year 2004, as amended, as of September 30, 2010, is providing such support in a manner consistent with this new requirement.

Extension of numerical limitation on assignment of United States personnel in Colombia (sec. 1024)

The committee recommends a provision that extends section 1021(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), as amended, for 1 fiscal year the limitation on the number of U.S. military and federally funded civilian contractor personnel in the Republic of Colombia through fiscal year 2011.

Reporting requirement on expenditures to support foreign counter-drug activities (sec. 1025)

The committee recommends a provision that would extend, by 1 year, the reporting requirement on expenditures to support foreign counterdrug activities under section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), as amended.

Subtitle D—Homeland Defense and Civil Support

Limitation on deactivation of existing Consequence Management Response Forces (sec. 1031)

The committee recommends a provision that would prohibit the deactivation or disestablishment of any Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive (CBRNE) Consequence Management Response Force (CCMRF) established as of October 1, 2009, until 90 days after the Secretary of Defense certifies that

there exists within the Armed Forces an alternative CBRNE consequence management response capability that is at least as capable as 2 CCMRFs. The provision would also require a report by the Secretary of Defense on the plans of the Department of Defense (DOD) to establish Homeland Response Forces for domestic emergency response to incidents involving weapons of mass destruction.

The committee is concerned that DOD is planning to disestablish an existing CCMRF, and it plans not to establish a previously planned third CCMRF on October 1, 2010. Instead, DOD plans to establish 10 Homeland Response Forces (HRF) in the National Guard, and locate 1 HRF in each of the 10 Federal Emergency Management Agency Regions, under the control of the Governor in the state where they are located. The committee does not believe it is prudent to eliminate the existing DOD consequence management capability—the second CCMRF—unless and until there is an equal or better capability in place.

Furthermore, the committee is concerned that the planned HRFs may not be able to provide the same level of capability as the CCMRFs, since they would be only a fraction of the size of a CCMRF. Even if multiple HRFs were to join in response to a large-scale incident, which would be difficult given their planned regional dispersal, they would not provide nearly the capability of a single CCMRF.

Additionally, by placing the HRFs in the National Guard under the control of Governors, DOD would be removing these units from the direction and control of DOD and the Federal Government. The mission of providing defense support to civil authorities in response to a disaster is a Federal responsibility, and it is not apparent that the planned HRFs will be able to provide the same form of coordinated, planned, and organized response that now exists with the CCMRFs.

Authority to make excess nonlethal supplies available for domestic emergency assistance (sec. 1032)

The committee recommends a provision that would amend section 2557 of title 10, United States Code, to authorize the Secretary of Defense to make excess nonlethal supplies available for domestic emergency assistance purposes. Under section 2557, the Secretary already has the authority to make such supplies available for humanitarian relief and homeless veterans' assistance. This provision would expand the purposes for which such supplies could be made available to include domestic emergency assistance. It would also require that the distribution of such supplies for domestic emergency assistance purposes shall be coordinated with the Secretary of Homeland Security.

Sale of surplus military equipment to State and local homeland security and emergency management agencies (sec. 1033)

The committee recommends a provision that would amend section 2576 of title 10, United States Code, to expand the State and local agencies to which the Secretary of Defense may sell surplus military equipment, to include homeland security and emergency management agencies. Under section 2576, the Secretary already

has the authority to sell surplus military equipment to State and local law enforcement and firefighting agencies. The provision would also expand the surplus equipment that the Secretary may sell to State or local agencies to include personal protective equipment and other appropriate equipment.

Subtitle E—Miscellaneous Authorities and Limitations

National Guard support to secure the southern land border of the United States (sec. 1041)

The committee recommends a provision that would require the Secretary of Defense to deploy not fewer than 6,000 National Guard personnel to perform operations and missions along the southern land border of the United States for the purposes of assisting the U.S. Customs and Border Protection in securing such border.

Prohibition on infringing on the individual right to lawfully acquire, possess, own, carry, and otherwise use privately owned firearms, ammunition, and other weapons (sec. 1042)

The committee recommends a provision that would prohibit the Secretary of Defense from regulating the otherwise lawful acquisition, possession, ownership, carrying, or other use of privately-owned firearms on property that is not a Department of Defense installation and is not any other property that is owned or operated by the Department of Defense, subject to specified exceptions. The provision would also require the Secretary of Defense to conduct a comprehensive review of the legal and policy issues regarding the regulation of privately-owned firearms off of a military installation, and submit his findings and recommendations to the Committees on Armed Services of the Senate and the House of Representatives.

Extension of limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1043)

The committee recommends a provision that would extend through December 31, 2011, the provisions of section 1041 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2454). As a result, the provision would extend through the end of 2011 the prohibition in that section on the use of funds available to the Department of Defense (DOD) to release any detainee at United States Naval Station, Guantanamo Bay, Cuba, into the United States, its territories, or possessions. It would also extend through the end of 2011 the prohibition in that section on the use of DOD funds for the transfer of any Guantanamo detainee into the United States until 45 days after the President submits a detailed, comprehensive plan for the disposition of any such detainee.

Limitation on transfer of detainees from United States Naval Station Guantanamo Bay, Cuba, to certain countries (sec. 1044)

The committee recommends a provision that would prohibit for 1 year the use of Department of Defense funds to transfer individuals held at the Guantanamo Bay detention facility to countries where Al Qaeda has an active presence, specifically Afghanistan, Pakistan, Saudi Arabia, Somalia, and Yemen.

Clarification of right to plead guilty in trial of capital offense by military commission (sec. 1045)

The committee recommends a provision that would clarify the procedures for guilty pleas in the trial of capital cases by military commissions. The amendment would provide that a sentence of death may only be imposed by a unanimous vote of all members of a military commission concurring in the sentence.

Fiscal year 2011 administration and report on the Troops-to-Teachers Program (sec. 1046)

The committee recommends a provision that would authorize the Secretary of Defense to administer and fund the Troops-to-Teachers Program during fiscal year 2011. The provision would also require the Secretary of Defense and the Secretary of Education to report to Congress on the history, administration, and effectiveness of the Troops-to-Teachers Program and the rationale for the proposed transfer of the program from the Department of Education to the Department of Defense and describe any proposed modifications to the program if transferred.

Military impacts of renewable energy development projects and other energy projects (sec. 1047)

The committee recommends a provision that would require the Secretary of Defense to establish a comprehensive strategy for addressing military impacts of renewable energy projects and other energy projects, with the objective of ensuring that the robust development of renewable energy sources and the expansion of the commercial electrical grid may move forward in the United States, while minimizing or mitigating any adverse impacts on military operations and readiness.

Public availability of Department of Defense reports required by law (sec. 1048)

The committee recommends a provision that would require the Secretary of Defense to ensure that Department of Defense (DOD) reports to Congress are made available to the public, upon request. This requirement would not apply to reports that contain classified information, proprietary information, or other information that is exempt from public disclosure under the Freedom of Information Act (section 522 of title 5, United States Code). DOD could comply with the requirements of this section by posting the covered reports on a publicly-accessible website.

Development of criteria and methodology for determining the safety and security of nuclear weapons (sec. 1049)

The committee recommends a provision that would direct the Secretary of Energy and the Secretary of Defense, acting through the Nuclear Weapons Council (NWC) to develop high level criteria for determining the appropriate baseline for the safety and security of nuclear weapons and a methodology for determining the level of safety and security for each type of nuclear weapon. A report setting forth the criteria and methodology would be due no later than March 1, 2011. Ensuring that the nuclear weapons stockpile remains safe and secure are essential elements to maintaining a nuclear deterrent.

The committee supports improvements to the nuclear weapons stockpile to ensure that in addition to being reliable the stockpile remains safe and secure. As the NWC begins its review of the safety and security of the stockpile, and the various options and possibilities to improve safety and security, the NWC should develop a baseline requirement for safety and security. This baseline would be the minimum requirement for safety and security across the nuclear weapons stockpile. This baseline should be achieved by each weapon type in the stockpile that will go through a life extension program. Developing a baseline for safety and security will ensure that there is a clear understanding of the threat environment in which the nuclear system will exist. Threats to nuclear weapons have changed significantly and improving the safety and security of the stockpile should be achieved wherever feasible.

The safety and security baseline would then be applied to each warhead and a determination made as to whether the baseline is or is not adequate or appropriate for the particular type of weapon, given the environment in which it is deployed, stored, and transported, as well as the inherent design of the weapon. This review would inform decisions with respect to a specific life extension program as to whether higher or possibly even lower levels of safety or security are merited.

For instance, at one point a standard for the nuclear stockpile was to have fire resistant pits in all nuclear weapons. A decision as to whether or not a warhead type actually was designed to have a fire resistant pit was made based on the requirements for the warhead, including the environment in which the warhead would be stored and deployed. While exceptions to the standard were made in the past, exceptions to the new baseline safety and security criteria should be undertaken only with a clear understanding of the risk entailed by such a decision.

As the scope of each new life extension program is determined, through the regular phase 6.x process, the committee believes that the safety and security criteria and a methodology for applying such criteria should be utilized. The methodology should include an opportunity for a broad, system life cycle cost benefit analysis, in addition to the cost of the Life Extension Program, which is currently part of the phase 6.2A process. The Department of Energy and the Department of Defense should each understand their respective costs and responsibilities for safety and security with respect to the life cycle of the system.

While the committee believes strongly that new threats and vulnerabilities should be addressed, the committee also believes that there should be standards established and a review as to how best to meet the standards and address the vulnerabilities even in a constrained budget environment.

Subtitle F—Reports

Report on potential renewable energy projects on military installations (sec. 1061)

The committee recommends a provision that would require the Secretary of Defense to submit a report setting forth an analysis of the potential environmental mission and other costs and benefits of a program to develop renewable energy generation projects on land within the borders of military installations.

Report on use of domestically-produced alternative fuels or technologies by vehicles of the Department of Defense (sec. 1062)

The committee recommends a provision that would require the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives on actions that are being taken and could be taken by the Department of Defense to increase the use of alternative fuels in vehicles through the use of domestically-produced alternative fuels or technologies, including natural gas-based fuels.

Report on role and utility of non-lethal weapons and technologies in counterinsurgency operations (sec. 1063)

The committee recommends a provision that would state the sense of Congress that the Department of Defense should support the research, development, procurement, and fielding of non-lethal weapons and technologies designed to reduce military and civilian casualties, and improve military effectiveness, in counterinsurgency operations. The provision would also require the Department to submit to the congressional defense committees, not later than 120 days after the date of enactment of this Act, a report on the role and utility of non-lethal weapons and technologies in counterinsurgency operations.

Report on United States efforts to defend against threats posed by the anti-access and area-denial capabilities of certain nation-states (sec. 1064)

The committee recommends a provision that would require the Secretary of Defense, not later than February 1, 2011, to submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the Department's efforts to defend against threats posed by the anti-access and area-denial capabilities of potentially hostile nation states. The report should include a description of any efforts by the Department to address findings in the 2010 Quadrennial Defense Review Report regarding advanced anti-access capabilities of foreign countries. The report should also include a discussion of current and future U.S. long-

range strike capabilities in the context of countering anti-access and area-denial strategies.

The committee is concerned by the emergence of what the 2010 Quadrennial Defense Review Report described as "anti-access strategies [that] seek to deny outside countries the ability to project power into a region, thereby allowing aggression or other destabilizing actions to be conducted by the anti-access power." The committee believes it is essential that the U.S. Armed Forces maintain the capability to project power globally in light of growing anti-access challenges. The global presence and reach of U.S. forces protects U.S. interests, provides stability and reassures our many allies and security partners. The committee expects that as anti-access threats emerge, the United States will develop the necessary capabilities and security partnerships, to meet those threats.

In this regard, the committee notes that the U.S. Navy and U.S. Air Force have initiated a dialogue addressing means by which our air and naval forces may more effectively work together in the face of anti-access challenges. The committee encourages the Chief of Naval Operations and Air Force Chief of Staff to work together with the purpose of overcoming emergent anti-access challenges.

Additionally, the committee notes its displeasure that the Department of Defense has failed to submit the Annual Report on the Military and Security Developments involving the People's Republic of China, as required by Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) by the statutory deadline of March 1. The timely submission of this report is required by law, and the committee expects it to be presented to Congress as required.

Subtitle G—Other Matters

Technical, conforming, and updating amendments (sec. 1081)

The committee recommends a provision that would make certain technical and conforming amendments to title 10, United States Code, as recommended by the Department of Defense.

Budget Items

International crime and narcotics analytical tools

The budget request included funding for international crime and narcotics analytical tools. The committee believes the funding increase included in the budget request is excessive. The committee recommends a decrease of $2.0 million.

National Guard counterdrug programs

The committee values the contribution that the National Guard makes to the national counterdrug effort. Therefore, the committee recommends an increase of $35.0 million for the National Guard Bureau's counterdrug activities, along the northern and southern borders of the United States and in other high priority areas.

United States European Command's counterdrug activities

The committee notes that in recent fiscal years the Department of Defense provided counterdrug-related funding to United States European Command (EUCOM) on the basis of the burgeoning illegal narcotics trafficking trade in various parts of the African continent. United States Africa Command has been fully operationally capable for more than 2 years and the legacy counterdrug programs have been transferred. The committee recommends a series of five EUCOM specific reductions within the counterdrug budget request totaling $10.5 million. Specific project code reductions are reflected in the tables in title XIV.

Moving forward, the committee directs the Department to adjust the funding levels for counterdrug related funding dedicated to EUCOM downward to reflect the change in the Unified Command Plan, which moved responsibility for the African continent into the area of responsibility for AFRICOM, and to reflect the significantly greater capacity of our European partners to combat illegal narcotics trafficking.

Items of Special Interest

Army Cooperative Arrangements

The committee notes that the Department of Defense submitted a legislative proposal to Congress that would amend section 4544 of title 10, United States Code, to remove the limitation of eight public-private partnerships, remove the sunset provision now set for September 30, 2014, and would allow multiyear contracting for greater than 5 years.

The committee has not included this legislative proposal because the committee has yet to receive the analysis of the authority's use as required by section 328 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 100–181).

The committee notes that this analysis from the Department of Defense is essential before the committee would make an informed decision regarding the proposed legislative provision regarding the cooperative arrangements addressed in section 4544 of title 10, United States Code.

Audit readiness of financial statements of the Department of Defense

Section 1003 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) requires the Department of Defense to develop a plan to achieve a full, unqualified audit of the Department of Defense (DOD) by September 30, 2017, and to submit semiannual reports to Congress on the Department's progress toward this objective. The committee continues to believe that: (1) the requirement to achieve a clean audit opinion is a key step toward instilling much needed discipline into DOD's financial systems; and (2) this effort should be closely tied to process and control improvements and business systems modernization efforts needed to improve the Department's overall business and financial management.

On May 10, 2010, DOD submitted the first semiannual report on its financial information and audit readiness (FIAR) plan pursuant

to section 1003. This report documents the steps the Department has taken to establish milestones for improving the quality and timeliness of critical financial information, particularly in the areas of budgetary information and the existence and completeness of mission critical assets. The committee notes that the report includes specific interim milestones for achieving audit readiness in areas such as civilian pay, military pay, supply orders, contracts, and funds balance with Treasury only for the Department of the Navy. The committee expects the Department of the Army and the Department of the Air Force to provide comparable interim milestones in the next semiannual report, which is due November 15, 2010.

The report also provides interim milestones for addressing the existence and completeness of some categories of mission critical assets, but does not include a plan for achieving full audit readiness in this area. The committee expects the next semiannual report to include interim milestones for addressing the existence and completeness of all categories of mission critical assets. With regard to the valuation of these assets, the committee understands that the Department must consider the costs as well as the benefits of actions associated with achieving full audit readiness. The committee directs the Department to: (1) examine the costs and benefits of alternative approaches to the valuation of assets in consultation with other appropriate federal agencies; (2) include a progress report on this effort in the November 15, 2010, semiannual report; and (3) develop a business case supporting the selected approach and include a description of that business case in the May 15, 2011, semiannual report.

Compliance with Rule XLIV of the Standing Rules of the Senate

In accordance with the requirements of Rule XLIV of the Standing Rules of the Senate, this report includes a table listing additional funding for items requested by Senators, along with the intended recipient and intended location of performance identified in connection with each such request. This information is provided as an indication of the intention of the requesting Senator, not the intention of the committee. The information in this table will be posted on the website of the Senate Committee on Armed Services after the committee votes to report the bill.

In addition, the committee has requested that each member requesting additional funding for items in this bill provide a certification that neither the Senator nor the Senator's immediate family has a pecuniary interest in the item, as required by Rule XLIV of the Standing Rules of the Senate. The committee has received the requested certification from each Senator requesting funding for items that is provided in this bill. These certifications will also be posted on the website of the Senate Committee on Armed Services after the committee votes to report the bill.

By including a table of requested funding items in the report and posting Member certifications relative to such funding items on the committee website, the committee takes no position as to which of these items, if any, meet the definition of a congressionally directed spending item, limited tax benefit, or limited tariff benefit in Rule

XLIV of the Standing Rules of the Senate. The committee directs the Department of Defense to use all applicable competitive, merit-based procedures in the award of any new contract, grant, or other agreement entered into with funds authorized to be appropriated by this bill. No provision in the bill or report shall be construed to direct funds to any particular location or entity unless the provision expressly so provides.

Export Control Reform

The committee notes that the Secretary of Defense has invested a great deal of time and energy into reforming the U.S. Government's regulations and procedures for exporting weapons and dual-use equipment and technology. In a recent speech the Secretary said "[the current export control] rules, organizations, and processes are not set up to deal effectively with those situations that could do us the most harm in the 21st Century—a terrorist group obtaining a critical component for a weapon of mass destruction, or a rogue state seeking advanced ballistic-missile parts. Most importantly, the current arrangement fails at the critical task of preventing harmful exports while facilitating useful ones." The committee shares the Secretary's conclusion about the current regime and is prepared to work with the Secretary, as necessary, to move forward on export control reform.

Further, the committee supports the Secretary's initiative to consolidate and improve the current export control regime. In addition to the Secretary's conclusions, the committee believes it is critical that any reform effort (1) ensure that the U.S. export control system prohibits the transfer of critical military and dual-use technologies to countries, entities, and individuals that pose a real or potential threat to the United States; (2) protects the technological edge of the U.S. military; (3) cultivates a strong and innovative defense industrial base; (4) facilitates greater interoperability and cooperation with U.S. allies and foreign partners; and (5) ensures U.S. compliance with applicable international agreements.

Special operations counter proliferation capabilities

Counter proliferation of weapons of mass destruction (WMD) and the ability to render safe intercepted WMD materials are critical responsibilities assigned to U.S. special operations forces (SOF). On March 16, 2010, the committee received testimony from the Commander of U.S. Special Operations Command (SOCOM) in review of the defense authorization request for fiscal year 2011 and the future-years defense program. In response to a question submitted for the record, the Commander of SOCOM indicated overseas contingency operations have negatively impacted the readiness of SOF to conduct countering WMD missions. According to his response, "SOCOM has the capability to conduct counter proliferation activities but the capacity is limited. Ongoing global counterinsurgency operations have SOCOM counter proliferation forces conducting counter terrorism missions. The result is a reduction in the number of forces available for counter proliferation and reduced counter proliferation expertise due to decreased level of training."

Accordingly, the committee directs the Commander of SOCOM to submit a report to the Committees on Armed Services of the Senate

and House of Representatives, not later than 90 days after enactment of this Act, on SOCOM's plan to reconstitute and sustain its WMD counter proliferation and render safe capabilities over the next 5 year period. The required report should include: (1) an analysis of the number of forces necessary to fulfill this mission requirement; (2) an analysis of current technology and capability gaps; (3) an investment plan to address any identified manpower and equipment shortages; and (4) any other matters the Commander of SOCOM deems appropriate.

Special operations integration with U.S. Embassy Country Teams

The committee recognizes the contributions of special operations personnel working with a number of U.S. Embassy Country Teams around the world. These personnel deploy at the request of the respective Geographic Combatant Commander (GCC) and Chief of Mission and play an important role in enhancing military, interagency, and host nation coordination and planning.

The committee is aware of an ongoing country by country review by U.S. Special Operations Command (USSOCOM) and the GCCs to ensure the requirement for special operations personnel in each country remains valid and appropriate. The committee supports this effort and encourages USSOCOM and the GCCs to conduct such a review on an annual basis in future years. Given the limited availability of special operations personnel and the dynamic nature of the threats to U.S. interests, the committee believes it is important that the allocation of special operations capabilities be continuously evaluated and allocated as appropriate. The committee is concerned that limited special operations capabilities may not be allocated to the highest priority countries in all cases. It is also important that the efforts of these special operations personnel remain closely coordinated and integrated with the country team with which they are working and properly aligned with the Chief of Mission's Strategic Plan.

The committee also supports efforts by USSOCOM and the GCCs to provide for longer and more repeat deployments of special operations personnel to priority countries. The committee believes that such an approach would help build the language, regional, and cultural expertise of individual special operators while also enabling more effective coordination with the respective country team and host nation. As highlighted in the 2009 Quadrennial Defense Review, development of the skills mentioned above takes years of education and experience to achieve, but are critical to effective engagement with host nation military and civilian leaders.

West Africa maritime security initiative

The budget request includes $1,131.0 million for the Department of Defense's drug interdiction and counterdrug activities, of which more than $200.0 million will fund training activities for U.S. counternarcotics partners around the globe. The committee directs the Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats and U.S. Africa Command to develop a West Africa maritime security initiative to include: (1) training in maritime domain awareness; (2) increasing the capacity of partners to patrol

and enforce sovereignty in their own maritime space; and (3) improving the sustainability of their respective organizations with responsibility for maritime law enforcement.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Modification of certain authorities relating to personnel demonstration laboratories (sec. 1101)

The committee recommends a provision that would modify authorities relating to personnel demonstration laboratories to: (1) clarify that the repeal of the National Security Personnel System by section 1113 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) has no effect on the direct hiring authority of the defense laboratories under section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417); (2) increase the number of positions for which such direct hiring authority may be used; and (3) correct certain other cross-references to ensure the full implementation of personnel flexibilities available under the laboratory demonstration program.

Requirements for Department of Defense senior mentors (sec. 1102)

The committee recommends a provision that would require the Secretary of Defense to issue appropriate policies and procedures to ensure that all senior mentors employed by the Department of Defense are: (1) hired as highly-qualified experts (HQE) under section 9903 of title 5, United States Code; and (2) required to comply with all Federal laws and regulations applicable to personnel hired under this provision.

In November and December 2009, USA Today reported that roughly 130 retired senior military officers were being paid to provide advice to the Department of Defense as "senior mentors," while also working for defense contractors. The articles indicated that in the absence of any conflict of interest requirements some senior mentors may have used their access to advocate on behalf of their defense contractor clients.

On April 1, 2010, the Secretary of Defense addressed this issue by requiring that all senior mentors be hired as HQEs. The Secretary's memorandum states:

> "[I]t is imperative that the experts we hire be subject to certain ethics laws and regulations that apply to Federal employees to avoid any perception of impropriety. To that end, it is the policy of the Department to hire all senior mentors as highly qualified experts (HQE) under 5 U.S.C. 9903 and require that they comply with all applicable Federal personnel and ethics laws and regulations. As a part-time employee, among other obligations, an HQE is required to file a financial disclosure report and may not divulge nonpublic information or participate in official matters that raise a financial conflict of interest. Holding senior mentors to such ethical standards pro-

motes public trust and confidence in the integrity of the Department's programs and operations."

The committee endorses the approach taken by the Secretary. The provision recommended by the committee would provide express statutory authority for this approach.

One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for federal civilian employees working overseas (sec. 1103)

The committee recommends a provision that would authorize the head of an executive agency to waive limitations on the aggregate of basic and premium pay payable during calendar years 2009 through 2011 to an employee who performs work in an overseas location that is in the area of responsibility of the Commander, United States Central Command, or an overseas location that was formerly in the area of responsibility of the Commander, United States Central Command but has been moved to the area of responsibility of the Commander, United States Africa Command in support of a contingency operation or an operation in response to a declared emergency.

The total amount payable may not exceed the total annual compensation payable to the Vice President under section 104 of title 3, United States Code.

Extension and modification of enhanced Department of Defense appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces (sec. 1104)

The committee recommends a provision that would authorize the Secretary of Defense to designate any category of health care occupation within the Department of Defense as a shortage category occupation or critical need occupation, and would authorize the Secretary to recruit and appoint qualified individuals directly to those positions. The provision would also extend hiring authorities under this section from September 30, 2012, until December 31, 2015.

Designation of Space and Missile Defense Technical Center of the U.S. Army Space and Missile Defense Command/Army Forces Strategic Command as a Department of Defense science and technology reinvention laboratory (sec. 1105)

The committee recommends a provision that would authorize the Space and Missile Defense Technical Center of the U.S. Army Space and Missile Defense Command/Army Forces Strategic Command to be designated a Department of Defense (DOD) science and technology reinvention laboratory. This designation would allow more flexible personnel hiring and retention practices for scientists and engineers, as already authorized for 17 other DOD laboratory entities in the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

Treatment for certain employees paid saved or retained rates (sec. 1106)

The committee recommends a provision that would amend section 1918(a)(3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009 (5 U.S.C. 5304 note) in order to ensure that certain employees would not experience a reduction in take-home pay as a result of implementation of that Act.

The committee notes that this is a technical change.

Rate of overtime pay for Department of the Navy employees performing work aboard or dockside in support of the nuclear aircraft carrier home-ported in Japan (sec. 1107)

The committee recommends a provision that would authorize until September 30, 2014, a civilian employee of the Department of the Navy who is assigned to temporary duty to perform work aboard, or dockside in direct support of, the nuclear aircraft carrier that is home-ported in Japan to receive overtime pay. The provision would also require the Secretary of the Navy to submit a report on the use of this authority by no later than September 30, 2013, and would require the Director of the Office of Personnel Management to submit a report that addresses the Navy's use of this authority and analyzes the advantages and disadvantages of expanding this authority to include other federal employees.

Item of Special Interest

Action plan for employees on pay retention after conversion from National Security Personnel System to General Schedule

Section 1113 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) repealed the authority for the National Security Personnel System (NSPS) and required the Department of Defense to convert all NSPS employees to other statutory pay systems by no later than January 1, 2012. The provision states that "No employee shall suffer any loss of or decrease in pay" because of the conversion.

In accordance with this provision, a significant number of NSPS employees are likely to be converted to the General Schedule (GS) System at rates of pay in excess of the rates permissible under that system. Senior Department of Defense (DOD) officials have informed the committee that these individuals will be placed on "pay retention" under section 5363 of title 5, United States Code—meaning that they will receive reduced pay raises until their rates of pay return to levels authorized under the GS system. The committee is concerned that a significant number of highly-qualified DOD employees could be in the position of receiving lower pay raises than their colleagues for a period of years.

Accordingly, the committee directs the Department to develop an action plan to identify employees who are placed on pay retention as a result of the conversion from NSPS to the GS system and determine whether action is needed to ensure the fair treatment of such employees. In the case of individuals who received rapid pay increases under NSPS as a result of exceptional individual per-

formance, the action plan should include the identification of opportunities for training and advancement to positions which offer appropriate levels of pay. In the case of individuals serving in positions which were routinely compensated at higher levels under NSPS than in the GS system, the action plan should include a reassessment of GS classifications to ensure that the classifications appropriately reflect the responsibilities and talents of those serving in such positions.

The committee further directs the Department to report to the committee not later than March 15 of 2011, 2012, and 2013 on the number of employees on pay retention as a result of the conversion from NSPS to the GS system and the actions that have been taken to ensure the fair treatment of such employees.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Training and Assistance

Addition of allied government agencies to enhanced logistics interoperability authority (sec. 1201)

The committee recommends a provision that would amend the authority under section 127d of title 10, United States Code, for the Department of Defense (DOD) to provide logistic support, supplies, and services to allied forces to enhance their ability to operate with the logistical support systems of other military forces participating in combined operations with the United States. The provision would expand this authority to allow DOD to also provide logistic support, supplies, and services for these purposes to nonmilitary logistics, security, or similar agency of an allied government if doing so would directly benefit U.S. armed forces. Logistic support, supplies, and services may only be provided under this section with the concurrence of the Secretary of State. Such logistic support, supplies and services provided for the purposes of enhancing logistics interoperability may not exceed $5.0 million in value.

Expansion of temporary authority to use acquisition and cross-servicing agreements to lend certain military equipment to certain foreign forces for personnel protection and survivability (sec. 1202)

The committee recommends a provision that would expand the temporary authority to use acquisition and cross-servicing agreements to loan certain personnel protection equipment to the military forces of partner nations in Iraq, Afghanistan, or a peacekeeping operation in which the United States is participating under the United Nations Charter or another international agreement, provided under section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 stat. 2412), as amended by section 1252 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 stat. 402) and section 1204 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 stat. 4622).

The provision would expand this authority to allow this equipment to be loaned to partner military forces not only in theater but also prior to deployment in connection with the training of those forces participating in combined operations in Iraq, Afghanistan, or a peacekeeping operation subject to this provision. The provision would also require the Secretary of Defense to notify the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives 15 days

in advance of the provision of equipment in connection with the pre-deployment training of military forces under this authority.

The committee recognizes the benefit of having the military forces of partner nations in combined operations train prior to their deployment on equipment similar to the equipment those forces will use upon arrival in theater. At the same time, the committee urges the Department to ensure that equipment loaned under this authority for training purposes is used only by forces to be deployed to Iraq, Afghanistan, or an appropriate peacekeeping operation, and only in connection with training for that deployment.

Authority to build the capacity of Yemen Ministry of Interior Counterterrorism forces (sec. 1203)

The committee recommends a provision that would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to use up to $75.0 million of funds available for operation and maintenance during fiscal year 2011 to enhance the ability of the Yemen Ministry of Interior counterterrorism forces to conduct counterterrorism operations against al Qaeda in the Arabian Peninsula and its affiliates. The authorized assistance may include equipment, supplies, and training. The provision would require the Secretary of Defense to notify the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate not less than 15 days prior to providing assistance under this section.

The committee recognizes the importance of the ongoing efforts by the Department of Defense (DOD) to use "section 1206" train and equip assistance to build the capacity of various elements of the Yemeni military. However, the committee is concerned that too little assistance is being provided to the more capable and responsive Counter Terrorism Unit (CTU) of the Government of Yemen's Ministry of Interior. The Department has indicated that the ongoing "section 1206" train and equip efforts are critical, but the committee is concerned that the results of this effort will not be demonstrated in the near term. With this in mind, the committee believes it is critical to provide DOD with the authority to expand its train and equip efforts to include CTU. This assistance will help to ensure that DOD has a reliable partner to rely on for counterterrorism operations in this very sensitive area of the world and provide the Department with additional flexibility and agility in dealing with the threats emanating from Yemen.

The committee notes explicitly in the provision that these funds shall be used to enhance the ability of CTU to conduct operations against "al Qaeda in the Arabian Peninsula and its affiliates." The committee notes that there have been public reports suggesting that the Government of Yemen may have used equipment provided by the United States to conduct operations against government opposition elements in both the North and South. The committee believes this would be a misuse of this assistance and any other security assistance provided to the Government of Yemen.

