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H. R. 6523

One Hundred Eleventh Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the fifth day of January, two thousand and ten

An Act

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Ike Skelton National Defense Authorization Act for Fiscal Year 2011".

(b) REFERENCES.—Any reference in this or any other Act to the "National Defense Authorization Act for Fiscal Year 2011" shall be deemed to refer to the "Ike Skelton National Defense Authorization Act for Fiscal Year 2011".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2011.

Sec. 3502. Extension of Maritime Security Fleet program.
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Sec. 3504. Research authority.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
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Subtitle B—Navy Programs

Sec. 111. Multiyear funding for detail design and construction of LHA Replacement ship designated LHA–7.
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Sec. 114. Reports on service-life extension of F/A–18 aircraft by the Department of the Navy.

Subtitle C—Joint and Multiservice Matters

Sec. 121. Limitations on biometric systems funds.
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Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Army as follows:

(1) For aircraft, $5,908,384,000.

(2) For missiles, $1,670,463,000.

(3) For weapons and tracked combat vehicles, $1,656,263,000.

(4) For ammunition, $1,953,194,000.

(5) For other procurement, $9,758,965,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Navy as follows:

(1) For aircraft, $18,877,139,000.

(2) For weapons, including missiles and torpedoes, $3,358,264,000.

(3) For shipbuilding and conversion, $15,724,520,000.
(4) For other procurement, $6,381,815,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Marine Corps in the amount of $1,296,838,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement of ammunition for the Navy and the Marine Corps in the amount of $817,991,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Air Force as follows:
(1) For aircraft, $14,668,408,000.
(2) For ammunition, $672,420,000.
(3) For missiles, $5,444,464,000.
(4) For other procurement, $17,845,342,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2011 for Defense-wide procurement in the amount of $4,398,168,000.

Subtitle B—Navy Programs

SEC. 111. MULTIYEAR FUNDING FOR DETAIL DESIGN AND CONSTRUCTION OF LHA REPLACEMENT SHIP DESIGNATED LHA–7.

(a) AUTHORITY TO USE MULTIPLE YEARS OF FUNDING.—The Secretary of the Navy may enter into a contract for detail design and construction of the LHA Replacement ship designated LHA–7 that provides that, subject to subsection (b), funds for payments under the contract may be provided from amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, for fiscal years 2011 and 2012.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2011 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 112. REQUIREMENT TO MAINTAIN NAVY AIRBORNE SIGNALS INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.

(a) FINDINGS.—Congress finds the following:

(1) The Navy terminated the EP–X program to acquire a new land-based airborne signals intelligence capability because of escalating costs and funds budgeted for the program were re-allocated to other priorities.

(2) The Navy took this action without planning and budgeting for alternative means to meet operational requirements for tactical-level and theater-level signals intelligence capabilities to support the combatant commands and national intelligence consumers.

(3) The principal Navy airborne signals intelligence capability today is the EP–3E Airborne Reconnaissance Integrated Electronic System II (ARIES II)—the aircraft and associated electronic equipment of this system are aging and will require

replacement or substantial ongoing upgrades to continue to meet requirements.

(4) The Special Projects Aircraft (SPA) platform of the Navy is the second critical element in the airborne signals intelligence capability of the Navy and provides the Navy its most advanced, comprehensive multi-intelligence and quick-reaction capability available.

(b) REQUIREMENT TO MAINTAIN CAPABILITIES.—

(1) PROHIBITION ON RETIREMENT OF PLATFORMS.—The Secretary of the Navy may not retire (or to prepare to retire) the EP–3E Airborne Reconnaissance Integrated Electronic System II or Special Projects Aircraft platform.

(2) MAINTENANCE OF PLATFORMS.—The Secretary of the Navy shall continue to maintain, sustain, and upgrade the EP–3E Airborne Reconnaissance Integrated Electronic System II and Special Projects Aircraft platforms in order to provide capabilities necessary to operate effectively against rapidly evolving threats and to meet combatant commander operational intelligence, surveillance, and reconnaissance requirements.

(3) CERTIFICATION.—Not later than February 1, 2011, and annually thereafter, the Under Secretary of Defense for Intelligence and the Vice Chairman of the Joint Chiefs of Staff shall jointly certify to Congress the following:

(A) The Secretary of the Navy is maintaining and sustaining the EP–3E Airborne Reconnaissance Integrated Electronic System II and Special Projects Aircraft platform in a manner that meets the intelligence, surveillance, and reconnaissance requirements of the commanders of the combatant commands.

(B) Any plan for the retirement or replacement of the EP–3E Airborne Reconnaissance Integrated Electronic System II or Special Projects Aircraft platform will provide, in the aggregate, an equivalent or superior capability and capacity to the platform concerned.

(4) TERMINATION.—The requirements of this subsection with respect to the EP–3E Airborne Reconnaissance Integrated Electronic System II or the Special Projects Aircraft platform shall expire on the commencement of the fielding by the Navy of a platform or mix of platforms and sensors that are, in the aggregate, equivalent or superior to the EP–3E Airborne Reconnaissance Integrated Electronic System II (spiral 3) or the Special Projects Aircraft (P909) platform.

(c) RESTRICTION ON TRANSFER OF SABER FOCUS PROGRAM ISR CAPABILITIES.—

(1) RESTRICTION.—The Secretary of the Navy may not transfer the Saber Focus unmanned aerial system, associated equipment, or processing, exploitation, and dissemination capabilities of the Saber Focus program to the Secretary of the Air Force until 30 days after the Secretary of the Air Force certifies to the congressional defense committees that after such a transfer, the Secretary of the Air Force will provide intelligence, surveillance, and reconnaissance (hereinafter in this section referred to as "ISR") capabilities at the same or greater capability and capacity level as the capability or capacity level at which the Saber Focus program provides such capabilities to the area of operations concerned as of the date of the enactment of this Act.

(2) CONTINUED NAVY PROVISION OF CAPABILITIES.—The Secretary of the Navy shall continue to provide Saber Focus ISR program capabilities at the same or greater capability and capacity level as the capability or capacity level at which the Saber Focus program provides such capabilities as of the date of the enactment of this Act to the area of operations concerned until—

(A) the certification referred to in paragraph (1) is provided to the congressional defense committees; or

(B) 30 days after the Secretary of Defense certifies to the congressional defense committees that the ISR capabilities of the Saber Focus program are no longer required to mitigate the ISR requirements of the combatant commander in the area of operations concerned.

SEC. 113. REPORT ON NAVAL FORCE STRUCTURE AND MISSILE DEFENSE.

(a) REPORT.—Not later than March 31, 2011, the Secretary of Defense, in coordination with the Secretary of the Navy and the Chief of Naval Operations, shall submit to the congressional defense committees a report on the force structure requirements of the major combatant surface vessels with respect to ballistic missile defense.

(b) MATTERS INCLUDED.—The report shall include the following:

(1) An analysis of whether the requirement for sea-based missile defense can be accommodated by upgrading Aegis ships that exist as of the date of the report or by procuring additional combatant surface vessels.

(2) A discussion of whether such sea-based missile defense will require increasing the overall number of combatant surface vessels beyond the requirement of 88 cruisers and destroyers in the 313-ship fleet plan of the Navy.

(3) A discussion of the process for determining the number of Aegis ships needed by each commander of the combatant commands to fulfill ballistic missile defense requirements, including (in consultation with the Chairman of the Joints Chiefs of Staff) the number of such ships needed to support the phased, adaptive approach to ballistic missile defense in Europe.

(4) A discussion of the impact of Aegis Ashore missile defense deployments, as well as deployment of other elements of the ballistic missile defense system, on Aegis ballistic missile defense ship force structure requirements.

(5) A discussion of the potential effect of ballistic missile defense operations on the ability of the Navy to meet surface fleet demands in each geographic area and for each mission set.

(6) An evaluation of how the Aegis ballistic missile defense program can succeed as part of a balanced fleet of adequate size and strength to meet the security needs of the United States.

(7) A description of both the shortfalls and the benefits of expected technological advancements in the sea-based missile defense program.

(8) A description of the anticipated plan for deployment of Aegis ballistic missile defense ships within the context of the fleet response plan.

SEC. 114. REPORTS ON SERVICE-LIFE EXTENSION OF F/A–18 AIRCRAFT BY THE DEPARTMENT OF THE NAVY.

(a) COST-BENEFIT ANALYSIS OF SERVICE LIFE EXTENSION OF F/A–18 AIRCRAFT.—Before the Secretary of the Navy may enter into a program to extend the service life of F/A–18 aircraft beyond 8,600 hours, the Secretary shall—

(1) conduct a cost-benefit analysis, in accordance with Office of Management and Budget Circular A–94, comparing extending the service life of existing F/A–18 aircraft with procuring additional F/A–18E or F/A–18F aircraft as a means of managing the shortfall of the Department of the Navy in strike fighter aircraft; and

(2) submit to the congressional defense committees a report on such cost-benefit analysis.

(b) ELEMENTS OF COST-BENEFIT ANALYSIS.—The cost-benefit analysis required by subsection (a)(1) shall include the following:

(1) An estimate of the full costs, over the period covered by the future-years defense program submitted to Congress under section 221 of title 10, United States Code, with the budget of the President, of extending legacy F/A–18 aircraft beyond 8,600 hours, including—

(A) any increases in operation and maintenance costs associated with operating such aircraft beyond a service life of 8,600 hours; and

(B) the costs with respect to the airframe, avionics, software, and aircraft subsystems and components required to remain relevant in countering future threats and meeting the warfighting requirements of the commanders of the combatant commands.

(2) An estimate of the full costs, over the period covered by such future-years defense program, of procuring such additional F/A–18E or F/A–18F aircraft as would be required to meet the strike fighter requirements of the Department of the Navy in the event the service life of legacy F/A–18 aircraft is not extended beyond 8,600 hours.

(3) An assessment of risks associated with extending the service life of legacy F/A–18 aircraft beyond 8,600 hours, including the level of certainty that the Secretary will be able to achieve such an extension.

(4) An estimate of the cost-per-flight hour incurred in operating legacy F/A–18 aircraft with a service life extended beyond 8,600 hours.

(5) An estimate of the cost-per-flight hour incurred for operating new F/A–18E or FA–18F aircraft.

(6) An assessment of any alternatives to extending the service life of legacy F/A–18 aircraft beyond 8,600 hours or buying additional F/A–18E or F/A–18F aircraft that may be available to the Secretary to manage the shortfall of the Department of the Navy in strike fighter aircraft.

(c) ADDITIONAL ELEMENTS OF REPORT.—In addition to the information required in the cost-benefit analysis under subsection (b), the report under subsection (a)(2) shall include an assessment of the following:

(1) Differences in capabilities of—

(A) legacy F/A–18 aircraft that have undergone service-life extension;

(B) F/A–18E or F/A–18F aircraft; and

(C) F–35C aircraft.

(2) Differences in capabilities that would result under the legacy F/A–18 aircraft service-life extension program if such program would—

(A) provide only airframe-life extensions to the legacy F/A–18 aircraft fleet; and

(B) provide for airframe-life extensions and capability upgrades to the legacy F/A–18 aircraft fleet.

(3) Any disruption that procuring additional F/A–18E or F/A–18F aircraft, rather than extending the service life of legacy F/A–18 aircraft beyond 8,600 hours, would have on the plan of the Navy to procure operational carrier-variant Joint Strike Fighter aircraft.

(4) Any changes that procuring additional F/A–18E or FA–18F aircraft, rather than extending the service life of legacy F/A–18 aircraft beyond 8600 hours, would have on the force structure or force mix intended by the Navy for its carrier air wings.

(5) Any other operational implication of extending (or not extending) the service life of legacy F/A–18 aircraft that the Secretary considers appropriate.

(d) REPORT ON OPERATIONAL F/A–18 AIRCRAFT SQUADRONS.—Before reducing the number of F/A–18 aircraft in an operational squadron of the Navy or Marine Corps, the Secretary shall submit to the congressional defense committees a report that discusses the operational risks and impacts of reducing the squadron size. The report shall include an assessment of the following:

(1) The effect of the reduction on the operational capability and readiness of the Navy and the Marine Corps to conduct overseas contingency operations.

(2) The effect of the reduction on the capability of the Navy and the Marine Corps to meet ongoing operational demands.

(3) Any mechanisms the Secretary intends to use to mitigate any risks associated with the squadron size reduction.

(4) The effect of the reduction on pilots and ground support crews of F/A–18 aircraft, in terms of training, readiness, and war fighting capabilities.

(e) REPORT ON F/A–18 AIRCRAFT TRAINING SQUADRONS.—Before reducing the size of an F/A–18 aircraft training squadron, or transferring an F/A–18 training aircraft for operational needs, the Secretary shall submit to the congressional defense committees a report that describes—

(1) any risks to sustaining required training of F/A–18 aircraft pilots with a reduced training aircraft base; and

(2) any actions the Navy is taking to mitigate the risks described under paragraph (1).

Subtitle C—Joint and Multiservice Matters

SEC. 121. LIMITATIONS ON BIOMETRIC SYSTEMS FUNDS.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for biometrics programs and operations, not more than 85 percent may be obligated or expended until—

(1) the Secretary of Defense submits to the congressional defense committees a report on the actions taken and planned to be taken—

(A) to implement subparagraphs (A) through (F) of paragraph (16) of the National Security Presidential Directive dated June 5, 2008 (NSPD–59);

(B) to implement the recommendations of the Comptroller General of the United States included in the report of the Comptroller General numbered GAO–08–1065 dated September 2008;

(C) to implement the recommendations of the Comptroller General included in the report of the Comptroller General numbered GAO–09–49 dated October 2008;

(D) to fully and completely characterize the current biometrics architecture and establish the objective architecture for the Department of Defense;

(E) to ensure that an official of the Office of the Secretary of Defense has the authority necessary to be responsible for ensuring that all funding for biometrics programs and operations is programmed, budgeted, and executed; and

(F) to ensure that an officer within the Office of the Joint Chiefs of Staff has the authority necessary to be responsible for ensuring the development and implementation of common and interoperable standards for the collection, storage, and use of biometrics data by all commanders of the combatant commands and their commands; and

(2) a period of 30 days has elapsed after the date on which the report is submitted under paragraph (1).

SEC. 122. SYSTEM MANAGEMENT PLAN AND MATRIX FOR THE F–35 JOINT STRIKE FIGHTER AIRCRAFT PROGRAM.

(a) SYSTEM MANAGEMENT PLAN.—

(1) PLAN REQUIRED.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish a management plan for the F–35 Joint Strike Fighter aircraft program under which decisions to commit to specified levels of production are linked to progress in meeting specified program milestones, including design, manufacturing, testing, and fielding milestones for critical system maturity elements.

(2) NATURE OF PLAN.—The plan under paragraph (1) shall align technical progress milestones with acquisition milestones in a system maturity matrix. The matrix shall provide criteria and conditions for comparing expected levels of demonstrated system maturity with annual production commitments, starting with the fiscal year 2012 production program, and continuing over the remaining life of the system development and demonstration program. The matrix and criteria shall include elements such as the following:

(A) Manufacturing maturity, including on-time deliveries, manufacturing process control, quality rates, and labor efficiency rates.

(B) Engineering maturity, including metrics for the number of new design actions and number of design changes in a given period.

(C) Performance and testing progress, including test points, hours and flights accomplished, capabilities demonstrated, key performance parameters, and attributes demonstrated.

(D) Mission effectiveness and system reliability, including operational effectiveness and reliability growth.

(E) Training, fielding, and deployment status.

(b) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the plan required by subsection (a). The report shall include—

(A) the proposed system maturity matrix described in subsection (a)(2), including a description, for each element specified in the matrix under subsection (a)(2), of the criteria and milestones to be used in evaluating actual program performance against planned performance for each annual production commitment; and

(B) a description of the actions to be taken to implement the plan.

(2) UPDATES.—The Secretary shall submit to Congress, at or about the same time as the submittal to Congress of the budget of the President for any fiscal year after fiscal year 2012 (as submitted pursuant to section 1105(a) of title 31, United States Code), any modification to the plan required by subsection (a) that was made during the preceding calendar year, including a rationale for each such modification.

(c) REPORT ON CAPABILITIES OF MARINE CORPS VARIANT OF F–35 FIGHTER AIRCRAFT AT INITIAL OPERATING CAPABILITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the expected capabilities of the F–35B Joint Strike Fighter aircraft at the time when the Marine Corps plans to declare Initial Operating Capability for the F–35B Joint Strike Fighter aircraft. The report shall be prepared in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) ELEMENTS.—The report under paragraph (1) shall including a description of the following with respect to the F–35B Joint Strike Fighter aircraft:

(A) Performance of the aircraft and its subsystems, compared to key performance parameters.

(B) Expected capability to perform Marine Corps missions.

(C) Required maintenance and logistics standards, including mission capability rates.

(D) Expected levels of crew training and performance.

(E) Product improvements that are planned before the Initial Operating Capability of the aircraft to be made after the Initial Operating Capability of the aircraft, as planned in March 2010.

SEC. 123. QUARTERLY REPORTS ON USE OF COMBAT MISSION REQUIREMENTS FUNDS.

(a) QUARTERLY REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal quarter, the commander of the United States

Special Operations Command shall submit to the congressional defense committees a report on the use of Combat Mission Requirements funds during the preceding fiscal quarter.

(2) COMBAT MISSION REQUIREMENTS FUNDS.—For purposes of this section, Combat Mission Requirements funds are amounts available to the Department of Defense for Defense-wide procurement in the Combat Mission Requirements subaccount of the Defense-wide Procurement account.

(b) ELEMENTS.—Each report under subsection (a) shall include, for the fiscal quarter covered by such report, the following:

(1) The balance of the Combat Mission Requirements subaccount at the beginning of such quarter.

(2) The balance of the Combat Mission Requirements subaccount at the end of such quarter.

(3) Any transfer of funds into or out of the Combat Mission Requirements subaccount during such quarter, including the source of any funds transferred into the subaccount, and the objective of any transfer of funds out of the subaccount.

(4) A description of any requirement—

(A) approved for procurement using Combat Mission Requirements funds during such quarter; or

(B) procured using such funds during such quarter.

(5) With respect to each description of a requirement under paragraph (4), the amount of Combat Mission Requirements funds committed to the procurement or approved procurement of such requirement.

(c) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 124. COUNTER-IMPROVISED EXPLOSIVE DEVICE INITIATIVES DATABASE.

(a) COMPREHENSIVE DATABASE.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall develop and maintain a comprehensive database containing appropriate information for coordinating, tracking, and archiving each counter-improvised explosive device initiative within the Department of Defense. The database shall, at a minimum, ensure the visibility of each counter-improvised explosive device initiative.

(2) USE OF INFORMATION.—Using information contained in the database developed under paragraph (1), the Secretary, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall—

(A) identify and eliminate redundant counter-improvised explosive device initiatives;

(B) facilitate the transition of counter-improvised explosive device initiatives from funding under the Joint Improvised Explosive Device Defeat Fund to funding provided by the military departments; and

(C) notify the appropriate personnel and organizations prior to a counter-improvised explosive device initiative being funded through the Joint Improvised Explosive Device Defeat Fund.

(3) COORDINATION.—In carrying out paragraph (1), the Secretary shall ensure that the Secretary of each military department coordinates and collaborates on development of the database to ensure its interoperability, completeness, consistency, and effectiveness.

(b) METRICS.—The Secretary of Defense, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall—

(1) develop appropriate means to measure the effectiveness of counter-improvised explosive device initiatives; and

(2) prioritize the funding of such initiatives according to such means.

(c) COUNTER-IMPROVISED EXPLOSIVE DEVICE INITIATIVE DEFINED.—In this section, the term "counter-improvised explosive device initiative" means any project, program, or research activity funded by any component of the Department of Defense that is intended to assist or support efforts to counter, combat, or defeat the use of improvised explosive devices.

SEC. 125. STUDY ON LIGHTWEIGHT BODY ARMOR SOLUTIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into a contract with a federally funded research and development center to conduct a study to—

(1) assess the effectiveness of the processes used by the Secretary to identify and examine the requirements for lighter weight body armor systems; and

(2) determine ways in which the Secretary may more effectively address the research, development, and procurement requirements regarding reducing the weight of body armor.

(b) MATTERS COVERED.—The study conducted under subsection (a) shall include findings and recommendations regarding the following:

(1) The requirement for lighter weight body armor and personal protective equipment and the ability of the Secretary to meet such requirement.

(2) Innovative design ideas for more modular body armor that allow for scalable protection levels for various missions and threats.

(3) The need for research, development, and acquisition funding dedicated specifically for reducing the weight of body armor.

(4) The efficiency and effectiveness of current body armor funding procedures and processes.

(5) Industry concerns, capabilities, and willingness to invest in the development and production of lightweight body armor initiatives.

(6) Barriers preventing the development of lighter weight body armor (including such barriers with respect to technical, institutional, or financial problems).

(7) Changes to procedures or policy with respect to lightweight body armor.

(8) Other areas of concern not previously addressed by equipping boards, body armor producers, or program managers.

(c) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study conducted under subsection (a).

SEC. 126. INTEGRATION OF SOLID STATE LASER SYSTEMS INTO CERTAIN AIRCRAFT.

(a) ANALYSIS OF FEASIBILITY REQUIRED.—The Secretary of Defense shall conduct an analysis of the feasibility of integrating solid state laser systems into the aircraft platforms specified in subsection (b) for purposes of permitting such aircraft to accomplish their missions, including to provide close air support.

(b) AIRCRAFT.—The aircraft platforms specified in this subsection shall include, at a minimum, the following:

(1) The C–130 aircraft.

(2) The B–1 bomber aircraft.

(3) The F–35 fighter aircraft.

(c) SCOPE OF ANALYSIS.—The analysis required by subsection (a) shall include a determination of the following:

(1) The estimated cost per unit of each laser system analyzed.

(2) The estimated cost of operation and maintenance of each aircraft platform specified in subsection (b) in connection with each laser system analyzed, noting that the fidelity of such analysis may not be uniform for all aircraft platforms.

SEC. 127. CONTRACTS FOR COMMERCIAL IMAGING SATELLITE CAPACITIES.

(a) TELESCOPE REQUIREMENTS UNDER CONTRACTS AFTER 2010.—Except as provided in subsection (b), any contract for additional commercial imaging satellite capability or capacity entered into by the Department of Defense after December 31, 2010, shall require that the imaging telescope providing such capability or capacity under such contract has an aperture of not less than 1.5 meters.

(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if—

(1) the Secretary submits to the congressional defense committees written certification that the waiver is in the national security interests of the United States; and

(2) a period of 30 days has elapsed following the date on which the certification under paragraph (1) is submitted.

(c) CONTINUATION OF CURRENT CONTRACTS.—The limitation in subsection (a) may not be construed to prohibit or prevent the Secretary of Defense from continuing or maintaining current commercial imaging satellite capability or capacity in orbit or under contract by December 31, 2010.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Enhancement of Department of Defense support of science, mathematics, and engineering education.
Sec. 212. Limitation on use of funds by Defense Advanced Research Projects Agency for operation of National Cyber Range.
Sec. 213. Separate program elements required for research and development of Joint Light Tactical Vehicle.
Sec. 214. Program for research, development, and deployment of advanced ground vehicles, ground vehicle systems, and components.

Sec. 215. Demonstration and pilot projects on cybersecurity.

Subtitle C—Missile Defense Programs

Sec. 221. Sense of Congress on ballistic missile defense.
Sec. 222. Repeal of prohibition of certain contracts by Missile Defense Agency with foreign entities.
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Sec. 224. Medium Extended Air Defense System.
Sec. 225. Acquisition accountability reports on the ballistic missile defense system.
Sec. 226. Authority to support ballistic missile shared early warning with the Czech Republic.
Sec. 227. Report on phased, adaptive approach to missile defense in Europe.
Sec. 228. Independent review and assessment of the Ground-Based Midcourse Defense system.
Sec. 229. Iron Dome short-range rocket defense program.

Subtitle D—Reports

Sec. 231. Report on analysis of alternatives and program requirements for the Ground Combat Vehicle program.
Sec. 232. Cost benefit analysis of future tank-fired munitions.
Sec. 233. Annual Comptroller General report on the VH–(XX) presidential helicopter acquisition program.

Subtitle E—Other Matters

Sec. 241. Sense of Congress affirming the importance of Department of Defense participation in development of next generation semiconductor technologies.
Sec. 242. Pilot program on collaborative energy security.
Sec. 243. Pilot program to include technology protection features during research and development of defense systems.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,093,704,000.

(2) For the Navy, $17,881,008,000.

(3) For the Air Force, $27,319,627,000.

(4) For Defense-wide activities, $21,292,576,000, of which $194,910,000 is authorized for the Director of Operational Test and Evaluation.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. ENHANCEMENT OF DEPARTMENT OF DEFENSE SUPPORT OF SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION.

(a) DISCHARGE OF SUPPORT THROUGH MILITARY DEPARTMENTS.—Section 2192(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

"(2) The Secretary of Defense may carry out the authority in paragraph (1) through the Secretaries of the military departments.".

(b) PARTNERSHIP INTERMEDIARIES FOR PURPOSES OF EDUCATION PARTNERSHIPS.—Section 2194 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) The Secretary of Defense may permit the director of a defense laboratory to enter into a cooperative agreement with an appropriate entity to act as an intermediary and assist the director in carrying out activities under this section.".

SEC. 212. LIMITATION ON USE OF FUNDS BY DEFENSE ADVANCED RESEARCH PROJECTS AGENCY FOR OPERATION OF NATIONAL CYBER RANGE.

(a) PROHIBITION ON USE OF FUNDS PENDING REPORT.—Amounts authorized to be appropriated by this Act and available to the Defense Advanced Research Projects Agency may not be obligated or expended for the National Cyber Range established in support of the Comprehensive National Cybersecurity Initiative until the date that is 90 days after the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the Committees on Armed Services of the Senate and the House of Representatives a report described in subsection (c).

(b) LIMITATION ON USE OF FUNDS AFTER REPORT.—Commencing on the date that is 90 days after the date on which the Under Secretary submits a report described in subsection (c), amounts described in subsection (a) shall be available for obligation or expenditure only for the purposes of research and development activities that the Under Secretary considers appropriate for ensuring and assessing the functionality of the National Cyber Range.

(c) REPORT.—

(1) IN GENERAL.—The report described in this subsection is a report setting forth a plan for the transition of the National Cyber Range to operation and sustainment.

(2) ELEMENTS.—The report shall include, at a minimum, the following:

(A) An analysis of various potential recipients under the transition of the National Cyber Range.

(B) For each recipient analyzed under subparagraph (A), a description of the proposed transition of the National Cyber Range to such recipient, including the proposed schedule and funding for such transition.

(3) POTENTIAL RECIPIENTS.—The recipients analyzed in the report under paragraph (2)(A) shall include, at a minimum, the following:

(A) A consortium for the operation and sustainment of the National Cyber Range as a government-owned, government-operated facility.

(B) A consortium for the operation and sustainment of the National Cyber Range as a government-owned, contractor-operated facility.

SEC. 213. SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF JOINT LIGHT TACTICAL VEHICLE.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2012, and each subsequent fiscal year, the

Secretary shall ensure that within each research, development, test, and evaluation account of the Army and the Navy a separate, dedicated program element is assigned to the Joint Light Tactical Vehicle.

SEC. 214. PROGRAM FOR RESEARCH, DEVELOPMENT, AND DEPLOYMENT OF ADVANCED GROUND VEHICLES, GROUND VEHICLE SYSTEMS, AND COMPONENTS.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program for research and development on, and deployment of, advanced technology ground vehicles, ground vehicle systems, and components within the Department of Defense.

(b) GOALS AND OBJECTIVES.—The goals and objectives of the program authorized by subsection (a) are as follows:

(1) To identify and support technological advances that are necessary for the development of advanced technologies for use in ground vehicles of types to be used by the Department of Defense.

(2) To procure and deploy significant quantities of advanced technology ground vehicles for use by the Department.

(3) To maximize the leverage of Federal and nongovernment funds used for the development and deployment of advanced technology ground vehicles, ground vehicle systems, and components.

(c) ELEMENTS OF PROGRAM.—The program authorized by subsection (a) may include—

(1) enhanced research and development activities for advanced technology ground vehicles, ground vehicle systems, and components, including—

(A) increased investments in research and development of batteries, advanced materials, power electronics, fuel cells and fuel cell systems, hybrid systems, and advanced engines;

(B) pilot projects for the demonstration of advanced technologies in ground vehicles for use by the Department of Defense; and

(C) the establishment of public-private partnerships, including research centers, manufacturing and prototyping facilities, and test beds, to speed the development, deployment, and transition to use of advanced technology ground vehicles, ground vehicle systems, and components; and

(2) enhanced activities to procure and deploy advanced technology ground vehicles in the Department, including—

(A) preferences for the purchase of advanced technology ground vehicles;

(B) the use of authorities available to the Secretary of Defense to stimulate the development and production of advanced technology systems and ground vehicles through purchases, loan guarantees, and other mechanisms;

(C) pilot programs to demonstrate advanced technology ground vehicles and associated infrastructure at select defense installations;

(D) metrics to evaluate environmental and other benefits, life cycle costs, and greenhouse gas emissions associated with the deployment of advanced technology ground vehicles; and

(E) schedules and objectives for the conversion of the ground vehicle fleet of the Department to advanced technology ground vehicles.

(d) COOPERATION WITH INDUSTRY AND ACADEMIA.—

(1) IN GENERAL.—The Secretary may carry out the program authorized by subsection (a) through partnerships and other cooperative agreements with private sector entities, including—

(A) universities and other academic institutions;

(B) companies in the automobile and truck manufacturing industry;

(C) companies that supply systems and components to the automobile and truck manufacturing industry; and

(D) any other companies or private sector entities that the Secretary considers appropriate.

(2) NATURE OF COOPERATION.—The Secretary shall ensure that any partnership or cooperative agreement under paragraph (1) provides for private sector participants to collectively contribute, in cash or in kind, not less than one-half of the total cost of the activities carried out under such partnership or cooperative agreement.

(e) COORDINATION WITH OTHER FEDERAL AGENCIES.—The program authorized by subsection (a) shall be carried out, to the maximum extent practicable, in coordination with the Department of Energy and other appropriate departments and agencies of the Federal Government.

SEC. 215. DEMONSTRATION AND PILOT PROJECTS ON CYBERSECURITY.

(a) DEMONSTRATION PROJECTS ON PROCESSES FOR APPLICATION OF COMMERCIAL TECHNOLOGIES TO CYBERSECURITY REQUIREMENTS.—

(1) PROJECTS REQUIRED.—The Secretary of Defense and the Secretaries of the military departments shall jointly carry out demonstration projects to assess the feasibility and advisability of using various business models and processes to rapidly and effectively identify innovative commercial technologies and apply such technologies to Department of Defense and other cybersecurity requirements.

(2) SCOPE OF PROJECTS.—Any demonstration project under paragraph (1) shall be carried out in such a manner as to contribute to the cyber policy review of the President and the Comprehensive National Cybersecurity Initiative.

(b) PILOT PROGRAMS ON CYBERSECURITY REQUIRED.—The Secretary of Defense shall support or conduct pilot programs on cybersecurity with respect to the following areas:

(1) Threat sensing and warning for information networks worldwide.

(2) Managed security services for cybersecurity within the defense industrial base, military departments, and combatant commands.

(3) Use of private processes and infrastructure to address threats, problems, vulnerabilities, or opportunities in cybersecurity.

(4) Processes for securing the global supply chain.

(5) Processes for threat sensing and security of cloud computing infrastructure.

(c) REPORTS.—

(1) REPORTS REQUIRED.—Not later than 240 days after the date of the enactment of this Act, and annually thereafter at or about the time of the submittal to Congress of the budget of the President for a fiscal year (as submitted pursuant to section 1105(a) of title 31, United States Code), the Secretary of Defense shall, in coordination with the Secretary of Homeland Security, submit to Congress a report on any demonstration projects carried out under subsection (a), and on the pilot projects carried out under subsection (b), during the preceding year.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) A description and assessment of any activities under the demonstration projects and pilot projects referred to in paragraph (1) during the preceding year.

(B) For the pilot projects supported or conducted under subsection (b)(2)—

(i) a quantitative and qualitative assessment of the extent to which managed security services covered by the pilot project could provide effective and affordable cybersecurity capabilities for components of the Department of Defense and for entities in the defense industrial base, and an assessment whether such services could be expanded rapidly to a large scale without exceeding the ability of the Federal Government to manage such expansion; and

(ii) an assessment of whether managed security services are compatible with the cybersecurity strategy of the Department of Defense with respect to conducting an active, in-depth defense under the direction of United States Cyber Command.

(C) For the pilot projects supported or conducted under subsection (b)(3)—

(i) a description of any performance metrics established for purposes of the pilot project, and a description of any processes developed for purposes of accountability and governance under any partnership under the pilot project; and

(ii) an assessment of the role a partnership such as a partnership under the pilot project would play in the acquisition of cyberspace capabilities by the Department of Defense, including a role with respect to the development and approval of requirements, approval and oversight of acquiring capabilities, test and evaluation of new capabilities, and budgeting for new capabilities.

(D) For the pilot projects supported or conducted under subsection (b)(4)—

(i) a framework and taxonomy for evaluating practices that secure the global supply chain, as well as practices for securely operating in an uncertain or compromised supply chain;

(ii) an assessment of the viability of applying commercial practices for securing the global supply chain; and

(iii) an assessment of the viability of applying commercial practices for securely operating in an uncertain or compromised supply chain.

(E) For the pilot projects supported or conducted under subsection (b)(5)—

(i) an assessment of the capabilities of Federal Government providers to offer secure cloud computing environments; and

(ii) an assessment of the capabilities of commercial providers to offer secure cloud computing environments to the Federal Government.

(3) FORM.—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

Subtitle C—Missile Defense Programs

SEC. 221. SENSE OF CONGRESS ON BALLISTIC MISSILE DEFENSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the phased, adaptive approach to missile defense in Europe is an appropriate response to the existing ballistic missile threat from Iran to the European territory of North Atlantic Treaty Organization countries, and to potential future ballistic missile capabilities of Iran;

(2) that the phased, adaptive approach to missile defense in Europe is not intended to, and will not, provide a missile defense capability relative to the ballistic missile deterrent forces of the Russian Federation, or diminish strategic stability with the Russian Federation;

(3) to support the efforts of the United States Government and the North Atlantic Treaty Organization to pursue cooperation with the Russian Federation on ballistic missile defense relative to Iranian missile threats;

(4) that the ground-based midcourse defense system deployed in Alaska and California currently provides adequate defensive capability for the United States against currently anticipated future long-range ballistic missile threats from Iran, and this capability will be enhanced as the system is improved, including by the planned deployment of an AN/TPY–2 radar in southern Europe in 2011;

(5) that the ground-based midcourse defense system should be maintained, enhanced, and adequately tested to ensure its operational capability through its service life;

(6) that the United States should, as stated in its unilateral statement accompanying the New START Treaty, "continue improving and deploying its missile defense systems in order to defend itself against limited attack and as part of our collaborative approach to strengthening stability in key regions";

(7) 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 for all four phases of the phased, adaptive approach to missile defense in Europe;

(8) that the standard missile–3 block IIB interceptor missile planned for deployment in phase 4 of the phased, adaptive approach should be capable of addressing the potential future threat of intermediate-range and long-range ballistic missiles

from Iran, including intercontinental ballistic missiles that could be capable of reaching the United States;

(9) that there are no constraints contained in the New START Treaty on the development or deployment by the United States of effective missile defenses, including all phases of the phased, adaptive approach to missile defense in Europe and further enhancements to the ground-based midcourse defense system, as well as future missile defenses; and

(10) that the Department of Defense should continue the development, testing, and assessment of the two-stage ground-based interceptor in such a manner as to provide a hedge against potential technical challenges with the development of the standard missile–3 block IIB interceptor missile as a means of augmenting the defense of Europe and of the homeland against a limited ballistic missile attack from nations such as North Korea or Iran.

(b) NEW START TREATY DEFINED.—In this section, the term "New START Treaty" means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010.

SEC. 222. REPEAL OF PROHIBITION OF CERTAIN CONTRACTS BY MISSILE DEFENSE AGENCY WITH FOREIGN ENTITIES.

Section 222 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1055; 10 U.S.C. 2431 note) is repealed.

SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR MISSILE DEFENSE INTERCEPTORS IN EUROPE.

(a) LIMITATION ON CONSTRUCTION AND DEPLOYMENT OF INTERCEPTORS.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2011 or any fiscal year thereafter may be obligated or expended for site activation, construction, or deployment of missile defense interceptors on European land as part of the phased, adaptive approach to missile defense in Europe until—

(1) any nation agreeing to host such system has signed and ratified a missile defense basing agreement and a status of forces agreement authorizing the deployment of such interceptors; and

(2) a period of 45 days has elapsed following the date on which the Secretary of Defense submits to the congressional defense committees the report on the independent assessment of alternative missile defense systems in Europe required by section 235(c)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2235).

(b) LIMITATION ON PROCUREMENT OR DEPLOYMENT OF INTERCEPTORS.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2011 or any fiscal year thereafter may be obligated or expended for the procurement (other than initial long-lead procurement) or deployment of operational missiles on European land as part of the phased, adaptive approach to missile defense in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor

to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and that such missile defense system has the ability to accomplish the mission.

(c) WAIVER.—The Secretary of Defense may waive the limitations in subsections (a) and (b) if—

(1) the Secretary submits to the congressional defense committees written certification that the waiver is in the urgent national security interests of the United States; and

(2) a period of seven days has elapsed following the date on which the certification under paragraph (1) is submitted.

(d) CONSTRUCTION.—Nothing in this section shall be construed so as to limit the obligation and expenditure of funds for any missile defense activities not otherwise limited by subsection (a) or (b), including, with respect to the planned deployments of missile defense interceptors on European land as part of the phased, adaptive approach to missile defense in Europe—

(1) research, development, test and evaluation;

(2) site surveys;

(3) studies and analyses; and

(4) site planning and design and construction design.

(e) CONFORMING REPEAL.—Section 234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–81; 123 Stat. 2234) is repealed.

SEC. 224. MEDIUM EXTENDED AIR DEFENSE SYSTEM.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated in this title for fiscal year 2011 for research, development, test, and evaluation, Army, of the amount that corresponds with budget activity five, line 117, in the budget transmitted to Congress by the President for fiscal year 2011, not more than 25 percent may be obligated or expended until the date on which—

(1) the Secretary of Defense completes the critical design review and the system program review for the medium extended air defense system program and decides to proceed with the program; and

(2) the Secretary submits in writing to the congressional defense committees a report containing the decision referred to in paragraph (1) to proceed with the medium extended air defense system.

(b) FURTHER LIMITATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated in this title for fiscal year 2011 for research, development, test, and evaluation, Army, of the amount that corresponds with budget activity five, line 117, in the budget transmitted to Congress by the President for fiscal year 2011, not more than 50 percent may be obligated or expended until a period of 30 days have elapsed following the date on which the Secretary submits to the congressional defense committees a report containing the elements specified in paragraph (2).

(2) ELEMENTS OF REPORT.—The elements specified in this paragraph for the report described in paragraph (1) are the following:

(A) A detailed description of the decision described in subsection (a)(1) and the explanation for that decision.

(B) A cost estimate performed by the Director of Cost Assessment and Program Evaluation of the medium extended air defense system program, including an analysis of the cost growth in the program and an explanation of what effect such cost growth would have if the program were subject to the provisions of section 2433 of title 10, United States Code (commonly referred to as the "Nunn-McCurdy Act").

(C) An analysis of alternatives to the medium extended air defense system program and its component elements.

(D) A description of the planned schedule and cost for the development, production, and deployment of the medium extended air defense system, including the cost and schedule for any variations to the baseline program to be fielded by the Armed Forces.

(E) A description of the role of Germany and Italy in the medium extended air defense system program, including the role of such countries in procurement or production of elements of such program.

(F) Any other matters that the Secretary of Defense considers appropriate.

(c) FORM OF REPORTS.—The reports submitted under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 225. ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) BASELINES REQUIRED.—The Secretary of Defense shall ensure that the Missile Defense Agency establishes and maintains an acquisition baseline for each program element of the ballistic missile defense system, as specified in section 223 of title 10, United States Code.

(b) ELEMENTS OF BASELINES.—Each acquisition baseline required by subsection (a) for a program element shall include the following:

(1) A comprehensive schedule for the program element, including—

(A) research and development milestones;

(B) acquisition milestones, including design reviews and key decision points;

(C) key test events, including ground and flight tests and ballistic missile defense system tests; and

(D) delivery and fielding schedules.

(2) A detailed technical description of—

(A) the capability to be developed, including hardware and software;

(B) system requirements;

(C) how the proposed capability satisfies a capability identified by the commanders of the combatant commands on a prioritized capabilities list;

(D) key knowledge points that must be achieved to permit continuation of the program and to inform production and deployment decisions; and

(E) how the Missile Defense Agency plans to improve the capability over time.

(3) A cost estimate for the program element, including—

(A) a life cycle cost estimate;

(B) program acquisition unit costs for the program element;

(C) average procurement unit costs and program acquisition costs for the program element; and

(D) an identification when the program joint cost analysis requirements description document is scheduled to be approved.

(4) A test baseline summarizing the comprehensive test program for the program element outlined in the integrated master test plan.

(c) ANNUAL REPORTS ON ACQUISITION BASELINES.—

(1) ANNUAL REPORTS REQUIRED.—Not later than February 15, 2011, and annually thereafter, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the acquisition baselines required by subsection (a). The first such report shall set forth the acquisition baselines, and each later report shall identify the significant changes or variances, if any, in any such baseline from any earlier report under this subsection.

(2) FORM.—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(d) ANNUAL REPORTS ON MISSILE DEFENSE EXECUTIVE BOARD ACTIVITIES.—The Director shall include in each report under subsection (c) a description of the activities of the Missile Defense Executive Board during the preceding fiscal year, including the following:

(1) A list of each meeting of the Board during the preceding fiscal year.

(2) The agenda and issues considered at each such meeting.

(3) A description of any decisions or recommendations made by the Board at each such meeting.

SEC. 226. AUTHORITY TO SUPPORT BALLISTIC MISSILE SHARED EARLY WARNING WITH THE CZECH REPUBLIC.

(a) AUTHORITY TO SUPPORT SHARED EARLY WARNING.—During fiscal years 2011 and 2012, the Secretary of Defense may carry out a program to provide a ballistic missile shared early warning capability for the United States and the Czech Republic.

(b) FISCAL YEAR 2011 FUNDING AUTHORIZATION.—

(1) Of the funds authorized to be appropriated by this Act or any other Act for fiscal year 2011 for Operation and Maintenance, Air Force, $1,700,000 may be available for the purposes described in subsection (a).

(2) Of the funds authorized to be appropriated by this Act or any other Act for fiscal year 2011 for Other Procurement, Air Force, $500,000 may be available for the purposes described in subsection (a).

SEC. 227. REPORT ON PHASED, ADAPTIVE APPROACH TO MISSILE DEFENSE IN EUROPE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the phased, adaptive approach to missile defense in Europe.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A detailed explanation of—

(A) the analytic basis (including the analytic process and methodology) that led to the recommendation of the Secretary of Defense and the Joint Chiefs of Staff to pursue the phased, adaptive approach to missile defense in Europe, including the ability to defend deployed forces of the United States, allies, and partners in Europe, and the United States homeland, against the existing, emerging, and future threat from Iranian ballistic missiles in a timely and flexible manner; and

(B) the planned defensive coverage of Europe provided by such missile defense.

(2) A detailed explanation of the specific elements planned for each of the four phases of the phased, adaptive approach to missile defense in Europe, including schedules and parameters of planned deployments of missile defense systems at sea and on land, and the knowledge points or milestones that will be required prior to operational deployment of those elements.

(3) A description of the factors and processes that will be used to determine the eventual numbers and locations of interceptors that will be deployed at sea and on land, and the concept of operations that will enable the phased, adaptive approach to missile defense in Europe to be operated in a flexible, adaptable, and survivable manner.

(4) A description of the status of the development or production of the various elements of the phased, adaptive approach to missile defense in Europe, particularly the development of the standard missile-3, block IIA and block IIB interceptors, including the technical readiness levels of those systems under development and the plans for retiring the technical risks of such systems.

(5) A description of the advances in technology that are expected to permit enhanced defensive capability of the phased, adaptive approach to missile defense in Europe, including airborne infrared sensor technology, space sensor technology, and enhanced battle management, command, control, and communications.

(6) A discussion of how the phased, adaptive approach to missile defense in Europe will meet the operational needs of the commander of the United States European Command, and how it relates to plans to use a phased, adaptive approach to missile defense in other geographic regions.

(7) An explanation of—

(A) the views of the North Atlantic Treaty Organization on the phased, adaptive approach to missile defense in Europe; and

(B) how such missile defense fits into the current missile defense strategy of NATO.

(c) FORM.—The report shall be in unclassified form, but may include a classified annex.

SEC. 228. INDEPENDENT REVIEW AND ASSESSMENT OF THE GROUND-BASED MIDCOURSE DEFENSE SYSTEM.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—The Secretary of Defense shall select an appropriate entity outside the Department of Defense to conduct an independent review and assessment of the ground-based midcourse defense system.

(b) ELEMENTS.—The review and assessment required by this section shall address the current plans of the Department of Defense with respect to the following:

(1) The force structure and inventory levels necessary for the ground-based midcourse defense system to achieve the planned capabilities of that system, including an analysis of costs and potential advantages of deploying additional operational ground-based interceptor missiles.

(2) The number of ground-based interceptor missiles necessary for operational assets, test assets (including developmental and operational test assets and aging and surveillance test assets), and spare missiles for the ground-based midcourse defense system.

(3) The plan to maintain the operational effectiveness of the ground-based midcourse defense system over the course of its service life, including any modernization or capability enhancement efforts, and any sustainment efforts.

(4) The plan for funding the development, production, deployment, testing, improvement, and sustainment of the ground-based midcourse defense system.

(5) The plan for flight testing the ground-based midcourse defense system, including aging and surveillance tests to demonstrate the continuing effectiveness of the system over the course of its service life.

(6) The plan for production of ground-based interceptor missiles necessary for operational test assets, aging and surveillance test assets, and spare missiles for the ground-based midcourse defense system.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the entity conducting the review and assessment under this section shall submit to the Secretary and the congressional defense committees a report containing—

(1) the results of the review and assessment; and

(2) any recommendations on how the Department of Defense may improve upon its plans to ensure the availability, reliability, maintainability, supportability, and improvement of the ground-based midcourse defense system.

SEC. 229. IRON DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.

Of the funds authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, the Secretary of Defense may provide up to $205,000,000 to the government of Israel for the Iron Dome short-range rocket defense system.

Subtitle D—Reports

SEC. 231. REPORT ON ANALYSIS OF ALTERNATIVES AND PROGRAM REQUIREMENTS FOR THE GROUND COMBAT VEHICLE PROGRAM.

(a) REPORT REQUIRED.—Not later than January 15, 2011, the Secretary of the Army shall submit to the congressional defense committees a report on the Ground Combat Vehicle program of the Army. Such report shall include—

(1) the results of the analysis of alternatives conducted prior to milestone A, including any technical data; and

(2) an explanation of any plans to adjust the requirements of the Ground Combat Vehicle program during the technology development phase of such program.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) LIMITATION ON OBLIGATION OF FUNDS.—Of the funds authorized to be appropriated by this or any other Act for fiscal year 2011 for research, development, test, and evaluation, Army, for development of the Ground Combat Vehicle, not more than 50 percent may be obligated or expended until the date that is 30 days after the date on which the report is submitted under subsection (a).

SEC. 232. COST BENEFIT ANALYSIS OF FUTURE TANK-FIRED MUNITIONS.

(a) COST BENEFIT ANALYSIS REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall conduct a cost benefit analysis of future munitions to be fired from the M1 Abrams series main battle tank to determine the proper investment to be made in tank munitions, including beyond line of sight technology.

(2) ELEMENTS.—The cost benefit analysis under paragraph (1) shall include—

(A) the predicted operational performance of future tank-fired munitions, including those incorporating beyond line of sight technology, based on the relevant modeling and simulation of future combat scenarios of the Army, including a detailed analysis on the suitability of each munition to address the full spectrum of targets across the entire range of the tank (including close range, mid-range, long-range, and beyond line of sight);

(B) a detailed assessment of the projected costs to develop and field each tank-fired munition included in the analysis, including those incorporating beyond line of sight technology; and

(C) a comparative analysis of each tank-fired munition included in the analysis, including suitability to address known capability gaps and overmatch against known and projected threats.

(3) MUNITIONS INCLUDED.—In conducting the cost benefit analysis under paragraph (1), the Secretary shall include, at a minimum, the Mid-Range Munition, the Advanced Kinetic Energy round, and the Advanced Multipurpose Program.

(b) BRIEFING.—Not later than April 15, 2011, the Secretary shall provide a detailed briefing to the congressional defense committees on the cost benefit analysis conducted under subsection (a).

SEC. 233. ANNUAL COMPTROLLER GENERAL REPORT ON THE VH–(XX) PRESIDENTIAL HELICOPTER ACQUISITION PROGRAM.

(a) ANNUAL GAO REVIEW.—During the period beginning on the date of the enactment of this Act and ending on March 1, 2013, the Comptroller General of the United States shall conduct an annual review of the VH–(XX) aircraft acquisition program.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than March 1 of each year beginning in 2011 and ending in 2013, the Comptroller General shall submit to the congressional defense committees a report

on the review of the VH–(XX) aircraft acquisition program conducted under subsection (a).

(2) MATTERS TO BE INCLUDED.—Each report on the review of the VH–(XX) aircraft acquisition program shall include the following:

(A) The extent to which the program is meeting development and procurement cost, schedule, performance, and risk mitigation goals.

(B) With respect to meeting the desired initial operational capability and full operational capability dates for the VH–(XX) aircraft, the progress and results of—

(i) developmental and operational testing of the aircraft; and

(ii) plans for correcting deficiencies in aircraft performance, operational effectiveness, reliability, suitability, and safety.

(C) An assessment of VH–(XX) aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

(D) An assessment of the acquisition strategy of the VH–(XX) aircraft, including whether such strategy is in compliance with acquisition management best-practices and the acquisition policy and regulations of the Department of Defense.

(E) A risk assessment of the integrated master schedule and the test and evaluation master plan of the VH–(XX) aircraft as it relates to—

(i) the probability of success;

(ii) the funding required for such aircraft compared with the funding programmed; and

(iii) development and production concurrency.

(3) ADDITIONAL INFORMATION.—In submitting to the congressional defense committees the first report under paragraph (1) and a report following any changes made by the Secretary of the Navy to the baseline documentation of the VH–(XX) aircraft acquisition program, the Comptroller General shall include, with respect to such program, an assessment of the sufficiency and objectivity of—

(A) the analysis of alternatives;

(B) the initial capabilities document;

(C) the capabilities development document; and

(D) the systems requirement document.

Subtitle E—Other Matters

SEC. 241. SENSE OF CONGRESS AFFIRMING THE IMPORTANCE OF DEPARTMENT OF DEFENSE PARTICIPATION IN DEVELOPMENT OF NEXT GENERATION SEMICONDUCTOR TECHNOLOGIES.

(a) FINDINGS.—Congress finds the following:

(1) The next generation of weapons systems, battlefield sensors, and intelligence platforms will need to be lighter, more agile, consume less power, and have greater computational power, which can be achieved by decreasing the feature size of integrated circuits to the nanometer scale.

(2) There is a growing concern in the Department of Defense and the United States intelligence community over the offshore shift in development and production of high capacity semiconductors. Greater reliance on providers of semiconductors in the United States high technology industry would help mitigate the security risks of such an offshore shift.

(3) The development of new manufacturing technologies is recognized in the semiconductor industry as critical to the development of the next generation of integrated circuits.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should pursue research and development capabilities to take the lead in developing and producing the next generation of integrated circuits; and

(2) the Department of Defense should continue to work with industry and academia in pursuing the research and development of advanced manufacturing techniques in support of the development of the next generation of integrated circuits needed for the requirements and specialized applications of the Department of Defense.

SEC. 242. PILOT PROGRAM ON COLLABORATIVE ENERGY SECURITY.

(a) PILOT PROGRAM.—The Secretary of Defense, in coordination with the Secretary of Energy, may carry out a collaborative energy security pilot program involving one or more partnerships between one military installation and one national laboratory, for the purpose of evaluating and validating secure, salable microgrid components and systems for deployment.

(b) SELECTION OF MILITARY INSTALLATION AND NATIONAL LABORATORY.—If the Secretary of Defense carries out a pilot program under this section, the Secretary of Defense and the Secretary of Energy shall jointly select a military installation and a national laboratory for the purpose of carrying out the pilot program. In making such selections, the Secretaries shall consider each of the following:

(1) A commitment to participate made by a military installation being considered for selection.

(2) The findings and recommendations of relevant energy security assessments of military installations being considered for selection.

(3) The availability of renewable energy sources at a military installation being considered for selection.

(4) Potential synergies between the expertise and capabilities of a national laboratory being considered for selection and the infrastructure, interests, or other energy security needs of a military installation being considered for selection.

(5) The effects of any utility tariffs, surcharges, or other considerations on the feasibility of enabling any excess electricity generated on a military installation being considered for selection to be sold or otherwise made available to the local community near the installation.

(c) PROGRAM ELEMENTS.—A pilot program under this section shall be carried out as follows:

(1) Under the pilot program, the Secretaries shall evaluate and validate the performance of new energy technologies that may be incorporated into operating environments.

(2) The pilot program shall involve collaboration with the Office of Electricity Delivery and Energy Reliability of the

Department of Energy and other offices and agencies within the Department of Energy, as appropriate, and the Environmental Security Technical Certification Program of the Department of Defense.

(3) Under the pilot program, the Secretary of Defense shall investigate opportunities for any excess electricity created for the military installation to be sold or otherwise made available to the local community near the installation.

(4) The Secretary of Defense shall use the results of the pilot program as the basis for informing key performance parameters and validating energy components and designs that could be implemented in various military installations across the country and at forward operating bases.

(5) The pilot program shall support the effort of the Secretary of Defense to use the military as a test bed to demonstrate innovative energy technologies.

(d) IMPLEMENTATION AND DURATION.—If the Secretary of Defense carries out a pilot program under this section, such pilot program shall begin by not later than July 1, 2011, and shall be not less than three years in duration.

(e) REPORTS.—

(1) INITIAL REPORT.—If the Secretary of Defense carries out a pilot program under this section, the Secretary shall submit to the appropriate congressional committees by not later than October 1, 2011, an initial report that provides an update on the implementation of the pilot program, including an identification of the selected military installation and national laboratory partner and a description of technologies under evaluation.

(2) FINAL REPORT.—Not later than 90 days after completion of a pilot program under this section, the Secretary shall submit to the appropriate congressional committees a report on the pilot program, including any findings and recommendations of the Secretary.

(f) DEFINITIONS.—For purposes of this section:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Science and Technology of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term "microgrid" means an integrated energy system consisting of interconnected loads and distributed energy resources (including generators, energy storage devices, and smart controls) that can operate with the utility grid or in an intentional islanding mode.

(3) The term "national laboratory" means—

(A) a national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)); or

(B) a national security laboratory (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).

SEC. 243. PILOT PROGRAM TO INCLUDE TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF DEFENSE SYSTEMS.

(a) PILOT PROGRAM.—The Secretary of Defense shall carry out a pilot program to develop and incorporate technology protection features in a designated system during the research and development phase of such system.

(b) ANNUAL REPORTS.—Not later than December 31 of each year in which the Secretary carries out the pilot program established under this section, the Secretary shall submit to the congressional defense committees a report on the pilot program, including a list of each designated system included in the program.

(c) TERMINATION.—The pilot program established under this section shall terminate on October 1, 2015.

(d) DEFINITIONS.—In this section:

(1) The term "designated system" means any system (including a major system, as defined in section 2302(5) of title 10, United States Code) that the Under Secretary of Defense for Acquisition, Technology, and Logistics designates as being included in the pilot program established under this section.

(2) The term "technology protection features" means the technical modifications necessary to protect critical program information, including anti-tamper technologies and other systems engineering activities intended to prevent or delay exploitation of critical technologies in a designated system.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

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Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $33,921,165,000.

(2) For the Navy, $38,232,943,000.

(3) For the Marine Corps, $5,590,340,000.

(4) For the Air Force, $36,822,516,000.

(5) For Defense-wide activities, $30,562,619,000.

(6) For the Army Reserve, $2,879,077,000.

(7) For the Naval Reserve, $1,367,764,000.

(8) For the Marine Corps Reserve, $285,234,000.

(9) For the Air Force Reserve, $3,403,827,000.

(10) For the Army National Guard, $6,621,704,000.

(11) For the Air National Guard, $6,042,239,000.

(12) For the United States Court of Appeals for the Armed Forces, $14,068,000.

(13) For the Acquisition Development Workforce Fund, $217,561,000.

(14) For Environmental Restoration, Army, $444,581,000.

(15) For Environmental Restoration, Navy, $304,867,000.

(16) For Environmental Restoration, Air Force, $502,653,000.

(17) For Environmental Restoration, Defense-wide, $10,744,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $296,546,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $108,032,000.

(20) For Cooperative Threat Reduction programs, $522,512,000.

Subtitle B—Energy and Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $5,611,670.67 in fiscal year 2011 to the Hazardous Substance Superfund.

(2) PURPOSE OF REIMBURSEMENT.—The amount authorized to be transferred under paragraph (1) is to reimburse the Environmental Protection Agency for costs the Agency incurred relating to the response actions performed at the Twin Cities Army Ammunition Plant, Minnesota.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is intended to satisfy certain terms of the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Twin Cities Army Ammunition Plant that took effect in December 1987 and that provided for the recovery of expenses by the Agency from the Department of the Army.

(b) SOURCE OF FUNDS.—The transfer of funds authorized in subsection (a) shall be made using funds authorized to be appropriated for fiscal year 2011 for operation and maintenance for Environmental Restoration, Army.

SEC. 312. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH NAVAL AIR STATION, BRUNSWICK, MAINE.

(a) AUTHORITY TO TRANSFER FUNDS.—From amounts authorized to be appropriated for fiscal year 2011 for the Department of Defense Base Closure Account 2005, and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer an amount of not more than $153,000 to the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986.

(b) PURPOSE OF TRANSFER.—The purpose of a transfer made under subsection (a) is to satisfy a stipulated penalty assessed by the Environmental Protection Agency on June 12, 2008, against Naval Air Station, Brunswick, Maine, for the failure of the Navy to sample certain monitoring wells in a timely manner pursuant to a schedule included in the Federal facility agreement for Naval Air Station, Brunswick, which was entered into by the Secretary of the Navy and the Administrator of the Environmental Protection Agency on October 19, 1990.

(c) ACCEPTANCE OF PAYMENT.—If the Secretary of Defense makes a transfer authorized under subsection (a), the Administrator of the Environmental Protection Agency shall accept the amount transferred as payment in full of the penalty referred to in subsection (b).