Authority to pay personnel expenses in connection with African cooperation (sec. 1204)

The committee recommends a provision that would permit the Secretary of Defense or the secretary of a military department to pay the travel, subsistence, and special compensation of officers and students and other expenses that such secretary considers necessary for African cooperation.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

One-year extension and modification of Commanders' Emergency Response Program and related authorities (sec. 1211)

The committee recommends a provision that would extend for 1 year the authority for the Commanders' Emergency Response Program (CERP), which enables commanders in Iraq and Afghanistan to fund humanitarian relief and reconstruction projects that provide immediate benefit to the local people. The provision would authorize the Secretary of Defense to use up to $900.0 million in Operation and Maintenance, Army, Overseas Contingency Operations, funding in fiscal year 2011 for CERP. Of this amount, $100.0 million would be available for CERP in Iraq and $800.0 million would be available for CERP in Afghanistan. The provision would also extend for 1 year the authority of the Secretary of Defense to transfer up to $50.0 million of CERP funds to the Department of State to support the Afghanistan National Solidarity Program if the Secretary determines that transferring these funds would enhance counterinsurgency or stability operations in Afghanistan. The provision would also extend for 1 year the authority of the Secretary of Defense, with the concurrence of the Secretary of State, to use funds provided for CERP to support the reintegration of Afghans who have renounced violence against the Government of Afghanistan.

The committee understands that the budget request included $1.3 billion for CERP, comprised of $200.0 million for CERP in Iraq and $1.1 billion for CERP in Afghanistan.

The committee has concerns with regard to the requested level of $200.0 million for CERP in Iraq, which is equal to the level of CERP in Iraq for fiscal year 2010. The committee believes that the requirement for CERP in Iraq should decline in fiscal year 2011 as the U.S. forces transition from a combat mission to an advise and assist role by September 2010, and as United States Forces-Iraq (USF–I) prepares to meet the December 31, 2011, deadline for the withdrawal of all U.S. military forces from Iraq in accordance with the United States-Iraq Security Agreement. The committee understands that the CERP level requested by the Commander, USF–I, to United States Central Command (CENTCOM), was $100.0 million for fiscal year 2011, which is consistent with the committee's recommended funding level for CERP in Iraq. The committee also commends the Commander, USF–I, for issuing updated guidance to commanders in Iraq to ensure that only simpler, shorter, and less expensive CERP reconstruction projects are undertaken in order to ensure those projects can be completed before the end of 2011.

The committee also has concerns about the budget request of $1.1 billion for CERP in Afghanistan, an increase of $100.0 million above the level of Afghanistan CERP appropriated in fiscal year 2010. In the Senate report accompanying S. 1390 (S. Rept. 111–35) of the National Defense Authorization Act for Fiscal Year 2010, the committee expressed significant concerns about the rapid growth of CERP funding in Afghanistan and the capacity of Afghanistan, given its lack of infrastructure and high illiteracy rates, to absorb such a significant influx of CERP funds. The committee also expressed concerns about the capacity of the Department of Defense to oversee and manage such a large increase in reconstruction funds. The Secretary of Defense has acknowledged congressional concerns with respect to CERP and has initiated an internal assessment of the program, including the need for better coordination within the Department, additional CERP managers in theater, and improved pre-deployment and in-country training. The committee welcomes this CERP review and looks forward to being briefed on the Department's findings. In addition, the committee notes that CENTCOM has issued new guidelines limiting the number of projects each CERP team should oversee. The committee continues to have concerns about the capacity of Afghanistan to absorb such a large influx of CERP funds as well as other reconstruction assistance, and notes that as of the end of March 2010, less than $85.0 million in CERP funds had been committed in Afghanistan and less than $50.0 million had been obligated of fiscal year 2010 funds. The committee recommends a decrease in the budget request for CERP in Afghanistan of $300.0 million, to a level of $800.0 million.

The committee therefore recommends a total decrease in the budget request for CERP in Iraq and Afghanistan of $400.0 million, to a funding level of $900.0 million.

Increase in temporary limitation on amount for building capacity of foreign military forces to participate in or support military and stability operations (sec. 1212)

The committee recommends a provision that would raise the limitation on the amount of funds available under the Global Train and Equip Program authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended, for programs to build the capacity of foreign military forces to participate in or support military and stability operations in which U.S. Armed Forces are participating. The provision would raise the limitation from $75.0 million during fiscal year 2010 to $100.0 million during fiscal year 2011.

The committee believes that the use of section 1206 funds to build the capacity of coalition partners' military forces to conduct stability operations is providing a valuable contribution to International Security Assistance Force operations in Afghanistan.

Extension of authority for reimbursement of certain coalition nations for support provided to United States military operations (sec. 1213)

The committee recommends a provision that would extend for fiscal year 2011 the authority of the Secretary of Defense to reim-

burse key cooperating nations for logistical and military support provided to or in connection with U.S. military operations in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF), pursuant to section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2519). The provision would also extend the authority of the Secretary of Defense to provide support to these key cooperating nations in the form of specialized training and supplies or the loan of specialized equipment. The total amount of reimbursements and other support provided under this provision would be limited to $1.6 billion for fiscal year 2011. The provision would also require the Secretary of Defense to submit to Congress the Department's guidance on the use of the authority to provide specialized equipment and supplies and loan specialized equipment under this provision, and any modification to that guidance in the future.

The provision would also extend until September 30, 2012, the requirements of section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393) applicable to notifications of reimbursements of support provided by Pakistan.

Extension and modification of Pakistan Counterinsurgency Fund (sec. 1214)

The committee recommends a provision that would extend for 1 year the authority of section 1224 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521) regarding the use of the Pakistan Counterinsurgency Fund (PCF) to build the capabilities of the Pakistan security forces to conduct counterinsurgency operations. The provision would also require that assistance under the PCF be provided in a manner that promotes observance of and respect for human rights and fundamental freedoms and respect for legitimate civilian authority in Pakistan.

The committee directs the Department of Defense to submit a spend plan to the congressional defense committees no later than 30 days after the Department of State transfers funds into the PCF but not less than 15 days prior to any obligation of those funds. The committee further directs the Department, following the submission of the spend plan, to submit to the congressional defense committees monthly commitment, obligation, and expenditure data, by subactivity group for the PCF, no later than 30 days after the end of each month.

Extension of authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan (sec. 1215)

The committee recommends a provision that would extend through December 31, 2011, the authority under section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–81; 123 Stat. 2533) to transfer defense articles, and provide defense services in connection with the transfer of those articles, to the Iraq security forces or the Afghanistan security forces

to support their efforts to provide for peace and security internally. Defense articles subject to this provision must either be in Iraq or have been withdrawn from Iraq to Kuwait. The requirement to provide quarterly reports under this section would be extended through March 31, 2012.

Sense of Congress and reports on training of Afghan National Police (sec. 1216)

The committee recommends a provision that would express the sense of Congress that the U.S. Government should take measurable steps to improve its capacity to advise and mentor the Afghan National Police (ANP) and to clarify roles, missions, and responsibilities within the U.S. Government for police training and rule of law operations.

The provision would also require a number of reports to Congress on police training in Afghanistan, Iraq, and elsewhere, including: a report by the Department of Defense Inspector General (DODIG), in consultation with the Department of State Inspector General (DOSIG), on the ANP training program; a Government Accountability Office report on the use of U.S. Government personnel in place of contractors for the training of the ANP; and a report by the Secretary of Defense on a strategy for police training and rule of law programs in Afghanistan, Iraq, and elsewhere abroad.

The committee is very concerned that after the disbursement of more than $6.3 billion in Afghan Security Forces Funds between fiscal year 2005 and March 2010 for police training, the ANP continues to suffer from low quality, high illiteracy rates, deceptive recruiting tactics, desertions, and corruption, according to an April 30, 2010, report from the Special Inspector General for Afghanistan Reconstruction. In addition, a joint report by the DODIG and the DOSIG found numerous lapses in the oversight and management of the current police training contract. The committee intends to monitor closely the transition of contractual responsibility for the primary ANP training program from the Department of State to the Department of Defense.

Subtitle C—Reports

One-year extension of report on progress toward security and stability in Afghanistan (sec. 1231)

The committee recommends a provision that would extend for 1 year the requirement under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385), as amended by section 1236 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–81; 123 Stat. 2535), for the President, acting through the Secretary of Defense, to submit a semi-annual report on progress toward security and stability in Afghanistan (the "section 1230 report").

The committee notes that the section 1230 report submitted in April 2010 marked the first time that this report was provided to Congress on time and marked a significant improvement over earlier submissions of the report both in timeliness and substance. The committee believes that the section 1230 report is an important tool for providing Congress and the American people a base-

line measurement of the conditions on the ground in Afghanistan and for evaluating the progress of U.S., coalition and Afghan forces in implementing the counterinsurgency (COIN) strategy announced by the President.

A critical component of the COIN strategy is building the capacity of the Afghanistan National Security Forces (ANSF) to be able to provide for their country's security. The committee supports the efforts to partner Afghan National Army units and Afghan National Police units with International Security Assistance Force units to build ANSF capacity while these units are deployed throughout the country. The committee requests that the Department develop metrics for effectively measuring the progress of the partnering effort in Afghanistan and include data on those metrics in the section 1230 reports in the future.

Two-year extension of United States plan for sustaining the Afghanistan National Security Forces (sec. 1232)

The committee recommends a provision that would extend for 2 years, through the end of fiscal year 2012, the requirement under section 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 390) for the Secretary of Defense, in coordination with the Secretary of State, to report on the long-term plan for sustaining the Afghanistan National Security Forces.

Report on Department of Defense support for coalition operations (sec. 1233)

The committee recommends a provision that would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the implementation of Department of Defense (DOD) authorities for providing support to coalition partners in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF). The report would include a description of the purpose and use of each authority, a summary of the amount of assistance provided under each authority, and an assessment of the effectiveness of this assistance. The report would also include for each country that received DOD coalition support a description of that country's contribution to coalition operations in OEF or OIF, and an assessment of how the coalition support provided by the United States enhanced that country's contribution. In addition, the report would include a description of the Department's efforts to eliminate duplication and overlap in coalition support authorities and an assessment of ongoing and future needs for DOD coalition support authorities. The provision would define coalition support authorities to include: Coalition Support Funds, particularly the Coalition Readiness Support Program; the lift and sustain authorities; the authority to provide logistic support, supplies, and services to allied forces in combined operations; the temporary authority to lend significant military equipment under acquisition and cross-servicing agreements; the authority under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) to provide assistance to build foreign nations' capacity to support military or sta-

bility operations; and any other authority designated by the Secretary of Defense as a coalition support authority.

The committee notes the multiple authorities DOD has requested over the past several years for enhancing the ability of partner nations to participate in coalition operations. The committee recognizes the important contribution of our partner nations in OEF and OIF and has sought to be supportive of combatant commanders' needs for additional tools to promote the interoperability of U.S. and partner nation forces and to strengthen force protection during coalition operations. However, because the Department has sought the various coalition support authorities on an ad hoc basis, the committee believes there is a need for DOD to conduct a comprehensive review of the scope and effectiveness of these authorities and assess the requirement going forward for these coalition support authorities.

Report on United States engagement with the Islamic Republic of Iran (sec. 1234)

The committee recommends a provision that would require the President, no later than January 31, 2011, to deliver a report to Congress on U.S. engagement with the Islamic Republic of Iran. The report's elements include assessments and discussions on: (1) ongoing diplomatic engagement activities with the Government of Iran, (2) the Government of Iran's support for terrorism, (3) the Government of Iran's nuclear activities, (4) the Government of Iran's missile development activities, (5) the Government of Iran's support for the illegal narcotics network in Afghanistan, (6) the Government of Iran's strategic decision-making capacity, (7) sanctions against Iran, including an inventory and analysis of the effectiveness of such sanctions, and (8) U.S. student visa policy with respect to Iran. To the extent possible, the report shall be submitted in an unclassified format.

Defense Policy Board report on Department of Defense strategy to counter violent extremism outside the United States (sec. 1235)

The committee recommends a provision that would direct the Defense Policy Board to provide a report to Congress on the Department's countering violent extremism (CVE) strategy outside of the United States. This report should include: (1) an assessment of the effectiveness of the Department's ongoing CVE activities; (2) an analysis of alternatives and available options the Department should consider in its CVE activities; (3) an analysis of the Department's information campaign against violent extremists; and (4) such recommendations for further action to address the matters covered by the report as the Defense Policy Board considers appropriate.

In March 2010, the Senate Committee on Armed Services' Subcommittee on Emerging Threats and Capabilities held a hearing on U.S. Government efforts to counter violent extremism with witnesses representing the Department of Defense and Department of State, as well as a panel of non-government witnesses. This hearing confirmed what Secretary of Defense Robert Gates has said

many times: we cannot capture or kill our way to victory in the war against al Qaeda and its affiliates.

While the committee believes it is critical that the United States continue to take immediate, necessary actions to protect the United States and its interests from terrorist attacks, the committee also maintains, as does the Secretary of Defense, that an effective counterterrorism strategy must also include an appropriate focus on indirect actions that will be decisive in CVE. In the committee's view, this means looking to the political, economic, philosophical, ideological, theological, and social factors that terrorist organizations exploit in pushing vulnerable individuals on the path toward violence. The committee believes a Defense Policy Board review of the Department's existing CVE strategy will identify ways to improve that strategy. Such a study could also make recommendations to initiate new efforts, particularly with regard to field research, intelligence support to indirect activities, bilateral and multilateral engagement opportunities, and cooperation with other federal departments and agencies.

Report on Cuba (sec. 1236)

The committee recommends a provision that would require the Secretary of Defense, in consultation with the Director of National Intelligence and Secretary of State, to submit a report to the congressional defense committees no later than 180-days after enactment of this Act. The report would include descriptions of the Government of Cuba's activities in the western hemisphere and their effort to collaborate with like-minded governments to undermine the national interests of the United States.

Report on Venezuela (sec. 1237)

The committee recommends a provision that would require the Secretary of Defense, in consultation with the Director of National Intelligence and Secretary of State, to submit a report to the congressional defense committees, no later than 180-days after enactment of this Act, on any activities by the Government of Venezuela to: supply a terrorist organization with planning, training, logistics, and lethal material support; provide direct or indirect financial assistance to any terrorist organization; provide other types of assistance that could provide material support for any terrorist organization's activities; support governments currently on the United States list of state sponsors of terrorism; and undermine the national interests of the United States.

In testimony before the committee, Admiral Eric T. Olson, Commander of the U.S. Special Operations Command, stated: "Since 1999, Venezuela, under Hugo Chavez, has increasingly demonstrated domestic and international behavior patterns which mirror similar past behavior patterns of four current state sponsors of terrorism . . . President Chavez's main international mission is to challenge U.S. interests in the Americas and around the globe." Admiral Olson went on to say: "Venezuela does not represent a direct military or terrorist threat to the United States, but Venezuela's 'passive' support to regional terrorist groups and paramilitary forces, maturing relationships with state sponsors of terrorism and permissive operating environment for terrorist and drug traffickers

suggest increased scrutiny by the United States is warranted." The committee shares Admiral Olson's concerns and continues to monitor closely the activities of the Government of Venezuela.

Report on the disarmament of the Lord's Resistance Army (sec. 1238)

The committee recommends a provision that would express the Senate's commitment to support efforts to work toward a comprehensive resolution to the conflict in northern Uganda and other areas affected by the Lord's Resistance Army, including northeastern Democratic Republic of Congo, southern Sudan, and the Central African Republic, as well as the immediate need to support multilateral efforts to mitigate and eliminate the threat to civilians and regional stability posed by the Lord's Resistance Army. The provision would also require the Secretary of Defense, in consultation with the Secretary of State, to develop and submit to the Committees on Armed Services of the Senate and House of Representatives a strategy to provide military, logistics, and intelligence support to help strengthen viable regional and multilateral efforts to protect civilians from attacks by the Lord's Resistance Army and apprehend or remove Joseph Kony and his top commanders from the battlefield in the continued absence of a negotiated solution.

Items of Special Interest

Comptroller General Report on the Islamic Republic of Iran

The findings of the Comptroller General's recent report on commercial activity in Iran's oil, gas, and petrochemical sectors are very troubling. The committee is eager to ensure that the Comptroller General's efforts to identify entities that have supported Iran's oil, gas, and petrochemical sectors continue. Therefore, the committee directs the Comptroller General to update its March 23, 2010, report on a semi-annual basis through 2015. Further, the committee directs the Comptroller General to expand the scope of its work to include any entities that have aided the Iranian government's efforts to filter the use of the internet, disrupt cell phone communications, monitor online activities, and jam the signals of U.S. and other international broadcasts into Iran.

The committee directs the Comptroller General to include the following, compiled from open sources: (1) entities that have a financial interest in the development of Iran's online filtering and monitoring, cell phone disruption and monitoring activities, and radio and television signal jamming; and (2) which of the entities identified above, if any, have contracts, awards, or purchasing agreements with the U.S. Government.

Instead of acting in a way to become a respected member of the community of nations, Iran's leaders have disregarded international norms, abused the rights of their own people, supported terrorist groups, and threatened regional and global stability. There is a strong, bipartisan commitment in this committee and in Congress to prevent the Iranian government from continuing to abuse the rights of their own people.

In the wake of the elections in June 2009, which were widely considered fraudulent, Iranians by the hundreds of thousands

poured into the streets in nonviolent protest. The regime responded with brutality, and internal security forces and government-affiliated groups set upon protesters with guns and clubs. Of deep concern to the committee is the Iranian regime's crackdown on freedom of expression and interference with the use of cellular, internet, and other means of communication to block the free flow of information. The committee is eager to learn more about the entities that have supported Iran's campaign to stifle internal dissent and the free flow of information.

Comptroller General Review of U.S. Assistance to the Government of the Republic of Yemen

The committee notes that Yemen faces a wide variety of threats that pose significant risks to U.S. national security interests, of which the growth of al Qaeda in the Arabian Peninsula (AQAP) is the most concerning. In recent years, AQAP has exploited Yemen's ungoverned spaces to plan, organize, and support terrorist operations against U.S. and Yemeni interests. The Commander of U.S. Central Command stated in testimony to the committee in March 2010, that "[t]his network [AQAP] poses a direct threat to the U.S. homeland, as evidenced by recent plots, including the attempted bombing of a U.S. airliner on Christmas Day 2009. At the same time, the Yemeni state faces challenges from separatist movements in the South and a six-year conflict with Houthi rebels, which despite the cease-fire in February could reignite and again spill over into Saudi Arabia. Moreover, the influx of refugees from Africa, pervasive arms smuggling, a deteriorating economic situation, and piracy continue to challenge the capabilities of the Yemeni government."

To help the Government of Yemen defend themselves from these threats, the United States has provided Yemen a range of assistance over the past several years, including "section 1206" train and equip assistance, "section 1207" stabilization assistance, assistance under a number of State Department and U.S. Agency for International Development programs, and other assistance from departments and agencies of the U.S. Government. The committee applauds the administration for taking an aggressive posture towards the threat emanating from Yemen.

Given this significant investment in building the capacity of the Government of Yemen to defend themselves, the committee directs the Comptroller General to provide to the Committees on Armed Services of the Senate and the House of Representatives, the Senate Committee on Foreign Relations, and the House of Representatives Committee on Foreign Affairs a report on the following issues: (1) the amount and types of assistance the United States has provided to the Government of Yemen to include support from the U.S. Department of State, Department of Defense, U.S. Agency for International Development, and other U.S. Government departments and agencies; (2) an assessment of the effectiveness of U.S. assistance to the Government of Yemen; (3) an assessment of the extent to which the Government of Yemen has been able to utilize U.S. assistance to counter the AQAP threat; (4) a discussion of the capability and reliability of security forces units within the Government of Yemen; (5) an assessment of how effectively the United

States coordinated its assistance among the various federal agencies and other major donors and regional allies; and (6) other issues deemed appropriate by the Comptroller General. The Comptroller General shall provide this report to the appropriate congressional committees no later than January 31, 2011.

Operation Unified Response and Joint Task Force—Haiti

On January 12, 2010, a 7.0 magnitude earthquake struck Port-au-Prince, Haiti. The devastation throughout the capital city and nearby areas was vast. United Nations estimates indicate more than 220,000 people were killed, 300,000 injured, and 1.2 million displaced by the earthquake and its 59 aftershocks. Nearly 50 percent of the buildings in Port-au-Prince sustained significant damage and several nearby towns suffered far worse. The airport was inoperable and more than half of the seaport was left in ruins. The people of Haiti were cut-off from the outside world and were in desperate need of immediate help.

On January 13, 2010, U.S. Southern Command (SOUTHCOM) and its service components began deploying personnel, aircraft, and ships to Haiti in support of the U.S. Agency for International Development, which was the lead agency for the U.S. response. Joint Task Force-Haiti (JTF–H) was soon established and the military named its effort Operation Unified Response to indicate the collaborative nature of the mission. JTF–H performed its mission by working closely with the Government of Haiti, United Nations Stabilization Mission in Haiti, U.S. Government agencies, and non-government organizations.

The committee commends SOUTHCOM for its robust response, both in terms of personnel and military assets, to the tragic earthquake in Haiti and remains prepared to resource the Department of Defense to ensure continued support, to the extent practical, of the activities of other federal departments and agencies, whose objectives are the reconstruction, rehabilitation, and long-term stability of Haiti. The committee is also eager to see the Department move quickly to ensure that lessons-learned from this response are consolidated and shared throughout the Department to ensure improved planning for future humanitarian responses, particularly with interagency, international, and non-governmental organization involvement.

Report on personnel contributions by the United States Armed Forces to international peacekeeping missions

The committee notes that Chairman of the Joint Chiefs of Staff, Admiral Michael Mullen, in response to advanced policy questions to the Committee on Armed Services of the Senate indicated that "[United Nations] peacekeepers help promote stability and help reduce the risks that major U.S. military interventions may be required to restore stability in a country or region. Therefore, the success of these operations is very much in our national interest." Further, as stated in the most recent Quadrennial Defense Review, "America's power and influence are enhanced by . . . maintaining interactions with important international institutions such as the United Nations."

In testimony before the Committee on Foreign Affairs of the House of Representatives on July 29, 2009, the U.S. Ambassador to the United Nations (UN), stated that the United States "is willing to consider directly contributing more military observers, military staff officers, civilian police, and other civilian personnel—including more women I should note—to UN peacekeeping operations."

The committee believes U.S. contributions to international peacekeeping missions enhance the influence of the United States in the implementation of these international mandates, provide an opportunity to expand engagement with partner nations, and enhance important military-to-military relationships with allies and partner nations. The committee is cognizant of the fact that U.S. military personnel may not necessarily be what the UN needs the most from the United States and that there are political and regional sensitivities that need to be taken into consideration when deploying U.S. personnel in support of peacekeeping missions. The committee is interested in any plans the Department may have under consideration to expand U.S. contributions to UN peacekeeping operations.

The committee directs the Chairman of the Joint Chiefs of Staff to provide a report to the Committees on Armed Services of the Senate and the House of Representatives on: (1) current personnel contributions in the form of military observers and staff officers by the United States Armed Forces to UN and other multilateral peacekeeping missions; (2) a list of requests received by the Department of Defense (DOD) for military personnel contributions to UN or other multilateral peacekeeping missions (either directly from the UN or from the Department of State); (3) a description of the military chain of command for U.S. personnel deployed to UN or other multilateral peacekeeping missions to include the respective geographic combatant command, U.S. Military Observer Group-Washington, and the Senior Defense Official in the respective country; (4) an assessment of the strategic, operational, and tactical benefits, if any, of U.S. contributions to these peacekeeping missions; (5) a description of the role and mission of the U.S. Military Observer Group–Washington; and (6) a description and assessment of the role of the United States in the UN Security Council's Military Staff Committee to include a discussion of planning, advising, and overseeing the implementation of the various UN peacekeeping missions. This report shall be provided to the Committees on Armed Services no later than 30 days after the end of the calendar year. The committee urges the Chairman to coordinate this report, to the extent practical, with the U.S. Ambassador to the UN.

U.S.-Republic of Korea Combined Forces Command and operational control

The alliance between the United States and the Republic of Korea (ROK) has been a vital anchor for security and stability in Asia for more than 50 years, during which time the two countries have from time to time adjusted command and control relations in response to developments on the Korean Peninsula and our military capabilities. Throughout these adjustments, the United States has remained committed to the defense of the Republic of Korea.

In November 1978, the United States and the Republic of Korea established a Combined Forces Command (CFC) to exercise command and control over our combined forces on the Korean Peninsula. CFC is responsible to both the U.S. and ROK National Command Authorities, as exercised through the Military Committee comprising the U.S. and ROK Chairmen of the Joint Chiefs of Staff.

This command structure was modified in December 1994 by removing ROK Armed Forces from the operational control of CFC during armistice conditions. In the event of renewed conflict on the Korean Peninsula, CFC would again employ operational control of both the ROK Armed Forces and U.S. Forces Korea, augmented by additional U.S. forces from the Pacific and worldwide. Both South Korean and U.S. officers would direct our combined land, air, sea, and other components under CFC.

At the October 2006 U.S.-ROK Security Consultative Meeting, the governments of the United States and the Republic of Korea agreed to disestablish Combined Forces Command and organize separate command structures on the Korean Peninsula, under which the Republic of Korea and the United States would exercise independent command during wartime. To this end, a Strategic Transition Plan was developed to ensure the necessary tasks and milestones are achieved to meet a deadline of April 17, 2012.

Since the conclusion of the 2006 agreement, the situation on the Korean Peninsula has remained precarious. In this time, North Korea has backed out of the Six Party Talks, reportedly proliferated missile and nuclear technology, violated United Nations' resolutions by launching ballistic missiles, and detonated a nuclear device. On March 26, 2010, North Korea attacked and destroyed the Republic of Korea Ship (ROKS) Cheonan, killing 46 South Korean sailors. The committee condemns this attack and expresses its sympathy to the families and loved ones of those killed and solidarity with the people of South Korea.

In addition to North Korea's regular provocations and violations of international law, there is significant uncertainty about regime stability in Pyongyang. These circumstances underscore the volatility and instability on the Korean Peninsula and the continuing threat North Korea poses to regional and global security. It is against this backdrop that preparations for the transition of operational control continue.

The committee believes that in light of current tensions on the Korean Peninsula and in the Asia-Pacific more broadly, this is a moment when the United States should be cautious about any actions that may be misperceived as a lessening of our security commitments to our allies and strategic partners in this vitally important region.

The committee directs the Secretary of Defense to submit a report to the congressional defense committees no later than December 1, 2010, describing command and control relations on the Korean Peninsula. Specifically, this report should address:

1. An assessment of the progress of preparations that have been made to date by the United States and by the ROK to execute the 2006 agreement;

2. Describe under what circumstances, if any, the April 2012 deadline would be adjusted; and,

3. Assess any modifications to current operational control relationships or military capabilities that may enhance the combined effectiveness of U.S. and ROK Armed Forces.

The committee urges the Secretary of Defense to consult with the ROK Minister of Defense in the preparation of this report.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Specification of Cooperative Threat Reduction programs and funds (sec. 1301)

The committee recommends a provision that would define the Cooperative Threat Reduction (CTR) programs, define the funds as authorized to be appropriated in section 301 of this bill, and authorize CTR funds to be available for obligation for 3 fiscal years.

Funding allocations (sec. 1302)

The committee recommends a provision that would authorize $522.5 million, the amount of the budget request, for the Cooperative Threat Reduction (CTR) program. This provision would also authorize specific amounts for each CTR program element, require notification to Congress 30 days before the Secretary of Defense obligates and expends fiscal year 2011 funds for a purpose other than a purpose listed in the provision, and require notification to Congress 15 days before the Secretary of Defense obligates and expends fiscal year 2011 funds in excess of the specific amount authorized for each CTR program element.

The committee notes that there is additional funding in the budget request for chemical weapons destruction, and supports the continuation of this line until the Russian chemical weapons destruction facility at Shchuch'ye, Russia is fully operational.

The committee also notes that the defense and military contacts request includes funds to support interactions with foreign governments and entities in support of the CTR program. One of the goals of the CTR program when it was originally established was to improve relationships between the U.S. Department of Defense and the U.S. military, and the Ministries of Defense and the militaries of the states of the former Soviet Union. These interactions were successful and should be sustained. As the program has grown, however, particularly in the biological threat reduction area, much of the interaction is with civilian agencies and entities in the states of the former Soviet Union and elsewhere. The committee supports these broader interactions as long as they continue to support the CTR program and mission.

Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union (sec. 1303)

The committee recommends a provision that would prohibit Cooperative Threat Reduction (CTR) funds from being obligated to establish a center of excellence in any country outside of the former Soviet Union (FSU) until such time as the Secretary of Defense submits to the congressional defense committees a report on the particular center to be established. The report shall identify the country where the center will be established, the purpose for which

the center will be used, the agreement under which the center will operate, and the funding plan for the center including any cost-sharing arrangement.

The committee supports the expansion of CTR into countries outside of the FSU but would like to understand in more detail plans for new centers as these plans evolve.

The committee also supports the effort to secure the most vulnerable nuclear material in 4 years, but recognizes that this is a significant challenge that will require close interagency cooperation to be fully successful. The committee notes that the Department of Defense and the Department of Energy, National Nuclear Security Administration, have a long and productive history of cooperation in threat reduction programs, and urge them to continue this close collaboration in the accelerated program.

Plan for nonproliferation, proliferation prevention, and threat reduction activities with the People's Republic of China (sec. 1304)

The committee recommends a provision that would direct the Secretary of Defense and the Secretary of Energy to submit a joint report to the congressional defense committees on the 5 year plan to carry out nonproliferation and threat reduction activities with the People's Republic of China (PRC). The plan would be due by March 1, 2011.

The committee supports expansion of the proliferation prevention efforts globally and the efforts of the Department of Energy and the Department of Defense to broaden the range of participants in such programs. The committee expects this effort to be a partnership and hopes that the PRC will fully support financially, technically, and politically, these important nonproliferation and threat reduction activities.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Subtitle B—Chemical Demilitarization Matters

Consolidation and reorganization of statutory authority for destruction of United States stockpile of lethal chemical agents and munitions (sec. 1411)

At the request of the Department of Defense (DOD), the committee recommends a provision that would amend section 1412 of the National Defense Authorization Act for Fiscal Year 1986 (50 U.S.C. 1521), which provides the statutory authority for the chemical demilitarization program. Rather than display only the amendments to the law, the recommended provision would restate a consolidated, reorganized, and updated version of the entire amended law for transparency and ease of comprehension.

The original law has been amended many times over the last 25 years, leading to an assortment of separate provisions, which made it difficult to see the whole of statutory authority for the chemical demilitarization program. These amendments were sometimes overlapping or duplicative. The recommended provision would also repeal the various provisions of law restated in the consolidated version of section 1412, as well as obsolete provisions of law.

Of fundamental importance, the restated provision would be entirely consistent with the Chemical Weapons Convention (CWC), which entered into force in 1997, more than a decade after the original chemical demilitarization authority was written. The older provisions of law contain elements that are inconsistent with the CWC.

The committee recommends two substantive changes to DOD's proposal, both of which otherwise would have been inconsistent with the CWC. The committee recommendation would eliminate section 1412(b)(3), written in 1985, more than a decade before the CWC, when the United States was still permitted to acquire and possess chemical weapons. The provision authorized the Secretary of Defense to delay the destruction of the chemical weapons stockpile for a number of reasons including a determination that there was a significant delay in the acquisition of a sufficient number of binary chemical weapons. This is clearly inconsistent with the CWC and has been eliminated in the recommended provision.

The second provision, section 1412(h), was also written long before the CWC, and it authorized the Secretary of Defense to acquire binary chemical weapons, which is strictly prohibited by the CWC. It also permitted the acquisition of "any chemical agent or munition" for intelligence analysis purposes, as well as the acquisition of chemical agents and munitions for research, development, test, and evaluation purposes in appropriate non-production quan-

tities. This provision has been rewritten to provide for authorized uses of toxic chemicals for purposes not prohibited by the CWC, which would make it entirely consistent with the CWC.

Subtitle C—Other Matters

Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois (sec. 1421)

The committee recommends a provision that would authorize the Secretary of Defense to transfer funds from Defense Health Program operation and maintenance to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund. Such funds would be authorized to be used for operations of the Captain James A. Lovell Federal Health Care Center or other facilities designated as a combined federal medical facility.

The President's budget request projects $132.2 million for transfer in fiscal year 2011 to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund. The committee acknowledges receipt of a letter dated April 4, 2010, from Secretary of Defense Gates and Secretary of Veterans Affairs Shinseki stating that the departments do not plan another location replicating this federal health care center model, and urges the Department of Defense to conduct an independent study of the benefit of the integrated facility in North Chicago in meeting the health care needs of Department of Defense and Department of Veterans Affairs eligible populations.

Budget Items

Defense Coalition Support Fund

The budget request included $10.0 million for the Defense Coalition Support Fund. The legislative authority for this fund does not exist, and would require an amendment to title 22, United States Code, which is outside the committee's jurisdiction. Accordingly, the committee is unable to authorize the requested funds at this time.

Defense Health Program Operations & Maintenance funding

The amount authorized to be appropriated for the Defense Health Program Operations and Maintenance account includes the following changes from the budget request. The provisions underlying these changes in funding levels are discussed in greater detail in title VII of this committee report.

[Changes in millions of dollars]

TRICARE eligibility for dependents up to age 26	10.0
Extension of prohibition on increase of TRICARE inpatient fees	12.0
Total	22.0

Department of Defense Inspector General, second year growth plan

The Office of the Inspector General (OIG) audits, investigates, inspects, and evaluates the programs and operations of the Depart-

ment of Defense (DOD), and recommends policies and process improvements that promote economy, efficiency, effectiveness, and integrity in DOD programs and operations. The committee continues to note the dramatic growth in the number and cost of DOD contracts for operations, procurement, research, and military construction within the United States and around the world. The increase recommended by the committee will enable the OIG to conduct oversight related to military operations in Iraq and Afghanistan, review contract management and acquisitions, and support audits to identify potential waste, fraud, and abuse. To date, efforts by the OIG have yielded over a $3.1 billion return on investment with respect to achieved monetary benefits, investigative fines, restitutions, and recoveries.

The budget request included $283.4 million in Operation and Maintenance, Defense-wide (OMDW) and Procurement for the OIG. The committee continues to be concerned that funding levels for independent audit and investigative functions should keep pace with the demand for these services, particularly given that the budget request is a decrease from $288.1 million in the fiscal year 2010 budget request.

The committee recommends a total increase of $33.8 million in OMDW for the OIG as follows: $29.3 million for operation and maintenance and $4.5 million for research, development, test and evaluation.

TITLE XV—OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Additional Appropriations

Subtitle B—Financial Matters

Treatment as additional authorizations (sec. 1521)

This section would provide that the amounts authorized for overseas contingency operations in this title are in addition to the amounts otherwise authorized in this Act.

Special transfer authority (sec. 1522)

The committee recommends a provision that would authorize the transfer of up to $4.0 billion of overseas contingency operations funding authorized in this title. These special transfer authorities are in addition to the general transfer authority contained in section 1001 of this Act, but the same reprogramming procedures applicable to transfers under section 1001 would also apply to transfers under this section.

Subtitle C—Other Matters

Availability of amounts in Overseas Contingency Operations Transfer Fund solely for detainee operations at United States Naval Station, Guantanamo Bay, Cuba (sec. 1531)

The committee recommends a provision that would restrict the use of $105,000,000 in the Overseas Contingency Operations (OCO) Transfer Fund solely for detainee operations at the United States Naval Station, Guantanamo Bay, Cuba. Consistent with this provision, the OCO Transfer Fund is reduced by $245,000,000, which had been requested for costs associated with improvements and operations at a proposed military detention facility at Thomson, Illinois.

Limitations on availability of funds in Afghanistan Security Forces Fund (sec. 1532)

The committee recommends a provision that would require the use of funds authorized to be appropriated for the Afghanistan Security Forces Fund (ASFF) in fiscal year 2011 to comply with the conditions in subsections (b) through (g) of section 1513 of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), except the authority in subsection 1513(d) to transfer ASFF funds to other accounts and funds of the Department of Defense (DOD).

The provision would amend subsection 1513(b) to permit ASFF funding to also be used to assist forces or personnel within Afghan ministries, other than the Ministry of Defense and Ministry of Interior, that are assigned to and supporting the Major Crimes Task

Force—Afghanistan. This provision would allow assistance for law enforcement investigative teams within the Afghan National Directorate of Security that support the Task Force and are not engaged in intelligence gathering activities, and prosecutors from the Afghan Attorney General's office assigned to such teams.

The provision would also modify subsection 1513(g) to provide that the reports submitted under section 9010 of the DOD Appropriations Act, 2010 (Public Law 111–118; 123 Stat. 3466), or a successor provision of law, could be treated as satisfying the requirement under that subsection for quarterly reports on the ASFF.

The committee recognizes the critical importance of building the capacity of the Afghanistan National Security Forces (ANSF) to assume security responsibility for Afghanistan. The committee supports the goal of the North Atlantic Treaty Organization Training Mission—Afghanistan (NTM–A)/Combined Security Transition Command—Afghanistan to rapidly grow the Afghan National Army and the Afghan National Police (ANP) to a combined force of more than 300,000 by October 2011. The committee also emphasizes the importance of partnering deployed Afghan and coalition forces together for developing the capabilities of Afghan units through "on the job training." The committee requests that it be kept fully informed of the progress of efforts to build the ANSF through periodic updates on metrics for the recruitment, training and retention of, and the partnering of coalition forces with, Afghan security forces.

The committee supports the decision to transition oversight of the contract for training the ANP from the Department of State (DOS) to the DOD. However, the committee is concerned over the delays in awarding the ANP training contract resulting from DOD's initial decision to use a contracting vehicle that a Government Accountability Office review later found to be inappropriate. As the DOD proceeds with a full and open competition, the committee urges the DOD and DOS to cooperate closely to make appropriate modifications to the existing DOS-managed ANP training contract to address oversight deficiencies and align contract requirements with the NTM–A mission.

Following a lengthy investigation, the committee devoted a hearing to examining evidence of serious deficiencies in the conduct of a contractor involved in the training of Afghan security forces. Before a decision is made to award the ANP training contract, the committee strongly urges the DOD to take into consideration the totality of each contractor's past performance including: (1) whether that contractor has complied with all applicable laws and regulations of the United States and the host country, applicable treaties and international agreements, and standards set forth by the geographic combatant commander; and (2) information relating to each contractor's performance, including but not limited to formal evaluations and audits of each contractor and any parent, subsidiary, or affiliated business of that contractor that has operated in the U.S. Central Command area of responsibility. The committee is concerned to have learned that in some cases the Department may have failed to conduct performance evaluations of training contracts in Afghanistan and requests that the Department review its

practices in this regard and ensure that the performance of contractors in Afghanistan are properly and fully evaluated.

Iraq Security Forces Fund (sec. 1533)

The committee recommends a provision that authorizes $1.0 billion in fiscal year 2011 for the Secretary of Defense, with the concurrence of the Secretary of State, to build the minimum essential capabilities of the Iraqi security forces of the Ministry of Defense (MOD) and the Ministry of Interior (MOI). Types of assistance that would be authorized would include equipment, supplies, services, training, and repair and renovation of facilities and infrastructure. The Secretary of Defense must provide Congress a detailed notification at least 15 days prior to the obligation of funds under the Iraq Security Forces Fund (ISFF).

The provision would also limit the availability of the funds authorized by this provision for the ISFF to $500.0 million until the Secretary of Defense provides a certification to Congress. The Secretary of Defense would have to certify that he has determined that the Government of Iraq has demonstrated a commitment to (1) adequately build the logistics and maintenance capacity of the Iraqi security forces; (2) develop the institutional capacity to manage such forces independently; and (3) develop a culture of sustainment for equipment provided or acquired with United States assistance.

The United States has appropriated over $18.0 billion in ISFF to date. The budget request included $2.0 billion for the ISFF, of which the committee would authorize $1.0 billion. As in previous years, the committee believes that the Government of Iraq should assume increasing responsibility for the costs associated with building their security forces, particularly as U.S. forces draw down. The committee urges the Government of Iraq to dedicate any unexpended funds from previous years' budgets towards building Iraq's minimum essential capabilities.

The committee is also concerned that a significant portion of the funds requested for the ISFF in the fiscal year 2010 supplemental and the fiscal year 2011 budget request is planned for the maintenance and sustainment of the Iraqi security forces, including maintenance for recently transferred U.S. equipment. The committee urges the Secretary of Defense and the Commander, United States Forces—Iraq, to ensure that the Government of Iraq is committed to the maintenance and sustainment of its security forces and allocates the resources within the budgets of the MOD and MOI to adequately provide for the upkeep of its security forces beyond the December 2011 date.

Projects of Task Force for Business and Stability Operations in Afghanistan and report on economic strategy for Afghanistan (sec. 1534)

The committee recommends a provision that would authorize the Secretary of Defense to use up to $150.0 million in Army Operation and Maintenance, Overseas Contingency Operations, to fund projects of the Department of Defense's Task Force on Business and Stability Operations in Afghanistan that support the counter-insurgency strategy through economic development and job cre-

ation. The provision would also require the Secretary of Defense, in consultation with the Secretary of State, to report to Congress on an economic strategy for Afghanistan that supports the counter-insurgency campaign, promotes economic stabilization, and enhances the establishment of sustainable institutions in Afghanistan.

Report on management controls and oversight mechanisms for the Joint Improvised Explosive Device Defeat Organization (sec. 1535)

The committee recommends a provision that would require the Secretary of Defense to provide to the congressional defense committees, not later than 90 days after enactment of this Act, a report on the current management controls and oversight mechanisms for the Joint Improvised Explosive Device Defeat Organization (JIEDDO). The report would include: (1) a description of the current management structure and reporting relationships of JIEDDO; (2) recommendations for any changes to such management structure and reporting relationships that may be needed to ensure appropriate management control and oversight of the operations and activities of JIEDDO; (3) an assessment of the degree to which acquisition professionals from the military departments are included in JIEDDO and whether further steps are needed to strengthen the role and participation of acquisition professionals from the military departments in funding and development decisions; (4) an assessment of the departmental controls on JIEDDO, including systems for identifying and addressing material weaknesses in such departmental controls; (5) an assessment of the data collection and metrics used to determine the effectiveness of JIEDDO's initiatives and investments and make any needed adjustments to such initiatives and investments; and (6) an assessment of whether JIEDDO or the military services are performing activities that are duplicative and determination of where these activities should be located.

The committee applauds the Secretary of Defense's ongoing effort to review the activities of JIEDDO and the other OCO-related task forces. The committee agrees that the sharp focus and attention of a task force is something that is lost over time, and the committee looks forward to being briefed on the outcome of the Secretary's review.

However, the committee believes more must be done to increase oversight of JIEDDO's activities. As a result, the committee urges the Secretary to consider as part of his review an examination of whether a principal staff assistant, such as the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD AT&L), could devote additional time and attention to JIEDDO's operations and activities. Further, USD AT&L could play a critical role in ensuring the military departments establish and maintain robust counter-improvised explosive device (IED) research, development, and acquisition capabilities and ensure that JIEDDO's initiatives are rapidly transitioned to the military departments and measured for effectiveness during and after their deployment.

The committee agrees with military commanders' conclusion that IEDs will remain a threat to U.S. forces beyond operations in Iraq

and Afghanistan and, therefore, the committee believes it is critical that military departments establish and maintain robust counter-IED research, development, and acquisition capabilities.

Sense of Congress on support for integrated civilian-military training for civilian personnel deploying to Afghanistan (sec. 1536)

The committee recommends a provision that would express the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State and the Administrator of the United States Agency for International Development, should continue to provide personnel, trainers, and resources in support of integrated civilian-military training for civilians deploying to serve Afghanistan. The committee notes that such training has been taking place at Camp Atterbury in Indiana, hosted by the Indiana National Guard, since July 2009 and has been mandatory for all civilians serving in the field in Afghanistan since October 2009.

Budget Items

Base Expeditionary Targeting and Surveillance System—Combined

The request includes $486.1 million in Other Procurement, Army (OPA) for the Base Expeditionary Targeting System of Systems–Combined (BETSS–C). Included within this request is $41.0 million for 2 commercial helicopters and 19 associated support personnel for the exclusive use in theater of BETSS–C contract logistics support. The committee is aware that BETSS–C is an important force protection system that contributes to the security of fixed installations in theater. However, including $41.0 million in this request for commercial helicopters is not justified given the availability of a variety of aviation support throughout the theater. Accordingly, the committee recommends a decrease of $41.0 million in OPA for BETSS–C.

Joint Improvised Explosive Device Defeat Fund

The budget request includes $3,250.0 million for the Joint Improvised Explosive Device Defeat Fund. This includes $1,434.4 million for the Joint Improvised Explosive Device Defeat Organization's (JIEDDO) attack the network line of operation; $286.2 million for JIEDDO's train the force line of operation; and $1,529.4 million for JIEDDO's defeat the device line of operation. The committee recommends full funding for JIEDDO, but also recommends the following decreases, all of which will be transferred to JIEDDO's staff and infrastructure line of operation in the Overseas Contingency Operations request: $218.6 million in JIEDDO's attack the network line of operation; $35.2 million JIEDDO's train the force line of operation; and $95.9 million JIEDDO's defeat the device line of operation.

As noted elsewhere in this report concerning title I of this Act, the committee transferred JIEDDO's staff and infrastructure base budget request of $215.9 million to the Overseas Contingency Operations budget request. Upon completion of these transfers,

JIEDDO's staff and infrastructure line of operation will be approximately $565.5 million.

Upon further review of JIEDDO's budget request, the committee determined that a significant amount of JIEDDO's staff and infrastructure expenses were accounted for in its other lines of operation. In order to provide a more accurate accounting of JIEDDO's funding levels, the committee performed the aforementioned transfers.

Joint Strike Fighter

The budget request included $1,887.0 million in Aircraft Procurement, Navy (APN), to purchase 7 Joint Strike Fighter (JSF) aircraft for the Navy (F–35C), $2,576.1 million in APN for 13 JSF aircraft for the Marine Corps (F–35B), and $3,986.2 million in Aircraft Procurement, Air Force (APAF) for 22 JSF for the Air Force (F–35A). In addition, the budget request for Overseas Contingency Operations (OCO) include $204.9 million in APAF for 1 F–35A to replace one legacy aircraft lost in combat operations.

Since last year, the Department found significant problems in the performance of the F–35 contractor team in conducting the elements of the system development and demonstration (SDD) phase of the program, which have led to delays in developmental testing of the aircraft. The Department restructured the program in conjunction with submitting the fiscal year 2011 budget by taking a number of actions, including: (1) extending the development test schedule to March 2015; (2) adding additional research, development, testing, and evaluation (RDT&E) funds to pay for mitigating known risks; (3) buying another carrier variant developmental test aircraft and add another software integration line to the program; (4) using up to three aircraft procured under low-rate initial production (LRIP) contracts for developmental testing; (5) reducing procurement quantities over the future-years defense program (FYDP) to slow the planned production ramp up in later years and offset added funding for developmental testing; and (6) installing a new fee structure that would provide incentives for the contractor team to achieve key performance events and cost goals.

Last year, Congress approved funding for 30 aircraft. This year, the budget request is for a total of 43 F–35 aircraft of all types. The number of 43 aircraft matches what had been the planned production rate for the F–35 aircraft 2 years ago before any of these problems and delays became evident. The FYDP for fiscal year 2009 included a plan to buy 43 JSF aircraft in 2011, although the mix of F–35A and F–35C aircraft changed by one aircraft each.

The committee understands that the Department would prefer to get JSF aircraft sooner. However, the fact that the production changes recommended by the Department in this restructuring only affect production plans later in the FYDP means that the concurrency in the program for fiscal year 2011 has actually increased.

The committee believes that a more modest ramp up in production to a total of 42 aircraft in the near-term would lessen that concurrency, while increasing the production rate from 30 aircraft to allow the program to demonstrate that the production processes and management systems will support growing to higher levels later in the FYDP.

Therefore, the committee recommends a reduction of $204.9 million in the APAF account within OCO.

Mine Resistant Ambush Protected Vehicle Fund

The budget request includes $3,415.0 million for the Mine Resistant Ambush Protected (MRAP) Vehicle Fund. The committee recommends full funding of the Department of Defense's request for the MRAP Vehicle Fund, which includes the lighter, more mobile MRAP all-terrain vehicle variant suited for conditions in Afghanistan. The increased protection provided by MRAP vehicles as compared to the alternative of armored High Mobility Multipurpose Wheeled Vehicles has been proven by the reduction of U.S. and allied casualties due to improvised explosive devices since the introduction of MRAPs in Iraq and Afghanistan. Production and fielding of these vehicles is expected to be completed over the coming budget cycle, but sustainment and potential upgrades of the vehicles will continue. The committee will monitor closely how the MRAP family of vehicles is incorporated into plans to develop the next-generation of ground combat vehicles for the armed forces.

Further, the committee directs the Under Secretary of Defense for Acquisition, Technology, and Logistics to submit to the congressional defense committees, not later than February 28, 2011, a report that describes the Department's plan to consolidate lessons-learned from the MRAP program, including industrial base management in response to urgent requests from theater relating to MRAPs and/or M-ATVs.

Wide-area airborne surveillance exploitation

The budget request included classified amounts in Research, Development, Test, and Evaluation, Defense-wide, PE 35102BQ for the Defense Geospatial Intelligence Program (DGIP) in the Overseas Contingency Operations account. In 2008, the Department of Defense (DOD) submitted a prior-approval reprogramming request on an urgent basis to field enhanced intelligence, surveillance, and reconnaissance (ISR) capabilities for U.S. forces operating in Iraq and Afghanistan. Among the high-priority requests were funds for new technology for retrieving, storing, and transmitting wide-area airborne surveillance (WAAS) motion video collected by systems such as Constant Hawk and Angel Fire.

These WAAS processing, exploitation, and dissemination (PED) technologies were grouped together with an initiative to improve the PED for narrow-field-of-view full-motion video (FMV) that was beginning to proliferate in Operation Iraqi Freedom. This ensemble of projects was given the name Valiant Angel, even though that name had originally been assigned only to the WAAS PED initiative. While the WAAS PED elements were unique and mature, and ready for rapid fielding, the FMV PED was considered by Joint Forces Command (JFCOM) to require a competition for development and integration.

A contract for the entire Valiant Angel program was awarded in late calendar year 2009, long after Congress received the urgent reprogramming request. A recent letter from the J–2 for U.S. forces Afghanistan indicates that the FMV PED portion of Valiant Angel

is no longer even needed, having been superseded by other developments.

The committee is concerned that the apparent collapse of the Valiant Angel program will result in the continued delay or even the loss of the original WAAS PED Valiant Angel technology. There are now several more WAAS collection platforms nearing deployment, each of which will collect far more data than the original Constant Hawk and Angel Fire systems. These include the Gorgon Stare and Blue Devil Quick-Reaction Capabilities (QRCs), and the second generation of Constant Hawk. Operators and consumers of the data from these systems will continue to need the WAAS PED capabilities originally planned under the Valiant Angel program.

Securing licenses for those capabilities will not cost much money or take any time at all. The committee requests that the ISR Task Force immediately work with the Air Force, Army, and the National Geospatial Intelligence Agency (NGA) to acquire licenses for the Valiant Angel WAAS PED capabilities and synchronize their employment with the ongoing WAAS collection system deployments. The committee requests a status report on this effort prior to conference on the National Defense Authorization Act for Fiscal Year 2011.

The committee recommends an authorization of $3.0 million above the requested amount for the DGIP for support for the Valiant Angel WAAS PED projects.

On April 22, 2010, the Air Force announced that the Gorgon Stare Increment 2 will be based on the Defense Advanced Research Projects Agency Autonomous Realtime Ground Ubiquitous Surveillance (ARGUS) camera. Increment 2 plans call for the purchase of 6 ARGUS pods. The Air Force announcement was accompanied by an admission that the Air Force needs help from NGA to satisfy the ARGUS PED requirements, both in volume and complexity. NGA has informed the committee that the NGA budget is short $22.5 million to address this requirement. Therefore, the committee also recommends authorization of an additional $22.5 million for ARGUS PED capabilities.

Commanders' Emergency Response Program

The budget request included $1.3 billion in Operation and Maintenance, Army (OMA), Overseas Contingency Operations (OCO), for the Commanders' Emergency Response Program (CERP) in Iraq and Afghanistan for fiscal year 2011. The request consisted of $200.0 million for CERP in Iraq and $1.1 billion for CERP in Afghanistan. The committee's concerns with respect to the levels of CERP for both Iraq and Afghanistan are discussed in title XII. Accordingly, the committee recommends a decrease of $400.0 million in OMA, OCO, for CERP, to a level of $900.0 million, consisting of $100.0 million for CERP in Iraq and $800.0 million for CERP in Afghanistan.

Iraq Security Forces Fund

The budget request included $2.0 billion for the Iraq Security Forces Fund (ISFF) to build the minimum essential capabilities of the Iraqi security forces of the Ministry of Defense and the Ministry of Interior. The committee has consistently taken the view

that the Government of Iraq should take on increasing responsibility for the costs of building the capacity of its security forces. The committee's concerns regarding the ISFF are discussed further elsewhere in title XV. Accordingly, the committee recommends a decrease of $1.0 billion for ISFF to a level of $1.0 billion.

Overseas Contingency Operations Transfer Fund

The budget request included $1.55 billion for the Overseas Contingency Operations (OCO) Transfer Fund. Of this amount, $350,000,000 was requested for detainee operations, including $245,000,000 for costs associated with the improvements to a detention facility at Thomson, Illinois, that is planned to be acquired by the Federal Government from the State of Illinois, and for detention operations conducted at that facility once acquired and the improvements are made. The committee recommends a decrease in the OCO Transfer Fund of $245,000,000. Elsewhere in this title the committee recommends a provision that would restrict the use of the remaining $105,000,000 of the $350,000,000 requested within the OCO Transfer Fund solely for detainee operations at the United States Naval Station, Guantanamo Bay, Cuba.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Summary and explanation of funding tables

Division B of this Act authorizes funding for military construction projects of the Department of Defense (DOD). It includes funding authorizations for the construction and operation of military family housing as well as military construction for the reserve components, the defense agencies, and the North Atlantic Treaty Organization (NATO) Security Investment Program. It also provides authorization for the base closure accounts that fund military construction, environmental cleanup, and other activities required to implement the decisions in base closure rounds.

The following tables provide the project-level authorizations for the military construction funding authorized in Division B of this Act, other than the overseas contingency operations projects authorized in title XXIX, and summarize that funding by account. Funding for base closure projects is summarized in the table that follows, and is explained in additional detail in the table included in title XXVII of this report.

The fiscal year 2011 budget requested $20.0 billion for military construction and housing programs. Of this amount, $14.2 billion was requested for military construction, $1.8 billion for the construction and operation of family housing, and $2.7 billion for base closure activities, including $2.35 billion to implement the results of the 2005 Base Realignment and Closure round.

Excluding the overseas contingency operations projects in title XXIX, the committee recommends authorization of appropriations for military construction and housing programs totaling $18.7 billion. The total amount authorized for appropriations reflects the committee's continuing commitment to invest in the recapitalization of DOD facilities and infrastructure.

Short title (sec. 2001)

The committee recommends a provision that would designate division B of this Act as the Military Construction Authorization Act for Fiscal Year 2011.

Expiration of authorizations and amounts required to be specified by law (sec. 2002)

The committee recommends a provision that would establish the expiration date for authorizations in this Act for military construction projects, land acquisition, family housing projects, and contributions to the North Atlantic Treaty Organization infrastructure program as October 1, 2013, or the date of enactment of an act authorizing funds for military construction for fiscal year 2014, whichever is later.

TITLE XXI—ARMY

Summary

The budget request included authorization of appropriations of $4.08 billion for military construction and $610.0 million for family housing for the Army for fiscal year 2011.

The committee recommends authorization of appropriations of $3.8 billion for military construction and $610.0 million for family housing for fiscal year 2011.

The committee recommends moving $101.5 million of military construction projects in the U.S. Central Command (CENTCOM) area of responsibility from the base budget to the Overseas Contingency Operations accounts and cutting $71.0 million in canceled or accelerated Army projects from the Overseas Contingency Operations accounts. The committee believes these funding changes will allow for more efficient execution of CENTCOM military construction projects.

The committee recommends incrementally funding the Aviation Task Force Hanger at Fort Wainwright, Alaska and the Sensitive Compartmentalized Information Facility at Weisbaden Air Base in Germany. This action is taken without prejudice and merely to facilitate the most efficient use of taxpayer funds.

The committee recommends deferring funding for three museum support operations buildings until the Department of the Army can develop a plan to collocate these facilities with privately-funded museums planned for construction at the same locations. The committee believes there are higher funding priorities this fiscal year.

The committee also eliminated funding for barracks at Soto Cano Air Base in Honduras. The lack of a host nation agreement governing the construction of permanent military facilities makes this project unnecessary. The committee understands that the facilities in Soto Cano require improvement and will seek to work with the Department of Defense (DOD) to find alternate acceptable solutions.

The committee eliminated funding for a commissary at U.S. Southern Command (SOUTHCOM) headquarters in Miami-Dade County, Florida. The committee believes that DOD Instruction 1330.17 clearly states that significant growth (more than 25 percent in 2 years) is required to use appropriated dollars to fund construction of a new commissary at an existing installation. There has not been significant growth at SOUTHCOM headquarters, therefore, appropriated dollars should not be used. The committee finds that the clarification memorandum signed by Principal Deputy Under Secretary of Defense (Personnel and Readiness) Michael Dominguez on December 1, 2008, serves only to confuse the matter by misquoting the Instruction. The phrase "initial establishment of a commissary on an existing installation" is not contained in the original text and is therefore not persuasive. The committee be-

lieves that the Surcharge Fund created by 10 U.S.C. 2484(d) is the appropriate source of funds as allowed by 10 U.S.C. 2484(h).

The committee eliminated funding for Phase 1, Increment 2 of an Aviation Task Force Complex at Fort Wainwright, Alaska as the Department has informed the committee that funding for this increment of the project is no longer required.

Authorized Army construction and land acquisition projects (sec. 2101)

The committee recommends a provision that would authorize military construction projects for the active component of the Army for fiscal year 2011. The authorized amounts are listed on an installation-by-installation basis.

Family housing (sec. 2102)

The committee recommends a provision that would authorize new construction, planning, and design of family housing units for the Army for fiscal year 2011. It would also authorize funds for facilities that support family housing, including housing management offices, housing maintenance, and storage facilities.

Improvements to military family housing units (sec. 2103)

The committee recommends a provision that would authorize funding for fiscal year 2011 to improve existing Army family housing units.

Authorization of appropriations, Army (sec. 2104)

The committee recommends a provision that would authorize appropriations for the active component military construction and family housing projects of the Army authorized for construction for fiscal year 2011 in this Act. This provision would also provide an overall limit on the amount authorized for military construction and family housing projects for the active-duty component of the Army. The State list contained in this report is the binding list of the specific projects authorized at each location.

Extension of authorizations of certain fiscal year 2008 projects (sec. 2105)

The committee recommends a provision that would extend the authorization for eight Army fiscal year 2008 military construction projects until October 1, 2012, or the date of enactment of an act authorizing funds for military construction for fiscal year 2013, whichever is later. This extension was requested by the Department of Defense.

Modification of authority to carry out certain fiscal year 2009 project (sec. 2106)

The committee recommends a provision that would modify the table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417) by striking “Katterbach” and inserting “Grafenwoehr”.

Modification of authority to carry out certain fiscal year 2010 project (sec. 2107)

The committee recommends a provision that would modify the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2628) for Fort Riley, Kansas, for construction of a Brigade Complex at the installation, to allow the Secretary of the Army to construct up to a 40,100 square-feet brigade headquarters consistent with the Army's construction guidelines for brigade headquarters.

TITLE XXII—NAVY

Summary

The budget request included authorization of appropriations of $3.88 billion for military construction and $552.0 million for family housing for the Department of the Navy for fiscal year 2011.

The committee recommends authorization of appropriations of $3.7 billion for military construction and $552.0 million for family housing for fiscal year 2011.

The committee notes that the fiscal year budget request continues to contain funding for the relocation of Marines from Okinawa to Guam. The committee recommends the elimination of funding for three projects on Guam totaling $320.0 million. These three projects are ahead of need. The committee notes that two of these projects, both at Andersen Air Force Base, have significant amounts of fiscal year 2010 dollars that cannot be obligated or expended in advance of a Record of Decision planned for September 2010. The committee believes that these funds are sufficient to keep these projects on schedule so no additional funds are required in fiscal year 2011. The committee believes that site preparations at Finegayan are ahead of need as long as significant progress is not made to fulfill Marine Corps live fire training requirements on or near Guam. An item of special interest later in this title more fully reflects the committee's views on this critical program.

The committee notes that the Draft Environmental Impact Statement identifies two parcels of land on Guam currently under the control of the Government of Guam or private owners. No alternatives meet 100 percent of the Marine Corps' need. The committee recommends that the Department explore the use of Tinian Island and the Commonwealth of the Northern Mariana Islands as alternatives should it become impossible to acquire adequate land on Guam.

Authorized Navy construction and land acquisition projects (sec. 2201)

The committee recommends a provision that would authorize Navy and Marine Corps military construction projects for fiscal year 2011. The authorized amounts are listed on an installation-by-installation basis.

Family housing (sec. 2202)

The committee recommends a provision that would authorize new construction, planning, and design of family housing units for the Navy for fiscal year 2011. It would also authorize funds for facilities that support family housing, including housing management offices, housing maintenance, and storage facilities.

Improvements to military family housing units (sec. 2203)

The committee recommends a provision that would authorize funding for fiscal year 2011 to improve existing Navy family housing units.

Authorization of appropriations, Navy (sec. 2204)

The committee recommends a provision that would authorize appropriations for the active component military construction and family housing projects of the Department of the Navy authorized for construction for fiscal year 2011 in this Act. This provision would also provide an overall limit on the amount authorized for military construction and family housing projects for the active-duty components of the Navy and the Marine Corps. The State list contained in this report is the binding list of the specific projects authorized at each location.

Extension of authorization of certain fiscal year 2008 project (sec. 2205)

The committee recommends a provision that would extend the fiscal year 2008 authorization for various world-wide host nation infrastructures until October 1, 2011, or the date of an act authorizing funds for military construction for fiscal year 2012, whichever is later.

Technical amendment to carry out certain fiscal year 2010 project (sec. 2206)

The committee recommends a provision that would clarify section 2204(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84).

Item of Special Interest

Military realignments in Japan and on the Island of Guam

The committee notes that on February 17, 2009, The United States Government formally reaffirmed support for an agreement with the Government of Japan to realign U.S. forces on the Island of Okinawa and to relocate 8,000 Marines and their families from Okinawa to Guam by 2014. This realignment is a key element of the transformation of the alliance with Japan and secures the enduring presence of remaining U.S. forces in Japan. The committee also notes that on September 16, 2009, a new government and Prime Minister assumed power in Japan and embarked on a review of the formal agreement, specifically an examination of options for the construction of a replacement facility for Marine Corps Air Station Futenma at Camp Schwab, Okinawa.

The committee is aware that the success of this agreement continues to depend on many factors including tangible progress towards completion of the Futenma Replacement Facility (FRF), successful completion of the environmental impact statement for Guam, and the coordinated funding of over $10.0 billion by both countries to complete construction of all operational requirements, housing, training ranges, as well as the upgrade to the civilian infrastructure and utilities on Guam.