SEC. 313. REQUIREMENTS RELATED TO THE INVESTIGATION OF EXPOSURE TO DRINKING WATER AT CAMP LEJEUNE, NORTH CAROLINA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of the Navy and the Agency for Toxic Substances and Disease Registry (hereinafter in this section referred to as "ATSDR") have been working together for almost two decades to identify the possible effects of exposure to contaminated drinking water at Camp Lejeune, North Carolina.

(2) Multiple studies have been conducted, and are being conducted, which require significant amounts of data and historical documentation, requiring the Department of the Navy and ATSDR to have close collaboration and open access to information.

(3) In June 2010, the Department of the Navy and ATSDR established the Camp Lejeune Data Mining Technical Workgroup to identify and inventory information and data relevant to the ongoing scientific research.

(b) REQUIREMENTS.—

(1) ATSDR ACCESS TO DATA.—By not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall ensure that the inventory created by the Camp Lejeune Data Mining Technical Workgroup is accurate and complete and that ATSDR has full access to all of the documents and data listed therein as needed.

(2) AVAILABILITY OF NEW AND NEWLY DISCOVERED DOCUMENTS.—If after the date of enactment of this Act the Secretary of the Navy generates any new document, record, or electronic data, or comes into possession of any existing document, record, or electronic data not previously provided in the Camp Lejeune Data Mining Technical Workgroup, the Secretary of the Navy shall make such information immediately available to ATSDR with an electronic inventory incorporating the newly located or generated document, record, or electronic data.

(3) LIMITATION ON ADJUDICATION OF CLAIMS.—None of the funds authorized to be appropriated by this Act for fiscal year 2011 may be used to adjudicate any administrative claim filed with the Department of the Navy regarding water contamination at Camp Lejeune, North Carolina, until at least 45 days after the date on which the Secretary of the Navy notifies the Committees on Armed Services of the Senate and House of Representatives of the intention of the Secretary to adjudicate the claim.

SEC. 314. COMPTROLLER GENERAL ASSESSMENT ON MILITARY ENVIRONMENTAL EXPOSURES.

(a) FINDINGS.—Congress makes the following findings:

(1) There have been various reports of the exposure of current and former members of the Armed Forces, their dependents, and civilian employees to environmental hazards while living and working on military installations.

(2) There is the need to better understand existing Department of Defense policies and procedures for addressing possible environmental exposures at military installations, determining any correlation between such an exposure and a subsequent health condition, and handling claims and potential compensation.

(3) While many of these possible exposures have been studied and evaluated, the extent to which those exposures caused or contributed to the short- and long-term health conditions of current and former members of the Armed Forces, their dependents, and civilian employees remains largely unknown.

(4) As for these possible exposures and the link between the exposure and subsequent health conditions, there may be better ways for the Federal Government to evaluate, address and, as warranted, provide health benefits or possible compensation as a remedy to these potential exposures.

(b) COMPTROLLER GENERAL ASSESSMENT REQUIRED.—The Comptroller General of the United States shall carry out an assessment of possible exposures to environmental hazards on military installations that includes the following:

(1) An identification of the policies and processes by which the Department of Defense and the military departments respond to environmental hazards on military installations and possible exposures and determine if there is a standard framework.

(2) An identification of the existing processes available to current and former members of the Armed Forces, their dependents, and civilian employees to seek compensation and health benefits for exposures to environmental hazards on military installations.

(3) A comparison of the processes identified under paragraph (2) with other potential options or methods for providing health benefits or compensation to individuals for injuries that may have resulted from environmental hazards on military installations.

(4) An examination of what is known about the advantages and disadvantages of other potential options or methods as well as any shortfalls in the current processes.

(5) Recommendations for any administrative or legislative action that the Comptroller General deems appropriate in the context of the assessment.

(c) REPORT.—Not later than January 1, 2012, the Comptroller General shall submit to the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives a report on the findings and recommendations, as appropriate, of the Comptroller General with respect to the assessment conducted under subsection (b).

(d) COORDINATION.—In carrying out subsection (b), the Comptroller General shall receive comments from the Secretary of Defense and others, as appropriate.

(e) CONSTRUCTION.—Nothing in this section shall be interpreted to impede, encroach, or delay—

(1) any studies, reviews, or assessments of any actual or potential environmental exposures at any military installation, including the studies included in the Agency for Toxic Substances and Disease Registry's Annual Plan of Work regarding the water contamination at Camp Lejeune, North Carolina;

(2) the Agency for Toxic Substances and Disease Registry's statutory obligations, including its obligations under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) regarding Superfund sites; or

(3) the remediation of any environmental contamination or hazard at any military installation.

(f) MILITARY INSTALLATION DEFINED.—In this section, the term "military installation" has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

Subtitle C—Workplace and Depot Issues

SEC. 321. TECHNICAL AMENDMENTS TO REQUIREMENT FOR SERVICE CONTRACT INVENTORY.

Section 2330a(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) in paragraph (1), in the matter preceding subparagraph (A)—

(A) by striking the second sentence;

(B) by inserting after the first sentence the following new sentence: "The guidance for compiling the inventory shall be issued by the Under Secretary of Defense for Personnel and Readiness, the Under Secretary of Defense (Comptroller), and the Under Secretary of Defense for Acquisition, Technology, and Logistics, as follows:"; and

(C) by inserting after the sentence added by subparagraph (B) the following:

"(A) The Under Secretary of Defense for Personnel and Readiness, as supported by the Under Secretary of Defense (Comptroller), shall be responsible for developing guidance for—

"(i) the collection of data regarding functions and missions performed by contractors in a manner that is comparable to the manpower data elements used in inventories of functions performed by Department of Defense employees; and

"(ii) the calculation of contractor manpower equivalents in a manner that is comparable to the calculation of full-time equivalents for use in inventories of functions performed by Department of Defense employees.

"(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible for developing guidance on other data elements and implementing procedures.";

(3) by inserting after subparagraph (B) of paragraph (1), as added by paragraph (2), the following:

"(2) The entry for an activity on an inventory under this subsection shall include, for the fiscal year covered by such entry, the following:"; and

(4) in paragraph (2), as redesignated by paragraph (3), by striking subparagraph (E) and inserting the following new subparagraph (E):

"(E) The number of contractor employees, expressed as full-time equivalents for direct labor, using direct labor hours and associated cost data collected from contractors (except that estimates may be used where such data is not available and cannot reasonably be made available in a timely manner for the purpose of the inventory).".

SEC. 322. REPEAL OF CONDITIONS ON EXPANSION OF FUNCTIONS PERFORMED UNDER PRIME VENDOR CONTRACTS FOR DEPOT-LEVEL MAINTENANCE AND REPAIR.

Section 346 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1979; 10 U.S.C. 2464 note) is repealed.

SEC. 323. PROHIBITION ON ESTABLISHING GOALS OR QUOTAS FOR CONVERSION OF FUNCTIONS TO PERFORMANCE BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) PROHIBITION.—The Secretary of Defense may not establish, apply, or enforce any numerical goal, target, or quota for the conversion of Department of Defense functions to performance by Department of Defense civilian employees, unless such goal, target, or quota is based on considered research and analysis, as required by section 235, 2330a, or 2463 of title 10, United States Code.

(b) DECISIONS TO INSOURCE.—In deciding which functions should be converted to performance by Department of Defense civilian employees pursuant to section 2463 of title 10, United States Code, the Secretary of Defense shall use the costing methodology outlined in the Directive-Type Memorandum 09–007 (Estimating and Comparing the Full Costs of Civilian and Military Manpower and Contractor Support) or any successor guidance for the determination of costs when costs are the sole basis for the decision. The Secretary of a military department may issue supplemental guidance to assist in such decisions affecting functions of that military department.

(c) REPORTS.—

(1) REPORT TO CONGRESS.—Not later than March 31, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the decisions with respect to the conversion of functions to performance by Department of Defense civilian employees made during fiscal year 2010. Such report shall identify, for each such decision—

(A) the agency or service of the Department involved in the decision;

(B) the basis and rationale for the decision; and

(C) the number of contractor employees whose functions were converted to performance by Department of Defense civilian employees.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 120 days after the submittal of the report under paragraph (1), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of the report.

(d) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to preclude the Secretary of Defense from establishing, applying, and enforcing goals for the conversion of acquisition functions and other critical functions to performance by Department of Defense civilian employees, where such goals are based on considered research and analysis; or

(2) to require the Secretary of Defense to conduct a cost comparison before making a decision to convert any acquisition function or other critical function to performance by Department of Defense civilian employees, where factors other than cost serve as a basis for the Secretary's decision.

Subtitle D—Reports

SEC. 331. ADDITIONAL REPORTING REQUIREMENTS RELATING TO CORROSION PREVENTION PROJECTS AND ACTIVITIES.

Section 2228(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "The" and inserting "For the fiscal year covered by the report and the preceding fiscal year, the"; and

(B) by adding at the end the following new subparagraph:

"(E) For the fiscal year covered by the report and the preceding fiscal year, the amount of funds requested in the budget for each project or activity described in subsection (d) compared to the funding requirements for the project or activity.";

(2) in paragraph (2)(B), by inserting before the period at the end the following: ", including the annex to the report described in paragraph (3)"; and

(3) by adding at the end the following new paragraph:

"(3) Each report under this section shall include, in an annex to the report, a copy of the annual corrosion report most recently submitted by the corrosion control and prevention executive of each military department under section 903(b)(5) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4567; 10 U.S.C. 2228 note).".

SEC. 332. MODIFICATION AND REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) PRIORITIZATION OF FUNDS.—Subsection (a) of section 323 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (10 U.S.C. 229 note) is amended—

(1) in paragraph (1), by striking "the global war on terrorism" and inserting "overseas contingency operations"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "units transforming to modularity" and inserting "modular units"; and

(B) in subparagraph (B), by striking "2012" and inserting "2015".

(b) BUDGET INFORMATION.—Subsection (b) of such section is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "the global war on terrorism" and inserting "overseas contingency operations"; and

(ii) by inserting "and" at the end;

(B) in subparagraph (B)—

(i) in clause (i), by striking "units transforming to modularity" and inserting "modular units"; and

(ii) by striking "; and" at the end and inserting a period; and

(C) by striking subparagraph (C); and

(2) by striking paragraph (3).

(c) ANNUAL REPORT ON ARMY PROGRESS.—Subsection (c) of such section is amended—

(1) by striking paragraphs (1), (2), (3), (4), (5), (6), and (7);

(2) by redesignating paragraphs (8) and (9) as subparagraphs (D) and (F), respectively;

(3) by submitting "(1)" before "On the date";

(4) in paragraph (1), as designated by paragraph (3) of this subsection, by striking "in meeting" and all that follows through "shall be itemized" and inserting "in fulfilling the key enabler equipment requirements of modular units and in repairing, recapitalizing, and replacing equipment and materiel used in support of overseas contingency operations underway as of the date of such report, and associated sustainment. Any information included in the report shall be itemized";

(5) by striking "Each such report" and all that follows through the colon and inserting the following:

"(2) Each such report shall include the following:

"(A) An assessment of the key enabler equipment and personnel of the Army, including—

"(i) a comparison of—

"(I) the authorized level of key enabler equipment;

"(II) the level of key enabler equipment on hand; and

"(III) the planned purchases of key enabler equipment as set forth in the future-years defense program submitted with the budget for such fiscal year;

"(ii) a comparison of the authorized and actual personnel levels for personnel with key enabler personnel specialities with the requirements for key enabler personnel specialties;

"(iii) an identification of any shortfalls indicated by the comparisons in clauses (i) and (ii); and

"(iv) an assessment of the number and type of key enabler equipment that the Army projects it will have on hand by the end of such future-years defense program that will require repair, recapitalization, or replacement at or before the end of the time period covered by such future-years defense program (which assessment shall account for additional repair, recapitalization, or replacement resulting from use of key enabler equipment in overseas contingency operations).

"(B) If an assessment under subparagraph (A) identifies shortfalls that will exist within the period covered by the future-years defense program submitted in such fiscal year, an identification of the risks associated with such shortfalls and mitigation strategies to address such risks.

"(C) A schedule for the accomplishment of the purposes set forth in paragraph (1).";

(6) in paragraph (2), as amended by paragraphs (2) and (5) of this subsection, by inserting after subparagraph (D) the following new subparagraph:

"(E) A description of the status of the development of doctrine on how modular combat, functional, and support forces will train, be sustained, and fight."; and

(7) in subparagraph (F) of paragraph (2) as redesignated by paragraphs (2) and (5) of this subsection, by striking "paragraphs (1) through (8)" and inserting "subparagraphs (A) through (E)".

(d) ANNUAL COMPTROLLER GENERAL ON ARMY PROGRESS.—Subsection (d) of such section is amended to read as follows:

"(d) ANNUAL COMPTROLLER GENERAL REPORT ON ARMY PROGRESS.—Not later than 180 days after the date on which the Secretary of the Army submits a report under subsection (c), the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the Comptroller General's review of such report. Each report under this subsection shall include such information and recommendations as the Comptroller General considers appropriate in light of such review.".

(e) DEFINITIONS.—Such section is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d), as amended by subsection (d) of this section, the following new subsection (e):

"(e) DEFINITIONS.—In this section:

"(1) The term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

"(2) The term 'key enabler', in the case of equipment or personnel, means equipment or personnel, as the case may be, that make a modular force or unit as capable or more capable than the non-modular force or unit it replaced, including the following:

"(A) Equipment such as tactical and high frequency radio, tactical wheeled vehicles, battle command systems, unmanned aerial vehicles, all-source analysis systems, analysis and control elements, fire support sensor systems, firefinder radar, joint network nodes, long-range advanced scout surveillance systems, Trojan Spirit systems (or any successor system), and any other equipment items identified by the Army as making a modular force or unit as capable or more capable than the non-modular force or unit it replaced.

"(B) Personnel in specialties needed to operate or support the equipment specified in subparagraph (A) and personnel in specialties relating to civil affairs, communication and information systems operation, explosive ordinance disposal, military intelligence, psychological operations, and any other personnel specialties identified by the Army as making a modular force or unit as capable or more capable than the non-modular force or unit it replaced.".

(f) TERMINATION OF REPORT REQUIREMENT.—Subsection (f) of such section, as redesignated by subsection (e)(1) of this section, is further amended by striking "fiscal year 2012" and inserting "fiscal year 2015".

(g) REPEAL OF REPORT ON DISPOSITION OF RESERVE EQUIPMENT.—Title III of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended by striking section 349.

(h) REPEAL OF REPORT ON READINESS OF GROUND FORCES.—Title III of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended by striking section 355.

SEC. 333. REPORT ON AIR SOVEREIGNTY ALERT MISSION.

(a) REPORT REQUIRED.—Not later than March 1, 2011, the Commander of the United States Northern Command and the North

American Aerospace Defense Command shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the Air Sovereignty Alert (hereinafter in this section referred to as "ASA") mission and Operation Noble Eagle.

(b) CONSULTATION.—The Commander shall consult with the Director of the National Guard Bureau who shall review and provide independent analysis and comments on the report required under subsection (a).

(c) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) An evaluation of the ASA mission and of Operation Noble Eagle.

(2) An evaluation of each of the following:

(A) The current ability to perform the ASA mission with respect to training, equipment, and basing.

(B) Any current deficiencies in the ASA mission.

(C) Any changes in threats that would require any change in training, equipment, and basing to effectively support the ASA mission.

(D) An evaluation of whether the ASA mission is fully resourced with respect to funding, personnel, and aircraft.

(E) A description of the coverage of ASA and Operation Noble Eagle units with respect to—

(i) population centers covered; and

(ii) targets of value covered, including symbolic (including national monuments, sports venues, and centers of commerce), critical infrastructure (including power plants, ports, dams, bridges, and telecommunication nodes), and national security (including military bases and organs of government) targets.

(F) An unclassified, notional area of responsibility conforming to the unclassified response time of the unit represented graphically on a map and detailing the total population and number of targets of value covered, as described in subparagraph (E).

(3) The status of the implementation of the recommendations made in the Government Accountability Office report entitled "Actions Needed to Improve Management of Air Sovereignty Alert Operations to Protect U.S. Airspace" (GAO–09–184).

(d) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 334. REPORT ON THE SEAD/DEAD MISSION REQUIREMENT FOR THE AIR FORCE.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report describing the feasibility and desirability of designating the Suppression of Enemy Air Defenses/Destruction of Enemy Air Defenses (hereinafter in this section referred to as "SEAD/DEAD") mission as a responsibility of the Air National Guard.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) An evaluation of the SEAD/DEAD mission, as in effect on the date of the enactment of this Act.

(2) An evaluation of the following with respect to the SEAD/DEAD mission:

(A) The current ability of the Air National Guard to perform the mission with regards to training, equipment, funding, and basing.

(B) Any current deficiencies of the Air National Guard to perform the mission, including range infrastructure or other improvements needed to support peacetime training and readiness.

(C) The corrective actions and costs required to address any deficiencies described in subparagraph (B).

(c) CONSULTATION.—The Secretary of the Air Force shall consult with the Director of the National Guard Bureau who shall review and provide independent analysis and comments on the report required under subsection (a).

SEC. 335. REQUIREMENT TO UPDATE STUDY ON STRATEGIC SEAPORTS.

The Commander of the United States Transportation Command shall update the study entitled "PORT LOOK 2008 Strategic Seaports Study". In updating the study under this section, the Commander shall consider the infrastructure in the vicinity of a strategic port, including bridges, roads, and rail, and any issues relating to the capacity and condition of such infrastructure.

Subtitle E—Limitations and Extensions of Authority

SEC. 341. PERMANENT AUTHORITY TO ACCEPT AND USE LANDING FEES CHARGED FOR USE OF DOMESTIC MILITARY AIRFIELDS BY CIVIL AIRCRAFT.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2697. Acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft

"(a) AUTHORITY.—The Secretary of a military department may impose landing fees for the use by civil aircraft of domestic military airfields under the jurisdiction of that Secretary and may use any fees received under this section as a source of funding for the operation and maintenance of airfields of that department.

"(b) UNIFORM LANDING FEES.—The Secretary of Defense shall prescribe the amount of the landing fees that may be imposed under this section. Such fees shall be uniform among the military departments.

"(c) USE OF PROCEEDS.—Amounts received for a fiscal year in payment of landing fees imposed under this section for the use of a military airfield shall be credited to the appropriation that is available for that fiscal year for the operation and maintenance of that military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for that military airfield for the same period and purposes as the appropriation is available.

"(d) LIMITATION.—The Secretary of a military department shall determine whether consideration for a landing fee has been received

in a lease, license, or other real estate agreement for an airfield and shall use such a determination to offset appropriate amounts imposed under subsection (a) for that airfield.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2697. Acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.".

SEC. 342. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 10 U.S.C. 4551 note), as amended by section 341 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 69) and section 354 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2264), is further amended—

(1) in subsection (a), by striking "2011" and inserting "2012"; and

(2) in subsection (g)(1), by striking "2011" and inserting "2012".

SEC. 343. LIMITATION ON OBLIGATION OF FUNDS FOR THE ARMY HUMAN TERRAIN SYSTEM.

(a) LIMITATION.—Of the amounts authorized to be appropriated for the Human Terrain System (hereinafter in this section referred to as the "HTS") that are described in subsection (b), not more than 85 percent of the amounts remaining unobligated as of the date of enactment of this Act may be obligated until the Secretary of the Army submits to the congressional defense committees each of the following:

(1) A validation of all HTS requirements, including any prior joint urgent operational needs statements.

(2) A certification that policies, procedures, and guidance are in place to protect the integrity of social science researchers participating in HTS, including ethical guidelines and human studies research procedures.

(b) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—The amounts authorized to be appropriated described in this subsection are amounts authorized to be appropriated for fiscal year 2011, including such amounts authorized to be appropriated for oversees contingency operations, for—

(1) operation and maintenance for HTS;

(2) procurement for Mapping the Human Terrain hardware and software; and

(3) research, development, test, and evaluation for Mapping the Human Terrain hardware and software.

SEC. 344. LIMITATION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF CLASSIFIED JUSTIFICATION MATERIAL.

Of the amounts authorized to be appropriated in this title for fiscal year 2011 for the Office of the Secretary of Defense, of the amount that corresponds with budget activity four, line 270, in the budget transmitted to Congress by the President for fiscal year 2011, not more than 90 percent may be obligated until 15 days after the information cited in the classified annex accompanying this Act relating to the provision of classified justification

material to Congress is provided to the congressional defense committees.

SEC. 345. REQUIREMENTS FOR TRANSFERRING AIRCRAFT WITHIN THE AIR FORCE INVENTORY.

(a) REQUIREMENTS.—In proposing the transfer of ownership of any aircraft from ownership by a reserve component of the Air Force to ownership by a regular component of the Air Force, including such a transfer to be made on a temporary basis, the Secretary of the Air Force shall ensure that a written agreement regarding such transfer of ownership has been entered into between the Director of the Air National Guard, the Commander of the Air Force Reserve Command, and the Chief of Staff of the Air Force. Any such agreement shall specify each of the following:

(1) The number of and type of aircraft to be transferred.

(2) In the case of any aircraft transferred on a temporary basis—

(A) the schedule under which the aircraft will be returned to the ownership of the reserve component;

(B) a description of the condition, including the estimated remaining service life, in which any such aircraft will be returned to the reserve component; and

(C) a description of the allocation of resources, including the designation of responsibility for funding aircraft operation and maintenance and a detailed description of budgetary responsibilities, for the period for which the ownership of the aircraft is transferred to the regular component.

(3) The designation of responsibility for funding depot maintenance requirements or modifications to the aircraft generated as a result of the transfer, including any such requirements and modifications required during the period for which the ownership of the aircraft is transferred to the regular component.

(4) Any location from which the aircraft will be transferred.

(5) The effects on manpower that such a transfer may have at any facility identified under paragraph (4).

(6) The effects on the skills and proficiencies of the reserve component personnel affected by the transfer.

(7) Any other items the Director of the Air National Guard or the Commander of the Air Force Reserve Command determines are necessary in order to execute such a transfer.

(b) SUBMITTAL OF AGREEMENTS TO CONGRESS.—The Secretary of the Air Force may not take any action to transfer the ownership of an aircraft as described in subsection (a) until the Secretary submits to the congressional defense committees an agreement entered into pursuant to such subsection regarding the transfer of ownership of the aircraft.

SEC. 346. COMMERCIAL SALE OF SMALL ARMS AMMUNITION IN EXCESS OF MILITARY REQUIREMENTS.

(a) COMMERCIAL SALE OF SMALL ARMS AMMUNITION.—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, may not be demilitarized or destroyed and shall be made available for commercial sale.

(b) DEADLINE FOR GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to ensure compliance with subsection (a). Not later than 15 days after issuing such guidance, the Secretary shall submit to the congressional defense committees a letter of compliance providing notice of such guidance.

(c) PREFERENCE.—No small arms ammunition and ammunition components in excess of military requirements may be made available for commercial sale under this section 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, as amended by this Act.

Subtitle F—Other Matters

SEC. 351. EXPEDITED PROCESSING OF BACKGROUND INVESTIGATIONS FOR CERTAIN INDIVIDUALS.

(a) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—Section 1564 of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

"(a) EXPEDITED PROCESS.—The Secretary of Defense may prescribe a process for expediting the completion of the background investigations necessary for granting security clearances for—

"(1) Department of Defense personnel and Department of Defense contractor personnel who are engaged in sensitive duties that are critical to the national security; and

"(2) any individual who—

"(A) submits an application for a position as an employee of the Department of Defense for which—

"(i) the individual is qualified; and

"(ii) a security clearance is required; and

"(B) is—

"(i) a member of the armed forces who was retired or separated, or is expected to be retired or separated, for physical disability pursuant to chapter 61 of this title;

"(ii) the spouse of a member of the armed forces who retires or is separated, after the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, for a physical disability as a result of a wound, injuries or illness incurred or aggravated in the line of duty (as determined by the Secretary concerned); or

"(iii) the spouse of a member of the armed forces who dies, after the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, as a result of a wound, injury, or illness incurred or aggravated in the line of duty (as determined by the Secretary concerned).."; and

(2) by adding at the end the following new subsection:

"(f) USE OF APPROPRIATED FUNDS.—The Secretary of Defense may use funds authorized to be appropriated to the Department of Defense for operation and maintenance to conduct background

investigations under this section for individuals described in subsection (a)(2).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a background investigation conducted after the date of the enactment of this Act.

SEC. 352. REVISION TO AUTHORITIES RELATING TO TRANSPORTATION OF CIVILIAN PASSENGERS AND COMMERCIAL CARGOES BY DEPARTMENT OF DEFENSE WHEN SPACE UNAVAILABLE ON COMMERCIAL LINES.

(a) TRANSPORTATION ON DOD VEHICLES AND AIRCRAFT.—Subsection (a) of section 2649 of title 10, United States Code, is amended—

(1) by inserting "AUTHORITY.—" before "Whenever"; and

(2) by inserting ", vehicles, or aircraft" in the first sentence after "vessels" both places it appears.

(b) AMOUNTS CHARGED FOR TRANSPORTATION IN EMERGENCY, DISASTER, OR HUMANITARIAN RESPONSE CASES.—

(1) LIMITATION ON AMOUNTS CHARGED.—The second sentence of subsection (a) of such section is amended by inserting before the period the following: ", except that in the case of transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance, any amount charged for such transportation may not exceed the cost of providing the transportation".

(2) CREDITING OF RECEIPTS.—Subsection (b) of such section is amended by striking "Amounts" and inserting "CREDITING OF RECEIPTS.—Any amount received under this section with respect to transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance may be credited to the appropriation, fund, or account used in incurring the obligation for which such amount is received. In all other cases, amounts".

(c) TRANSPORTATION DURING CONTINGENCIES OR DISASTER RESPONSES.—Such section is further amended by adding at the end the following new subsection:

"(c) TRANSPORTATION OF ALLIED PERSONNEL DURING CONTINGENCIES OR DISASTER RESPONSES.—During the 5-year period beginning on the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, when space is available on vessels, vehicles, or aircraft operated by the Department of Defense and the Secretary of Defense determines that operations in the area of a contingency operation or disaster response would be facilitated if allied forces or civilians were to be transported using such vessels, vehicles, or aircraft, the Secretary may provide such transportation on a noninterference basis, without charge.".

(d) CONFORMING AMENDMENT.—Section 2648 of such title is amended by inserting ", vehicles, or aircraft" after "vessels" in the matter preceding paragraph (1).

(e) TECHNICAL AMENDMENTS.—

(1) The heading of section 2648 of such title is amended to read as follows:

"§ 2648. Persons and supplies: sea, land, and air transportation".

(2) The heading of section 2649 of such title is amended to read as follows:

"§ 2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft".

(f) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 157 of such title is amended by striking the items relating to sections 2648 and 2649 and inserting the following new items:

"2648. Persons and supplies: sea, land, and air transportation.
"2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft.".

SEC. 353. TECHNICAL CORRECTION TO OBSOLETE REFERENCE RELATING TO USE OF FLEXIBLE HIRING AUTHORITY TO FACILITATE PERFORMANCE OF CERTAIN DEPARTMENT OF DEFENSE FUNCTIONS BY CIVILIAN EMPLOYEES.

Section 2463(d)(1) of title 10, United States Code, is amended by striking "under the National Security Personnel System, as established".

SEC. 354. AUTHORITY FOR PAYMENT OF FULL REPLACEMENT VALUE FOR LOSS OR DAMAGE TO HOUSEHOLD GOODS IN LIMITED CASES NOT COVERED BY CARRIER LIABILITY.

(a) CLAIMS AUTHORITY.—

(1) IN GENERAL.—Chapter 163 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2740. Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available

"The Secretary of Defense and the Secretaries of the military departments, in paying a claim under section 3721 of title 31 arising from loss or damage to household goods stored or transported at the expense of the Department of Defense, may pay the claim on the basis of full replacement value in any of the following cases in which reimbursement for the full replacement value for the loss or damage is not available directly from a carrier under section 2636a of this title:

"(1) A case in which—

"(A) the lost or damaged goods were stored or transported under a contract, tender, or solicitation in accordance with section 2636a of this title that requires the transportation service provider to settle claims on the basis of full replacement value; and

"(B) the loss or damage occurred under circumstances that exclude the transportation service provider from liability.

"(2) A case in which—

"(A) the loss or damage occurred while the lost or damaged goods were in the possession of an ocean carrier that was transporting, loading, or unloading the goods

under a Department of Defense contract for ocean carriage; and

"(B) the land-based portions of the transportation were under contracts, in accordance with section 2636a of this title, that require the land carriers to settle claims on the basis of full replacement value.

"(3) A case in which—

"(A) the lost or damaged goods were transported or stored under a contract or solicitation that requires at least one of the transportation service providers or carriers that handled the shipment to settle claims on the basis of full replacement value pursuant to section 2636a of this title;

"(B) the lost or damaged goods have been in the custody of more than one independent contractor or transportation service provider; and

"(C) a claim submitted to the delivering transportation service provider or carrier is denied in whole or in part because the loss or damage occurred while the lost or damaged goods were in the custody of a prior transportation service provider or carrier or government entity.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2740. Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available.".

(b) EFFECTIVE DATE.—Section 2740 of title 10, United States Code, as added by subsection (a), shall apply with respect to losses incurred after the date of the enactment of this Act.

SEC. 355. RECOVERY OF IMPROPERLY DISPOSED OF DEPARTMENT OF DEFENSE PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2790. Recovery of improperly disposed of Department of Defense property

"(a) PROHIBITION.—No member of the armed forces, civilian employee of the United States Government, contractor personnel, or other person may sell, lend, pledge, barter, or give any clothing, arms, articles, equipment, or other military or Department of Defense property except in accordance with the statutes and regulations governing Government property.

"(b) TRANSFER OF TITLE OR INTEREST INEFFECTIVE.—If property has been disposed of in violation of subsection (a), the person holding the property has no right or title to, or interest in, the property.

"(c) AUTHORITY FOR SEIZURE OF IMPROPERLY DISPOSED OF PROPERTY.—If any person is in the possession of military or Department of Defense property without right or title to, or interest in, the property because it has been disposed of in material violation of subsection (a), any Federal, State, or local law enforcement official may seize the property wherever found. Unless an exception to the warrant requirement under the fourth amendment to the Constitution applies, seizure may be made only—

"(1) pursuant to—

"(A) a warrant issued by the district court of the United States for the district in which the property is located, or for the district in which the person in possession of the property resides or is subject to service; or

"(B) pursuant to an order by such court, issued after a determination of improper transfer under subsection (e); and

"(2) after such a court has issued such a warrant or order.

"(d) INAPPLICABILITY TO CERTAIN PROPERTY.—Subsections (b) and (c) shall not apply to—

"(1) property on public display by public or private collectors or museums in secured exhibits; or

"(2) property in the collection of any museum or veterans organization or held in a private collection for the purpose of public display, provided that any such property, the possession of which could undermine national security or create a hazard to public health or safety, has been fully demilitarized.

"(e) DETERMINATIONS OF VIOLATIONS.—(1) The district court of the United States for the district in which the property is located, or the district in which the person in possession of the property resides or is subject to service, shall have jurisdiction, regardless of the current approximated or estimated value of the property, to determine whether property was disposed of in violation of subsection (a). Any such determination shall be by a preponderance of the evidence.

"(2) Except as provided in paragraph (3), in the case of property, the possession of which could undermine national security or create a hazard to public health or safety, the determination under paragraph (1) may be made after the seizure of the property, as long as the United States files an action seeking such determination within 90 days after seizure of the property. If the person from whom the property is seized is found to have been lawfully in possession of the property and the return of the property could undermine national security or create a hazard to public health or safety, the Secretary of Defense shall reimburse the person for the market value for the property.

"(3) Paragraph (2) shall not apply to any firearm, ammunition, or ammunition component, or firearm part or accessory that is not prohibited for commercial sale.

"(f) DELIVERY OF SEIZED PROPERTY.—Any law enforcement official who seizes property under subsection (c) and is not authorized to retain it for the United States shall deliver the property to an authorized member of the armed forces or other authorized official of the Department of Defense or the Department of Justice.

"(g) SCOPE OF ENFORCEMENT.—This section shall apply to the following:

"(1) Any military or Department of Defense property disposed of on or after the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 in a manner that is not in accordance with statutes and regulations governing Government property in effect at the time of the disposal of such property.

"(2) Any significant military equipment disposed of on or after January 1, 2002, in a manner that is not in accordance with statutes and regulations governing Government property in effect at the time of the disposal of such significant military equipment.

"(h) RULE OF CONSTRUCTION.—The authority of this section is in addition to any other authority of the United States with respect to property to which the United States may have right or title.

"(i) DEFINITIONS.—In this section:

"(1) The term 'significant military equipment' means defense articles on the United States Munitions List for which special export controls are warranted because of their capacity for substantial military utility or capability.

"(2) The term 'museum' has the meaning given that term in section 273(1) of the Museum Services Act (20 U.S.C. 9172(1)).

"(3) The term 'fully demilitarized' means, with respect to equipment or material, the destruction of the military offensive or defensive advantages inherent in the equipment or material, including, at a minimum, the destruction or disabling of key points of such equipment or material, such as the fuselage, tail assembly, wing spar, armor, radar and radomes, armament and armament provisions, operating systems and software, and classified items.

"(4) The term 'veterans organization' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of such title is amended by inserting after the item relating to section 2789 the following new item:

"2790. Recovery of improperly disposed of Department of Defense property.".

SEC. 356. OPERATIONAL READINESS MODELS.

(a) REVIEW OF MODELS.—Not later than September 30, 2011, the Director of the Congressional Budget Office shall conduct a study to identify, compare, and contrast the budget preparation tools and models used by each of the military departments to determine funding levels for operational readiness requirements during the programming, planning, budgeting, and execution process and report the findings to the congressional defense committees. In carrying out such study, the Director shall—

(1) assess whether any additional or alternative verified and validated operational readiness model used by any military department for budgeting for flying or ground equipment hours, steaming days, equipment operations, equipment maintenance, and depot maintenance should be incorporated into the budget process of that military department; and

(2) identify any shortcomings or deficiencies in the approach of each military department in building the operational readiness budget for that department.

(b) CONGRESSIONAL BRIEFING.—Not later than April 1, 2012, in conjunction with the submission by the Secretary of Defense of the budget justification documents for fiscal year 2013, the Secretaries of each of the military departments, or designated representatives thereof, shall brief the congressional defense committees on their respective responses to the study conducted by the Director of the Congressional Budget Office. Each such briefing shall include—

(1) a description of how the military department concerned plans to address any deficiencies in the development of the

operational readiness budget of such department identified in the study; and

(2) a description of how the modeling tools identified in the study could be used by the military department to improve the development of the operational readiness budget for the department.

SEC. 357. SENSE OF CONGRESS REGARDING CONTINUED IMPORTANCE OF HIGH-ALTITUDE AVIATION TRAINING SITE, COLORADO.

(a) FINDINGS.—Congress makes the following findings:

(1) The High-Altitude Aviation Training Site in Gypsum, Colorado, is the only Department of Defense aviation school that provides an opportunity for rotor-wing military pilots to train in high-altitude, mountainous terrain, under full gross weight and power management operations.

(2) The High-Altitude Aviation Training Site is operated by the Colorado Army National Guard and is available to pilots of all branches of the Armed Forces and to pilots of allied countries.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the High-Altitude Army Aviation Training Site continues to be critically important to ensuring the readiness and capabilities of rotor-wing military pilots; and

(2) the Department of Defense should take all appropriate actions to prevent encroachment on the High-Altitude Army Aviation Training Site.

SEC. 358. STUDY OF EFFECTS OF NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS AND OPERATIONS.

(a) OBJECTIVE.—It shall be an objective of the Department of Defense to ensure that the robust development of renewable energy sources and the increased resiliency of the commercial electrical grid may move forward in the United States, while minimizing or mitigating any adverse impacts on military operations and readiness.

(b) DESIGNATION OF SENIOR OFFICIAL AND LEAD ORGANIZATION.—

(1) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense, and a lead organization of the Department of Defense, to—

(A) serve as the executive agent to carry out the review required by subsection (d);

(B) serve as a clearinghouse to coordinate Department of Defense review of applications for projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, and received by the Department of Defense from the Secretary of Transportation; and

(C) accelerate the development of planning tools necessary to determine the acceptability to the Department of Defense of proposals included in an application for a project submitted pursuant to such section.

(2) RESOURCES.—The Secretary shall ensure that the senior official and lead organization designated under paragraph (1) are assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

(c) INITIAL ACTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting

through the senior official and lead organization designated pursuant to subsection (b), shall—

(1) conduct a preliminary review of each application for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, that may have an adverse impact on military operations and readiness, unless such project has been granted a determination of no hazard. Such review shall, at a minimum, for each such project—

(A) assess the likely scope and duration of any adverse impact of such project on military operations and readiness; and

(B) identify any feasible and affordable actions that could be taken in the immediate future by the Department, the developer of such project, or others to mitigate such adverse impact and to minimize risks to national security while allowing such project to proceed with development;

(2) develop, in coordination with other departments and agencies of the Federal Government, an integrated review process to ensure timely notification and consideration of projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, that may have an adverse impact on military operations and readiness;

(3) establish procedures for the Department of Defense for the coordinated consideration of and response to a request for a review received from State and local officials or the developer of a renewable energy development or other energy project, including guidance to personnel at each military installation in the United States on how to initiate such procedures and ensure a coordinated Department response while seeking to fulfil the objective under subsection (a); and

(4) develop procedures for conducting early outreach to parties carrying out projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, that could have an adverse impact on military operations and readiness, and to the general public, to clearly communicate notice on actions being taken by the Department of Defense under this section and to receive comments from such parties and the general public on such actions.

(d) COMPREHENSIVE REVIEW.—

(1) STRATEGY REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, acting through the senior official and lead organization designated pursuant to subsection (b), shall develop a comprehensive strategy for addressing the military impacts of projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code.

(2) ELEMENTS.—In developing the strategy required by paragraph (1), the Secretary of Defense shall—

(A) assess of the magnitude of interference posed by projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code;

(B) identify geographic areas selected as proposed locations for projects filed, or which may be filed in the future, with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, where such projects could have an adverse impact on military operations and

readiness and categorize the risk of adverse impact in such areas as high, medium, or low for the purpose of informing early outreach efforts under subsection (c)(4) and preliminary assessments under subsection (e); and

(C) specifically identify feasible and affordable long-term actions that may be taken to mitigate adverse impacts of projects filed, or which may be filed in the future, with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, on military operations and readiness, including—

(i) investment priorities of the Department of Defense with respect to research and development;

(ii) modifications to military operations to accommodate applications for such projects;

(iii) recommended upgrades or modifications to existing systems or procedures by the Department of Defense;

(iv) acquisition of new systems by the Department and other departments and agencies of the Federal Government and timelines for fielding such new systems; and

(v) modifications to the projects for which such applications are filed, including changes in size, location, or technology.

(e) DEPARTMENT OF DEFENSE HAZARD ASSESSMENT.—

(1) PRELIMINARY ASSESSMENT.—The procedures established pursuant to subsection (c) shall ensure that not later than 30 days after receiving a proper application for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, the Secretary of Defense shall review the project and provide a preliminary assessment of the level of risk of adverse impact on military operations and readiness that would arise from the project and the extent of mitigation that may be needed to address such risk.

(2) DETERMINATION OF UNACCEPTABLE RISK.—The procedures established pursuant to subsection (c) shall ensure that the Secretary of Defense does not object to a project filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, except in a case in which the Secretary of Defense determines, after giving full consideration to mitigation actions identified pursuant to this section, that such project would result in an unacceptable risk to the national security of the United States.

(3) CONGRESSIONAL NOTICE REQUIREMENT.—Not later than 30 days after making a determination of unacceptable risk under paragraph (2), the Secretary of Defense shall submit to the congressional defense committees a report on such determination and the basis for such determination. Such a report shall include an explanation of the operational impact that led to the determination, a discussion of the mitigation options considered, and an explanation of why the mitigation options were not feasible or did not resolve the conflict.

(4) NON-DELEGATION OF DETERMINATIONS.—The responsibility for making a determination of unacceptable risk under paragraph (2) may only be delegated to an appropriate senior officer of the Department of Defense, on the recommendation of the senior official designated pursuant to subsection (b).

The following individuals are appropriate senior officers of the Department of Defense for the purposes of this paragraph:

(A) The Deputy Secretary of Defense.

(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(C) The Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

(f) REPORTS.—

(1) REPORT TO CONGRESS.—Not later than March 15 each year from 2011 through 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the actions taken by the Department of Defense during the preceding year to implement this section and the comprehensive strategy developed pursuant to this section.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of a review carried out by the Secretary of Defense of any projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code—

(i) that the Secretary of Defense has determined would result in an unacceptable risk to the national security; and

(ii) for which the Secretary of Defense has recommended to the Secretary of Transportation that a hazard determination be issued;

(B) an assessment of the risk associated with the loss or modifications of military training routes and a quantification of such risk;

(C) an assessment of the risk associated with solar power and similar systems as to the effects of glint on military readiness;

(D) an assessment of the risk associated with electromagnetic interference on military readiness, including the effects of testing and evaluation ranges;

(E) an assessment of any risks posed by the development of projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, to the prevention of threats and aggression directed toward the United States and its territories; and

(F) a description of the distance from a military installation that the Department of Defense will use to prescreen applicants under section 44718 of title 49, United States Code.

(g) AUTHORITY TO ACCEPT CONTRIBUTIONS OF FUNDS.—The Secretary of Defense is authorized to accept a voluntary contribution of funds from an applicant for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code. Amounts so accepted shall be available for the purpose of offsetting the cost of measures undertaken by the Secretary of Defense to mitigate adverse impacts of such project on military operations and readiness.

(h) EFFECT OF DEPARTMENT OF DEFENSE HAZARD ASSESSMENT.—An action taken pursuant to this section shall not be considered to be a substitute for any assessment or determination required of the Secretary of Transportation under section 44718 of title 49, United States Code.

(i) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(j) DEFINITIONS.—In this section:

(1) The term "military training route" means a training route developed as part of the Military Training Route Program, carried out jointly by the Federal Aviation Administration and the Secretary of Defense, for use by the Armed Forces for the purpose of conducting low-altitude, high-speed military training.

(2) The term "military installation" has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

(3) The term "military readiness" includes any training or operation that could be related to combat readiness, including testing and evaluation activities.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2011 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2011, as follows:

(1) The Army, 569,400.
(2) The Navy, 328,700.
(3) The Marine Corps, 202,100.
(4) The Air Force, 332,200.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

"(1) For the Army, 547,400.
"(2) For the Navy, 324,300.
"(3) For the Marine Corps, 202,100.
"(4) For the Air Force, 332,200.".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2011, as follows:

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

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 65,500.

(4) The Marine Corps Reserve, 39,600.

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

(6) The Air Force Reserve, 71,200.

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

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

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

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

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

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2011, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

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

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,688.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,584.

(6) The Air Force Reserve, 2,992.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2011 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,720.
(4) For the Air National Guard of the United States, 22,394.

SEC. 414. FISCAL YEAR 2011 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2011, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

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

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2011, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2011, may not exceed 90.

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

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2011, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.
(2) The Army Reserve, 13,000.
(3) The Navy Reserve, 6,200.
(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2011 a total of $138,540,700,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2011.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Ages for appointment and mandatory retirement for health professions officers.

Sec. 502. Authority for appointment of warrant officers in the grade of W–1 by commission and standardization of warrant officer appointing authority.
Sec. 503. Nondisclosure of information from discussions, deliberations, notes, and records of special selection boards.
Sec. 504. Administrative removal of officers from promotion list.
Sec. 505. Modification of authority for officers selected for appointment to general and flag officer grades to wear insignia of higher grade before appointment.
Sec. 506. Temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer.

Subtitle B—Reserve Component Management

Sec. 511. Removal of statutory distribution limits on Navy reserve flag officer allocation.
Sec. 512. Assignment of Air Force Reserve military technicians (dual status) to positions outside Air Force Reserve unit program.
Sec. 513. Temporary authority for temporary employment of non-dual status military technicians.
Sec. 514. Revision of structure and functions of the Reserve Forces Policy Board.
Sec. 515. Repeal of requirement for new oath when officer transfers from active-duty list to reserve active-status list.
Sec. 516. Leave of members of the reserve components of the Armed Forces.
Sec. 517. Direct appointment of graduates of the United States Merchant Marine Academy into the National Guard.

Subtitle C—Joint Qualified Officers and Requirements

Sec. 521. Technical revisions to definition of joint matters for purposes of joint officer management.
Sec. 522. Modification of promotion board procedures for joint qualified officers and officers with Joint Staff experience.

Subtitle D—General Service Authorities

Sec. 531. Extension of temporary authority to order retired members of the Armed Forces to active duty in high-demand, low-density assignments.
Sec. 532. Non-chargeable rest and recuperation absence for certain members undergoing extended deployment to a combat zone.
Sec. 533. Correction of military records.
Sec. 534. Disposition of members found to be fit for duty who are not suitable for deployment or worldwide assignment for medical reasons.
Sec. 535. Review of laws, policies, and regulations restricting service of female members of the Armed Forces.

Subtitle E—Military Justice and Legal Matters

Sec. 541. Continuation of warrant officers on active duty to complete disciplinary action.
Sec. 542. Enhanced authority to punish contempt in military justice proceedings.
Sec. 543. Improvements to Department of Defense domestic violence programs.

Subtitle F—Member Education and Training Opportunities and Administration

Sec. 551. Enhancements of Department of Defense undergraduate nurse training program.
Sec. 552. Repayment of education loan repayment benefits.
Sec. 553. Participation of Armed Forces Health Professions Scholarship and Financial Assistance Program recipients in active duty health profession loan repayment program.
Sec. 554. Active duty obligation for military academy graduates who participate in the Armed Forces Health Professions Scholarship and Financial Assistance program.

Subtitle G—Defense Dependents' Education

Sec. 561. Enrollment of dependents of members of the Armed Forces who reside in temporary housing in Department of Defense domestic dependent elementary and secondary schools.
Sec. 562. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 563. Impact aid for children with severe disabilities.

Subtitle H—Decorations and Awards

Sec. 571. Clarification of persons eligible for award of bronze star medal.

Sec. 572. Authorization and request for award of Distinguished-Service Cross to Shinyei Matayoshi for acts of valor during World War II.
Sec. 573. Authorization and request for award of Distinguished-Service Cross to Jay C. Copley for acts of valor during the Vietnam War.
Sec. 574. Program to commemorate 60th anniversary of the Korean War.

Subtitle I—Military Family Readiness Matters

Sec. 581. Appointment of additional members of Department of Defense Military Family Readiness Council.
Sec. 582. Enhancement of community support for military families with special needs.
Sec. 583. Modification of Yellow Ribbon Reintegration Program.
Sec. 584. Expansion and continuation of Joint Family Support Assistance Program.
Sec. 585. Report on military spouse education programs.
Sec. 586. Report on enhancing benefits available for military dependent children with special education needs.
Sec. 587. Reports on child development centers and financial assistance for child care for members of the Armed Forces.

Subtitle J—Other Matters

Sec. 591. Authority for members of the Armed Forces and Department of Defense and Coast Guard civilian employees and their families to accept gifts from non-Federal entities.
Sec. 592. Increase in number of private sector civilians authorized for admission to National Defense University.
Sec. 593. Admission of defense industry civilians to attend United States Air Force Institute of Technology.
Sec. 594. Updated terminology for Army Medical Service Corps.
Sec. 595. Date for submission of annual report on Department of Defense STARBASE Program.
Sec. 596. Extension of deadline for submission of final report of Military Leadership Diversity Commission.

Subtitle A—Officer Personnel Policy Generally

SEC. 501. AGES FOR APPOINTMENT AND MANDATORY RETIREMENT FOR HEALTH PROFESSIONS OFFICERS.

(a) AGE FOR ORIGINAL APPOINTMENT AS HEALTH PROFESSIONS OFFICER.—Section 532(d)(2) of title 10, United States Code, is amended by striking "reserve".

(b) MANDATORY RETIREMENT AGE FOR HEALTH PROFESSIONS OFFICERS.—

(1) ADDITIONAL CATEGORIES OF OFFICERS ELIGIBLE FOR DEFERRAL OF MANDATORY RETIREMENT FOR AGE.—Paragraph (2) of section 1251(b) of such title is amended—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(D) an officer in a category of officers designated by the Secretary of the military department concerned for the purposes of this paragraph as consisting of officers whose duties consist primarily of—

"(i) providing health care;

"(ii) performing other clinical care; or

"(iii) performing health care-related administrative duties.".

(2) CONFORMING AMENDMENT.—Paragraph (1) of such section is amended by striking "the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties." and inserting "the officer—

"(A) will be performing duties consisting primarily of providing patient care or performing other clinical duties; or

"(B) is in a category of officers designated under subparagraph (D) of paragraph (2) whose duties will consist primarily of the duties described in clause (i), (ii), or (iii) of such subparagraph.".

SEC. 502. AUTHORITY FOR APPOINTMENT OF WARRANT OFFICERS IN THE GRADE OF W–1 BY COMMISSION AND STANDARDIZATION OF WARRANT OFFICER APPOINTING AUTHORITY.

(a) REGULAR OFFICERS.—

(1) AUTHORITY FOR APPOINTMENTS BY COMMISSION IN WARRANT OFFICER W–1 GRADE.—The first sentence of section 571(b) of title 10, United States Code, is amended by striking "by the Secretary concerned" and inserting ", except that with respect to an armed force under the jurisdiction of the Secretary of a military department, the Secretary concerned may provide by regulation that appointments in that grade in that armed force shall be made by commission".

(2) APPOINTING AUTHORITY.—The second sentence of such section is amended by inserting before the period at the end the following: ", and appointments (whether by warrant or commission) in the grade of regular warrant officer, W–1, shall be made by the President, except that appointments in that grade in the Coast Guard shall be made by the Secretary concerned".

(b) RESERVE OFFICERS.—Subsection (b) of section 12241 of such title is amended to read as follows:

"(b) Appointments in permanent reserve warrant officer grades shall be made in the same manner as is prescribed for regular warrant officer grades by section 571(b) of this title.".

(c) PRESIDENTIAL FUNCTIONS.—Except as otherwise provided by the President by Executive order, the provisions of Executive Order 13384 (10 U.S.C. 531 note) relating to the functions of the President under the second sentence of section 571(b) of title 10, United States Code, shall apply in the same manner to the functions of the President under section 12241(b) of title 10, United States Code.

SEC. 503. NONDISCLOSURE OF INFORMATION FROM DISCUSSIONS, DELIBERATIONS, NOTES, AND RECORDS OF SPECIAL SELECTION BOARDS.

(a) NONDISCLOSURE OF BOARD PROCEEDINGS.—Section 613a of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) PROHIBITION ON DISCLOSURE.—The proceedings of a selection board convened under section 573, 611, or 628 of this title may not be disclosed to any person not a member of the board, except as authorized or required to process the report of the board. This prohibition is a statutory exemption from disclosure, as described in section 552(b)(3) of title 5.";

(2) in subsection (b), by striking "AND RECORDS" and inserting "NOTES, AND RECORDS"; and

(3) by adding at the end the following new subsection:

"(c) APPLICABILITY.—This section applies to all selection boards convened under section 573, 611, or 628 of this title, regardless of the date on which the board was convened.".

(b) REPORTS OF BOARDS.—Section 628(c)(2) of such title is amended by striking "sections 576(d) and 576(f)" and inserting "sections 576(d), 576(f), and 613a".

(c) RESERVE BOARDS.—Section 14104 of such title is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) PROHIBITION ON DISCLOSURE.—The proceedings of a selection board convened under section 14101 or 14502 of this title may not be disclosed to any person not a member of the board, except as authorized or required to process the report of the board. This prohibition is a statutory exemption from disclosure, as described in section 552(b)(3) of title 5.";

(2) in subsection (b), by striking "AND RECORDS" and inserting "NOTES, AND RECORDS"; and

(3) by adding at the end the following new subsection:

"(c) APPLICABILITY.—This section applies to all selection boards convened under section 14101 or 14502 of this title, regardless of the date on which the board was convened.".

SEC. 504. ADMINISTRATIVE REMOVAL OF OFFICERS FROM PROMOTION LIST.

(a) ACTIVE-DUTY LIST.—Section 629 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ADMINISTRATIVE REMOVAL.—Under regulations prescribed by the Secretary concerned, if an officer on the active-duty list is discharged or dropped from the rolls or transferred to a retired status after having been recommended for promotion to a higher grade under this chapter, but before being promoted, the officer's name shall be administratively removed from the list of officers recommended for promotion by a selection board.".

(b) RESERVE ACTIVE-STATUS LIST.—Section 14310 of such title is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ADMINISTRATIVE REMOVAL.—Under regulations prescribed by the Secretary concerned, if an officer on the reserve active-status list is discharged or dropped from the rolls or transferred to a retired status after having been recommended for promotion to a higher grade under this chapter or having been found qualified for Federal recognition in the higher grade under title 32, but before being promoted, the officer's name shall be administratively removed from the list of officers recommended for promotion by a selection board.".

SEC. 505. MODIFICATION OF AUTHORITY FOR OFFICERS SELECTED FOR APPOINTMENT TO GENERAL AND FLAG OFFICER GRADES TO WEAR INSIGNIA OF HIGHER GRADE BEFORE APPOINTMENT.

(a) LIMITED AUTHORITY FOR OFFICERS SELECTED FOR APPOINTMENT TO GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—

(1) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 777a. Wearing of insignia of higher grade before appointment to a grade above major general or rear admiral (frocking): authority; restrictions

"(a) AUTHORITY.—An officer serving in a grade below the grade of lieutenant general or, in the case of the Navy, vice admiral, who has been selected for appointment to the grade of lieutenant general or general, or, in the case of the Navy, vice admiral or admiral, and an officer serving in the grade of lieutenant general or vice admiral who has been selected for appointment to the grade of general or admiral, may be authorized, under regulations and policies of the Department of Defense and subject to subsection (b), to wear the insignia for that higher grade for a period of up to 14 days before assuming the duties of a position for which the higher grade is authorized. An officer who is so authorized to wear the insignia of a higher grade is said to be 'frocked' to that grade.

"(b) RESTRICTIONS.—An officer may not be authorized to wear the insignia for a grade as described in subsection (a) unless—

"(1) the Senate has given its advice and consent to the appointment of the officer to that grade;

"(2) the officer has received orders to serve in a position outside the military department of that officer for which that grade is authorized;

"(3) the Secretary of Defense (or a civilian officer within the Office of the Secretary of Defense whose appointment was made with the advice and consent of the Senate and to whom the Secretary delegates such approval authority) has given approval for the officer to wear the insignia for that grade before assuming the duties of a position for which that grade is authorized; and

"(4) the Secretary of Defense has submitted to Congress a written notification of the intent to authorize the officer to wear the insignia for that grade.

"(c) BENEFITS NOT TO BE CONSTRUED AS ACCRUING.—(1) Authority provided to an officer as described in subsection (a) to wear the insignia of a higher grade may not be construed as conferring authority for that officer to—

"(A) be paid the rate of pay provided for an officer in that grade having the same number of years of service as that officer; or

"(B) assume any legal authority associated with that grade.

"(2) The period for which an officer wears the insignia of a higher grade under such authority may not be taken into account for any of the following purposes:

"(A) Seniority in that grade.

"(B) Time of service in that grade.

"(d) LIMITATION ON NUMBER OF OFFICERS FROCKED.—The total number of officers who are authorized to wear the insignia for a higher grade under this section shall count against the limitation in section 777(d) of this title on the total number of officers authorized to wear the insignia of a higher grade.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"777a. Wearing of insignia of higher grade before appointment to a grade above major general or rear admiral (frocking): authority; restrictions.".

(b) REPEAL OF WAITING PERIOD FOLLOWING CONGRESSIONAL NOTIFICATION FOR OFFICERS SELECTED FOR APPOINTMENT TO GENERAL AND FLAG OFFICER GRADES BELOW LIEUTENANT GENERAL AND VICE ADMIRAL.—Section 777(b)(3)(B) of such title is amended by striking "and a period of 30 days has elapsed after the date of the notification".

SEC. 506. TEMPORARY AUTHORITY TO REDUCE MINIMUM LENGTH OF ACTIVE SERVICE AS A COMMISSIONED OFFICER REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.

(a) ARMY.—Section 3911(b)(2) of title 10, United States Code, is amended by striking "January 6, 2006, and ending on December 31, 2008" and inserting "the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013".

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2)(B) of such title is amended by striking "January 6, 2006, and ending on December 31, 2008" and inserting "the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013".

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by striking "January 6, 2006, and ending on December 31, 2008" and inserting "the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013".

Subtitle B—Reserve Component Management

SEC. 511. REMOVAL OF STATUTORY DISTRIBUTION LIMITS ON NAVY RESERVE FLAG OFFICER ALLOCATION.

Section 12004(c) of title 10, United States Code, is amended—

(1) by striking paragraphs (2), (3), and (5); and

(2) by redesignating paragraph (4) as paragraph (2).

SEC. 512. ASSIGNMENT OF AIR FORCE RESERVE MILITARY TECHNICIANS (DUAL STATUS) TO POSITIONS OUTSIDE AIR FORCE RESERVE UNIT PROGRAM.

Section 10216(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Paragraph (1) does not apply to a military technician (dual status) who is employed by the Air Force Reserve in an area other than the Air Force Reserve unit program, except that not more than 50 of such technicians may be assigned outside of the unit program at the same time.".

SEC. 513. TEMPORARY AUTHORITY FOR TEMPORARY EMPLOYMENT OF NON-DUAL STATUS MILITARY TECHNICIANS.

(a) EXCEPTION FOR TEMPORARY EMPLOYMENT.—Section 10217 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(3) is hired as a temporary employee pursuant to the exception for temporary employment provided by subsection (d) and subject to the terms and conditions of such subsection."; and

(2) by adding at the end the following new subsection:

"(d) EXCEPTION FOR TEMPORARY EMPLOYMENT.—(1) Notwithstanding section 10218 of this title, the Secretary of the Army or the Secretary of the Air Force may employ, for a period not to exceed two years, a person to fill a vacancy created by the mobilization of a military technician (dual status) occupying a position under section 10216 of this title.

"(2) The duration of the temporary employment of a person in a military technician position under this subsection may not exceed the shorter of the following:

"(A) The period of mobilization of the military technician (dual status) whose vacancy is being filled by the temporary employee.

"(B) Two years.

"(3) No person may be hired under the authority of this subsection after the end of the 2-year period beginning on the date of the enactment of this subsection.".

(b) EXCEPTION FROM PERMANENT LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(3) An individual employed as a non-dual status technician as described in subsection (a)(3) shall not be consider a non-dual status technician for purposes of paragraphs (1) and (2).".