Regarding the FRF, the "Agreement Between the Government of the United States of America and The Government of Japan Concerning the Implementation of the Relocation of III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam" signed on February 17, 2009, specifically cites in Article 3 that "The Relocation shall be dependent on tangible progress made by the Government of Japan toward completion of the Futenma Replacement Facility as stipulated in the roadmap." The committee notes that 'tangible progress' was previously considered by the Department of Defense (DOD) to be a signature by the Governor of Okinawa on a landfill permit required to commence construction of the off-shore runway. This action has been indefinitely delayed pending the outcome of a review of the agreement.

As for the planned construction on Guam, the Department of the Navy published a Draft Environmental Impact Statement (DEIS) in November 2009, in advance of a Record of Decision (ROD) planned for September 2010. The committee notes that six military construction projects totaling $378.0 million authorized in the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) cannot be awarded until the public release of the ROD, assuming that no legal action is undertaken against the ROD that would include an injunction against new construction. Therefore, the amounts authorized for appropriation for these military construction projects will not be expended until at least fiscal year 2011.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Environmental Protection Agency (EPA) issued a review of the DEIS on February 17, 2010. The EPA rated the DEIS as environmentally unsatisfactory due to adverse impacts to the Guam water supply, wastewater treatment, and sensitive coral reef ecosystems in Apra harbor. Furthermore, the EPA determined that the DEIS did not adequately assesses potentially significant environmental impacts of the introduction of up to 56,000 additional residents that could greatly exacerbate an already environmentally unsatisfactory situation. Ultimately, the EPA "is concerned about the magnitude of the project impacts, including public health impacts, upon the existing substandard conditions on Guam, further impeding Guam's efforts to comply with federal environmental laws and policies." The Department of Defense is concerned that many of the EPA findings require remedies and investments that are outside their traditional funding responsibilities.

Investments by the United States Government in Guam's infrastructure for port upgrades, roads, and utilities are the essential first steps to ensure that significant construction efforts can be supported without detrimental impact to the local community. The Government Accountability Office (GAO) issued numerous reports in 2008 and 2009 raising concerns about the lack of planning within the U.S. Government to address civilian requirements. In the latest report, "Defense Infrastructure: Guam Needs Timely Information from DOD to Meet Challenges in Planning and Financing Off-Base Projects and Programs to Support a Larger Military Presence" (GAO–10–90R, November 13, 2009), GAO cited the testimony before the Senate Committee on Energy and Natural Resources in May 2008, where the Governor of Guam outlined requirements to-

taling $6.1 billion to expand the commercial port, roadways, power, water, and other infrastructure as well as certain public services in support of the buildup. These infrastructure needs and services were proposed to be part of a multiyear funding program to ensure that Guam would be able to support the buildup and secure post-buildup sustainability. The committee notes that no funding was included in the President's budget for fiscal year 2010 or 2011 to address Guam's port and utility infrastructure requirements, despite the fact that $378.0 million was requested to start military construction activities at Andersen Air Force Base and Apra Harbor, and $427.0 million is requested in fiscal year 2011 to continue these projects and to start site preparations at Finegayan for the Marine cantonment area. Since release of the fiscal year 2011 budget request, the committee received a subsequent request on April 5, 2010, for support of an amendment to be included in the act for Fiscal Year 2010 Supplemental Appropriations to authorize the Department of Defense to transfer up to $50.0 million to the Department of Transportation Maritime Administration's Port of Guam Improvement Enterprise Fund for capital improvements to the Port of Guam. The committee notes that the administration submitted this amendment after the Guam Government was denied a $50.0 million grant for port improvements requested through the process established for appropriations provided by the American Recovery and Reinvestment Act for 2009 (Public Law 111–5).

The committee is concerned that the request for authority to transfer DOD funds for infrastructure upgrades to civilian facilities is to be carried out within existing DOD accounts, which will result in the deferment or cancellation of other DOD priorities. Furthermore, the committee is concerned that this request for transfer authority may demonstrate intent for DOD to fund up to the $6.1 billion in requirements identified by the Government of Guam to support the relocation.

The committee also notes that the leaders in the United States Marine Corps have publicly stated that the establishment of live fire training areas on Guam are absolutely essential to the successful relocation of 8,000 Marines from Okinawa. The DEIS has identified two parcels of land on Guam currently under the control of the Government of Guam or private owners. No DEIS alternatives meet 100 percent of the training and range requirements identified by the Marine Corps. Even with the successful purchases of the non-DOD lands identified in the DEIS, the Marine Corps will not have a dedicated dud producing ordnance impact area, which limits heavy machine gun training. The current plan does not provide for an integrated combined-arms maneuver range, nor does it provide an area for amphibious landing beaches. In addition, the current plan will provide limited Special Use Airspace, preventing close air support training. One proposed solution would be the use of Tinian Island and the Commonwealth of the Northern Mariana Islands, but to date, DOD has not identified or planned for projects in these areas to support training for a full spectrum of Marine Corps operations.

In consideration of these facts, the committee recommends that authorizations for the construction of certain projects requested to

support the movement of Marines to Guam be deferred until the DOD provides Congress with: (1) certification that tangible progress has been made to implement a final decision concerning the FRF considered acceptable to DOD and meeting the operational requirements for the United States Marines on Okinawa; (2) a Record of Decision with a mitigation plan to minimize the negative impact to the local community and local ecosystems; (3) a determination of requirements and estimate of the amounts for the upgrade of civilian infrastructure, facilities, and utilities that will be the funding responsibility of the Department of Defense; (4) a plan to address all civilian requirements for the support of the 8,000 Marines, their families, and the temporary construction workers on Guam; and (5) tangible progress towards the acquisition of lands on Guam required to support Marines Corps training ranges.

TITLE XXIII—AIR FORCE

Summary

The budget request included authorization of appropriations of $1.31 billion for military construction and $591.0 million for family housing for the Air Force in fiscal year 2011.

The committee recommends authorization of appropriations of $1.38 billion for military construction and $591.0 million for family housing for fiscal year 2011.

The committee recommends moving $41.0 million of military construction projects in the U.S. Central Command (CENTCOM) area of responsibility from the base budget to the Overseas Contingency Operations accounts and cutting $185.0 million in canceled or accelerated Air Force projects from the Overseas Contingency Operations accounts. The committee believes these funding changes will allow for more efficient execution of CENTCOM military construction projects.

The committee recommends fully authorizing the budget request of $158.009 million for the Air Force Technical Application Center at Patrick Air Force Base in Florida, but incrementally funding the project with an authorization of appropriations of $100.009 million. This action is taken without prejudice and merely to facilitate the most efficient use of taxpayer funds.

Authorized Air Force construction and land acquisition projects (sec. 2301)

The committee recommends a provision that would authorize Air Force military construction projects for fiscal year 2011. The authorized amounts are listed on an installation-by-installation basis.

Family housing (sec. 2302)

The committee recommends a provision that would authorize new construction and planning and design of family housing units for the Air Force for fiscal year 2011. It would also authorize funds for facilities that support family housing, including housing management offices, housing maintenance, and storage facilities.

Improvements to military family housing units (sec. 2303)

The committee recommends a provision that would authorize funding for fiscal year 2011 to improve existing Air Force family housing units.

Authorization of appropriations, Air Force (sec. 2304)

The committee recommends a provision that would authorize appropriations for the active component military construction and family housing projects of the Air Force authorized for construction for fiscal year 2011 in this Act. This provision would also provide an overall limit on the amount authorized for military construction

and family housing projects for the active-duty component of the Air Force. The State list contained in this report is the binding list of the specific projects authorized at each location.

Extension of authorization of certain fiscal year 2007 project (sec. 2305)

The committee recommends a provision that would extend the fiscal year 2007 authorization for the replacement of 457 housing units at Mountain Home Air Force Base, Idaho until October 1, 2011, or the date of an act authorizing funds for military construction for fiscal year 2012, whichever is later.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Summary

The budget request included authorization of appropriations of $3.12 billion for military construction for the defense agencies, $124.9 million for chemical demilitarization construction, and $50.0 million for family housing for the defense agencies, the Family Housing Improvement Fund, and the Homeowners Assistance Program for fiscal year 2011.

The committee recommends authorization of appropriations of $3.2 billion for military construction, $124.9 million for chemical demilitarization construction, and $50.0 million for family housing for the defense agencies for fiscal year 2011.

The committee eliminated funding for the Hydrant Fuel System at Misawa Air Base in Japan as this does not support a current mission requirement.

The committee recommends incrementally funding the North Campus Utility Plant at Ft. Meade, Maryland. This $219.0 million facility is fully authorized as a military construction project, but the level of funding requested cannot be reasonably executed in this fiscal year.

The committee recommends incrementally funding the Ambulatory Care Center at Lackland Air Base, Texas. This $162.0 million facility remains fully authorized as a military construction project, but the level of funding requested cannot be reasonably executed in this fiscal year.

The committee eliminated funding for the Health/Dental Replacement Clinic at Camp Carroll, Korea, since the Department was unable to provide sufficient information on their requirements and the location of the proposed clinic.

The committee recommends a significant increase in the Energy Conservation Improvement Program. The committee is encouraged that there is a considerable number of meritorious programs competing for funding within this program. Projects must have a Savings-to-Investment ratio of 1.25 or higher to qualify for the program and a simple payback period of 10 years or less.

Authorized Defense Agencies construction and land acquisition projects (sec. 2401)

The committee recommends a provision that would authorize military construction projects for the defense agencies for fiscal year 2011. The authorized amounts are listed on an installation-by-installation basis.

Energy conservation projects (sec. 2402)

The committee recommends a provision that would authorize the Secretary of Defense to carry out energy conservation projects.

Authorization of appropriations, Defense Agencies (sec. 2403)

The committee recommends a provision that would authorize appropriations for the military construction and family housing projects of the defense agencies authorized for construction for fiscal year 2011 in this Act. This provision would also provide an overall limit on the amount authorized for military construction and family housing projects for the defense agencies. The State list contained in this report is the binding list of the specific projects authorized at each location.

Modification of authority to carry out certain fiscal year 2010 project (sec. 2404)

The committee recommends a provision that would modify the table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2641) to authorize $68.5 million for the Aegis Ashore Test Facility at the Pacific Missile Range Facility, Hawaii. This facility is necessary to permit the testing and demonstration of the Aegis Ashore system in time for its planned deployment in Phase 2 of the Phased Adaptive Approach to missile defense in Europe, in the 2015 timeframe.

Subtitle B—Chemical Demilitarization Authorizations

Authorization of appropriations, chemical demilitarization construction, defense-wide (sec. 2411)

The committee recommends a provision that would authorize military construction projects for the chemical demilitarization program for fiscal year 2011. The authorized amounts are listed on an installation-by-installation basis.

Modification of authority to carry out certain fiscal year 2000 project (sec. 2412)

The committee recommends a provision that would modify the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 107–107; 115 Stat. 835), as amended, increasing the authorization amount for an item relating to Blue Grass Army Depot, Kentucky, from $492.0 million to $746.0 million.

Item of Special Interest

Design standards for schools of the Department of Defense Education Activity

The committee notes that the budget request for fiscal year 2011 and the future years defense program (FYDP) includes a significant increase in the amounts proposed for investment in the replacement of schools maintained and operated by the Department of Defense Education Activity (DODEA). The amount requested in fiscal

year 2011 of $439.0 million, is 110 percent greater than the amount proposed for fiscal year 2011 in the FYDP that accompanied the budget request for fiscal year 2010. The amount of over $4.0 billion proposed for investment in the FYDP in the fiscal year 2011 budget request represents an increase of almost $3.6 billion from the fiscal year 2010 FYDP for DODEA. The urgent requirement for additional funding for school facilities was revealed in a study requested by this committee in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), which assessed the condition of DODEA schools worldwide and the impact of underinvestment of funding for replacements and renovations.

The committee strongly supports the Department's commitment to the wide range of family programs that support the spouses and dependents of our military personnel. The committee has received testimony that many of these programs ranging from housing, child care, medical care, and education are major factors in achieving a positive quality of life and the decision of service members to remain in the military, despite the hardships of family separations and a high operations tempo. The committee commends the Secretary of Defense for establishing a priority to ensure the children of our military personnel are provided the best education opportunities in state-of-the-art facilities with the most current technology available. The committee also notes that the environment provided to students by the decisions and priorities established during the facility design process for each new school will have a significant impact on the quality of education and the scholastic experience for children for many years.

Noting the substantial amount of design and construction to be accomplished in the next 5 years, the committee directs the Secretary of Defense to establish a formal process whereby the best practices and design innovations in public and private school construction can be incorporated into the design of DODEA schools. The Secretary shall ensure that the process encourages the use of sustainable designs, green building systems, acoustics management, student safety/security, and interactive technology to create a positive learning environment for children and an efficient teaching environment for faculty. The process should also determine what is required to provide children with disabilities the full range of education opportunities and to ensure these requirements are incorporated into each design. Finally, the process should ensure that the facility design will be able to easily adapt and respond to emerging requirements related to dynamic curricula and new teaching techniques and incorporate the feedback of teachers, parents, military community representatives, and local school administrators.

The committee directs the Secretary of Defense to provide this committee with a report not later than September 30, 2010, on the establishment of the process and the procedures adopted to meet the goals to provide outstanding schools for the children of our military personnel.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Summary

The Department of Defense requested authorization of appropriation of $258.88 million for the North Atlantic Treaty Organization Security Investment Program for fiscal year 2011. The committee recommends an authorization of appropriation of $258.88 million for this program.

Authorized NATO construction and land acquisition projects (sec. 2501)

The committee recommends a provision that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment Program in an amount equal to the sum of the amount specifically authorized in section 2502 of this title and the amount of recoupment due to the United States for construction previously financed by the United States.

Authorization of appropriations, NATO (sec. 2502)

The committee recommends a provision that would authorize appropriations of $258.88 million for the United States' contribution to the North Atlantic Treaty Organization Security Investment Program for fiscal year 2011.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Summary

The Department of Defense requested authorization of appropriations of $1.4 billion for military construction in fiscal year 2011 for National Guard and Reserve facilities. The committee recommends a total of $1.7 billion for military construction for the reserve components. The detailed funding recommendations are contained in the State list table included in this report.

Authorized Army National Guard construction and land acquisition projects (sec. 2601)

The committee recommends a provision that would authorize military construction projects for the Army National Guard for fiscal year 2011. The authorized amounts are listed on a location-by-location basis.

Authorized Army Reserve construction and land acquisition projects (sec. 2602)

The committee recommends a provision that would authorize military construction projects for the Army Reserve for fiscal year 2011. The authorized amounts are listed on a location-by-location basis.

Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects (sec. 2603)

The committee recommends a provision that would authorize military construction projects for the Navy Reserve and Marine Corps Reserve for fiscal year 2011. The authorized amounts are listed on a location-by-location basis.

Authorized Air National Guard construction and land acquisition projects (sec. 2604)

The committee recommends a provision that would authorize military construction projects for the Air National Guard for fiscal year 2011. The authorized amounts are listed on a location-by-location basis.

Authorized Air Force Reserve construction and land acquisition projects (sec. 2605)

The committee recommends a provision that would authorize military construction projects for the Air Force Reserve for fiscal year 2011. The authorized amounts are listed on a location-by-location basis.

Authorization of appropriations, National Guard and Reserve (sec. 2606)

The committee recommends a provision that would authorize appropriations for the reserve component military construction projects authorized for construction for fiscal year 2011 in this Act. This provision would also provide an overall limit on the amount authorized for military construction projects for each of the reserve components of the military departments. The State list contained in this report is the binding list of the specific projects authorized at each location.

Extension of authorizations of certain fiscal year 2008 projects (sec. 2607)

The committee recommends a provision that would extend the authorizations for certain Guard and Reserve fiscal year 2008 military construction projects until October 1, 2011, or the date of enactment of an act authorizing funds for military construction for fiscal year 2012, whichever is later. These extensions were requested by the Department of Defense.

Item of Special Interest

Report on National Guard readiness centers

The committee notes that the budget request for fiscal year 2011 contains 48 military construction projects for the Army National Guard (ARNG) in 32 states and territories totaling $874.0 million, a 105 percent increase from the amount requested in the budget request for fiscal year 2010. While the committee commends the Department of the Army for the necessary increase to address the severe backlog of work needed to upgrade Army National Guard facilities, the committee also notes that the amount for the ARNG included in the future years defense program (FYDP) accompanying the budget request for 2011 drops off significantly to a proposed amount of $354.0 million in fiscal year 2015, with less than $180.0 million per year dedicated to the replacement or modernization of ARNG facilities.

The committee notes that the 2009 Quadrennial Defense Review (QDR) released in February 2010 outlined the requirement that the ARNG should be a force that can serve in an operational capacity, available, trained, and equipped for routine deployment as well as being a Homeland Response Force responsible for providing regional immediate response capability within the United States. The QDR stated, "[t]oday's National Guard and Reserve men and women volunteer knowing that they will periodically serve on active duty. They also serve expecting to be . . . provided the right training and equipment to complete the mission. The Department will work to meet these expectations."

The ARNG relies on an inventory of 3,000 Readiness/Reserve Centers (formerly known as armories) spread over all 54 states/territories in local communities as the primary facilities to support unit training and local State operations. The committee is aware that 40 percent of ARNG facilities are over 50 years old and about 40 percent of readiness centers do not adequately meet requirements for the support of training for the full range of mission es-

sential tasks. In addition, based on the current force structure of the ARNG, there exists a deficit in readiness centers of 19.5 million square feet, 30 percent of the total current inventory. Finally, many readiness centers are located in areas that are not ideally positioned for current populations and demographic trends, which affects recruiting and retention. All of these factors have a detrimental impact on the readiness of the ARNG at a time when the high operations tempo of deployments to Iraq and Afghanistan are already taking a significant toll on the ARNG.

The committee notes that the budget request for fiscal year 2011 contains 20 military construction projects totaling $294.0 million to add to or replace ARNG readiness centers. At this rate of investment, it would take over 30 years just to address the critical requirements in inadequate readiness centers. In addition, the committee is concerned that military construction funds may not be addressing the most urgent requirements in the ARNG due to local considerations and the need for state matching funds. Finally, the committee recognizes that the value and contribution of readiness centers to local communities may not be fully recognized by DOD.

Therefore, the committee directs the Secretary of the Army to report to this committee no later than February 1, 2011 on the results and recommendations of an independent study which shall review the following:

1) standards for facility size, configuration, and equipment for the range of missions and training supported by readiness centers;

2) an assessment of each readiness center to objectively measure and determine the current facility condition and capability to support authorized manpower, unit training, and operations;

3) an assessment of supporting facilities and functions to include equipment storage, classrooms, force protection, utilities, maintenance, administration, and proximity of support and training facilities;

4) recommendations for the placement of new readiness centers, the relocation of existing readiness center, or a change in the mission of units assigned to readiness centers to ideally position the ARNG in current or projected population centers;

5) recommendations for enhanced use of readiness centers to facilitate ARNG family support programs during deployments;

6) an analysis of the feasibility, potential costs and benefits of shared use of ARNG readiness centers with other local, state, or federal agencies to improve response to local emergencies as well as the community support provided by readiness centers; and

7) an investment strategy and proposed funding amounts in a prioritized project list to correct the most critical facility shortfalls across the inventory of ARNG readiness centers.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Summary and explanation of tables

The budget request included $360.47 million for the ongoing cost of environmental remediation and other activities necessary to continue implementation of the 1988, 1991, 1993, and 1995 Base Realignment and Closure (BRAC) rounds. The committee has authorized the amount requested for these activities in section 2701 of this Act.

In addition, the budget requested an authorization of appropriations of $2.35 billion for implementation of the 2005 BRAC round. Section 2702 of this Act would authorize the full $2.35 billion requested for BRAC activities in fiscal year 2011.

The following table provides the specific amount authorized for each BRAC military construction project as well as the amount authorized for appropriations for all BRAC activities, including military construction, environmental costs, relocation and other operation and maintenance costs, permanent change of station costs for military personnel, and other BRAC costs.

Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990 (sec. 2701)

The committee recommends a provision that would authorize appropriations for fiscal year 2011 for ongoing activities that are required to implement the decisions of the 1988, 1991, 1993, and 1995 Base Realignment and Closure rounds.

Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005 (sec. 2702)

The committee recommends a provision that would authorize military construction projects for fiscal year 2011 that are required to implement the decisions of the 2005 Base Realignment and Closure round. The table included in this title of the report lists the specific amounts authorized at each location.

Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005 (sec. 2703)

The committee recommends a provision that would authorize appropriations for military construction projects for fiscal year 2011 that are required to implement the decisions of the 2005 Base Realignment and Closure (BRAC) round. This provision would also provide an overall limit on the amount authorized for BRAC military construction projects. The State list contained in this report is the binding list of the specific projects authorized at each location.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL MATTERS

Subtitle A—Military Construction Program and Military Family Housing Changes

Extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States (sec. 2801)

The committee recommends a provision that would provide the Secretary of Defense with continued authority to use funds appropriated for operation and maintenance for military construction to meet temporary operational requirements during a time of declared war, national emergency, or contingency operation through September 2011. It would also extend the authority to that portion of the United States Africa Command area of responsibility formerly within the area of responsibility of the United States Central Command.

This authority would enable the Department of Defense to provide basic facilities and infrastructure critical to military operations ahead of the regular annual authorization and appropriation process for construction projects. The proposal retains the current requirement to provide notice to Congress prior to the use of funds appropriated for operation and maintenance under the conditions set forth in subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136). In addition, the Department of Defense still would not be able to proceed with execution of these projects until after a waiting period of 10 days, unless notification is by electronic means, in which case it is 7 days, following the delivery of pre-notification to the Congress.

Subtitle B—Real Property and Facilities Administration

Limitation on enhanced use leases of non-excess property (sec. 2811)

The committee recommends a provision that would ensure that enhanced use leases (EULs) for non-excess property may not be used to commit future-years Department of Defense (DOD) funds for long-term projects that have not received approval through the normal budgeting process.

Section 2667 of title 10, United States Code, provides EUL authority to the military departments. Section 2823 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) extended this authority to the Armed Forces Retirement Home (AFRH). In October 2009, the Congressional Budget Office (CBO) reviewed section 2823 and estimated that the provision would result in $115.0 million of direct spending over a 10-year period. This

estimate was based on CBO's view that AFRH would use EULs to leverage construction of new facilities that would be leased back over time through annual payments by AFRH.

The committee does not believe that either section 2667 or section 2823 authorizes the use of EULs to commit DOD to the expenditure of future-years funds. In an October 13, 2009, letter, the Secretary of Defense agreed. The Secretary's letter states:

"It is my understanding that there is speculation that AFRH might use this authority to acquire expensive facilities through long-term leases that would commit Department of Defense funds over periods of up to 50 years. While we do not know how DOD might use this authority in the future, I can say that it is not my intention to use the provision in that manner. If this authority is enacted, I can assure you that I would take steps to ensure that this new authority is used responsibly. In particular, this authority would not be used to commit future-years Department of Defense funds for long-term projects that have not received approval through the normal budgeting process. I am confident that DOD will sustain this position in the future."

The provision recommended by the committee would ensure that the military departments and AFRH are bound by the Secretary's interpretation.

Subtitle C—Energy Security

Enhancement of energy security activities of the Department of Defense (sec. 2821)

The committee recommends a provision that would amend Chapter 173 of title 10, United States Code, to: (1) direct the Secretary of Defense to develop a comprehensive master plan for the Department of Defense (DOD), including baselines, measurement methods, metrics, milestones, and investments needed to meet DOD energy performance goals; (2) require the consideration of renewable forms of energy not only in new construction, but in repairs and renovations as well; and (3) require that specific consideration be given to roof-top solar thermal, photovoltaic, and energy reducing coating technologies; energy management control, supervisory control, and data acquisition systems; energy efficient heating ventilation and air conditioning systems; thermal windows and insulation systems; electric meters, and lighting, equipment, and appliances that are designed to use less electricity.

The committee directs the Secretary of Defense to include in the first master plan developed pursuant to this provision a report on the specific steps that the Department has taken and plans to take to ensure that specific consideration is given in all new building construction and building renovation projects to roof-top energy savings and other technologies identified in the provision. The report shall address the feasibility and advisability of using solar-power collecting structures to shade vehicles at domestic military installations, including the Pentagon parking lot.

Permanent authority to accept and use landing fees charged to use of domestic airfields by civil aircraft (sec. 2822)

The committee recommends a provision which would amend Section 377 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) to make permanent the pilot authority provided to the secretary of each military department to accept payments for the use of domestic military and shared use airfields by civil aircraft and to use those payments for the operation and maintenance of the airfield.

Subtitle D—Land Conveyances

Land Conveyance, Fort Knox, Kentucky (sec. 2831)

The committee recommends a provision which would authorize the Secretary of the Army to convey without consideration to the Department of Veterans Affairs of the Commonwealth of Kentucky a parcel of land consisting of approximately 194 acres at Fort Knox, Kentucky for the establishment and operation of a state veterans home and future expansion of an adjacent state veterans cemetery.

Land Conveyances, Naval Support Activity (West Bank), New Orleans, Louisiana (sec. 2832)

The committee recommends a provision which would authorize the Secretary of the Navy to convey with consideration to Algiers Development District a parcel of land and improvements thereon comprising the Naval Support Activity in New Orleans, Louisiana, with certain exceptions. Consideration for this conveyance would be provided by the State of Louisiana, through the Algiers Development District, by delivering to the Secretary of the Navy new facilities, including the construction of a new Marine Forces Reserve Headquarters facility as required by Article 3 of the lease signed on September 30, 2008.

Authority for use of unobligated funds for construction of a replacement fire station at Fort Belvoir, Virginia (sec. 2833)

The committee recommends a provision that would allow the Secretary of the Army to use previously appropriated Military Construction, Army, funds in conjunction with funds provided by the Commonwealth of Virginia to construct an Army standard-design, two-company fire station to meet Fort Belvoir's current requirement. This extension was requested by the Department of Defense.

Subtitle E—Reports

Limitation on availability of funds pending reports regarding construction of a new outlying landing field (OLF) in North Carolina and Virginia (sec. 2841)

The committee recommends a provision that would prohibit the obligation or expense of funds for the study or development of a new outlying landing field in North Carolina or Virginia after fiscal year 2011 until the Secretary of the Navy provides the congressional defense committee with a report.

Subtitle F—Other Matters

Further enhancements to Department of Defense Homeowners Assistance Program (sec. 2851)

The committee recommends a provision that would amend section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), as amended by section 1001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), which requires the government to purchase all applicant homes when the home value is below the mortgage payoff amount.

This provision would allow the government to pay the difference between the price for which an applicant sells their home and the mortgage payoff amount, rather than the current requirement for the government to purchase the home for the entire mortgage.

Lease of Airborne and Special Operations Museum facility (sec. 2852)

The committee recommends a provision that would authorize a lease of portions of the Airborne and Special Operations Museum to the Airborne and Special Operations Museum Foundation for uses consistent with the purpose of the museum.

Sense of the Senate on the proposed extension of the Alaska Railroad corridor across Federal land in Alaska (sec. 2853)

The committee recommends a provision that would express the sense of the Senate that the Department of the Army and Department of the Air Force should explore means of accommodating this expansion using existing authorities that will not adversely impact military missions, operations, and training.

Sense of Congress on military housing for the Air Force (sec. 2854)

The committee recommends a provision that would express the sense of Congress that the Secretary of the Air Force should use existing authority to carry out certain solicitations for military housing projects consistent with the goal of improving homes for Air Force personnel and their families by the end of 2010.

Items of Special Interest

Application of force protection and anti-terrorism standards to gates and entry points on military installations

The committee recognizes the importance of anti-terrorism and force protection (AT/FP) measures for Department of Defense installations and facilities. Main gates and entry control points (ECP) are the first line of defense on a military installation to guard against intrusion and potential vehicle-borne terrorist attacks. The committee notes that a report received on June 18, 2009, in response to section 2815 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) on the application of force protection and anti-terrorism standards to gates and entry points on military installations determined that of the 1,786 ECPs on major military installations, 746 have requirements

to install permanent AT/FP measures, 1,078 have other facility requirements, and 938 require the installation of permanent equipment to meet AT/FP standards. The total estimated amount required to correct these critical deficiencies is $3.2 billion.

The committee notes that the requirements identified in the report apply to 231 major military installations and do not include over 5,000 other military sites and installations, many of which support critical national security activities and reserve component installations.

The committee has responded to the concern of inadequate funding for the construction of permanent facilities and equipment to ensure compliance with AT/FP standards by adding eight military construction projects totaling $56.0 million to address critical force protection requirements. Timely execution of these requirements is necessary to protect the safety and welfare of service members and their families as well as vital military resources and weapon systems.

The committee expects the Department of Defense (DOD) to include, in response to this report, adequate funding levels in the fiscal year 2012 budget and future-years defense program to address the significant shortfalls in the compliance of main gates and ECPs with AT/FP standards at all military installations supporting critical missions and resources. The committee also expects the Department of Defense to verify both designed and installed AT/FP measure meet all DOD minimum AT/FP standards for installations and buildings.

Report on U.S. Special Operations Command military construction requirements

The committee is concerned about the adequacy of U.S. Special Operations Command's (USSOCOM) military construction program and its ability to keep pace with the mandated growth in U.S. Special Operations Forces. The committee notes that the Commander of U.S. Special Operations Command has identified 16 unfunded military construction projects for fiscal year 2011 totaling $164.1 million. Additionally, the committee is concerned about the status of deteriorating facilities utilized by special operations personnel, many of which have been occupied for decades with minimal investment in their sustainment and modernization.

Therefore, the committee directs the Secretary of Defense to submit a report to the congressional defense committees no later than 90 days after enactment of this Act on the adequacy of USSOCOM's military construction program. The report shall include: (1) a detailed description of USSOCOM's military construction, sustainment, and modernization programs as anticipated over the future years defense program, (2) an assessment of the adequacy of USSOCOM's military construction, sustainment, and modernization programs to support the mandated growth of special operations forces and replace or modernize its oldest facilities, (3) a description of how USSOCOM prioritizes military construction requirements, (4) a description of how the Department differentiates between Major Force Program–2 military construction requirements for General-Purpose Forces and Major Force Program–11

military construction requirements for special operations forces, and (5) any other matters the Secretary deems appropriate.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

Summary

The President's Overseas Contingency Operations budget request for fiscal year 2011 included $1.26 billion for military construction projects in Afghanistan. The table in section 4504 describes the specific projects and recommended adjustments for fiscal year 2011.

The committee recommends moving $101.5 million of military construction projects in the U.S. Central Command (CENTCOM) area of responsibility from the base budget to the Overseas Contingency Operations accounts and cutting $71.0 million in canceled or accelerated projects from the Overseas Contingency Operations accounts. The committee believes these funding changes will allow for more efficient execution of CENTCOM military construction projects.

Authorized Army construction and land acquisition projects (sec. 2901)

The committee recommends a provision that would authorize $1.0 billion in overseas contingency military construction projects for the Army for fiscal year 2011.

Authorized Air Force construction and land acquisition projects (sec. 2902)

The committee recommends a provision that would authorize $150.8 million in Overseas Contingency Operations military construction projects for the Air Force for fiscal year 2011.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Overview

Title XXXI authorizes appropriations for atomic energy defense activities of the Department of Energy for fiscal year 2011, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons; naval nuclear propulsion; environmental restoration and waste management; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95–91). This title authorizes appropriations in three categories: (1) National Nuclear Security Administration (NNSA); (2) defense environmental cleanup; and (3) other defense activities.

The budget request for atomic energy defense activities at the Department totaled $17.7 billion, a 7.4 percent increase above the fiscal year 2011 regular appropriated level. Of the total amount requested:

(1) $11.2 billion is for NNSA, of which:

(a) $7.0 billion is for weapons activities;

(b) $2.7 billion is for defense nuclear nonproliferation activities;

(c) $1.1 billion is for naval reactors; and

(d) $448.3 million is for the Office of the Administrator;

(2) $5.6 billion is for defense environmental cleanup; and

(3) $878.2 million is for other defense activities.

The budget request also included $6.2 million within energy supply.

The committee recommends $17.7 billion for atomic energy defense activities, the amount of the budget request.

Of the amounts authorized, the committee recommends:

(1) $11.2 billion for NNSA, of which;

(a) $7.0 billion is for weapons activities, an increase of $6.2 million above the budget request;

(b) $2.7 billion is for defense nuclear nonproliferation activities, the amount of the budget request;

(c) $1.1 billion is for naval reactors, the amount of the budget request; and

(d) $448.3 million is for the Office of the Administrator, the amount of the budget request;

(2) $5.6 billion for defense environmental cleanup activities, the amount of the budget request; and

(3) $878.2 million for other defense activities, the amount of the budget request.

The committee recommends no funds for energy supply, a reduction of $6.2 million.

National Nuclear Security Administration (sec. 3101)

The committee recommends a provision that would authorize a total of $11.2 billion for the Department of Energy in fiscal year 2011 for the National Nuclear Security Administration (NNSA) to carry out programs necessary to national security, an increase of $6.2 million above the budget request.

Weapons activities

The committee recommends $7.0 billion for weapons activities, an increase of $6.2 million above the budget request. The committee authorizes the following activities: $1.9 billion for directed stockpile work; $1.7 billion for campaigns; $1.9 billion for readiness in the technical base and facilities; $248.0 million for the secure transportation asset; $233.1 million for nuclear counterterrorism incident response; $119.0 million for facilities and infrastructure recapitalization; $105.5 million for site stewardship; $844.3 million for safeguards and security; and $20.0 million for science, technology, and engineering capability.

Directed stockpile work

The committee recommends $1.9 billion for directed stockpile work, a decrease of $25.0 million below the amount of the budget request. The directed stockpile account supports work directly related to weapons in the stockpile, including day-to-day maintenance as well as research, development, engineering, and certification activities to support planned life extension programs. This account also includes fabrication and assembly of weapons components, feasibility studies, weapons dismantlement and disposal, training, and support equipment.

The committee recommends a decrease of $15.0 million for the W–76 life extension program. The committee fully supports the life extension program for the W–76, the most numerous of all the nuclear systems in the stockpile. The committee is aware, however, that because of technical issues, the program is behind schedule and will not need all of the requested funds in 2011.

The committee recommends an increase of $10.0 million in management, technology, and production for increased surveillance activities. The committee is concerned that in spite of the substantial increases in the NNSA weapons activities account, the budget does not fully support the enhanced surveillance efforts.

The committee recommends a $20.0 million decrease in plutonium infrastructure sustainment as excess to requirements.

Campaigns

The committee recommends $1.7 billion for campaigns, a decrease of $2.0 million below the amount of the budget request. The campaigns focus on science and engineering efforts involving the three nuclear weapons laboratories, the Nevada Test Site, and the weapons production plants. Each campaign is focused on a specific

activity to support and maintain the nuclear stockpile without underground nuclear weapons testing. These efforts form the scientific underpinning of the Department of Energy's annual certification that the stockpile remains safe, secure, and reliable without nuclear weapons testing. The committee is very concerned about the preliminary decision of the NNSA to eliminate the readiness campaign with the exception of tritium readiness. The readiness campaign provides foundational support for key activities in the nuclear stockpile. If the NNSA decides to eliminate the readiness campaign the committee directs NNSA to identify clearly how and where these foundational activities will be maintained.

The committee recommends an increase of $3.0 million in National Ignition Facility (NIF) campaign for diagnostics, cryogenics and experimental support. The committee wants to insure that there are adequate diagnostics to fully utilize and support the experimental capability of the NIF.

The committee recommends a reduction of $5.0 million in the readiness campaign for tritium readiness. The reduction for tritium readiness takes into account a large carryover balance resulting from contracting delays and problems with the tritium producing bars.

Readiness in the technical base

The committee recommends $1.9 billion for readiness in the technical base (RTBF), an increase of $30.0 million above the budget request for operations of facilities. This account funds facilities and infrastructure in the nuclear weapons complex and includes construction funding for new facilities.

The committee recommends an increase of $10.0 million to support deferred maintenance at the Pantex plant. The committee recommends an increase of $10.0 million to support deferred maintenance at the Y–12 facility. The committee recommends an increase for the PF–4 facility at Los Alamos National Laboratory to address the active ventilation system issues that have been identified by the Defense Nuclear Facility Safety Board.

The committee recommends a reduction of $30.0 million for the Kansas City Plant specifically for the Kansas City Responsive Infrastructure Manufacturing and Sourcing (KCRIMS) plan, the plan to acquire a replacement facility for the existing Kansas City Plant. The Kansas City Plant replacement is being managed by the General Services Administration (GSA). The new facility will be built by a private development company, but will be owned by a Kansas City redevelopment authority, which will in turn lease it to the development company to sublease to GSA to sub-sub lease to NNSA for the Kansas City operations. The committee is aware of cost estimates for the new complex ranging from $500.0 million to $673.0 million with an estimated life cycle cost of $4.7 billion. The committee notes that the budget request for KCRIMS includes funds for "unique facility upgrades for utility and interior requirements." The committee questions why funds are needed for upgrades and unique requirements at a facility that is being built to NNSA specifications.

The basis for the decision to build the new facility using GSA/third party approach rather than the normal government construc-

tion line item approach was that the life cycle costs would be less using the GSA/third party approach. The committee is concerned that NNSA may be supplementing the construction costs. The committee also notes that ground breaking for the new building has been delayed until August 2011. For future budget submissions, the committee directs the NNSA to specifically identify funds for the KCRIMS project as a separate element of the RTBF and the purpose for which they will be spent.

The committee continues to believe that replacing the existing Chemical and Metallurgical Research facility is essential but that the new Chemical and Metallurgical Research Replacement (CMRR) facility has many unresolved issues including the appropriate size of the facility. CMRR will be a category I facility supporting pit operations in building PF–4. Now that the Nuclear Posture Review is completed the NNSA and the Department of Defense (DOD) are in a better position to ensure that the facility is appropriately sized. Elsewhere in this act the committee has recommended a provision to require construction project baselines and to track cost and schedule issues. The committee is very concerned that the NNSA follow the DOE 413 order series and project management and guidance. The NNSA is also directed to conduct a true independent cost estimate for the CMRR Nuclear Facility, phase III of the CMRR project. The committee is concerned that the phase III project is being divided into multiple sub-projects. Notwithstanding this management approach the committee directs the CMRR baseline to reflect all phases and subprojects for the purposes of the cost and schedule baseline provision and to be accounted for as a single project.

The committee recommends an increase of $20.0 million for the Los Alamos Neutron Science Center (LANSCE) refurbishment, Project 09–D–007. The LANSCE supports the only machine capable of performing nuclear cross section measurements of weapons materials to support the resolution of significant findings investigations. LANSCE refurbishment would also further enhance the ability of the NNSA to perform surveillance on the stockpile. The committee recognizes that there is considerable deferred maintenance at the LANSCE facility that will need to be addressed as the final design for the LANSCE refurbishment is determined. In the interim the committee authorizes the NNSA to use such funds in fiscal year 2011 as needed to maintain the facility while the design is finalized.

The committee recommends an increase of $10.0 million for the high explosive pressing facility at the Pantex Plant, Project 08–D–802 to accelerate construction of the facility. This new high explosive facility is needed for life extension programs and will provide a modern, safe, working environment for these high risk operations.

Defense Nuclear Nonproliferation programs

The committee recommends $2.7 billion for the Defense Nuclear Nonproliferation program, the same as the budget request. The National Nuclear Security Administration (NNSA) has management and oversight responsibility for the nuclear nonproliferation programs at the Department of Energy (DOE).

The committee recommends funding for these programs as follows: $359.6 million for nonproliferation and verification research and development, an increase of $8.0 million; $151.9 million for nonproliferation and international security, a decrease of $4.0 million; $610.1 million for international nuclear materials production and cooperation, an increase of $20.0 million above the amount of the budget request; $1.0 billion for fissile materials disposition, a decrease of $20.0 million; and $554.8 million for the global threat reduction initiative, a decrease of $4.0 million.

Nonproliferation and verification research and development

The committee recommends $359.6 million for nonproliferation and verification research and development, an increase of $8.0 million in operations and maintenance. The committee recommends $2.0 million for increased forensics capabilities, international safeguards technologies, nuclear detonation systems, seismic monitoring, and proliferation detection technologies, and $6.0 million for the joint DOE Air Force space situational awareness activities.

The committee is particularly concerned about the long-term ability of the United States to monitor and detect clandestine nuclear weapons development activity, and to attribute nuclear weapons, improvised nuclear devices, and radiological dispersal devices. Currently, the fragile U.S. forensic research and development capabilities of DOE and its laboratories underpin the capabilities of all the federal agencies dealing with nuclear forensics and attribution.

The Department of Homeland Security (DHS) has been assigned responsibility to work with the various Executive Branch agencies to coordinate technical nuclear forensics and attribution responsibilities. As part of that responsibility, DHS, working with the other agencies, is developing requirements and identifying the capabilities needed to detect, locate, render safe, to attribute a nuclear event, and to identify gaps in the necessary capabilities.

Nonproliferation and international security

The committee recommends $151.9 million for nonproliferation and international security, a decrease of $4.0 million for Global Initiatives for Proliferation Prevention (GIPP). The committee notes that the GIPP has significant prior-year funds.

International nuclear materials protection and cooperation

The committee recommends $610.1 million for international nuclear materials protection and cooperation, an increase of $20.0 million above the budget request for the megaports program. The committee notes that the budget request for megaports for fiscal year 2011 is 35 percent less than the amount provided in fiscal year 2010. The megaports program is an important part of the second line of defense to detect nuclear or radiological material being shipped clandestinely into the United States. Because there is a backlog of countries with signed megaports agreements the additional funding can be promptly executed.

Fissile materials disposition

The committee recommends $1.0 billion for fissile materials, a decrease of $20.0 million. The committee notes that the United

States and Russia, after many years of negotiations, have finally signed a new protocol to the Plutonium Management and Disposition agreement to allow each country to disposition 34 metric tons of excess weapons grade plutonium. The committee continues to support the fissile materials disposition program as an important part of the overall nuclear nonproliferation program.

The committee recommends a $40.0 million reduction to the pit disassembly and conversion facility (PDCF), Project 99–D–141, and a $20.0 million increase in the U.S. plutonium disposition program operations and maintenance account. This $20.0 million transfer from the construction line item to the operations and maintenance line reflects a recent NNSA decision to partner with the Environmental Management (EM) program. The EM program and NNSA plan to combine the PDCF project and the EM plutonium preparation project into a single joint project managed by the NNSA. This new project will continue to be located at the Savannah River Site but instead of a stand-alone project the pit disassembly process will be located in the K-area. This funding shift will allow the NNSA to finalize plans and to begin the new project. The $40.0 million in the PDCF project can be used for preliminary engineering and design for the new joint project. The committee notes the new project will be included in the fiscal year 2012 budget request as a construction line item. The committee directs NNSA to treat the combined project as a new construction project with a new scope, schedule and cost baseline using the DOE 413 project management orders and process.

While the committee supports the decision to combine the EM plutonium and NNSA plutonium disposition efforts, the committee urges the NNSA and EM to proceed expeditiously with the combined project. The years of delay in deciding how to prepare plutonium for feedstock for the mixed oxide (MOX) fuel fabrication facility has severely limited the amount of feedstock that will be available when the MOX facility is ready to begin operations. As a result the MOX facility will either start late, start and then stop, or start and then operate at an inefficient rate of production. The committee directs the Secretary of Energy and the Administrator of the NNSA to provide quarterly updates to the congressional defense committees on the progress of this joint program until the fiscal year 2012 budget is submitted to Congress.

The committee recommends $113.0 million for the Russian fissile materials disposition program, the amount of the budget request. The committee notes that the budget request includes funds to continue the joint gas reactor technology demonstration program with Russia. The gas reactor is a more efficient burner of excess plutonium than either conventional nuclear power reactors or fast reactors, which Russia currently plans to use to disposition plutonium. The committee notes that Russia and the United States jointly fund this effort and that Russian support for the program generally exceeds the U.S. contribution.

Global threat reduction initiative

The committee recommends $554.8 million for the global threat reduction initiative (GTRI), a decrease of $4.0 million for gap material. The budget request for the GTRI for fiscal year 2012 is sub-

stantially higher than the amount available for fiscal year 2010, particularly for the nuclear and radiological material removal program, part of the Global Lockdown initiative. The committee supports this effort of secure within 4 years, vulnerable nuclear material that could be used in a dirty bomb or in an improvised nuclear devise. The committee directs the NNSA to provide quarterly reports, at the end of each quarter of fiscal year 2011, describing the projects, including the cost and schedule for each project that has been implemented that quarter.

Plutonium reactor shutdown program

The committee notes that the plutonium reactor shutdown program has been successfully completed and that the last Russian reactor producing plutonium is now shut down. The success of this program is a remarkable example of cooperation among Russia, the United States, and the international community. The committee congratulates the NNSA employees and contractors who worked so diligently on this major effort.

Secure transportation asset

The committee recommends $248.0 million for the secure transportation asset (STA), the amount of the budget request. The secure transportation asset is responsible for the transportation of nuclear weapons, weapons materials, and components, and other materials requiring safe and secure transport. In the committee report accompanying the fiscal year 2009 National Defense Authorization Bill, Senate Report Number 110–335, the committee directed the STA to include in its budget submittal for fiscal year 2010 a break out of the lease expenses for each leased facility and the expenses for each minor construction project. The STA decided not to pursue a third-party financing option. If the STA resumes consideration of any third-party option, the committee expects STA to fully notify Congress of such arrangements in advance of executing any leases.

Nuclear counterterrorism incident response

The committee recommends $233.1 million for nuclear counterterrorism incident response, the amount of the budget request.

Facilities and infrastructure

The committee recommends $119.0 million for the facilities and infrastructure program (FIRP), an increase of $25.0 million above the amount of the budget request. FIRP was established to address the backlog of deferred maintenance at NNSA facilities. While the FIRP has been successful, the committee continues to be concerned that as the FIRP comes to a close, routine maintenance of facilities, utilities and infrastructure upgrades, such as electrical system and road improvement, will once again be deferred to address programmatic demands. The committee recommends the additional funds to address the deferred maintenance recapitalization projects.

Site stewardship

The committee recommends $105.5 million for site stewardship, the amount of the budget request.

Safeguards and security

The committee recommends $871.6 million for safeguards and security, the amount of the budget request.

Naval reactors

The committee recommends $1.1 billion for naval reactors, the amount of the budget request. The committee cautions the naval reactors program in the management of its minor construction projects not to break down projects that would otherwise be line item construction projects, into multiple minor construction projects.

Office of the Administrator

The committee recommends $428.3 million for the Office of the Administrator, the amount of the budget request.

Defense environmental cleanup (sec. 3102)

The committee recommends a provision that would authorize $5.6 billion for the Department of Energy (DOE) in fiscal year 2011 for defense environmental cleanup. The committee notes that the expenditure rate for the funds received under the American Recovery and Reinvestment Act of 2009 (ARRA) (Public Law 111–5) is low. On the other hand the DOE office of Environmental Management (EM) would be at risk of not meeting a number of milestones in various compliance agreements without these funds. The committee notes that the original plan was to obligate and expend the ARRA funds over fiscal years 2009 and 2010. The committee looks forward to the report on the results achieved with the ARRA funds when the Government Accountability Office submits it final report at the conclusion of the program.

Waste Treatment Plant

The committee has been closely following the design review that EM is carrying out at the Waste Treatment Plant (WTP) at the Department of Energy Hanford Site in Richland, Washington. The purpose of this review is to simplify the operations of the pretreatment facility. One aspect of the review is a reassessment of the material at risk (MAR), to determine if the level of radioactivity in the waste to be treated is in fact as high as was previously assumed. This review will also look at the application of the integrated safety management process and determine if certain safety systems could be downgraded if the MAR is modified. The committee remains concerned that the appropriate safety analysis be performed to ensure that there is an analytical basis for any determinations as to whether a system is safety class or safety significant. As the DOE guidance says "a successful safety design depends on the quality of the safety analysis and on engineering judgment in the transformation of this guidance to the final design." The committee expects the analysis for this very important and very expensive facility to be of high quality.

The Defense Nuclear Safety Board (DNFSB) has a statutory responsibility to oversee operational nuclear safety aspects of the WTP project. Part of this responsibility includes oversight of the facility construction and design to ensure that the design meets DOE industry standards and guidance for nuclear safety. The committee notes that the EM program has committed to provide to the DNFSB the documentation and safety analysis to allow the DNFSB to carry out its responsibilities effectively. The committee also notes that EM has established an independent review panel to look at the technical, safety, near- and long-term operational effects, and cost and schedule implications of any changes or revisions. The committee supports this decision.

The committee continues to expect this whole review and design change process to be carried out expeditiously but also thoroughly and to be kept informed by both DOE and the DNFSB as the effort progresses.

The committee further notes that the DOE is considering some changes to the management approach to the WTP project and urges the DOE to ensure that the site retains project management responsibility or remains as integrally involved as possible in the management as the site must be responsible for the long-term operation of the facility and the tank farms.

Other defense activities (sec. 3103)

The committee recommends a provision that would authorize $878.2 million for other defense activities, the amount of the budget request. The committee recommends $464.2 million for health, safety, and security, the amount of the budget request; $188.6 million for Legacy Management, the amount of the budget request; $88.2 million for Nuclear Energy, defense related infrastructure for the Idaho site security, the amount of the budget request; $118.0 million for departmental administration, the amount of the budget request; $11.9 million for acquisition workforce improvements, the amount of the budget request; and $6.4 million for the Office of Hearings and Appeals, the amount of the budget request.

The committee notes that the departmental administration accounts represents 33 percent of the overall departmental administration funds and is used as offset for those funds. It is proportional to the amount of support in the administration used to support the Office of Environmental Management and other defense activities. The committee notes that the funding for acquisition workforce is a new account. The committee fully supports improvements to the acquisition workforce but wishes to ensure that this new account represents a similar proportionality as represented in the defense related departmental administration funding. The committee directs the Secretary to inform the committee as to how these funds will be utilized prior to any obligation or expenditures.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Assessment of adequacy of budget requests with respect to maintaining the nuclear weapons stockpile (sec. 3111)

The committee recommends a provision that would require the Administrator of the National Nuclear Security Administration (NNSA) to include with the budget materials for the NNSA budget request an assessment of the adequacy of the budget request. The Administrator would be required to assess whether the budget requested for that year and the future-years nuclear security program for the weapons activities at the NNSA meets the programmatic requirements set out in the NNSA program plan documents. These documents include the annual stockpile stewardship plan known as the green book. The Administrator would be required to make this assessment in coordination with the Secretary of Defense and the Commander of the United States Strategic Command.

Biennial plan on modernization and refurbishment of the nuclear security complex (sec. 3112)

The committee recommends a provision that would add a new section to the Atomic Energy Defense Act (division D of Public Law 107–314 as amended) to add a new section and change the requirement for the biennial plan on modernization and refurbishment of the nuclear security complex to require the plan in even-numbered years from the current requirement for the plan in odd-numbered years. In addition, the provision would require the plan to be submitted with the plan for maintaining the nuclear weapons stockpile.

Future-years defense environmental management plan (sec. 3113)

The committee recommends a provision that would direct the Secretary of Energy to submit an annual 5 year environmental management budget plan for defense funded environmental management activities. This plan would be due with the annual budget request for the Environmental Management (EM) program. The committee believes that the EM budget should include a budget estimate for the 4 years following the year for which the budget request is made. Five year budget planning will allow the committee and the communities around the EM sites to better understand the long-term costs, plans, and schedule for the EM program. The committee encourages the Secretary to incorporate the plan into the annual budget justification documents.

Notification of cost overruns for certain Department of Energy projects (sec. 3114)

The committee recommends a provision that would direct the Administrator of the National Nuclear Security Administration (NNSA) to establish a cost and schedule baseline for each nuclear weapon stockpile life extension program. The provision would also direct the Secretary of Energy to establish a cost and schedule baseline for each defense funded construction project and for each

defense environmental management project managed under the Department of Energy project management protocols with a value in excess of $100.0 million. Each required cost and schedule baseline would be submitted to the congressional defense committee no later than 30 days after it is developed. If the cost of any project exceeds 125 percent of the cost baseline or if the time to complete the project will exceed 125 percent of the schedule baseline, the Administrator or the Secretary as the case may be shall notify the congressional defense committees within 30 days after any such determination is made.

Within 90 days of a cost or schedule breach the Administrator or the Secretary as applicable shall notify the congressional defense committees if the project will be terminated or continued. If the project is continued the Administrator or the Secretary as applicable shall certify that a revised cost and schedule baseline is in place, that there is no alternative available other than to continue the project and still meet mission needs, and that a management structure is in place adequate to manage and control the cost and schedule of the project in the future.

Authority to purchase or lease aircraft necessary to support the mission of the National Nuclear Security Administration (sec. 3115)

The committee recommends a provision that would authorize the Administrator of the National Nuclear Security Administration (NNSA) to obligate such funds as are necessary to purchase or lease aircraft to support NNSA missions.

Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union (sec. 3116)

The committee recommends a provision that would prohibit Defense Nuclear Nonproliferation program funds from being obligated to establish a center of excellence in any country outside of the former Soviet Union (FSU) until such time as the Administrator of the National Nuclear Security Administration (NNSA) submits to the congressional defense committees a report on the particular center to be established. The report shall identify the country where the center will be established, the purpose for which the center will be used, the agreement under which the center will operate, and the funding plan for the center including any cost-sharing arrangement.

The committee supports the continued efforts of the NNSA nonproliferation programs in countries outside of the FSU but would like to understand in more detail plans for new centers as these plans evolve.

The committee also supports the effort to secure the most vulnerable nuclear material in 4 years, but recognizes that this is a significant challenge that will require close interagency cooperation to be successful. The committee notes that the Department of Defense and the NNSA, have a long and productive history of cooperation in threat reduction programs, and urge them to continue this close collaboration in the accelerated program to secure vulnerable nuclear materials.

Extension of authority of Secretary of Energy for appointment of certain scientific, engineering, and technical personnel (sec. 3117)

The committee recommends a provision that would amend section 4601(c)(1) of the Atomic Energy Defense Act (division D of Public Law 107–314 as amended) to extend the hiring authority for scientific, engineering, and technical personnel for 5 years. This authority expires September 30, 2011.

Extension of authority of Secretary of Energy to enter into transactions to carry out certain research projects (sec. 3118)

The committee recommends a provision that would amend section 646(g)(10) of the Department of Energy Organization Act (Public Law 95–91 as amended) by extending the authority to carry out research projects using other transaction authority through September 30, 2015.

Extension of deadline for cooperation with the Russian Federation with respect to development of nuclear materials protection, control, and accounting program (sec. 3119)

The committee recommends a provision that would extend the materials protection control and accounting (MPC&A) program work with the Russian Federation from 10 years to 14 years. The MPC&A program was established to work with the Russian Federation to increase accountability for and to protect fissile materials from being lost or stolen. The plan for MPC&A was to complete the work and transition the long-term sustainment activities to the Russian Federation by 2013. Section 3156 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–319) established this 10 year time frame. Since 2003, the scope of work with Russian Federation has expanded and an additional 4 years is needed to allow the work to be completed and fully transition sustainment activities to the Russian Federation. The provision would allow the National Nuclear Security Administration until 2017 to complete the MPC&A work.

Repeal of sunset provision for modification of minor construction threshold for plant projects (sec. 3120)

The committee recommends a provision that would amend section 3118 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) to modify permanently the definition of minor construction projects also known as general plant projects, to include any projects under $10.0 million.

The Department of Energy (DOE) has had 2 years to utilize temporary authority for minor construction projects below $10.0 million threshold. Previously the minor construction threshold was $5.0 million. The provision would preserve the requirement to provide a notification to the congressional defense committees before any minor construction project with a value in excess of $5.0 is implemented. The committee cautions the DOE not to have multiple related minor construction projects or segment a construction

project into multiple minor construction projects to avoid the requirement for line item authorization for construction projects.

Extension of deadline for transfer of parcels of land to be conveyed to Los Alamos County, New Mexico, and held in trust for the pueblo of San Ildefonso (sec. 3121)

The committee recommends a provision that would extend the deadline for transfer of certain parcels of land to the county of Los Alamos, New Mexico and held in trust for the pueblo of San Ildefonso from November 26, 2010, to September 30, 2022. Certain parcels of the land to be transferred will require environmental remediation before it can be transferred. This extension will allow the Department of Energy additional time to complete the environmental remediation.

Subtitle C—Other Matters

Department of Energy energy parks program (sec. 3131)

The committee recommends a provision that would authorize the Secretary of Energy to establish energy parks at former defense nuclear facilities of the Department of Energy. Former defense nuclear facilities could provide opportunities to demonstrate and otherwise support new energy technologies being developed and demonstrated by the DOE non-defense program elements and industry. The provision would direct the Secretary to report to the Committees on Armed Services of the Senate and the House of Representatives on the implementation of this authority should the Secretary decide to pursue the energy parks concept at former defense facilities. The Secretary should also include in the report any recommendations for legislation that might be needed to implement energy parks.

The committee does not support energy parks at the present time at defense nuclear facilities but would entertain proposals to establish such facilities on a case by case basis if an energy park would have no impact on national security activities.

Reclassification of certain appropriations for the National Nuclear Security Administration (sec. 3132)

The committee recommends a provision that would reclassify fiscal years 2009 and 2010 appropriations under the heading "Weapons Activities" to allow funds previously authorized and appropriated for use in a construction project to support the refurbishment of the Los Alamos Neutron Science Center (LANSCE), Project "09–D–007, LANSCE Reinvestment PED Los Alamos National Lab, Los Alamos, NM", to be used for capital equipment acquisition, installation, and associated design funds for LANSCE.

Items of Special Interest

Department of Energy National Laboratories

The National laboratories of the Department of Energy (DOE) are the premier national scientific research entities in the U.S. Government and arguably in the United States. These laboratories were specifically established to support national security missions.

As federally funded research and development centers these laboratories are available for use, under the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), to all federal agencies. In addition, the DOE labs have authority to partner with private industry, through cooperative research and development agreements, to enhance the technical competitiveness of U.S. industry. The committee notes that each year the DOE laboratories earn a large percentage of the R&D 100 awards. A robust work for others program contributes to the ability of the laboratories to attract and retain the world's best scientists and engineers. The work for others program contributes to the national missions of the DOE, and also enables other federal agencies including the Department of Defense, the Department of Homeland Security, and the intelligence community to draw on the unique qualities and capabilities at the DOE laboratories. The committee urges the Departments of Defense and Energy to identify and resolve any issues under section 804 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) to ensure that DOD can continue to utilize the unique technical skills and capabilities of the DOE laboratories.

Nuclear Material Management and Safeguards System

The accounting, management, control, identification, reporting and tracking of nuclear materials, including fissile and special nuclear materials is an important responsibility of the United States Government. The Nuclear Material Management and Safeguards System (NMMSS), operated jointly by the Department of Energy (DOE) and the Nuclear Regulatory Commission (NRC), is the U.S. State System of Accounting for the Control of Nuclear Materials for reporting to the International Atomic Energy Agency. Different reporting requirements, standards, and guidelines apply to different types of materials and whether the materials are owned by NRC licensees or the DOE. The committee is concerned that as a result of these various differences NMMSS is not receiving information on all U.S. material and all material in the United States, including material scheduled for disposal or disposition. The committee urges the Secretary of Energy to develop, with the Chairman of the NRC, a reporting methodology to ensure that the NMMSS includes information on all fissile and special nuclear materials. The committee also urges the Secretary of Energy to reestablish the Office of Plutonium Uranium and Special Material Inventory or assign responsibility to an existing organization that can serve as a central point in the DOE that can be fully cognizant of all fissile and special nuclear material.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Authorization (sec. 3201)

The committee recommends a provision that would authorize $33.6 million for the Defense Nuclear Facilities Safety Board (DNFSB), an increase of $5.0 million above the budget request.

The DNFSB is the independent oversight entity for operational nuclear safety at the Department of Energy (DOE) defense nuclear facilities. The work of the DNFSB ensures that as a self-regulated entity, the DOE has an external oversight body, which although not a regulatory body, can bring to the attention of the DOE issues dealing with operational nuclear safety.

The committee is concerned that with several major new nuclear facilities planned, including the uranium processing facility, the chemical and metallurgical research replacement facility, as well as new work on plutonium pit disassembly and plutonium oxide production, the DNFSB will need additional technical staff to review fully the operational nuclear safety for the new projects.

The committee notes that the efforts of the National Nuclear Security Administration (NNSA) at the new highly enriched uranium storage facility at the Y–12 facility in Oak Ridge, Tennessee, to work with the DNFSB to identify and to resolve safety issues early on in the design process was a successful model. The committee hopes that the NNSA will follow this model as they design and construct the new facilities.

The committee continues to find the periodic reports submitted to the congressional defense committees a useful early indicator of the status of various issues at DOE facilities and thanks the DNFSB for the reports.

Currently the DNFSB has been heavily focused on design changes that the DOE has proposed to the Waste Treatment Plant (WTP) at the DOE Hanford facility. While the committee supports efforts to improve the overall operability and reliability of the WTP, this facility must also operate safely and for many years to process all of the waste at Hanford. As a result, the proposed changes must be understood and analyzed from both throughput and operational safety perspectives. The committee urges the DOE to continue to conduct the analysis necessary to justify the changes to the WTP.

TITLE XXXIII—MARITIME ADMINISTRATION

Maritime Administration (sec. 3301)

The committee recommends a provision that would re-authorize certain aspects of the Maritime Administration.

DIVISION D—FUNDING TABLES

Authorization of amounts in funding tables (sec. 4001)

The committee recommends a provision that would provide for the allocation of funds among programs, projects, and activities in accordance with the tables in division D of the bill, subject to reprogramming in accordance with established procedures.

Consistent with the previously expressed views of the committee, the provision would also require that decisions by agency heads to commit, obligate, or expend funds to a specific entity on the basis of such funding tables be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

TITLE XLI—PROCUREMENT

Procurement (sec. 4101)

The committee recommends a provision that would provide the program-level detailed guidance for the funding authorized in title I of this Act, in accordance with the requirements of section 4001. The provision also displays the funding requested by the administration in the fiscal year 2011 budget request for procurement programs and indicates those programs for which the committee either increased or decreased the requested amounts.

The Department of Defense may not exceed the authorized amounts (as set forth in the provision or, if unchanged from the administration request, as set forth in budget justification documents of the Department of Defense) without a reprogramming action in accordance with established procedures. Unless noted in this report, funding changes to the budget request are made without prejudice.

Procurement for overseas contingency operations (sec. 4102)

The committee recommends a provision that would provide the program-level detailed guidance for the funding authorized in title XV of this Act, in accordance with the requirements of section 4001. The provision also displays the funding requested by the administration in the fiscal year 2011 budget request for procurement for overseas contingency operations programs and indicates those programs for which the committee either increased or decreased the requested amounts.

The Department of Defense may not exceed the authorized amounts (as set forth in the provision or, if unchanged from the administration request, as set forth in budget justification documents of the Department of Defense) without a reprogramming action in accordance with established procedures. Unless noted in this report, funding changes to the budget request are made without prejudice.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, development, test, and evaluation (sec. 4201)

The committee recommends a provision that would provide the program-level detailed guidance for the funding authorized in title II of this Act, in accordance with the requirements of section 4001. The provision also displays the funding requested by the administration in the fiscal year 2011 budget request for research, development, test, and evaluation programs and indicates those programs for which the committee either increased or decreased the requested amounts.