SEC. 514. REVISION OF STRUCTURE AND FUNCTIONS OF THE RESERVE FORCES POLICY BOARD.

(a) REVISION OF STRUCTURE.—

(1) IN GENERAL.—Section 10301 of title 10, United States Code, is amended to read as follows:

"§ 10301. Reserve Forces Policy Board

"(a) IN GENERAL.—As provided in section 175 of this title, there is in the Office of the Secretary of Defense a board known as the 'Reserve Forces Policy Board' (in this section referred to as the 'Board').

"(b) FUNCTIONS.—The Board shall serve as an independent adviser to the Secretary of Defense to provide advice and recommendations to the Secretary on strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve components.

"(c) MEMBERSHIP.—The Board consists of 20 members, appointed or designated as follows:

"(1) A civilian appointed by the Secretary of Defense from among persons determined by the Secretary to have the knowledge of, and experience in, policy matters relevant to national security and reserve component matters necessary to carry out the duties of chair of the Board, who shall serve as chair of the Board.

"(2) Two active or retired reserve officers or enlisted members designated by the Secretary of Defense upon the recommendation of the Secretary of the Army—

"(A) one of whom shall be a member of the Army National Guard of the United States or a former member of the Army National Guard of the United States in the Retired Reserve; and

"(B) one of whom shall be a member or retired member of the Army Reserve.

"(3) Two active or retired reserve officers or enlisted members designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy—

"(A) one of whom shall be an active or retired officer of the Navy Reserve; and

"(B) one of whom shall be an active or retired officer of the Marine Corps Reserve.

"(4) Two active or retired reserve officers or enlisted members designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force—

"(A) one of whom shall be a member of the Air National Guard of the United States or a former member of the Air National Guard of the United States in the Retired Reserve; and

"(B) one of whom shall be a member or retired member of the Air Force Reserve.

"(5) One active or retired reserve officer or enlisted member of the Coast Guard designated by the Secretary of Homeland Security.

"(6) Ten persons appointed or designated by the Secretary of Defense, each of whom shall be a United States citizen having significant knowledge of and experience in policy matters relevant to national security and reserve component matters and shall be one of the following:

"(A) An individual not employed in any Federal or State department or agency.

"(B) An individual employed by a Federal or State department or agency.

"(C) An officer of a regular component of the armed forces on active duty, or an officer of a reserve component of the armed forces in an active status, who—

"(i) is serving or has served in a senior position on the Joint Staff, the headquarters staff of a combatant command, or the headquarters staff of an armed force; and

"(ii) has experience in joint professional military education, joint qualification, and joint operations matters.

"(7) A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general or flag officer recommended by the chair and designated by the Secretary of Defense, who shall serve without vote—

"(A) as military adviser to the chair;

"(B) as military executive officer of the Board; and

"(C) as supervisor of the operations and staff of the Board.

"(8) A senior enlisted member of a reserve component recommended by the chair and designated by the Secretary of

Defense, who shall serve without vote as enlisted military adviser to the chair.

"(d) MATTERS TO BE ACTED ON.—The Board may act on those matters referred to it by the chair and on any matter raised by a member of the Board or the Secretary of Defense.

"(e) STAFF.—The Board shall be supported by a staff consisting of one full-time officer from each of the reserve components listed in paragraphs (1) through (6) of section 10101 of this title who holds the grade of colonel (or in the case of the Navy, the grade of captain) or who has been selected for promotion to that grade. These officers shall also serve as liaisons between their respective components and the Board. They shall perform their staff and liaison duties under the supervision of the military executive officer of the Board in an independent manner reflecting the independent nature of the Board.

"(f) RELATIONSHIP TO SERVICE RESERVE POLICY COMMITTEES AND BOARDS.—This section does not affect the committees and boards prescribed within the military departments by sections 10302 through 10305 of this title, and a member of such a committee or board may, if otherwise eligible, be a member of the Board.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on July 1, 2011.

(b) REVISION TO ANNUAL REPORT REQUIREMENT.—Section 113(c)(2) of title 10, United States Code, is amended by striking "the reserve programs of the Department of Defense and on any other matters" and inserting "on any reserve component matter".

SEC. 515. REPEAL OF REQUIREMENT FOR NEW OATH WHEN OFFICER TRANSFERS FROM ACTIVE-DUTY LIST TO RESERVE ACTIVE-STATUS LIST.

Section 12201(a)(2) of title 10, United States Code, is amended by striking "An officer transferred from the active-duty list of an armed force to a reserve active-status list of an armed force under section 647 of this title" and inserting "If an officer is transferred from the active-duty list of an armed force to a reserve active-status list of an armed force in accordance with regulations prescribed by the Secretary of Defense, the officer".

SEC. 516. LEAVE OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) CARRYOVER OF ACCUMULATED LEAVE TO SUCCEEDING PERIOD OF ACTIVE SERVICE.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(k) A member of a reserve component who accumulates leave during a period of active service may carry over any leave so accumulated to the member's next period of active service, subject to the accumulation limits in subsections (b), (d), and (f), without regard to separation or release from active service if the separation or release is under honorable conditions. The taking of leave carried over under this subsection shall be subject to the provisions of this section.".

(b) PAYMENT FOR UNUSED ACCRUED LEAVE.—Section 501(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(4) in the case of an officer or an enlisted member of a reserve component who is not serving on active duty, separation or release from the reserve component under honorable conditions, or death; and

"(5) in the case of an enlisted member of a reserve a component who is not serving on active duty, termination of enlistment in conjunction with the commencement of a successive enlistment, or appointment as an officer.".

SEC. 517. DIRECT APPOINTMENT OF GRADUATES OF THE UNITED STATES MERCHANT MARINE ACADEMY INTO THE NATIONAL GUARD.

Section 305(a)(5) of title 32, United States Code, is amended by striking "or the United States Coast Guard Academy" and inserting "the United States Coast Guard Academy, or the United States Merchant Marine Academy".

Subtitle C—Joint Qualified Officers and Requirements

SEC. 521. TECHNICAL REVISIONS TO DEFINITION OF JOINT MATTERS FOR PURPOSES OF JOINT OFFICER MANAGEMENT.

Section 668(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "multiple" in the matter preceding subparagraph (A) and inserting "integrated"; and

(B) by striking "and" at the end of the subparagraph (D) and inserting "or"; and

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) In the context of joint matters, the term 'integrated military forces' refers to military forces that are involved in the planning or execution (or both) of operations involving participants from—

"(A) more than one military department; or

"(B) a military department and one or more of the following:

"(i) Other departments and agencies of the United States.

"(ii) The military forces or agencies of other countries.

"(iii) Non-governmental persons or entities.".

SEC. 522. MODIFICATION OF PROMOTION BOARD PROCEDURES FOR JOINT QUALIFIED OFFICERS AND OFFICERS WITH JOINT STAFF EXPERIENCE.

(a) BOARD COMPOSITION.—Subsection (c) of section 612 of title 10, United States Code, is amended to read as follows:

"(c)(1) Each selection board convened under section 611(a) of this title that will consider an officer described in paragraph (2) shall include at least one officer designated by the Chairman of the Joint Chiefs of Staff who is a joint qualified officer.

"(2) Paragraph (1) applies with respect to an officer who—

"(A) is serving on, or has served on, the Joint Staff; or

"(B) is a joint qualified officer.

"(3) The Secretary of Defense may waive the requirement in paragraph (1) in the case of—

"(A) any selection board of the Marine Corps; or

"(B) any selection board that is considering officers in specialties identified in paragraph (2) or (3) of section 619a(b) of this title.".

(b) INFORMATION FURNISHED TO SELECTION BOARDS.—Section 615 of such title is amended in subsections (b)(5) and (c) by striking "in joint duty assignments of officers who are serving, or have served, in such assignments" and inserting "of officers who are serving on, or have served on, the Joint Staff or are joint qualified officers".

(c) ACTION ON REPORT OF SELECTION BOARDS.—Section 618(b) of such title is amended—

(1) in paragraph (1), by striking "are serving, or have served, in joint duty assignments" and inserting "are serving on, or have served on, the Joint Staff or are joint qualified officers";

(2) in subparagraphs (A) and (B) of paragraph (2), by striking "in joint duty assignments of officers who are serving, or have served, in such assignments" and inserting "of officers who are serving on, or have served on, the Joint Staff or are joint qualified officers"; and

(3) in paragraph (4), by striking "in joint duty assignments" and inserting "who are serving on, or have served on, the Joint Staff or are joint qualified officers".

Subtitle D—General Service Authorities

SEC. 531. EXTENSION OF TEMPORARY AUTHORITY TO ORDER RETIRED MEMBERS OF THE ARMED FORCES TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS.

(a) EXTENSION OF AUTHORITY.—Section 688a(f) of title 10, United States Code, is amended by striking "December 31, 2010" and inserting "December 31, 2011".

(b) REPORT REQUIRED.—Not later than April 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an assessment by the Secretary of the need to extend the authority provided by section 688a of title 10, United States Code, beyond December 31, 2011. The report shall include, at a minimum, the following:

(1) A list of the current types of high-demand, low-density capabilities (as defined in such section) for which the authority is being used to address operational requirements.

(2) For each high-demand, low-density capability included in the list under paragraph (1), the number of retired members of the Armed Forces who have served on active duty at any time during each of fiscal years 2007 through 2010 under the authority.

(3) A plan to increase the required active duty strength for the high-demand, low-density capabilities included in the list under paragraph (1) to eliminate the need to use the authority.

SEC. 532. NON-CHARGEABLE REST AND RECUPERATION ABSENCE FOR CERTAIN MEMBERS UNDERGOING EXTENDED DEPLOYMENT TO A COMBAT ZONE.

(a) IN GENERAL.—Chapter 40 of title 10, United States Code, is amended by inserting after section 705 the following new section:

"§ 705a. Rest and recuperation absence: certain members undergoing extended deployment to a combat zone

"(a) REST AND RECUPERATION AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide a member of the armed forces described in subsection (b) the benefits described in subsection (c).

"(b) COVERED MEMBERS.—A member of the armed forces described in this subsection is any member who—

"(1) is assigned or deployed for at least 270 days in an area or location—

"(A) that is designated by the President as a combat zone; and

"(B) in which hardship duty pay is authorized to be paid under section 305 of title 37; and

"(2) meets such other criteria as the Secretary of Defense may prescribe in the regulations required by subsection (a).

"(c) BENEFITS.—The benefits described in this subsection are the following:

"(1) A period of rest and recuperation absence for not more than 15 days.

"(2) Round-trip transportation at Government expense from the area or location in which the member is serving in connection with the exercise of the period of rest and recuperation.

"(d) CONSTRUCTION WITH OTHER LEAVE.—Any benefits provided a member under this section are in addition to any other leave or absence to which the member may be entitled.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 705 the following new item:

"705a. Rest and recuperation absence: certain members undergoing extended deployment to a combat zone.".

SEC. 533. CORRECTION OF MILITARY RECORDS.

(a) MEMBERS ELIGIBLE TO REQUEST REVIEW OF RETIREMENT OR SEPARATION WITHOUT PAY FOR PHYSICAL DISABILITY.—Section 1554(a) of title 10, United States Code, is amended—

(1) by striking "an officer" and inserting "a member or former member of the uniformed services"; and

(2) by striking "his case" and inserting "the member's case".

(b) LIMITATION ON REDUCTION IN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCY.—1559(a) of such title is amended by striking "December 31, 2010" and inserting "December 31, 2013".

SEC. 534. DISPOSITION OF MEMBERS FOUND TO BE FIT FOR DUTY WHO ARE NOT SUITABLE FOR DEPLOYMENT OR WORLDWIDE ASSIGNMENT FOR MEDICAL REASONS.

(a) DISPOSITION.—

(1) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1214 the following new section:

"§ 1214a. Members determined fit for duty in Physical Evaluation Board evaluation: prohibition on involuntary administrative separation due to unsuitability based on medical conditions considered in evaluation

"(a) DISPOSITION.—Except as provided in subsection (c), the Secretary of the military department concerned may not authorize the involuntary administrative separation of a member described in subsection (b) based on a determination that the member is unsuitable for deployment or worldwide assignment based on the same medical condition of the member considered by a Physical Evaluation Board during the evaluation of the member.

"(b) COVERED MEMBERS.—A member covered by subsection (a) is any member of the armed forces who has been determined by a Physical Evaluation Board pursuant to a physical evaluation by the board to be fit for duty.

"(c) REEVALUATION.—(1) The Secretary of the military department concerned may direct the Physical Evaluation Board to reevaluate any member described in subsection (b) if the Secretary has reason to believe that a medical condition of the member considered by the Physical Evaluation Board during the evaluation of the member described in that subsection renders the member unsuitable for continued military service based on the medical condition.

"(2) A member determined pursuant to reevaluation under paragraph (1) to be unfit to perform the duties of the member's office, grade, rank, or rating may be retired or separated for physical disability under this chapter.

"(3) The Secretary of Defense shall be the final approval authority for any case determined by the Secretary of a military department to warrant administrative separation based on a determination that the member is unsuitable for continued service due to the same medical condition of the member considered by a Physical Evaluation Board that found the member fit for duty.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1214 the following new item:

"1214a. Members determined fit for duty in Physical Evaluation Board evaluation: prohibition on involuntary administrative separation due to unsuitability based on medical conditions considered in evaluation.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to members evaluated for fitness for duty by Physical Evaluation Boards on or after that date.

SEC. 535. REVIEW OF LAWS, POLICIES, AND REGULATIONS RESTRICTING SERVICE OF FEMALE MEMBERS OF THE ARMED FORCES.

(a) REVIEW REQUIRED.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall conduct a review of laws, policies, and regulations, including the collocation policy, that may restrict the service of female members of the Armed Forces to determine whether changes in such laws, policies, and regulations are needed to ensure that female members have an equitable opportunity to compete and excel in the Armed Forces.

(b) SUBMISSION OF RESULTS.—Not later than April 15, 2011, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the review.

Subtitle E—Military Justice and Legal Matters

SEC. 541. CONTINUATION OF WARRANT OFFICERS ON ACTIVE DUTY TO COMPLETE DISCIPLINARY ACTION.

Section 580 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) A warrant officer subject to discharge or retirement under this section, but against whom any action has been commenced with a view to trying the officer by court-martial, may be continued on active duty, without prejudice to such action, until the completion of such action.".

SEC. 542. ENHANCED AUTHORITY TO PUNISH CONTEMPT IN MILITARY JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 848. Art. 48. Contempts

"(a) AUTHORITY TO PUNISH CONTEMPT.—A judge detailed to a court-martial, a court of inquiry, the United States Court of Appeals for the Armed Forces, a military Court of Criminal Appeals, a provost court, or a military commission may punish for contempt any person who—

"(1) uses any menacing word, sign, or gesture in the presence of the judge during the proceedings of the court-martial, court, or military commission;

"(2) disturbs the proceedings of the court-martial, court, or military commission by any riot or disorder; or

"(3) willfully disobeys the lawful writ, process, order, rule, decree, or command of the court-martial, court, or military commission.

"(b) PUNISHMENT.—The punishment for contempt under subsection (a) may not exceed confinement for 30 days, a fine of $1,000, or both.

"(c) INAPPLICABILITY TO MILITARY COMMISSIONS UNDER CHAPTER 47A.—This section does not apply to a military commission established under chapter 47A of this title.".

(b) EFFECTIVE DATE.—Section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), as amended by subsection (a), shall apply with respect to acts of contempt committed after the date of the enactment of this Act.

SEC. 543. IMPROVEMENTS TO DEPARTMENT OF DEFENSE DOMESTIC VIOLENCE PROGRAMS.

(a) IMPLEMENTATION OF OUTSTANDING COMPTROLLER GENERAL RECOMMENDATIONS.—Consistent with the recommendations contained in the report of the Comptroller General of the United States titled "Status of Implementation of GAO's 2006 Recommendations on the Department of Defense's Domestic Violence Program" (GAO–10–577R), the Secretary of Defense shall complete,

not later than one year after the date of enactment of this Act, implementation of actions to address the following recommendations:

(1) DEFENSE INCIDENT-BASED REPORTING SYSTEM.—The Secretary of Defense shall develop a comprehensive management plan to address deficiencies in the data captured in the Defense Incident-Based Reporting System to ensure the system can provide an accurate count of domestic violence incidents, and any consequent disciplinary action, that are reported throughout the Department of Defense.

(2) ADEQUATE PERSONNEL.—The Secretary of Defense shall develop a plan to ensure that adequate personnel are available to implement recommendations made by the Defense Task Force on Domestic Violence.

(3) DOMESTIC VIOLENCE TRAINING DATA FOR CHAPLAINS.—The Secretary of Defense shall develop a plan to collect domestic violence training data for chaplains.

(4) OVERSIGHT FRAMEWORK.—The Secretary of Defense shall develop an oversight framework for Department of Defense domestic violence programs, to include oversight of implementation of recommendations made by the Defense Task Force on Domestic Violence, including budgeting, communication initiatives, and policy compliance.

(b) IMPLEMENTATION REPORT.—The Secretary of Defense shall submit to the congressional defense committees an implementation report within 90 days of the completion of actions outlined in subsection (a).

Subtitle F—Member Education and Training Opportunities and Administration

SEC. 551. ENHANCEMENTS OF DEPARTMENT OF DEFENSE UNDERGRADUATE NURSE TRAINING PROGRAM.

(a) CLARIFICATION OF DEGREE COVERED BY PROGRAM.—Subsection (a) of section 2016 of title 10, United States Code, is amended by striking "a nursing degree" and inserting "a bachelor of science degree in nursing".

(b) GRADUATION RATES OF TRAINING PROGRAMS.—Subsection (b) of such section is amended by inserting "in nursing" after "bachelor of science degree".

(c) LOCATION OF PROGRAMS.—Subsection (d) of such section is amended to read as follows:

"(d) LOCATION OF PROGRAMS.—(1) An academic institution selected to operate an undergraduate nurse training program shall establish the program at or near a military installation that has a military treatment facility designated as a medical center with inpatient capability and multiple graduate medical education programs located on the installation or within reasonable proximity to the installation.

"(2) Before approving a location as the site of an undergraduate nurse training program, the Secretary of Defense shall conduct an assessment to ensure that the establishment of the program at that location will not adversely impact or displace existing nurse training programs, either conducted by the Department of Defense or by a civilian entity, at the location.".

(d) PILOT PROGRAM.—

(1) IMPLEMENTATION.—Paragraph (2) of section 525(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2287; 10 U.S.C. 2016 note) is amended by striking "July 1, 2011" and inserting "December 31, 2011".

(2) GRADUATION RATES.—Paragraph (3) of such section is amended—

(A) by striking the "The pilot program shall achieve" and inserting "The goal of the pilot program is to achieve"; and

(B) by striking "nurse training program" and inserting "nurse training programs".

SEC. 552. REPAYMENT OF EDUCATION LOAN REPAYMENT BENEFITS.

(a) ENLISTED MEMBERS ON ACTIVE DUTY IN SPECIFIED MILITARY SPECIALTIES.—Section 2171 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(g) Except a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 16301 of this title, a member of the armed forces who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) of title 37.

"(h) The Secretary of Defense may prescribe, by regulations, procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member's death or disability.".

(b) MEMBERS OF SELECTED RESERVE.—Section 16301 of such title is amended by adding at the end the following new subsections:

"(h) Except a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 2171 of this title, a member of the armed forces who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) of title 37.

"(i) The Secretary of Defense may prescribe, by regulations, procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member's death or disability.".

SEC. 553. PARTICIPATION OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM RECIPIENTS IN ACTIVE DUTY HEALTH PROFESSION LOAN REPAYMENT PROGRAM.

Section 2173(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The person is enrolled in the Armed Forces Health Professions Scholarship and Financial Assistance Program under subchapter I of chapter 105 of this title for a number of years less than is required to complete the normal length of the course of study required for the health profession concerned.".

SEC. 554. ACTIVE DUTY OBLIGATION FOR MILITARY ACADEMY GRADUATES WHO PARTICIPATE IN THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) MILITARY ACADEMY GRADUATES.—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in a program under section 2121 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in such program.".

(b) NAVAL ACADEMY GRADUATES.—Section 6959(a) of such title is amended by adding at the end the following new paragraph:

"(4) That if an appointment described in paragraph (2) or (3) is tendered and the midshipman participates in a program under section 2121 of this title, the midshipman will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in such program.".

(c) AIR FORCE ACADEMY GRADUATES.—Section 9348(a) of such title is amended by adding at the end the following new paragraph:

"(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in a program under section 2121 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in such program.".

Subtitle G—Defense Dependents' Education

SEC. 561. ENROLLMENT OF DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO RESIDE IN TEMPORARY HOUSING IN DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

Section 2164(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Under the circumstances described in subparagraph (B), the Secretary may, at the discretion of the Secretary, permit a dependent of a member of the armed forces to enroll in an educational program provided by the Secretary pursuant to this subsection without regard to the requirement in paragraph (1) with respect to residence on a military installation.

"(B) Subparagraph (A) applies only if—

"(i) the dependents reside in temporary housing (regardless of whether the temporary housing is on Federal property)—

"(I) because of the unavailability of adequate permanent living quarters on the military installation to which the member is assigned; or

"(II) while the member is wounded, ill, or injured; and

"(ii) the Secretary determines that the circumstances of such living arrangements justify extending the enrollment authority to include the dependents.".

SEC. 562. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2011 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2011 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 563. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2011 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

Subtitle H—Decorations and Awards

SEC. 571. CLARIFICATION OF PERSONS ELIGIBLE FOR AWARD OF BRONZE STAR MEDAL.

(a) LIMITATION ON ELIGIBLE PERSONS.—Section 1133 of title 10, United States Code, is amended to read as follows:

"§ 1133. Bronze Star: limitation on persons eligible to receive

"The decoration known as the 'Bronze Star' may only be awarded to a member of a military force who—

"(1) at the time of the events for which the decoration is to be awarded, was serving in a geographic area in which special pay is authorized under section 310 or paragraph (1) or (3) of section 351(a) of title 37; or

"(2) receives special pay under section 310 or paragraph (1) or (3) of section 351(a) of title 37 as a result of those events.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of such title is amended by striking the item relating to section 1133 and inserting the following new item:

"1133. Bronze Star: limitation on persons eligible to receive.".

(c) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) applies to the award of the Bronze Star after October 30, 2000.

SEC. 572. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO SHINYEI MATAYOSHI FOR ACTS OF VALOR DURING WORLD WAR II.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of that title to Shinyei Matayoshi for the acts of valor referred to in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Tech Sergeant Shinyei Matayoshi on April 7, 1945, as a member of Company G, 2d Battalion, 442d Regimental Combat Team during World War II.

SEC. 573. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JAY C. COPLEY FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of such title to former Captain Jay C. Copley of the United States Army for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Captain Jay C. Copley on May 5, 1968, as commander of Company C of the 1st Battalion, 50th Infantry, attached to the 173d Airborne Brigade during an engagement with a regimental-size enemy force in Bin Dinh Province, South Vietnam.

SEC. 574. PROGRAM TO COMMEMORATE 60TH ANNIVERSARY OF THE KOREAN WAR.

(a) COMMEMORATIVE PROGRAM AUTHORIZED.—The Secretary of Defense may establish and conduct a program to commemorate the 60th anniversary of the Korean War (in this section referred to as the "commemorative program"). In conducting the commemorative program, the Secretary of Defense shall coordinate and support other programs and activities of the Federal Government, State and local governments, and other persons and organizations in commemoration of the Korean War.

(b) SCHEDULE.—If the Secretary of Defense establishes the commemorative program, the Secretary shall determine the schedule of major events and priority of efforts for the commemorative program to achieve the commemorative objectives specified

in subsection (c). The Secretary of Defense may establish a committee to assist the Secretary in determining the schedule and conducting the commemorative program.

(c) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To thank and honor veterans of the Korean War, including members of the Armed Forces who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States.

(2) To thank and honor the families of veterans of the Korean War for their sacrifices and contributions, especially families who lost a loved one in the Korean War.

(3) To highlight the service of the Armed Forces during the Korean War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces.

(4) To pay tribute to the sacrifices and contributions made on the home front by the people of the United States during the Korean War.

(5) To provide the people of the United States with a clear understanding and appreciation of the lessons and history of the Korean War.

(6) To highlight the advances in technology, science, and medicine related to military research conducted during the Korean War.

(7) To recognize the contributions and sacrifices made by the allies of the United States during the Korean War.

(d) USE OF THE UNITED STATES OF AMERICA KOREAN WAR COMMEMORATION AND SYMBOLS.—Subsection (c) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918), as amended by section 1067 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2134) and section 1052 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 764), shall apply to the commemorative program.

(e) COMMEMORATIVE FUND.—

(1) ESTABLISHMENT OF NEW ACCOUNT.—If the Secretary of Defense establishes the commemorative program, the Secretary the Treasury shall establish in the Treasury of the United States an account to be known as the "Department of Defense Korean War Commemoration Fund" (in this section referred to as the "Fund").

(2) ADMINISTRATION AND USE OF FUND.—The Fund shall be available to, and administered by, the Secretary of Defense. The Secretary of Defense shall use the assets of the Fund only for the purpose of conducting the commemorative program and shall prescribe such regulations regarding the use of the Fund as the Secretary of Defense considers to be necessary.

(3) DEPOSITS.—There shall be deposited into the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the use by the Secretary of Defense of the exclusive rights described in subsection (c) of section 1083 of the National Defense Authorization

Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918).

(C) Donations made in support of the commemorative program by private and corporate donors.

(4) AVAILABILITY.—Subject to paragraph (5), amounts in the Fund shall remain available until expended.

(5) TREATMENT OF UNOBLIGATED FUNDS; TRANSFER.—If unobligated amounts remain in the Fund as of September 30, 2013, the Secretary of the Treasury shall transfer the remaining amounts to the Department of Defense Vietnam War Commemorative Fund established pursuant to section 598(e) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 113 note). The transferred amounts shall be merged with, and available for the same purposes as, other amounts in the Department of Defense Vietnam War Commemorative Fund.

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary of Defense shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) COMPENSATION FOR WORK-RELATED INJURY.—A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. The person shall also be considered a special governmental employee for purposes of standards of conduct and sections 202, 203, 205, 207, 208, and 209 of title 18, United States Code. A person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of voluntary services under this subsection.

(3) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary of Defense may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary of Defense shall determine which expenses are eligible for reimbursement under this paragraph.

(g) REPORT REQUIRED.—If the Secretary of Defense conducts the commemorative program, the Inspector General of the Department of Defense shall submit to Congress, not later than 60 days after the end of the commemorative program, a report containing an accounting of—

(1) all of the funds deposited into and expended from the Fund;

(2) any other funds expended under this section; and

(3) any unobligated funds remaining in the Fund as of September 30, 2013, that are transferred to the Department of Defense Vietnam War Commemorative Fund pursuant to subsection (e)(5).

(h) LIMITATION ON EXPENDITURES.—Using amounts appropriated to the Department of Defense, the Secretary of Defense

may not expend more than $5,000,000 to carry out the commemorative program.

Subtitle I—Military Family Readiness Matters

SEC. 581. APPOINTMENT OF ADDITIONAL MEMBERS OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

(a) INCLUSION OF SPOUSE OF GENERAL OR FLAG OFFICER.—Subsection (b) of section 1781a of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph:

"(E) The spouse of a general or flag officer."; and

(2) in paragraph (2), by striking "subparagraphs (C) and (D)" and inserting "subparagraphs (C), (D), and (E)".

(b) INCLUSION OF DIRECTOR OF OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—Subsection (b)(1) of such section is further amended by adding at the end the following new subparagraph:

"(G) The Director of the Office of Community Support for Military Families With Special Needs.".

(c) CLARIFICATION OF APPOINTMENT OPTIONS FOR EXISTING MEMBER.—Subparagraph (F) of subsection (b)(1) of such section, as redesignated by subsection (a)(1)(A), is amended to read as follows:

"(F) In addition to the representatives appointed under subparagraphs (B) and (C), the senior enlisted advisor, or the spouse of a senior enlisted member, from each of the Army, Navy, Marine Corps, and Air Force.".

(d) APPOINTMENT BY SECRETARY OF DEFENSE.—Subsection (b) of such section is further amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ", who shall be appointed by the Secretary of Defense";

(B) in subparagraph (C), by striking ", who shall be appointed by the Secretary of Defense" both places it appears; and

(C) in subparagraph (D), by striking "by the Secretary of Defense"; and

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

"(3) The Secretary of Defense shall appoint the members of the Council required by subparagraphs (B) through (F) of paragraph (1).".

SEC. 582. ENHANCEMENT OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) DIRECTOR OF THE OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—Subsection (c) of section 1781c of title 10, United States Code, is amended to read as follows:

"(c) DIRECTOR.—(1) The head of the Office shall be the Director of the Office of Community Support for Military Families With

Special Needs, who shall be a member of the Senior Executive Service or a general officer or flag officer.

"(2) In the discharge of the responsibilities of the Office, the Director shall be subject to the supervision, direction, and control of the Under Secretary of Defense for Personnel and Readiness.".

(b) ADDITIONAL RESPONSIBILITY FOR OFFICE.—Subsection (d) of such section is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7) To conduct periodic reviews of best practices in the United States in the provision of medical and educational services for children with special needs.".

(c) ENHANCEMENT OF SUPPORT.—Section 563 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2304) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

"(c) MILITARY DEPARTMENT SUPPORT FOR LOCAL CENTERS TO ASSIST MILITARY CHILDREN WITH SPECIAL NEEDS.—The Secretary of a military department may establish or support centers on or in the vicinity of military installations under the jurisdiction of such Secretary to coordinate and provide medical and educational services for children with special needs of members of the Armed Forces who are assigned to such installations.

"(d) ADVISORY PANEL ON COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this subsection, the Secretary of Defense shall establish an advisory panel on community support for military families with special needs.

"(2) MEMBERS.—The advisory panel shall consist of seven individuals who are a member of a military family with special needs. The Secretary of Defense shall appoint the members of the advisory panel.

"(3) DUTIES.—The advisory panel shall—

"(A) provide informed advice to the Director of the Office of Community Support for Military Families With Special Needs on the implementation of the policy required by subsection (e) of section 1781c of title 10, United States Code, and on the discharge of the programs required by subsection (f) of such section;

"(B) assess and provide information to the Director on services and support for children with special needs that is available from other departments and agencies of the Federal Government and from State and local governments; and

"(C) otherwise advise and assist the Director in the discharge of the duties of the Office of Community Support for Military Families With Special Needs in such manner as the Secretary of Defense and the Director jointly determine appropriate.

"(4) MEETINGS.—The Director shall meet with the advisory panel at such times, and with such frequency, as the Director considers appropriate. The Director shall meet with the panel

at least once each year. The Director may meet with the panel through teleconferencing or by other electronic means.".

SEC. 583. MODIFICATION OF YELLOW RIBBON REINTEGRATION PROGRAM.

(a) OFFICE FOR REINTEGRATION PROGRAMS.—Subsection (d)(1) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended—

(1) by striking "The Under" and inserting the following: "(A) IN GENERAL.—The Under"; and

(2) in the last sentence—

(A) by striking "The office may also" and inserting the following:

"(B) PARTNERSHIPS AND ACCESS.—The office may";

(B) by inserting "and the Department of Veterans Affairs" after "Administration"; and

(C) by adding at the end the following new sentence: "Service and State-based programs may provide access to curriculum, training, and support for services to members and families from all components.".

(b) CENTER FOR EXCELLENCE IN REINTEGRATION.—Subsection (d)(2) of such section is amended by adding at the end the following new sentence: "The Center shall develop and implement a process for evaluating the effectiveness of the Yellow Ribbon Reintegration Program in supporting the health and well-being of members of the Armed Forces and their families throughout the deployment cycle described in subsection (g).".

(c) STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—Subsection (f)(3) of such section is amended by inserting "and community-based organizations" after "service providers".

(d) OPERATION OF PROGRAM DURING DEPLOYMENT AND POST-DEPLOYMENT-RECONSTITUTION PHASES.—Subsection (g) of such section is amended—

(1) in paragraph (3), by inserting "and to decrease the isolation of families during deployment" after "combat zone"; and

(2) in paragraph (5)(A), by inserting ", providing information on employment opportunities," after "communities".

(e) ADDITIONAL OUTREACH SERVICE.—Subsection (h) of such section, as amended by section 595(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2338), is amended by adding at the end the following new paragraph:

"(15) Resiliency training to promote comprehensive programs for members of the Armed Forces to build mental and emotional resiliency for successfully meeting the demands of the deployment cycle.".

SEC. 584. EXPANSION AND CONTINUATION OF JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.

Section 675 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 119 Stat. 2273; 10 U.S.C. 1781 note) is amended—

(1) in subsection (b)—

(A) by striking "not more than" and inserting "not less than"; and

(B) by striking "Up to" and inserting "At least"; and

(2) in subsection (h), by striking "at the end of the three-year period beginning on the date on which funds are first obligated for the program" and inserting "on December 31, 2012".

SEC. 585. REPORT ON MILITARY SPOUSE EDUCATION PROGRAMS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall carry out a review of all education programs of the Department of Defense and Department of Veterans Affairs designed to support spouses of members of the Armed Forces.

(b) ELEMENTS OF REVIEW.—At a minimum, the review shall evaluate the following:

(1) All education programs of the Department of Defense and Department of Veterans Affairs that are in place to advance educational opportunities for military spouses.

(2) The efficacy and effectiveness of such education programs.

(3) The extent to which the availability of educational opportunities for military spouses influences the decisions of members to remain in the Armed Forces.

(4) A comparison of the costs associated with providing military spouse education opportunities as an incentive to retain members rather than recruiting or training new members.

(c) SUBMISSION OF RESULTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the results of the review; and

(2) such recommendations as the Secretary considers necessary for improving military spouse education programs.

(d) CONSULTATION.—In conducting the review and preparing the report, the Secretary of Defense shall consult with the Secretary of Veterans Affairs regarding education programs of Department of Veterans Affairs assisting spouses of members of the Armed Forces.

SEC. 586. REPORT ON ENHANCING BENEFITS AVAILABLE FOR MILITARY DEPENDENT CHILDREN WITH SPECIAL EDUCATION NEEDS.

(a) REPORT REQUIRED.—Not later than September 30, 2011, the Secretary of the Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the needs of military families with children with special education needs and evaluating options to enhance the benefits available to such families and children under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in meeting such needs.

(b) CONSULTATION.—The Secretary of Defense shall prepare the report in consultation with the Secretary of Education.

(c) ELEMENTS.—In preparing the report, the Secretary of Defense shall—

(1) identify and assess obstacles faced by military families with children with special education needs in obtaining a free appropriate public education to address such needs;

(2) identify and assess evidence-based research and best practices for providing special education and related services (as those terms are defined in section 602 of the Individuals

with Disabilities Education Act (20 U.S.C. 1401)) for military children with special education needs;

(3) assess timeliness in obtaining special education and related services described in paragraph (2);

(4) determine and document the cost associated with obtaining special education and related services described in paragraph (2);

(5) assess the feasibility of establishing an individualized education program for military children with special education needs that is applicable across jurisdictions of local educational agencies in order to achieve reciprocity among States in acknowledging such programs;

(6) identify means of improving oversight and compliance with the requirements of section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414) relating to a local educational agency supporting an existing individualized education program for a child with special education needs who is relocating to another State pursuant to the permanent change of station of a military parent until an individualized education program is developed and approved for such child in the State to which the child relocates;

(7) assess the feasibility of establishing an expedited process for resolution of complaints by military parents with a child with special education needs about lack of access to education and related services otherwise specified in the individualized education program of the child;

(8) assess the feasibility of permitting the Department of Defense to contact the State to which a military family with a child with special education needs will relocate pursuant to a permanent change of station when the orders for such change of station are issued, but before the family takes residence in such State, for the purpose of commencing preparation for education and related services specified in the individualized education program of the child;

(9) assess the feasibility of establishing a system within the Department of Defense to document complaints by military parents regarding access to free and appropriate public education for their children with special education needs;

(10) identify means to strengthen the monitoring and oversight of special education and related services for military children with special education needs under the Interstate Compact on Educational Opportunities for Military Children; and

(11) consider such other matters as the Secretary of Defense and the Secretary of Education jointly consider appropriate.

SEC. 587. REPORTS ON CHILD DEVELOPMENT CENTERS AND FINANCIAL ASSISTANCE FOR CHILD CARE FOR MEMBERS OF THE ARMED FORCES.

(a) REPORTS REQUIRED.—Not later than six months after the date of the enactment of this Act, and every two years thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on Department of Defense child development centers and financial assistance for child care provided by the Department of Defense off-installation to members of the Armed Forces.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following, current as of the date of such report:

(1) The number of child development centers currently located on military installations.

(2) The number of dependents of members of the Armed Forces utilizing such child development centers.

(3) The number of dependents of members of the Armed Forces that are unable to utilize such child development centers due to capacity limitations.

(4) The types of financial assistance available for child care provided by the Department of Defense off-installation to members of the Armed Forces (including eligible members of the reserve components).

(5) The extent to which members of the Armed Forces are utilizing such financial assistance for child care off-installation.

(6) The methods by which the Department of Defense reaches out to eligible military families to increase awareness of the availability of such financial assistance.

(7) The formulas used to calculate the amount of such financial assistance provided to members of the Armed Forces.

(8) The funding available for such financial assistance in the Department of Defense and in the military departments.

(9) The barriers to access, if any, to such financial assistance faced by members of the Armed Forces, including whether standards and criteria of the Department of Defense for child care off-installation may affect access to child care.

(10) Any other matters the Secretary considers appropriate in connection with such report, including with respect to the enhancement of access to Department of Defense child care development centers and financial assistance for child care off-installation for members of the Armed Forces.

Subtitle J—Other Matters

SEC. 591. AUTHORITY FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE AND COAST GUARD CIVILIAN EMPLOYEES AND THEIR FAMILIES TO ACCEPT GIFTS FROM NON-FEDERAL ENTITIES.

(a) CODIFICATION AND EXPANSION OF EXISTING AUTHORITY TO COVER ADDITIONAL MEMBERS AND EMPLOYEES.—Chapter 155 of title 10, United States Code, is amended by inserting after section 2601 the following new section:

"§ 2601a. Direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families

"(a) REGULATIONS GOVERNING ACCEPTANCE OF GIFTS.—(1) The Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) shall issue regulations to provide that, subject to such limitations as may be specified in such regulations, the following individuals may accept gifts from nonprofit organizations, private parties, and other sources outside the Department of Defense or the Department of Homeland Security:

"(A) A member of the armed forces described in subsection (b).

"(B) A civilian employee of the Department of Defense or Coast Guard described in subsection (c).

"(C) The family members of such a member or employee.

"(D) Survivors of such a member or employee who is killed.

"(2) The regulations required by this subsection shall—

"(A) apply uniformly to all elements of the Department of Defense and, to the maximum extent feasible, to the Coast Guard; and

"(B) require review and approval by a designated agency ethics official before acceptance of a gift to ensure that acceptance of the gift complies with the Joint Ethics Regulation.

"(b) COVERED MEMBERS.—This section applies to a member of the armed forces who, while performing active duty, full-time National Guard duty, or inactive-duty training on or after September 11, 2001, incurred an injury or illness—

"(1) as described in section 1413a(e)(2) of this title; or

"(2) under other circumstances determined by the Secretary concerned to warrant treatment analogous to members covered by paragraph (1).

"(c) COVERED EMPLOYEES.—This section applies to a civilian employee of the Department of Defense or Coast Guard who, while an employee on or after September 11, 2001, incurred an injury or illness under a circumstance described in paragraph (1) or (2) of subsection (c).

"(d) GIFTS FROM CERTAIN SOURCES PROHIBITED.—The regulations issued under subsection (a) may not authorize the acceptance of a gift from a foreign government or international organization or their agents.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2601 the following new item:

"2601a. Direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families.".

SEC. 592. INCREASE IN NUMBER OF PRIVATE SECTOR CIVILIANS AUTHORIZED FOR ADMISSION TO NATIONAL DEFENSE UNIVERSITY.

Section 2167(a) of title 10, United States Code, is amended by striking "20 full-time student positions" and inserting "35 full-time student positions".

SEC. 593. ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO ATTEND UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) ADMISSION AUTHORITY.—Chapter 901 of title 10, United States Code, is amended by inserting after section 9314 the following new section:

"§ 9314a. United States Air Force Institute of Technology: admission of defense industry civilians

"(a) ADMISSION AUTHORIZED.—(1) The Secretary of the Air Force may permit defense industry employees described in subsection (b) to receive instruction at the United States Air Force Institute of Technology in accordance with this section. Any such defense industry employee may be enrolled in, and may be provided instruction in, a program leading to a graduate degree in a defense focused curriculum related to aeronautics and astronautics, electrical and computer engineering, engineering physics, mathematics and statistics, operational sciences, or systems and engineering management.

"(2) No more than 125 defense industry employees may be enrolled at the United States Air Force Institute of Technology at any one time under the authority of paragraph (1).

"(3) Upon successful completion of the course of instruction at the United States Air Force Institute of Technology in which a defense industry employee is enrolled, the defense industry employee may be awarded an appropriate degree under section 9314 of this title.

"(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the United States Air Force Institute of Technology remains eligible for such instruction only so long at that person remains employed by the same firm.

"(c) ANNUAL DETERMINATION BY THE SECRETARY OF THE AIR FORCE.—Defense industry employees may receive instruction at the United States Air Force Institute of Technology during any academic year only if, before the start of that academic year, the Secretary of the Air Force, or the designee of the Secretary, determines that providing instruction to defense industry employees under this section during that year—

"(1) will further the military mission of the United States Air Force Institute of Technology; and

"(2) will be done on a space-available basis and not require an increase in the size of the faculty of the school, an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.

"(d) PROGRAM REQUIREMENTS.—The Secretary of the Air Force shall ensure that—

"(1) the curriculum in which defense industry employees may be enrolled under this section is not readily available through other schools and concentrates on the areas of focus specified in subsection (a)(1) that are conducted by military organizations and defense contractors working in close cooperation; and

"(2) the course offerings at the United States Air Force Institute of Technology continue to be determined solely by the needs of the Department of Defense.

"(e) TUITION.—(1) The United States Air Force Institute of Technology shall charge tuition for students enrolled under this section at a rate not less than the rate charged for employees of the United States outside the Department of the Air Force.

"(2) Amounts received by the United States Air Force Institute of Technology for instruction of students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.

"(f) STANDARDS OF CONDUCT.—While receiving instruction at the United States Air Force Institute of Technology, defense industry employees enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9314 the following new item:

"9314a. United States Air Force Institute of Technology: admission of defense industry civilians.".

SEC. 594. UPDATED TERMINOLOGY FOR ARMY MEDICAL SERVICE CORPS.

Paragraph (5) of section 3068 of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "Pharmacy, Supply, and Administration" and inserting "Administrative Health Services";

(2) in subparagraph (C), by striking "Sanitary Engineering" and inserting "Preventive Medicine Sciences"; and

(3) in subparagraph (D), by striking "Optometry" and inserting "Clinical Health Sciences".

SEC. 595. DATE FOR SUBMISSION OF ANNUAL REPORT ON DEPARTMENT OF DEFENSE STARBASE PROGRAM.

Section 2193b(g) of title 10, United States Code, is amended by striking "90 days after the end of each fiscal year" and inserting "March 31 of each year".

SEC. 596. EXTENSION OF DEADLINE FOR SUBMISSION OF FINAL REPORT OF MILITARY LEADERSHIP DIVERSITY COMMISSION.

Section 596(e)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4478) is amended by striking "12 months" and inserting "18 months".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Ineligibility of certain Federal civilian employees for Reservist income replacement payments on account of availability of comparable benefits under another program.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 616. One-year extension of authorities relating to payment of referral bonuses.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Extension of authority to provide travel and transportation allowances for inactive duty training outside of normal commuting distances.
Sec. 622. Travel and transportation allowances for attendance at Yellow Ribbon Reintegration events.

Subtitle D—Disability, Retired Pay and Survivor Benefits

Sec. 631. Elimination of cap on retired pay multiplier for members with greater than 30 years of service who retire for disability.

Sec. 632. Payment date for retired and retainer pay.

Sec. 633. Clarification of effect of ordering reserve component member to active duty to receive authorized medical care on reducing eligibility age for receipt of non-regular service retired pay.

Sec. 634. 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. 635. Sense of Congress concerning age and service requirements for retired pay for non-regular service.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 641. Addition of definition of morale, welfare, and recreation telephone services for use in contracts to provide such services for military personnel serving in combat zones.

Sec. 642. Feasibility study on establishment of full exchange store in the Northern Mariana Islands.

Sec. 643. Continuation of commissary and exchange operations at Brunswick Naval Air Station, Maine.

Subtitle F—Other Matters

Sec. 651. Report on basic allowance for housing for personnel assigned to sea duty.

Sec. 652. Report on savings from enhanced management of special pay for aviation career officers extending period of active duty.

Subtitle A—Pay and Allowances

SEC. 601. INELIGIBILITY OF CERTAIN FEDERAL CIVILIAN EMPLOYEES FOR RESERVIST INCOME REPLACEMENT PAYMENTS ON ACCOUNT OF AVAILABILITY OF COMPARABLE BENEFITS UNDER ANOTHER PROGRAM.

(a) INELIGIBILITY FOR PAYMENTS.—Section 910(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(3) A civilian employee of the Federal Government who is also a member of a reserve component is not entitled to a payment under this section for any period for which the employee is entitled to—

"(A) a differential payment under section 5538 of title 5; or

"(B) a comparable benefit under an administratively established program for civilian employees absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services.".

(b) EFFECTIVE DATE.—Subsection (b)(3) of section 910 of title 37, United States Code, as added by subsection (a), shall apply with respect to payments under such section for months beginning on or after the date of the enactment of this Act.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2010" and inserting "December 31, 2011":

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

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

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

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

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

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking "December 31, 2010" and inserting "December 31, 2011":

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

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

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking "December 31, 2010" and inserting "December 31, 2011":

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

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

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

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

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

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

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

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

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

The following sections of title 37, United States Code, are amended by striking "December 31, 2010" and inserting "December 31, 2011":

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

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

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

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2010" and inserting "December 31, 2011":

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

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

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

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

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

(6) Section 351(h), relating to hazardous duty pay.

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

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking "December 31, 2010" and inserting "December 31, 2011":

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

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

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

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

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

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

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

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

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking "December 31, 2010" and inserting "December 31, 2011":

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

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

Subtitle C—Travel and Transportation Allowances

SEC. 621. EXTENSION OF AUTHORITY TO PROVIDE TRAVEL AND TRANSPORTATION ALLOWANCES FOR INACTIVE DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCES.

Section 408a(e) of title 37, United States Code, is amended by striking "December 31, 2010" and inserting "December 31, 2011".

SEC. 622. TRAVEL AND TRANSPORTATION ALLOWANCES FOR ATTENDANCE AT YELLOW RIBBON REINTEGRATION EVENTS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411k the following new section:

"§ 411l. Travel and transportation allowances: attendance of members and other persons at Yellow Ribbon Reintegration Program events

"(a) ALLOWANCES AUTHORIZED.—(1) Under uniform regulations prescribed by the Secretaries concerned, a member of the uniformed services authorized to attend a Yellow Ribbon Reintegration Program event may be provided travel and transportation allowances in order that the member may attend a Yellow Ribbon Reintegration Program event.

"(2) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation allowances may be provided for a person designated pursuant to subsection (b) in order for the person to accompany a member in attending a Yellow Ribbon Reintegration Program event if the Secretary concerned determines that the presence of the person at the event may contribute to the purposes of the event for the member.

"(b) DESIGNATION OF PERSONS ELIGIBLE FOR ALLOWANCE.—A member of the uniformed services who is eligible to attend a Yellow Ribbon Reintegration Program event may designate one or more persons, including another member of the uniformed services, for purposes of receiving travel and transportation allowances described in subsection (c) to attend a Yellow Ribbon Reintegration Program event. The designation of a person for purposes of this section shall be made in writing and may be changed at any time.

"(c) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) is round-trip transportation between the home or place of business of the authorized person and the location of the Yellow Ribbon Reintegration Program event.

"(2) In addition to transportation under paragraph (1), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

"(3) The transportation authorized by paragraph (1) may be provided by any of the following means:

"(A) Transportation in-kind.

"(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

"(C) Reimbursement for the commercial cost of transportation.

"(4) An allowance payable under this subsection may be paid in advance.

"(5) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.

"(d) YELLOW RIBBON REINTEGRATION PROGRAM EVENT DEFINED.—In this section, the term 'Yellow Ribbon Reintegration Program event' means an event authorized under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 411k the following new item:

"411l. Travel and transportation allowances: attendance of members and other persons at Yellow Ribbon Reintegration Program events.".

(b) APPLICABILITY.—No reimbursement may be provided under section 411l of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before September 30, 2010.

Subtitle D—Disability, Retired Pay and Survivor Benefits

SEC. 631. ELIMINATION OF CAP ON RETIRED PAY MULTIPLIER FOR MEMBERS WITH GREATER THAN 30 YEARS OF SERVICE WHO RETIRE FOR DISABILITY.

(a) COMPUTATION OF RETIRED PAY.—The table in section 1401(a) of title 10, United States Code, is amended—

(1) in the column designated "Column 2", by inserting ", not to exceed 75%," after "percentage of disability" both places it appears; and

(2) by striking column 4.

(b) RECOMPUTATION OF RETIRED OR RETAINER PAY TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO FIRST BECAME MEMBERS BEFORE SEPTEMBER 8, 1980.—The table in section 1402(d) of such title is amended—

(1) in the column designated "Column 2", by inserting ", not to exceed 75%," after "percentage of disability"; and

(2) by striking column 4.

(c) RECOMPUTATION OF RETIRED OR RETAINER PAY TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO FIRST BECAME MEMBERS AFTER SEPTEMBER 7, 1980.—The table in section 1402a(d) of such title is amended—

(1) in the column designated "Column 2", by inserting ", not to exceed 75 percent," after "percentage of disability"; and

(2) by striking column 4.

(d) APPLICATION OF AMENDMENTS.—The tables in sections 1401(a), 1402(d), and 1402a(d) of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply to the computation or recomputation of retired or retainer pay for persons who first became entitled to retired or retainer pay under subtitle A of such title on or before the date of the enactment of this Act. The amendments made by this section shall apply only with respect to persons who first become entitled to retired or retainer pay under such subtitle after that date.

SEC. 632. PAYMENT DATE FOR RETIRED AND RETAINER PAY.

(a) SETTING PAYMENT DATE.—Section 1412 of title 10, United States Code, is amended—

(1) by striking "Amounts" and inserting "(a) ROUNDING.—Amounts"; and

(2) by adding at the end the following new subsection:

"(b) PAYMENT DATE.—Amounts of retired pay and retainer pay due a retired member of the uniformed services shall be paid on the first day of each month beginning after the month in which the right to such pay accrues.".

(b) CLERICAL AMENDMENTS.—

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

"§ 1412. Administrative provisions".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 1412 and inserting the following new item:

"1412. Administrative provisions.".

(c) EFFECTIVE DATE.—Subsection (b) of section 1412 of title 10, United States Code, as added by subsection (a), shall apply beginning with the first month that begins more than 30 days after the date of the enactment of this Act.

SEC. 633. CLARIFICATION OF EFFECT OF ORDERING RESERVE COMPONENT MEMBER TO ACTIVE DUTY TO RECEIVE AUTHORIZED MEDICAL CARE ON REDUCING ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

Section 12731(f)(2)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

"(iii) If a member described in subparagraph (A) is wounded or otherwise injured or becomes ill while serving on active duty pursuant to a call or order to active duty under a provision of law referred to in the first sentence of clause (i) or in clause (ii), and the member is then ordered to active duty under section 12301(h)(1) of this title to receive medical care for the wound, injury, or illness, each day of active duty under that order for medical care shall be treated as a continuation of the original call or order to active duty for purposes of reducing the eligibility age of the member under this paragraph.".

SEC. 634. 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.

Subsection (c) of section 439 of title 37, United States Code, is amended to read as follows:

"(c) AMOUNT.—The amount of monthly special compensation payable to a member under subsection (a) shall be the amount as follows:

"(1) The monthly amount of aid and attendance payable under section 1114(r)(2) of title 38.

"(2) Upon the establishment by the Secretary of Veterans Affairs pursuant to subparagraph (C) of section 1720G(a)(3) of title 38 of the schedule of monthly personal caregiver stipends under the Department of Veterans Affairs program of comprehensive assistance for family caregivers under subparagraph (A)(ii)(V) of such section, the monthly personal caregiver stipend payable with respect to similarly circumstanced veterans under such schedule, rather than the amount specified in paragraph (1).".

SEC. 635. SENSE OF CONGRESS CONCERNING AGE AND SERVICE REQUIREMENTS FOR RETIRED PAY FOR NON-REGULAR SERVICE.

It is the sense of Congress that—

(1) the amendments made to section 12731 of title 10, United States Code, by section 647 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 160) were intended to reduce the minimum age at which members of a reserve component of the Armed Forces would begin receiving retired pay according to time spent deployed, by three months for every 90-day period spent on active duty over the course of a career, rather than limiting qualifying time to such periods wholly served within the same fiscal year, as interpreted by the Department of Defense; and

(2) steps should be taken by the Department of Defense to implement the congressional intent outlined in paragraph (1).

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 641. ADDITION OF DEFINITION OF MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES FOR USE IN CONTRACTS TO PROVIDE SUCH SERVICES FOR MILITARY PERSONNEL SERVING IN COMBAT ZONES.

Section 885 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 265; 10 U.S.C. 2304 note) is amended by adding at the end the following new subsection:

"(c) MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES DEFINED.—In this section, the term 'morale, welfare, and recreation telephone services' means unofficial telephone calling center services

supporting calling centers provided by the Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other nonappropriated fund instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

SEC. 642. FEASIBILITY STUDY ON ESTABLISHMENT OF FULL EXCHANGE STORE IN THE NORTHERN MARIANA ISLANDS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of a study to determine the feasibility of replacing the "Shoppette" of the Army and Air Force Exchange Service in the Northern Mariana Islands with a full-service exchange store.

SEC. 643. CONTINUATION OF COMMISSARY AND EXCHANGE OPERATIONS AT BRUNSWICK NAVAL AIR STATION, MAINE.

(a) CONTINUATION OF OPERATIONS.—The Secretary of Defense shall provide for the continuation of commissary and exchange operations at Brunswick Naval Air Station, Maine, until the later of the following:

(1) The closure of Brunswick Naval Air Station.

(2) The end of the 60-day period beginning on the date on which the Secretary of Defense makes the determination under subsection (b).

(b) REVIEW AND DETERMINATION.—Not earlier than 120 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) review any report prepared by the Comptroller General of the United States relating to commissary and exchange operations at Brunswick Naval Air Station, Maine; and

(2) based on such review, make a determination regarding whether such operations should be continued.

Subtitle F—Other Matters

SEC. 651. REPORT ON BASIC ALLOWANCE FOR HOUSING FOR PERSONNEL ASSIGNED TO SEA DUTY.

(a) REPORT REQUIRED.—Not later than July 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report containing the following:

(1) A review of the standards used to determine the monthly rates of basic allowance for housing for personnel assigned to sea duty (under section 403 of title 37, United States Code).

(2) A review of the legislative framework and policies applicable to eligibility and levels of compensation for single and married personnel, with and without dependents, who are assigned to sea duty.

(3) Any recommendation for modifications of title 37, United States Code, relating to basic allowance for housing for personnel who are assigned to sea duty that the Secretary considers appropriate, including an estimate of the cost of each modification.

(b) ELEMENTS OF REVIEWS.—In conducting the reviews for purposes of subsection (a), the Secretary shall consider whether existing

law, policies, and housing standards are suitable in terms of the following:

(1) The cost and availability of housing ashore for personnel assigned to sea duty.

(2) The pay and allowances (other than basic allowance for housing) payable to personnel who are assigned to sea duty, including basic pay, career sea pay, and the family separation allowance.

(3) The comparability in levels of compensation for single and married personnel, with and without dependents, who are assigned to sea duty.

(4) The provision of appropriate quality of life and retention incentives for members in all grades who are assigned to sea duty.

(5) The provision of appropriate recognition and motivation for promotion to higher military grades of personnel who are assigned to sea duty.

(6) Budgetary constraints and rising personnel costs.

SEC. 652. REPORT ON SAVINGS FROM ENHANCED MANAGEMENT OF SPECIAL PAY FOR AVIATION CAREER OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.

(a) REPORT REQUIRED.—Not later than August 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report regarding the use and management of the special pay programs authorized in section 301b of title 37, United States Code, for aviation career officers extending a period of active duty.

(b) ELEMENTS OF REPORT.—The report required by subsection (a) shall include the following:

(1) A review of the programs operated by the Secretaries of the military departments, including—

(A) directives and guidelines issued by the Secretary of Defense;

(B) the number of aviation officers receiving the special pay, listed by weapon system;

(C) the weapon systems for which special pay is not authorized and the number of aviation officers affected by such exclusion;

(D) the policy and structure of the programs and the retention philosophy supporting the policy and structure of the programs;

(E) the amounts paid to individual aviation officers, annually and over the course of a career; and

(F) the amounts budgeted annually for such programs.

(2) An accounting of aviation officers receiving the special pay who have an active duty service commitment and the totals of aviation officers and allocated funding by types of active duty service commitment.

(3) A review of retention trends for aviation officers, generally and by weapon system, within the military departments and an assessment of the factors that influence retention trends, and the reliability and durability of those trends if such factors are altered.

(4) An assessment of the funds that can be saved by restructuring or eliminating such programs to reduce payments to aviation officers associated with those weapon systems with

strong retention trends and aviation officers with active duty service commitments.

(5) A review of the demand for former military aviation officers to fulfill commercial airline hiring requirements, recent data regarding airline hiring of former military aviation officers, and an assessment of the methods used by airlines to qualify pilot candidates for employment as commercial pilots.

(6) Any recommendations for modifications of title 37, United States Code, relating to special pay for aviation career officers extending a period of active duty.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Extension of prohibition on increases in certain health care costs.
Sec. 702. Extension of dependent coverage under the TRICARE program.
Sec. 703. Survivor dental benefits.
Sec. 704. Aural screenings for members of the Armed Forces.
Sec. 705. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.

Subtitle B—Health Care Administration

Sec. 711. Administration of TRICARE.
Sec. 712. Postdeployment health reassessments for purposes of the medical tracking system for members of the Armed Forces deployed overseas.
Sec. 713. 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. 714. Improvements to oversight of medical training for Medical Corps officers.
Sec. 715. Health information technology.
Sec. 716. Education and training on use of pharmaceuticals in rehabilitation programs for wounded warriors.

Subtitle C—Other Matters

Sec. 721. Repeal of report requirement on separations resulting from refusal to participate in anthrax vaccine immunization program.
Sec. 722. Comprehensive policy on consistent neurological cognitive assessments of members of the Armed Forces before and after deployment.
Sec. 723. Assessment of post-traumatic stress disorder by military occupation.
Sec. 724. Licensed mental health counselors and the TRICARE program.