The Department of Defense may not exceed the authorized amounts (as set forth in the provision or, if unchanged from the administration request, as set forth in budget justification documents of the Department of Defense) without a reprogramming action in accordance with established procedures. Unless noted in this report, funding changes to the budget request are made without prejudice.

Research, development, test, and evaluation for overseas contingency operations (sec. 4202)

The committee recommends a provision that would provide the program-level detailed guidance for the funding authorized in title XV of this Act, in accordance with the requirements of section 4001. The provision also displays the funding requested by the administration in the fiscal year 2011 budget request for research, development, test, and evaluation for overseas contingency operations programs and indicates those programs for which the committee either increased or decreased the requested amounts.

The Department of Defense may not exceed the authorized amounts (as set forth in the provision or, if unchanged from the administration request, as set forth in budget justification documents of the Department of Defense) without a reprogramming action in accordance with established procedures. Unless noted in this report, funding changes to the budget request are made without prejudice.

TITLE XLIII—OPERATION AND MAINTENANCE

Operation and maintenance (sec. 4301)

The committee recommends a provision that would provide the program-level detailed guidance for the funding authorized in title III of this Act, in accordance with the requirements of section 4001. The provision also displays the funding requested by the administration in the fiscal year 2011 budget request for operation and maintenance programs and indicates those programs for which the committee either increased or decreased the requested amounts.

The Department of Defense may not exceed the authorized amounts (as set forth in the provision or, if unchanged from the administration request, as set forth in budget justification documents of the Department of Defense) without a reprogramming action in accordance with established procedures. Unless noted in this report, funding changes to the budget request are made without prejudice.

Operation and maintenance for overseas contingency operations (sec. 4302)

The committee recommends a provision that would provide the program-level detailed guidance for the funding authorized in title XV of this Act, in accordance with the requirements of section 4001. The provision also displays the funding requested by the administration in the fiscal year 2011 budget request for operation and maintenance for overseas contingency operations programs and indicates those programs for which the committee either increased or decreased the requested amounts.

The Department of Defense may not exceed the authorized amounts (as set forth in the provision or, if unchanged from the administration request, as set forth in budget justification documents of the Department of Defense) without a reprogramming action in accordance with established procedures. Unless noted in this report, funding changes to the budget request are made without prejudice.

TITLE XLIV—OTHER AUTHORIZATIONS

Other authorizations (sec. 4401)

The committee recommends a provision that would provide the program-level detailed guidance for the funding authorized in title XIV of this Act, in accordance with the requirements of section 4001. The provision also displays the funding requested by the administration in the fiscal year 2011 budget request for other authorizations programs and indicates those programs for which the committee either increased or decreased the requested amounts.

The Department of Defense may not exceed the authorized amounts (as set forth in the provision or, if unchanged from the administration request, as set forth in budget justification documents of the Department of Defense) without a reprogramming action in accordance with established procedures. Unless noted in this report, funding changes to the budget request are made without prejudice.

Other authorizations for overseas contingency operations (sec. 4402)

The committee recommends a provision that would provide the program-level detailed guidance for the funding authorized in title XV of this Act, in accordance with the requirements of section 4001. The provision also displays the funding requested by the administration in the fiscal year 2011 budget request for other authorizations for overseas contingency operations programs and indicates those programs for which the committee either increased or decreased the requested amounts.

The Department of Defense may not exceed the authorized amounts (as set forth in the provision or, if unchanged from the administration request, as set forth in budget justification documents of the Department of Defense) without a reprogramming action in accordance with established procedures. Unless noted in this report, funding changes to the budget request are made without prejudice.

TITLE XLV—MILITARY CONSTRUCTION

Military construction (sec. 4501)

The committee recommends a provision that would provide the program-level detailed guidance for the funding authorized in titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act, in accordance with the requirements of section 4001. The provision also displays the funding requested by the administration in the fiscal year 2011 budget request for military construction programs and indicates those programs for which the committee either increased or decreased the requested amounts.

The Department of Defense may not exceed the authorized amounts (as set forth in the provision or, if unchanged from the administration request, as set forth in budget justification documents of the Department of Defense) without a reprogramming action in accordance with established procedures. Unless noted in this report, funding changes to the budget request are made without prejudice.

2005 base realignment and closure round fiscal year 2011 project listing (sec. 4502)

The committee recommends a provision that would provide the program-level detailed guidance for the funding authorized in title XXVII of this Act, in accordance with the requirements of section 4001. The provision also displays the funding requested by the administration in the fiscal year 2011 budget request for 2005 base realignment and closure round fiscal year 2011 project listing programs and indicates those programs for which the committee either increased or decreased the requested amounts.

The Department of Defense may not exceed the authorized amounts (as set forth in the provision or, if unchanged from the administration request, as set forth in budget justification documents of the Department of Defense) without a reprogramming action in accordance with established procedures. Unless noted in this report, funding changes to the budget request are made without prejudice.

Military construction for overseas contingency operations (sec. 4503)

The committee recommends a provision that would provide the program-level detailed guidance for the funding authorized in title XIX of this Act, in accordance with the requirements of section 4001. The provision also displays the funding requested by the administration in the fiscal year 2011 budget request for military construction for overseas contingency operations programs and indicates those programs for which the committee either increased or decreased the requested amounts.

The Department of Defense may not exceed the authorized amounts (as set forth in the provision or, if unchanged from the administration request, as set forth in budget justification documents of the Department of Defense) without a reprogramming action in accordance with established procedures. Unless noted in this report, funding changes to the budget request are made without prejudice.

TITLE XVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Department of Energy national security programs (sec. 4601)

The committee recommends a provision that would provide the program-level detailed guidance for the funding authorized in title XXXI of this Act, in accordance with the requirements of section 4001. The provision also displays the funding requested by the administration in the fiscal year 2011 budget request for Department of Energy national security programs and indicates those programs for which the committee either increased or decreased the requested amounts.

The Department of Energy may not exceed the authorized amounts (as set forth in the provision or, if unchanged from the administration request, as set forth in budget justification documents of the Department of Energy) without a reprogramming action in accordance with established procedures. Unless noted in this report, funding changes to the budget request are made without prejudice.

LEGISLATIVE REQUIREMENTS

Departmental Recommendations

By letter dated March 8, 2010, the General Counsel of the Department of Defense forwarded to the President of the Senate proposed legislation "To authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2011, and for other purposes." The transmittal letter and proposed legislation were officially referred to the Committee on Armed Services on March 10, 2010 as Executive Communication 5026.

Executive Communication 5026 is available for review at the committee.

Committee Action

The committee ordered reported a comprehensive original bill and a series of original bills for the Department of Defense, military construction and Department of Energy authorizations by voice vote.

The committee vote to report the National Defense Authorization Act for Fiscal Year 2011 passed unanimously by roll call vote, 18–10, as follows: In favor: Senators Levin, Byrd, Lieberman, Reed, Akaka, Nelson of Florida, Nelson of Nebraska, Bayh, Webb, McCaskill, Udall of Colorado, Hagan, Begich, Burris, Bingaman, Kaufman, Brown and Collins. Opposed: Senators McCain, Inhofe,

Sessions, Chambliss, Graham, Thune, Wicker, LeMieux, Burr, and Vitter.

The 12 other roll call votes on motions and amendments to the bill which were considered during the course of the subcommittee and full committee markups are as follows:

Airland Subcommittee:

1. MOTION: To report the recommendations of the Airland Subcommittee, as amended, to the full Committee.

VOTE: Passed on a roll call vote, 14–0.

In Favor: Senators Lieberman, Bayh, Webb, McCaskill, Hagan, Begich, Burris, Kaufman, Thune, Inhofe, Sessions, Chambliss, Brown, and Burr.

Opposed: None.

Emerging Threats and Capabilities Subcommittee:

2. MOTION: To defer to the full Committee for its consideration, the two amendments requiring reports on Cuba and Venezuela respectively.

VOTE: Passed on a roll call vote, 8–5.

In Favor: Senators Byrd, Reed, Nelson of Florida, Nelson of Nebraska, Bayh, Udall of Colorado, Bingaman, and Kaufman.

Opposed: Senators LeMieux, Graham, Wicker, Brown, and Collins.

Not Voting: Senator Burr.

Full Committee:

1. MOTION: To conduct Full Committee markups in closed session because classified information will be discussed.

VOTE: Passed on a roll call vote, 19–9.

In Favor: Senators Levin, Byrd, Lieberman, Reed, Akaka, Nelson of Florida, Nelson of Nebraska, Bayh, Udall of Colorado, Hagan, Begich, Burris, Bingaman, Inhofe, Sessions, Chambliss, Graham, Wicker, and Burr.

Opposed: Senators Webb, McCaskill, Kaufman, McCain, Thune, LeMieux, Brown, Vitter, and Collins.

2. MOTION: To amend Motion #3 to apply the $1 billion reduction in earmarks to the national deficit.

VOTE: Failed on a roll call vote, 7–16.

In Favor: Senators Bayh, McCaskill, Udall of Colorado, Kaufman, Thune, LeMieux, and Brown.

Opposed: Senators Levin, Byrd, Reed, Akaka, Nelson of Florida, Nelson of Nebraska, Webb, Hagan, Begich, Burris, Bingaman, McCain, Inhofe, Burr, Vitter, and Collins.

Not Voting: Senators Lieberman, Sessions, Chambliss, Graham, and Wicker.

3. MOTION: To cut $1 billion in earmarks and restore $1 billion in funding to the Iraq Security Forces Fund.

VOTE: Failed on a roll call vote, 10–15.

In Favor: Senators McCaskill, McCain, Inhofe, Sessions, Chambliss, Thune, LeMieux, Brown, Burr, and Vitter.

Opposed: Senators Levin, Byrd, Reed, Akaka, Nelson of Florida, Nelson of Nebraska, Bayh, Webb, Udall of Colorado, Hagan, Begich, Burris, Bingaman, Kaufman, and Collins.

Not Voting: Senators Lieberman, Graham, and Wicker.

4. MOTION: To require that space arms control agreements and international agreements regarding the operation of military space systems be entered into only through the treaty making power.

VOTE: Failed on a roll call vote, 11–14.

In Favor: Senators McCain, Inhofe, Sessions, Chambliss, Graham, Thune, LeMieux, Wicker, Brown, Burr, and Vitter.

Opposed: Senators Levin, Byrd, Reed, Nelson of Florida, Nelson of Nebraska, Bayh, Webb, McCaskill, Udall of Colorado, Hagan, Begich, Burris, Bingaman, and Kaufman.

Not Voting: Senators Lieberman, Akaka, and Collins.

5. MOTION: To establish a commission to study and report on environmental exposures at military installations, as modified.

VOTE: Passed on a roll call vote, 22–6.

In Favor: Senators Levin, Byrd, Lieberman, Reed, Akaka, Nelson of Florida, Nelson of Nebraska, Bayh, Webb, McCaskill, Udall of Colorado, Hagan, Begich, Burris, Bingaman, Kaufman, McCain, Chambliss, Wicker, LeMieux, Brown, and Burr.

Opposed: Senators Inhofe, Sessions, Graham, Thune, Vitter, and Collins.

6. MOTION: To repeal the requirement for certain procurements from firms in the small arms production industrial base.

VOTE: Passed on a roll call vote, 24–3.

In Favor: Senators Levin, Byrd, Akaka, Nelson of Florida, Nelson of Nebraska, Bayh, Webb, McCaskill, Udall of Colorado, Hagan, Begich, Burris, Bingaman, Kaufman, McCain, Inhofe, Sessions, Chambliss, Thune, Wicker, LeMieux, Brown, Burr, and Collins.

Opposed: Senators Lieberman, Reed, and Graham.

Not Voting: Senator Vitter.

7. MOTION: To send 6,000 National Guard personnel to help secure the southern land border of the United States.

VOTE: Passed on a roll call vote, 15–13.

In Favor: Senators Bayh, Webb, McCaskill, McCain, Inhofe, Sessions, Chambliss, Graham, Thune, Wicker, LeMieux, Brown, Burr, Vitter, and Collins.

Opposed: Senators Levin, Byrd, Lieberman, Reed, Akaka, Nelson of Florida, Nelson of Nebraska, Udall of Colorado, Hagan, Begich, Burris, Bingaman, and Kaufman.

8. MOTION: To restore the previous policy regarding restrictions on use of Department of Defense Medical Facilities.

VOTE: Passed on a roll call vote, 15–12.

In Favor: Senators Levin, Byrd, Lieberman, Reed, Akaka, Nelson of Florida, Bayh, Webb, McCaskill, Udall of Colorado, Hagan, Begich, Burris, Bingaman, and Kaufman.

Opposed: Senators Nelson of Nebraska, McCain, Inhofe, Sessions, Chambliss, Graham, Thune, Wicker, LeMieux, Brown, Burr, and Vitter.

Not Voting: Senator Collins.

9. MOTION: To limit the transfer of detainees from United States Naval Station Guantanamo Bay, Cuba, as modified.

VOTE: Passed on a roll call vote, 17–11.

In Favor: Senators Lieberman, Nelson of Nebraska, Bayh, Udall of Colorado, Begich, McCain, Inhofe, Sessions, Chambliss, Graham, Thune, Wicker, LeMieux, Brown, Burr, Vitter, and Collins.

Opposed: Senators Levin, Byrd, Reed, Akaka, Nelson of Florida, Webb, McCaskill, Hagan, Burris, Bingaman, and Kaufman.

10. MOTION: To repeal the Department of Defense policy concerning homosexuality in the armed forces.

VOTE: Passed on a roll call vote, 16–12.

In Favor: Senators Levin, Byrd, Lieberman, Reed, Akaka, Nelson of Florida, Nelson of Nebraska, Bayh, McCaskill, Udall of Colorado, Hagan, Begich, Burris, Bingaman, Kaufman, and Collins.

Opposed: Senators Webb, McCain, Inhofe, Sessions, Chambliss, Graham, Thune, Wicker, LeMieux, Brown, Burr, and Vitter.

Congressional Budget Office Cost Estimate

It was not possible to include the Congressional Budget Office cost estimate on this legislation because it was not available at the time the report was filed. It will be included in material presented during floor debate on the legislation.

Regulatory Impact

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires that a report on the regulatory impact of the bill be included in the report on the bill. The committee finds that there is no regulatory impact in the case of the National Defense Authorization Bill for Fiscal Year 2011.

Changes in Existing Law

Pursuant to the provisions of paragraph 12 of rule XXVI of the Standing Rules of the Senate, the changes in existing law made by certain portions of the bill have not been shown in this section of the report because, in the opinion of the committee, it is necessary to dispense with showing such changes in order to expedite the business of the Senate and reduce the expenditure of funds.

COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	TITLE 1				
	AIRCRAFT PROCUREMENT, ARMY				
9	AH-64 fuselage manufacturing	5,500	Sessions	Army PEO Aviation	Competitive
39	Air warrior survival vest ensemble reset program	3,000	Warner	Aerial Machine and Tool Corp.	Vesta,VA
39	Air warrior survival vest ensemble reset program	3,000	Webb	Aerial Machine and Tool Corp.	Vesta,VA
	MISSILE PROCUREMENT, ARMY				
12	Patriot upgrades	133,600	UFR	Army PEO - Missiles and Space	Various
	PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY				
37	M2A1 quick change barrel kits	6,000	Collins	SACO Defense - General Dynamics Armament and Technical Products (GDATP)	Saco, ME
37	M2A1 quick change barrel kits	6,000	Snowe	General Dynamics	Saco, ME
	OTHER PROCUREMENT, ARMY				
1	Efficiency and safety modifications to Heavy Expanded Mobility Ammunition Trailer	5,000	Hagan	Williams Innovations LLC	Research Triangle Park, NC
29	Procurement of additional systems	51,200	UFR	Army PEO-Intelligence, Electronic Warfare, and Sensors	Various
55	Tactical local area network	55,000	UFR	Army PEO-Command, Control, and Communications-Tactical	Various

'NMR' indicates no member request; 'UFR' indicates an unfunded requirement

COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	OTHER PROCUREMENT, ARMY				
76	Procurement of additional systems	47,100	UFR	Army PEO-Intelligence, Electronic Warfare, and Sensors	Various
104	Forward entry devices	16,200	UFR	Army PEO-Command, Control, and Communications-Tactical	Various
134	Line of communication bridge	15,000	UFR	Army PEO-Combat Support and Combat Service Support	Various
137	Fido explosives detection system	7,000	Inhofe	Icx Nomadics	Stillwater, OK
179	Combat skills marksmanship trainer	6,000	Chambliss	Meggitt Training Systems, Inc.	Suwanee, GA
179	Combat skills marksmanship trainer	6,000	Isakson	Army National Guard	Suwanee, GA
179	Combined arms collective training facility	3,200	Hagan	General Dynamics Information Technology	Waynesville, NC
179	Immersive group simulation virtual training system	6,000	Akaka	Atlantis Cyberspace, Inc.	Honolulu, HI
179	Mine resistant ambush protected vehicle virtual trainer	5,000	Sessions	Alabama Army National Guard	Competitive
179	Mine resistant ambush protected vehicle virtual trainer	6,000	Boxer	California National Guard	Camp Roberts, CA
179	Mine resistant ambush protected vehicle virtual trainer	5,000	Crapo	Idaho National Guard	Boise, ID
179	Mine resistant ambush protected vehicle virtual trainer	5,000	Risch	Idaho National Guard	Boise, ID
179	Mine resistant ambush protected vehicle virtual trainer	6,000	Vitter	Louisiana National Guard	Camp Beauregard, LA
179	Mine resistant ambush protected vehicle virtual trainer	6,000	Merkley	Oregon National Guard	Marion County, OR
179	Mine resistant ambush protected vehicle virtual trainer	6,000	Wyden	Oregon National Guard	Marion County, OR

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COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	OTHER PROCUREMENT, ARMY				
179	Mine resistant ambush protected vehicle virtual trainer	6,000	Bennett	Utah National Guard	Draper, UT
179	Mine resistant ambush protected vehicle virtual trainer	6,000	Hatch	Utah National Guard	Camp Williams, UT
179	Operator driving simulator	5,000	Levin	FAAC, Inc.	Ann Arbor, MI
179	Operator driving simulator	5,000	Stabenow	FAAC, Inc.	Ann Arbor, MI
	AIRCRAFT PROCUREMENT, NAVY				
3	Buy 6 additional aircraft	325,000	NMR	Naval Aviation	Various
53	AN/AAR-47 computer processor upgrade	5,000	Nelson, Bill	U.S. Navy for Procurement of Aircraft Modification Equipment	Competitive
59	Unfunded requirement for spares	423,000	UFR	Chief of Naval Operations	Various
	WEAPONS PROCUREMENT, NAVY				
15	Accelerate facility restoration program	30,000	Byrd	ATK	Rocket Center, WV
29	Mk 110 gun weapon system depot support	6,000	McConnell	BAE Systems	Louisville, KY
29	Mk 38 Mod 2 gun weapon system depot support	5,000	McConnell	BAE Systems	Louisville, KY
	OTHER PROCUREMENT, NAVY				
11	Test tube equipment	4,800	Reed	BAE Systems	Middletown, RI
19	Helicopter hangar door upgrades	3,600	Chambliss	Jered, LLC	Brunswick, GA and various ports
19	Remote monitoring and troubleshooting	2,890	Sessions	Naval Sea Systems Command	Competitive
25	Range support vehicle	4,400	Graham	Maybank Industries Group, LLC	Charleston, SC

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COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	OTHER PROCUREMENT, NAVY				
137	Man overboard indicators	5,900	Lugar	BriarTek, Inc.	Zionsville, IN
	AIRCRAFT PROCUREMENT, AIR FORCE				
65	LAIRCM for KC-135 aircraft	11,000	Levin	Michigan Air National Guard	Lansing , MI
70	Maintain JSTARS re-engining at original plan level	102,500	Lieberman	Northrop Grumman Corp.	Melbourne, FL
	MISSILE PROCUREMENT, AIR FORCE				
24	Crew augmentation	14,000	NMR	Air Force Space Command	Various
24	GPS metric tracking	10,000	NMR	Air Force Space Command	Various
	OTHER PROCUREMENT, AIR FORCE				
29	Joint threat emitter	7,500	Chambliss	Savannah CRTC	Savannah, GA
29	Joint threat emitter	6,300	Crapo	Mountain Home AFB	Mountain Home, ID
29	Joint threat emitter	6,300	Risch	Mountain Home AFB	Mountain Home, ID
29	Joint threat emitter	7,500	Wicker	Northrop Grumman Corp. (NGC)	Pascagoula, MS
29	Joint threat emitter	7,500	Merkley	Oregon Military Department	Klamath and Lake Counties, OR
29	Joint threat emitter	7,500	Wyden	Oregon Military Department	Klamath and Lake Counties, OR
43	Eastern Processing Facility	14,000	NMR	Air Force Space Command	Various
43	Kodiak launch complex	9,500	Begich	Alaska Aerospace Corp.	Kodiak, AK
	PROCUREMENT, DEFENSE-WIDE				

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COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	PROCUREMENT, DEFENSE-WIDE				
73	Special Operations Force deployable nodes	28,000	UFR	US Special Operations Command	Various
75	Enhanced combat optical sight	3,000	Levin	L-3 EO Technology	Ann Arbor, MI
75	Enhanced combat optical sight	3,000	Stabenow	L-3 EO Technology	Ann Arbor, MI
75	SOF combat assault rifle (SCAR)	1,600	Graham / UFR	FN Manufacturing, LLC	Columbia, SC
81	Ground mobility vehicle modification kits	55,000	UFR	US Special Operations Command	Various
92	Clip-on thermal imager	4,900	Shaheen / UFR	Optics I, Inc.	Manchester, NH
92	Special operations binocular/monocular visual augmentation devices	20,900	UFR	US Special Operations Command	Various
	TITLE 2				
	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY				
2	Advanced energy storage research	4,000	Levin	Michigan State University	East Lansing, MI
2	Advanced energy storage research	4,000	Stabenow	Michigan State University	East Lansing, MI
2	Ultracold matter system for navigation	2,000	Udall, Mark	University of Colorado, Boulder	Boulder, CO
3	Accelerate lightweight vehicle protection materials	2,000	Nelson, Bill	University of Central Florida	Orlando, FL
4	Materials processing research	2,000	Sessions	Army Research Laboratory	Competitive
4	Materials processing research	2,000	Bingaman	New Mexico Tech	Socorro, NM
4	Materials processing research	2,000	Udall, Tom	New Mexico Tech	Socorro, NM

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COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY				
5	Advanced renewable jet fuels	1,500	Thune	South Dakota State University	Brookings, SD
5	Applied composite materials research	3,000	Carper	University of Delaware	Newark, DE
5	Applied composite materials research	3,000	Kaufman	University of Delaware	Newark, DE
5	High-strength fibers for ballistic armor applications	2,000	Graham	AGY Holding Corp.	Aiken, SC
5	Lighter-weight body armor research	1,500	Lincoln	CoorsTek, Inc.	Benton, AR
5	Lighter-weight body armor research	1,500	Pryor	CoorsTek, Inc.	Benton, AR
5	Lighter-weight body armor research	1,500	Dodd	M Cubed Technologies	Monroe, CT
5	Lighter-weight body armor research	1,500	Lieberman	M Cubed Technologies	Trumbull, CT
5	Lighter-weight body armor research	1,500	McConnell	Ceradyne, Inc.	Lexington, KY
5	Magnesium armor manufacturing for ground vehicles	2,000	Levin	REL, Inc.	Calumet, MI
5	Magnesium armor manufacturing for ground vehicles	2,000	Stabenow	REL, Inc.	Calumet, MI
5	Nanosensor manufacturing research	4,000	Kerry	University of Massachusetts Lowell	Lowell, MA
5	Weapon systems repair technologies	1,500	Thune	H.F. Webster, Inc.	Rapid City, SD
8	Integrated unmanned aerial systems sustainment and supply chain	2,000	Sessions	Army Aviation and Missile Research Development and Engineering Center	Competitive
12	Cognitive modeling and simulation research	2,000	Chambliss	Columbus State University	Columbus, GA
12	Cognitive modeling and simulation research	2,000	Isakson	Columbus State University	Columbus, GA
13	Advanced materials research for alternative energy and transportation	1,500	Levin	Central Michigan University	Mount Pleasant, MI

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COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY				
13	Hybrid electric vehicle reliability research	3,000	Levin	Western Michigan University	Kalamazoo, MI
13	Hybrid truck development	4,000	Boxer	National Automotive Center	Pasadena, CA
13	Tribology research	2,000	Levin	Oakland University	Rochester, MI
13	Tribology research	2,000	Stabenow	Oakland University	Rochester, MI
13	Unmanned ground vehicle initiative	12,000	Levin	U.S. Army Tank-Automotive Research, Development and Engineering Center	Warren, MI
14	Reactive armor research	3,000	Dodd	Ensign Bickford Aerospace and Defense	Hartford, CT
14	Reactive armor research	3,000	Lieberman	Ensign Bickford Aerospace and Defense	Simsbury, CT
14	Reactive armor research	3,000	McConnell	Ensign-Bickford	Graham, KY
15	Standoff detection of radionuclides	1,500	Lincoln	Arkansas State University	Jonesboro, AR
15	Standoff detection of radionuclides	1,500	Pryor	Arkansas State University	Jonesboro, AR
17	Acoustic gun detection systems	2,000	Kerry	BBN Technologies	Cambridge, MA
18	Nanoscale technologies for batteries	2,000	Inhofe	University of Tulsa	Tulsa, OK
18	Portable solar power generator	2,500	Sessions	Army Research Laboratory	Competitive
18	Portable solar power generator	2,500	Lincoln	University of Arkansas at Fort Smith	Fort Smith, AR
18	Portable solar power generator	2,500	Pryor	University of Arkansas at Fort Smith	Fort Smith, AR
18	Silicon carbide devices for power systems	2,000	Levin	Dow Corning Corp.	Midland, MI

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY				
18	Silicon carbide devices for power systems	2,000	Stabenow	Dow Corning Corp.	Midland, MI
18	Supply chain demonstration using radio frequency identification	1,500	Reid	MIS2000	Hawthorn, NV
20	Multispectral imaging technology optimization for explosives detection	3,000	Kerry	Physical Sciences, Inc.	Andover, MA
20	Multispectral imaging technology optimization for explosives detection	3,000	Reed	University of Rhode Island	Kingston, RI
25	Atmospheric research	2,000	Bennet	Colorado State University	Fort Collins, CO
27	Combat rations enhancement research	1,000	Sessions	Army Research, Development and Engineering Command	Competitive
27	Thermal resistant fiber research	2,500	Carper	INVISTA S.a.r.l.	Seaford, DE
27	Thermal resistant fiber research	2,500	Kaufman	INVISTA S.à r.l.	Seaford, DE
27	Thermal resistant fiber research	2,500	Graham	Greenwood Mills	Greenwood, SC
28	Blast protection for ground soldiers	2,000	Sessions	Army Aeromedical Research Laboratory	Competitive
28	Moderate hypothermia treatment for traumatic brain and spinal cord injur	4,000	Nelson, Bill	The Miami Project to Cure Paralysis	Miami, FL
28	Traumatic brain injury modeling research	1,000	Hagan	Wake Forest University	Winston Salem, NC
29	Moldable fabric armor	1,500	Graham	Milliken & Company	Spartanburg, SC
30	Advanced medical training platform	2,000	Cantwell	Seattle Science Foundation	Seattle, WA
30	Biosensor controller systems development	2,000	Reid	Eye-Com Corp.	Reno, NV
30	Body temperature conditioner systems	2,500	Reid	University of Nevada School of Medicine	Las Vegas, NV

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY				
30	Eye trauma and vision enhancement research	2,000	Kerry	Schepens Eye Research Institute	Boston, MA
30	Gulf War illness research	12,000	Boxer		
30	Gulf War illness research	12,000	Akaka		
30	Gulf War illness research	12,000	Burris		
30	Gulf War illness research	12,000	Durbin		
30	Gulf War illness research	12,000	Kerry		
30	Gulf War illness research	12,000	Snowe		
30	Gulf War illness research	12,000	Bond		
30	Gulf War illness research	12,000	Tester		
30	Gulf War illness research	12,000	Schumer		
30	Gulf War illness research	12,000	Brown, Sherrod		
30	Gulf War illness research	12,000	Leahy		
30	Gulf War illness research	12,000	Sanders	US Army Medical Research and Materiel Command	Fort Detrick, MD
30	Gulf War illness research	12,000	Feingold		
30	Gulf War illness research	12,000	Kohl		
30	Gulf War illness research	12,000	Byrd	TBD by agency	Various
30	Gulf War illness research	12,000	Rockefeller		

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY				
30	Handheld telemedicine device development	3,000	Nelson, Ben	University of Nebraska Medical Center	Omaha, NE
30	Improved advanced prosthetics manufacturing	4,000	Inhofe	Orthocare Innovations Foundation	Oklahoma City, OK
30	Improved advanced prosthetics manufacturing	4,000	Warner	Hampton University	Hampton, VA
30	Improved advanced prosthetics manufacturing	4,000	Webb	Hampton University	Hampton, VA
30	Integrated medical technology program	5,500	Kerry	Center for Integration of Medicine and Innovative Technology	Boston, MA
30	Lower limb prosthetics research	2,000	Kerry	Foster-Miller, Inc.	Waltham, MA
30	Telemedicine research	1,500	Chambliss	Phoebe Putney Health System	Various
31	Enhanced gun fire detection	2,000	Sessions	Army Research, Development and Engineering Command	Competitive
31	Improved aviation technology insertion capability	2,500	Landrieu	U.S. Army, AMRDEC Engineering Directorate – Manufacturing Science and Technology Division	Redstone Arsenal, AL
31	Improved aviation technology insertion capability	2,500	Vitter	Tiburon Associates	New Orleans, LA
31	Next generation unmanned aerial vehicle engine	2,000	Stabenow	MAHLE Powertrain, LLC	Novi, MI
31	Rotorcraft galvanic corrosion reduction	2,000	Hagan	United Protective Technologies	Locust, NC

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY				
33	Advanced auxiliary power unit development	2,000	Nelson, Bill	U.S. Army for Research and Development for Combat Vehicle and Automotive Advanced Technology	Competitive
33	Advanced lithium ion battery systems	3,000	Stabenow	A123Systems, Inc.	Ann Arbor, MI
33	Advanced thermal management systems	6,000	Levin	Engineered Machined Products	Escanaba, MI
33	Alternatives to improve weapon systems sustainment	4,000	Levin	Automation Alley	Troy, MI
33	Alternatives to improve weapon systems sustainment	4,000	Stabenow	Automation Alley	Troy, MI
33	Applied power management controls	2,000	Stabenow	Global Embedded Technologies, Inc.	Farmington Hills, MI
33	Autonomous and connected vehicle development	2,000	Levin	Henry Ford Community College	Dearborn, MI
33	Autonomous and connected vehicle development	2,000	Stabenow	Henry Ford Community College	Dearborn, MI
33	Composite shelter	2,000	Begich	Alkan Shelter	Fairbanks, AK
33	Force projection technology development	8,000	Levin	U.S. Army Tank-Automotive Research, Development and Engineering Center	Warren, MI
33	Forward water purification	2,000	Inhofe	Hydration Technologies/ Army - SOCOM	Albany, OR
33	Ground system power and mobility enhancement	12,000	Levin	U.S. Army Tank-Automotive Research, Development and Engineering Center	Warren, MI
33	Hydraulic hybrid vehicles for the tactical wheeled fleet	2,700	Lugar	Navistar, Inc. Truck Group	Fort Wayne, IN
33	Hydraulic hybrid vehicles for the tactical wheeled fleet	2,700	Levin	Bosch Rexroth Corp.	Rochester Hills, MI