Subtitle A—Improvements to Health Benefits

SEC. 701. EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking "September 30, 2009" and inserting "September 30, 2011".

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking "September 30, 2010" and inserting "September 30, 2011".

SEC. 702. EXTENSION OF DEPENDENT COVERAGE UNDER THE TRICARE PROGRAM.

(a) DEPENDENT COVERAGE.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1110b. TRICARE program: extension of dependent coverage

"(a) IN GENERAL.—In accordance with subsection (c), an individual described in subsection (b) shall be deemed to be a dependent (as described in section 1072(2)(D) of this title) for purposes of coverage under the TRICARE program.

"(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

"(1) would be a dependent under section 1072(2) of this title but for exceeding an age limit under such section;

"(2) has not attained the age of 26;

"(3) is not eligible to enroll in an eligible employer-sponsored plan (as defined in section 5000A(f)(2) of the Internal Revenue Code of 1986);

"(4) is not otherwise a dependent of a member or a former member under any subparagraph of section 1072(2) of this title; and

"(5) meets other criteria specified in regulations prescribed by the Secretary, similar to regulations prescribed by the Secretary of Health and Human Services under section 2714(b) of the Public Health Service Act.

"(c) PREMIUM.—(1) The Secretary shall prescribe by regulation a premium (or premiums) for coverage under the TRICARE program provided pursuant to this section to an individual described in subsection (b).

"(2) The monthly amount of the premium in effect for a month for coverage under the TRICARE program pursuant to this section shall be the amount equal to the cost of such coverage that the Secretary determines on an appropriate actuarial basis.

"(3) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

"(4) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1110a the following new item:

"1110b. TRICARE program: extension of dependent coverage.".

(b) EFFECTIVE DATE AND REGULATIONS.—The amendments made by this section shall take effect on January 1, 2011. The Secretary of Defense shall prescribe an interim final rule with respect to such amendments, effective not later than January 1, 2011.

SEC. 703. SURVIVOR DENTAL BENEFITS.

Paragraph (2) of section 1076a(k) of title 10, United States Code, is amended to read as follows:

"(2) Such term includes any such dependent of a member who dies—

"(A) while on active duty for a period of more than 30 days; or

"(B) while such member is a member of the Ready Reserve.".

SEC. 704. AURAL SCREENINGS FOR MEMBERS OF THE ARMED FORCES.

(a) TINNITUS SCREENING.—

(1) STUDY REQUIRED.—Not later than September 30, 2011, the Secretary of Defense shall conduct a study to identify the best tests currently available to screen members of the Armed Forces for tinnitus.

(2) PLAN.—Not later than December 31, 2011, the Secretary shall develop a plan to ensure that all members of the Armed Forces are screened for tinnitus prior to and after a deployment to a combat zone.

(3) REPORT.—Not later than December 31, 2011, the Secretary shall submit to the congressional defense committees a report containing the results of the study under paragraph (1) and the plan under paragraph (2).

(b) IMPROVING AURAL PROTECTION FOR MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—In accordance with section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4506), the Secretary of Defense shall examine methods to improve the aural protection for members of the Armed Forces in combat.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the methods to improve aural protection examined under subsection (a).

(c) CENTER OF EXCELLENCE.—The Secretary shall ensure that all studies, findings, plans, and reports conducted or submitted under this section are transmitted to the center of excellence established by section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4506).

SEC. 705. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2010, and ending on September 30, 2011, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

Subtitle B—Health Care Administration

SEC. 711. ADMINISTRATION OF TRICARE.

Subsection (a) of section 1073 of title 10, United States Code, is amended—

(1) by striking "Except" and inserting "(1) Except"; and

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

"(2) Except as otherwise provided in this chapter, the Secretary of Defense shall have responsibility for administering the TRICARE program and making any decision affecting such program.".

SEC. 712. POSTDEPLOYMENT HEALTH REASSESSMENTS FOR PURPOSES OF THE MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) REQUIREMENT FOR POSTDEPLOYMENT HEALTH REASSESSMENTS.—Paragraph (1) of subsection (b) of section 1074f of title 10, United States Code, is amended to read as follows:

"(1)(A) The system described in subsection (a) shall include the use of predeployment medical examinations and postdeployment medical examinations (including the assessment of mental health and the drawing of blood samples) and postdeployment health reassessments to—

"(i) accurately record the health status of members before their deployment;

"(ii) accurately record any changes in their health status during the course of their deployment; and

"(iii) identify health concerns, including mental health concerns, that may become manifest several months following their deployment.

"(B) The postdeployment medical examination shall be conducted when the member is redeployed or otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

"(C) The postdeployment health reassessment shall be conducted at an appropriate time during the period beginning 90 days after the member is redeployed and ending 180 days after the member is redeployed.".

(b) INCORPORATION IN REASSESSMENTS OF ELEMENTS OF PREDEPLOYMENT AND POSTDEPLOYMENT MEDICAL EXAMINATIONS.—Paragraph (2) of such subsection is amended by striking "and postdeployment medical examination" and inserting "medical examination, postdeployment medical examination, and postdeployment health reassessment".

(c) RECORDKEEPING.—Subsection (c) of such section is amended—

(1) by inserting "and reassessments" after "medical examinations"; and

(2) by inserting "and the prescription and administration of psychotropic medications" after "including immunizations".

(d) QUALITY ASSURANCE.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking "and postdeployment medical examinations" and inserting ", postdeployment medical examinations, and postdeployment health reassessments"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "and reassessments" after "postdeployment health assessments"; and

(B) in subparagraph (B), by inserting "and reassessments" after "such assessments".

SEC. 713. CLARIFICATION OF LICENSURE REQUIREMENTS APPLICABLE TO MILITARY HEALTH-CARE PROFESSIONALS WHO ARE MEMBERS OF THE NATIONAL GUARD PERFORMING CERTAIN DUTY WHILE IN STATE STATUS.

Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "or (3)" after "paragraph (2)";

(2) in paragraph (2), by inserting "as being described in this paragraph" after "paragraph (1)"; and

(3) by adding at the end the following new paragraph:

"(3) A health-care professional referred to in paragraph (1) as being described in this paragraph is a member of the National Guard who—

"(A) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

"(B) is performing training or duty under section 502(f) of title 32 in response to an actual or potential disaster.".

SEC. 714. IMPROVEMENTS TO OVERSIGHT OF MEDICAL TRAINING FOR MEDICAL CORPS OFFICERS.

(a) REVIEW OF TRAINING PROGRAMS FOR MEDICAL OFFICERS.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of training programs for medical officers (as defined in section 101(b)(14) of title 10, United States Code) to ensure that the academic and military performance of such officers has been completely documented in military personnel records. The programs reviewed shall include, at a minimum, the following:

(A) Programs at the Uniformed Services University of the Health Sciences that award a medical doctor degree.

(B) Selected residency programs at military medical treatment facilities, as determined by the Secretary, to include at least one program in each of the specialties of—

(i) anesthesiology;
(ii) emergency medicine;
(iii) family medicine;
(iv) general surgery;
(v) neurology;
(vi) obstetrics/gynecology;
(vii) pathology;
(viii) pediatrics; and
(ix) psychiatry.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the findings of the review under paragraph (1).

(b) ANNUAL REPORT ON GRADUATE MEDICAL EDUCATION PROGRAMS.—

(1) ANNUAL REPORT.—Not later than April 1, 2011, and annually thereafter through 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the graduate medical education programs of the Department of Defense.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) An identification of each graduate medical education program of the Department of Defense in effect during the previous fiscal year, including for each such program, the military department responsible, the location, the medical specialty, the period of training required, and the number of students by year.

(B) The status of each program referred to in subparagraph (A), including, for each such program, an identification of the fiscal year in which the last action was taken with respect to each of the following:

(i) Initial accreditation.

(ii) Continued accreditation.

(iii) If applicable, probation, and the reasons for probationary status.

(iv) If applicable, withheld or withdrawn accreditation, and the reasons for such action.

(C) A discussion of trends in the graduate medical education programs of the Department.

(D) A discussion of challenges faced by such programs, and a description and assessment of strategies and plans to address such challenges.

(E) Such other matters as the Secretary considers appropriate.

SEC. 715. HEALTH INFORMATION TECHNOLOGY.

(a) ENTERPRISE RISK ASSESSMENT METHODOLOGY STUDY.—

(1) STUDY REQUIRED.—The Secretary of Defense shall conduct an enterprise risk assessment methodology study of all health information technology programs of the Department of Defense.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the results of the study required under paragraph (1).

(b) REPORT ON HEALTH INFORMATION TECHNOLOGY ORGANIZATIONAL STRUCTURE AND FUTURE PLANS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the organizational structure for health information technology within the Department of Defense.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) Organizational charts for all organizations involved with health information technology showing, at a minimum, the senior positions in each office and each activity.

(B) A description of the functions and responsibilities, to include policy formulation, policy and program execution, and program oversight, of each senior position for health information technology.

(C) An assessment of how well the health information systems of the Department of Defense interact with the health information systems of—

(i) the Department of Veterans Affairs; and

(ii) entities other than the Federal Government.

(D) A description of the role played by the Interagency Program Office established by section 1635 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) and whether the office is satisfactorily performing the functions required by such section, as well as recommendations for administrative or legislative action as the Secretary considers appropriate.

(E) A complete description of all future plans for legacy systems and new electronic health record initiatives, including the joint virtual lifetime electronic record.

(F) The results of the survey described in paragraph (3).

(3) SURVEY.—The Secretary shall conduct a survey of users of the health information technology systems of the Department of Defense to assess the benefits and failings of such systems.

(4) DEFINITIONS.—In this subsection:

(A) The term "senior position" means a position filled by a member of the senior executive service, a position on the Executive Schedule established pursuant to title 5, United States Code, or a position filled by a general or flag officer.

(B) The term "senior personnel" means personnel who are members of the senior executive service, who fill a position listed on the Executive Schedule established pursuant to title 5, United States Code, or who are general or flag officers.

(c) REPORT ON GAO REPORT REQUIRED.—Not later than March 31, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the report by the Comptroller General of the United States titled "Information Technology: Opportunities Exist to Improve Management of DOD's Electronic Health Record Initiative" (GAO-11-50), including—

(1) the status of implementing the recommendations made in such report; and

(2) for each such recommendation that has not been implemented, the reason why the recommendation has not been implemented.

SEC. 716. EDUCATION AND TRAINING ON USE OF PHARMACEUTICALS IN REHABILITATION PROGRAMS FOR WOUNDED WARRIORS.

(a) EDUCATION AND TRAINING REQUIRED.—The Secretary of Defense shall develop and implement training, available through the Internet or other means, on the use of pharmaceuticals in rehabilitation programs for seriously ill or injured members of the Armed Forces.

(b) RECIPIENTS OF TRAINING.—The training developed and implemented under subsection (a) shall be training for each category of individuals as follows:

(1) Patients in or transitioning to a wounded warrior unit, with special accommodation in such training for such patients with cognitive disabilities.

(2) Nonmedical case managers.

(3) Military leaders.

(4) Family members.

(c) ELEMENTS OF TRAINING.—The training developed and implemented under subsection (a) shall include the following:

(1) An overview of the fundamentals of safe prescription drug use.

(2) Familiarization with the benefits and risks of using pharmaceuticals in rehabilitation therapies.

(3) Examples of the use of pharmaceuticals for individuals with multiple, complex injuries, including traumatic brain injury and post-traumatic stress disorder.

(4) Familiarization with means of finding additional resources for information on pharmaceuticals.

(5) Familiarization with basic elements of pain and pharmaceutical management.

(6) Familiarization with complementary and alternative therapies.

(d) TAILORING OF TRAINING.—The training developed and implemented under subsection (a) shall appropriately tailor the elements specified in subsection (c) for and among each category of individuals set forth in subsection (b).

(e) REVIEW OF PHARMACY.—

(1) REVIEW.—The Secretary shall review all policies and procedures of the Department of Defense regarding the use of pharmaceuticals in rehabilitation programs for seriously ill or injured members of the Armed Forces.

(2) RECOMMENDATIONS.—Not later than September 20, 2011, the Secretary shall submit to the congressional defense committees any recommendations for administrative or legislative action with respect to the review under paragraph (1) as the Secretary considers appropriate.

Subtitle C—Other Matters

SEC. 721. REPEAL OF REPORT REQUIREMENT ON SEPARATIONS RESULTING FROM REFUSAL TO PARTICIPATE IN ANTHRAX VACCINE IMMUNIZATION PROGRAM.

Section 1178 of title 10, United States Code, is amended—

(1) by striking "(a) REQUIREMENT TO ESTABLISH SYSTEM.—"; and

(2) by striking subsection (b).

SEC. 722. COMPREHENSIVE POLICY ON CONSISTENT NEUROLOGICAL COGNITIVE ASSESSMENTS OF MEMBERS OF THE ARMED FORCES BEFORE AND AFTER DEPLOYMENT.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than January 31, 2011, the Secretary of Defense shall develop and implement a comprehensive policy on consistent neurological cognitive assessments of members of the Armed Forces before and after deployment.

(b) UPDATES.—The Secretary shall revise the policy required by subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

SEC. 723. ASSESSMENT OF POST-TRAUMATIC STRESS DISORDER BY MILITARY OCCUPATION.

(a) ASSESSMENT.—The Secretaries of the military departments shall each conduct an assessment of post-traumatic stress disorder incidence by military occupation, including identification of military occupations with a high incidence of such disorder.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretaries shall each submit to the congressional defense committees a report on the assessment under subsection (a).

(c) CENTERS OF EXCELLENCE.—The Secretary of Defense shall ensure that all studies, findings, plans, and reports conducted or submitted under this section are transmitted to the centers of excellence established by sections 1621 and 1622 of the Wounded Warrior Act (title XVI of Public Law 110–181).

SEC. 724. LICENSED MENTAL HEALTH COUNSELORS AND THE TRICARE PROGRAM.

Not later than June 20, 2011, the Secretary of Defense shall prescribe the regulations required by section 717 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1073 note).

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Disclosure to litigation support contractors.
Sec. 802. Designation of engine development and procurement program as major subprogram.
Sec. 803. Enhancement of Department of Defense authority to respond to combat and safety emergencies through rapid acquisition and deployment of urgently needed supplies.
Sec. 804. Review of acquisition process for rapid fielding of capabilities in response to urgent operational needs.
Sec. 805. Acquisition of major automated information system programs.
Sec. 806. Requirements for information relating to supply chain risk.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

Sec. 811. Cost estimates for program baselines and contract negotiations for major defense acquisition and major automated information system programs.
Sec. 812. Management of manufacturing risk in major defense acquisition programs.
Sec. 813. Modification and extension of requirements of the Weapon System Acquisition Reform Act of 2009.
Sec. 814. Inclusion of major subprograms to major defense acquisition programs under various acquisition-related requirements.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 821. Provisions relating to fire resistant fiber for production of military uniforms.
Sec. 822. Repeal of requirement for certain procurements from firms in the small arms production industrial base.
Sec. 823. Review of regulatory definition relating to production of specialty metals.
Sec. 824. Guidance relating to rights in technical data.
Sec. 825. Extension of sunset date for certain protests of task and delivery order contracts.
Sec. 826. Inclusion of option amounts in limitations on authority of the Department of Defense to carry out certain prototype projects.
Sec. 827. Permanent authority for Defense Acquisition Challenge Program; pilot expansion of Program.
Sec. 828. Energy savings performance contracts.
Sec. 829. Definition of materials critical to national security.

Subtitle D—Contractor Matters

Sec. 831. Oversight and accountability of contractors performing private security functions in areas of combat operations.
Sec. 832. Extension of regulations on contractors performing private security functions to areas of other significant military operations.
Sec. 833. Standards and certification for private security contractors.
Sec. 834. 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. 835. Annual joint report and Comptroller General review on contracting in Iraq and Afghanistan.

Subtitle E—Other Matters

Sec. 841. Improvements to structure and functioning of Joint Requirements Oversight Council.

Sec. 842. Department of Defense policy on acquisition and performance of sustainable products and services.
Sec. 843. Assessment and plan for critical rare earth materials in defense applications.
Sec. 844. Review of national security exception to competition.
Sec. 845. Requirement for entities with facility clearances that are not under foreign ownership control or influence mitigation.
Sec. 846. Procurement of photovoltaic devices.
Sec. 847. Non-availability exception from Buy American requirements for procurement of hand or measuring tools.
Sec. 848. Contractor logistics support of contingency operations.

Subtitle F—Improve Acquisition Act

Sec. 860. Short title.

PART I—DEFENSE ACQUISITION SYSTEM

Sec. 861. Improvements to the management of the defense acquisition system.
Sec. 862. Comptroller General report on Joint Capabilities Integration and Development System.
Sec. 863. Requirements for the acquisition of services.
Sec. 864. Review of defense acquisition guidance.
Sec. 865. Requirement to review references to services acquisition throughout the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement.
Sec. 866. Pilot program on acquisition of military purpose nondevelopmental items.

PART II—DEFENSE ACQUISITION WORKFORCE

Sec. 871. Acquisition workforce excellence.
Sec. 872. Amendments to the acquisition workforce demonstration project.
Sec. 873. Career development for civilian and military personnel in the acquisition workforce.
Sec. 874. Recertification and training requirements.
Sec. 875. Information technology acquisition workforce.
Sec. 876. Definition of acquisition workforce.
Sec. 877. Defense Acquisition University curriculum review.

PART III—FINANCIAL MANAGEMENT

Sec. 881. Audit readiness of financial statements of the Department of Defense.
Sec. 882. Review of obligation and expenditure thresholds.
Sec. 883. Disclosure and traceability of the cost of Department of Defense health care contracts.

PART IV—INDUSTRIAL BASE

Sec. 891. Expansion of the industrial base.
Sec. 892. Price trend analysis for supplies and equipment purchased by the Department of Defense.
Sec. 893. Contractor business systems.
Sec. 894. Review and recommendations on eliminating barriers to contracting with the Department of Defense.
Sec. 895. Inclusion of the providers of services and information technology in the national technology and industrial base.
Sec. 896. Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy; Industrial Base Fund.

Subtitle A—Acquisition Policy and Management

SEC. 801. DISCLOSURE TO LITIGATION SUPPORT CONTRACTORS.

(a) IN GENERAL.—Section 2320 of title 10, United States Code, is amended—

(1) in subsection (c)(2)—

(A) by striking "subsection (a), allowing" and inserting "subsection (a)—

"(A) allowing"; and

(B) by adding at the end the following new subparagraph:

"(B) allowing a covered litigation support contractor access to and use of any technical, proprietary, or confidential data delivered under a contract for the sole purpose of providing litigation support to the Government in the form of administrative, technical, or professional services during or in anticipation of litigation; or"; and

(2) by inserting after subsection (f) the following:

"(g) In this section, the term 'covered litigation support contractor' means a contractor (including an expert or technical consultant) under contract with the Department of Defense to provide litigation support, which contractor executes a contract with the Government agreeing to and acknowledging—

"(1) that proprietary or nonpublic technical data furnished will be accessed and used only for the purposes stated in that contract;

"(2) that the covered litigation support contractor will take all reasonable steps to protect the proprietary and nonpublic nature of the technical data furnished to the covered litigation support contractor; and

"(3) that such technical data provided to the covered litigation support contractor under the authority of this section shall not be used by the covered litigation support contractor to compete against the third party for Government or non-Government contracts.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 120 days after the date of the enactment of this Act.

SEC. 802. DESIGNATION OF ENGINE DEVELOPMENT AND PROCUREMENT PROGRAM AS MAJOR SUBPROGRAM.

(a) DESIGNATION AS MAJOR SUBPROGRAM.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate an engine development and procurement program as a major subprogram of the F–35 Lightning II aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) ORIGINAL BASELINE.—For purposes of reporting requirements referred to in section 2430a(b) of title 10, United States Code, for the major subprogram designated under subsection (a), the Secretary shall use the Milestone B decision as the original baseline for the subprogram.

(c) ACTIONS FOLLOWING CRITICAL COST GROWTH.—

(1) IN GENERAL.—Subject to paragraph (2), to the extent that the Secretary elects to restructure the Lightning II aircraft major defense acquisition program subsequent to a reassessment and actions required by subsections (a) and (c) of section 2433a of title 10, United States Code, during fiscal year 2010, and also conducts such reassessment and actions with respect to an F–35 engine development and procurement program (including related reporting based on the original baseline as defined in subsection (c)), the requirements of section 2433a of such title with respect to a major subprogram designated under subsection (a) shall be considered to be met with respect to the major subprogram.

(2) LIMITATION.—Actions taken in accordance with paragraph (1) shall be considered to meet the requirements of section 2433a of title 10, United States Code, with respect

to a major subprogram designated under subsection (a) only to the extent that designation as a major subprogram would require the Secretary of Defense to conduct a reassessment and take actions pursuant to such section 2433a for such a subprogram upon enactment of this Act. The requirements of such section 2433a shall not be considered to be met with respect to such a subprogram in the event that additional programmatic changes, following the date of the enactment of this Act, cause the program acquisition unit cost or procurement unit cost of such a subprogram to increase by a percentage equal to or greater than the critical cost growth threshold (as defined in section 2433(a)(5) of such title) for the subprogram.

SEC. 803. ENHANCEMENT OF DEPARTMENT OF DEFENSE AUTHORITY TO RESPOND TO COMBAT AND SAFETY EMERGENCIES THROUGH RAPID ACQUISITION AND DEPLOYMENT OF URGENTLY NEEDED SUPPLIES.

(a) REQUIREMENT TO ESTABLISH PROCEDURES.—Subsection (a) of section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended—

(1) in the matter preceding paragraph (1), by striking "items" and inserting "supplies"; and

(2) by striking paragraph (1) and inserting the following new paragraph (1):

"(1)(A) currently under development by the Department of Defense or available from the commercial sector; or

"(B) require only minor modifications to supplies described in subparagraph (A); and".

(b) ISSUES TO BE ADDRESSED.—Subsection (b) of such section is amended—

(1) in paragraph (1)(B), by striking "items" and inserting "supplies"; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "items" and inserting "supplies";

(B) in subparagraphs (A) and (B), by striking "an item" and inserting "the supplies"; and

(C) in subparagraph (C), by inserting "and utilization" after "deployment".

(c) RESPONSE TO COMBAT EMERGENCIES.—Subsection (c) of such section is amended—

(1) by striking "equipment" each place it appears other than paragraph (5) and inserting "supplies";

(2) by striking "combat capability" each place it appears;

(3) by striking "that has resulted in combat fatalities" each place it appears and inserting "that has resulted in combat casualties, or is likely to result in combat casualties";

(4) in paragraph (1), by striking "is" and inserting "are";

(5) in paragraph (2)—

(A) in subparagraph (A), by striking "is" each place it appears and inserting "are"; and

(B) in subparagraph (B), by striking "fatalities" at the end and inserting "casualties";

(6) by amending paragraph (3) to read as follows:

"(3) In any fiscal year in which the Secretary makes a determination described in paragraph (1), the Secretary may use any

funds available to the Department of Defense for that fiscal year for acquisitions of supplies under this section if the determination includes a written finding that the use of such funds is necessary to address the combat capability deficiency in a timely manner. The authority of this section may not be used to acquire supplies in an amount aggregating more than $200,000,000 during any such fiscal year.";

(7) in paragraph (4)—

(A) by inserting ", in consultation with the Director of the Office of Management and Budget," after "shall"; and

(B) by striking "Each such notice" and inserting "For each such determination, the notice under the preceding sentence"; and

(8) in paragraph (5), by striking "that equipment" and inserting "the supplies concerned".

(d) WAIVER OF CERTAIN STATUES AND REGULATIONS.—Subsection (d)(1) of such section is amended by striking "equipment" in subparagraphs (A), (B), and (C) and inserting "supplies".

(e) TESTING REQUIREMENT.—Subsection (e) of such section is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "an item" and inserting "the supplies"; and

(B) in subparagraph (B), by striking "of the item" and all that follows through "requirements document" and inserting "of the supplies in meeting the original requirements for the supplies (as stated in a statement of the urgent operational need";

(2) in paragraph (2)—

(A) by striking "an item" and inserting "supplies"; and

(B) by striking "the item" and inserting "the supplies"; and

(3) in paragraph (3), by striking "items" each place it appears and inserting "supplies".

(f) LIMITATION.—Subsection (f) of such section is amended to read as follows:

"(f) LIMITATION.—In the case of supplies that are part of a major system for which a low-rate initial production quantity determination has been made pursuant to section 2400 of title 10, United States Code, the quantity of such supplies acquired using the procedures prescribed pursuant to this section may not exceed an amount consistent with complying with limitations on the quantity of articles approved for low-rate initial production for such system. Any such supplies shall be included in any relevant calculation of quantities for low-rate initial production for the system concerned.".

SEC. 804. REVIEW OF ACQUISITION PROCESS FOR RAPID FIELDING OF CAPABILITIES IN RESPONSE TO URGENT OPERATIONAL NEEDS.

(a) REVIEW OF RAPID ACQUISITION PROCESS REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall complete a review of the process for the fielding of capabilities in response to urgent operational needs and submit a report on the review to the congressional defense committees.

(2) REVIEW AND REPORT REQUIREMENTS.—The review pursuant to this section shall include consideration of various improvements to the acquisition process for rapid fielding of capabilities in response to urgent operational needs. For each improvement, the report on the review shall discuss—

(A) the Department's review of the improvement;

(B) if the improvement is being implemented by the Department, a schedule for implementing the improvement; and

(C) if the improvement is not being implemented by the Department, an explanation of why the improvement is not being implemented.

(3) IMPROVEMENTS TO BE CONSIDERED.—The improvements that shall be considered during the review are the following:

(A) Providing a streamlined, expedited, and tightly integrated iterative approach to—

(i) the identification and validation of urgent operational needs;

(ii) the analysis of alternatives and identification of preferred solutions;

(iii) the development and approval of appropriate requirements and acquisition documents;

(iv) the identification and minimization of development, integration, and manufacturing risks;

(v) the consideration of operation and sustainment costs;

(vi) the allocation of appropriate funding; and

(vii) the rapid production and delivery of required capabilities.

(B) Clearly defining the roles and responsibilities of the Office of the Secretary of Defense, the Joint Chiefs of Staff, the military departments, and other components of the Department of Defense for carrying out all phases of the process.

(C) Designating a senior official within the Office of the Secretary of Defense with primary responsibility for making recommendations to the Secretary on the use of the authority provided by subsections (c) and (d) of section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note), as amended by section 803 of this Act, in appropriate circumstances.

(D) Establishing a target date for the fielding of a capability pursuant to each validated urgent operational need.

(E) Implementing a system for—

(i) documenting key process milestones, such as funding, acquisition, fielding, and assessment decisions and actions; and

(ii) tracking the cost, schedule, and performance of acquisitions conducted pursuant to the process.

(F) Establishing a formal feedback mechanism for the commanders of the combatant commands to provide information to the Joint Chiefs of Staff and senior acquisition officials on how well fielded solutions are meeting urgent operational needs.

(G) Establishing a dedicated source of funding for the rapid fielding of capabilities in response to urgent operational needs.

(H) Issuing guidance to provide for the appropriate transition of capabilities acquired through rapid fielding into the traditional budget, requirements, and acquisition process for purposes of contracts for follow-on production, sustainment, and logistics support.

(I) Such other improvements as the Secretary considers appropriate.

(b) DISCRIMINATING URGENT OPERATIONAL NEEDS FROM TRADITIONAL REQUIREMENTS.—

(1) EXPEDITED REVIEW PROCESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall develop and implement an expedited review process to determine whether capabilities proposed as urgent operational needs are appropriate for fielding through the process for the rapid fielding of capabilities or should be fielded through the traditional acquisition process.

(2) ELEMENTS.—The review process developed and implemented pursuant to paragraph (1) shall—

(A) apply to the rapid fielding of capabilities in response to joint urgent operational need statements and to other urgent operational needs statements generated by the military departments and the combatant commands;

(B) identify officials responsible for making determinations described in paragraph (1);

(C) establish appropriate time periods for making such determinations;

(D) set forth standards and criteria for making such determinations based on considerations of urgency, risk, and life-cycle management;

(E) establish appropriate thresholds for the applicability of the review process, or of elements of the review process; and

(F) authorize appropriate officials to make exceptions from standards and criteria established under subparagraph (D) in exceptional circumstances.

(3) COVERED CAPABILITIES.—The review process developed and implemented pursuant to paragraph (1) shall provide that, subject to such exceptions as the Secretary considers appropriate for purposes of this section, the acquisition process for rapid fielding of capabilities in response to urgent operational needs is appropriate only for capabilities that—

(A) can be fielded within a period of two to 24 months;

(B) do not require substantial development effort;

(C) are based on technologies that are proven and available; and

(D) can appropriately be acquired under fixed price contracts.

(4) INCLUSION IN REPORT.—The Secretary shall include a description of the expedited review process implemented pursuant to paragraph (1) in the report required by subsection (a).

SEC. 805. ACQUISITION OF MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) PROGRAM TO IMPROVE INFORMATION TECHNOLOGY PROCESSES.—

(1) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by inserting after section 2223 the following new section:

"§ 2223a. Information technology acquisition planning and oversight requirements

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish a program to improve the planning and oversight processes for the acquisition of major automated information systems by the Department of Defense.

"(b) PROGRAM COMPONENTS.—The program established under subsection (a) shall include—

"(1) a documented process for information technology acquisition planning, requirements development and management, project management and oversight, earned value management, and risk management;

"(2) the development of appropriate metrics that can be implemented and monitored on a real-time basis for performance measurement of—

"(A) processes and development status of investments in major automated information system programs;

"(B) continuous process improvement of such programs; and

"(C) achievement of program and investment outcomes;

"(3) a process to ensure that key program personnel have an appropriate level of experience, training, and education in the planning, acquisition, execution, management, and oversight of information technology systems;

"(4) a process to ensure sufficient resources and infrastructure capacity for test and evaluation of information technology systems;

"(5) a process to ensure that military departments and Defense Agencies adhere to established processes and requirements relating to the planning, acquisition, execution, management, and oversight of information technology programs and developments; and

"(6) a process under which an appropriate Department of Defense official may intervene or terminate the funding of an information technology investment if the investment is at risk of not achieving major project milestones.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by inserting after the item relating to section 2223 the following new item:

"2223a. Information technology acquisition planning and oversight requirements.".

(b) ANNUAL REPORT TO CONGRESS.—Section 2445b(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(5) For each major automated information system program for which such information has not been provided in a previous annual report—

"(A) a description of the business case analysis (if any) that has been prepared for the program and key functional requirements for the program;

"(B) a description of the analysis of alternatives conducted with regard to the program;

"(C) an assessment of the extent to which the program, or portions of the program, have technical requirements of sufficient clarity that the program, or portions of the program, may be feasibly procured under firm, fixed-price contracts;

"(D) the most recent independent cost estimate or cost analysis for the program provided by the Director of Cost Assessment and Program Evaluation in accordance with section 2334(a)(6) of this title;

"(E) a certification by a Department of Defense acquisition official with responsibility for the program that all technical and business requirements have been reviewed and validated to ensure alignment with the business case; and

"(F) an explanation of the basis for the certification described in subparagraph (E).

"(6) For each major automated information system program for which the information required under paragraph (5) has been provided in a previous annual report, a summary of any significant changes to the information previously provided.".

SEC. 806. REQUIREMENTS FOR INFORMATION RELATING TO SUPPLY CHAIN RISK.

(a) AUTHORITY.—Subject to subsection (b), the head of a covered agency may—

(1) carry out a covered procurement action; and

(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

(b) DETERMINATION AND NOTIFICATION.—The head of a covered agency may exercise the authority provided in subsection (a) only after—

(1) obtaining a joint recommendation by the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense, on the basis of a risk assessment by the Under Secretary of Defense for Intelligence, that there is a significant supply chain risk to a covered system;

(2) making a determination in writing, in unclassified or classified form, with the concurrence of the Under Secretary of Defense for Acquisition, Technology, and Logistics, that—

(A) use of the authority in subsection (a)(1) is necessary to protect national security by reducing supply chain risk;

(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

(C) in a case where the head of the covered agency plans to limit disclosure of information under subsection (a)(2), the risk to national security due to the disclosure of such information outweighs the risk due to not disclosing such information; and

(3) providing a classified or unclassified notice of the determination made under paragraph (2) to the appropriate congressional committees, which notice shall include—

(A) the information required by section 2304(f)(3) of title 10, United States Code;

(B) the joint recommendation by the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense as specified in paragraph (1);

(C) a summary of the risk assessment by the Under Secretary of Defense for Intelligence that serves as the basis for the joint recommendation specified in paragraph (1); and

(D) a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why they were not reasonably available to reduce supply chain risk.

(c) DELEGATION.—The head of a covered agency may not delegate the authority provided in subsection (a) or the responsibility to make a determination under subsection (b) to an official below the level of the service acquisition executive for the agency concerned.

(d) LIMITATION ON DISCLOSURE.—If the head of a covered agency has exercised the authority provided in subsection (a)(2) to limit disclosure of information—

(1) no action undertaken by the agency head under such authority shall be subject to review in a bid protest before the Government Accountability Office or in any Federal court; and

(2) the agency head shall—

(A) notify appropriate parties of a covered procurement action and the basis for such action only to the extent necessary to effectuate the covered procurement action;

(B) notify other Department of Defense components or other Federal agencies responsible for procurements that may be subject to the same or similar supply chain risk, in a manner and to the extent consistent with the requirements of national security; and

(C) ensure the confidentiality of any such notifications.

(e) DEFINITIONS.—In this section:

(1) HEAD OF A COVERED AGENCY.—The term "head of a covered agency" means each of the following:

(A) The Secretary of Defense.

(B) The Secretary of the Army.

(C) The Secretary of the Navy.

(D) The Secretary of the Air Force.

(2) COVERED PROCUREMENT ACTION.—The term "covered procurement action" means any of the following actions, if the action takes place in the course of conducting a covered procurement:

(A) The exclusion of a source that fails to meet qualification standards established in accordance with the requirements of section 2319 of title 10, United States Code, for the purpose of reducing supply chain risk in the acquisition of covered systems.

(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor

providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

(C) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor for a covered system to exclude a particular source from consideration for a subcontract under the contract.

(3) COVERED PROCUREMENT.—The term "covered procurement" means—

(A) a source selection for a covered system or a covered item of supply involving either a performance specification, as provided in section 2305(a)(1)(C)(ii) of title 10, United States Code, or an evaluation factor, as provided in section 2305(a)(2)(A) of such title, relating to supply chain risk;

(B) the consideration of proposals for and issuance of a task or delivery order for a covered system or a covered item of supply, as provided in section 2304c(d)(3) of title 10, United States Code, where the task or delivery order contract concerned includes a contract clause establishing a requirement relating to supply chain risk; or

(C) any contract action involving a contract for a covered system or a covered item of supply where such contract includes a clause establishing requirements relating to supply chain risk.

(4) SUPPLY CHAIN RISK.—The term "supply chain risk" means 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 covered system so as to surveil, deny, disrupt, or otherwise degrade the function, use, or operation of such system.

(5) COVERED SYSTEM.—The term "covered system" means a national security system, as that term is defined in section 3542(b) of title 44, United States Code.

(6) COVERED ITEM OF SUPPLY.—The term "covered item of supply" means an item of information technology (as that term is defined in section 11101 of title 40, United States Code) that is purchased for inclusion in a covered system, and the loss of integrity of which could result in a supply chain risk for a covered system.

(7) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) in the case of a covered system included in the National Intelligence Program or the Military Intelligence Program, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the congressional defense committees; and

(B) in the case of a covered system not otherwise included in subparagraph (A), the congressional defense committees.

(f) EFFECTIVE DATE.—The requirements of this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply to—

(1) contracts that are awarded on or after such date; and

(2) task and delivery orders that are issued on or after such date pursuant to contracts that awarded before, on, or after such date.

(g) SUNSET.—The authority provided in this section shall expire on the date that is three years after the date of the enactment of this Act.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

SEC. 811. COST ESTIMATES FOR PROGRAM BASELINES AND CONTRACT NEGOTIATIONS FOR MAJOR DEFENSE ACQUISITION AND MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

Section 2334 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "paragraph (2)" and inserting "paragraph (3)"; and

(ii) by striking ", the rationale for selecting such confidence level, and, if such confidence level is less than 80 percent, the justification for selecting a confidence level of less than 80 percent; and" and inserting "and the rationale for selecting such confidence level;";

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

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

"(2) ensure that such confidence level provides a high degree of confidence that the program can be completed without the need for significant adjustment to program budgets; and";

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) the following new subsection (e):

"(e) ESTIMATES FOR PROGRAM BASELINE AND ANALYSES AND TARGETS FOR CONTRACT NEGOTIATION PURPOSES.—(1) The policies, procedures, and guidance issued by the Director of Cost Assessment and Program Evaluation in accordance with the requirements of subsection (a) shall provide that—

"(A) cost estimates developed for baseline descriptions and other program purposes conducted pursuant to subsection (a)(6) are not to be used for the purpose of contract negotiations or the obligation of funds; and

"(B) cost analyses and targets developed for the purpose of contract negotiations and the obligation of funds are based on the Government's reasonable expectation of successful contractor performance in accordance with the contractor's proposal and previous experience.

"(2) The Program Manager and contracting officer for each major defense acquisition program and major automated information system program shall ensure that cost analyses and targets developed for the purpose of contract negotiations and the obligation of funds are carried out in accordance with the requirements of paragraph (1) and the policies, procedures, and guidance issued by the Director of Cost Assessment and Program Evaluation.

"(3) Funds that are made available for a major defense acquisition program or major automated information system program in accordance with a cost estimate conducted pursuant to subsection (a)(6), but are excess to a cost analysis or target developed pursuant to paragraph (2), shall remain available for obligation in accordance with the terms of applicable authorization and appropriations Acts.

"(4) Funds described in paragraph (3)—

"(A) may be used—

"(i) to cover any increased program costs identified by a revised cost analysis or target developed pursuant to paragraph (2);

"(ii) to acquire additional end items in accordance with the requirements of section 2308 of this title; or

"(iii) to cover the cost of risk reduction and process improvements; and

"(B) may be reprogrammed, in accordance with established procedures, only if determined to be excess to program needs on the basis of a cost estimate developed with the concurrence of the Director of Cost Assessment and Program Evaluation.".

SEC. 812. MANAGEMENT OF MANUFACTURING RISK IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue comprehensive guidance on the management of manufacturing risk in major defense acquisition programs.

(b) ELEMENTS.—The guidance issued under subsection (a) shall, at a minimum—

(1) require the use of manufacturing readiness levels as a basis for measuring, assessing, reporting, and communicating manufacturing readiness and risk on major defense acquisition programs throughout the Department of Defense;

(2) provide guidance on the definition of manufacturing readiness levels and how manufacturing readiness levels should be used to assess manufacturing risk and readiness in major defense acquisition programs;

(3) specify manufacturing readiness levels that should be achieved at key milestones and decision points for major defense acquisition programs;

(4) identify tools and models that may be used to assess, manage, and reduce risks that are identified in the course of manufacturing readiness assessments for major defense acquisition programs; and

(5) require appropriate consideration of the manufacturing readiness and manufacturing readiness processes of potential contractors and subcontractors as a part of the source selection process for major defense acquisition programs.

(c) MANUFACTURING READINESS EXPERTISE.—The Secretary shall ensure that—

(1) the acquisition workforce chapter of the annual strategic workforce plan required by section 115b of title 10, United States Code, includes an assessment of the critical manufacturing readiness knowledge and skills needed in the acquisition workforce and a plan of action for addressing any gaps in such knowledge and skills; and

(2) the need of the Department for manufacturing readiness knowledge and skills is given appropriate consideration, comparable to the consideration given to other program management functions, as the Department identifies areas of need for funding through the Defense Acquisition Workforce Development Fund established in accordance with the requirements of section 1705 of title 10, United States Code.

(d) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term "major defense acquisition program" has the meaning given that term in section 2430(a) of title 10, United States Code.

SEC. 813. MODIFICATION AND EXTENSION OF REQUIREMENTS OF THE WEAPON SYSTEM ACQUISITION REFORM ACT OF 2009.

(a) EXTENSION OF REPORTING REQUIREMENTS.—Section 102(b) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1714; 10 U.S.C. 2430 note) is amended—

(1) in paragraph (2), by inserting ", and not later than February 15 of each year from 2011 through 2014" after "Not later than 180 days after the date of the enactment of this Act"; and

(2) in paragraph (3), by striking "The first annual report" and inserting "Each annual report from 2010 through 2014".

(b) CLARIFICATION THAT PROTOTYPES MAY BE ACQUIRED FROM COMMERCIAL, GOVERNMENT, OR ACADEMIC SOURCES.—Paragraph (4) of section 203(a) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1722; 10 U.S.C. 2430 note) is amended to read as follows:

"(4) That prototypes—

"(A) may be required under paragraph (1) or (3) for the system to be acquired or, if prototyping of the system is not feasible, for critical subsystems of the system; and

"(B) may be acquired from commercial, government, or academic sources.".

(c) CLARIFICATION THAT CERTIFICATIONS ARE NOT REQUIRED FOR MAJOR DEFENSE ACQUISITION PROGRAMS FOLLOWING MILESTONE C APPROVAL.—Section 204(c)(2) of the Weapon Systems Acquisition Reform Act of 2009 (123 Stat. 1724) is amended—

(1) in subparagraph (A), by striking "; and" and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) has not yet achieved a Milestone C approval.".

(d) CLARIFICATION THAT CERTAIN MILESTONE B CERTIFICATION CRITERIA MAY BE WAIVED.—

(1) WAIVER AUTHORITY.—Effective as of May 22, 2009, section 2366b(d) of title 10, United States Code, as amended by section 205(a)(1) of the Weapon Systems Acquisition Reform Act of 2009 (123 Stat. 1724), is amended—

(A) in paragraph (1), by striking "specified in paragraph (1) or (2) of subsection (a)" and inserting "specified in paragraph (1), (2), or (3) of subsection (a)"; and

(B) in paragraph (2), by striking "specified in paragraphs (1) and (2) of subsection (a)" and inserting "specified in paragraphs (1), (2), and (3) of subsection (a)".

(2) DETERMINATION REGARDING SATISFACTION OF CERTIFICATION COMPONENTS.—Effective as of May 22, 2009, and as if included therein as enacted, section 205(b)(1) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 2366b note) is amended by striking "certification components specified in paragraphs (1) and (2) of subsection (a) of section 2366b of title 10, United States Code" and inserting "certification components specified in paragraphs (1), (2), and (3) of subsection (a) of section 2366b of title 10, United States Code".

(e) CORRECTION TO REFERENCE.—Effective as of May 22, 2009, and as if included therein as enacted, section 205(c) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 2433a note) is amended by striking "section 2433a(c)(3)" and inserting "section 2433a(c)(1)(C)".

SEC. 814. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER VARIOUS ACQUISITION-RELATED REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 2430a(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" before "If the Secretary";

(3) in subparagraph (A), as so redesignated, by inserting "(other than as provided in paragraph (2))" before the semicolon; and

(4) by adding at the end the following new paragraph:

"(2) For a major defense acquisition program for which a designation of a major subprogram has been made under subsection (a), unit costs under this chapter shall be submitted in accordance with the definitions in subsection (d).".

(b) MILESTONE A APPROVAL CERTIFICATION REQUIREMENTS.—Section 2366a of such title is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "a major defense acquisition program certified by the Milestone Decision Authority under subsection (a), if the projected cost of the program" and inserting "a major defense acquisition program certified by the Milestone Decision Authority under subsection (a) or a designated major subprogram of such program, if the projected cost of the program or subprogram"; and

(B) in paragraph (2), by inserting "or designated major subprogram" after "major defense acquisition program"; and

(2) in subsection (c)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively; and

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

"(2) The term 'designated major subprogram' means a major subprogram of a major defense acquisition program designated under section 2430a(a)(1) of this title.".

(c) MILESTONE B APPROVAL CERTIFICATION REQUIREMENTS.—Section 2366b of such title is amended—

(1) in subsection (b)(1)—

(A) by striking "any changes to the program" and inserting "any changes to the program or a designated major subprogram of such program"; and

(B) in subparagraph (B), by striking "otherwise cause the program" and inserting "otherwise cause the program or subprogram"; and

(2) in subsection (g)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

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

"(2) The term 'designated major subprogram' means a major subprogram of a major defense acquisition program designated under section 2430a(a)(1) of this title.".

(d) CONFORMING AMENDMENTS TO SECTION 2399.—Subsection (a) of section 2399 of such title is amended to read as follows:

"(a) CONDITION FOR PROCEEDING BEYOND LOW-RATE INITIAL PRODUCTION.—(1) The Secretary of Defense shall provide that a covered major defense acquisition program or a covered designated major subprogram may not proceed beyond low-rate initial production until initial operational test and evaluation of the program or subprogram is completed.

"(2) In this subsection:

"(A) The term 'covered major defense acquisition program' means a major defense acquisition program that involves the acquisition of a weapon system that is a major system within the meaning of that term in section 2302(5) of this title.

"(B) The term 'covered designated major subprogram' means a major subprogram designated under section 2430a(a)(1) of this title that is a major subprogram of a covered major defense acquisition program.".

(e) CONFORMING AMENDMENTS TO SECTION 2434.—Section 2434(a) of such title is amended—

(1) by inserting "(1)" before "The Secretary of Defense"; and

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

"(2) The provisions of this section shall apply to any major subprogram of a major defense acquisition program (as designated under section 2430a(a)(1) of this title) in the same manner as those provisions apply to a major defense acquisition program, and any reference in this section to a program shall be treated as including such a subprogram.".

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 821. PROVISIONS RELATING TO FIRE RESISTANT FIBER FOR PRODUCTION OF MILITARY UNIFORMS.

(a) EXTENSION.—Section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 229; 10 U.S.C. 2533a note) is amended in subsection (f) by striking "on the date that is five years after the date of the enactment of this Act" and inserting "on January 1, 2015".

(b) PROHIBITION ON SPECIFICATION IN SOLICITATIONS.—No solicitation issued before January 1, 2015, by the Department of Defense may include a requirement that proposals submitted pursuant to such solicitation must include the use of fire resistant rayon fiber.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 15, 2011, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the supply chain for fire resistant fiber for the production of military uniforms.

(2) ELEMENTS.—The report required by paragraph (1) shall include, at a minimum, an analysis of the following:

(A) The current and anticipated sources of fire resistant rayon fiber for the production of military uniforms.

(B) The extent to which fire resistant rayon fiber has unique properties that provide advantages for the production of military uniforms.

(C) The extent to which the efficient procurement of fire resistant rayon fiber for the production of military uniforms is impeded by existing statutory or regulatory requirements.

(D) The actions the Department of Defense has taken to identify alternatives to fire resistant rayon fiber for the production of military uniforms.

(E) The extent to which such alternatives provide an adequate substitute for fire resistant rayon fiber for the production of military uniforms.

(F) The impediments to the use of such alternatives, and the actions the Department has taken to overcome such impediments.

(G) The extent to which uncertainty regarding the future availability of fire resistant rayon fiber results in instability or inefficiency for elements of the United States textile industry that use fire resistant rayon fiber, and the extent to which that instability or inefficiency results in less efficient business practices, impedes investment and innovation, and thereby results or may result in higher costs, delayed delivery, or a lower quality of product delivered to the Government.

(H) The extent to which any modifications to existing law or regulation may be necessary to ensure the efficient acquisition of fire resistant fiber or alternative fire resistant products for the production of military uniforms.

SEC. 822. REPEAL OF REQUIREMENT FOR CERTAIN PROCUREMENTS FROM FIRMS IN THE SMALL ARMS PRODUCTION INDUSTRIAL BASE.

(a) REPEAL.—Section 2473 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2473.

SEC. 823. REVIEW OF REGULATORY DEFINITION RELATING TO PRODUCTION OF SPECIALTY METALS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall review the regulations specified in subsection (b) to ensure that the definition of the term "produce" in such regulations complies with the requirements of section 2533b of title 10, United States Code. In carrying out the review, the Secretary shall seek public comment, consider congressional intent, and revise the regulations as the Secretary considers necessary and appropriate.

(b) REGULATIONS SPECIFIED.—The regulations referred to in subsection (a) are any portion of subpart 252.2 of the defense supplement to the Federal Acquisition Regulation that includes a definition of the term "produce" for purposes of implementing section 2533b of title 10, United States Code.

(c) COMPLETION OF REVIEW.—The Secretary shall complete the review required by subsection (a) and any necessary and appropriate revisions to the defense supplement to the Federal Acquisition Regulation not later than 270 days after the date of the enactment of this Act.

SEC. 824. GUIDANCE RELATING TO RIGHTS IN TECHNICAL DATA.

(a) REVIEW OF GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review guidance issued by the military departments on the implementation of section 2320(e) of title 10, United States Code, to ensure that such guidance is consistent with the guidance issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics and the requirements of this section. Such guidance shall be designed to ensure that the United States—

(1) preserves the option of competition for contracts for the production and sustainment of systems or subsystems that are developed exclusively with Federal funds as defined in accordance with the amendments made by this section; and

(2) is not required to pay more than once for the same technical data.

(b) RIGHTS IN TECHNICAL DATA.—Section 2320(a) of title 10, United States Code, is amended—

(1) in paragraph (2)(F)(i)—

(A) by redesignating subclauses (I) and (II) as subclauses (II) and (III), respectively; and

(B) by inserting before subclause (II), as so redesignated, the following new subclause (I):

"(I) rights in technical data described in subparagraph (A) for which a use or release restriction has been erroneously asserted by a contractor or subcontractor;"; and

(2) in paragraph (3), by striking "for the purposes of definitions under this paragraph" and inserting "for the purposes of paragraph (2)(B), but shall be considered to be Federal funds for the purposes of paragraph (2)(A)".

(c) VALIDATION OF PROPRIETARY DATA RESTRICTIONS.—Section 2321(d)(2) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "A challenge" and inserting "Except as provided in subparagraph (C), a challenge"; and

(2) by adding at the end the following new subparagraph (C):

"(C) The limitation in this paragraph shall not apply to a case in which the Secretary finds that reasonable grounds exist to believe that a contractor or subcontractor has erroneously asserted a use or release restriction with regard to technical data described in section 2320(a)(2)(A) of this title.".

SEC. 825. EXTENSION OF SUNSET DATE FOR CERTAIN PROTESTS OF TASK AND DELIVERY ORDER CONTRACTS.

Paragraph (3) of section 2304c(e) of title 10, United States Code, is amended to read as follows:

"(3) Paragraph (1)(B) and paragraph (2) of this subsection shall not be in effect after September 30, 2016.".

SEC. 826. INCLUSION OF OPTION AMOUNTS IN LIMITATIONS ON AUTHORITY OF THE DEPARTMENT OF DEFENSE TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by inserting "(including all options)" after "not in excess of $100,000,000"; and

(B) in subparagraph (B), by inserting "(including all options)" after "in excess of $100,000,000"; and

(2) in subsection (e)(3)(A), by inserting "(including all options)" after "does not exceed $50,000,000".

SEC. 827. PERMANENT AUTHORITY FOR DEFENSE ACQUISITION CHALLENGE PROGRAM; PILOT EXPANSION OF PROGRAM.

(a) PERMANENT AUTHORITY.—Section 2359b of title 10, United States Code, is amended—

(1) by striking subsections (j) and (k); and

(2) by redesignating subsection (l) as subsection (j).

(b) PILOT PROGRAM.—Section 2359b of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end the following new subsection (k):

"(k) PILOT PROGRAM FOR PROGRAMS OTHER THAN MAJOR DEFENSE ACQUISITION PROGRAMS.—

"(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall carry out a pilot program to expand the use of the authority provided in this section to provide opportunities for the introduction of innovative and cost-saving approaches to programs other than major defense acquisition programs through the submission, review, and implementation, where appropriate, of qualifying proposals.

"(2) QUALIFYING PROPOSALS.—For purposes of this subsection, a qualifying proposal is an offer to supply a nondevelopmental item that—

"(A) is evaluated as achieving a level of performance that is at least equal to the level of performance of an item being procured under a covered acquisition program and as providing savings in excess of 15 percent after considering all costs to the Government of implementing such proposal; or

"(B) is evaluated as achieving a level of performance that is significantly better than the level of performance of an item being procured under a covered acquisition program without any increase in cost to the Government.

"(3) REVIEW PROCEDURES.—The Under Secretary shall adopt modifications as may be needed to the procedures applicable to the Challenge Program to provide for Department of Defense review of, and action on, qualifying proposals. Such procedures shall include, at a minimum, the issuance of a broad agency announcement inviting interested parties to submit qualifying proposals in areas of interest to the Department.

"(4) DEFINITIONS.—In this subsection:

"(A) NONDEVELOPMENTAL ITEM.—The term 'nondevelopmental item' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(B) COVERED ACQUISITION PROGRAM.—The term 'covered acquisition program' means any acquisition program of the Department of Defense other than a major defense acquisition program, but does not include any contract awarded under an exception to competitive acquisition authorized by the Small Business Act (15 U.S.C. 631 et seq.)

"(C) LEVEL OF PERFORMANCE.—The term 'level of performance', with respect to a nondevelopmental item, means the extent to which the item demonstrates required item functional characteristics.

"(5) SUNSET.—The authority to carry out the pilot program under this subsection shall terminate on the date that is five years after the date of the enactment of this Act.".

SEC. 828. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) COMPETITION REQUIREMENTS FOR TASK OR DELIVERY ORDERS UNDER ENERGY SAVINGS PERFORMANCE CONTRACTS.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by adding at the end the following:

"(c) TASK OR DELIVERY ORDERS.—(1) The head of a Federal agency may issue a task or delivery order under an energy savings performance contract by—

"(A) notifying all contractors that have received an award under such contract that the agency proposes to discuss energy savings performance services for some or all of its facilities and, following a reasonable period of time to provide a proposal in response to the notice, soliciting from such contractors the submission of expressions of interest in, and contractor qualifications for, performing site surveys or investigations and feasibility designs and studies, and including in the notice summary information concerning energy use for any facilities that the agency has specific interest in including in such task or delivery order;

"(B) reviewing all expressions of interest and qualifications submitted pursuant to the notice under subparagraph (A);

"(C) selecting two or more contractors (from among those reviewed under subparagraph (B)) to conduct discussions concerning the contractors' respective qualifications to implement potential energy conservation measures, including—

"(i) requesting references and specific detailed examples with respect to similar efforts and the resulting energy savings of such similar efforts; and

"(ii) requesting an explanation of how such similar efforts relate to the scope and content of the task or delivery order concerned;

"(D) selecting and authorizing—

"(i) more than one contractor (from among those selected under subparagraph (C)) to conduct site surveys, investigations, feasibility designs and studies, or similar assessments for the energy savings performance contract services (or for discrete portions of such services), for the purpose of allowing each such contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures; or

"(ii) one contractor (from among those selected under subparagraph (C)) to conduct a site survey, investigation, feasibility design and study, or similar assessment for the purpose of allowing the contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures;

"(E) providing a debriefing to any contractor not selected under subparagraph (D);

"(F) negotiating a task or delivery order for energy savings performance contracting services with the contractor or contractors selected under subparagraph (D) based on the energy conservation measures identified; and

"(G) issuing a task or delivery order for energy savings performance contracting services to such contractor or contractors.

"(2) The issuance of a task or delivery order for energy savings performance contracting services pursuant to paragraph (1) is deemed to satisfy the task and delivery order competition requirements in section 2304c(d) of title 10, United States Code, and section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)).

"(3) The Secretary may issue guidance as necessary to agencies issuing task or delivery orders pursuant to paragraph (1).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) is inapplicable to task or delivery orders issued before the date of enactment of this Act.

SEC. 829. DEFINITION OF MATERIALS CRITICAL TO NATIONAL SECURITY.

(a) DEFINITIONS.—Section 187 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) DEFINITIONS.—In this section:

"(1) The term 'materials critical to national security' means materials—

"(A) upon which the production or sustainment of military equipment is dependent; and

"(B) the supply of which could be restricted by actions or events outside the control of the Government of the United States.

"(2) The term 'military equipment' means equipment used directly by the armed forces to carry out military operations.

"(3) The term 'secure supply', with respect to a material, means the availability of a source or sources for the material, including the full supply chain for the material and components containing the material.".

(b) AMENDMENT RELATING TO DUTIES.—Subsection (b) of section 187 of such title is amended to read as follows:

"(b) DUTIES.—In addition to other matters assigned to it by the Secretary of Defense, the Board shall—

"(1) determine the need to provide a long term secure supply of materials designated as critical to national security to ensure that national defense needs are met;

"(2) analyze the risk associated with each material designated as critical to national security and the effect on national defense that the nonavailability of such material would have;

"(3) recommend a strategy to the President to ensure a secure supply of materials designated as critical to national security;

"(4) recommend such other strategies to the President as the Board considers appropriate to strengthen the industrial base with respect to materials critical to national security; and

"(5) publish not less frequently than once every two years in the Federal Register recommendations regarding materials critical to national security, including a list of specialty metals, if any, recommended for addition to, or removal from, the definition of 'specialty metal' for purposes of section 2533b of this title.".

Subtitle D—Contractor Matters

SEC. 831. OVERSIGHT AND ACCOUNTABILITY OF CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.

(a) ENHANCEMENT OF OVERSIGHT AND ACCOUNTABILITY.—Section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by striking "comply with regulations" and inserting "ensure that the contractor and all employees of the contractor or any subcontractor who are responsible for performing private security functions under such contract comply with regulations";

(B) in subparagraph (B)—

(i) by striking "comply with" and all that follows through "in accordance with" and inserting "ensure that the contractor and all employees of the contractor or any subcontractor who are responsible for performing private security functions under such contract comply with"; and

(ii) by striking "and" at the end;

(C) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(D) ensure that the contract clause is included in subcontracts awarded to any subcontractor at any tier who is responsible for performing private security functions under the contract.";

(2) by redesignating subsections (c) and (d) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (b) the following new subsections:

"(c) OVERSIGHT.—It shall be the responsibility of the head of the contracting activity responsible for each covered contract to ensure that the contracting activity takes appropriate steps to assign sufficient oversight personnel to the contract to—

"(1) ensure that the contractor responsible for performing private security functions under such contract comply with the regulatory requirements prescribed pursuant to subsection (a) and the contract requirements established pursuant to subsection (b); and

"(2) make the determinations required by subsection (d).

"(d) REMEDIES.—The failure of a contractor under a covered contract to comply with the requirements of the regulations prescribed under subsection (a) or the contract clause inserted in a covered contract pursuant to subsection (b), as determined by the contracting officer for the covered contract—

"(1) shall be included in appropriate databases of past performance and considered in any responsibility determination or evaluation of the past performance of the contractor for the purpose of a contract award decision, as provided in section 6(j) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(j));

"(2) in the case of an award fee contract—

"(A) shall be considered in any evaluation of contract performance by the contractor for the relevant award fee period; and

"(B) may be a basis for reducing or denying award fees for such period, or for recovering all or part of award fees previously paid for such period; and

"(3) in the case of a failure to comply that is severe, prolonged, or repeated—

"(A) shall be referred to the suspension or debarment official for the appropriate agency; and

"(B) may be a basis for suspension or debarment of the contractor.

"(e) RULE OF CONSTRUCTION.—The duty of a contractor under a covered contract to comply with the requirements of the regulations prescribed under subsection (a) and the contract clause inserted into a covered contract pursuant to subsection (b), and the availability of the remedies provided in subsection (d), shall not be reduced or diminished by the failure of a higher or lower tier contractor under such contract to comply with such requirements, or by a failure of the contracting activity to provide the oversight required by subsection (c).".

(b) REVISED REGULATIONS AND CONTRACT CLAUSE.—

(1) DEADLINE FOR REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall revise the regulations prescribed pursuant to section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note) to incorporate the requirements of the amendments made by subsection (a).

(2) COMMENCEMENT OF APPLICABILITY OF REVISIONS.—The revision of regulations under paragraph (1) shall apply to the following:

(A) Any contract that is awarded on or after the date that is 120 days after the date of the enactment of this Act.

(B) Any task or delivery order that is issued on or after the date that is 120 days after the date of the enactment of this Act pursuant to a contract that is awarded before, on, or after the date that is 120 days after the date of the enactment of this Act.

(3) COMMENCEMENT OF INCLUSION OF CONTRACT CLAUSE.—A contract clause that reflects the revision of regulations required by the amendments made by subsection (a) shall be inserted, as required by such section 862, into the following:

(A) Any contract described in paragraph (2)(A).

(B) Any task or delivery order described in paragraph (2)(B).

SEC. 832. EXTENSION OF REGULATIONS ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS TO AREAS OF OTHER SIGNIFICANT MILITARY OPERATIONS.

(a) AREAS OF OTHER SIGNIFICANT MILITARY OPERATIONS.—Section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note), as amended by section 831, is further amended—

(1) by striking "combat operations" each place it appears and inserting "combat operations or other significant military operations"; and

(2) in subsection (f), as redesignated by such section 831—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(B) in paragraph (1)—

(i) by inserting "either" after "constituting"; and

(ii) by adding at the end the following: "In making designations under this paragraph, the Secretary shall ensure that an area is not designated in whole or part as both an area of combat operations and an area of other significant military operations."; and

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

"(2) OTHER SIGNIFICANT MILITARY OPERATIONS.—For purposes of this section, the term 'other significant military operations' means activities, other than combat operations, as part of an overseas contingency operation that are carried out by United States Armed Forces in an uncontrolled or unpredictable high-threat environment where personnel performing security functions may be called upon to use deadly force.".

(b) ADDITIONAL AREAS CONSIDERED FOR DESIGNATION.—

(1) DETERMINATION REQUIRED FOR CERTAIN AREAS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall make a written determination for each of the following areas regarding whether or not the area constitutes an area of combat operations or an area of other significant military operations for purposes of designation as such an area under section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note), as amended by this section:

(A) The Horn of Africa region.

(B) Yemen.

(C) The Philippines.

(2) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of each written determination under paragraph (1), together with an explanation of the basis for such determination.

(c) LIMITATION AND EXCEPTION.—Section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note), as amended by subsection (a) and by section 831, is further amended—

(1) by redesignating subsection (g), as redesignated by such section 831, as subsection (h) and inserting after subsection (f) the following new subsection (g):

"(g) LIMITATION.—With respect to an area of other significant military operations, the requirements of this section shall apply only upon agreement of the Secretary of Defense and the Secretary of State. An agreement of the Secretaries under this subsection may be made only on an area-by-area basis. With respect to an area of combat operations, the requirements of this section shall always apply."; and

(2) in subsection (h), as so redesignated—

(A) by striking the subsection designation and "EXCEPTION.—" and inserting the following:

"(h) EXCEPTIONS.—

"(1) INTELLIGENCE ACTIVITIES.—"; and

(B) by adding at the end the following new paragraph:

"(2) NONGOVERNMENTAL ORGANIZATIONS.—The requirements of this section shall not apply to a nonprofit nongovernmental organization receiving grants or cooperative agreements for activities conducted within an area of other significant military operations if the Secretary of Defense and the Secretary of State agree that such organization may be exempted. An exemption may be granted by the agreement of the Secretaries under this paragraph on an organization-by-organization or area-by-area basis. Such an exemption may not be granted with respect to an area of combat operations.".

(d) REPORT ON IMPLEMENTATION.—Not later than 180 days after a designation of an area as an area of combat operations or an area of other significant military operations pursuant to subsection (b)(2), the Secretary of Defense, in coordination with the Secretary of State, shall submit to Congress a report on steps taken or planned to be taken to implement the regulations prescribed under section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note) in such area. In the case of any agreement by the Secretaries to limit the applicability of such section or exempt nongovernmental organizations from such section, pursuant to subsections (g) or (h)(1) of such section (as added by subsection (c)), the report shall document the basis for such agreement.

SEC. 833. STANDARDS AND CERTIFICATION FOR PRIVATE SECURITY CONTRACTORS.

(a) REVIEW OF THIRD-PARTY STANDARDS AND CERTIFICATION PROCESSES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) determine whether the private sector has developed—

(A) operational and business practice standards applicable to private security contractors; and

(B) third-party certification processes for determining whether private security contractors adhere to standards described in subparagraph (A); and

(2) review any standards and processes identified pursuant to paragraph (1) to determine whether the application of such standards and processes will make a substantial contribution to the successful performance of private security functions in areas of combat operations or other significant military operations.

(b) REVISED REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall revise the regulations promulgated under section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note) to ensure that such regulations—

(1) establish criteria for defining standard practices for the performance of private security functions, which shall reflect input from industry representatives as well as the Inspector General of the Department of Defense; and

(2) establish criteria for weapons training programs for contractors performing private security functions, including minimum requirements for weapons training programs of instruction and minimum qualifications for instructors for such programs.

(c) INCLUSION OF THIRD-PARTY STANDARDS AND CERTIFICATIONS IN REVISED REGULATIONS.—

(1) STANDARDS.—If the Secretary determines that the application of operational and business practice standards identified pursuant to subsection (a)(1)(A) will make a substantial contribution to the successful performance of private security functions in areas of combat operations or other significant military operations, the revised regulations promulgated pursuant to subsection (b) shall incorporate a requirement to comply with such standards, subject to such exceptions as the Secretary may determine to be necessary.

(2) CERTIFICATIONS.—If the Secretary determines that the application of a third-party certification process identified pursuant to subsection (a)(1)(B) will make a substantial contribution to the successful performance of private security functions in areas of combat operations or other significant military operations, the revised regulations promulgated pursuant to subsection (b) may provide for the consideration of such certifications as a factor in the evaluation of proposals for award of a covered contract for the provision of private security functions, subject to such exceptions as the Secretary may determine to be necessary.

(d) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term "covered contract" means—

(A) a contract of the Department of Defense for the performance of services;

(B) a subcontract at any tier under such a contract; or

(C) a task order or delivery order issued under such a contract or subcontract.

(2) CONTRACTOR.—The term "contractor" means, with respect to a covered contract, the contractor or subcontractor carrying out the covered contract.

(3) PRIVATE SECURITY FUNCTIONS.—The term "private security functions" means activities engaged in by a contractor under a covered contract as follows:

(A) Guarding of personnel, facilities, or property of a Federal agency, the contractor or subcontractor, or a third party.

(B) Any other activity for which personnel are required to carry weapons in the performance of their duties.

(e) EXCEPTION.—The requirements of this section shall not apply to contracts entered into by elements of the intelligence community in support of intelligence activities.

SEC. 834. 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.

(a) EXPANSION OF DISPOSITIONS SUBJECT TO AUTHORITY.—Section 823 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2412; 10 U.S.C. 2302 note) is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

"(5) In an administrative proceeding, a final determination of contractor fault by the Secretary of Defense pursuant to subsection (d).";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) DETERMINATIONS OF CONTRACTOR FAULT BY SECRETARY OF DEFENSE.—

"(1) IN GENERAL.—In any case described by paragraph (2), the Secretary of Defense shall—

"(A) provide for an expeditious independent investigation of the causes of the serious bodily injury or death alleged to have been caused by the contractor as described in that paragraph; and

"(B) make a final determination, pursuant to procedures established by the Secretary for purposes of this subsection, whether the contractor, in the performance of a covered contract, caused such serious bodily injury or death through gross negligence or with reckless disregard for the safety of civilian or military personnel of the Government.

"(2) COVERED CASES.—A case described in this paragraph is any case in which the Secretary has reason to believe that—

"(A) a contractor, in the performance of a covered contract, may have caused the serious bodily injury or death of any civilian or military personnel of the Government; and

"(B) such contractor is not subject to the jurisdiction of United States courts.

"(3) CONSTRUCTION OF DETERMINATION.—A final determination under this subsection may be used only for the purpose

of evaluating contractor performance, and shall not be determinative of fault for any other purpose.".

(b) DEFINITION OF CONTRACTOR.—Paragraph (1) of subsection (e) of such section, as redesignated by subsection (a)(2) of this section, is amended to read as follows:

"(1) The term 'contractor' means a company awarded a covered contract and a subcontractor at any tier under such contract.".

(c) TECHNICAL AMENDMENT.—Subsection (c) of such section is further amended in the matter preceding paragraph (1) by striking "subsection (a)" and inserting "subsection (b)".

(d) INCLUSION OF DETERMINATIONS OF CONTRACTOR FAULT IN DATABASE FOR FEDERAL AGENCY CONTRACT AND GRANT OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.—Section 872(c)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4556) is amended by adding at the end the following new subparagraph:

"(E) In an administrative proceeding, a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note).".

(e) EFFECTIVE DATE.—The requirements of section 823 of the National Defense Authorization Act for Fiscal Year 2010, as amended by subsections (a) through (c), shall apply with respect to the following:

(1) Any contract entered into on or after the date of the enactment of this Act.

(2) Any task order or delivery order issued on or after the date of the enactment of this Act under a contract entered into before, on, or after that date.

SEC. 835. ANNUAL JOINT REPORT AND COMPTROLLER GENERAL REVIEW ON CONTRACTING IN IRAQ AND AFGHANISTAN.

Section 863 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note) is amended to read as follows:

"SEC. 863. ANNUAL JOINT REPORT AND COMPTROLLER GENERAL REVIEW ON CONTRACTING IN IRAQ AND AFGHANISTAN.

"(a) JOINT REPORT REQUIRED.—

"(1) IN GENERAL.—Except as provided in paragraph (6), every 12 months, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall submit to the relevant committees of Congress a joint report on contracts in Iraq or Afghanistan.

"(2) PRIMARY MATTERS COVERED.—A report under this subsection shall, at a minimum, cover the following with respect to contracts in Iraq and Afghanistan during the reporting period:

"(A) Total number of contracts awarded.

"(B) Total number of active contracts.

"(C) Total value of all contracts awarded.

"(D) Total value of active contracts.

"(E) The extent to which such contracts have used competitive procedures.

"(F) Total number of contractor personnel working on contracts at the end of each quarter of the reporting period.

"(G) Total number of contractor personnel who are performing security functions at the end of each quarter of the reporting period.

"(H) Total number of contractor personnel killed or wounded.

"(3) ADDITIONAL MATTERS COVERED.—A report under this subsection shall also cover the following:

"(A) The sources of information and data used to compile the information required under paragraph (2).

"(B) A description of any known limitations of the data reported under paragraph (2), including known limitations of the methodology and data sources used to compile the report.

"(C) Any plans for strengthening collection, coordination, and sharing of information on contracts in Iraq and Afghanistan through improvements to the common databases identified under section 861(b)(4).

"(4) REPORTING PERIOD.—A report under this subsection shall cover a period of not less than 12 months.

"(5) SUBMISSION OF REPORTS.—The Secretaries and the Administrator shall submit an initial report under this subsection not later than February 1, 2011, and shall submit an updated report by February 1 of every year thereafter until February 1, 2013.

"(6) EXCEPTION.—If the total annual amount of obligations for contracts in Iraq and Afghanistan combined is less than $250,000,000 for the reporting period, for all three agencies combined, the Secretaries and the Administrator may submit, in lieu of a report, a letter stating the applicability of this paragraph, with such documentation as the Secretaries and the Administrator consider appropriate.

"(7) ESTIMATES.—In determining the total number of contractor personnel working on contracts under paragraph (2)(F), the Secretaries and the Administrator may use estimates for any category of contractor personnel for which they determine it is not feasible to provide an actual count. The report shall fully disclose the extent to which estimates are used in lieu of an actual count.

"(b) COMPTROLLER GENERAL REVIEW AND REPORT.—

"(1) IN GENERAL.—Within 180 days after submission of each annual joint report required under subsection (a), but in no case later than August 5 of each year until 2013, the Comptroller General of the United States shall review the joint report and submit to the relevant committees of Congress a report on such review.

"(2) MATTERS COVERED.—A report under this subsection shall, at minimum—

"(A) assess the data and data sources used in developing the joint report;

"(B) review how the Department of Defense, the Department of State, and the United States Agency for International Development are using the data and the data sources used to develop the joint report in managing, overseeing, and coordinating contracting in Iraq and Afghanistan;

"(C) assess the plans of the departments and agency for strengthening or improving the common databases identified under section 861(b)(4); and

"(D) review and make recommendations on any specific contract or class of contracts that the Comptroller General determines raises issues of significant concern.

"(3) ACCESS TO DATABASES AND OTHER INFORMATION.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall provide to the Comptroller General full access to information on contracts in Iraq and Afghanistan for the purposes of the review carried out under this subsection, including the common databases identified under section 861(b)(4).".

Subtitle E—Other Matters

SEC. 841. IMPROVEMENTS TO STRUCTURE AND FUNCTIONING OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) VICE CHAIRMAN OF JOINT CHIEFS OF STAFF TO BE CHAIRMAN OF COUNCIL.—Subsection (c) of section 181 of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "Vice" before "Chairman of the Joint Chiefs of Staff";

(2) in paragraph (2), by striking ", other than the Chairman of the Joint Chiefs of Staff," and inserting "under subparagraphs (B), (C), (D), and (E) of paragraph (1)"; and

(3) by striking paragraph (3).

(b) ROLE OF COMMANDERS OF COMBATANT COMMANDS AS MEMBERS OF COUNCIL.—Paragraph (1) of subsection (c) of such section is further amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) in addition, when directed by the chairman, the commander of any combatant command (or, as directed by that commander, the deputy commander of that command) when matters related to the area of responsibility or functions of that command will be under consideration by the Council.".

(c) CIVILIAN ADVISORS.—

(1) ADDITIONAL CIVILIAN ADVISORS.—Subsection (d) of such section is amended by striking "The Under Secretary" and all that follows through "and expertise." and inserting: "The following officials of the Department of Defense shall serve as advisors to the Council on matters within their authority and expertise:

"(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(B) The Under Secretary of Defense (Comptroller).

"(C) The Under Secretary of Defense for Policy.

"(D) The Director of Cost Assessment and Program Evaluation.

"(E) The Director of Operational Test and Evaluation.

"(F) Such other civilian officials of the Department of Defense as are designated by the Secretary of Defense for purposes of this subsection.".

(2) CONFORMING AMENDMENT.—Subsection (b)(3) of such section is amended by striking "Under Secretary of Defense (Comptroller), the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Director of Cost Assessment and Performance Evaluation" and inserting "advisors to the Council under subsection (d)".

(d) RECOGNITION OF PERMANENT NATURE OF COUNCIL.—Subsection (a) of such section is amended by striking "The Secretary of Defense shall establish" and inserting "There is".

SEC. 842. DEPARTMENT OF DEFENSE POLICY ON ACQUISITION AND PERFORMANCE OF SUSTAINABLE PRODUCTS AND SERVICES.

(a) FINDING.—Congress finds the following:

(1) Executive Order No. 13514, dated October 5, 2009, requires the departments and agencies of the Federal Government to establish an integrated strategy towards the procurement of sustainable products and services.

(2) The Department of Defense Strategic Sustainability Performance Plan, issued in August 2010, provides a framework for the Department's compliance with Executive Order No. 13514 and other applicable sustainability requirements.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the achievement by the Department of Defense of the objectives and goals on the procurement of sustainable products and services established by section 2(h) of Executive Order No. 13514.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the actions taken, and to be taken, by the Department to identify particular sustainable products and services that contribute to the achievement of the objectives and goals described in paragraph (1).

(B) An assessment of the tools available to the Department to promote the use of particular sustainable products and services identified pursuant to the actions described in subparagraph (A) across the Department, and a description of the actions taken, and to be taken, by the Department to use such tools.

(C) A description of strategies and tools identified by the Department that could assist the other departments and agencies of the Federal Government in procuring sustainable products and services, including a description of mechanisms for sharing best practices in such procurement, as identified by the Department, among the other departments and agencies of the Federal Government.

(D) An assessment of the progress the Department has made toward the achievement of the objectives and goals described in paragraph (1), including the scorecard identified in its Strategic Sustainability Performance Plan.

SEC. 843. ASSESSMENT AND PLAN FOR CRITICAL RARE EARTH MATERIALS IN DEFENSE APPLICATIONS.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall undertake an assessment of the supply and demand for rare earth materials in defense applications and identify which, if any, rare earth material meets both of the following criteria:

(A) The rare earth material is critical to the production, sustainment, or operation of significant United States military equipment.

(B) The rare earth material is subject to interruption of supply, based on actions or events outside the control of the Government of the United States.

(2) EVALUATION OF SUPPLY.—The assessment shall include a comprehensive evaluation of the long-term security and availability of all aspects of the supply chain for rare earth materials in defense applications, particularly the location and number of sources at each step of the supply chain, including—

(A) mining of rare earth ores;

(B) separation of rare earth oxides;

(C) refining and reduction of rare earth metals;

(D) creation of rare earth alloys;

(E) manufacturing of components and systems containing rare earth materials; and

(F) recycling of components and systems to reclaim and reuse rare earth materials.

(3) EVALUATION OF DEMAND.—The assessment shall include a comprehensive evaluation of the demand for and usage of rare earth materials in all defense applications, including—

(A) approximations of the total amounts of individual rare earth materials used in defense applications;

(B) determinations of which, if any, defense applications are dependent upon rare earth materials for proper operation and functioning; and

(C) assessments of the feasibility of alternatives to usage of rare earth materials in defense applications.

(4) OTHER STUDIES AND AGENCIES.—Any applicable studies conducted by the Department of Defense, the Comptroller General of the United States, or other Federal agencies during fiscal year 2010 may be considered as partial fulfillment of the requirements of this section. The Secretary may consider the views of other Federal agencies, as appropriate.

(5) SPECIFIC MATERIAL INCLUDED.—At a minimum, the Secretary shall identify sintered neodymium iron boron magnets as meeting the criteria specified in paragraph (1).

(b) PLAN.—For each rare earth material identified pursuant to subsection (a)(1), the Secretary shall develop a plan to ensure the long-term availability of such rare earth material, with a goal of establishing an assured source of supply of such material in critical defense applications by December 31, 2015. In developing the plan, the Secretary shall consider all aspects of the material's supply chain, as described in subsection (a)(2). The plan shall include consideration of numerous risk mitigation methods with respect to the material, including—

(1) an assessment of including the material in the National Defense Stockpile;

(2) in consultation with the United States Trade Representative, the identification of any trade practices known to the Secretary that limit the Secretary's ability to ensure the long-term availability of such material or the ability to meet the

goal of establishing an assured source of supply of such material by December 31, 2015;

(3) an assessment of the availability of financing to industry, academic institutions, or not-for-profit entities to provide the capacity required to ensure the availability of the material, as well as potential mechanisms to increase the availability of such financing;

(4) an assessment of the benefits, if any, of Defense Production Act funding to support the establishment of an assured source of supply for military components;

(5) an assessment of funding for research and development related to any aspect of the rare earth material supply chain or research on alternatives and substitutes;

(6) any other risk mitigation method determined appropriate by the Secretary that is consistent with the goal of establishing an assured source of supply by December 31, 2015; and

(7) for steps of the rare earth material supply chain for which no other risk mitigation method, as described in paragraphs (1) through (6), will ensure an assured source of supply by December 31, 2015, a specific plan to eliminate supply chain vulnerability by the earliest date practicable.

(c) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional committees described in paragraph (2) a report containing the findings of the assessment required under subsection (a) and the plan developed under subsection (b).

(2) CONGRESSIONAL COMMITTEES.—The congressional committees described in this paragraph are as follows:

(A) The congressional defense committees.

(B) The Committee on Science and Technology, the Committee on Financial Services, and the Committee on Ways and Means of the House of Representatives.

(C) The Committee on Energy and Natural Resources, the Committee on Finance, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 844. REVIEW OF NATIONAL SECURITY EXCEPTION TO COMPETITION.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall review the use of the national security exception to full and open competition provided in section 2304(c)(6) of title 10, United States Code, by the Department of Defense.

(b) MATTERS REVIEWED.—The review of the use of the national security exception required by subsection (a) shall include—

(1) the pattern of usage of such exception by acquisition organizations within the Department to determine which organizations are commonly using the exception and the frequency of such usage;

(2) the range of items or services being acquired through the use of such exception;

(3) the process for reviewing and approving justifications involving such exception;

(4) whether the justifications for use of such exception typically meet the relevant requirements of the Federal Acquisition Regulation applicable to the use of such exception;

(5) issues associated with follow-on procurements for items or services acquired using such exception; and

(6) potential additional instances where such exception could be applied and any authorities available to the Department other than such exception that could be applied in such instances.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review required by subsection (a), including a discussion of each of the matters specified in subsection (b). The report shall include any recommendations relating to the matters reviewed that the Secretary considers appropriate. The report shall be submitted in unclassified form but may include a classified annex.

SEC. 845. REQUIREMENT FOR ENTITIES WITH FACILITY CLEARANCES THAT ARE NOT UNDER FOREIGN OWNERSHIP CONTROL OR INFLUENCE MITIGATION.

(a) REQUIREMENT.—The Secretary of Defense shall develop a plan to ensure that covered entities employ and maintain policies and procedures that meet requirements under the national industrial security program. In developing the plan, the Secretary shall consider whether or not covered entities, or any category of covered entities, should be required to establish government security committees similar to those required for companies that are subject to foreign ownership control or influence mitigation measures.

(b) COVERED ENTITY.—A covered entity under this section is an entity—

(1) to which the Department of Defense has granted a facility clearance; and

(2) that is not subject to foreign ownership control or influence mitigation measures.

(c) GUIDANCE.—The Secretary of Defense shall issue guidance, including appropriate compliance mechanisms, to implement the requirement in subsection (a). To the extent determined appropriate by the Secretary, the guidance shall require covered entities, or any category of covered entities, to establish government security committees similar to those required for companies that are subject to foreign ownership control or influence mitigation measures.

(d) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plan developed pursuant to subsection (a) and the guidance issued pursuant to subsection (c). The report shall specifically address the rationale for the Secretary's decision on whether or not to require covered entities, or any category of covered entities, to establish government security committees similar to those required for companies that are subject to foreign ownership control or influence mitigation measures.

SEC. 846. PROCUREMENT OF PHOTOVOLTAIC DEVICES.

(a) CONTRACT REQUIREMENT.—The Secretary of Defense shall ensure that each contract described in subsection (b) awarded by

the Department of Defense includes a provision requiring the photovoltaic devices provided under the contract to comply with the Buy American Act (41 U.S.C. 10a et seq.), subject to the exceptions to that Act provided in the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.) or otherwise provided by law.

(b) CONTRACTS DESCRIBED.—The contracts described in this subsection include energy savings performance contracts, utility service contracts, land leases, and private housing contracts, to the extent that such contracts result in ownership of photovoltaic devices by the Department of Defense. For the purposes of this section, the Department of Defense is deemed to own a photovoltaic device if the device is—

(1) installed on Department of Defense property or in a facility owned by the Department of Defense; and

(2) reserved for the exclusive use of the Department of Defense for the full economic life of the device.

(c) DEFINITION OF PHOTOVOLTAIC DEVICES.—In this section, the term "photovoltaic devices" means devices that convert light directly into electricity through a solid-state, semiconductor process.

SEC. 847. NON-AVAILABILITY EXCEPTION FROM BUY AMERICAN REQUIREMENTS FOR PROCUREMENT OF HAND OR MEASURING TOOLS.

Section 2533a(c) of title 10, United States Code, is amended by striking "subsection (b)(1)" and inserting "subsection (b)".

SEC. 848. CONTRACTOR LOGISTICS SUPPORT OF CONTINGENCY OPERATIONS.

(a) DEFENSE SCIENCE BOARD REVIEW OF ORGANIZATION, TRAINING, AND PLANNING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a review of Department of Defense organization, doctrine, training, and planning for contractor logistics support of contingency operations.

(b) MATTERS TO BE ADDRESSED.—

(1) IN GENERAL.—The matters addressed by the review required by subsection (a) shall include, at a minimum, the following:

(A) Department of Defense policies and procedures for planning for contractor logistics support of contingency operations.

(B) Department organization and staffing for the implementation of such policies and procedures.

(C) The development of Department doctrine for contractor logistics support of contingency operations.

(D) The training of Department military and civilian personnel for the planning, management, and oversight of contractor logistics support of contingency operations.

(E) The extent to which the Department should rely upon contractor logistics support in future contingency operations, and the risks associated with reliance on such support.

(F) Any logistics support functions for contingency operations for which the Department should establish or retain an organic capability.

(G) The scope and level of detail on contractor logistics support of contingency operations that is currently included

in operational plans, and that should be included in operational plans.

(H) Contracting mechanisms and contract vehicles that are currently used, and should be used, to provide contractor logistics support of contingency operations.

(I) Department organization and staffing for the management and oversight of contractor logistics support of contingency operations.

(J) Actions that could be taken to improve Department management and oversight of contractors providing logistics support of contingency operations.

(K) The extent to which logistics support of contingency operations has been, and should be, provided by subcontractors, and the advantages and disadvantages of reliance upon subcontractors for that purpose.

(L) The extent to which logistics support of contingency operations has been, and should be, provided by local nationals and third country nationals, and the advantages and disadvantages of reliance upon such sources for that purpose.

(2) FINDINGS AND RECOMMENDATIONS.—The review required by subsection (a) shall include findings and recommendations related to—

(A) legislative or policy guidance to address the matters listed in paragraph (1); and

(B) whether and to what extent the quadrennial defense review (conducted pursuant to section 118 of title 10, United States Code) or assessments by the Chairman of the Joint Chiefs of Staff for the biennial review of the national military strategy (conducted pursuant to section 153(d) of such title) should be required to address requirements for contractor support of the Armed Forces in conducting peacetime training, peacekeeping, overseas contingency operations, and major combat operations, and the risks associated with such support.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the review required by subsection (a). The report shall include the findings and recommendations of the Defense Science Board, including such recommendations for legislative or administrative action as the Board considers appropriate, together with any comments the Secretary considers appropriate.

Subtitle F—Improve Acquisition Act

SEC. 860. SHORT TITLE.

This subtitle may be cited as the "Improve Acquisition Act of 2010".

PART I—DEFENSE ACQUISITION SYSTEM

SEC. 861. IMPROVEMENTS TO THE MANAGEMENT OF THE DEFENSE ACQUISITION SYSTEM.

(a) MANAGEMENT OF THE DEFENSE ACQUISITION SYSTEM.—Part IV of title 10, United States Code, is amended by inserting after chapter 148 the following new chapter:

"CHAPTER 149—DEFENSE ACQUISITION SYSTEM

"Sec.
"2545. Definitions.
"2546. Civilian management of the defense acquisition system.
"2547. Acquisition-related functions of chiefs of the armed forces.
"2548. Performance assessments of the defense acquisition system.

"§ 2545. Definitions

"In this chapter:

"(1) The term 'acquisition' has the meaning provided in section 4(16) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(16)).

"(2) The term 'defense acquisition system' means the workforce engaged in carrying out the acquisition of property and services for the Department of Defense; the management structure responsible for directing and overseeing the acquisition of property and services for the Department of Defense; and the statutory, regulatory, and policy framework that guides the acquisition of property and services for the Department of Defense.

"(3) The term 'element of the defense acquisition system' means an organization that employs members of the acquisition workforce, carries out acquisition functions, and focuses primarily on acquisition.

"(4) The term 'acquisition workforce' has the meaning provided in section 101(a)(18) of this title.

"§ 2546. Civilian management of the defense acquisition system

"(a) RESPONSIBILITY OF THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Subject to the authority, direction and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible for the management of the defense acquisition system and shall exercise such control of the system and perform such duties as are necessary to ensure the successful and efficient operation of the defense acquisition system, including the duties enumerated and assigned to the Under Secretary elsewhere in this title.

"(b) RESPONSIBILITY OF THE SERVICE ACQUISITION EXECUTIVES.—Subject to the direction of the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters pertaining to acquisition, and subject to the authority, direction, and control of the Secretary of the military department concerned, a service acquisition executive of a military department shall be responsible for the management of elements of the defense acquisition system in that military department and shall exercise such control of the system and perform such duties as are necessary to ensure

the successful and efficient operation of such elements of the defense acquisition system.

"§ 2547. Acquisition-related functions of chiefs of the armed forces

"(a) PERFORMANCE OF CERTAIN ACQUISITION-RELATED FUNCTIONS.—The Secretary of Defense shall ensure that the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps assist the Secretary of the military department concerned in the performance of the following acquisition-related functions of such department:

"(1) The development of requirements relating to the defense acquisition system (subject, where appropriate, to validation by the Joint Requirements Oversight Council pursuant to section 181 of this title).

"(2) The coordination of measures to control requirements creep in the defense acquisition system.

"(3) The development of career paths in acquisition for military personnel (as required by section 1722a of this title).

"(4) The assignment and training of contracting officer representatives when such representatives are required to be members of the armed forces because of the nature of the contract concerned.

"(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the assignment of functions under section 3014(c)(1)(A), section 5014(c)(1)(A), or section 8014(c)(1)(A) of this title, except as explicitly provided in this section.

"(c) DEFINITIONS.—In this section:

"(1) The term 'requirements creep' means the addition of new technical or operational specifications after a requirements document is approved by the appropriate validation authority for the requirements document.

"(2) The term 'requirements document' means a document produced in the requirements process that is provided for an acquisition program to guide the subsequent development, production, and testing of the program and that—

"(A) justifies the need for a materiel approach, or an approach that is a combination of materiel and non-materiel, to satisfy one or more specific capability gaps;

"(B) details the information necessary to develop an increment of militarily useful, logistically supportable, and technically mature capability, including key performance parameters; or

"(C) identifies production attributes required for a single increment of a program.

"§ 2548. Performance assessments of the defense acquisition system

"(a) PERFORMANCE ASSESSMENTS REQUIRED.—Not later than 180 days after the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Director of Procurement and Acquisition Policy, and the Director of the Office of Performance Assessment and Root Cause Analysis, shall issue guidance, with detailed implementation instructions, for the Department of Defense

to provide for periodic independent performance assessments of elements of the defense acquisition system for the purpose of—

"(1) determining the extent to which such elements of the defense acquisition system deliver value to the Department of Defense, taking into consideration the performance elements identified in subsection (b);

"(2) assisting senior officials of the Department of Defense in identifying and developing lessons learned from best practices and shortcomings in the performance of such elements of the defense acquisition system; and

"(3) assisting senior officials of the Department of Defense in developing acquisition workforce excellence under section 1701a of this title

"(b) AREAS CONSIDERED IN PERFORMANCE ASSESSMENTS.—(1) Each performance assessment conducted pursuant to subsection (a) shall consider, at a minimum—

"(A) the extent to which acquisitions conducted by the element of the defense acquisition system under review meet applicable cost, schedule, and performance objectives; and

"(B) the staffing and quality of the acquisition workforce and the effectiveness of the management of the acquisition workforce, including workforce incentives and career paths.

"(2) The Secretary of Defense shall ensure that the performance assessments required by this section are appropriately tailored to reflect the diverse nature of the work performed by each element of the defense acquisition system. In addition to the mandatory areas under paragraph (1), a performance assessment may consider, as appropriate, specific areas of acquisition concern, such as—

"(A) the selection of contractors, including—

"(i) the extent of competition and the use of exceptions to competition requirements;

"(ii) compliance with Department of Defense policies regarding the participation of small business concerns and various categories of small business concerns, including the use of contract bundling and the availability of non-bundled contract vehicles;

"(iii) the quality of market research;

"(iv) the effective consideration of contractor past performance; and

"(v) the number of bid protests, the extent to which such bid protests have been successful, and the reasons for such success;

"(B) the negotiation of contracts, including—

"(i) the appropriate application of section 2306a of this title (relating to truth in negotiations);

"(ii) the appropriate use of contract types appropriate to specific procurements;

"(iii) the appropriate use of performance requirements;

"(iv) the appropriate acquisition of technical data and other rights and assets necessary to support long-term sustainment and follow-on procurement; and

"(v) the timely definitization of any undefinitized contract actions; and

"(C) the management of contractor performance, including—

"(i) the assignment of appropriately qualified contracting officer representatives and other contract management personnel;

"(ii) the extent of contract disputes, the reasons for such disputes, and the extent to which they have been successfully addressed;

"(iii) the appropriate consideration of long-term sustainment and energy efficiency objectives; and

"(iv) the appropriate use of integrated testing.

"(c) CONTENTS OF GUIDANCE.—The guidance issued pursuant to subsection (a) shall ensure that each element of the defense acquisition system is subject to a performance assessment under this section not less often than once every four years, and shall address, at a minimum—

"(1) the designation of elements of the defense acquisition system that are subject to performance assessment at an organizational level that ensures such assessments can be performed in an efficient and integrated manner;

"(2) the frequency with which such performance assessments should be conducted;

"(3) goals, standards, tools, and metrics for use in conducting performance assessments;

"(4) the composition of the teams designated to perform performance assessments;

"(5) any phase-in requirements needed to ensure that qualified staff are available to perform performance assessments;

"(6) procedures for tracking the implementation of recommendations made pursuant to performance assessments;

"(7) procedures for developing and disseminating lessons learned from performance assessments; and

"(8) procedures for ensuring that information from performance assessments are retained electronically and are provided in a timely manner to the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Director of the Office of Performance Assessment and Root Cause Analysis as needed to assist them in performing their responsibilities under this section.

"(d) PERFORMANCE GOALS UNDER GOVERNMENT PERFORMANCE RESULTS ACT OF 1993.—Beginning with fiscal year 2012, the annual performance plan prepared by the Department of Defense pursuant to section 1115 of title 31 shall include appropriate performance goals for elements of the defense acquisition system.

"(e) REPORTING REQUIREMENTS.—Beginning with fiscal year 2012—

"(1) the annual report prepared by the Secretary of Defense pursuant to section 1116 of title 31, United States Code, shall address the Department's success in achieving performance goals established pursuant to such section for elements of the defense acquisition system; and

"(2) the annual report prepared by the Director of the Office of Performance Assessment and Root Cause Analysis pursuant to section 103(f) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 2430 note), shall include information on the activities undertaken by the Department pursuant to such section, including a summary of significant findings or recommendations arising out of performance assessments.".

(b) CLERICAL AMENDMENTS.—The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 148 the following new item:

"149. Defense Acquisition System ..... 2545".

SEC. 862. COMPTROLLER GENERAL REPORT ON JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM.

(a) REPORT REQUIRED.—The Comptroller General of the United States shall carry out a comprehensive review of the Joint Capabilities Integration and Development System (in this section referred to as "JCIDS"). Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review and include in such report any recommendations the Comptroller General considers necessary and advisable to improve or replace JCIDS.

(b) CONTENT OF THE REVIEW.—

(1) PURPOSE.—The purpose of the review required by subsection (a) is to evaluate the effectiveness of JCIDS in achieving the following objectives:

(A) Timeliness in delivering capability to the warfighter.

(B) Efficient use of the investment resources of the Department of Defense.

(C) Control of requirements creep.

(D) Responsiveness to changes occurring after the approval of a requirements document (including changes to the threat environment, the emergence of new capabilities, or changes in the resources estimated to procure or sustain a capability).

(E) Development of the personnel skills, capacity, and training needed for an effective and efficient requirements process.

(2) MATTERS CONSIDERED.—In performing the review, the Comptroller General shall gather information on and consider the following matters:

(A) The time that requirements documents take to receive approval through JCIDS.

(B) The quality of cost information considered in JCIDS and the extent of its consideration.

(C) The extent to which JCIDS establishes a meaningful level of priority for requirements.

(D) The extent to which JCIDS is considering tradeoffs between cost, schedule, and performance objectives.

(E) The quality of information on sustainment considered in JCIDS and the extent to which sustainment information is considered.

(F) An evaluation of the advantages and disadvantages of designating a commander of a unified combatant command for each requirements document for which the Joint Requirements Oversight Council is the validation authority to provide a joint evaluation task force to participate in a materiel solution and to—

(i) provide input to the analysis of alternatives;

(ii) participate in testing (including limited user tests and prototype testing);

(iii) provide input on a concept of operations and doctrine;

(iv) provide end user feedback to the resource sponsor; and

(v) participate, through the combatant commander concerned, in any alteration of the requirement for such solution.

(c) DEFINITIONS.—In this section:

(1) JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM.—The term "Joint Capabilities Integration and Development System" means the system for the assessment, review, validation, and approval of joint warfighting requirements that is described in Chairman of the Joint Chiefs of Staff Instruction 3170.01G

(2) REQUIREMENTS DOCUMENT.—The term "requirements document" means a document produced in JCIDS that is provided for an acquisition program to guide the subsequent development, production, and testing of the program and that—

(A) justifies the need for a materiel approach, or an approach that is a combination of materiel and non-materiel, to satisfy one or more specific capability gaps;

(B) details the information necessary to develop an increment of militarily useful, logistically supportable, and technically mature capability, including key performance parameters; or

(C) identifies production attributes required for a single increment of a program.

(3) REQUIREMENTS CREEP.—The term "requirements creep" means the addition of new technical or operational specifications after a requirements document is approved.

(4) MATERIEL SOLUTION.—The term "materiel solution" means the development, acquisition, procurement, or fielding of a new item, or of a modification to an existing item, necessary to equip, operate, maintain, and support military activities.

SEC. 863. REQUIREMENTS FOR THE ACQUISITION OF SERVICES.

(a) ESTABLISHMENT OF REQUIREMENTS PROCESSES FOR THE ACQUISITION OF SERVICES.—The Secretary of Defense shall ensure that the military departments and Defense Agencies each establish a process for identifying, assessing, reviewing, and validating requirements for the acquisition of services.

(b) OPERATIONAL REQUIREMENTS.—With regard to requirements for the acquisition of services in support of combatant commands and military operations, the Secretary shall ensure—

(1) that the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps implement and bear chief responsibility for carrying out, within the Armed Force concerned, the process established pursuant to subsection (a) for such Armed Force; and

(2) that commanders of unified combatant commands and other officers identified or designated as joint qualified officers have an opportunity to participate in the process of each military department to provide input on joint requirements for the acquisition of services.

(c) SUPPORTING REQUIREMENTS.—With regard to requirements for the acquisition of services not covered by subsection (b), the

Secretary shall ensure that the secretaries of the military departments and the heads of the Defense Agencies implement and bear chief responsibility for carrying out, within the military department or Defense Agency concerned, the process established pursuant to subsection (a) for such military department or Defense Agency.

(d) IMPLEMENTATION PLANS REQUIRED.—The Secretary shall ensure that an implementation plan is developed for each process established pursuant to subsection (a) that addresses, at a minimum, the following:

(1) The organization of such process.

(2) The level of command responsibility required for identifying, assessing, reviewing, and validating requirements for the acquisition of services in accordance with the requirements of this section and the categories established under section 2330(a)(1)(C) of title 10, United States Code.

(3) The composition of positions necessary to operate such process.

(4) The training required for personnel engaged in such process.

(5) The relationship between doctrine and such process.

(6) Methods of obtaining input on joint requirements for the acquisition of services.

(7) Procedures for coordinating with the acquisition process.

(8) Considerations relating to opportunities for strategic sourcing.

(e) MATTERS REQUIRED IN IMPLEMENTATION PLAN.—Each plan required under subsection (d) shall provide for initial implementation of a process for identifying, assessing, reviewing, and validating requirements for the acquisition of services not later than one year after the date of the enactment of this Act and shall provide for full implementation of such process at the earliest date practicable.

(f) CONSISTENCY WITH JOINT GUIDANCE.—Whenever, at any time, guidance is issued by the Chairman of the Joint Chiefs of Staff relating to requirements for the acquisition of services in support of combatant commands and military operations, each process established pursuant to subsection (a) shall be revised in accordance with such joint guidance.

(g) DEFINITION.—The term "requirements for the acquisition of services" means objectives to be achieved through acquisitions primarily involving the procurement of services.

(h) REVIEW OF SUPPORTING REQUIREMENTS TO IDENTIFY SAVINGS.—The secretaries of the military departments and the heads of the Defense Agencies shall review and validate each requirement described in subsection (c) with an anticipated cost in excess of $10,000,000 with the objective of identifying unneeded or low priority requirements that can be reduced or eliminated, with the savings transferred to higher priority objectives. Savings identified and transferred to higher priority objectives through review and revalidation under this subsection shall count toward the savings objectives established in the June 4, 2010, guidance of the Secretary of Defense on improved operational efficiencies and the annual reduction in funding for service support contractors required by the August 16, 2010, guidance of the Secretary of Defense on efficiency initiatives. As provided by the Secretary, cost avoidance shall not count toward these objectives.

(i) EXTENSION OF AUTHORITY.—Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking "September 30, 2010" and inserting "December 31, 2011".

SEC. 864. REVIEW OF DEFENSE ACQUISITION GUIDANCE.

(a) REVIEW OF GUIDANCE.—The Secretary of Defense shall review the acquisition guidance of the Department of Defense, including, at a minimum, the guidance contained in Department of Defense Instruction 5000.02 entitled "Operation of the Defense Acquisition System".

(b) MATTERS CONSIDERED.—The review performed under subsection (a) shall consider—

(1) the extent to which the acquisition of commercial goods and commodities, commercial and military unique services, and information technology should be addressed in Department of Defense Instruction 5000.02 and other guidance primarily relating to the acquisition of weapon systems, or should be addressed in separate instructions and guidance;

(2) whether long-term sustainment and energy efficiency of weapon systems is appropriately emphasized;

(3) whether appropriate mechanisms exist to communicate information relating to the mission needs of the Department of Defense to the industrial base in a way that allows the industrial base to make appropriate investments in infrastructure, capacity, and technology development to help meet such needs;

(4) the extent to which earned value management should be required on acquisitions not involving the acquisition of weapon systems and whether measures of quality and technical performance should be included in any earned value management system; and

(5) such other matters as the Secretary considers appropriate.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing any changes in the acquisition guidance of the Department of Defense identified during the review required by subsection (a), and any actions taken, or planned to be taken, to implement such changes.

SEC. 865. REQUIREMENT TO REVIEW REFERENCES TO SERVICES ACQUISITION THROUGHOUT THE FEDERAL ACQUISITION REGULATION AND THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.

(a) REVIEW REQUIRED.—The Secretary of Defense, in consultation with the Administrator for Federal Procurement Policy and the heads of such other Federal agencies as the Secretary considers appropriate, shall review the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement to ensure that such regulations include appropriate guidance for and references to services acquisition that are in addition to references provided in part 37 and the Defense Supplement to part 37.

(b) MATTERS CONSIDERED.—The review required by subsection (a) shall consider the extent to which additional guidance is needed—

(1) to provide the tools and processes needed to assist contracting officials in addressing the full range of complexities that can arise in the acquisition of services; and

(2) to enhance and support the procurement and project management community in all aspects of the process for the acquisition of services, including requirements development, assessment of reasonableness, and post-award management and oversight.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) a summary of the findings of the review required by subsection (a); and

(2) any recommendations that the Secretary may have for changes to the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement to address such findings, including identifying any changes that are necessary to improve part 37 (which specifically addresses services acquisitions).

SEC. 866. PILOT PROGRAM ON ACQUISITION OF MILITARY PURPOSE NONDEVELOPMENTAL ITEMS.

(a) PILOT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasability and advisability of acquiring military purpose nondevelopmental items in accordance with this section.

(2) SCOPE OF PROGRAM.—Under the pilot program, the Secretary may enter into contracts with nontraditional defense contractors for the acquisition of military purpose nondevelopmental items in accordance with the requirements set forth in subsection (b).

(b) CONTRACT REQUIREMENTS.—Each contract entered into under the pilot program—

(1) shall be a firm, fixed price contract, or a firm, fixed price contract with an economic price adjustment clause awarded using competitive procedures in accordance with chapter 137 of title 10, United States Code;

(2) shall be in an amount not in excess of $50,000,000, including all options;

(3) shall provide—

(A) for the delivery of an initial lot of production quantities of completed items not later than nine months after the date of the award of such contract; and

(B) that failure to make delivery as provided for under subparagraph (A) may result in the termination of such contract for default; and

(4) shall be—

(A) exempt from the requirement to submit certified cost or pricing data under section 2306a of title 10, United States Code, and the cost accounting standards under section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422); and

(B) subject to the requirement to provide data other than certified cost or pricing data for the purpose of price

reasonableness determinations, as provided in section 2306a(d) of title 10, United States Code.

(c) REGULATIONS.—If the Secretary establishes the pilot program authorized under subsection (a), the Secretary shall prescribe regulations governing such pilot program. Such regulations shall be included in regulations of the Department of Defense prescribed as part of the Federal Acquisition Regulation and shall include the contract clauses and procedures necessary to implement such program.

(d) REPORTS.—

(1) REPORTS ON PROGRAM ACTIVITIES.—Not later than 60 days after the end of any fiscal year in which the pilot program is in effect, the Secretary shall submit to the congressional defense committees a report on the pilot program. The report shall be in unclassified form but may include a classified annex. Each report shall include, for each contract entered into under the pilot program in the preceding fiscal year, the following:

(A) The contractor.

(B) The item or items to be acquired.

(C) The military purpose to be served by such item or items.

(D) The amount of the contract.

(E) The actions taken by the Department of Defense to ensure that the price paid for such item or items is fair and reasonable.

(2) PROGRAM ASSESSMENT.—If the Secretary establishes the pilot program authorized under subsection (a), not later than four years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General of the extent to which the pilot program—

(A) enabled the Department to acquire items that otherwise might not have been available to the Department;

(B) assisted the Department in the rapid acquisition and fielding of capabilities needed to meet urgent operational needs; and

(C) protected the interests of the United States in paying fair and reasonable prices for the item or items acquired.

(e) DEFINITIONS.—In this section:

(1) The term "military purpose nondevelopmental item" means a nondevelopmental item that meets a validated military requirement, as determined in writing by the responsible program manager, and has been developed exclusively at private expense. For purposes of this paragraph, an item shall not be considered to be developed exclusively at private expense if development of the item was paid for in whole or in part through—

(A) independent research and development costs or bid and proposal costs that have been reimbursed directly or indirectly by a Federal agency or have been submitted to a Federal agency for reimbursement; or

(B) foreign government funding.

(2) The term "nondevelopmental item"—

(A) has the meaning given that term in section 4(13) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(13)); and

(B) also includes previously developed items of supply that require modifications other than those customarily available in the commercial marketplace if such modifications are consistent with the requirement in subsection (b)(3)(A).

(3) The term "nontraditional defense contractor" has the meaning given that term in section 2302(9) of title 10, United States Code (as added by subsection (g)).

(4) The terms "independent research and developments costs" and "bid and proposal costs" have the meaning given such terms in section 31.205–18 of the Federal Acquisition Regulation.

(f) SUNSET.—

(1) IN GENERAL.—The authority to carry out the pilot program shall expire on the date that is five years after the date of the enactment of this Act.

(2) CONTINUATION OF CURRENT CONTRACTS.—The expiration under paragraph (1) of the authority to carry out the pilot program shall not affect the validity of any contract awarded under the pilot program before the date of the expiration of the pilot program under that paragraph.

(g) STATUTORY DEFINITION OF NONTRADITIONAL DEFENSE CONTRACTOR.—

(1) NONTRADITIONAL DEFENSE CONTRACTOR.—Section 2302 of title 10, United States Code, is amended by adding at the end the following:

"(9) The term 'nontraditional defense contractor', with respect to a procurement or with respect to a transaction authorized under section 2371(a) of this title, means an entity that is not currently performing and has not performed, for at least the one-year period preceding the solicitation of sources by the Department of Defense for the procurement or transaction, any of the following for the Department of Defense:

"(A) Any contract or subcontract that is subject to full coverage under the cost accounting standards prescribed pursuant to section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422) and the regulations implementing such section.

"(B) Any other contract in excess of $500,000 under which the contractor is required to submit certified cost or pricing data under section 2306a of this title.".

(2) CONFORMING AMENDMENT.—Section 845(f) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended to read as follows:

"(f) NONTRADITIONAL DEFENSE CONTRACTOR DEFINED.—In this section, the term 'nontraditional defense contractor' has the meaning provided by section 2302(9) of title 10, United States Code.".

PART II—DEFENSE ACQUISITION WORKFORCE

SEC. 871. ACQUISITION WORKFORCE EXCELLENCE.

(a) ACQUISITION WORKFORCE EXCELLENCE.—Subchapter I of chapter 87 of title 10, United States Code, is amended by inserting after section 1701 the following new section:

"§ 1701a. Management for acquisition workforce excellence

"(a) PURPOSE.—The purpose of this chapter is to require the Department of Defense to develop and manage a highly skilled professional acquisition workforce—

"(1) in which excellence and contribution to mission is rewarded;

"(2) which has the technical expertise and business skills to ensure the Department receives the best value for the expenditure of public resources;

"(3) which serves as a model for performance management of employees of the Department; and

"(4) which is managed in a manner that complements and reinforces the management of the defense acquisition system pursuant to chapter 149 of this title.

"(b) PERFORMANCE MANAGEMENT.—In order to achieve the purpose set forth in subsection (a), the Secretary of Defense shall—

"(1) use the full authorities provided in subsections (a) through (d) of section 9902 of title 5, including flexibilities related to performance management and hiring and to training of managers;

"(2) require managers to develop performance plans for individual members of the acquisition workforce in order to give members an understanding of how their performance contributes to their organization's mission and the success of the defense acquisition system (as defined in section 2545 of this title);

"(3) to the extent appropriate, use the lessons learned from the acquisition demonstration project carried out under section 1762 of this title related to contribution-based compensation and appraisal, and how those lessons may be applied within the General Schedule system;

"(4) develop attractive career paths;

"(5) encourage continuing education and training;

"(6) develop appropriate procedures for warnings during performance evaluations for members of the acquisition workforce who consistently fail to meet performance standards;

"(7) take full advantage of the Defense Civilian Leadership Program established under section 1112 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2496; 10 U.S.C. 1580 note prec.);

"(8) use the authorities for highly qualified experts under section 9903 of title 5, to hire experts who are skilled acquisition professionals to—

"(A) serve in leadership positions within the acquisition workforce to strengthen management and oversight;

"(B) provide mentors to advise individuals within the acquisition workforce on their career paths and opportunities to advance and excel within the acquisition workforce; and

"(C) assist with the design of education and training courses and the training of individuals in the acquisition workforce; and

"(9) use the authorities for expedited security clearance processing pursuant to section 1564 of this title.

"(c) NEGOTIATIONS.—Any action taken by the Secretary under this section, or to implement this section, shall be subject to the requirements of chapter 71 of title 5.

"(d) REGULATIONS.—Any rules or regulations prescribed pursuant to this section shall be deemed an agency rule or regulation under section 7117(a)(2) of title 5, and shall not be deemed a Government-wide rule or regulation under section 7117(a)(1) of such title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1701 the following new item:

"1701a. Management for acquisition workforce excellence.".

SEC. 872. AMENDMENTS TO THE ACQUISITION WORKFORCE DEMONSTRATION PROJECT.

(a) CODIFICATION INTO TITLE 10.—

(1) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1761 the following new section:

"§ 1762. Demonstration project relating to certain acquisition personnel management policies and procedures

"(a) COMMENCEMENT.—The Secretary of Defense is authorized to carry out a demonstration project, the purpose of which is to determine the feasibility or desirability of one or more proposals for improving the personnel management policies or procedures that apply with respect to the acquisition workforce of the Department of Defense and supporting personnel assigned to work directly with the acquisition workforce.

"(b) TERMS AND CONDITIONS.—(1) Except as otherwise provided in this subsection, any demonstration project described in subsection (a) shall be subject to section 4703 of title 5 and all other provisions of such title that apply with respect to any demonstration project under such section.

"(2) Subject to paragraph (3), in applying section 4703 of title 5 with respect to a demonstration project described in subsection (a)—

"(A) '180 days' in subsection (b)(4) of such section shall be deemed to read '120 days';

"(B) '90 days' in subsection (b)(6) of such section shall be deemed to read '30 days'; and

"(C) subsection (d)(1) of such section shall be disregarded.

"(3) Paragraph (2) shall not apply with respect to a demonstration project unless—

"(A) for each organization or team participating in the demonstration project—

"(i) at least one-third of the workforce participating in the demonstration project consists of members of the acquisition workforce; and

"(ii) at least two-thirds of the workforce participating in the demonstration project consists of members of the

acquisition workforce and supporting personnel assigned to work directly with the acquisition workforce; and

"(B) the demonstration project commences before October 1, 2007.

"(c) LIMITATION ON NUMBER OF PARTICIPANTS.—The total number of persons who may participate in the demonstration project under this section may not exceed 120,000.

"(d) EFFECT OF REORGANIZATIONS.—The applicability of paragraph (2) of subsection (b) to an organization or team shall not terminate by reason that the organization or team, after having satisfied the conditions in paragraph (3) of such subsection when it began to participate in a demonstration project under this section, ceases to meet one or both of the conditions set forth in subparagraph (A) of such paragraph (3) as a result of a reorganization, restructuring, realignment, consolidation, or other organizational change.

"(e) ASSESSMENTS.—(1) The Secretary of Defense shall designate an independent organization to conduct two assessments of the acquisition workforce demonstration project described in subsection (a).

"(2) Each such assessment shall include the following:

"(A) A description of the workforce included in the project.

"(B) An explanation of the flexibilities used in the project to appoint individuals to the acquisition workforce and whether those appointments are based on competitive procedures and recognize veteran's preferences.

"(C) An explanation of the flexibilities used in the project to develop a performance appraisal system that recognizes excellence in performance and offers opportunities for improvement.

"(D) The steps taken to ensure that such system is fair and transparent for all employees in the project.

"(E) How the project allows the organization to better meet mission needs.

"(F) An analysis of how the flexibilities in subparagraphs (B) and (C) are used, and what barriers have been encountered that inhibit their use.

"(G) Whether there is a process for—

"(i) ensuring ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the performance appraisal period; and

"(ii) setting timetables for performance appraisals.

"(H) The project's impact on career progression.

"(I) The project's appropriateness or inappropriateness in light of the complexities of the workforce affected.

"(J) The project's sufficiency in terms of providing protections for diversity in promotion and retention of personnel.

"(K) The adequacy of the training, policy guidelines, and other preparations afforded in connection with using the project.

"(L) Whether there is a process for ensuring employee involvement in the development and improvement of the project.

"(3) The first assessment under this subsection shall be completed not later than September 30, 2012. The second and final assessment shall be completed not later than September 30, 2016. The Secretary shall submit to the covered congressional committees

a copy of each assessment within 30 days after receipt by the Secretary of the assessment.

"(f) COVERED CONGRESSIONAL COMMITTEES.—In this section, the term 'covered congressional committees' means—

"(1) the Committees on Armed Services of the Senate and the House of Representatives;

"(2) the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(3) the Committee on Oversight and Government Reform of the House of Representatives.

"(g) TERMINATION OF AUTHORITY.—The authority to conduct a demonstration program under this section shall terminate on September 30, 2017.

"(h) CONVERSION.—Within 6 months after the authority to conduct a demonstration project under this section is terminated as provided in subsection (g), employees in the project shall convert to the civilian personnel system created pursuant to section 9902 of title 5.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 87 of title 10, United States Code, is amended by inserting after the item relating to section 1761 the following new item:

"1762. Demonstration project relating to certain acquisition personnel management policies and procedures.".

(b) CONFORMING REPEAL.—Section 4308 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 1701 note) is repealed.

SEC. 873. CAREER DEVELOPMENT FOR CIVILIAN AND MILITARY PERSONNEL IN THE ACQUISITION WORKFORCE.

(a) CAREER PATHS.—

(1) AMENDMENT.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1722a the following new section:

"§ 1722b. Special requirements for civilian employees in the acquisition field

"(a) REQUIREMENT FOR POLICY AND GUIDANCE REGARDING CIVILIAN PERSONNEL IN ACQUISITION.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish policies and issue guidance to ensure the proper development, assignment, and employment of civilian members of the acquisition workforce to achieve the objectives specified in subsection (b).

"(b) OBJECTIVES.—Policies established and guidance issued pursuant to subsection (a) shall ensure, at a minimum, the following:

"(1) A career path in the acquisition field that attracts the highest quality civilian personnel, from either within or outside the Federal Government.

"(2) A deliberate workforce development strategy that increases attainment of key experiences that contribute to a highly qualified acquisition workforce.

"(3) Sufficient opportunities for promotion and advancement in the acquisition field.

"(4) A sufficient number of qualified, trained members eligible for and active in the acquisition field to ensure adequate

capacity, capability, and effective succession for acquisition functions, including contingency contracting, of the Department of Defense.

"(5) A deliberate workforce development strategy that ensures diversity in promotion, advancement, and experiential opportunities commensurate with the general workforce outlined in this section.

"(c) INCLUSION OF INFORMATION IN ANNUAL REPORT.—The Secretary of Defense shall include in the report to Congress required under section 115b(d) of this title the following information related to the acquisition workforce for the period covered by the report (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, Marine Corps, Defense Agencies, and Office of the Secretary of Defense):

"(1) The total number of persons serving in the Acquisition Corps, set forth separately for members of the armed forces and civilian employees, by grade level and by functional specialty.

"(2) The total number of critical acquisition positions held, set forth separately for members of the armed forces and civilian employees, by grade level and by other appropriate categories (including by program manager, deputy program manager, and division head positions), including average length of time served in each position. For each such category, the report shall specify the number of civilians holding such positions compared to the total number of positions filled.

"(3) The number of employees to whom the requirements of subsections (b)(2)(A) and (b)(2)(B) of section 1732 of this title did not apply because of the exceptions provided in paragraphs (1) and (2) of section 1732(c) of this title, set forth separately by type of exception.