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY				
33	Hydraulic hybrid vehicles for the tactical wheeled fleet	2,700	Stabenow	Bosch Rexroth Corp.	Rochester Hills, MI
33	Improved ground system survivability	10,000	Levin	U.S. Army Tank-Automotive Research, Development and Engineering Center	Warren, MI
33	Mobile water generation	2,500	Dodd	UTC	Windsor Locks, CT
33	Mobile water generation	2,500	Lieberman	Hamilton Sunstrand	Windsor Locks, CT
33	Multifunctional self-sensing vehicle armor	2,000	Gillibrand	The City College of New York	New York, NY
33	Plug-in hybrid electric vehicle program	4,000	Lugar	Flagship Enterprise Center	Anderson, IN
33	Plug-in hybrid electric vehicle program	4,000	Levin	NextEnergy	Detroit, MI
33	Plug-in hybrid electric vehicle program	4,000	Stabenow	NextEnergy	Detroit, MI
33	Threat cue research	2,000	Levin	Michigan Tech University	Houghton, MI
33	Threat cue research	2,000	Stabenow	Michigan Technological University	Houghton, MI
33	Vehicle electronics and architecture development	12,000	Levin	U.S. Army Tank-Automotive Research, Development and Engineering Center	Warren, MI
38	Combat medic training systems	1,000	Nelson, Bill	U.S. Army for Research and Development for Next Generation Training and Simulation Systems	Competitive
43	Laser systems for light aircraft missile defense	3,000	Levin	Omni Sciences, Inc.	Ann Arbor, MI
43	Laser systems for light aircraft missile defense	3,000	Stabenow	Omni Sciences, Inc.	Ann Arbor, MI

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY				
44	Missile artillery advanced technology development	9,500	NMR	Army PEO-Missiles and Space	Various
48	Enhanced situation awareness	2,000	Nelson, Bill	U.S. Army for Research and Development for Night Vision Advanced Technology	Competitive
50	Enzymatic biofuel production research	2,000	Udall, Tom	Incitor, LLC	Albuquerque, NM
50	Improved projectile and hardened structure testing	2,000	Wicker	Engineer Research & Development Center	Vicksburg, MS
50	Permafrost tunnel	1,000	Begich	Cold Regions Research and Engineering Laboratory; US Army Corps of Engineers	Fox, AK
50	Photovoltaic technology development	8,000	Levin	United Solar Ovonic	Auburn Hills, MI
53	Adaptive robotic technology	3,000	Sessions	Army Space and Missile Defense Command	Competitive
53	Advanced environmental controls	3,000	Reid	Rocky Research	Boulder City, NV
53	Alternative power technology	2,000	Thune	South Dakota State University	Brookings, SD
53	Discriminatory imaging research	2,500	McConnell	University of Kentucky	Lexington, KY
75	Hostile fire detection for helicopters	5,000	Shaheen	BAE Systems	Nashua, NH
105	XM1125 155mm smoke projectile development	8,000	Lincoln	Pine Bluff Arsenal	Pine Bluff, AR
105	XM1125 155mm smoke projectile development	8,000	Pryor	Pine Bluff Arsenal	Pine Bluff, AR
116	Paladin integrated management program	30,000	NMR	Army PEO-Ground Combat Systems	Various

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY				
127	Trojan swarm	10,000	NMR	U.S. Army Deputy Chief of Staff for Intelligence	Various
137	Common regional operational systems	1,200	Bingaman	White Sands Missile Range	White Sands, NM
137	Common regional operational systems	1,200	Udall, Tom	White Sands Missile Range	White Sands, NM
137	Dugway field test improvements	4,000	Bennett	ITT Information Systems	Dugway, UT
137	Dugway field test improvements	4,000	Hatch	ITT Corp.	Dugway Proving Ground, UT
137	Enhanced Army energy testing	5,000	Bingaman	White Sands Missile Range	White Sands, NM
137	Enhanced Army energy testing	5,000	Udall, Tom	White Sands Missile Range	White Sands, NM
139	Program increase	5,000	Bingaman	Northrop Grumman Corp.	White Sands, NM
139	Program increase	5,000	Udall, Tom	Northrop Grumman Corp.	White Sands, NM
149	Unserviceable ammunition demilitarization	2,600	Bennett	Battelle Memorial Institute	Stockton, UT
149	Unserviceable ammunition demilitarization	2,600	Hatch	Battelle Memorial Institute	Tooele Army Depot, UT
185	Advanced ultrasonic inspection of helicopter rotor blades	2,000	Inhofe	Veracity Technology Solutions	Tulsa, OK
185	Titanium alloy armor development	2,900	Levin	Solidica, Inc.	Ann Arbor, MI
	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY				
1	Blast and impact resistant structures	1,000	Wicker	The University of Mississippi	Oxford, MS
3	Nanomaterials for solar cells	2,000	Reed	Technic, Inc.	Cranston, Woonsocket, and Pawtucket, RI
4	Energetics research	3,000	Bingaman	Applied Research Associates, Inc.	Albuquerque, NM

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY				
4	Energetics research	3,000	Udall, Tom	Applied Research Associates, Inc.	Albuquerque, NM
5	Electro-kinetic wind energy research	1,900	Levin	Accio Energy	Ann Arbor, MI
5	Electro-kinetic wind energy research	1,900	Stabenow	Accio Energy	Ann Arbor, MI
5	Energy systems integration research	2,500	Nelson, Bill	Florida State University	Tallahassee, FL
5	Port security technologies	2,500	Voinovich	Battelle Memorial Institute	Columbus, OH
5	Port security technologies	2,500	Reed	Battelle Memorial Institute	Westerly and Newport, RI
5	Special operations forces combatant research	2,000	Collins	Hodgdon Defense Composites, LLC	East Boothbay, ME
5	Special operations forces combatant research	2,000	Snowe	Hodgdon Defense Composites	East Boothbay
7	Expanded infrared focal plane array technology and availability	2,000	Inhofe	Amethyst Research Group, Inc.	Ardmore, OK
9	Anti-reverse engineering technologies	1,000	Lincoln	Space Photonics	Fayetteville, AR
9	Anti-reverse engineering technologies	1,000	Pryor	Space Photonics	Fayetteville, AR
9	Asset lifecycle program	2,000	Akaka	Referntia Systems Incorporated	Honolulu, HI
9	Composite material optimization for watercraft	1,500	Carper	University of Delaware	Newark, DE
9	Composite material optimization for watercraft	1,500	Kaufman	University of Delaware	Newark, DE
11	Advanced unmanned underwater vehicle research	3,000	Reed	Alion Science & Technology	Middletown, RI
11	Laser underwater imaging and communications research	1,000	Nelson, Bill	Florida Atlantic University (Harbor Branch Oceanographic Institution)	Fort Pierce, FL
13	Acoustic search glider	1,500	Begich	ANT, LLC	Anchorage, AK

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY				
15	Mobile target tracking technologies	2,000	Akaka	Pukoa Scientific	Honolulu, HI
16	Formable textiles	2,000	Collins	Pepin Associates, Inc.	Greenville, ME
16	Formable textiles	3,000	Snowe	Pepin Associates, Inc.	Greenville, ME
16	Mobile repair capability	3,000	Levin	Focus: HOPE	Detroit, MI
16	Mobile repair capability	3,000	Stabenow	Focus: Hope	Detroit, MI
16	Rare earth alternatives for permanent magnet motors	3,000	Lincoln	Baldor Electric Company	Fort Smith, AR
16	Rare earth alternatives for permanent magnet motors	3,000	Pryor	Baldor Electric Company	Fort Smith, AR
16	Rare earth alternatives for permanent magnet motors	3,000	Wicker	Baldor Electric Company	Columbus, MS
16	Rare earth alternatives for permanent magnet motors	3,000	Inhofe	Baldor Electric Company	Westville, OK
16	Single generator operations	5,000	Lugar	Altairnano, Inc.	Anderson, IN
16	Single generator operations	5,000	Reid	Altairnano, Inc.	Reno, NV
18	Hybrid heavy lift logistics vehicle	1,500	Collins	Integrated Systems Solutions, Inc. (ISSI)	
18	Hybrid heavy lift logistics vehicle	1,500	Snowe	Integrated Systems Solutions, Inc.	Limestone, ME
18	Lighter-than-air platform	2,500	Collins	SAICTelford	Limestone, ME
41	Advanced actuators	3,000	Stabenow	Beaver Aerospace & Defense, Inc.	Livonia, MI
41	Advanced actuators	3,000	Warner	MOOG, Inc.	Blacksburg and Galax, VA
41	Advanced actuators	3,000	Webb	MOOG, Inc.	Blacksburg and Galax, VA

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY				
41	Shock mitigation devices	3,000	Reid	Advanced Materials and Devices, Inc.	Reno, NV
41	Submarine payloads development	20,000	Dodd	General Dynamics Electric Boat	Groton, CT
41	Submarine payloads development	20,000	Lieberman	General Dynamics Electric Boat	Groton, CT
41	Submarine payloads development	20,000	Reed	General Dynamics Electric Boat	Quonset Point, RI
44	Ship hydrodynamic facilities improvement	10,000	Cardin	Carderock Division, Naval Surface Warfare Center	Montgomery County, MD
49	Common network interface system	3,000	Warner	GD-Advanced Information Systems	Fairfax, VA
49	Common network interface system	3,000	Webb	GD-Advanced Information Systems	Fairfax, VA
52	Decision and energy reduction tool	3,000	Udall, Mark	Colorado State University, Fort Collins	Fort Collins, CO
52	Decision and energy reduction tool	4,500	Levin	Ricardo, Inc.	Van Buren Township, MI
52	Decision and energy reduction tool	4,500	Stabenow	Ricardo, Inc.	Belleville, MI
57	Fuel cell and hydrogen generation technologies	2,500	Hagan	Microcell Corp.	Raleigh, NC
57	High-density energy storage development	3,000	Nelson, Ben	University of Nebraska - Lincoln	Lincoln, NE
60	Fiber optic interconnect technology	5,000	Levin	Calumet Electronics Corp.	Calumet, MI
60	Fiber optic interconnect technology	5,000	Stabenow	Calumet Electronics Corp.	Calumet, MI
60	Flame retardant textile fabric	1,500	Levin	Eastern Michigan University	Ypsilanti, MI
60	Flame retardant textile fabric	1,500	Stabenow	Eastern Michigan University	Ypsilanti, MI

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY				
107	TB-33 thinline towed array	3,800	Reed	L-3 Chesapeake Sciences Corp.	Ashaway, RI
111	Advanced manufacturing for bow domes	1,250	Nelson, Bill	U.S. Navy for Research and Development for New Design SSN	Competitive
111	Common command and control system module	9,000	Dodd	General Dynamics Electric Boat	Groton, CT
111	Common command and control system module	9,000	Lieberman	General Dynamics Electric Boat	Groton, CT
111	Common command and control system module	9,000	Reed	General Dynamics Electric Boat	Quonset Point, RI
112	Artificial intelligence-based combat system software module	7,000	Reed	Rite-Solutions	Middletown, RI
112	SSGN weapon launcher technology insertion	5,000	Reed	Progeny Systems Corp.	Middletown, RI
112	SSN airborne ISR capability	4,600	Reed	Systems Engineering Associates Corp (SEA CORP)	Middletown, RI
112	Submarine environment for evaluation and development	5,500	Reed	Advanced Solutions for Tomorrow	Middletown, RI
112	Weapon acquisition and firing system	3,000	Kerry	Mikel, Inc.	Fall River, MA
112	Weapon acquisition and firing system	3,000	Reed	Mikel, Inc.	Middletown, RI
113	Automated fiber optic manufacturing	4,000	Kerry	kSARIA	Lawrence, MA
113	Automated fiber optic manufacturing	4,000	Warner	KITCO Fiber Optics	Virginia Beach, VA
113	Automated fiber optic manufacturing	4,000	Webb	KITCO Fiber Optics	Virginia Beach, VA
120	Autonomous unmanned surface vessel (AUSV)	5,700	Akaka	Harbor Wing Technologies, Inc.	Seattle, WA
121	Next-generation Phalanx	12,000	McConnell	Raytheon Missile Systems	Louisville, KY
121	Next-generation Phalanx	12,000	Kerry	Azonix	Billerica, MA

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY				
122	NULKA upgrades	7,000	Kerry	Lockheed Martin Sippican	Marion, MA
124	Composite tissue transplantation for combat wound repair	2,000	Chambliss	Emory University Hospital	Atlanta, GA
124	Vision restoration	3,000	Nelson, Ben	University of Nebraska Medical Center	Omaha, NE
129	Information systems research	5,000	Landrieu	SPAWAR SSC/ITC Atlantic (New Orleans)	New Orleans, LA
129	Information systems research	5,000	Vitter	SSC Atlantic	New Orleans, LA
162	Virtual maintenance engineering platform	1,200	Dodd	General Physics Corp.	Mystic, CT
162	Virtual maintenance engineering platform	1,200	Lieberman	General Physics Corp.	Mystic, CT
162	Virtual maintenance engineering platform	1,200	Reed	General Physics Corp.	Middletown, RI
170	Cost reduction initiatives	7,600	Levin	Williams International	Walled Lake, MI
170	Cost reduction initiatives	7,600	Stabenow	Williams International	Commerce Township, MI
170	Cost reduction initiatives	7,600	Bennett	Williams International	Ogden, UT
180	Aircraft metal alloys	2,750	Burris	QuesTek Innovations	Evanston, IL
180	Improved aircraft windscreen laminates	1,700	Graham	United Protective Technologies, LLC	Rock Hill, SC
180	Structural life tracking program for helicopters	2,500	Warner	Technical Data Analysis	Falls Church, VA
180	Structural life tracking program for helicopters	2,500	Webb	Technical Data Analysis	Falls Church, VA
183	System for triaging key evidence	1,750	Nelson, Bill	U.S. Navy for Research and Development for Marine Corps Communications Systems	Competitive

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY				
184	Marine Corps personnel carrier data man system	2,000	Warner	Portal Dynamics, Inc.	Alexandria, VA
184	Marine Corps personnel carrier data man system	2,000	Webb	Portal Dynamics, Inc.	Alexandria, VA
184	Unique identification tracking software	4,500	Reed	A2B Tracking Solutions, Inc.	Portsmouth, RI
221	Integrated manufacturing enterprise	5,000	Landrieu	Office of Naval Research, Code 361	Arlington, VA
221	Integrated manufacturing enterprise	5,000	Vitter	Louisiana Center for Manufacturing Sciences	Shreveport, LA
	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE				
1	Cyber training capability in modeling and simulation	2,000	Warner	Norfolk State University	Hampton Roads, VA
1	Cyber training capability in modeling and simulation	2,000	Webb	Norfolk State University	Hampton Roads, VA
4	Advanced aerospace heat exchangers	3,000	Voinovich	Ohio Aerospace Institute	Cleveland, OH
4	Energy efficiency, recovery, and generation systems	1,000	Thune	South Dakota School of Mines and Technology	Rapid City, SD
4	Health monitoring sensors for aerospace components	2,000	Collins	University of Maine	Orono, ME
4	Health monitoring sensors for aerospace components	2,000	Snowe	University of Maine	Orono, ME
4	Improved nanomaterials and nanomanufacturing methods	2,000	Merkley	University of Oregon, Oregon State University, Portland State University, Oregon Health and Science University, Oregon Nanoscience and Microtechnologies Institute	Competitive

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE				
4	Improved nanomaterials and nanomanufacturing methods	2,000	Wyden	University of Oregon, Oregon State University, Portland State University, Oregon Health and Science University, Oregon Nanoscience and Microtechnologies Institute	Competitive
4	Light alloy aerospace and automotive parts development	1,000	Dodd	Deformation Control Technology and Sikorsky Aircraft	Stratford, CT
5	Unmanned aerial system collaboration technologies	2,500	Voinovich	University of Dayton Research Institute	Dayton, OH
8	Accelerated development of gallium nitride materials	1,500	Hagan	Kyma Technologies, Inc	Raleigh, NC
8	Accelerated development of gallium nitride materials	1,500	Reid	University of Nevada, Las Vegas	Las Vegas, NV
9	Reconfigurable electronics research	500	Crapo	Boise State University	Boise, ID
9	Reconfigurable electronics research	500	Risch	Boise State University	Boise, ID
9	Seismic research program	5,000	Kerry	Weston Geophysical Corp.	Lexington, MA
9	Space plasma research	2,000	Bingaman	Ball Aerospace and Technologies Corp.	Albuquerque, NM
9	Space plasma research	2,000	Udall, Tom	Ball Aerospace and Technologies Corp.	Albuquerque, NM
14	Directed energy research and development coordination	2,000	Bingaman	Schafer Corp.	Albuquerque, NM
14	Directed energy research and development coordination	2,000	Udall, Tom	Schafer Corp.	Albuquerque, NM

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	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE				
15	Composite repair in theater	2,000	Bennett	ATK	Clearfield, UT
15	Composite repair in theater	2,000	Hatch	Alliant Techsystems (ATK)	Clearfield, UT
15	Metals affordability initiative	10,000	Dodd	Various	Various
15	Metals affordability initiative	10,000	Lieberman	MAI Program	East Hartford, CT
15	Metals affordability initiative	10,000	Bingaman	Various	Various
15	Metals affordability initiative	10,000	Reid	Timet	Henderson, NV
15	Metals affordability initiative	10,000	Brown, Sherrod	Metals Affordability Initiative Consortium	Huron, OH
15	Metals affordability initiative	10,000	Merkley	Metals Affordability Initiative Consortium	Competitive, various counties in OR
15	Metals affordability initiative	10,000	Wyden	Various	Various
15	Metals affordability initiative	10,000	Bennett	Metals Affordability Initiative Consortium	Elm Grove, WI
15	Metals affordability initiative	10,000	Kohl	Various	Various
15	Metals affordability initiative	10,000	Rockefeller	Various	Various
15	Sewage-derived biofuels program	3,000	Wicker	General Atomics	Shannon, MS
15	Sonic infrared imaging technology development	2,000	Levin	Wayne State University	Detroit, MI
19	Algal biofuel production research	2,000	Bingaman	New Mexico State University	Las Cruces, NM
19	Algal biofuel production research	2,000	Udall, Tom	New Mexico State University	Las Cruces, NM
19	Long range supersonic engine for high speed strike	4,000	Stabenow	Williams International	Commerce Township, MI

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COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE				
19	Long range supersonic engine for high speed strike	4,000	Bennett	Williams International	Ogden, UT
19	Power module materials research	4,000	Lincoln	Arkansas Power Electronics International, Inc.	Fayetteville, AR
19	Power module materials research	4,000	Pryor	Arkansas Power Electronics International, Inc.	Fayetteville, AR
19	Scalable unmanned aerial vehicle engines	2,500	Dodd	UTC	East Hartford, CT
19	Scalable unmanned aerial vehicle engines	2,500	Lieberman	United Technologies Research Center	East Hartford, CT
22	Secure supply of carbon nanotubes	2,000	Inhofe	South West Nano Technologies, Inc.	Norman, OK
27	Improved production of frequency selective surface structures	2,000	Brown, Sherrod	Alliant Techsystems, Inc.	Beavercreek, OH
31	Collaboration gateway	2,000	Hagan	Trident Systems	Morrisville, NC
36	Space situational awareness	6,000	Kerry	Raytheon Company, Integrated Defense Systems	Sudbury, MA
40	Program add	5,000	NMR	Air Force Space Command	Various
52	Next-generation MILSATCOM	50,000	NMR	Air Force Space Command	Various
56	Crosscutting capabilities	20,000	NMR	Operationally Responsive Space	Various
56	Radially segmented launch vehicle	6,000	Sessions	Army Space and Missile Defense Command	Competitive
56	Radially segmented launch vehicle	9,000	NMR	Operationally Responsive Space	Various

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COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE				
60	Nuclear enterprise surety tracking	8,000	Vitter	Praeses	Shreveport, LA
72	HEO ground and data exploitation	15,000	NMR	Air Force Space Command	Various
73	OPIR technology development	25,000	NMR	Air Force Space Command	Various
98	Holloman high speed test track	4,500	Bingaman	General Atomics	Holloman AFB, NM
98	Holloman high speed test track	4,500	Udall, Tom	General Atomics	Holloman AFB, NM
104	Small launch class mission	15,000	NMR	Air Force Space Development and Test Wing	Various
165	Cyber operations security institute	1,500	Landrieu	LSU Shreveport	Shreveport, LA
176	Application software assurance center of excellence	6,950	Sessions	Maxwell-Gunter AFB	Competitive
176	Malware research technology demonstration	1,800	Gillibrand	Griffiss Institute	Rome, NY
176	Malware research technology demonstration	1,800	Schumer	Griffiss Institute	Rome, NY
206	Environmental awareness for unmanned systems	5,000	Nelson, Ben	University of Nebraska - Lincoln	Lincoln, NE
212	Small satellite augmentation	10,000	NMR	Air Force Space Command	Various
213	Karnac	6,000	NMR	Air Force Space Command; Los Alamos, Livermore, and Sandia National Laboratories	Various
215	SABRS integration on GEO-4	30,000	NMR	Air Force Space Command	Various
	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE				
2	Information security research	4,000	Inhofe	iSec - University of Tulsa	Tulsa, OK
3	Superconducting systems cooling	2,000	Nelson, Bill	Florida State University	Tallahassee, FL

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COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE				
14	Advanced chem-bio protective materials	1,500	Nelson, Ben	University of Nebraska - Lincoln	Lincoln, NE
14	Chemical and biological infrared detector	3,000	Collins	Orono Spectral Solutions, Inc.	Orono, ME
14	Chemical and biological infrared detector	3,000	Snowe	Orono Spectral Solutions, Inc.	Old Town, ME
21	Weapons of mass destruction analysis reachback tool	3,000	Warner	Virginia Polytechnic Institute and State University	Blacksburg, VA
21	Weapons of mass destruction analysis reachback tool	3,000	Webb	Virginia Polytechnic Institute and State University	Blacksburg, VA
22	Non-lethal weapons technology	3,000	Reid / UFR	Varian Medical Systems	Las Vegas, NV
26	Foreign language correlation and translation	1,000	Lincoln	Axciom Corp.	Conway, AR
26	Foreign language correlation and translation	1,000	Pryor	Axciom Corp.	Conway, AR
26	Impact and blast loading laboratory testing program	2,500	Boxer	University of California, San Diego	San Diego, CA
26	Reconnaissance and data exploitation system	7,000	Akaka	Nova-sol	Honolulu, HI
34	Plant-based vaccine development	3,000	Carper	Fraunhofer USA Center for Molecular Biotechnology	Newark, DE
34	Plant-based vaccine development	3,000	Kaufman	Fraunhofer USA Center for Molecular Biotechnology	Newark, DE
44	Biofuels program	4,000	Levin	Defense Logistics Agency	Fort Belvoir, VA
44	Biomass conversion research	1,500	Collins	University of Maine	Orono, ME
44	Biomass conversion research	1,500	Snowe	University of Maine	Orono, ME
44	Biomass conversion research	1,000	Wicker	Catalyst Renewables Fuels LLC	Pleasanton, CA

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COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE				
44	Green product evaluation and implementation	2,000	Graham	Concurrent Technologies Corp.	Columbia, SC
44	RFID technology exploitation	1,000	McConnell	University of Louisville	Louisville, KY
44	Vehicle fuel cell and hydrogen logistics program	8,000	Levin	Defense Logistics Agency	Fort Belvoir, VA
98	Israeli Iron Dome program	205,000	UFR	Missile Defense Agency	Israel
98	Short-range ballistic missile defense	25,000	Wicker	ATK	Iuka, MS
101	Corrosion control research	3,000	Wicker	University of Southern Mississippi	Hattiesburg, MS
116	Joint Service Aircrew Mask upgrade	2,000	Carper	ILC Dover LP	Frederica, DE
116	Joint Service Aircrew Mask upgrade	2,000	Kaufman	ILC Dover LP	Frederica, DE
155	Anti-tamper software systems	1,500	Collins	ANGEL Secure Networks, Inc.	Orono, ME
155	Anti-tamper software systems	1,500	Snowe	Angel Technologies	Orono, ME
196	Cybersecurity pilot projects	30,000	NMR	Assistant Secretary of Defense (Networks and Information Integration)	Various
202	NSA ISSP classified cybersecurity pilot	5,000	NMR	National Security Agency	Various
211	Technology development for tactical unmanned aerial systems	4,000	Chambliss	Georgia Institute of Technology	Various
211	Technology development for tactical unmanned aerial systems	4,000	Isakson	Georgia Institute of Technology	Atlanta/Benning/Stewart, GA
211	Technology development for tactical unmanned aerial systems	4,000	Inhofe	Oklahoma State University/ SOCOM	Lawton, OK
211	Wide-area aerial tactical situation awareness	1,700	Warner	ArguSight, Inc.	Fairfax, VA
211	Wide-area aerial tactical situation awareness	1,700	Webb	ArguSight, Inc.	Fairfax, VA

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COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE				
245	Industrial Base Innovation Fund	30,000	NMR	Competitive	n/a
245	Northwest manufacturing initiative	2,000	Merkley	Manufacturing 21 Coalition	Oregon and SW Washington
245	Northwest manufacturing initiative	2,000	Wyden	Manufacturing 21 Coalition	Oregon and SW Washington
269	Lithium ion battery safety research	1,600	Lugar	Indiana University	Indianapolis, IN
999	Center for geospatial science	1,000	Bingaman	New Mexico State University	Las Cruces, NM
999	Center for intelligence and security studies	3,000	Wicker	The University of Mississippi	Oxford, MS
999	Classified initiative	35,000	NMR	n/a	n/a
999	Valiant angel	2,000	Warner	Pixia Corp	Sterling, VA
999	Valiant angel	2,000	Webb	Pixia Corp	Sterling, VA
999	WAAS exploitation	22,500	NMR	National Geospatial Intelligence Agency	Various
	TITLE 3				
	OPERATION AND MAINTENANCE, NAVY				
60	Aviation depot maintenance	74,000	UFR	U.S. Navy Fleet Readiness Centers	Various
100	Ship depot maintenance	35,000	UFR	U.S. Navy Shipyards	Various
	OPERATION AND MAINTENANCE, AIR FORCE				
40	Weapon system sustainment	150,000	UFR	USAF Air Logistics Centers	Various
	OPERATION AND MAINTENANCE, AIR FORCE RESERVE				
10	Amended budget submission for C-130 transfer	3,060	NMR	USAF Air Logistics Centers	Various

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COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	OPERATION AND MAINTENANCE, AIR FORCE RESERVE				
30	Amended budget submission for C-130s	2,749	NMR	USAF Air Logistics Centers	Various
30	Weapon system sustainment	99,000	UFR	USAF Air Logistics Centers	Various
	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD				
10	Amended budget submission for C-130s	6,073	NMR	USAF Air Logistics Centers	Various
30	Amended budget submission for C-130s	6,823	NMR	USAF Air Logistics Centers	Various
30	Weapon system sustainment	88,200	UFR	USAF Air Logistics Centers	Various
	OPERATION AND MAINTENANCE, DEFENSE-WIDE				
250	Readiness and environmental protection initiative	25,000	Boxer		
250	Readiness and environmental protection initiative	25,000	Bennet		
250	Readiness and environmental protection initiative	25,000	Udall, Mark		
250	Readiness and environmental protection initiative	25,000	Burris		
250	Readiness and environmental protection initiative	25,000	Landrieu		
250	Readiness and environmental protection initiative	25,000	Cardin		
250	Readiness and environmental protection initiative	25,000	Wicker	The Nature Conservancy - Mississippi Chapter	Jackson, MS
250	Readiness and environmental protection initiative	25,000	Burr		
250	Readiness and environmental protection initiative	25,000	Hagan		
250	Readiness and environmental protection initiative	25,000	Inhofe		
250	Readiness and environmental protection initiative	25,000	Johnson		
250	Readiness and environmental protection initiative	25,000	Hutchison		

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Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	OPERATION AND MAINTENANCE, DEFENSE-WIDE				
250	Rule of law program	750	Graham	University of South Carolina, Columbia	Columbia, SC
	BRAC impact aid	5,000	NMR	n/a	n/a
	Impact aid	30,000	Burris	Department of Defense Education Agency	Arlington, VA
	Impact aid for children with severe disabilities	5,000	Akaka	n/a	n/a
	Impact aid for children with severe disabilities	5,000	Menendez	n/a	n/a
	Impact aid for children with severe disabilities	5,000	Schumer	n/a	n/a
	Impact aid for children with severe disabilities	5,000	Inhofe	n/a	n/a
	Impact aid for children with severe disabilities	5,000	Reed	n/a	n/a
	Impact aid for children with severe disabilities	5,000	Whitehouse	n/a	n/a
	Impact aid for children with severe disabilities	5,000	NMR	n/a	n/a
	TITLE 14				
	OFFICE OF THE INSPECTOR GENERAL				
10	Second year growth plan	29,300	NMR	n/a	n/a
20	Second year growth plan	4,500	NMR	n/a	n/a
	DEFENSE HEALTH PROGRAM				
	One-year extension of prohibition on TRICARE inpatient fees	12,000	NMR	n/a	n/a
	TRICARE eligibility for dependents up to age 26	10,000	NMR	n/a	n/a
	DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES, DEFENSE-WIDE				

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COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES, DEFENSE-WIDE				
10	National Guard counterdrug programs	3,000	Begich	Alaska National Guard	Statewide
10	National Guard counterdrug programs	1,600	Udall, Mark	Colorado Joint Counter Drug Task Force	State of Colorado
10	National Guard counterdrug programs	300	Carper	Delaware National Guard	Wilmington, DE
10	National Guard counterdrug programs	300	Kaufman	Delaware National Guard	Wilmington, DE
10	National Guard counterdrug programs	2,900	Nelson, Bill	Florida National Guard	St. Augustine, FL
10	National Guard counterdrug programs	3,000	Akaka	JFHQ-Hawaii	Various
10	National Guard counterdrug programs	4,000	McConnell	Kentucky National Guard	Frankfort, KY
10	National Guard counterdrug programs	1,200	Hagan	North Carolina National Guard	Raleigh, NC
10	National Guard counterdrug programs	6,000	Bingaman	New Mexico National Guard	Santa Fe, NM
10	National Guard counterdrug programs	6,000	Udall, Tom	New Mexico National Guard	Santa Fe, NM
10	National Guard counterdrug programs	4,500	Ensign	Nevada National Guard	Reno, NV
10	National Guard counterdrug programs	4,500	Reid	Joint Force Headquarters	Reno, NV
10	National Guard counterdrug programs	1,500	Bennett	Utah National Guard	Draper, UT
10	National Guard counterdrug programs	7,000	NMR	National Guard Bureau	Various
	MISCELLANEOUS AUTHORIZATIONS				
	National Guard support to secure the southern land border of the United States	700,000	NMR	National Guard Bureau	Arizona, California, New Mexico, and Texas
	TITLE 31				
	WEAPONS ACTIVITIES				