"(4) The number of times a waiver authority was exercised under section 1724(d), 1732(d), 1734(d), or 1736(c) of this title or any other provision of this chapter (or other provision of law) which permits the waiver of any requirement relating to the acquisition workforce, and in the case of each such authority, the reasons for exercising the authority. The Secretary may present the information provided under this paragraph by category or grouping of types of waivers and reasons.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 87 of such title is amended by inserting after the item relating to section 1722a the following new item:

"1722b. Special requirements for civilian employees in the acquisition field.".

(b) CAREER EDUCATION AND TRAINING.—Section 1723 of such title is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b) CAREER PATH REQUIREMENTS.—For each career path, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish requirements for the completion of course work and related on-the-job training and demonstration of qualifications in the critical acquisition-related duties and tasks of the career path. The Secretary of Defense, acting through the Under Secretary, shall also—

"(1) encourage individuals in the acquisition workforce to maintain the currency of their acquisition knowledge and generally enhance their knowledge of related acquisition management disciplines through academic programs and other self-developmental activities; and

"(2) develop key work experiences, including the creation of a program sponsored by the Department of Defense that facilitates the periodic interaction between individuals in the acquisition workforce and the end user in such end user's environment to enhance the knowledge base of such workforce, for individuals in the acquisition workforce so that the individuals may gain in-depth knowledge and experience in the acquisition process and become seasoned, well-qualified members of the acquisition workforce.".

SEC. 874. RECERTIFICATION AND TRAINING REQUIREMENTS.

(a) CONTINUING EDUCATION.—Section 1723 of title 10, United States Code, as amended by section 873, is further amended by amending subsection (a) to read as follows:

"(a) QUALIFICATION REQUIREMENTS.—(1) The Secretary of Defense shall establish education, training, and experience requirements for each acquisition position, based on the level of complexity of duties carried out in the position. In establishing such requirements, the Secretary shall ensure the availability and sufficiency of training in all areas of acquisition, including additional training courses with an emphasis on services contracting, market research strategies (including assessments of local contracting capabilities), long-term sustainment strategies, information technology, and rapid acquisition.

"(2) In establishing such requirements for positions other than critical acquisition positions designated pursuant to section 1733 of this title, the Secretary may state the requirements by categories of positions.

"(3) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish requirements for continuing education and periodic renewal of an individual's certification. Any requirement for a certification renewal shall not require a renewal more often than once every five years.".

(b) STANDARDS FOR TRAINING.—

(1) IN GENERAL.—Subchapter IV of Chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1748. Fulfillment standards for acquisition workforce training

"The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop fulfillment standards, and implement and maintain a program, for purposes of the training requirements of sections 1723, 1724, and 1735 of this title. Such fulfillment standards shall consist of criteria for determining whether an individual has demonstrated competence in the areas that would be taught in the training courses required under those sections. If an individual meets the appropriate fulfillment standard, the applicable training requirement is fulfilled.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"1748. Fulfillment standards for acquisition workforce training.".

(3) DEADLINE FOR FULFILLMENT STANDARDS.—The fulfillment standards required under section 1748 of title 10, United States Code, as added by paragraph (1), shall be developed not later than 270 days after the date of the enactment of this Act.

(4) CONFORMING REPEAL.—Section 853 of Public Law 105–85 (111 Stat. 1851) is repealed.

SEC. 875. INFORMATION TECHNOLOGY ACQUISITION WORKFORCE.

(a) PLAN REQUIRED.—The Secretary of Defense shall develop and carry out a plan to strengthen the part of the acquisition workforce that specializes in information technology. The plan shall include the following:

(1) Defined targets for billets devoted to information technology acquisition.

(2) Specific certification requirements for individuals in the acquisition workforce who specialize in information technology acquisition.

(3) Defined career paths for individuals in the acquisition workforce who specialize in information technology acquisitions.

(b) DEFINITIONS.—In this section:

(1) The term "information technology" has the meaning provided such term in section 11101 of title 40, United States Code, and includes information technology incorporated into a major weapon system.

(2) The term "major weapon system" has the meaning provided such term in section 2379(f) of title 10, United States Code.

(c) DEADLINE.—The Secretary of Defense shall develop the plan required under this section not later than 270 days after the date of the enactment of this Act.

SEC. 876. DEFINITION OF ACQUISITION WORKFORCE.

Section 101(a) of title 10, United States Code, is amended by inserting after paragraph (17) the following new paragraph:

"(18) The term 'acquisition workforce' means the persons serving in acquisition positions within the Department of Defense, as designated pursuant to section 1721(a) of this title.".

SEC. 877. DEFENSE ACQUISITION UNIVERSITY CURRICULUM REVIEW.

(a) CURRICULUM REVIEW.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall lead a review of the curriculum offered by the Defense Acquisition University to ensure it adequately supports the training and education requirements of acquisition professionals, particularly in service contracting, long term sustainment strategies, information technology, and rapid acquisition. The review shall also involve the service acquisition executives of each military department.

(b) ANALYSIS OF FUNDING REQUIREMENTS FOR TRAINING.—Following the review conducted under subsection (a), the Secretary of Defense shall analyze the most recent future-years defense program to determine the amounts of estimated expenditures and

proposed appropriations necessary to support the training requirements of the amendments made by section 874, including any new training requirements determined after the review conducted under subsection (a). The Secretary shall identify any additional funding needed for such training requirements in the separate chapter on the defense acquisition workforce required in the next annual strategic workforce plan under 115b of title 10, United States Code.

(c) REQUIREMENT FOR ONGOING CURRICULUM DEVELOPMENT WITH CERTAIN SCHOOLS.—

(1) REQUIREMENT.—Section 1746 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) CURRICULUM DEVELOPMENT.—The President of the Defense Acquisition University shall work with the relevant professional schools and degree-granting institutions of the Department of Defense and military departments to ensure that best practices are used in curriculum development to support acquisition workforce positions.".

(2) AMENDMENT TO SECTION HEADING.—(A) The heading of section 1746 of such title is amended to read as follows:

"§ 1746. Defense Acquisition University".

(B) The item relating to section 1746 in the table of sections at the beginning of subchapter IV of chapter 87 of such title is amended to read as follows:

"1746. Defense Acquisition University.".

PART III—FINANCIAL MANAGEMENT

SEC. 881. AUDIT READINESS OF FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) INTERIM MILESTONES.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller), in consultation with the Deputy Chief Management Officer of the Department of Defense, the secretaries of the military departments, and the heads of the defense agencies and defense field activities, shall establish interim milestones for achieving audit readiness of the financial statements of the Department of Defense, consistent with the requirements of section 1003 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note).

(2) MATTERS INCLUDED.—The interim milestones established pursuant to paragraph (1) shall include, at a minimum, for each military department and for the defense agencies and defense field activities—

(A) an interim milestone for achieving audit readiness for each major element of the statement of budgetary resources, including civilian pay, military pay, supply orders, contracts, and funds balance with the Treasury; and

(B) an interim milestone for addressing the existence and completeness of each major category of Department of Defense assets, including military equipment, real property, inventory, and operating material and supplies.

(3) DESCRIPTION IN SEMIANNUAL REPORTS.—The Under Secretary shall describe each interim milestone established pursuant to paragraph (1) in the next semiannual report submitted pursuant to section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note). Each subsequent semiannual report submitted pursuant to section 1003(b) shall explain how the Department has progressed toward meeting such interim milestones.

(b) VALUATION OF DEPARTMENT OF DEFENSE ASSETS.—

(1) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall, in consultation with other appropriate Federal agencies and officials—

(A) examine the costs and benefits of alternative approaches to the valuation of Department of Defense assets;

(B) select an approach to such valuation that is consistent with principles of sound financial management and the conservation of taxpayer resources; and

(C) begin the preparation of a business case analysis supporting the selected approach.

(2) The Under Secretary shall include information on the alternatives considered, the selected approach, and the business case analysis supporting that approach in the next semiannual report submitted pursuant to section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note).

(c) REMEDIAL ACTIONS REQUIRED.—In the event that the Department of Defense, or any component of the Department of Defense, is unable to meet an interim milestone established pursuant to subsection (a), the Under Secretary of Defense (Comptroller) shall—

(1) develop a remediation plan to ensure that—

(A) the component will meet the interim milestone no more than one year after the originally scheduled date; and

(B) the component's failure to meet the interim milestone will not have an adverse impact on the Department's ability to carry out the plan under section 1003(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note); and

(2) include in the next semiannual report submitted pursuant to section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note)—

(A) a statement of the reasons why the Department of Defense, or component of the Department of Defense, will be unable to meet such interim milestone;

(B) the revised completion date for meeting such interim milestone; and

(C) a description of the actions that have been taken and are planned to be taken by the Department of Defense, or component of the Department of Defense, to meet such interim milestone.

(d) INCENTIVES FOR ACHIEVING AUDITABILITY.—

(1) REVIEW REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall review options for providing appropriate incentives to the military departments, Defense Agencies, and defense field activities to ensure that financial statements are validated as ready for audit earlier than September 30, 2017.

(2) OPTIONS REVIEWED.—The review performed pursuant to paragraph (1) shall consider changes in policy that reflect the increased confidence that can be placed in auditable financial statements, and shall include, at a minimum, consideration of the following options:

(A) Consistent with the need to fund urgent warfighter requirements and operational needs, priority in the release of appropriated funds.

(B) Relief from the frequency of financial reporting in cases in which such reporting is not required by law.

(C) Relief from departmental obligation and expenditure thresholds to the extent that such thresholds establish requirements more restrictive than those required by law.

(D) Increases in thresholds for reprogramming of funds.

(E) Personnel management incentives for the financial and business management workforce.

(F) Such other measures as the Under Secretary considers appropriate.

(3) REPORT.—The Under Secretary shall include a discussion of the review performed pursuant to paragraph (1) in the next semiannual report pursuant to section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note) and for each option considered pursuant to paragraph (2) shall include—

(A) an assessment of the extent to which the implementation of the option—

(i) would be consistent with the efficient operation of the Department of Defense and the effective funding of essential Department of Defense programs and activities; and

(ii) would contribute to the achievement of Department of Defense goals to prepare auditable financial statements; and

(B) a recommendation on whether such option should be adopted, a schedule for implementing the option if adoption is recommended, or a reason for not recommending the option if adoption is not recommended.

SEC. 882. REVIEW OF OBLIGATION AND EXPENDITURE THRESHOLDS.

(a) PROCESS REVIEW.—Not later than one year after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense, in coordination with the Chief Management Officer of each military department, the Director of the Office of Performance Assessment and Root Cause Analysis, the Under Secretary of Defense (Comptroller), and the Comptrollers of the military departments, shall complete a comprehensive review of the use and value of obligation and expenditure benchmarks and propose new benchmarks or processes for tracking financial performance, including, as appropriate—

(1) increased reliance on individual obligation and expenditure plans for measuring program financial performance;

(2) mechanisms to improve funding stability and to increase the predictability of the release of funding for obligation and expenditure; and

(3) streamlined mechanisms for a program manager to submit an appeal for funding changes and to have such appeal evaluated promptly.

(b) TRAINING.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense (Comptroller) shall ensure that, as part of the training required for program managers and business managers, an emphasis is placed on obligating and expending appropriated funds in a manner that achieves the best value for the Government and that the purpose and limitations of obligation and expenditure benchmarks are made clear.

(c) REPORT.—The Deputy Chief Management Officer of the Department of Defense shall include a report on the results of the review under this section in the next update of the strategic management plan transmitted to the Committees on Armed Services of the Senate and the House of Representatives under section 904(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 275; 10 U.S.C. note prec. 2201) after the completion of the review.

SEC. 883. DISCLOSURE AND TRACEABILITY OF THE COST OF DEPARTMENT OF DEFENSE HEALTH CARE CONTRACTS.

(a) REPORT.—

(1) REQUIREMENT.—Not later than September 30, 2011, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the additional cost to the Department of Defense associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(2) MATTERS COVERED.—The report required by paragraph (1) shall include an estimate of—

(A) the additional costs, if any, incurred on health care contracts to comply with such Acts; and

(B) any other additional costs to the Department of Defense to comply with such Acts.

(b) HEALTH CARE CONTRACT DEFINED.—In this section, the term "health care contract" means a contract awarded by the Department of Defense in an amount greater than the simplified acquisition threshold for the acquisition of any of the following:

(1) Medical supplies.

(2) Health care services and administration, including the services of medical personnel.

(3) Durable medical equipment.

(4) Pharmaceuticals.

(5) Health care-related information technology.

PART IV—INDUSTRIAL BASE

SEC. 891. EXPANSION OF THE INDUSTRIAL BASE.

(a) PROGRAM TO EXPAND INDUSTRIAL BASE REQUIRED.—The Secretary of Defense shall establish a program to expand the industrial base of the Department of Defense to increase the Department's access to innovation and the benefits of competition.

(b) IDENTIFYING AND COMMUNICATING WITH FIRMS THAT ARE NOT TRADITIONAL SUPPLIERS.—The program established under subsection (a) shall use tools and resources available within the Federal Government and available from the private sector to provide a capability for identifying and communicating with firms that are not traditional suppliers, including commercial firms and firms of all business sizes, that are engaged in markets of importance to the Department of Defense in which such firms can make a significant contribution.

(c) OUTREACH TO LOCAL FIRMS NEAR DEFENSE INSTALLATIONS.—The program established under subsection (a) shall include outreach, using procurement technical assistance centers, to firms of all business sizes in the vicinity of Department of Defense installations regarding opportunities to obtain contracts and subcontracts to perform work at such installations.

(d) INDUSTRIAL BASE REVIEW.—The program established under subsection (a) shall include a continuous effort to review the industrial base supporting the Department of Defense, including the identification of markets of importance to the Department of Defense in which firms that are not traditional suppliers can make a significant contribution.

(e) FIRMS THAT ARE NOT TRADITIONAL SUPPLIERS.—For purposes of this section, a firm is not a traditional supplier of the Department of Defense if it does not currently have contracts and subcontracts to perform work for the Department of Defense with a total combined value in excess of $500,000.

(f) PROCUREMENT TECHNICAL ASSISTANCE CENTER.—In this section, the term "procurement technical assistance center" means a center operating under a cooperative agreement with the Defense Logistics Agency to provide procurement technical assistance pursuant to the authority provided in chapter 142 of title 10, United States Code.

SEC. 892. PRICE TREND ANALYSIS FOR SUPPLIES AND EQUIPMENT PURCHASED BY THE DEPARTMENT OF DEFENSE.

(a) PRICE TREND ANALYSIS PROCEDURES.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement procedures that, to the maximum extent practicable, provide for the collection and analysis of information on price trends for covered supplies and equipment purchased by the Department of Defense. The procedures shall include an automated process for identifying categories of covered supplies and equipment described in paragraph (2) that have experienced significant escalation in prices.

(2) CATEGORY OF COVERED SUPPLIES AND EQUIPMENT.—A category of covered supplies and equipment referred to in paragraph (1) consists of covered supplies and equipment that have the same National Stock Number, are in a single Federal Supply Group or Federal Supply Class, are provided by a single

contractor, or are otherwise logically grouped for the purpose of analyzing information on price trends.

(3) REQUIREMENT TO EXAMINE CAUSES OF ESCALATION.—An analysis conducted pursuant to paragraph (1) shall include, for any category in which significant escalation in prices is identified, a more detailed examination of the causes of escalation for such prices within the category and whether such price escalation is consistent across the Department of Defense.

(4) REQUIREMENT TO ADDRESS UNJUSTIFIED ESCALATION.—The head of a Defense Agency or the Secretary of a military department shall take appropriate action to address any unjustified escalation in prices being paid for items procured by that agency or military department as identified in an analysis conducted pursuant to paragraph (1).

(b) ANNUAL REPORT.—Not later than April 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the analyses of price trends that were conducted for categories of covered supplies and equipment during the preceding fiscal year under the procedures implemented pursuant to paragraph (1). The report shall include a description of the actions taken to identify and address any unjustified price escalation for the categories of items.

(c) DEFINITIONS.—In this section:

(1) SUPPLIES AND EQUIPMENT.—The term "supplies and equipment" means items classified as supplies and equipment under the Federal Supply Classification System.

(2) COVERED SUPPLIES AND EQUIPMENT.—The term "covered supplies and equipment" means all supplies and equipment purchased by the Department of Defense. The term does not include major weapon systems but does include individual parts and components purchased as spare or replenishment parts for such weapon systems.

(d) SUNSET DATE.—This section shall not be in effect on and after April 1, 2015.

SEC. 893. CONTRACTOR BUSINESS SYSTEMS.

(a) IMPROVEMENT PROGRAM.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall develop and initiate 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.

(b) APPROVAL OR DISAPPROVAL OF BUSINESS SYSTEMS.—The program developed pursuant to subsection (a) shall—

(1) include system requirements for each type of contractor business system covered by the program;

(2) establish a process for reviewing contractor business systems and identifying significant deficiencies in such systems;

(3) identify officials of the Department of Defense who are responsible for the approval or disapproval of contractor business systems;

(4) provide for the approval of any contractor business system that does not have a significant deficiency; and

(5) provide for—

(A) the disapproval of any contractor business system that has a significant deficiency; and

(B) reduced reliance on, and enhanced scrutiny of, data provided by a contractor business system that has been disapproved.

(c) REMEDIAL ACTIONS.—The program developed pursuant to subsection (a) shall provide the following:

(1) In the event a contractor business system is disapproved pursuant to subsection (b)(5), appropriate officials of the Department of Defense will be available to work with the contractor to develop a corrective action plan defining specific actions to be taken to address the significant deficiencies identified in the system and a schedule for the implementation of such actions.

(2) An appropriate official of the Department of Defense may withhold up to 10 percent of progress payments, performance-based payments, and interim payments under covered contracts from a covered contractor, as needed to protect the interests of the Department and ensure compliance, if one or more of the contractor business systems of the contractor has been disapproved pursuant to subsection (b)(5) and has not subsequently received approval.

(3) The amount of funds to be withheld under paragraph (2) shall be reduced if a contractor adopts an effective corrective action plan pursuant to paragraph (1) and is effectively implementing such plan.

(d) GUIDANCE AND TRAINING.—The program developed pursuant to subsection (a) shall provide guidance and training to appropriate government officials on the data that is produced by contractor business systems and the manner in which such data should be used to effectively manage Department of Defense programs.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit an official of the Department of Defense from reviewing, approving, or disapproving a contractor business system pursuant to any applicable law or regulation in force as of the date of the enactment of this Act during the period between the date of the enactment of this Act and the date on which the Secretary implements the requirements of this section with respect to such system.

(f) DEFINITIONS.—In this section:

(1) The term "contractor business system" means an accounting system, estimating system, purchasing system, earned value management system, material management and accounting system, or property management system of a contractor.

(2) The term "covered contractor" means a contractor that is subject to the cost accounting standards under section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422).

(3) The term "covered contract" means a cost-reimbursement contract, incentive-type contract, time-and-materials contract, or labor-hour contract that could be affected if the data produced by a contractor business system has a significant deficiency.

(4) The term "significant deficiency", in the case of a contractor business system, means a shortcoming in the system that materially affects the ability of officials of the Department of Defense and the contractor to rely upon information produced by the system that is needed for management purposes.

(g) DEFENSE CONTRACT AUDIT AGENCY LEGAL RESOURCES AND EXPERTISE.—

(1) REQUIREMENT.—The Secretary of Defense shall ensure that—

(A) the Defense Contract Audit Agency has sufficient legal resources and expertise to conduct its work in compliance with applicable Department of Defense policies and procedures; and

(B) such resources and expertise are provided in a manner that is consistent with the audit independence of the Defense Contract Audit Agency.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the steps taken to comply with the requirements of this subsection.

SEC. 894. REVIEW AND RECOMMENDATIONS ON ELIMINATING BARRIERS TO CONTRACTING WITH THE DEPARTMENT OF DEFENSE.

(a) REVIEW AND RECOMMENDATIONS.—The Secretary of Defense, acting through the Director of Small Business Programs in the Department of Defense, shall review barriers to firms that are not traditional suppliers to the Department of Defense wishing to contract with the Department of Defense and its defense supply centers and develop a set of recommendations on the elimination of such barriers. The Director shall identify and consult with a wide range of firms that are not traditional suppliers to the Department of Defense for the purpose of identifying such barriers and developing such recommendations.

(b) DEFINITION.—For the purposes of this section, a firm is not a traditional supplier of the Department of Defense if it does not currently have contracts and subcontracts to perform work for the Department of Defense with a total combined value in excess of $500,000.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report summarizing the findings and recommendations of the review conducted pursuant to this section.

SEC. 895. INCLUSION OF THE PROVIDERS OF SERVICES AND INFORMATION TECHNOLOGY IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) REVISED DEFINITIONS.—Section 2500 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "or maintenance" and inserting "integration, services, or information technology";

(2) in paragraph (4), by striking "or production" and inserting "production, integration, services, or information technology";

(3) in paragraph (9)(A), by striking "and manufacturing" and inserting "manufacturing, integration, services, and information technology"; and

(4) by adding at the end the following new paragraph:

"(15) The term 'integration' means the process of providing systems engineering and technical direction for a system for the purpose of achieving capabilities that satisfy program requirements.".

(b) REVISED OBJECTIVES.—Section 2501(a) of such title is amended—

(1) in paragraph (1), by striking "Supplying and equipping" and inserting "Supplying, equipping, and supporting";

(2) in paragraph (2), by striking "and logistics for" and inserting "logistics, and other activities in support of";

(3) in paragraph (4), by striking "and produce" and inserting ", produce, and support"; and

(4) by redesignating paragraph (6) as paragraph (8) and inserting after paragraph (5) the following new paragraphs:

"(6) Providing for the generation of services capabilities that are not core functions of the armed forces and that are critical to military operations within the national technology and industrial base.

"(7) Providing for the development, production, and integration of information technology within the national technology and industrial base.".

(c) REVISED ASSESSMENTS.—Section 2505(b)(4) of such title is amended by inserting after "of this title)" the following "or major automated information system programs (as defined in section 2445a of this title)".

(d) REVISED POLICY GUIDANCE.—Section 2506(a) of such title is amended by striking "budget allocation, weapons" and inserting "strategy, management, budget allocation,".

SEC. 896. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MANUFACTURING AND INDUSTRIAL BASE POLICY; INDUSTRIAL BASE FUND.

(a) DEPUTY ASSISTANT SECRETARY OF DEFENSE.—Chapter 7 of title 10, United States Code, is amended by inserting after section 139d the following new section:

"§ 139e. Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy

"(a) APPOINTMENT.—There is a Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy, who shall be appointed by the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

"(b) RESPONSIBILITIES.—The Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy shall be the principal advisor to the Under Secretary of Defense for Acquisition, Technology, and Logistics in the performance of the Under Secretary's duties relating to the following:

"(1) Providing input on industrial base matters to strategy reviews, including quadrennial defense reviews conducted pursuant to section 118 of this title.

"(2) Establishing policies of the Department of Defense for maintenance of the defense industrial base of the United States.

"(3) Providing recommendations to the Under Secretary on budget matters pertaining to the industrial base.

"(4) Providing recommendations to the Under Secretary on supply chain management and supply chain vulnerability.

"(5) Providing input on industrial base matters to defense acquisition policy guidance.

"(6) Establishing the national security objectives concerning the national technology and industrial base required under section 2501 of this title.

"(7) Executing the national defense program for analysis of the national technology and industrial base required under section 2503 of this title.

"(8) Performing the national technology and industrial base periodic defense capability assessments required under section 2505 of this title.

"(9) Establishing the technology and industrial base policy guidance required under section 2506 of this title.

"(10) Executing the authorities of the Manufacturing Technology Program under section 2521 of this title.

"(11) Carrying out the activities of the Department of Defense relating to the Defense Production Act Committee established under section 722 of the Defense Production Act of 1950 (50 U.S.C. App. 2171).

"(12) Consistent with section 2(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2062(b)), executing other applicable authorities provided under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), including authorities under titles I and II of such Act.

"(13) Establishing policies related to international technology security and export control issues.

"(14) Establishing policies related to industrial independent research and development programs under section 2372 of this title.

"(15) Such other duties as are assigned by the Under Secretary.

"(c) RULE OF CONSTRUCTION.—Nothing in subsection (b)(9) may be construed to limit the authority or modify the policies of the Committee on Foreign Investment in the United States established under section 721(k) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(k)).".

(b) INDUSTRIAL BASE FUND.—

(1) IN GENERAL.—Chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2508. Industrial Base Fund

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish an Industrial Base Fund (in this section referred to as the 'Fund').

"(b) CONTROL OF FUND.—The Fund shall be under the control of the Under Secretary of Defense for Acquisition, Technology, and Logistics, acting through the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy.

"(c) AMOUNTS IN FUND.—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

"(d) USE OF FUND.—Subject to subsection (e), the Fund shall be used—

"(1) to support the monitoring and assessment of the industrial base required by this chapter;

"(2) to address critical issues in the industrial base relating to urgent operational needs;

"(3) to support efforts to expand the industrial base; and

"(4) to address supply chain vulnerabilities.

"(e) USE OF FUND SUBJECT TO APPROPRIATIONS.—The authority of the Secretary of Defense to use the Fund under this section in any fiscal year is subject to the availability of appropriations for that purpose.

"(f) EXPENDITURES.—The Secretary shall establish procedures for expending monies in the Fund in support of the uses identified in subsection (d), including the following:

"(1) Direct obligations from the Fund.

"(2) Transfers of monies from the Fund to relevant appropriations of the Department of Defense.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2508. Industrial Base Fund.".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Reorganization of Office of the Secretary of Defense to carry out reduction required by law in number of Deputy Under Secretaries of Defense.

Subtitle B—Space Activities

Sec. 911. Integrated space architectures.
Sec. 912. Limitation on use of funds for costs of terminating contracts under the National Polar-Orbiting Operational Environmental Satellite System Program.
Sec. 913. Limitation on use of funds for purchasing Global Positioning System user equipment.
Sec. 914. Plan for integration of space-based nuclear detection sensors.
Sec. 915. Preservation of the solid rocket motor industrial base.
Sec. 916. Implementation plan to sustain solid rocket motor industrial base.
Sec. 917. Review and plan on sustainment of liquid rocket propulsion systems industrial base.

Subtitle C—Intelligence-Related Matters

Sec. 921. Five-year extension of authority for Secretary of Defense to engage in commercial activities as security for intelligence collection activities.
Sec. 922. Modification of attendees at proceedings of Intelligence, Surveillance, and Reconnaissance Integration Council.
Sec. 923. Report on Department of Defense interservice management and coordination of remotely piloted aircraft support of intelligence, surveillance, and reconnaissance.
Sec. 924. Report on requirements fulfillment and personnel management relating to Air Force intelligence, surveillance, and reconnaissance provided by remotely piloted aircraft.

Subtitle D—Cyber Warfare, Cyber Security, and Related Matters

Sec. 931. Continuous monitoring of Department of Defense information systems for cybersecurity.
Sec. 932. Strategy on computer software assurance.
Sec. 933. Strategy for acquisition and oversight of Department of Defense cyber warfare capabilities.
Sec. 934. Report on the cyber warfare policy of the Department of Defense.
Sec. 935. Reports on Department of Defense progress in defending the Department and the defense industrial base from cyber events.

Subtitle E—Other Matters

Sec. 941. Two-year extension of authorities relating to temporary waiver of reimbursement of costs of activities for nongovernmental personnel at Department of Defense Regional Centers for Security Studies.
Sec. 942. Additional requirements for quadrennial roles and missions review in 2011.

Sec. 943. Report on organizational structure and policy guidance of the Department of Defense regarding information operations.

Sec. 944. Report on organizational structures of the geographic combatant command headquarters.

Subtitle A—Department of Defense Management

SEC. 901. REORGANIZATION OF OFFICE OF THE SECRETARY OF DEFENSE TO CARRY OUT REDUCTION REQUIRED BY LAW IN NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.

(a) REDESIGNATION OF CERTAIN POSITIONS IN OFFICE OF SECRETARY OF DEFENSE.—

(1) REDESIGNATION.—Positions in the Office of the Secretary of Defense are hereby redesignated as follows:

(A) The Director of Defense Research and Engineering is redesignated as the Assistant Secretary of Defense for Research and Engineering.

(B) The Director of Operational Energy Plans and Programs is redesignated as the Assistant Secretary of Defense for Operational Energy Plans and Programs.

(C) The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs is redesignated as the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

(2) REFERENCES.—Any reference in any law, rule, regulation, paper, or other record of the United States to an office of the Department of Defense redesignated by paragraph (1) shall be deemed to be a reference to such office as so redesignated.

(b) AMENDMENTS TO CHAPTER 4 OF TITLE 10 RELATING TO REORGANIZATION.—

(1) REPEAL OF SEPARATE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE PROVISIONS.—Sections 133a, 134a, and 136a of title 10, United States Code, are repealed.

(2) COMPONENTS OF OSD.—Subsection (b) of section 131 of such title is amended to read as follows:

"(b) The Office of the Secretary of Defense is composed of the following:

"(1) The Deputy Secretary of Defense.

"(2) The Under Secretaries of Defense, as follows:

"(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(B) The Under Secretary of Defense for Policy.

"(C) The Under Secretary of Defense (Comptroller).

"(D) The Under Secretary of Defense for Personnel and Readiness.

"(E) The Under Secretary of Defense for Intelligence.

"(3) The Deputy Chief Management Officer of the Department of Defense.

"(4) Other officers who are appointed by the President, by and with the advice and consent of the Senate, and who report directly to the Secretary and Deputy Secretary without intervening authority, as follows:

"(A) The Director of Cost Assessment and Program Evaluation.

"(B) The Director of Operational Test and Evaluation.

"(C) The General Counsel of the Department of Defense.

"(D) The Inspector General of the Department of Defense.

"(5) The Principal Deputy Under Secretaries of Defense.

"(6) The Assistant Secretaries of Defense.

"(7) Other officials provided for by law, as follows:

"(A) The Deputy Assistant Secretary of Defense for Developmental Test and Evaluation appointed pursuant to section 139b(a) of this title.

"(B) The Deputy Assistant Secretary of Defense for Systems Engineering appointed pursuant to section 139b(b) of this title.

"(C) The Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy appointed pursuant to section 139c of this title.

"(D) The Director of Small Business Programs appointed pursuant to section 144 of this title.

"(E) The official designated under section 1501(a) of this title to have responsibility for Department of Defense matters relating to missing persons as set forth in section 1501 of this title.

"(F) The Director of Family Policy under section 1781 of this title.

"(G) The Director of the Office of Corrosion Policy and Oversight assigned pursuant to section 2228(a) of this title.

"(H) The official designated under section 2438(a) of this title to have responsibility for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs.

"(8) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.".

(3) PRINCIPAL DEPUTY UNDER SECRETARIES OF DEFENSE.—Section 137a of such title is amended—

(A) in subsections (a)(1), (b), and (d), by striking "Deputy Under" and inserting "Principal Deputy Under";

(B) in subsection (a)(2), by striking "(A) The" and all that follows through "(5) of subsection (c)" and inserting "The Principal Deputy Under Secretaries of Defense";

(C) in subsection (c)—

(i) in paragraphs (1), (2), (3), (4), and (5), by striking "One of the Deputy" and inserting "One of the Principal Deputy";

(ii) in paragraphs (1), (2), and (3), by striking "appointed" and all that follows through "this title";

(iii) in paragraphs (4) and (5), by striking "shall be" and inserting "is"; and

(iv) in paragraph (5), by inserting before the period at the end the following: ", who shall be appointed from among persons who have extensive expertise in intelligence matters"; and

(D) in subsection (d), by adding at the end the following new sentence: "The Principal Deputy Under Secretaries shall take precedence among themselves in the order prescribed by the Secretary of Defense.".

(4) ASSISTANT SECRETARIES OF DEFENSE GENERALLY.—Section 138 of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "12" and inserting "16"; and

(ii) in paragraph (2), by striking "(A) The" and all that follows through "The other" and inserting "The";

(B) in subsection (b)—

(i) in paragraphs (2), (3), (4), (5), and (6), by striking "shall be" and inserting "is";

(ii) in paragraph (7), by striking "appointed pursuant to section 138a of this title"; and

(iii) by adding at the end the following new paragraphs:

"(8) One of the Assistant Secretaries is the Assistant Secretary of Defense for Research and Engineering. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Research and Engineering shall have the duties specified in section 138b of this title.

"(9) One of the Assistant Secretaries is the Assistant Secretary of Defense for Operational Energy Plans and Programs. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Operational Energy Plans and Programs shall have the duties specified in section 138c of this title.

"(10) One of the Assistant Secretaries is the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall have the duties specified in section 138d of this title."; and

(C) in subsection (d), by striking "and the Director of Defense Research and Engineering" and inserting "the Deputy Chief Management Officer of the Department of Defense, the officials serving in positions specified in section 131(b)(4) of this title, and the Principal Deputy Under Secretaries of Defense".

(5) ASSISTANT SECRETARY FOR LOGISTICS AND MATERIEL READINESS.—Section 138a(a) of such title is amended—

(A) by striking "There is a" and inserting "The"; and

(B) by striking ", appointed from civilian life by the President, by and with the advice and consent of the Senate. The Assistant Secretary".

(6) ASSISTANT SECRETARY FOR RESEARCH AND ENGINEERING.—Section 139a of such title is transferred so as to appear after section 138a, redesignated as section 138b, and amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(C) in subsection (a), as so redesignated, by striking "Director of Defense Research and Engineering" and

inserting "Assistant Secretary of Defense for Research and Engineering"; and

(D) in subsection (b), as so redesignated—

(i) in paragraph (1), by striking "Director of Defense Research and Engineering," and inserting "Assistant Secretary of Defense for Research and Engineering,"; and

(ii) in paragraph (2), by striking "Director" and inserting "Assistant Secretary".

(7) ASSISTANT SECRETARY FOR OPERATIONAL ENERGY PLANS AND PROGRAMS.—Section 139b of such title is transferred so as to appear after section 138b (as transferred and redesignated by paragraph (6)), redesignated as section 138c, and amended—

(A) in subsection (a), by striking "There is a" and all that follows through "The Director" and inserting "The Assistant Secretary of Defense for Operational Energy Plans and Programs";

(B) by striking "Director" each place it appears and inserting "Assistant Secretary";

(C) in subsection (d)(2)—

(i) by striking "Not later than" and all that follows through "military departments" and inserting "The Secretary of each military department";

(ii) by striking "who will" and inserting "who shall"; and

(iii) by inserting "so designated" after "The officials"; and

(D) in subsection (d)(4), by striking "The initial" and all that follows through "updates to the strategy" and inserting "Updates to the strategy required by paragraph (1)".

(8) ASSISTANT SECRETARY FOR NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS.—Section 142 of such title is transferred so as to appear after section 138c (as redesignated and transferred by paragraph (7)), redesignated as section 138d, and amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a) and in that subsection, as so redesignated, by striking "The Assistant to the Secretary" and inserting "The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs"; and

(C) by striking subsection (c) and inserting the following new subsection (b):

"(b) The Assistant Secretary may communicate views on issues within the responsibility of the Assistant Secretary directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.".

(c) DEPUTY CHIEF MANAGEMENT OFFICER.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is further amended by inserting after section 132 the following new section:

"§ 132a. Deputy Chief Management Officer

"(a) APPOINTMENT.—There is a Deputy Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) RESPONSIBILITIES.—The Deputy Chief Management Officer assists the Deputy Secretary of Defense in the Deputy Secretary's capacity as Chief Management Officer of the Department of Defense under section 132(c) of this title.

"(c) PRECEDENCE.—The Deputy Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.".

(2) CONFORMING AMENDMENT.—Section 132(c) of such title is amended by striking the second sentence.

(d) SENIOR OFFICIAL RESPONSIBLE FOR PERFORMANCE ASSESSMENTS AND ROOT CAUSE ANALYSES OF MDAPS.—Section 103 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1715; 10 U.S.C. 2430 note) is transferred to chapter 144 of title 10, United States Code, inserted so as to appear after section 2437, redesignated as section 2438, and amended—

(1) in subsection (b)(2), by striking "section 2433a(a)(1) of title 10, United States Code (as added by section 206(a) of this Act)" and inserting "section 2433a(a)(1) of this title";

(2) in subsection (b)(5)—

(A) by striking "section 2433a of title 10, United States Code (as so added)" and inserting "section 2433a of this title"; and

(B) by striking "prior to" both places it appears and inserting "before";

(3) in subsection (d), by striking "section 2433a of title 10, United States Code (as so added)" and inserting "section 2433a of this title"; and

(4) in subsection (f), by striking "beginning in 2010,".

(e) REDESIGNATION OF DDTE AS DEPUTY ASSISTANT SECRETARY FOR DEVELOPMENTAL TEST AND EVALUATION AND DSE AS DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SYSTEMS ENGINEERING.—Section 139d of title 10, United States Code, is amended—

(1) by striking "Director of Developmental Test and Evaluation" each place it appears and inserting "Deputy Assistant Secretary of Defense for Developmental Test and Evaluation";

(2) by striking "Director of Systems Engineering" each place it appears and inserting "Deputy Assistant Secretary of Defense for Systems Engineering";

(3) in subsection (a)—

(A) by striking the subsection heading and inserting "DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.—";

(B) by striking "Director" each place it appears in paragraphs (2), (3), and (6) and inserting "Deputy Assistant Secretary";

(C) in paragraph (4), by striking the paragraph heading and inserting "COORDINATION WITH DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SYSTEMS ENGINEERING.—";

(D) in paragraph (5), by striking "Director" in the matter preceding subparagraph (A) and inserting "Deputy Assistant Secretary"; and

(E) in paragraph (6), by striking "Director's" and inserting "Deputy Assistant Secretary's"; and

(4) in subsection (b)—

(A) by striking the subsection heading and inserting "DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SYSTEMS ENGINEERING.—";

(B) by striking "Director" each place it appears in paragraphs (2), (3), (5), and (6) and inserting "Deputy Assistant Secretary";

(C) in paragraph (4), by striking the paragraph heading and inserting "COORDINATION WITH DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.—"; and

(D) in paragraph (6), by striking "Director's" and inserting "Deputy Assistant Secretary's".

(f) REORGANIZATION OF CERTAIN PROVISIONS WITHIN CHAPTER 4 TO ACCOUNT FOR OTHER TRANSFERS OF PROVISIONS.—Chapter 4 of title 10, United States Code, is further amended by redesignating sections 139c, 139d (as amended by subsection (e)), and 139e (as added by section 896 of this Act) as sections 139a, 139b, and 139c, respectively.

(g) REPEAL OF STATUTORY REQUIREMENT FOR OFFICE FOR MISSING PERSONNEL IN OSD.—Section 1501(a) of title 10, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: "RESPONSIBILITY FOR MISSING PERSONNEL.—";

(2) in paragraph (1)—

(A) by striking "establish within the Office of the Secretary of Defense an office to have responsibility for Department of Defense policy" in the first sentence and inserting "designate within the Office of the Secretary of Defense an official as the Deputy Assistant Secretary of Defense for Prisoner of War/Missing Personnel Affairs to have responsibility for Department of Defense matters";

(B) by striking the second sentence;

(C) by striking "of the office" and inserting "of the official designated under this paragraph";

(D) by striking "and" at the end of subparagraph (A);

(E) by redesignating subparagraph (B) as subparagraph (C); and

(F) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) policy, control, and oversight of the program established under section 1509 of this title, as well as the accounting for missing persons (including locating, recovering, and identifying missing persons or their remains after hostilities have ceased); and";

(3) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively;

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

"(2) The official designated under paragraph (1) shall also serve as the Director, Defense Prisoner of War/Missing Personnel Office, as established under paragraph (6)(A), exercising authority, direction, and control over that activity.".

(5) in paragraph (3), as so redesignated—

(A) by striking "of the office" the first place it appears; and

(B) by striking "head of the office" and inserting "official designated under paragraph (1) and (2)";

(6) in paragraph (4), as so redesignated—

(A) by striking "office" and inserting "designated official"; and

(B) by inserting after "evasion)" the following: "and for personnel accounting (including locating, recovering, and identifying missing persons or their remains after hostilities have ceased)";

(7) in paragraph (5), as so redesignated, by striking "office" and inserting "designated official"; and

(8) in paragraph (6), as so redesignated—

(A) in subparagraph (A)—

(i) by inserting after "(A)" the following: "The Secretary of Defense shall establish an activity to account for personnel who are missing or whose remains have not been recovered from the conflict in which they were lost. This activity shall be known as the Defense Prisoner of War/Missing Personnel Office."; and

(ii) by striking "office" both places it appears and inserting "activity";

(B) in subparagraph (B)(i), by striking "to the office" and inserting "activity";

(C) in subparagraph (B)(ii)—

(i) by striking "to the office" and inserting "activity"; and

(ii) by striking "of the office" and inserting "of the activity"; and

(D) in subparagraph (C), by striking "office" and inserting "activity".

(h) CLARIFICATION OF HEAD OF OFFICE FOR FAMILY POLICY.—Section 1781 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the second sentence and inserting the following new sentence: "The office shall be headed by the Director of Family Policy, who shall serve within the office of the Under Secretary of Defense for Personnel and Readiness."; and

(2) by striking "the Office" each place it appears and inserting "the Director".

(i) MODIFICATION OF STATUTORY LIMITATION ON NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.—

(1) DELAY IN LIMITATION ON NUMBER OF DUSDS.—Section 906(a)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2426; 10 U.S.C. 137a note) is amended by striking "January 1, 2011" and inserting "January 1, 2015".

(2) TEMPORARY AUTHORITY FOR ADDITIONAL DUSDS.—During the period beginning on the date of the enactment of this Act and ending on January 1, 2015, the Secretary of Defense may, in the Secretary's discretion, appoint not more than five Deputy Under Secretaries of Defense in addition to the five Principal Deputy Under Secretaries of Defense authorized by section 137a of title 10, United States Code (as amended by subsection (b)(3)).

(3) REPORT ON PLAN FOR REORGANIZATION OF OSD.—

(A) REPORT REQUIRED.—Not later than September 15, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for the realignment of the organizational structure of the Office of the Secretary of Defense to comply with the requirement of section 906(a)(2) of the National Defense Authorization Act for Fiscal Year 2010, as amended by paragraph (1).

(B) ELEMENTS.—In preparing the report required by subparagraph (A), the Secretary shall consider, at a minimum, the feasibility of taking the following actions on or before January 1, 2015:

(i) A merger of the position of Deputy Under Secretary of Defense (Installations and Environment) and the position of Assistant Secretary of Defense for Operational Energy Plans and Programs (as established in accordance with the amendments made by subsection (b)(7)) into a single Assistant Secretary position.

(ii) A realignment of positions within the Office of the Under Secretary of Defense for Policy to eliminate the position of Deputy Under Secretary of Defense (Strategy, Plans, and Forces).

(j) OTHER CONFORMING AMENDMENTS TO TITLE 10.—

(1) Section 179(c) of title 10, United States Code, is amended—

(A) in paragraphs (2) and (3), by striking "Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs" and inserting "Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs"; and

(B) in paragraph (3), by striking "that Assistant to the Secretary" and inserting "Assistant Secretary".

(2) Section 2272 of such title is amended by striking "Director of Defense Research and Engineering" each place it appears and inserting "Assistant Secretary of Defense for Research and Engineering".

(3) Section 2365 of such title is amended—

(A) in subsection (a), by striking "Director of Defense Research and Engineering" and inserting "Assistant Secretary";

(B) in subsection (d)(1), by striking "Director" and inserting "Assistant Secretary";

(C) in subsection (d)(2)—

(i) by striking "Director of Defense Research and Engineering" and inserting "Assistant Secretary of Defense for Research and Engineering"; and

(ii) by striking "Director may" and inserting "Assistant Secretary may"; and

(D) in subsection (e), by striking "Director" and inserting "Assistant Secretary".

(4) Sections 2350a(g)(3), 2366b(a)(3)(D), 2374a(a), and 2517(a) of such title are amended by striking "Director of Defense Research and Engineering" and inserting "Assistant Secretary of Defense for Research and Engineering".

(5) Section 2902(b) of such title is amended—

(A) in paragraph (1), by striking "Deputy Under Secretary of Defense for Science and Technology" and inserting

"official within the Office of the Assistant Secretary of Defense for Research and Engineering who is responsible for science and technology"; and

(B) in paragraph (3), by striking "Deputy Under Secretary of Defense" and inserting "official within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics who is".

(k) SECTION HEADING AND CLERICAL AMENDMENTS.—

(1) SECTION HEADING AMENDMENTS.—

(A) The heading of section 137a of title 10, United States Code, is amended to read as follows:

"§ 137a. Principal Deputy Under Secretaries of Defense".

(B) The heading of section 138b of such title, as transferred and redesignated by subsection (b)(6), is amended to read as follows:

"§ 138b. Assistant Secretary of Defense for Research and Engineering".

(C) The heading of section 138c of such title, as transferred and redesignated by subsection (b)(7), is amended to read as follows:

"§ 138c. Assistant Secretary of Defense for Operational Energy Plans and Programs".

(D) The heading of section 138d of such title, as transferred and redesignated by subsection (b)(8), is amended to read as follows:

"§ 138d. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs".

(E) The section heading of section 139b of such title, as redesignated by subsection (f), is amended to read as follows:

"§ 139b. Deputy Assistant Secretary of Defense for Developmental Test and Evaluation; Deputy Assistant Secretary of Defense for Systems Engineering: joint guidance".

(F) The heading of section 2438 of such title, as transferred and redesignated by subsection (d), is amended to read as follows:

"§ 2438. Performance assessments and root cause analyses".

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 4 of such title is amended—

(i) by inserting after the item relating to section 132 the following new item:

"132a. Deputy Chief Management Officer.";

(ii) by striking the items relating to sections 133a, 134a, and 136a;

(iii) by striking the item relating to section 137a and inserting the following new item:

"137a. Principal Deputy Under Secretaries of Defense.";

(iv) by inserting after the item relating to section 138a the following new items:

"138b. Assistant Secretary of Defense for Research and Engineering.
"138c. Assistant Secretary of Defense for Operational Energy Plans and Programs.
"138d. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.";

(v) by striking the items relating to sections 139a, 139b, 139c, and 139d and inserting the following new items:

"139a. Director of Cost Assessment and Program Evaluation.
"139b. Deputy Assistant Secretary of Defense for Developmental Test and Evaluation; Deputy Assistant Secretary of Defense for Systems Engineering: joint guidance.
"139c. Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy."; and

(vi) by striking the item relating to section 142.

(B) The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2437 the following new item:

"2438. Performance assessments and root cause analyses.".

(l) OTHER CONFORMING AMENDMENTS.—

(1) PUBLIC LAW 111–23.—Section 102(b) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1714; 10 U.S.C. 2430 note) is amended—

(A) by striking "Director of Developmental Test and Evaluation and the Director of Systems Engineering" each place it appears and inserting "Deputy Assistant Secretary of Defense for Developmental Test and Evaluation and the Deputy Assistant Secretary of Defense for Systems Engineering"; and

(B) in paragraph (3)—

(i) by striking the paragraph heading and inserting "ASSESSMENT OF REPORTS BY DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION AND DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SYSTEMS ENGINEERING.—"; and

(ii) by striking "Directors" and inserting "Deputy Assistant Secretaries of Defense".

(2) PUBLIC LAW 110–181.—Section 214 of the National Defense Authorization Act of Fiscal Year 2008 (10 U.S.C. 2521 note) is amended by striking "Director of Defense Research and Engineering" and inserting "Assistant Secretary of Defense for Research and Engineering".

(m) TECHNICAL AMENDMENTS.—

(1) Section 131(a) of title 10, United States Code, is amended by striking "his" and inserting "the Secretary's".

(2) Section 132 of such title is amended by redesignating subsection (d), as added by section 2831(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2669), as subsection (e).

(3) Section 135(c) of such title is amended by striking "clauses" and inserting "paragraphs".

(n) EXECUTIVE SCHEDULE AMENDMENTS.—

(1) NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.—Section 5315 of title 5, United States Code, is amended

by striking the item relating to Assistant Secretaries of Defense and inserting the following new item:

"Assistant Secretaries of Defense (16).".

(2) POSITIONS REDESIGNATED AS ASD POSITIONS.—

(A) Section 5315 of such title is further amended by striking the item relating to Director of Defense Research and Engineering.

(B) Section 5316 of such title is amended by striking the item relating to Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

(3) AMENDMENTS TO STRIKE REFERENCES TO POSITIONS IN SENIOR EXECUTIVE SERVICE.—Section 5316 of such title is further amended—

(A) by striking the item relating to Director, Defense Advanced Research Projects Agency, Department of Defense;

(B) by striking the item relating to Deputy General Counsel, Department of Defense;

(C) by striking the item relating to Deputy Under Secretaries of Defense for Research and Engineering, Department of Defense; and

(D) by striking the item relating to Special Assistant to the Secretary of Defense.

(o) INAPPLICABILITY OF APPOINTMENT REQUIREMENT TO CERTAIN INDIVIDUALS SERVING ON EFFECTIVE DATE.—

(1) IN GENERAL.—Notwithstanding this section and the amendments made by this section, the individual serving as specified in paragraph (2) on December 31, 2010, may continue to serve in the applicable position specified in that paragraph after that date without the requirement for appointment by the President, by and with the advice and consent of the Senate.

(2) COVERED INDIVIDUALS AND POSITIONS.—The individuals and positions specified in this paragraph are the following:

(A) In the case of the individual serving as Director of Defense Research and Engineering, the position of Assistant Secretary of Defense for Research and Engineering.

(B) In the case of the individual serving as Director of Operational Energy Plans and Programs, the position of Assistant Secretary of Defense for Operational Energy Plans and Programs.

(C) In the case of the individual serving as Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, the position of Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

(p) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on January 1, 2011.

(2) CERTAIN MATTERS.—Subsection (i) and the amendments made by that subsection, and subsection (o), shall take effect on the date of the enactment of this Act.

Subtitle B—Space Activities

SEC. 911. INTEGRATED SPACE ARCHITECTURES.

The Secretary of Defense and the Director of National Intelligence shall develop an integrated process for national security space architecture planning, development, coordination, and analysis that—

(1) encompasses defense and intelligence space plans, programs, budgets, and organizations;

(2) provides mid-term to long-term recommendations to guide space-related defense and intelligence acquisitions, requirements, and investment decisions;

(3) is independent of, but coordinated with, the space architecture planning, development, coordination, and analysis activities of each military department and each element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); and

(4) makes use of, to the maximum extent practicable, joint duty assignment (as defined in section 668 of title 10, United States Code) positions.

SEC. 912. LIMITATION ON USE OF FUNDS FOR COSTS OF TERMINATING CONTRACTS UNDER THE NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM PROGRAM.

None of the funds authorized to be appropriated or otherwise made available by this Act to the Secretary of Defense for the National Polar-Orbiting Operational Environmental Satellite System Program may be obligated or expended for the costs of terminating a contract awarded under the Program unless the Secretary of Defense and the Secretary of Commerce enter into an agreement under which the Secretary of Defense and the Secretary of Commerce will each be responsible for half the costs of terminating the contract.

SEC. 913. LIMITATION ON USE OF FUNDS FOR PURCHASING GLOBAL POSITIONING SYSTEM USER EQUIPMENT.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), none of the funds authorized to be appropriated or otherwise made available by this Act or any other Act for the Department of Defense may be obligated or expended to purchase user equipment for the Global Positioning System during fiscal years after fiscal year 2017 unless the equipment is capable of receiving the military code (commonly known as the "M code") from the Global Positioning System.

(b) EXCEPTION.—The limitation under subsection (a) shall not apply with respect to the purchase of passenger vehicles or commercial vehicles in which Global Positioning System equipment is installed.

(c) WAIVER.—The Secretary of Defense may waive the limitation under subsection (a) if the Secretary determines that—

(1) suitable user equipment capable of receiving the military code from the Global Positioning System is not available; or

(2) with respect to a purchase of user equipment, the Department of Defense does not require that user equipment

to be capable of receiving the military code from the Global Positioning System.

SEC. 914. PLAN FOR INTEGRATION OF SPACE-BASED NUCLEAR DETECTION SENSORS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Director of National Intelligence and the Administrator for Nuclear Security, submit to the congressional defense committees a plan to integrate space-based nuclear detection sensors in a geosynchronous orbit on the Space-Based Infrared System or other satellite platforms.

(b) LIMITATION ON USE OF FUNDS FOR THE SPACE-BASED INFRARED SYSTEM.—

(1) IN GENERAL.—Not more than 90 percent of the amounts specified in paragraph (2) may be obligated or expended before the date on which the Secretary of Defense submits to the congressional defense committees the plan required by subsection (a).

(2) AMOUNTS SPECIFIED.—The amounts specified in this paragraph are the following:

(A) The amount authorized to be appropriated by section 103 for procurement for the Air Force for missiles for the Space-Based Infrared System.

(B) The amount authorized to be appropriated by section 201 for research, development, test, and evaluation for the Air Force for the Space-Based Infrared System.

SEC. 915. PRESERVATION OF THE SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Administrator of the National Aeronautics and Space Administration, submit to the appropriate committees of Congress a report on the impact of the cancellation of the Constellation program of the National Aeronautics and Space Administration on any anticipated next generation mission requirements for missile defense interceptors, tactical and strategic missiles, targets, and satellite and human spaceflight launch vehicles.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description and assessment of the effects on Department of Defense programs that utilize solid rocket motors of the cancellation of the Ares I, the Ares V, or their solid rocket alternatives or derivatives, and all supporting elements.

(2) A description of the plans of the Department of Defense to mitigate the impact of the cancellation of the Ares I, the Ares V, or their solid rocket alternatives or derivatives, and all supporting elements, on the United States solid rocket motor industrial base, including a description of the National Aeronautics and Space Administration and Department of Defense funding required to implement such plans between fiscal years 2012 and 2017.

(3) A description of the impact of the cancellation of the Ares I, Ares V, or their solid rocket alternatives or derivatives, and all supporting elements, on international partners in programs such as the D–5 Trident missile.

(4) A detailed description of the source of the data used in the report.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Commerce, Science, and Transportation, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Science and Technology, and Appropriations of the House of Representatives.

SEC. 916. IMPLEMENTATION PLAN TO SUSTAIN SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) IN GENERAL.—The Secretary of Defense shall develop an implementation plan to sustain the solid rocket motor industrial base that—

(1) is based on the recommendations included in the report submitted to the congressional defense committees under section 1078 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2479); and

(2) includes a funding plan for carrying out the implementation plan.

(b) SUBMITTAL TO CONGRESS.—The implementation plan required by subsection (a) shall be submitted to Congress with the budget of the President for fiscal year 2012 as submitted under section 1105(a) of title 31, United States Code.

SEC. 917. REVIEW AND PLAN ON SUSTAINMENT OF LIQUID ROCKET PROPULSION SYSTEMS INDUSTRIAL BASE.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Administrator of the National Aeronautics and Space Administration, review, and develop a plan to sustain, the liquid rocket propulsion systems industrial base.

(b) ELEMENTS.—The review and plan required by subsection (a) shall address the following:

(1) The capacity to maintain currently available liquid rocket propulsion systems.

(2) The maintenance of an intellectual and engineering capacity to support next generation liquid rocket propulsion systems and engines, as needed.

(3) Opportunities for interagency collaboration and research and development on future propulsion systems.

(c) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the plan required by subsection (a).

Subtitle C—Intelligence-Related Matters

SEC. 921. FIVE-YEAR EXTENSION OF AUTHORITY FOR SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

The second sentence of section 431(a) of title 10, United States Code, is amended by striking "December 31, 2010" and inserting "December 31, 2015".

SEC. 922. MODIFICATION OF ATTENDEES AT PROCEEDINGS OF INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE INTEGRATION COUNCIL.

(a) FINDINGS.—Section 923(a)(4) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–163; 117

Stat. 1574; 10 U.S.C. 426 note) is amended by striking "National Foreign Intelligence Program (NFIP), Joint Military Intelligence Program (JMIP), and Tactical Intelligence and Related Activities Program (TIARA)" and inserting "National Intelligence Program (NIP) and a Military Intelligence Program (MIP)".

(b) ADDITIONAL AUTHORIZED ATTENDEES.—Section 426(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) Each Secretary of a military department may designate an officer or employee of such military department to attend the proceedings of the Council as a representative of such military department.".

SEC. 923. REPORT ON DEPARTMENT OF DEFENSE INTERSERVICE MANAGEMENT AND COORDINATION OF REMOTELY PILOTED AIRCRAFT SUPPORT OF INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE.

(a) REPORT REQUIRED.—

(1) REPORT TO SECRETARY OF DEFENSE BY CHIEFS OF STAFF.—Not later than 120 days after the date of the enactment of this Act, the Chief of Staff of the Army, the Chief of Naval Operations, and the Chief of Staff of the Air Force shall jointly submit to the Secretary of Defense a report, in accordance with this section, on remotely piloted aircraft (RPA) support of intelligence, surveillance, and reconnaissance (ISR) within their respective Armed Forces.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after the receipt of the report required by paragraph (1), the Secretary shall transmit the report, together with the assessment and any recommendations of the Secretary (including the matters required pursuant to subsection (b)(2)), to the congressional defense committees.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) In the case of the report required by subsection (a)(1), a description by each chief of staff referred to in that subsection of—

(A) current and planned remotely piloted aircraft inventories to support intelligence, surveillance, and reconnaissance requirements over the period 2011 to 2020, including an identification of systems each Armed Force considers organic and the systems capable of providing theater-level support to the commanders of the combatant commands;

(B) policy and processes of each Armed Force for coordinating investments in remotely piloted aircraft to meet joint force requirements for intelligence, surveillance, and reconnaissance and to eliminate unnecessary duplication in both development and capability; and

(C) the current employment of remotely piloted aircraft by each Armed Force, including the number of remotely piloted aircraft deployed in support operations, the number of remotely piloted aircraft assigned for training, and the number of remotely piloted aircraft warehoused, the capacity of each Armed Force to process, exploit, and disseminate intelligence, surveillance, and reconnaissance data collected, and the extent to which assets are provided

to the joint community to meet requirements of the combatant commands.

(2) In the case of the transmittal required by subsection (a)(2)—

(A) an assessment of the effectiveness of the employment of remotely piloted aircraft by each Armed Force, and a description of the percentage of joint force requirements for intelligence, surveillance, and reconnaissance that are being met by the remotely piloted aircraft of each Armed Force;

(B) a description of the joint concept of operations under which each Armed Force provides intelligence, surveillance, and reconnaissance capabilities through remotely piloted aircraft to meet the requirements of the combatant commands;

(C) a description of the processes by which current requirements of the commanders of the combatant commands for intelligence, surveillance, and reconnaissance are validated, and how the remotely piloted aircraft capabilities of each Armed Force are assigned against validated requirements;

(D) a description of the current intelligence, surveillance, and reconnaissance requirements of each combatant command through remotely piloted aircraft;

(E) a description of how the requirements described under subparagraph (D) are being met;

(F) an identification of any mission degradation or failure within the combatant commands due to lack of intelligence, surveillance, and reconnaissance support;

(G) a description of various means of addressing any shortfalls in meeting the requirements described under subparagraph (D), including temporary shortfalls and permanent shortfalls;

(H) a description of the organization of the Unmanned Aerial System Task Force, including the goals and objectives of the task force and the participation and roles of each Armed Force within the task force;

(I) a description of the organization of the Intelligence, Surveillance, and Reconnaissance Task Force, including the goals and objectives of the task force and the participation and roles of each Armed Force within the task force; and

(J) an identification of any theater-level intelligence, surveillance, and reconnaissance capacity of an Armed Force that is not being made available by services to fulfill joint force requirements for intelligence, surveillance, and reconnaissance.

(c) REMOTELY PILOTED AIRCRAFT DEFINED.—In this section, the term "remotely piloted aircraft" means any unmanned aircraft operated remotely, whether within or beyond line-of-sight, including unmanned aerial systems (UAS), unmanned aerial vehicles (UAV), remotely piloted vehicles (RPV), and remotely piloted aircraft (RPA).

SEC. 924. REPORT ON REQUIREMENTS FULFILLMENT AND PERSONNEL MANAGEMENT RELATING TO AIR FORCE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE PROVIDED BY REMOTELY PILOTED AIRCRAFT.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense for Intelligence, submit to the appropriate committees of Congress a report on requirements fulfillment and personnel management in connection with Air Force intelligence, surveillance, and reconnaissance (ISR) provided by remotely piloted aircraft (RPA).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the Joint Concept of Operation under which the Air Force operates to fulfill intelligence, surveillance, and reconnaissance requirements provided by remotely piloted aircraft.

(2) A description of the current requirements of each combatant command for Air Force intelligence, surveillance, and reconnaissance provided by remotely piloted aircraft, including—

(A) the number of orbits or combat air patrols for each major platform and sensor payload combination;

(B) the number of aircraft, aircraft operators, and ground crews in each orbit or combat air patrol, variations in the numbers of each, and the explanation for such variations;

(C) a description of how requirements are being met by the management of personnel, platforms, sensors, and networks; and

(D) a description of various means of addressing any shortfalls in meeting such requirements, including temporary shortfalls and permanent shortfalls.

(3) A description of manpower management to fulfill Air Force mission requirements for intelligence, surveillance, and reconnaissance requirements provided by remotely piloted aircraft, including the current number of personnel associated with each combat air patrol by remotely piloted aircraft for aircraft pilots, sensor operators, mission intelligence coordinators, and processing, exploitation, and dissemination analysts (in this section referred to as "operators and analysts for remotely piloted aircraft").

(4) A description of current Air Force manpower requirements for operators and analysts for remotely piloted aircraft, and any plans for meeting such requirements, including—

(A) an identification of any shortfalls in personnel, skill specialties, and grades; and

(B) any plans of the Air Force to address such shortfalls, including—

(i) plans to address shortfalls in applicable career field retention rates; and

(ii) plans for utilization of National Guard and other reserve component personnel to address shortfalls in such personnel, skill specialties, and grades.

(5) A description of the projected Air Force manpower requirements for operators and analysts for remotely piloted aircraft in each of 2015 and 2020, including—

(A) an identification of any significant challenges to achieving such requirements in particular skill specialties and grades; and

(B) any plans of the Air Force to address such challenges.

(6) A description of the collaboration of the Air Force with, and the reliance of the Air Force on, the other Armed Forces and the combat support agencies, in asset management for intelligence, surveillance, and reconnaissance by remotely piloted aircraft, including personnel for processing, exploitation, and dissemination.

(7) A description of potential adverse consequences of operating intelligence, surveillance, and reconnaissance by remotely piloted aircraft, and associated intelligence support infrastructure, in a surge, understaffed state, or both, including—

(A) the impact of having to provide forward processing, exploitation, and dissemination to support emerging capabilities; and

(B) any plans of the Air Force to mitigate such consequences.

(8) A description of the status of Air Force training programs for operators and analysts for remotely piloted aircraft, including the ability to meet Air Force manpower requirements for such operators and analysts, and plans for increasing training capacity to match plans for expanding Air Force intelligence, surveillance, and reconnaissance capabilities.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle D—Cyber Warfare, Cyber Security, and Related Matters

SEC. 931. CONTINUOUS MONITORING OF DEPARTMENT OF DEFENSE INFORMATION SYSTEMS FOR CYBERSECURITY.

(a) IN GENERAL.—The Secretary of Defense shall direct the Chief Information Officer of the Department of Defense to work, in coordination with the Chief Information Officers of the military departments and the Defense Agencies and with senior cybersecurity and information assurance officials within the Department of Defense and otherwise within the Federal Government, to achieve, to the extent practicable, the following:

(1) The continuous prioritization of the policies, principles, standards, and guidelines developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) based upon the evolving threat of information security

incidents with respect to national security systems, the vulnerability of such systems to such incidents, and the consequences of information security incidents involving such systems.

(2) The automation of continuous monitoring of the effectiveness of the information security policies, procedures, and practices within the information infrastructure of the Department of Defense, and the compliance of that infrastructure with such policies, procedures, and practices, including automation of—

(A) management, operational, and technical controls of every information system identified in the inventory required under section 3505(c) of title 44, United States Code; and

(B) management, operational, and technical controls relied on for evaluations under section 3545 of title 44, United States Code.

(b) DEFINITIONS.—In this section:

(1) The term "information security incident" means an occurrence that—

(A) actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information such system processes, stores, or transmits; or

(B) constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies with respect to an information system.

(2) The term "information infrastructure" means the underlying framework, equipment, and software that an information system and related assets rely on to process, transmit, receive, or store information electronically.

(3) The term "national security system" has the meaning given that term in section 3542(b)(2) of title 44, United States Code.

SEC. 932. STRATEGY ON COMPUTER SOFTWARE ASSURANCE.

(a) STRATEGY REQUIRED.—The Secretary of Defense shall develop and implement, by not later than October 1, 2011, a strategy for assuring the security of software and software-based applications for all covered systems.

(b) COVERED SYSTEMS.—For purposes of this section, a covered system is any critical information system or weapon system of the Department of Defense, including the following:

(1) A major system, as that term is defined in section 2302(5) of title 10, United States Code.

(2) A national security system, as that term is defined in section 3542(b)(2) of title 44, United States Code.

(3) Any Department of Defense information system categorized as Mission Assurance Category I.

(4) Any Department of Defense information system categorized as Mission Assurance Category II in accordance with Department of Defense Directive 8500.01E.

(c) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) Policy and regulations on the following:

(A) Software assurance generally.

(B) Contract requirements for software assurance for covered systems in development and production.

(C) Inclusion of software assurance in milestone reviews and milestone approvals.

(D) Rigorous test and evaluation of software assurance in development, acceptance, and operational tests.

(E) Certification and accreditation requirements for software assurance for new systems and for updates for legacy systems, including mechanisms to monitor and enforce reciprocity of certification and accreditation processes among the military departments and Defense Agencies.

(F) Remediation in legacy systems of critical software assurance deficiencies that are defined as critical in accordance with the Application Security Technical Implementation Guide of the Defense Information Systems Agency.

(2) Allocation of adequate facilities and other resources for test and evaluation and certification and accreditation of software to meet applicable requirements for research and development, systems acquisition, and operations.

(3) Mechanisms for protection against compromise of information systems through the supply chain or cyber attack by acquiring and improving automated tools for—

(A) assuring the security of software and software applications during software development;

(B) detecting vulnerabilities during testing of software; and

(C) detecting intrusions during real-time monitoring of software applications.

(4) Mechanisms providing the Department of Defense with the capabilities—

(A) to monitor systems and applications in order to detect and defeat attempts to penetrate or disable such systems and applications; and

(B) to ensure that such monitoring capabilities are integrated into the Department of Defense system of cyber defense-in-depth capabilities.

(5) An update to Committee for National Security Systems Instruction No. 4009, entitled "National Information Assurance Glossary", to include a standard definition for software security assurance.

(6) Either—

(A) mechanisms to ensure that vulnerable Mission Assurance Category III information systems, if penetrated, cannot be used as a foundation for penetration of protected covered systems, and means for assessing the effectiveness of such mechanisms; or

(B) plans to address critical vulnerabilities in Mission Assurance Category III information systems to prevent their use for intrusions of Mission Assurance Category I systems and Mission Assurance Category II systems.

(7) A funding mechanism for remediation of critical software assurance vulnerabilities in legacy systems.

(d) REPORT.—Not later than October 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the strategy required by subsection (a). The report shall include the following:

(1) A description of the current status of the strategy required by subsection (a) and of the implementation of the

strategy, including a description of the role of the strategy in the risk management by the Department regarding the supply chain and in operational planning for cyber security.

(2) A description of the risks, if any, that the Department will accept in the strategy due to limitations on funds or other applicable constraints.

SEC. 933. STRATEGY FOR ACQUISITION AND OVERSIGHT OF DEPARTMENT OF DEFENSE CYBER WARFARE CAPABILITIES.

(a) STRATEGY REQUIRED.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a strategy to provide for the rapid acquisition of tools, applications, and other capabilities for cyber warfare for the United States Cyber Command and the cyber operations components of the military departments.

(b) BASIC ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) An orderly process for determining and approving operational requirements.

(2) A well-defined, repeatable, transparent, and disciplined process for developing capabilities to meet such requirements, in accordance with the information technology acquisition process developed pursuant to section 804 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2225 note).

(3) The allocation of facilities and other resources to thoroughly test such capabilities in development, before deployment, and before use in order to validate performance and take into account collateral damage and other so-called second-order effects.

(c) ADDITIONAL ELEMENTS.—The strategy required by subsection (a) shall also provide for the following:

(1) Safeguards to prevent—

(A) the circumvention of operational requirements and acquisition processes through informal relationships among the United States Cyber Command, the Armed Forces, the National Security Agency, and the Defense Information Systems Agency; and

(B) the abuse of quick-reaction processes otherwise available for the rapid fielding of capabilities.

(2) The establishment of reporting and oversight processes for requirements generation and approval for cyber warfare capabilities, the assignment of responsibility for providing capabilities to meet such requirements, and the execution of development and deployment of such capabilities, under the authority of the Chairman of the Joint Requirements Oversight Council, the Under Secretary of Defense for Policy, and other officials in the Office of the Secretary of Defense, as designated in the strategy.

(3) The establishment and maintenance of test and evaluation facilities and resources for cyber infrastructure to support research and development, operational test and evaluation, operational planning and effects testing, and training by replicating or emulating networks and infrastructure maintained and operated by the military and political organizations of potential United States adversaries, by domestic and foreign

telecommunications service providers, and by the Department of Defense.

(4) An organization or organizations within the Department of Defense to be responsible for the operation and maintenance of cyber infrastructure for research, development, test, and evaluation purposes.

(5) Appropriate disclosure regarding United States cyber warfare capabilities to the independent test and evaluation community, and the involvement of that community in the development and maintenance of such capabilities, regardless of classification.

(6) The role of the private sector and appropriate Department of Defense organizations in developing capabilities to operate in cyberspace, and a clear process for determining whether to allocate responsibility for responding to Department of Defense cyber warfare requirements through Federal Government personnel, contracts with private sector entities, or a combination of both.

(7) The roles of each military department, and of the combat support Defense Agencies, in the development of cyber warfare capabilities in support of offensive, defensive, and intelligence operational requirements.

(8) Mechanisms to promote information sharing, cooperative agreements, and collaboration with international, interagency, academic, and industrial partners in the development of cyber warfare capabilities.

(9) The manner in which the Department of Defense will promote interoperability, share innovation, and avoid unproductive duplication in cyber warfare capabilities through specialization among the components of the Department responsible for developing cyber capabilities.

(d) REPORT ON STRATEGY.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the strategy required by subsection (a). The report shall include a comprehensive description of the strategy and plans (including a schedule) for the implementation of the strategy.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 934. REPORT ON THE CYBER WARFARE POLICY OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than March 1, 2011, the Secretary of Defense shall submit to Congress a report on the cyber warfare policy of the Department of Defense.

(b) ELEMENTS.—The report required under this section shall include the following:

(1) A description of the policy and legal issues investigated and evaluated by the Department in considering the range

of missions and activities that the Department may choose to conduct in cyberspace.

(2) The decisions of the Secretary with respect to such issues, and the recommendations of the Secretary to the President for decisions on such of those issues as exceed the authority of the Secretary to resolve, together with the rationale and justification of the Secretary for such decisions and recommendations.

(3) A description of the intentions of the Secretary with regard to modifying the National Military Strategy for Cyberspace Operations.

(4) The current use of, and potential applications of, modeling and simulation tools to identify likely cybersecurity vulnerabilities, as well as new protective and remediation means, within the Department.

(5) The application of modeling and simulation technology to develop strategies and programs to deter hostile or malicious activity intended to compromise Department information systems.

(c) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 935. REPORTS ON DEPARTMENT OF DEFENSE PROGRESS IN DEFENDING THE DEPARTMENT AND THE DEFENSE INDUSTRIAL BASE FROM CYBER EVENTS.

(a) REPORTS ON PROGRESS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and March 1 every year thereafter through 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Department of Defense in defending the Department and the defense industrial base from cyber events (such as attacks, intrusions, and theft).

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) In the case of the first report, a baseline for measuring the progress of the Department of Defense in defending the Department and the defense industrial base from cyber events, including definitions of significant cyber events, an appropriate categorization of various types of cyber events, the basic methods used in various cyber events, the vulnerabilities exploited in such cyber events, and the metrics to be utilized to determine whether the Department is or is not making progress against an evolving cyber threat.

(2) An ongoing assessment of such baseline against key cyber defense strategies (described in subsection (c)) to determine implementation progress.

(3)(A) A description of the nature and scope of significant cyber events against the Department and the defense industrial base during the preceding year, including, for each such event, a description of the intelligence or other Department data acquired, the extent of the corruption or compromise of Department information or weapon systems, and the impact of such event on the Department generally and on operational capabilities.

(B) For any such event that has been investigated by or on behalf of the Damage Assessment Management Office,

a synopsis of each damage assessment report, with emphasis on actions needing remediation.

(4) A comparative assessment of the offensive cyber warfare capabilities of current representative potential United States adversaries and nations with advanced cyber warfare capabilities with the capacity of the United States to defend—

(A) military networks and mission capabilities; and

(B) critical infrastructure.

(5) A comparative assessment of the offensive cyber warfare capabilities of the United States with the capacity of current representative potential United States adversaries and nations with advanced cyber warfare capabilities to defend against cyber attacks.

(6) A comparative assessment of the degree of dependency of current representative potential United States adversaries, nations with advanced cyber warfare capabilities, and the United States on networks that can be attacked through cyberspace.

(7) A description of known or suspected identified supply chain vulnerabilities, including known or suspected supply chain attacks, and actions to remediate such vulnerabilities.

(c) KEY CYBER DEFENSE STRATEGIES.—For purposes of subsection (b)(2), key cyber defense strategies include the following:

(1) Relevant valid Homeland Security Presidential Directives and National Security Presidential Directives.

(2) The Comprehensive National Cybersecurity Initiative.

(3) The National Military Strategy for Cyberspace Operations implementation plan.

(d) PERFORMANCE OF CERTAIN ASSESSMENTS.—The comparative assessment of critical infrastructure required by subsection (b)(4)(B) shall be performed by the Secretary of Homeland Security, in coordination with the Secretary of Defense and the heads of other agencies of the Government with specific responsibility for critical infrastructure.

(e) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

Subtitle E—Other Matters

SEC. 941. TWO-YEAR EXTENSION OF AUTHORITIES RELATING TO TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL AT DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) EXTENSION OF WAIVER.—Paragraph (1) of section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4577; 10 U.S.C. 184 note) is amended by striking "fiscal years 2009 and 2010" and inserting "fiscal years 2009 through 2012".

(b) ANNUAL REPORT.—Paragraph (3) of such section is amended by striking "in 2010 and 2011" and inserting "in each year through 2013".

SEC. 942. ADDITIONAL REQUIREMENTS FOR QUADRENNIAL ROLES AND MISSIONS REVIEW IN 2011.

(a) ADDITIONAL ACTIVITIES CONSIDERED.—As part of the quadrennial roles and missions review conducted in 2011 pursuant to section 118b of title 10, United States Code, the Secretary of Defense shall give consideration to the following activities, giving particular attention to their role in counter-terrorism operations:

(1) Information operations.

(2) Detention and interrogation.

(b) ADDITIONAL REPORT REQUIREMENT.—In the report required by section 118b(d) of such title for such review in 2011, the Secretary of Defense shall—

(1) provide clear guidance on the nature and extent of which core competencies are associated with the activities listed in subsection (a); and

(2) identify the elements of the Department of Defense that are responsible or should be responsible for providing such core competencies.

SEC. 943. REPORT ON ORGANIZATIONAL STRUCTURE AND POLICY GUIDANCE OF THE DEPARTMENT OF DEFENSE REGARDING INFORMATION OPERATIONS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the organizational structure and policy guidance of the Department of Defense with respect to information operations.

(b) REVIEW.—In preparing the report required by subsection (a), the Secretary shall review the following:

(1) The extent to which the current definition of "information operations" in Department of Defense Directive 3600.1 is appropriate.

(2) The location of the office within the Department of the lead official responsible for information operations of the Department, including assessments of the most effective location and the need to designate a principal staff assistant to the Secretary of Defense for information operations.

(3) Departmental responsibility for the development, coordination, and oversight of Department policy on information operations and for the integration of such operations.

(4) Departmental responsibility for the planning, execution, and oversight of Department information operations.

(5) Departmental responsibility for coordination within the Department, and between the Department and other departments and agencies of the Federal Government, regarding Department information operations, and for the resolution of conflicts in the discharge of such operations, including an assessment of current coordination bodies and decisionmaking processes.

(6) The roles and responsibilities of the military departments, combat support agencies, the United States Special Operations Command, and the other combatant commands in the development and implementation of information operations.

(7) The roles and responsibilities of the defense intelligence agencies for support of information operations.

(8) The role in information operations of the following Department officials:

(A) The Assistant Secretary of Defense for Public Affairs.

(B) The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict.

(C) The senior official responsible for information processing and networking capabilities.

(9) The role of related capabilities in the discharge of information operations, including public affairs capabilities, civil-military operations capabilities, defense support of public diplomacy, and intelligence.

(10) The management structure of computer network operations in the Department for the discharge of information operations, and the policy in support of that component.

(11) The appropriate use, management, and oversight of contractors in the development and implementation of information operations, including an assessment of current guidance and policy directives pertaining to the uses of contractors for these purposes.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, with a classified annex, if necessary.

(d) DEPARTMENT OF DEFENSE DIRECTIVE.—Upon the submittal of the report required by subsection (a), the Secretary shall prescribe a revised directive for the Department of Defense on information operations. The directive shall take into account the results of the review conducted for purposes of the report.

(e) INFORMATION OPERATIONS DEFINED.—In this section, the term "information operations" means the information operations specified in Department of Defense Directive 3600.1, as follows:

(1) Electronic warfare.

(2) Computer network operations.

(3) Psychological operations.

(4) Military deception.

(5) Operations security.

SEC. 944. REPORT ON ORGANIZATIONAL STRUCTURES OF THE GEOGRAPHIC COMBATANT COMMAND HEADQUARTERS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the organizational structures of the headquarters of the geographic combatant commands.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the organizational structure of the headquarters of each geographic combatant command.

(2) An assessment of the benefits and limitations of the different organizational structures in meeting the broad range of military missions of the geographic combatant commands.

(3) A description and assessment of the role and contributions of other departments and agencies of the Federal Government within each organizational structure, including a description of any plans to expand interagency participation in the geographic combatant commands in the future.

(4) A description of any lessons learned from the ongoing reorganization of the organizational structure of the United States Southern Command and the United States Africa Command, including an assessment of the value, if any, added by the position of civilian deputy to the commander of the United States Southern Command and to the commander of the United States Africa Command.

(5) Any other matters the Secretary and the Chairman consider appropriate.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Authorization of additional appropriations for operations in Afghanistan, Iraq, and Haiti for fiscal year 2010.
Sec. 1003. Budgetary effects of this Act.

Subtitle B—Counter-Drug Activities

Sec. 1011. Unified counter-drug and counterterrorism campaign in Colombia.
Sec. 1012. Extension and modification of joint task forces support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1013. Reporting requirement on expenditures to support foreign counter-drug activities.
Sec. 1014. Support for counter-drug activities of certain foreign governments.
Sec. 1015. Notice to Congress on military construction projects for facilities of the Department of Defense and foreign law enforcement agencies for counter-drug activities.

Subtitle C—Naval Vessels and Shipyards

Sec. 1021. Extension of authority for reimbursement of expenses for certain Navy mess operations.
Sec. 1022. Expressing the sense of Congress regarding the naming of a naval combat vessel after Father Vincent Capodanno.
Sec. 1023. Requirements for long-range plan for construction of naval vessels.

Subtitle D—Counterterrorism

Sec. 1031. Extension of certain authority for making rewards for combating terrorism.
Sec. 1032. Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1033. Certification requirements relating to the transfer of individuals detained at Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.
Sec. 1034. Prohibition on the use of funds to modify or construct facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1035. Comprehensive review of force protection policies.

Subtitle E—Homeland Defense and Civil Support

Sec. 1041. Limitation on deactivation of existing Consequence Management Response Forces.

Subtitle F—Studies and Reports

Sec. 1051. Interagency national security knowledge and skills.
Sec. 1052. Report on establishing a Northeast Regional Joint Training Center.
Sec. 1053. Comptroller General report on previously requested reports.
Sec. 1054. Biennial report on nuclear triad.
Sec. 1055. Comptroller General study on common alignment of world regions in departments and agencies with international responsibilities.
Sec. 1056. Required reports concerning bomber modernization, sustainment, and recapitalization efforts in support of the national defense strategy.
Sec. 1057. Comptroller General study and recommendations regarding security of southern land border of the United States.

Subtitle G—Miscellaneous Authorities and Limitations

Sec. 1061. Public availability of Department of Defense reports required by law.

Sec. 1062. Prohibition on infringing on the individual right to lawfully acquire, possess, own, carry, and otherwise use privately owned firearms, ammunition, and other weapons.
Sec. 1063. Development of criteria and methodology for determining the safety and security of nuclear weapons.

Subtitle H—Other Matters

Sec. 1071. National Defense Panel.
Sec. 1072. Sale of surplus military equipment to State and local homeland security and emergency management agencies.
Sec. 1073. Defense research and development rapid innovation program.
Sec. 1074. Authority to make excess nonlethal supplies available for domestic emergency assistance.
Sec. 1075. Technical and clerical amendments.
Sec. 1076. Study on optimal balance of manned and remotely piloted aircraft.
Sec. 1077. Treatment of successor contingency operation to Operation Iraqi Freedom.
Sec. 1078. Program to assess the utility of non-lethal weapons.
Sec. 1079. Sense of Congress on strategic nuclear force reductions.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2011 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN, IRAQ, AND HAITI FOR FISCAL YEAR 2010.

In addition to the amounts otherwise authorized to be appropriated by this division, the amounts authorized to be appropriated

for fiscal year 2010 in title XV of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) are hereby increased, with respect to any such authorized amount, as follows:

(1) The amounts provided in sections 1502 through 1507 of such Act for the following procurement accounts are increased as follows:

(A) For aircraft procurement, Army, by $182,170,000.

(B) For weapons and tracked combat vehicles procurement, Army, by $3,000,000.

(C) For ammunition procurement, Army, by $17,055,000.

(D) For other procurement, Army, by $1,997,918,000.

(E) For the Joint Improvised Explosive Device Defeat Fund, by $400,000,000.

(F) For aircraft procurement, Navy, by $104,693,000.

(G) For other procurement, Navy, by $15,000,000.

(H) For procurement, Marine Corps, by $18,927,000.

(I) For aircraft procurement, Air Force, by $209,766,000.

(J) For ammunition procurement, Air Force, by $5,000,000.

(K) For other procurement, Air Force, by $576,895,000.

(L) For the Mine Resistant Ambush Protected Vehicle Fund, by $1,123,000,000.

(M) For defense-wide activities, by $189,276,000.

(2) The amounts provided in section 1508 of such Act for research, development, test, and evaluation are increased as follows:

(A) For the Army, by $61,962,000.

(B) For the Navy, by $5,360,000.

(C) For the Air Force, by $187,651,000.

(D) For defense-wide activities, by $22,138,000.

(3) The amounts provided in sections 1509, 1511, 1513, 1514, and 1515 of such Act for operation and maintenance are increased as follows:

(A) For the Army, by $11,700,965,000.

(B) For the Navy, by $2,428,702,000.

(C) For the Marine Corps, by $1,090,873,000.

(D) For the Air Force, by $3,845,047,000.

(E) For defense-wide activities, by $1,188,421,000.

(F) For the Army Reserve, by $67,399,000.

(G) For the Navy Reserve, by $61,842,000.

(H) For the Marine Corps Reserve, by $674,000.

(I) For the Air Force Reserve, by $95,819,000.

(J) For the Army National Guard, by $171,834,000.

(K) For the Air National Guard, by $161,281,000.

(L) For the Defense Health Program, by $33,367,000.

(M) For Drug Interdiction and Counterdrug Activities, Defense-wide, by $94,000,000.

(N) For the Afghanistan Security Forces Fund, by $2,604,000,000.

(O) For the Iraq Security Forces Fund, by $1,000,000,000.

(P) For Overseas Humanitarian, Disaster, and Civic Aid, by $255,000,000.

(Q) For Overseas Contingency Operations Transfer Fund, by $350,000,000.

(R) For Working Capital Funds, by $974,967,000.

(4) The amount provided in section 1512 of such Act for military personnel accounts is increased by $1,895,761,000.

SEC. 1003. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

Subtitle B—Counter-Drug Activities

SEC. 1011. UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441), is further amended—

(1) in subsection (a), by striking "2010" and inserting "2011"; and

(2) in subsection (c), by striking "2010" and inserting "2011".

SEC. 1012. EXTENSION AND MODIFICATION OF JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) EXTENSION.—Subsection (b) of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking "2010" and inserting "2011".

(b) AVAILABILITY OF AUTHORITY.—

(1) ADDITIONAL CONDITION ON AUTHORITY FOR SUPPORT AND ASSOCIATED WAIVER AUTHORITY.—Subsection (d) of such section is amended—

(A) by inserting "(1)" before "Any support"; and

(B) by adding at the end the following new paragraph:

"(2)(A) Support for counter-terrorism activities provided under subsection (a) may only be provided if the Secretary of Defense determines that the objectives of using the counter-drug funds of any joint task force to provide such support relate significantly to the objectives of providing support for counter-drug activities by that joint task force or any other joint task force.

"(B) The Secretary of Defense may waive the requirements of subparagraph (A) if the Secretary determines that such a waiver is vital to the national security interests of the United States. The Secretary shall promptly submit to Congress notice in writing of any waiver issued under this subparagraph.

"(C) The Secretary of Defense may delegate any responsibility of the Secretary under subparagraph (B) to the Deputy Secretary of Defense or to the Under Secretary of Defense for Policy. Except as provided in the preceding sentence, such a responsibility may not be delegated to any official of the Department of Defense or any other official.".

(2) ANNUAL CERTIFICATION OF COMPLIANCE.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(4) A certification by the Secretary of Defense that any support provided under subsection (a) during such one-year period was provided in compliance with the requirements of subsection (d).".

(3) INTERIM COMPLIANCE REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth—

(A) a description of each support activity provided by a joint task force under subsection (a) of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note), as of the date of the submittal of such report; and

(B) a certification as to whether or not each such activity has been provided in compliance with the requirements of subsection (d) of such section, as amended by paragraph (1) of this subsection.

SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1013 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2442), is further amended by striking "February 15, 2010" and inserting "February 15, 2011".

SEC. 1014. SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1014(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2442), is further amended by striking "2010" and inserting "2012".

(b) MAXIMUM AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended by striking "either of fiscal years 2009 and 2010" and inserting "any of the fiscal years 2009 through 2012".

SEC. 1015. NOTICE TO CONGRESS ON MILITARY CONSTRUCTION PROJECTS FOR FACILITIES OF THE DEPARTMENT OF DEFENSE AND FOREIGN LAW ENFORCEMENT AGENCIES FOR COUNTER-DRUG ACTIVITIES.

(a) NOTICE TO CONGRESS.—

(1) NOTICE.—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended—

(A) in subsection (b)(4), by inserting "for the purpose of facilitating" after "within or outside the United States or"; and

(B) in subsection (h)(2)(A)—

(i) by striking "modification or repair" and inserting "construction, modification, or repair";

(ii) by striking "a Department of Defense facility" and inserting "any facility"; and

(iii) by striking "purpose" and inserting "purposes".

(2) CONSTRUCTION OF NOTICE.—Subsection (h) of such section is further amended by adding at the end the following new paragraph:

"(3) This subsection may not be construed as an authorization for the use of funds for any military construction project that would exceed the approved cost limitations of an unspecified minor military construction project under section 2805(a)(2) of title 10, United States Code.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to facilities projects for which a decision is made to be carried out on or after that date.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS.

(a) EXTENSION.—Subsection (b) of section 1014 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4585) is amended by striking "September 30, 2010" and inserting "September 30, 2015".

(b) CLARIFICATION OF SCOPE OF AUTHORITY.—Subsection (a) of such section is amended by inserting "in any fiscal year" after "may be used".

SEC. 1022. EXPRESSING THE SENSE OF CONGRESS REGARDING THE NAMING OF A NAVAL COMBAT VESSEL AFTER FATHER VINCENT CAPODANNO.

(a) FINDINGS.—Congress makes the following findings:

(1) Father Vincent Capodanno was born on February 13, 1929, in Staten Island, New York.

(2) After attending Fordham University for a year, he entered the Maryknoll Missionary Seminary in upstate New York in 1949, and was ordained a Catholic priest in June 1957.

(3) Father Capodanno's first assignment as a missionary was working with aboriginal Taiwanese people in the mountains of Taiwan where he served in a parish and later in a school. After several years, Father Capodanno returned to the United States for leave and then was assigned to a Maryknoll school in Hong Kong.

(4) Father Vincent Capodanno volunteered as a Navy Chaplain and was commissioned a Lieutenant in the Chaplain Corps of the United States Naval Reserve in December 28, 1965.

(5) Father Vincent Capodanno selflessly extended his combat tour in Vietnam on the condition he was allowed to remain with the infantry.

(6) On September 4, 1967, during a fierce battle in the Thang Binh District of the Que-Son Valley in Vietnam, Father Capodanno went among the wounded and dying, giving last rites and caring for the injured. He was killed that day while taking care of his Marines.

(7) On January 7, 1969, Father Vincent Capodanno was awarded the Medal of Honor posthumously for comforting the

wounded and dying during the Vietnam conflict. For his dedicated service, Father Capodanno was also awarded the Bronze Star, the Purple Heart, the Presidential Unit Citation, the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Gallantry Cross with Palm, and the Vietnam Campaign Medal.

(8) In his memory, the U.S.S. Capodanno was commissioned on September 17, 1973. It is the only Naval vessel to date to have received a Papal blessing by Pope John Paul II in Naples, Italy, on September 4, 1981.

(9) The U.S.S. Capodanno was decommissioned on July 30, 1993.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should name a combat vessel of the United States Navy the "U.S.S. Father Vincent Capodanno", in honor of Father Vincent Capodanno, a lieutenant in the Navy Chaplain Corps.

SEC. 1023. REQUIREMENTS FOR LONG-RANGE PLAN FOR CONSTRUCTION OF NAVAL VESSELS.

(a) IN GENERAL.—Section 231 of title 10, United States Code, is amended to read as follows:

"§ 231. Long-range plan for construction of naval vessels

"(a) QUADRENNIAL NAVAL VESSEL CONSTRUCTION PLAN.—At the same time that the budget of the President is submitted under section 1105(a) of title 31 during each year in which the Secretary of Defense submits a quadrennial defense review, the Secretary of the Navy shall submit to the congressional defense committees a long-range plan for the construction of combatant and support vessels for the Navy that supports the force structure recommendations of the quadrennial defense review.

"(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:

"(1) A detailed construction schedule of naval vessels for the 10-year period beginning on the date on which the plan is submitted, including a certification by the Secretary that the budget for the fiscal year in which the plan is submitted and the budget for the future-years defense program submitted under section 221 of this title are sufficient for funding such schedule.

"(2) A probable construction schedule for the 10-year period beginning on the date that is 10 years after the date on which the plan is submitted.

"(3) A notional construction schedule for the 10-year period beginning on the date that is 20 years after the date on which the plan is submitted.

"(4) The estimated levels of annual funding necessary to carry out the construction schedules under paragraphs (1), (2), and (3).

"(5) For the construction schedules under paragraphs (1) and (2)—

"(A) a determination by the Director of Cost Assessment and Program Evaluation of the level of funding necessary to execute such schedules; and

"(B) an evaluation by the Director of the potential risk associated with such schedules, including detailed

effects on operational plans, missions, deployment schedules, and fulfillment of the requirements of the combatant commanders.

"(c) NAVAL COMPOSITION.—In submitting the plan under subsection (a), the Secretary shall ensure that such plan is in accordance with section 5062(b) of this title.

"(d) ASSESSMENT WHEN BUDGET IS INSUFFICIENT.—If the budget for a fiscal year provides for funding of the construction of naval vessels at a level that is less than the level determined necessary by the Director of Cost Assessment and Program Evaluation under subsection (b)(5), the Secretary of the Navy shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the budget, including the risk associated with a reduced force structure that may result from funding naval vessel construction at such a level.

"(e) CBO EVALUATION.—Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the estimated levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

"(f) CHANGES TO THE CONSTRUCTION PLAN.—In any year in which a quadrennial defense review is not submitted and the budget of the President submitted under section 1105(a) of title 31 decreases the number of vessels requested in the future-years defense program submitted under section 221 of this title, the Secretary of the Navy shall submit to the congressional defense committees a report on such decrease including—

"(1) an addendum to the most recent quadrennial defense review that fully explains and justifies the decrease with respect to the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a); and

"(2) a description of the additional reviews and analyses considered by the Secretary after the previous quadrennial defense review was submitted that justify the decrease.

"(g) DEFINITIONS.—In this section:

"(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

"(3) The term 'quadrennial defense review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 231 and inserting the following new item:

"231. Long-range plan for construction of naval vessels.".

Subtitle D—Counterterrorism

SEC. 1031. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking "2010" and inserting "2011".

SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated by this Act for fiscal year 2011 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 1033. CERTIFICATION REQUIREMENTS RELATING TO THE TRANSFER OF INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), during the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense may not use any of the amounts authorized to be appropriated by this Act or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary shall notify Congress promptly upon issuance of any such order.

(b) CERTIFICATION.—The certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

(6) has agreed to share any information with the United States that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c) PROHIBITION AND WAIVER IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (3), during the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense may not use any amount authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(2) WAIVER.—The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.

(3) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary shall notify Congress promptly upon issuance of any such order.

(d) DEFINITIONS.—For the purposes of this section:

(1) The term "individual detained at Guantanamo" means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the effective control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term "foreign terrorist organization" means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1034. PROHIBITION ON THE USE OF FUNDS TO MODIFY OR CONSTRUCT FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUALS DESCRIBED.—An individual described in this subsection is any individual who, as of October 1, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(d) REPORT ON USE OF FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM GUANTANAMO.—

(1) REPORT REQUIRED.—Not later than April 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report, in classified or unclassified form, on the merits, costs, and risks of using any proposed facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(2) ELEMENTS OF THE REPORT.—The report required in paragraph (1) shall include each of the following:

(A) A discussion of the merits associated with any such proposed facility that would justify—

(i) using the facility instead of the facility at United States Naval Station, Guantanamo Bay, Cuba; and

(ii) the proposed facility's contribution to effecting a comprehensive policy for continuing military detention operations.

(B) The rationale for selecting the specific site for any such proposed facility, including details for the processes and criteria used for identifying the merits described in subparagraph (A) and for selecting the proposed site over reasonable alternative sites.

(C) A discussion of any potential risks to any community in the vicinity of any such proposed facility, the measures that could be taken to mitigate such risks, and the likely cost to the Department of Defense of implementing such measures.

(D) A discussion of any necessary modifications to any such proposed facility to ensure that any detainee transferred from Guantanamo Bay to such facility could not come into contact with any other individual, including any other person detained at such facility, that is not approved

for such contact by the Department of Defense, and an assessment of the likely costs of such modifications.

(E) A discussion of any support at the site of any such proposed facility that would likely be provided by the Department of Defense, including the types of support, the number of personnel required for each such type, and an estimate of the cost of such support.

(F) A discussion of any support, other than support provided at a proposed facility, that would likely be provided by the Department of Defense for the operation of any such proposed facility, including the types of possible support, the number of personnel required for each such type, and an estimate of the cost of such support.

(G) A discussion of the legal issues, in the judgment of the Secretary of Defense, that could be raised as a result of detaining or imprisoning any individual described in subsection (c) at any such proposed facility that could not be raised while such individual is detained or imprisoned at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1035. COMPREHENSIVE REVIEW OF FORCE PROTECTION POLICIES.

(a) COMPREHENSIVE REVIEW REQUIRED.—The Secretary of Defense shall conduct a comprehensive review of Department of Defense policies, regulations, instructions, and directives pertaining to force protection within the Department.

(b) MATTERS COVERED.—The review required under subsection (a) shall include an assessment of each of the following:

(1) Information sharing practices across the Department of Defense, and among the State, local, and Federal partners of the Department of Defense.

(2) Antiterrorism and force protection standards relating to buildings, including standoff distances.

(3) Protective standards relating to chemical, biological, radiological, nuclear, and high explosives threats.

(4) Standards relating to access to Department bases.

(5) Standards for identity management within the Department, including such standards for identity cards and biometric identifications systems.

(6) Procedures for validating and approving individuals with regular or episodic access to military installations, including military personnel, civilian employees, contractors, family members of personnel, and other types of visitors.

(7) Procedures for sharing with appropriate Department of Defense officials with responsibility for force protection—

(A) information from the intelligence or law enforcement community regarding possible threats from terrorists or terrorist groups, criminal organizations, or other state and non-state foreign entities actively working to undermine the security interests of the United States; and

(B) information regarding personnel who have engaged in potentially suspicious activities or may otherwise pose a threat.

(8) Any legislative changes recommended for implementing the recommendations contained in the review.

(c) INTERIM REPORT.—Not later than September 1, 2012, the Secretary of Defense shall submit an interim report on the comprehensive review required under subsection (a).

(d) FINAL REPORT.—Not later than March 1, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a final report on the comprehensive review required under subsection (a). The final report shall include such findings and recommendations as the Secretary considers appropriate based on the review, including recommended actions to be taken to implement the specific recommendations in the final report. The final report shall be submitted in an unclassified format, but may include a classified annex.

Subtitle E—Homeland Defense and Civil Support

SEC. 1041. LIMITATION ON DEACTIVATION OF EXISTING CONSEQUENCE MANAGEMENT RESPONSE FORCES.

(a) LIMITATION.—The Secretary of Defense shall ensure that no Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive Consequence Management Response Force established as of October 1, 2009, is deactivated or disestablished until the Secretary provides a certification described in subsection (b).

(b) CERTIFICATION.—The certification described in this subsection is a written certification to the congressional defense committees that there exists within the United States Armed Forces an alternative chemical, biological, radiological, nuclear, or high-yield explosive consequence management response capability that is at least as capable as two Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive Consequence Management Response Forces.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on plans of the Department of Defense to establish Homeland Response Forces for domestic emergency response to incidents involving weapons of mass destruction.

(2) ELEMENTS OF REPORT.—The report required by this subsection shall include the following:

(A) A detailed description of the analysis that led to the decision to establish Homeland Response Forces described in paragraph (1), including—

(i) whether consideration was given to establishing Homeland Response Forces within the Reserves; and

(ii) the reasons for not planning to establish any Homeland Response Forces within the Reserves.

(B) A detailed description of the plans to establish Homeland Response Forces, including—

(i) the cost and schedule to establish, equip, maintain, and operate the proposed Homeland Response Forces;

(ii) guidelines for the employment of Homeland Response Forces; and

(iii) the portion of the costs of Homeland Response Forces that will be borne by the States.

(C) A detailed description of the proposed number and composition of Homeland Response Forces, including—

(i) the number and type of units in each Homeland Response Force; and

(ii) the number of personnel in each Homeland Response Force.

(D) A comparative assessment of the emergency response capabilities of a Homeland Response Force with the capabilities of a Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive Consequence Management Response Force, including—

(i) a comparison of the equipment proposed for each type of force;

(ii) a comparison of the proposed means of transportation for each type of force;

(iii) an estimate of the time it would take each type of force to deploy to an incident site; and

(iv) an estimate of the operational duration of each type of force at such a site.

(E) A description of the command and control arrangements proposed for the Homeland Response Forces, including a description of the degree to which the Homeland Response Forces would be subject to the direction and control of the Department of Defense, as compared to the Governor of the State in which they are located.

(F) The results of the United States Northern Command study of the possible concepts of operations and of the implementation of the Homeland Response Force plan in such a manner as to provide adequate capability to provide Federal defense support to civil authorities during domestic incidents involving weapons of mass destruction.

(G) Any other matters the Secretary considers appropriate.

(3) FORM OF REPORT.—The report required by this subsection shall be in unclassified form, but may include a classified annex.

Subtitle F—Studies and Reports

SEC. 1051. INTERAGENCY NATIONAL SECURITY KNOWLEDGE AND SKILLS.

(a) STUDY REQUIRED.—

(1) SELECTION OF INDEPENDENT STUDY ORGANIZATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall select and enter into an agreement with an appropriate independent, nonprofit organization to conduct a study of the matters described in subsection (b).

(2) QUALIFICATIONS OF ORGANIZATION SELECTED.—The organization selected shall be qualified on the basis of having relevant expertise in the fields of national security and human capital development, and on the basis of such other criteria as the Secretary of Defense may determine.

(b) MATTERS TO BE COVERED.—The study required by subsection (a) shall assess the current state of interagency national

security knowledge and skills in Department of Defense civilian and military personnel, and make recommendations for strengthening such knowledge and skills. At minimum, the study shall include assessments and recommendations on—

(1) interagency national security training, education, and rotational assignment opportunities available to civilians and military personnel;

(2) integration of interagency national security education into the professional military education system;

(3) levels of interagency national security knowledge and skills possessed by personnel currently serving in civilian executive and general or flag officer positions, as represented by the interagency education, training, and professional experiences they have undertaken;

(4) incentives that enable and encourage military and civilian personnel to undertake interagency assignment, education, and training opportunities, as well as disincentives and obstacles that discourage undertaking such opportunities; and

(5) any plans or current efforts to improve the interagency national security knowledge and skills of civilian and military personnel.

(c) REPORT.—Not later than December 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report containing the findings and recommendations from the study required by subsection (a).

(d) DEFINITION.—In this section, the term "interagency national security knowledge and skills" means an understanding of, and the ability to efficiently and expeditiously work within, the structures, mechanisms, and processes by which the departments, agencies, and elements of the Federal Government that have national security missions coordinate and integrate their policies, capabilities, budgets, expertise, and activities to accomplish such missions.

SEC. 1052. REPORT ON ESTABLISHING A NORTHEAST REGIONAL JOINT TRAINING CENTER.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the need for the establishment of a Northeast Regional Joint Training Center.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) A list of facilities in the Northeastern United States at which, as of the date of the enactment of this Act, the Department of Defense has deployed or has committed to deploying joint training.

(2) A description of the extent to which such facilities have sufficient unused capacity and expertise to accommodate and fully utilize joint training.

(3) A list of potential locations for the Northeast Regional Joint Training Center discussed in the report.

(c) CONSIDERATIONS WITH RESPECT TO LOCATION.—In determining potential locations for the Northeast Regional Joint Training Center to be discussed in the report required under subsection (a), the Secretary of Defense shall take into consideration Department of Defense facilities that have—

(1) a workforce of skilled personnel;

(2) live, virtual, and constructive training capabilities, and the ability to digitally connect them and the associated battle command structure at the tactical and operational levels;

(3) an extensive deployment history in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) a location in the Northeastern United States;

(5) the capacity or potential capacity to accommodate a target training audience range of 500 to 4,000 additional personnel; and

(6) the capability to accommodate the training of current and future joint forces.

SEC. 1053. COMPTROLLER GENERAL REPORT ON PREVIOUSLY REQUESTED REPORTS.

(a) REPORT REQUIRED.—Not later than March 1, 2011, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report evaluating the sufficiency, adequacy, and conclusions of the following reports:

(1) The report on Air Force fighter force shortfalls, as required by the report of the House of Representatives numbered 111–166, which accompanied the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(2) The report on procurement of 4.5 generation fighters, as required by section 131 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2218).

(3) The report on combat air forces restructuring, as required by the report of the House of Representatives numbered 111–288, which accompanied the conference report for the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(b) MATTERS COVERED BY REPORT.—The report required by subsection (a) shall examine the potential costs and benefits of each of the following:

(1) The service life extension program costs to sustain the legacy fighter fleet to meet inventory requirements with an emphasis on the service life extension program compared to other options such as procurement of 4.5 generation fighters.

(2) The Falcon Structural Augmentation Roadmap of F–16s, with emphasis on the cost-benefit of such effort and the effect of such efforts on the service life of the airframes.

(3) Any additional programs designed to extend the service life of legacy fighter aircraft.

(c) PROHIBITION.—No fighter aircraft may be retired from the Air Force or the Air National Guard inventory in fiscal year 2011 until the date that is 90 days after the date on which the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives receive the report required under subsection (a).

SEC. 1054. BIENNIAL REPORT ON NUCLEAR TRIAD.

(a) REPORT.—Not later than March 1 of each even-numbered year, beginning March 1, 2012, the Secretary of Defense, in consultation with the Administrator for Nuclear Security, shall submit to the congressional defense committees a report on the nuclear triad.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A detailed discussion of the modernization and sustainment plans for each component of the nuclear triad over the 10-year period beginning on the date of the report.

(2) The funding required for each platform of the nuclear triad with respect to operation and maintenance, modernization, and replacement.

(3) Any industrial capacities that the Secretary considers vital to ensure the viability of the nuclear triad.

(c) NUCLEAR TRIAD DEFINED.—In this section, the term "nuclear triad" means the nuclear deterrent capabilities of the United States composed of ballistic missile submarines, land-based missiles, and strategic bombers.

SEC. 1055. COMPTROLLER GENERAL STUDY ON COMMON ALIGNMENT OF WORLD REGIONS IN DEPARTMENTS AND AGENCIES WITH INTERNATIONAL RESPONSIBILITIES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study to assess the need for and implications of a common alignment of world regions in the internal organization of departments and agencies of the Federal Government with international responsibilities.

(b) DEPARTMENTS AND AGENCIES.—The following departments and agencies, at a minimum, shall be included in the study:

(1) The Department of State.

(2) The Department of the Treasury.

(3) The Department of Defense.

(4) The Department of Justice.

(5) The Department of Commerce.

(6) The Department of Homeland Security.

(7) The United States Agency for International Development.

(8) The agencies comprising the intelligence community.

(9) Such other departments, agencies, and Federal organizations with significant international responsibilities as the Comptroller General considers appropriate.

(c) COOPERATION AND ACCESS.—The heads of the departments and agencies included in the study shall provide full cooperation with, and access to appropriate information on organizational structures to, the Comptroller General for the purposes of conducting the study.

(d) MATTERS COVERED.—The study required under subsection (a) shall, at a minimum, assess—

(1) problems and inefficiencies resulting from lack of a common alignment, including impediments to interagency collaboration;

(2) obstacles to implementing a common alignment;

(3) advantages and disadvantages of a common alignment; and

(4) measures taken to address challenges associated with the lack of a common alignment.

(e) REPORT.—The Comptroller General shall submit to Congress a report on the study required under subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 1056. REQUIRED REPORTS CONCERNING BOMBER MODERNIZATION, SUSTAINMENT, AND RECAPITALIZATION EFFORTS IN SUPPORT OF THE NATIONAL DEFENSE STRATEGY.

(a) AIR FORCE REPORT.—

(1) REPORT REQUIRED.—Not later than 360 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report that includes—

(A) a discussion of the cost, schedule, and performance of all planned efforts to modernize and keep viable the existing B–1, B–2, and B–52 bomber fleets and a discussion of the forecasted service-life and all sustainment challenges that the Secretary of the Air Force may confront in keeping those platforms viable until the anticipated retirement of such aircraft;

(B) a discussion, presented in a comparison and contrast type format, of the scope of the 2007 Next-Generation Long Range Strike Analysis of Alternatives guidance and subsequent Analysis of Alternatives report tasked by the Under Secretary of Defense for Acquisition, Technology, and Logistics in the September 11, 2006, Acquisition Decision Memorandum, as compared to the scope and directed guidance of the year 2010 Long Range Strike Study effort currently being conducted by the Under Secretary of Defense for Policy and the Office of the Secretary of Defense's Cost Assessment and Program Evaluation Office; and

(C) a discussion of the preliminary costs, any development, testing, fielding and operational employment challenges, capability gaps, limitations, and shortfalls of the Secretary of Defense's plan to field a long-range, penetrating, survivable, persistent and enduring "family of systems" as compared to the preliminary costs, any development, testing, fielding, and operational employment of a singular platform that encompasses all the required aforementioned characteristics.

(2) PREPARATION OF REPORT.—The report under paragraph (1) shall be prepared by a federally funded research and development center selected by the Secretary of the Air Force and submitted to the Secretary for submittal by the Secretary in accordance with that paragraph.

(b) COST ANALYSIS AND PROGRAM EVALUATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Cost Analysis and Program Evaluation of the Office of the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(1) the assumptions and estimated life-cycle costs of the Department's long-range, penetrating, survivable, persistent, and enduring "family of systems" platforms; and

(2) the assumptions and estimated life-cycle costs of the Next Generation Platform program, as planned, prior to the cancellation of the program on April 6, 2009.

SEC. 1057. COMPTROLLER GENERAL STUDY AND RECOMMENDATIONS REGARDING SECURITY OF SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) STUDY AND REPORT REQUIRED.—The Comptroller General of the United States shall conduct a study of the security of the southern land border of the United States and ongoing United States Government efforts to improve such security. Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the study and such recommendations based on such findings as the Comptroller General considers to be appropriate.

(b) ISSUES ADDRESSED.—The study and report required by subsection (a) shall address, at a minimum, the following issues:

(1) The extent to which the United States has or has not achieved and maintained operational control over the southern land border of the United States, as defined in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

(2) The extent to which any lack of operational control over the southern land border of the United States has resulted in the operation of illicit networks trafficking in people, drugs, illegal weapons and money, violence associated with such illegal activities, and other impacts adverse to the interests of the United States.

(3) The costs and benefits of steps, including but not limited to the steps identified in subsection (c), that could be taken by elements of the United States Government to achieve operational control over the southern land border of the United States.

(4) The costs and benefits of an increased role for the Department of Defense in taking any such steps.

(5) The adequacy of current information sharing agreements and other related agreements between Federal, State, local, and tribal law enforcement authorities with regard to the security of the southern land border of the United States.

(6) The impact of any increased deployment of unmanned aerial systems or unmanned aircraft on the use and availability of the National Airspace in the area of the southern land border of the United States.

(c) SPECIFIC STEPS TO BE CONSIDERED.—The steps to be considered by the Comptroller General pursuant to paragraphs (3) and (4) of subsection (b) shall include the following:

(1) The deployment of additional units or members of the National Guard or other Department of Defense personnel to the southern land border of the United States.

(2) The commitment of additional border patrol agents or other civilian law enforcement personnel to the southern land border of the United States.

(3) The construction of additional fencing, including double-layer and triple-layer fencing.

(4) The increased use of ground-based mobile surveillance systems by military or civilian personnel.

(5) The deployment of additional unmanned aerial systems and manned aircraft to provide surveillance of the southern land border of the United States.

(6) The deployment and provision of capability for radio communications interoperability between U.S. Customs and Border Protection and State, local, and tribal law enforcement agencies.

(7) The construction of checkpoints along the southern land border of the United States.

(8) The use of additional mobile patrols by military or civilian personnel, particularly in rural, high-trafficked areas, as designated by the Commissioner of Customs and Border Protection.

Subtitle G—Miscellaneous Authorities and Limitations

SEC. 1061. PUBLIC AVAILABILITY OF DEPARTMENT OF DEFENSE REPORTS REQUIRED BY LAW.

(a) PUBLIC AVAILABILITY.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 122 the following new section:

"§ 122a. Public availability of Department of Defense reports required by law

"(a) IN GENERAL.—The Secretary of Defense shall ensure that each report described in subsection (b) is made available to the public, upon request submitted on or after the date on which such report is submitted to Congress, through the Office of the Assistant Secretary of Defense for Public Affairs.

"(b) COVERED REPORTS.—(1) Except as provided in paragraph (2), a report described in this subsection is any report that is required by law to be submitted to Congress by the Secretary of Defense, or by any element of the Department of Defense.

"(2) A report otherwise described in paragraph (1) is not a report described in this subsection if the report contains—

"(A) classified information;

"(B) proprietary information;

"(C) information that is exempt from disclosure under section 552 of title 5 (commonly referred to as the 'Freedom of Information Act'); or

"(D) any other type of information that the Secretary of Defense determines should not be made available to the public in the interest of national security.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 122 the following new item:

"122a. Public availability of Department of Defense reports required by law.".

(b) EFFECTIVE DATE.—Section 122a of title 10, United States Code (as added by subsection (a)), shall take effect 90 days after the date of the enactment of this Act, and shall apply with respect to reports that are required by law to be submitted to Congress on or after that date.

SEC. 1062. PROHIBITION ON INFRINGING ON THE INDIVIDUAL RIGHT TO LAWFULLY ACQUIRE, POSSESS, OWN, CARRY, AND OTHERWISE USE PRIVATELY OWNED FIREARMS, AMMUNITION, AND OTHER WEAPONS.

(a) IN GENERAL.—Except as provided in subsection (c), the Secretary of Defense shall not prohibit, issue any requirement relating to, or collect or record any information relating to the otherwise lawful acquisition, possession, ownership, carrying, or other use of a privately owned firearm, privately owned ammunition, or another privately owned weapon by a member of the Armed Forces or civilian employee of the Department of Defense on property that is not—

(1) a military installation; or

(2) any other property that is owned or operated by the Department of Defense.

(b) EXISTING REGULATIONS AND RECORDS.—

(1) REGULATIONS.—Any regulation promulgated before the date of enactment of this Act shall have no force or effect to the extent that it requires conduct prohibited by this section.

(2) RECORDS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall destroy any record containing information described in subsection (a) that was collected before the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to limit the authority of the Secretary of Defense to—

(1) create or maintain records relating to, or regulate the possession, carrying, or other use of a firearm, ammunition, or other weapon by a member of the Armed Forces or civilian employee of the Department of Defense while—

(A) engaged in official duties on behalf of the Department of Defense; or

(B) wearing the uniform of an Armed Force; or

(2) create or maintain records relating to an investigation, prosecution, or adjudication of an alleged violation of law (including regulations not prohibited under subsection (a)), including matters related to whether a member of the Armed Forces constitutes a threat to the member or others.

(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall—

(1) conduct a comprehensive review of the privately owned weapons policy of the Department of Defense, including legal and policy issues regarding the regulation of privately owned firearms off of a military installation, as recommended by the Department of Defense Independent Review Related to Fort Hood; and

(2) submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report regarding the findings of and recommendations relating to the review conducted under paragraph (1), including any recommendations for adjustments to the requirements under this section.

(e) MILITARY INSTALLATION DEFINED.—In this section, the term "military installation" has the meaning given that term under section 2687(e)(1) of title 10, United States Code.

SEC. 1063. DEVELOPMENT OF CRITERIA AND METHODOLOGY FOR DETERMINING THE SAFETY AND SECURITY OF NUCLEAR WEAPONS.

(a) IN GENERAL.—The Secretary of Energy and the Secretary of Defense shall, acting through the Nuclear Weapons Council, develop the following:

(1) Criteria for determining the appropriate baseline for safety and security of nuclear weapons through the life cycle of such weapons.

(2) A methodology for determining the level of safety and security that may be achieved through a life extension program for each type of nuclear weapon.

(b) REPORT REQUIRED.—Not later than March 1, 2012, the Secretary of Energy and the Secretary of Defense shall jointly submit to the congressional defense committees a report containing the criteria and the methodology developed pursuant to subsection (a).

Subtitle H—Other Matters

SEC. 1071. NATIONAL DEFENSE PANEL.

Subsection (f) of section 118 of title 10, United States Code, is amended to read as follows:

"(f) NATIONAL DEFENSE PANEL.—

"(1) ESTABLISHMENT.—Not later than February 1 of a year in which a quadrennial defense review is conducted under this section, there shall be established an independent panel to be known as the National Defense Panel (in this subsection referred to as the 'Panel'). The Panel shall have the duties set forth in this subsection.

"(2) MEMBERSHIP.—The Panel shall be composed of ten members from private civilian life who are recognized experts in matters relating to the national security of the United States. Eight of the members shall be appointed as follows:

"(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

"(B) Two by the chairman of the Committee on Armed Services of the Senate.

"(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

"(D) Two by the ranking member of the Committee on Armed Services of the Senate.

"(3) CO-CHAIRS OF THE PANEL.—In addition to the members appointed under paragraph (2), the Secretary of Defense shall appoint two members from private civilian life to serve as co-chairs of the panel.

"(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

"(5) DUTIES.—The Panel shall have the following duties with respect to a quadrennial defense review:

"(A) While the review is being conducted, the Panel shall review the updates from the Secretary of Defense required under paragraph (8) on the conduct of the review.

"(B) The Panel shall—

"(i) review the Secretary of Defense's terms of reference and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the quadrennial defense review;

"(ii) conduct an assessment of the assumptions, strategy, findings, and risks of the report on the quadrennial defense review required in subsection (d), with particular attention paid to the risks described in that report;

"(iii) conduct an independent assessment of a variety of possible force structures of the armed forces, including the force structure identified in the report on the quadrennial defense review required in subsection (d);

"(iv) review the resource requirements identified pursuant to subsection (b)(3) and, to the extent practicable, make a general comparison to the resource requirements to support the forces contemplated under the force structures assessed under this subparagraph; and

"(v) provide to Congress and the Secretary of Defense, through the report under paragraph (7), any recommendations it considers appropriate for their consideration.

"(6) FIRST MEETING.—If the Secretary of Defense has not made the Secretary's appointments to the Panel under paragraph (3) by February 1 of a year in which a quadrennial defense review is conducted under this section, the Panel shall convene for its first meeting with the remaining members.

"(7) REPORT.—Not later than 3 months after the date on which the report on a quadrennial defense review is submitted under subsection (d) to the congressional committees named in that subsection, the Panel established under paragraph (1) shall submit to those committees an assessment of the quadrennial defense review, including a description of the items addressed under paragraph (5) with respect to that quadrennial defense review.

"(8) UPDATES FROM SECRETARY OF DEFENSE.—The Secretary of Defense shall ensure that periodically, but not less often than every 60 days, or at the request of the co-chairs, the Department of Defense briefs the Panel on the progress of the conduct of a quadrennial defense review under subsection (a).