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COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Line	Description	Amount (In Thousands)	Member	Suggested Recipient	Suggested Location of Performance
	WEAPONS ACTIVITIES				
	08-D-802, High explosive Pressing Facility, Pantex Plant, Amarillo, TX	10,000	NMR	Pantex Plant	Amarillo, TX
	09-D-107, LANSCE Refurbishment, Los Alamos National Laboratory	20,000	Bingaman	Los Alamos National Laboratory	Los Alamos, NM
	FIRP Operations and maintenance	25,000	NMR	NNSA	Various
	Los Alamos National Lab PF-4	10,000	NMR	Los Alamos National Laboratory	Los Alamos, NM
	Management, technology, and production	10,000	NMR	NNSA	Various
	NIF diagnostics, cryogenics and experimental support	3,000	NMR	Lawrence Livermore National Laboratory	Livermore, CA
	Pantex	10,000	NMR	Pantex Plant	Amarillo, TX
	Y-12	10,000	NMR	Y-12 National Security Complex	Oak Ridge, TN
	DEFENSE NUCLEAR NONPROLIFERATION				
	Megaports	20,000	NMR	NNSA	Various
	Nonproliferation operations and maintenance	8,000	NMR	NNSA	Various
	U.S. plutonium disposition	20,000	NMR	NNSA	Various

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COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Account	State / Country	Installation	Project Title	Amount (In Thousands)	Member
ARMY GUARD	ALABAMA	FT MCCLELAN	Live Fire Shoot House	5,635	Sessions
ARMY GUARD	ALABAMA	FT MCCLELAN	Live Fire Shoot House	5,635	Shelby
AIR GUARD	ALABAMA	MONTGOMERY REGIONAL AIRPORT (ANG) BASE	Replace Squad Ops Facility	7,500	Sessions
AIR GUARD	ALABAMA	MONTGOMERY REGIONAL AIRPORT (ANG) BASE	Replace Squad Ops Facility	7,500	Shelby
AIR GUARD	ALASKA	EIELSON AFB	Add / Alter Communications Facility	6,500	Begich
AIR GUARD	ALASKA	EIELSON AFB	Add / Alter Communications Facility	6,500	Murkowski
AIR FORCE	ALASKA	ELMENDORF AFB	DOD Joint Regional Fire Training Facility	6,600	Begich
AIR FORCE	ALASKA	ELMENDORF AFB	DOD Joint Regional Fire Training Facility	6,600	Murkowski
ARMY GUARD	ARKANSAS	FT CHAFFEE	Convoy Live Fire/Entry Control Point Range	3,500	Lincoln
ARMY GUARD	ARKANSAS	FT CHAFFEE	Convoy Live Fire/Entry Control Point Range	3,500	Pryor
AIR GUARD	ARKANSAS	LITTLE ROCK AFB	Fuel Cell and Corrosion Control Hanger	10,120	Lincoln
AIR GUARD	ARKANSAS	LITTLE ROCK AFB	Fuel Cell and Corrosion Control Hanger	10,120	Pryor
AIR FORCE	CALIFORNIA	EDWARDS AFB	Flightline Fire Station	15,500	Boxer
AIR FORCE	CALIFORNIA	EDWARDS AFB	Flightline Fire Station	15,500	Feinstein
AIR FORCE	COLORADO	BUCKLEY AFB	Land Acquisition	10,000	Bennet
AIR FORCE	COLORADO	BUCKLEY AFB	Land Acquisition	10,000	Udall, Mark
NAVY	CONNECTICUT	NSB NEW LONDON	Submarine Group 2 Headquarters	12,930	Dodd
NAVY	CONNECTICUT	NSB NEW LONDON	Submarine Group 2 Headquarters	12,930	Lieberman
AIR GUARD	DELAWARE	DE ANG, NEW CASTLE COUNTY AIRPORT	C-130 Aircraft Maintenance Shops (Phase III)	8,700	Carper

COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Account	State / Country	Installation	Project Title	Amount (In Thousands)	Member
AIR GUARD	DELAWARE	DE ANG, NEW CASTLE COUNTY AIRPORT	C-130 Aircraft Maintenance Shops (Phase III)	8,700	Kaufman
NAVY	FLORIDA	NAVSUP PANAMA CITY	Land acquisition	5,960	Nelson, Bill
AIR FORCE	FLORIDA	PATRICK AFB	Relocate Main Gate	8,000	Nelson, Bill
ARMY	GEORGIA	FT GORDON	Qualification Training Range	8,100	Chambliss
ARMY	GEORGIA	FT GORDON	Qualification Training Range	8,100	Isakson
NAVY	HAWAII	NAVSTA PEARL HARBOR	Fire Station, West Loch	9,084	Akaka
NAVY	HAWAII	NAVSTA PEARL HARBOR	Fire Station, West Loch	9,084	Inouye
NAVY	HAWAII	NAVSTA PEARL HARBOR	Pre-Fab Bridge Nohili Ditch	300	Akaka
NAVY	HAWAII	NAVSTA PEARL HARBOR	Pre-Fab Bridge Nohili Ditch	3,560	Inouye
NAVY	HAWAII	PACIFIC MISSILE RANGE FACILITY	Replace North Loop Electrical Distribution System	9,100	Akaka
NAVY	HAWAII	PACIFIC MISSILE RANGE FACILITY	Replace North Loop Electrical Distribution System	9,100	Inouye
NAVY	HAWAII	PEARL HARBOR NAVAL SHIPYARD	Welding School Shop Consolidation	5,780	Akaka
NAVY	HAWAII	PEARL HARBOR NAVAL SHIPYARD	Welding School Shop Consolidation	5,780	Inouye
ARMY RES.	ILLINOIS	ROCKFORD USARC	Army Reserve Center	13,000	Burris
ARMY RES.	ILLINOIS	ROCKFORD USARC	Army Reserve Center	13,000	Durbin
ARMY GUARD	IOWA	CAMP DODGE	Combined Arms Collective Training Facility	5,700	Harkin
AIR GUARD	IOWA	DES MOINES	Corrosion Control Hanger	4,700	Harkin
ARMY GUARD	KANSAS	TOPEKA ARMY AVIATION SUPPORT FACILITY	Taxiway, Parking Ramps and Hanger Alterations	9,036	Brownback
ARMY GUARD	KANSAS	TOPEKA ARMY AVIATION SUPPORT FACILITY	Taxiway, Parking Ramps and Hanger Alterations	9,036	Roberts

COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Account	State / Country	Installation	Project Title	Amount (In Thousands)	Member
ARMY	KENTUCKY	FT CAMPBELL	Infantry Squad Battle Course	3,000	McConnell
DEF-WIDE	KENTUCKY	FT CAMPBELL	Landgraf Hangar Addition, 160th SOAR	3,600	Alexander
ARMY	KENTUCKY	FT KNOX	Rail Head Upgrade	14,000	McConnell
ARMY	KENTUCKY	FT CAMPBELL	Shoot House	3,300	McConnell
ARMY	LOUISIANA	FT POLK, LOUISIANA	Emergency Services Center	5,200	Landrieu
ARMY	LOUISIANA	FT POLK, LOUISIANA	Emergency Services Center	5,200	Vitter
NAVY	MAINE	PORTSMOUTH NAVAL SHIPYARD	Consolidation of Structural Shops	17,240	Collins
NAVY	MAINE	PORTSMOUTH NAVAL SHIPYARD	Consolidation of Structural Shops	17,240	Snowe
NAVY	MARYLAND	NSWC, INDIAN HEAD	Advanced Energetics Research Lab Complex Phase 2	12,810	Cardin
NAVY	MARYLAND	NSWC, INDIAN HEAD	Advanced Energetics Research Lab Complex Phase 2	12,810	Mikulski
AIR GUARD	MASSACHUSETTS	BARNES MUNICIPAL AIRPORT	Additions and Renovations to Building 15	6,000	Kerry
ARMY GUARD	MICHIGAN	CAMP GRAYLING RANGE	Barracks Replacement, Phase II	17,100	Levin
ARMY GUARD	MICHIGAN	CAMP GRAYLING RANGE	Barracks Replacement, Phase II	17,100	Stabenow
ARMY GUARD	MICHIGAN	CAMP GRAYLING RANGE	Light Demolition Range	1,595	Levin
AIR GUARD	MICHIGAN	ALPENA COMBAT READINESS TRAINING CENTER	Replace Troop Quarters, Phase II	9,600	Levin
AIR GUARD	MICHIGAN	ALPENA COMBAT READINESS TRAINING CENTER	Replace Troop Quarters, Phase II	9,600	Stabenow
NAVY	MISSISSIPPI	NCBC GULFPORT	Branch Health Clinic	10,160	Cochran
NAVY	MISSISSIPPI	NCBC GULFPORT	Branch Health Clinic	11,016	Wicker
DEF-WIDE	MISSISSIPPI	STENNIS SPACE CENTER	SOF Western Maneuver Area (Phase II)	8,750	Cochran

COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Account	State / Country	Installation	Project Title	Amount (In Thousands)	Member
DEF-WIDE	MISSISSIPPI	STENNIS SPACE CENTER	SOF Western Maneuver Area (Phase II)	8,750	Wicker
DEF-WIDE	MISSISSIPPI	STENNIS SPACE CENTER	SOF Western Maneuver Area (Phase III)	7,778	Cochran
DEF-WIDE	MISSISSIPPI	STENNIS SPACE CENTER	SOF Western Maneuver Area (Phase III)	7,778	Wicker
ARMY GUARD	MISSOURI	FT LEONARD WOOD	Regional Training Institute	13,800	Bond
AIR FORCE	MONTANA	MALMSTROM AFB	Physical Fitness Center, Phase II	8,000	Baucus
AIR FORCE	MONTANA	MALMSTROM AFB	Physical Fitness Center, Phase II	8,000	Tester
AIR FORCE	NEBRASKA	OFFUTT AFB	Kenney/Bellevue Gates	11,000	Nelson, Ben
AIR FORCE	NEVADA	NELLIS AFB	Communication Network Control Ctr	11,400	Ensign
AIR FORCE	NEVADA	NELLIS AFB	Communication Network Control Ctr	11,400	Reid
ARMY GUARD	NEVADA	NEVADA NATIONAL GUARD	Las Vegas Field Maintenance Shop	11,500	Ensign
ARMY GUARD	NEVADA	NEVADA NATIONAL GUARD	Las Vegas Field Maintenance Shop	11,500	Reid
AIR GUARD	NEW JERSEY	177TH FIGHTER WING, ATLANTIC CITY	Fuel Cell and Corrosion Control Hanger	8,500	Lautenberg
AIR GUARD	NEW JERSEY	177TH FIGHTER WING, ATLANTIC CITY	Fuel Cell and Corrosion Control Hanger	8,500	Menendez
AIR FORCE	NEW MEXICO	CANNON AFB	Family Support Center	3,200	Bingaman
AIR FORCE	NEW MEXICO	CANNON AFB	Family Support Center	3,200	Udall, Tom
AIR FORCE	NEW MEXICO	KIRTLAND AFB	Military Working Dog Facility	4,400	Bingaman
AIR FORCE	NEW MEXICO	KIRTLAND AFB	Military Working Dog Facility	4,400	Udall, Tom
ARMY	NEW YORK	FT DRUM	Construct Railhead Loading Area	7,400	Gillibrand
ARMY	NEW YORK	FT DRUM	Construct Railhead Loading Area	7,500	Schumer
DEF-WIDE	NORTH CAROLINA	FT BRAGG	SOF Baffle Containment for Range 19C	7,200	Burr
DEF-WIDE	NORTH CAROLINA	FT BRAGG	SOF Baffle Containment for Range 19C	7,200	Hagan

COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Account	State / Country	Installation	Project Title	Amount (In Thousands)	Member
DEF-WIDE	NORTH CAROLINA	FT BRAGG	SOF Medical Support Addition	3,800	Burr
DEF-WIDE	NORTH CAROLINA	FT BRAGG	SOF Medical Support Addition	3,889	Hagan
AIR FORCE	NORTH DAKOTA	GRAND FORKS AFB	Central Deployment Center	13,000	Conrad
AIR FORCE	NORTH DAKOTA	GRAND FORKS AFB	Central Deployment Center	13,000	Dorgan
AIR GUARD	OHIO	TOLEDO EXPRESS AIRPORT	Replace Security Forces Complex	7,300	Brown, Sherrod
AIR GUARD	OHIO	TOLEDO EXPRESS AIRPORT	Replace Security Forces Complex	7,300	Voinovich
AIR FORCE	OKLAHOMA	TINKER AFB	Air Traffic Control Tower	9,300	Inhofe
AIR GUARD	OREGON	KINGSLEY FIELD ANG BASE	Replace Fire Station	7,000	Merkley
AIR GUARD	OREGON	KINGSLEY FIELD ANG BASE	Replace Fire Station	7,000	Wyden
NAVY	PENNSYLVANIA	NAVAL SUPPORT ACTIVITY MECHANICSBURG	North Gate Security Improvements	5,710	Casey
NAVY	PENNSYLVANIA	NAVAL SUPPORT ACTIVITY MECHANICSBURG	North Gate Security Improvements	5,710	Specter
NAVY	PENNSYLVANIA	NAVSUPPACT MECHANICSBURG	Quiet Propulsion Load House	7,630	Casey
NAVY	PENNSYLVANIA	NAVSUPPACT MECHANICSBURG	Quiet Propulsion Load House	7,630	Specter
AIR GUARD	RHODE ISLAND	QUONSET STATE AIRPORT	C-130 Parking Apron	1,800	Reed
NAVY	RHODE ISLAND	NAVSTA NEWPORT	Gate Improvements	4,950	Reed
NAVY	RHODE ISLAND	NAVSTA NEWPORT	Submarine Payloads Integration Laboratory	11,990	Reed
AIR GUARD	SOUTH CAROLINA	MCENTIRE	Joint Deployment Processing and Readiness Center-Phase One	9,100	Graham
AIR GUARD	SOUTH DAKOTA	JOE FOSS FIELD	Aircraft Maintenance Shops	12,800	Johnson
AIR GUARD	SOUTH DAKOTA	JOE FOSS FIELD	Aircraft Maintenance Shops	12,800	Thune
AIR FORCE	SOUTH DAKOTA	ELLSWORTH AFB	Maintenance Training Facility	12,200	Johnson

COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Account	State / Country	Installation	Project Title	Amount (In Thousands)	Member
AIR FORCE	SOUTH DAKOTA	ELLSWORTH AFB	Maintenance Training Facility	12,200	Thune
AIR GUARD	TENNESSEE	MCGHEE TYSON ANG BASE	Hobbs Road Acquisition	6,500	Alexander
ARMY RES.	TEXAS	FT HOOD	Army Reserve Center	15,500	Hutchison
AIR FORCE	TEXAS	RANDOLPH AFB	Constr Fire Crash Rescue Sta	12,500	Cornyn
AIR FORCE	TEXAS	RANDOLPH AFB	Constr Fire Crash Rescue Sta	12,500	Hutchison
AIR FORCE	UTAH	HILL AFB	Consolidated Transportation Facilities, Phase I	7,300	Bennett
AIR FORCE	UTAH	HILL AFB	Consolidated Transportation Facilities, Phase I	7,300	Hatch
AIR GUARD	VERMONT	BURLINGTON INTERNATIONAL AIRPORT	Upgrade Taxiways and Replace Arm/Disarm Pads	11,000	Leahy
AIR GUARD	VERMONT	BURLINGTON INTERNATIONAL AIRPORT	Upgrade Taxiways and Replace Arm/Disarm Pads	11,000	Sanders
NAVY	VIRGINIA	DAHLGREN NSWC	Building 1200 -Missile Support Facility Replacement Phase 1	9,730	Warner
NAVY	VIRGINIA	DAHLGREN NSWC	Building 1200 -Missile Support Facility Replacement Phase 1	9,730	Webb
AIR FORCE	WASHINGTON	MCCHORD AFB	Collocated Chapel/Family Support Center	10,400	Murray
AIR FORCE	WASHINGTON	FAIRCHILD AFB	Precision Measurement Equipment Laboratory (PMEL) Facility	3,500	Murray
AIR GUARD	WEST VIRGINIA	YEAGER AFB	Communications Training Fac.	6,250	Byrd
AIR GUARD	WEST VIRGINIA	YEAGER AFB	Force Protection/Antiterrorism	13,000	Byrd
AIR GUARD	WISCONSIN	GENERAL MITCHELL INTERNATIONAL AIRPORT	Replace Fire Station	8,000	Kohl
DEF-WIDE	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	CONTINGENCY CONSTRUCTION	7,000	NMR

COMPLIANCE WITH RULE XLIV OF THE STANDING RULES OF THE SENATE

Account	State / Country	Installation	Project Title	Amount (In Thousands)	Member
DEF-WIDE	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	ENERGY CONSERVATION IMPROVEMENT PROGRAM	170,000	NMR
AIR FORCE	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING & DESIGN	20,000	NMR
AIR GUARD	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING & DESIGN	15,000	NMR
DEF-WIDE	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	20,000	NMR
ARMY RES.	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	5,000	NMR
NAVY	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	20,000	NMR
ARMY GUARD	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	10,000	NMR
ARMY	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN FY11	10,000	NMR

ADDITIONAL VIEWS

ADDITIONAL VIEWS OF MR. MCCAIN

McCain Deployment of National Guard to the Southern Border of the United States Amendment

I am pleased that the committee approved my bipartisan amendment directing the immediate deployment of 6,000 National Guard personnel to our southwest border. As violence continues to escalate along the U.S.-Mexican border, it is imperative we utilize the significant capabilities of the National Guard to provide robust support to civilian authorities and law enforcement agencies.

Families living in Arizona and other border states should not suffer from the daily threats caused by illegal immigration, drug trafficking, and human smuggling. It is the Federal government's obligation to protect all Americans by securing the borders, and deploying 6,000 National Guard is a critical step in achieving that end.

McCain on Abortion Amendment

I am deeply concerned that the committee adopted an amendment that reverses the ban on using military medical treatment facilities to perform abortions, except when the life of the mother is in danger or the pregnancy is the result of rape or incest, thus, allowing elective abortions to be performed in Department of Defense facilities. As someone who believes deeply in the sanctity of human life, I am opposed in principle to using Americans' tax dollars to destroy innocent life, as this provision inevitably would.

McCain on the Iraqi Security Forces Fund

It was unfortunate and misguided that the committee voted, consistent with the Chairman's Mark and despite my amendment to the contrary, to cut $1 billion from the President's $2 billion request for the Iraq Security Forces Fund.

This cut was totally arbitrary. It reflects the mistaken assumption that Iraq is not doing enough to provide for its own defenses, and that the United States should do even less than the President and his military commanders say we must do to ensure that Iraq's forces can assume full control for their security as our troops redeploy out of Iraq. The Secretary of Defense, the Chairman of the Joint Chiefs, and our commanders on the ground in Iraq all support the President's request for $2 billion for the Iraq Security Forces. They have testified in support of this request to our committee. The committee's decision to slash the President's request in half was not only capricious; it was reckless and dangerous.

At tremendous cost and sacrifice, our troops have helped Iraqis reclaim their country, but Iraq is still a nation at war, fighting determined enemies, and our continued investment in the Iraqi Security Forces remains vital to the country's success. It is even more vital as our troops withdraw from Iraq and as the Iraqi forces lead the fight on their own. Indeed, the success of the Iraqi Security Forces is what is allowing us to leave Iraq with victory. Why would we do anything to jeopardize the gains we have made at this delicate time of transition in Iraq?

The cut to the Iraq Security Forces Fund is especially egregious when we consider that there is $2.8 billion of earmarks in this bill. The committee cut $1 billion from a program that is vital to our success in Iraq, which the President has requested, in order to fund billions of dollars in earmarks that the President has not requested and the military says it does not need. This is totally irresponsible.

I proposed an amendment that would have cut $1 billion of additional funding from the Chairman's Mark that was neither requested by the President nor listed in the military's unfunded requirements list, directing these savings to fully fund the President's request of $2 billion for the Iraq Security Forces Fund. I regret that my amendment did not pass, and I believe that is a sad statement about the priorities of a majority on this committee.

McCain on Transparency and Earmarks

I am deeply disappointed that the committee adopted about $2.8 billion in earmarks that were added mostly without debate or discussion by the committee.

I continue to have concerns with the degree of transparency and openness by which the committee includes such earmarks and unrequested funding additions to the bill. This is a matter of longstanding interest to me. The emphasis on accountability and on reducing the number and dollars involved in earmarks—and the deep frustration and anger the public is now voicing about the manner in which their elected representatives earmark funding for special projects—makes it essential that we spend taxpayers' money wisely and responsibly.

In approving this funding, the committee voted to authorize billions of dollars in spending while rejecting the recommendations of the Secretary of Defense, Chairman of the Joint Chiefs, and the Service Chiefs. I am not saying that member-requested additions are bad, all the time. Or that Congress should surrender its constitutional power to make funding decisions to the Executive Branch and simply be a rubber stamp. Many of the program funding additions may be worthwhile in terms of military capabilities and value to the taxpayer. But how we would know that? We have not discussed these program additions or developed a public record sufficient to support that sort of decision. The American people expect us to exercise our independent judgment as to what funding choices are in the nation's best interest. How can we claim that we have done that in the case of $2.8 billion in earmarks? What basis can Members say they applied to judge the relative worth of these unrequested additions? Without debate, discussion, and a transparent public record, we are simply unable to exercise due diligence necessary to make that judgment.

I appreciate the committee's decision this year to adopt my recommended change to internal committee procedures to allow Members and their staff access to the transparency tables required by Rule XLIV of the Standing Rules of the Senate prior to consideration of the Chairman's mark by each subcommittee. This is a good step in the right direction to ensure each Member of each subcommittee has an opportunity to at least review the changes to the budget in the Chairman's mark that were included specifically at the request of a Member of Congress.

Nevertheless, I will continue to ask the Chairman for a more deliberate mark up procedure that would require each subcommittee and the full committee to establish a formal record of review and vote for each case in which we adopt a staff recommendation or a Member request that is a departure or change from the President's Budget request. I understand that the Chairman has the prerogative to develop and propose a series of decisions contained in a proposed Bill as the departure point for further discussion. But the Chairman should also establish a process that allows for the greatest extent of transparency and collaboration as befits the magnitude of the decisions. There must be a comprehensive understanding by all Members why the Chairman's mark substitutes the judgment of staff and Member interests for certain programs over the requests for funding that have been validated and supported by the President, the Secretary of Defense, the Chairman of the Joint Chiefs, the Service Secretaries, and the Service Chiefs.

There is no doubt that the Constitution gives this Congress and this Committee enormous power. The National Defense Authorization Act is the largest single source of discretionary spending and policy making in the Federal Government. But only we can ensure that we exercise that power with the level of responsibility and due diligence that is commensurate with the importance of the national security mission we are entrusted with. This committee has a deserved reputation for operating in a bipartisan and collaborative manner among Members and staff, an absolute imperative to make the best decisions for the benefit of the Armed Forces and our national security. We should also make every effort to facilitate this cooperation with processes and procedures that enhance the transparency and accountability of our decisions.

JOHN MCCAIN.

ADDITIONAL VIEWS OF SENATOR JOHN CHAMBLISS

Chambliss Navy Tactical Aircraft Procurement

The Navy's proposed FY11 budget requests approximately $1.8 billion for the procurement of 22 F/A–18E/F Super Hornet strike fighters and approximately $1.0 billion for the procurement of 12 EA–18G Growler electronic attack aircraft. The Senate Armed Services Committee (SASC) fully funded this request and added an additional 6 F–18E/Fs that were neither requested by DoD nor on the Navy/Marine Corps Unfunded Priorities List.

On May 14th, the Pentagon announced that it had agreed in principle to enter into a multi-year contract to purchase up to 124 F/A–18s. The additional F–18s are intended to fill the Navy "strike fighter gap" and also serve as a hedge against further delays to the F–35. In the FY10 NDAA, Congress conditionally authorized a multi-year contract for F–18s and the Department's recent actions were in response to that conditional authority.

In comparison to SASC and DoD/Navy action with respect to F–18 purchases, Chief of Staff of the Air Force General Norton Schwartz said recently that the Air Force (which also has a fighter gap) would not be procuring any more non-5th Generation fighters since it would not make sense to fly those planes for the next 25 years when you could invest in 5th Generation fighters instead.

Without questioning the value and performance of the F–18 as a 4th generation fighter aircraft, I find the disparity between the approach DoD and SASC has taken to fighter modernization for the Navy and the Air Force alarming. Last year DoD and SASC pledged full faith and commitment to the F–35 as the future of tactical aviation for the Air Force, Navy, and Marine Corps. This commitment led DoD to strongly oppose purchasing additional F–22s, which is the only proven 5th Generation fighter aircraft in the world.

Now, with the F–35 experiencing an IOC slip of up to three years, DoD and SASC are advocating additional F–18 purchases to hedge against this slip. Given that the F–18 has little value in a non-permissive threat environment (which the U.S. is likely to encounter anywhere except Iraq and Afghanistan), this multi-billion dollar investment in F–18s seems to be a questionable use of taxpayer dollars.

While the Air Force is having to accept risk in their tactical aviation fleet and air dominance mission, the Navy is investing close to $10B in aircraft that are unsuitable to meeting the long term threats our nation will likely face and doing so at the expense of the F–35 which only last year DoD showcased as the future of tactical aviation for the nation.

I find this confluence of events alarming and will continue to press DoD and this Committee to take a long term view toward tactical aviation modernization in a way that best addresses cur-

rent and future threats, accepts risk only where appropriate, and uses scarce taxpayer dollars in the most responsible way.

ADDITIONAL VIEWS OF SENATOR JOHN THUNE

I appreciate the committee's authorization of funding for research and development of the Next Generation Bomber in FY11, as well as the committee adopting an amendment I offered with Senator Joseph Lieberman during the mark-up to require a report on U.S. efforts to counter threats posed by anti-access and area-denial capabilities of various nations. These additional views provide further context to these and other items.

Next Generation Bomber

During an appearance before the Senate Armed Services Committee on May 14, 2009, Defense Secretary Robert Gates said that "[t]he idea of a next-generation bomber, as far as I'm concerned, is a very open question, and the recommendation will come out of the Quadrennial Defense Review and the Nuclear Posture Review." Now that these reviews have been concluded, the need, the requirement, and the technology for a follow-on bomber have become clear.

The committee has authorized $198 million in funding for the Next Generation Bomber program in FY11. This funding represents a decision to move forward with the development of a next generation bomber, as reflected in the 2010 Quadrennial Defense Review Report (2010 QDR). While the 2010 QDR directs the Department of Defense (DOD) to expand future long-range strike capabilities and invest $1.7 billion over the FY2012–17 defense program, it also states that the Secretary of Defense has ordered a follow-on study to determine what will best support U.S. power projection operations over the next two to three decades.

I believe the issue of future long-range strike capabilities has been studied closely numerous times over the past several years, and it is well past the time to move forward with developing a new bomber. A good example of how often and how closely the issue of future long-range strike capabilities has been studied is a Congressional Budget Office study from 2006 that stated with regard to long-range strike that "Numerous studies of which capabilities might be desired and several plans for potential long-range systems had been proposed, but none had resulted in decisions on a way to move forward." (Congressional Budget Office Study, Alternatives for Long-Range Ground-Attack Systems, March 2006, page ix.) If the issue of future long-range strike capabilities and plans was already the topic of numerous studies four years ago, it begs the question of the need for additional studies today. I am heartened, however, by testimony from Defense Secretary Robert Gates before the Senate Armed Services Committee on February 2, 2010, that "the [long-range strike] studies up to now have been whether, and now the study is what."

I am also pleased to see from the prepared statement of General Kevin P. Chilton, Commander of U.S. Strategic Command, sub-

mitted before the Senate Armed Services Committee hearing held on March 24, 2010, that Strategic Command is "working with the Air Force to identify requirements for the next manned, nuclear-capable, long-range strike platform[.]" I fully support these efforts.

Air-Sea Battle Concept

Related to the issue of developing long-range strike capabilities is the effort by the Air Force and the Navy, as directed by the 2010 QDR, to develop an "air-sea battle concept" that would deal with the rising challenge of nations developing sophisticated anti-access and area-denial capabilities that could limit U.S. freedom of action in strategically vital regions of the world. As Secretary Gates wrote in the January/February 2009 edition of Foreign Affairs, in an article entitled "A Balanced Strategy; Reprogramming the Pentagon for a New Age,"

> "[i]n the case of China, Beijing's investments in cyberwarfare, antisatellite warfare, antiaircraft and anti-ship weaponry, submarines, and ballistic missiles could threaten the United States primary means to project its power and help its allies in the Pacific: bases, air and sea assets, and the networks that support them. This will put a premium on the United States ability to strike from over the horizon and employ missile defenses and will require shifts from short-range to longer-range systems, such as the next generation bomber."

I strongly support the effort to develop an air-sea battle concept, and to that end, the committee adopted an amendment similar to a provision included in the House version of the FY11 Defense Authorization bill requiring the Defense Department to provide a report on U.S. efforts to defend against threats posed by the anti-access and area-denial capabilities of certain nation-states. The report should also include a discussion of current and future U.S. long range strike capabilities in the context of countering anti-access and area-denial strategies. I look forward to working with all concerned on the development of the next generation bomber as well as the development of the air-sea battle concept.

Abortion Amendment

As someone who believes strongly in the sanctity of human life, I am deeply concerned that the Committee adopted an amendment that would repeal the prohibition on performing abortions in DOD medical facilities.

JOHN THUNE.

ADDITIONAL VIEWS OF MESSRS. MCCAIN, INHOFE, SESSIONS, CHAMBLISS, GRAHAM, THUNE, WICKER, LEMIEUX, BROWN, BURR, AND VITTER

McCain, Inhofe, Sessions, Chambliss, Graham, Thune, Wicker, LeMieux, Brown, Burr, Vitter Repeal of Don't Ask Don't Tell Amendment

We deeply regret that the committee chose to adopt the "Don't Ask, Don't Tell" amendment. The inclusion of this amendment in the bill rejects the expressed recommendations of the Service Chiefs not to act until the results of an ongoing, comprehensive review into the implications of such a change are known. The decision breaks faith with a promise to all military personnel and their families that their views would be heard before Congress acts to repeal current law. The committee's action has sent a message to military leaders, and the men and women they lead, that their opinions and concerns about the effects on readiness, discipline, unit cohesion, morale, recruiting, retention, and respect for the Armed Forces of allowing gay, lesbian, bisexual, and transgendered individuals to serve openly in the Armed Services are unimportant.

The four Service Chiefs, the uniformed leaders responsible—and accountable—for the readiness, discipline, and morale of their forces, had this to say about the course of action chosen by the Committee:

"I also believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward," General George W. Casey, Jr., U.S. Army, Chief of Staff, U.S. Army.

"My concern is that legislative changes at this point, regardless of the precise language used, may cause confusion on the status of the law in the Fleet and disrupt the review process itself by leading Sailors to question whether their input matters," Admiral G. Roughead, USN, Chief of Naval Operations.

"I encourage the Congress to let the process the Secretary of Defense created to run its course. Collectively, we must make logical and pragmatic decisions about the long-term policies of our Armed Forces—which so effectively defend this great nation," General James T. Conway, USMC, Commandant of the U.S. Marine Corps.

"I believe it is important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before there is any legislation to repeal the DA/DT law. Such action allows me to provide the best military advice to the President, and sends an important signal to our Airmen and their families that their opinion matters. To do otherwise, in my view, would be presumptive and would reflect an intent to act before all relevant factors are assessed, digested

and understood," General Norton A. Schwartz, USAF, Chief of Staff, U.S. Air Force.

We urge our colleagues in the Senate to reject the approach taken by the committee, strike this provision from the bill, and direct the Department of Defense to adhere to its original plan in accordance with the recommendations of the Department's military and civilian leaders.

JOHN MCCAIN.
JAMES M. INHOFE.
JEFF SESSIONS.
SAXBY CHAMBLISS.
LINDSEY GRAHAM.
JOHN THUNE.
ROGER F. WICKER.
GEORGE S. LEMIEUX.
SCOTT P. BROWN.
RICHARD BURR.
DAVID VITTER.

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