"(9) ADMINISTRATIVE PROVISIONS.—

"(A) The Panel may request directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this subsection. The head of the department or agency concerned shall cooperate with the Panel to ensure that information requested by the Panel under this paragraph is promptly provided to the maximum extent practical.

"(B) Upon the request of the co-chairs, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

"(C) The Panel shall have the authorities provided in section 3161 of title 5 and shall be subject to the conditions set forth in such section.

"(D) Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

"(10) TERMINATION.—The Panel for a quadrennial defense review shall terminate 45 days after the date on which the Panel submits its final report on the quadrennial defense review under paragraph (7).".

SEC. 1072. SALE OF SURPLUS MILITARY EQUIPMENT TO STATE AND LOCAL HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCIES.

(a) STATE AND LOCAL AGENCIES TO WHICH SALES MAY BE MADE.—Section 2576 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "State and local law enforcement and firefighting agencies" and inserting "State and local law enforcement, firefighting, homeland security, and emergency management agencies"; and

(B) by striking "in carrying out law enforcement and firefighting activities" and inserting "in carrying out law enforcement, firefighting, homeland security, and emergency management activities"; and

(2) in subsection (b), by striking "State or local law enforcement or firefighting agency" both places it appears and inserting "State or local law enforcement, firefighting, homeland security, or emergency management agency".

(b) TYPES OF EQUIPMENT THAT MAY BE SOLD.—Subsection (a) of such section is further amended by striking "and protective body armor" and inserting "personal protective equipment, and other appropriate equipment".

(c) CLERICAL AMENDMENTS.—

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

"§ 2576. Surplus military equipment: sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies".

(2) TABLE OF SECTIONS.—The item relating to section 2576 in the table of sections at the beginning of chapter 153 of such title is amended to read as follows:

"2576. Surplus military equipment: sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies.".

SEC. 1073. DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary of Defense shall establish a competitive, merit-based program to accelerate the fielding of technologies developed pursuant to phase II Small Business Innovation Research Program projects, technologies developed by the defense laboratories, and other innovative technologies (including dual use technologies). The purpose of this program is to stimulate innovative technologies and reduce acquisition or lifecycle costs, address technical risks, improve the timeliness and thoroughness of test and evaluation outcomes, and rapidly insert

such products directly in support of primarily major defense acquisition programs, but also other defense acquisition programs that meet critical national security needs.

(b) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue guidelines for the operation of the program. At a minimum such guidance shall provide for the following:

(1) The issuance of an annual broad agency announcement or the use of any other competitive or merit-based processes by the Department of Defense and by each military department for candidate proposals in direct support of primarily major defense acquisition programs, but also other defense acquisition programs as described in subsection (a).

(2) The review of candidate proposals by the Department of Defense and by each military department and the merit-based selection of the most promising cost-effective proposals for funding through contracts, cooperative agreements, and other transactions for the purposes of carrying out the program.

(3) The total amount of funding provided to any project under the program shall not exceed $3,000,000, unless the Secretary, or the Secretary's designee, approves a larger amount of funding for the project. Any such approval shall be made on a case-by-case basis and notice of any such approval shall be submitted to the congressional defense committees by not later than 30 days after such approval is made.

(4) No project shall be funded under the program for more than two years, unless the Secretary, or the Secretary's designee, approves funding for any additional year. Any such approval shall be made on a case-by-case basis and notice of any such approval shall be submitted to the congressional defense committees by not later than 30 days after such approval is made.

(c) TREATMENT PURSUANT TO CERTAIN CONGRESSIONAL RULES.—Nothing in this section shall be interpreted to require or enable any official of the Department of Defense to provide funding under this section to any earmark as defined pursuant to House Rule XXI, clause 9, or any congressionally directed spending item as defined pursuant to Senate Rule XLIV, paragraph 5.

(d) FUNDING.—Subject to the availability of appropriations for such purpose, the amounts authorized to be appropriated for research, development, test, and evaluation for each of fiscal years 2011 through 2015 may be used for any such fiscal year for the program established under subsection (a).

(e) TRANSFER AUTHORITY.—The Secretary may transfer funds available for the program to the research, development, test, and evaluation accounts of a military department, defense agency, or the unified combatant command for special operations forces pursuant to a proposal, or any part of a proposal, that the Secretary determines would directly support the purposes of the program. The transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.

(f) REPORT.—Not later than 60 days after the last day of a fiscal year during which the Secretary carries out a program under this section, the Secretary shall submit to the congressional defense committees a report that includes a list and description of each

project funded under this section, including, for each such project, the amount of funding provided for the project, the defense acquisition program that the project supports, including the extent to which the project meets needs identified in its acquisition plan, the anticipated timeline for transition for the project, and the degree to which a competitive, merit-based process was used to evaluate and select the performers of the projects selected under this program.

(g) TERMINATION.—The authority to carry out a program under this section shall terminate on September 30, 2015. Any amounts made available for the program that remain available for obligation on the date the program terminates may be transferred under subsection (e) during the 180-day period beginning on the date of the termination of the program.

SEC. 1074. AUTHORITY TO MAKE EXCESS NONLETHAL SUPPLIES AVAILABLE FOR DOMESTIC EMERGENCY ASSISTANCE.

(a) DOMESTIC AUTHORITY.—Section 2557 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: "In addition, the Secretary may make nonlethal excess supplies of the Department available to support domestic emergency assistance activities."; and

(2) in subsection (b)—

(A) by inserting "(1)" before "Excess"; and

(B) by adding at the end the following new paragraph:

"(2) Excess supplies made available under this section to support domestic emergency assistance activities shall be transferred to the Secretary of Homeland Security. The Secretary of Defense may provide assistance in the distribution of such supplies at the request of the Secretary of Homeland Security.".

(b) CLERICAL AMENDMENTS.—

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

"§ 2557. Excess nonlethal supplies: availability for humanitarian relief, domestic emergency assistance, and homeless veterans assistance".

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 152 of such title is amended to read as follows:

"2557. Excess nonlethal supplies: availability for humanitarian relief, domestic emergency assistance, and homeless veterans assistance.".

SEC. 1075. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) Section 8344(l)(2)(B), as added by section 1122(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2505), is amended by striking "5201 et seq." and inserting "5211 et seq.".

(2) Section 9902(a)(2), as added by section 1113(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2499), is amended by striking "chapters" both places it appears and inserting "chapter".

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A and at the beginning of part II of such subtitle are amended by striking "1031" in the item relating to chapter 53 and inserting "1030".

(2) Section 127a is amended—

(A) in subsection (a)(1)(A), by striking "Armed Forces" and inserting "armed forces"; and

(B) in subsection (b)(1) by striking "Armed Forces" both places it appears and inserting "armed forces".

(3) Section 127d(d)(1) is amended by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(4) Section 132 is amended—

(A) by redesignating subsection (d), as added by section 2831(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2669), as subsection (e); and

(B) in such subsection, by striking "Guam Executive Council" and inserting "Guam Oversight Council".

(5) Section 139c(d)(4) is amended by adding at period at the end.

(6) Section 139d(a)(6) is amended by striking "propriety" and inserting "proprietary".

(7) Section 172 is amended—

(A) by striking "(a)" before "The Secretaries"; and

(B) by striking subsection (b).

(8) Section 181(b)(3) is amended by striking "Performance Evaluation" and inserting "Program Evaluation".

(9) Section 186 is amended by redesignating the second subsection (c) (relating to definitions) as subsection (d).

(10)(A) Section 382 is amended by striking "section 175 or 2332c" in subsections (a), (b)(2)(C), and (d)(2)(A)(ii) and inserting "section 175, 229, or 2332a".

(B) The heading of such section is amended by striking "**chemical or biological**".

(C) The table of sections at the beginning of chapter 18 is amended by striking the item relating to section 382 and inserting the following new item:

"382. Emergency situations involving weapons of mass destruction.".

(11) Section 428(f) is amended by striking ", United States Code,".

(12) Section 525 is amended—

(A) in subsection (d), by striking "section 601(b)(4)" and inserting "section 601(b)(5)"; and

(B) in subsection (g)(1)—

(i) by striking "and is not" and inserting "and are not"; and

(ii) by adding at period at the end.

(13) Section 841(c) is amended by striking "trail counsel" and inserting "trial counsel".

(14) Section 843(b)(2)(B)(v) is amended by striking "Kidnaping; indecent assault;" and inserting "Kidnaping, indecent assault,".

(15) Section 1030(e)(1) is amended by striking "3 years," and inserting "three years.".

(16) Section 1146 is amended—

(A) in subsection (a), by striking "(a) BENEFITS FOR MEMBERS INVOLUNTARILY SEPARATED.—", as added by section 5(1) of Public Law 110–317 (122 Stat. 3528);

(B) by redesignating the second subsection (b) as subsection (c); and

(C) in subsection (c), as so redesignated—

(i) by striking "BENEFITS FOR" in the subsection heading;

(ii) by striking "Armed Forces" in the matter preceding paragraph (1) and inserting "armed forces"; and

(iii) by striking "the members entitlement" in paragraph (2) and inserting "the member's entitlement".

(17) Section 1174(i) is amended by striking "Armed Forces" each place it appears and inserting "armed forces".

(18) Section 1175a(j)(3) is amended by striking "title 10" and inserting "this title".

(19) Section 1203(b)(4)(B) is amended by striking "determination,," and inserting "determination,".

(20) Section 1482a(c)(3) is amended by striking "section 1482(a)(11)" and inserting "section 1482(e)(5)(A)".

(21) Section 1566a(a)(1) is amended by inserting a close parenthesis before the period at the end.

(22) Section 1599c(a)(2)(B) is amended by striking "subchapter 1" and inserting "subchapter I".

(23) Section 1781b(d) is amended by striking "March 1, 2008, and each year thereafter" and inserting "March 1 each year".

(24) Section 1781c(h)(1) is amended by striking "180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter" and inserting "April 30 each year".

(25) Section 1788(b) is amended by striking "Armed Forces" and inserting "armed forces".

(26) Section 2004b(b)(1) is amended by striking "pay grade 0–3" and inserting "pay grade O–3".

(27) The table of sections at the beginning of chapter 104 is amended by transferring the item relating to section 2113a to appear after the item relating to section 2113.

(28) Section 2130a(b)(1) is amended by striking "Training Program" both places it appears and inserting "Training Corps program".

(29) Section 2222(a) is amended by striking "Effective October 1, 2005, funds" and inserting "Funds".

(30) The table of sections at the beginning of subchapter I of chapter 134, as amended by section 1031(a)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2448), is amended by transferring the item relating to section 2241a from the end of the table of sections to appear after the item relating to section 2241.

(31) Section 2323(a)(1)(D) is amended by inserting a close parenthesis before the semicolon.

(32) Section 2362(e)(1) is amended by striking "IV" and inserting "V".

(33) Section 2366a(c) is amended—

(A) by inserting a space between "(c)" and the subsection heading; and

(B) in paragraph (4), by striking "section 125a(a) of this title" and inserting "section 118b(c)(3) of this title".

(34) Section 2433(a)(1) is amended by striking "section 2430a(c)" and inserting "section 2430a(d)".

(35) Section 2433a(b)(2)(B) is amended by striking "section 181(g)((1)" and inserting "section 181(g)(1)".

(36) Section 2476(d)(2)(D) is amended by striking "Navy Depots" and inserting "Navy depots".

(37) Section 2488(f) is amended by striking "Armed Forces" both places it appears and inserting "armed forces".

(38) Section 2533a(d) is amended in paragraphs (1) and (4) by striking "(b)(1)(A), (b)(2), or (b)(3)" and inserting "(b)(1)(A) or (b)(2)".

(39) Section 2603 is amended by striking "Armed Forces" both places it appears and inserting "armed forces".

(40) Section 2642(a)(3) is amended by striking "During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010" and inserting "During the period beginning on October 28, 2009, and ending on October 28, 2014".

(41) Section 2667(e) is amended—

(A) in paragraph (1)(A)(ii), by striking "sections 2668 and 2669" and inserting "section 2668"; and

(B) in paragraph (5), by striking "subsection (f)" and inserting "subsection (g)".

(42) Section 2671(a)(2) is amended by striking "Armed Forces" and inserting "armed forces".

(43) Section 2684a(g)(1) is amended by striking "March 1, 2007, and annually thereafter" and inserting "March 1 each year".

(44) Section 2687a(a) is amended by striking "31for" and inserting "31 for".

(45) Section 2694c(d)(4) is amended by inserting "Authorization" after "Military Construction".

(46) Chapter 160 is amended—

(A) in section 2700(2), by inserting "'pollutant or contaminant'," after "'person',"; and

(B) in section 2701(b)(1), by striking "hazardous substances, pollutants, and contaminants" and inserting "a hazardous substance or pollutant or contaminant".

(47) The table of subchapters at the beginning of chapter 173 is amended by inserting "Sec." above "2911".

(48) Section 2922d is amended by striking "1 or more" each place it appears and inserting "one or more".

(49) Section 7042(a)(1)(A) is amended by striking the comma after "captain".

(50) Section 9515 is amended—

(A) in subsection (b), by striking "Section 1356 of the National Defense Authorization Act for 2008" and inserting "section 1356 of the National Defense Authorization Act for Fiscal Year 2008";

(B) in subsection (f)(2), by striking "paragraph (2)" and inserting "paragraph (1)"; and

(C) in subsection (j)(1), by striking "United States Code,".

(51) Section 10214 is amended by striking "14508(e)" and inserting "14508(h)".

(52) Section 10216 is amended by striking "section 115(c)" in subsections (b)(1), (c)(1), and (c)(2)(A) and inserting "section 115(d)".

(53) Section 10217(c)(1) is amended—

(A) by striking "Effective October 1, 2007, the" and inserting "The"; and

(B) by striking "after the preceding sentence takes effect".

(54) Section 12203(a) is amended by striking "above" in the first sentence and inserting "of".

(55) Section 16132a is amended—

(A) in subsection (b)(1), by striking "agreement to service" and inserting "agreement to serve"; and

(B) in subsection (i)(2), by striking "whose".

(56) Section 16163a(b)(2) is amended by striking "section (j)" and inserting "subsection (j)".

(c) TITLE 37.—Title 37, United States Code, is amended as follows:

(1) Section 303a(e)(3)(B) is amended by inserting "of" after "result".

(2) The table of sections at the beginning of chapter 5 is amended by striking the item related to section 312 and inserting the following new item:

"312. Special pay: nuclear-qualified officers extending period of active service.".

(3) The table of sections at the beginning of chapter 7 is amended—

(A) by striking the item related to section 438 and inserting the following new item:

"411k. Travel and transportation allowances: non-medical attendants for members who are determined to be very seriously or seriously wounded, ill, or injured."; and

(B) by striking the item related to section 438 and inserting the following new item:

"438. Preventive health services allowance.".

(4) Section 411k(d)(1) is amended by striking "allowances section" and inserting "allowances under section".

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Effective as of October 28, 2009, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) is amended as follows:

(1) Section 325(d)(4) (123 Stat. 2254) is amended by striking "section 236" and inserting "section 235".

(2) Section 502(c)(3) (123 Stat. 2274) is amended by striking "officers" and inserting "general officers and flag officers".

(3) Section 581(a)(1)(C) (123 Stat. 2326) is amended by striking "subsection (f)" and inserting "subsection (g), as redesignated by section 582(b)(1)".

(4) Section 584(a) (123 Stat. 2330) is amended by striking "such Act" and inserting "the Uniformed and Overseas Citizens Absentee Voting Act".

(5) Section 585(b)(1) (123 Stat. 2331) is amended by striking subparagraphs (A) and (B), and inserting the following new subparagraphs:

"(A) in paragraph (2), by striking 'section 102(4)' and inserting 'section 102(a)(4)'; and

"(B) by striking paragraph (4) and inserting the following new paragraph:

"'(4) prescribe a suggested design for absentee ballot mailing envelopes;'; and".

(6) Section 589 (123 Stat. 2334; 42 U.S.C. 1973ff–7) is amended—

(A) in subsection (a)(1)—

(i) by striking "section 107(a)" and inserting "section 107(1)"; and

(ii) by striking "1973ff et seq." and inserting "1973ff–6(1)"; and

(B) in subsection (e)(1), by striking "1977ff note" and inserting "1973ff note".

(7) The undesignated section immediately following section 603 (123 Stat. 2350) is designated as section 604.

(8) Section 714(c) (123 Stat. 2382; 10 U.S.C. 1071 note) is amended—

(A) by striking "feasability" both places it appears and inserting "feasibility"; and

(B) by striking "specialities" both places it appears and inserting "specialties".

(9) Section 813(a)(3) (123 Stat. 2407) is amended by inserting "order" after "task" in the matter to be struck.

(10) Section 921(b)(2) (123 Stat. 2432) is amended by inserting "subchapter I of" before "chapter 21".

(11) Section 1014(c) (123 Stat. 2442) is amended by striking "in which the support" and inserting "in which support".

(12) Section 1043(d) (123 Stat. 2457; 10 U.S.C. 2353 note) is amended by striking "et 13 seq." and inserting "et seq.".

(13) Section 1055(f) (123 Stat. 2462) is amended by striking "Combating" and inserting "Combatting".

(14) Section 1063(d)(2) (123 Stat. 2470) is amended by striking "For purposes of this section, the" and inserting "The".

(15) Section 1080(b) (123 Stat. 2479; 10 U.S.C. 801 note) is amended—

(A) by striking "title 14" and inserting "title XIV";

(B) by striking "title 10" and inserting "title X"; and

(C) by striking "the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366)" and inserting "chapter 47A of title 10, United States Code".

(16) Section 1111(b) (123 Stat. 2495; 10 U.S.C. 1580 note prec.) is amended by striking "the Secretary" in the first sentence and inserting "the Secretary of Defense".

(17) Section 1113(g)(1) (123 Stat. 2502; 5 U.S.C. 9902 note) is amended by inserting "United States Code," after "title 5," the first place it appears.

(18) Section 1202(c) (123 Stat. 2512) is amended—

(A) by striking "1208(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended in the second sentence" and inserting "1208(f)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended by section 1202(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 363), is further amended"; and

(B) by redesignating paragraphs (1) through (8), as proposed to be inserted, as subparagraphs (A) through (H), respectively and indenting the left margin of such subparagraphs, as so redesignated, 4 ems from the left margin.

(19) Section 1261 (123 Stat. 2553; 22 U.S.C. 6201 note) is amended by inserting a space between the first short title and "or".

(20) Section 1306(b) (123 Stat. 2560) is amended by striking "fiscal year" and inserting "Fiscal Year".

(21) Subsection (b) of section 1803 (123 Stat. 2612) is amended to read as follows:

"(b) APPELLATE REVIEW UNDER DETAINEE TREATMENT ACT OF 2005.—

"(1) DEPARTMENT OF DEFENSE, EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO ADDRESS HURRICANES IN THE GULF OF MEXICO, AND PANDEMIC INFLUENZA ACT, 2006.—Section 1005(e) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 10 U.S.C. 801 note) is amended by striking paragraph (3).

"(2) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—Section 1405(e) of the Detainee Treatment Act of 2005 (Public Law 109–163; 10 U.S.C. 801 note) is amended by striking paragraph (3).".

(22) Section 1916(b)(1)(B) (123 Stat. 2624) is amended by striking the comma after "5941".

(23) Section 2804(d)(2) (123 Stat. 2662) is amended by inserting "subchapter III of" before "chapter 169".

(24) Section 2835(f)(1) (123 Stat. 2677) is amended by striking "publically-available" and inserting "publicly available".

(25) Section 3503(b)(1) (123 Stat. 2719) is amended by striking the extra quotation marks.

(26) Section 3508(1) (123 Stat. 2721) is amended by striking "headline" and inserting "heading".

(e) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) Section 143(b)(1) (122 Stat. 4381; 10 U.S.C. 2304 note) is amended by striking "identifies" and inserting "identify".

(2) Section 231(b) (122 Stat. 4391; 10 U.S.C. 2431 note) is amended by striking "section" and inserting "subsection".

(3) Section 233(a)(3) (122 Stat. 4393) is amended by striking "122 Stat. 42" and inserting "122 Stat. 43".

(4) Section 324(b) (122 Stat. 4416; 10 U.S.C. 8062 note) is amended by striking "their" and inserting "its".

(5) Section 332(e) (122 Stat. 4420; 10 U.S.C. 2911 note) is amended by striking "section (d)" and inserting "subsection (d)".

(6) Section 358(b) (122 Stat. 4427; 10 U.S.C. 2302 note) is amended by inserting a comma after "Agent".

(7) Section 596(b)(1)(D) (10 U.S.C. 1071 note), as amended by section 594 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2338), is amended by striking "or flag" the second place it appears.

(8) Section 597(f) (122 Stat. 4481) is amended by striking "meeting" and inserting "meanings".

(9) Section 604(b) (122 Stat. 4483) is amended by inserting "of" after "(a)(1)".

(10) Section 619(d) (122 Stat. 4489; 37 U.S.C. 353 note) is amended by striking "such subsections" and inserting "such subsection".

(11) Section 711(d)(2) (122 Stat. 4501) is amended by striking "1111((b)" and inserting "1111(b)(3)".

(12) Effective as of October 14, 2008, and as if included in Public Law 110–417 as enacted, section 727(b)(2) is amended by striking "compelling".

(13) Section 822(c)(1)(A) (122 Stat. 4532) is amended by striking "this title" and inserting "title 10, United States Code".

(14) Section 863(b)(3)(A) (122 Stat. 4547) is amended by striking "subsection (d)(2)(A)" and inserting "subsection (d)(3)(A)".

(15) Section 869 (122 Stat. 4553) is amended—

(A) in subsection (b), by striking "433(a)" and inserting "433a(a)"; and

(B) in subsection (c)(4)—

(i) by striking "37(j)" and inserting "37(g)"; and

(ii) by striking "433(j)" and inserting "433(g)".

(16) Section 873(a)(4) (122 Stat. 4558; 10 U.S.C. 6101 note) is amended by striking "to Government" and inserting "to the Government".

(17) Section 1111 (10 U.S.C. 143 note), as amended by section 1109 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2492), is amended—

(A) in subsection (a)(1), by striking "section 821" and inserting "section 833"; and

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking "secretary of a military department" and inserting "Secretary of a military department";

(ii) in paragraph (1)—

(I) by striking "the the requirements" and inserting "the requirements"; and

(II) by striking "this title" and inserting "such title"; and

(iii) in paragraph (2), by striking "any any of the following" and inserting "any of the following".

(18) Section 1602(5) (122 Stat. 4653; 22 U.S.C. 2368 note) is amended by striking "a Active" and inserting "an Active".

(19) Section 3113 (122 Stat. 4754; 50 U.S.C. 2444) is amended—

(A) in subsection (b)(2), by inserting a close parenthesis before the semicolon; and

(B) in subsection (d)(2), by striking "fails repay" and inserting "fails to repay".

(20) Section 3512 (122 Stat. 4770; 48 U.S.C. 1421r) is amended by inserting a period at the end of subsection (f).

(f) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 624 (122 Stat. 153; 37 U.S.C. 307a note) is amended—

(A) in subsection (a), by striking "Operating" and inserting "Operation"; and

(B) in subsection (b), by striking "Operating" and inserting "Operation".

(2) Effective as of January 28, 2008, and as if included in Public Law 110–181 as enacted, section 804 (122 Stat. 208) is amended—

(A) in subsection (a)(3), by striking "speciality" and inserting "specialty"; and

(B) in subsection (e), by striking "subsection (c)" and inserting "subsection (d)(1)".

(3) Section 808 (122 Stat. 215; 10 U.S.C. 2330 note) is amended by redesignating the second subsection (c) as subsection (d).

(4) Section 827(a)(2) (122 Stat. 228; 10 U.S.C. 2410n note) is amended by striking "subsection (a)" and inserting "paragraph (1)".

(5) Section 843 (122 Stat. 236) is amended—

(A) in subsection (a)(2)(C), by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(B) in subsection (b)(2)(C), by striking "paragraph (1)" and inserting "subparagraph (A)".

(6) Section 890 (122 Stat. 269; 10 U.S.C. 2302 note) is amended—

(A) in subsection (a), by inserting "Act" before "of 1979";

(B) in subsection (b), by inserting "Act" before "of 1979"; and

(C) in subsection (d)(1), by striking "sections" and inserting "parts".

(7) Section 1063(a)(16) (122 Stat. 322) is amended by striking "(1)".

(8) Effective as of January 28, 2008, and as if included in Public Law 110–181 as enacted, section 1075(a) (122 Stat. 333) is amended by striking "June" and inserting "September".

(9) Section 1243(c) (122 Stat. 396) is amended by striking "4))" and inserting "4)))".

(10) Section 1244(a)(3) (122 Stat. 396) is amended by striking "4))" and inserting "4)))".

(g) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—Effective as of October 17, 2006, and as if included therein as enacted, the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(1) Section 321(a)(1) (120 Stat. 2144; 10 U.S.C. 2222 note) is amended by striking "Public Law 190–163" and inserting "Public Law 109–163".

(2) Section 348(2) (120 Stat. 2159) is amended in the matter to be struck from and inserted in section 366(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2523) by striking "within" both places it appears and inserting "Within".

(3) Section 355(b)(1) (120 Stat. 2162) is amended in the matter to be struck from section 344 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. note prec. 1030) by striking "Operation Iraqi Freedom

and Operation Enduring Freedom" and inserting "Operation Enduring Freedom and Operation Iraqi Freedom".

(4) Section 511(b)(3) (120 Stat. 2183) is amended in the matter preceding subparagraph (A) by striking "section" and inserting "title".

(5) Section 705(b)(2) (120 Stat. 2281; 10 U.S.C. 1074g note) is amended by striking "section 1074g(a)(2)(E)" and inserting "section 1074g(a)(2)".

(6) Section 2821(b)(1) (120 Stat. 2474) is amended by inserting "by striking" after "subsection (a)(1),".

(h) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—Effective as of January 6, 2006, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended as follows:

(1) Section 515(h) (119 Stat. 3237; 10 U.S.C. 10101 note) is amended by striking "10 USC 10101 note.".

(2) Section 535(b) (119 Stat. 3249; 10 U.S.C. 2101 note) is amended by inserting "of" after "Committee on Armed Services" the first place it appears.

(3) Section 1056(e)(2) (119 Stat. 3440) is amended by striking "Section" and inserting "Effective as of December 2, 2002, and as if included in Public Law 107–314 as enacted, section".

(4) Section 1057 (119 Stat. 3440) is amended—

(A) in subsection (a)—

(i) in paragraph (5), by striking "4778,"; and

(ii) in paragraph (6), by striking "4747" and inserting "2651";

(B) in subsection (b)(3)—

(i) by striking "109,"; and

(ii) by adding at the end the following new sentence: "Section 109 is amended by striking 'State or Territory, Puerto Rico, the Virgin Islands, or the District of Columbia' each place it appears and inserting 'State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands'"; and

(C) in subsection (b)(5)—

(i) in the language to be struck from section 324 of title 32, United States Code, by striking the comma after "Rico"; and

(ii) in the language to be inserted in section 324 of title 32, United States Code, by inserting "of" after "Virgin Islands,".

(5) Section 1104 (119 Stat. 3448) is amended—

(A) in subsection (a)(3)(A), by inserting "the first place it appears" before "and inserting"; and

(B) in subsection (c), by striking "subsection (c)(1)" and inserting "subsection (b)(2)".

(6) Section 2806(c)(2)(A) (119 Stat. 3507) is amended in the matter to be struck from and inserted in section 2884(b)(1) of title 10, United States Code, by striking "a" both places it appears and inserting "A".

(i) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended as follows:

(1) Section 577(b)(12) (10 U.S.C. 113 note), as amended by section 563(e) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4471) is amended by striking "The Secretary shall implement" and inserting "Implementation of".

(2) Section 1085 (118 Stat. 2065; 10 U.S.C. 113 note), as amended by section 360(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat 78) is amended by striking "subsection (a)" and inserting "section 360(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 77)".

(j) BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—Section 1032(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2358 note) is amended by striking "thereafter,," and inserting "thereafter,".

(k) WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009.—Effective as of May 22, 2009, and as if included therein as enacted, section 205 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1724) is amended—

(1) in subsection (a)(1)(B), by striking "paragraphs (1) and (2)" in the matter to be inserted and inserting "paragraphs (1), (2), and (3)"; and

(2) in subsection (c), by striking "2433a(c)(3)" and inserting "2433a(c)(1)(C)".

(l) TECHNICAL CORRECTION REGARDING SBIR EXTENSION.—Section 9(m)(2) of the Small Business Act (15 U.S.C. 638(m)(2)), as added by section 847(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2420), is amended by striking "is authorized" and inserting "are authorized".

(m) TECHNICAL CORRECTION REGARDING SMALL SHIPYARDS AND MARITIME COMMUNITIES ASSISTANCE PROGRAM.—Section 3506 of the National Defense Authorization Act for Fiscal Year 2006, as reinstated by the amendment made by section 1073(c)(14) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2475), is repealed.

(n) TECHNICAL CORRECTION REGARDING DOT MARITIME HERITAGE PROPERTY.—Section 6(a)(1)(C) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)(C)), as amended by section 3509 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2721), is amended by striking "the date of enactment of the Maritime Administration Authorization Act of 2010" and inserting "October 28, 2009".

(o) TECHNICAL CORRECTION OF CITATION.—Section 42 of the Office of Federal Procurement Policy Act (41 U.S.C. 438) is amended—

(1) in subsection (c)(1) by striking "(41 U.S.C. 607(b))" and inserting "(41 U.S.C. 607(d))"; and

(2) in subsection (c)(2)(A) by inserting "of 1978" after "Contract Disputes Act".

SEC. 1076. STUDY ON OPTIMAL BALANCE OF MANNED AND REMOTELY PILOTED AIRCRAFT.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall commission a study by an independent, non-profit organization

on the optimal balance between manned and remotely piloted aircraft of the Armed Forces.

(2) SELECTION.—The independent, non-profit organization selected for the study under paragraph (1) shall be qualified on the basis of having performed work in the fields of national security and combat systems.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) With respect to each military department, an assessment of the feasibility and desirability of a more rapid transition from manned to remotely piloted aircraft for a range of operations, including combat operations.

(2) An evaluation of the current ability of each military department to resist attacks mounted by foreign militaries with significant investments in research and development and deployment of remotely piloted aircraft, including an assessment of each military department's ability to defend against—

(A) a large enemy force of remotely piloted aircraft; and

(B) any other relevant scenario involving remotely piloted aircraft that the Secretary determines appropriate.

(3) An analysis of—

(A) current and future capabilities of foreign militaries in developing and deploying remotely piloted aircraft; and

(B) identified vulnerabilities of United States weapons systems to foreign remotely piloted aircraft.

(4) Conclusions on the matters described in paragraphs (1) through (3) and what the independent, non-profit organization conducting the study determines is the optimal balance of investment in development and deployment of manned versus remotely piloted aircraft.

(c) REPORT.—Not later than December 1, 2011, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes the study under subsection (a).

(d) FORM.—

(1) STUDY.—The study under subsection (a) shall include a classified annex with respect to the matters described in subsection (b)(3).

(2) REPORT.—The report under subsection (c) may include a classified annex.

(e) REMOTELY PILOTED AIRCRAFT DEFINED.—In this section, the term "remotely piloted aircraft" means any unmanned aircraft operated remotely, whether within or beyond line-of-sight, including unmanned aerial systems, unmanned aerial vehicles, remotely piloted vehicles, and remotely piloted aircraft.

SEC. 1077. TREATMENT OF SUCCESSOR CONTINGENCY OPERATION TO OPERATION IRAQI FREEDOM.

Any law applicable to Operation Iraqi Freedom shall apply in the same manner and to the same extent to the successor contingency operation known as Operation New Dawn, except as specifically provided in this Act, any amendment made by this Act, or any other law enacted after the date of the enactment of this Act.

SEC. 1078. PROGRAM TO ASSESS THE UTILITY OF NON-LETHAL WEAPONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should support the research, development, test, and evaluation, procurement, and fielding of effective non-lethal weapons and technologies explicitly designed to, with respect to counterinsurgency operations, reduce military casualties and fatalities, improve military mission accomplishment and operational effectiveness, reduce civilian casualties and fatalities, and minimize undesired damage to property and the environment.

(b) PROGRAM REQUIRED.—

(1) DEMONSTRATION AND ASSESSMENT.—The Secretary of Defense, acting through the Executive Agent for Non-lethal Weapons and in coordination with the Secretaries of the military departments and the combatant commanders, shall carry out a program to demonstrate and assess the utility and effectiveness of non-lethal weapons to provide escalation of force options in counter-insurgency operations.

(2) NON-LETHAL WEAPONS EVALUATED.—In evaluating non-lethal weapons under the program under this subsection, the Secretary shall include non-lethal weapons designed for counter-personnel and counter-materiel missions.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than October 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the role and utility of non-lethal weapons and technologies in counterinsurgency operations.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A description of the results of any demonstrations and assessments of non-lethal weapons conducted during fiscal year 2011.

(B) A description of the Secretary's plans for any demonstrations and assessments of non-lethal weapons to be conducted during fiscal years 2012 and 2013.

(C) A description of the extent to which non-lethal weapons doctrine, training, and employment include the use of strategic communications strategies to enable the effective employment of non-lethal weapons.

(D) A description of the input of the military departments in developing concepts of operations and tactics, techniques, and procedures for incorporating non-lethal weapons into the current escalation of force procedures of each department.

(E) A description of the extent to which non-lethal weapons and technologies are integrated into the standard equipment and training of military units.

SEC. 1079. SENSE OF CONGRESS ON STRATEGIC NUCLEAR FORCE REDUCTIONS.

It is the sense of Congress that no action should be taken to implement the reduction of the strategic nuclear forces of the United States below the levels described in the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms signed on April 8, 2010 (commonly known as the "New START

Treaty"), unless the President submits to the congressional defense committees a report on such reduction, including—

(1) the justification for such reduction;

(2) an assessment of the strategic environment, threat, and policy and the technical and operational implications of such reduction; and

(3) written certification by the President that—

(A) either—

(i) the strategic environment or the assessment of the threat allows for such reduction; or

(ii) technical measures to provide a commensurate or better level of safety, security, and reliability as before such reduction have been implemented for the remaining strategic nuclear forces of the United States;

(B) the remaining strategic nuclear forces of the United States provide a sufficient means of protection against unforeseen technical challenges and geopolitical events;

(C) such reduction is compensated by other measures (such as nuclear modernization, conventional forces, and missile defense) that together provide a commensurate or better deterrence capability and level of credibility as before such reduction; and

(D) measures to modernize the nuclear weapons complex are being implemented (or have been implemented) to provide a sufficiently responsive infrastructure to support the remaining strategic nuclear forces of the United States.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Clarification of authorities at personnel demonstration laboratories.
Sec. 1102. Requirements for Department of Defense senior mentors.
Sec. 1103. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1104. 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. 1105. Rate of overtime pay for Department of the Navy employees performing work aboard or dockside in support of the nuclear aircraft carrier forward deployed in Japan.

SEC. 1101. CLARIFICATION OF AUTHORITIES AT PERSONNEL DEMONSTRATION LABORATORIES.

(a) CLARIFICATION OF APPLICABILITY OF DIRECT HIRE AUTHORITY.—Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4618; 10 U.S.C. 1580 note) is amended—

(1) in subsection (b), by striking "identified" and all that follows and inserting "designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486; 10 U.S.C. 2358 note) as a Department of Defense science and technology reinvention laboratory."; and

(2) in subsection (c), by striking "2 percent" and inserting "5 percent".

(b) CLARIFICATION OF APPLICABILITY OF FULL IMPLEMENTATION REQUIREMENT.—Section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 357; 10 U.S.C. 2358 note) is amended—

(1) in subsection (a), by striking "that are exempted by" and all that follows and inserting "designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486; 10 U.S.C. 2358 note) as Department of Defense science and technology reinvention laboratories."; and

(2) in subsection (c), by striking "as enumerated in" and all that follows and inserting "designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486) as a Department of Defense science and technology reinvention laboratory.".

(c) CORRECTION TO SECTION REFERENCE.—Section 1121 of the National Defense Authorization Act for Fiscal Year 2010 (123 Stat. 2505) is amended—

(1) in subsection (a), by striking "Section 9902(h) of title 5, United States Code" and inserting "Section 9902(g) of title 5, United States Code, as redesignated by section 1113(b)(1)(B)"; and

(2) in subsection (b), by striking "section 9902(h) of such title 5" and inserting "such section".

(d) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect as of October 28, 2009.

(2) The amendment made by subsection (a)(2) shall take effect as of the date of enactment of this Act.

SEC. 1102. REQUIREMENTS FOR DEPARTMENT OF DEFENSE SENIOR MENTORS.

(a) IN GENERAL.—The Secretary of Defense shall issue appropriate policies and procedures to ensure that all senior mentors employed by the Department of Defense are—

(1) hired as highly qualified experts under section 9903 of title 5, United States Code; and

(2) required to comply with all applicable Federal laws and regulations on personnel and ethics matters.

(b) SENIOR MENTOR DEFINED.—In this section, the term "senior mentor" means a retired flag, general, or other military officer or retired senior civilian official who provides expert experience-based mentoring, teaching, training, advice, and recommendations to senior military officers, staffs, and students as they participate in war games, warfighting courses, operational planning, operational exercises, and decision-making exercises.

SEC. 1103. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Effective January 1, 2011, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as amended by section 1106(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2487), is further amended by striking "calendar years 2009 and 2010" and inserting "calendar years 2009 through 2011".

SEC. 1104. 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.

(a) DESIGNATION OF OCCUPATIONS COVERED BY RECRUITMENT AND APPOINTMENT AUTHORITY.—Subsection (a)(2) of section 1599c of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "shortage category positions" and inserting "a shortage category occupation or critical need occupation"; and

(B) in clause (ii), by striking "highly qualified persons directly" and inserting "qualified persons directly in the competitive service"; and

(2) by adding at the end the following new subparagraph:

"(C) Any designation by the Secretary for purposes of subparagraph (A)(i) shall be based on an analysis of current and future Department of Defense workforce requirements.".

(b) EXTENSION.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by inserting "under subsection (a)(1)" after "Secretary of Defense"; and

(B) by striking "September 30, 2012" and inserting "December 31, 2015"; and

(2) in paragraph (2), by striking "September 30, 2012" and inserting "December 31, 2015".

SEC. 1105. RATE OF OVERTIME PAY FOR DEPARTMENT OF THE NAVY EMPLOYEES PERFORMING WORK ABOARD OR DOCKSIDE IN SUPPORT OF THE NUCLEAR AIRCRAFT CARRIER FORWARD DEPLOYED IN JAPAN.

(a) OVERTIME PAY AT TIME-AND-A-HALF RATE.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(6)(A) Notwithstanding paragraphs (1) and (2), for an 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 forward deployed in Japan and who would be nonexempt under the Fair Labor Standards Act but for the application of the foreign area exemption in section 13(f) of that Act (29 U.S.C. 213(f)), the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay of the employee, and all that amount is premium pay.

"(B) Subparagraph (A) shall expire on September 30, 2014.".

(b) REPORTS.—

(1) SECRETARY OF NAVY REPORT.—Not later than September 30, 2013, the Secretary of the Navy shall submit to the Secretary of Defense and the Director of the Office of Personnel Management a report that—

(A) describes the use of the authority under paragraph (6) of section 5542(a) of title 5, United States Code, as added by subsection (a), including associated costs, and including an evaluation of the extent to which exercise

of the authority helped the Navy in meeting its mission; and

(B) provides a recommendation on whether an extension of the provisions of that paragraph is needed.

(2) REPORT TO CONGRESS.—Not later than March 31, 2014, the Director of the Office of Personnel Management shall submit to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Oversight and Governmental Reform of the House of Representatives a report that—

(A) addresses the use of paragraph (6) of section 5542(a) of title 5, United States Code, as so added, including associated costs, and including an evaluation of the extent to which exercise of the authority helped the Navy in meeting its mission;

(B) describes the extent to which other employees experience the same circumstances as were experienced by those described in that paragraph before its enactment;

(C) provides an analysis of the advantages and disadvantages that would be anticipated from extending the expiration date of the authority under that paragraph, and from expanding the authority under that paragraph to include other employees; and

(D) conveys the report of the Secretary of the Navy referred to in paragraph (1).

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Expansion of authority for support of special operations to combat terrorism.
Sec. 1202. Addition of allied government agencies to enhanced logistics interoperability authority.
Sec. 1203. 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. 1204. Authority to pay personnel expenses in connection with African cooperation.
Sec. 1205. Authority to build the capacity of Yemen Ministry of Interior Counter Terrorism Forces.
Sec. 1206. Air Force scholarships for Partnership for Peace nations to participate in the Euro-NATO Joint Jet Pilot Training program.
Sec. 1207. Modification and extension of authorities relating to program to build the capacity of foreign military forces.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1212. One-year extension and modification of Commanders' Emergency Response Program.
Sec. 1213. Extension of authority for reimbursement of certain coalition nations for support provided to United States military operations.
Sec. 1214. Extension of authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan.
Sec. 1215. No permanent military bases in Afghanistan.
Sec. 1216. Authority to use funds for reintegration activities in Afghanistan.
Sec. 1217. Authority to establish a program to develop and carry out infrastructure projects in Afghanistan.
Sec. 1218. Extension of logistical support for coalition forces supporting operations in Iraq and Afghanistan.
Sec. 1219. Recommendations on oversight of contractors engaged in activities relating to Afghanistan.

Sec. 1220. Extension and modification of Pakistan Counterinsurgency Fund.

Subtitle C—Reports and Other Matters

Sec. 1231. One-year extension of report on progress toward security and stability in Afghanistan.
Sec. 1232. Two-year extension of United States plan for sustaining the Afghanistan National Security Forces.
Sec. 1233. Modification of report on responsible redeployment of United States Armed Forces from Iraq.
Sec. 1234. Report on Department of Defense support for coalition operations.
Sec. 1235. Reports on police training programs.
Sec. 1236. Report on certain Iraqis affiliated with the United States.
Sec. 1237. Report on Department of Defense's plans to reform the export control system.
Sec. 1238. Report on United States efforts to defend against threats posed by the anti-access and area-denial capabilities of certain nation-states.
Sec. 1239. Defense Science Board report on Department of Defense strategy to counter violent extremism outside the United States.
Sec. 1240. Report on merits of an Incidents at Sea agreement between the United States, Iran, and certain other countries.
Sec. 1241. Requirement to monitor and evaluate Department of Defense activities to counter violent extremism in Africa.
Sec. 1242. NATO Special Operations Headquarters.
Sec. 1243. National Military Strategy to Counter Iran and required briefings.

Subtitle A—Assistance and Training

SEC. 1201. EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

Section 1208(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as most recently amended by section 1202(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2511), is further amended by striking "$40,000,000" and inserting "$45,000,000".

SEC. 1202. ADDITION OF ALLIED GOVERNMENT AGENCIES TO ENHANCED LOGISTICS INTEROPERABILITY AUTHORITY.

(a) ENHANCED INTEROPERABILITY AUTHORITY.—Subsection (a) of section 127d of title 10, United States Code, is amended—

(1) by inserting "(1)" before "Subject to";

(2) by inserting "of the United States" after "armed forces";

(3) by striking the second sentence; and

(4) by adding at the end the following new paragraphs:

"(2) In addition to any logistic support, supplies, and services provided under paragraph (1), the Secretary may provide logistic support, supplies, and services to allied forces solely for the purpose of enhancing the interoperability of the logistical support systems of military forces participating in combined operations with the United States in order to facilitate such operations. Such logistic support, supplies, and services may also be provided under this paragraph to a nonmilitary logistics, security, or similar agency of an allied government if such provision would directly benefit the armed forces of the United States.

"(3) Provision of support, supplies, and services pursuant to paragraph (1) or (2) may be made only with the concurrence of the Secretary of State.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking "subsection (a)" in paragraphs (1) and (2) and inserting "subsection (a)(1)"; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "Except as provided in paragraph (2), the" and inserting "The"; and

(ii) by striking "this section" and inserting "subsection (a)(1)"; and

(B) in paragraph (2), by striking "In addition" and all that follows through "fiscal year," and inserting "The value of the logistic support, supplies, and services provided under subsection (a)(2) in any fiscal year may not".

SEC. 1203. 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.

(a) EXPANSION FOR TRAINING FOR DEPLOYMENT.—Paragraph (3) of section 1202(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as most recently amended by section 1252(a) of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–181; 122 Stat. 402), is further amended—

(1) by striking "only in Iraq or Afghanistan, or in a peacekeeping operation described in paragraph (1), as applicable, and"; and

(2) by striking "those forces." and inserting "those forces and only—

"(A) in Iraq or Afghanistan;

"(B) in a peacekeeping operation described in paragraph (1); or

"(C) in connection with the training of those forces to be deployed to Iraq, Afghanistan, or a peacekeeping operation described in paragraph (1) for such deployment.".

(b) NOTICE AND WAIT ON EXERCISE OF ADDITIONAL AUTHORITY.—Such section is further amended by adding at the end the following new paragraph:

"(5) NOTICE AND WAIT ON PROVISION OF EQUIPMENT FOR CERTAIN PURPOSES.—Equipment may not be provided under paragraph (1) in connection with training as specified in paragraph (3)(C) until 15 days after the date on which the Secretary of Defense submits to the specified congressional committees written notice on the provision of such equipment for such purpose.".

SEC. 1204. AUTHORITY TO PAY PERSONNEL EXPENSES IN CONNECTION WITH AFRICAN COOPERATION.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1050 the following new section:

"§ 1050a. African cooperation: payment of personnel expenses

"The Secretary of Defense or the Secretary of a military department may pay the travel, subsistence, and special compensation of officers and students of African countries and other expenses that the Secretary considers necessary for African cooperation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 1050 the following new item:

"1050a. African cooperation: payment of personnel expenses.".

SEC. 1205. AUTHORITY TO BUILD THE CAPACITY OF YEMEN MINISTRY OF INTERIOR COUNTER TERRORISM FORCES.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance during fiscal year 2011 to enhance the ability of the Yemen Ministry of Interior Counter Terrorism Forces to conduct counterterrorism operations against al Qaeda in the Arabian Peninsula and its affiliates.

(b) TYPES OF ASSISTANCE.—

(1) AUTHORIZED ELEMENTS.—Assistance under subsection (a) may include the provision of equipment, supplies, and training.

(2) REQUIRED ELEMENTS.—Assistance under subsection (a) shall be provided in a manner that promotes—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority in Yemen.

(3) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in this subsection that is otherwise prohibited by any provision of law.

(c) FUNDING.—Of the amount authorized to be appropriated by section 301 for operation and maintenance for fiscal year 2011, $75,000,000 may be utilized to provide assistance under subsection (a).

(d) NOTICE TO CONGRESS.—

(1) IN GENERAL.—Not less than 15 days before providing assistance under subsection (a), the Secretary of Defense shall submit to the committees of Congress specified in paragraph (2) a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the completion date for the provision of such assistance.

(2) COMMITTEES OF CONGRESS.—The committees of Congress specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1206. AIR FORCE SCHOLARSHIPS FOR PARTNERSHIP FOR PEACE NATIONS TO PARTICIPATE IN THE EURO-NATO JOINT JET PILOT TRAINING PROGRAM.

(a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—The Secretary of the Air Force may establish and maintain a demonstration scholarship program to allow personnel of the air forces of countries that are signatories of the Partnership for Peace Framework Document to receive undergraduate pilot training and necessary related training through the Euro-NATO Joint Jet Pilot Training (ENJJPT) program. The Secretary of the Air Force shall establish the program

pursuant to regulations prescribed by the Secretary of Defense in consultation with the Secretary of State.

(b) TRANSPORTATION, SUPPLIES, AND ALLOWANCE.—Under such conditions as the Secretary of the Air Force may prescribe, the Secretary may provide to a person receiving a scholarship under the scholarship program—

(1) transportation incident to the training received under the ENJJPT program;

(2) supplies and equipment to be used during the training;

(3) flight clothing and other special clothing required for the training;

(4) billeting, food, and health services; and

(5) a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the Armed Forces of the United States under similar circumstances.

(c) RELATION TO EURO-NATO JOINT JET PILOT TRAINING PROGRAM.—

(1) ENJJPT STEERING COMMITTEE AUTHORITY.—Nothing in this section shall be construed or interpreted to supersede the authority of the ENJJPT Steering Committee under the ENJJPT Memorandum of Understanding. Pursuant to the ENJJPT Memorandum of Understanding, the ENJJPT Steering Committee may resolve to forbid any airman or airmen from a Partnership for Peace nation to participate in the Euro-NATO Joint Jet Pilot Training program under the authority of a scholarship under this section.

(2) NO REPRESENTATION.—Countries whose air force personnel receive scholarships under the scholarship program shall not have privilege of ENJJPT Steering Committee representation.

(d) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of the Air Force may not use the authority in subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or any other provision of law.

(e) COST-SHARING.—For purposes of ENJJPT cost-sharing, personnel of an air force of a foreign country who receive a scholarship under the scholarship program may be counted as United States pilots.

(f) PROGRESS REPORT.—Not later than February 1, 2012, the Secretary of the Air Force shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the status of the demonstration program, including the opinion of the Secretary and NATO allies on the benefits of the program and whether or not to permanently authorize the program or extend the program beyond fiscal year 2012. The report shall specify the following:

(1) The countries participating in the scholarship program.

(2) The total number of foreign pilots who received scholarships under the scholarship program.

(3) The amount expended on scholarships under the scholarship program.

(4) The source of funding for scholarships under the scholarship program.

(g) DURATION.—No scholarship may be awarded under the scholarship program after September 30, 2012.

(h) FUNDING SOURCE.—Amounts to award scholarships under the scholarship program shall be derived from amounts authorized to be appropriated for operation and maintenance for the Air Force.

SEC. 1207. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT MILITARY AND STABILITY OPERATIONS.—

(1) IN GENERAL.—Subsection (c)(5) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as added by section 1206(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2514), is further amended—

(A) by striking "and not more than" and inserting "not more than"; and

(B) by inserting after "fiscal year 2011" the following: ", and not more than $100,000,000 may be used during fiscal year 2012".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply with respect to programs under subsection (a) of such section that begin on or after that date.

(b) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as most recently amended by section 1206(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625), is further amended by—

(1) by striking "September 30, 2011" and inserting "September 30, 2012"; and

(2) by striking "fiscal years 2006 through 2011" and inserting "fiscal years 2006 through 2012".

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1212. ONE-YEAR EXTENSION AND MODIFICATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) ONE-YEAR EXTENSION OF CERP AUTHORITY.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as most recently amended by section 1222 of the National Defense Authorization

Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2518), is further amended—

(1) in the subsection heading, by striking "FISCAL YEAR 2010" and inserting "FISCAL YEAR 2011";

(2) by striking "fiscal year 2010" and inserting "fiscal year 2011"; and

(3) by striking "operation and maintenance" and all that follows and inserting "operation and maintenance—

"(1) not to exceed $100,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders' Emergency Response Program in Iraq; and

"(2) not to exceed $400,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders' Emergency Response Program in Afghanistan.".

(b) QUARTERLY REPORTS.—Subsection (a) of such section, as so amended, is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) FORM OF REPORTS.—Each report required under paragraph (1) shall be submitted, at a minimum, in a searchable electronic format that enables the congressional defense committees to sort the report by amount expended, location of each project, type of project, or any other field of data that is included in the report.".

(c) RESTRICTION ON AMOUNT OF PAYMENTS; NOTIFICATION.—Such section, as so amended, is further amended—

(1) by redesignating subsection (g) as subsection (i); and

(2) by inserting after subsection (f) the following new subsections:

"(g) RESTRICTION ON AMOUNT OF PAYMENTS.—Funds made available under this section for the Commanders' Emergency Response Program may not be obligated or expended to carry out any project if the total amount of funds made available for the purpose of carrying out the project, including any ancillary or related elements of the project, exceeds $20,000,000.

"(h) NOTIFICATION.—Not less than 15 days before obligating or expending funds made available under this section for the Commanders' Emergency Response Program for a project in Afghanistan with a total anticipated cost of $5,000,000 or more, the Secretary of Defense shall submit to the congressional defense committees a written notice containing the following information:

"(1) The location, nature, and purpose of the proposed project, including how the project is intended to advance the military campaign plan for Afghanistan.

"(2) The budget and implementation timeline for the proposed project, including any other funding under the Commanders' Emergency Response Program that has been or is anticipated to be contributed to the completion of the project.

"(3) A plan for the sustainment of the proposed project, including any agreement with either the Government of Afghanistan, a department or agency of the United States Government other than the Department of Defense, or a third party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project".

(d) DEFINITION.—Subsection (i) of such section, as redesignated by subsection (c)(1) of this section, is amended by striking "means the program" and all that follows and inserting "means the program that—

"(1) authorizes United States military commanders to carry out small-scale projects designed to meet urgent humanitarian relief requirements or urgent reconstruction requirements within their areas of responsibility; and

"(2) provides an immediate and direct benefit to the people of Iraq or Afghanistan.".

SEC. 1213. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of 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), is further amended by striking "section 1509(5) of the National Defense Authorization Act for Fiscal Year 2010" and inserting "section 1510 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011".

(b) LIMITATION ON AMOUNT.—Subsection (d)(1) of such section, as so amended, is further amended in the second sentence by inserting "or 2011" after "fiscal year 2010".

(c) EXCEPTION FROM NOTICE TO CONGRESS REQUIREMENTS.—Subsection (e) of such section, as so amended, is further amended—

(1) by striking "(e) NOTICE TO CONGRESS.—The Secretary of Defense" and inserting the following:

"(e) NOTICE TO CONGRESS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Defense"; and

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

"(2) EXCEPTION.—The requirement to provide notice under paragraph (1) shall not apply with respect to a reimbursement for access based on an international agreement.".

(d) EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as most recently amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2010, is further amended by striking "September 30, 2011" and inserting "September 30, 2012".

SEC. 1214. EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) EXTENSION OF AUTHORITY.—Subsection (h) of section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2532) is amended by striking "September 30, 2010" and inserting "December 31, 2011".

(b) QUARTERLY REPORTS.—Subsection (f)(1) of such section is amended by striking "during fiscal year 2010" and inserting "through March 31, 2012".

SEC. 1215. NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 1216. AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, may utilize not more than $50,000,000 from funds made available to the Department of Defense for operation and maintenance for fiscal year 2011 to support the reintegration into Afghan society of those individuals who pledge—

(1) to cease all support for the insurgency in Afghanistan;

(2) to live in accordance with the Constitution of Afghanistan;

(3) to cease violence against the Government of Afghanistan and its international partners; and

(4) that they do not have material ties to al Qaeda or affiliated transnational terrorist organizations.

(b) SUBMISSION OF GUIDANCE.—

(1) INITIAL SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the guidance issued by the Secretary or the Secretary's designee concerning the allocation of funds utilizing the authority of subsection (a). Such guidance shall include—

(A) mechanisms for coordination with the Government of Afghanistan and other United States Government departments and agencies as appropriate; and

(B) mechanisms to track rates of recidivism among individuals described in subsection (a).

(2) MODIFICATIONS.—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary of Defense shall submit to the congressional defense committees a copy of the modification not later than 15 days after the date on which such modification is made.

(c) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on activities carried out utilizing the authority of subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(e) EXPIRATION.—The authority to utilize funds under subsection (a) shall expire at the close of December 31, 2011.

SEC. 1217. AUTHORITY TO ESTABLISH A PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.

(a) AUTHORITY.—The Secretary of Defense and the Secretary of State are authorized to establish a program to develop and carry out infrastructure projects in Afghanistan in accordance with the requirements of this section.

(b) FORMULATION AND EXECUTION OF PROGRAM.—

(1) IN GENERAL.—The Secretary of State and the Secretary of Defense shall jointly develop any project under the program authorized under subsection (a). Except as provided in paragraph (2), the Secretary of State, in coordination with the Secretary of Defense, shall implement any project under the program authorized under subsection (a).

(2) EXCEPTION.—The Secretary of Defense shall implement a project under the program authorized under subsection (a) if the Secretary of Defense and the Secretary of State jointly determine that the Secretary of Defense should implement the project.

(c) TYPES OF PROJECTS.—Infrastructure projects under the program authorized under subsection (a) may include—

(1) water, power, and transportation projects; and

(2) other projects in support of the counterinsurgency strategy in Afghanistan.

(d) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to establish the program and develop and carry out infrastructure projects under subsection (a) is in addition to any other authority to provide assistance to foreign countries.

(e) APPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—

(1) IN GENERAL.—The administrative provisions of chapter 2 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2381 et seq.) shall apply to funds made available to the Secretary of State for purposes of carrying out infrastructure projects under the program authorized under subsection (a) to the same extent and in the same manner as such administrative provisions apply to funds made available to carry out part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(2) GIFTS, ETC.—The Secretary of Defense and the Secretary of State may accept and use in furtherance of the purposes of this section, money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purposes.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary of Defense may use up to $400,000,000 of funds made available to the Department of Defense for operation and maintenance for fiscal year 2011 to carry out the program authorized under subsection (a).

(2) AVAILABILITY.—Funds made available by paragraph (1) are authorized to remain available until September 30, 2012.

(g) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense shall notify the appropriate congressional committees not less than 30 days before obligating or expending funds to carry out a project or transferring funds to the Secretary of State for the purpose of implementing a project under the program authorized under subsection (a). Such notification shall be in writing and contain a description of the details of the proposed project, including—

(1) a plan for the sustainment of the project; and

(2) a description of how the project supports the counterinsurgency strategy in Afghanistan.

(h) RETURN OF UNEXPENDED FUNDS.—

(1) IN GENERAL.—Any unexpended funds transferred to the Secretary of State for the purpose of implementing a project under the program authorized under subsection (a) shall be returned to the Secretary of Defense if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason or that the project no longer supports the counterinsurgency strategy in Afghanistan.

(2) AVAILABILITY.—Any funds returned to the Secretary of Defense under this subsection shall be available for use under this section and shall be treated in the same manner as funds not transferred to the Secretary of State.

(i) REPORTS.—

(1) REPORT REQUIRED.—Not later than 30 days after the end of each fiscal year in which funds are obligated, expended, or transferred under the program authorized under subsection (a), the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report regarding implementation of the program during such fiscal year.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) The allocation and use of funds under the program during the fiscal year.

(B) A description of each project for which funds were expended or transferred during the fiscal year.

(j) DEFINITION.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1218. EXTENSION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING OPERATIONS IN IRAQ AND AFGHANISTAN.

Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394) is amended by striking "fiscal year 2008" each place it appears and inserting "fiscal year 2011".

SEC. 1219. RECOMMENDATIONS ON OVERSIGHT OF CONTRACTORS ENGAGED IN ACTIVITIES RELATING TO AFGHANISTAN.

(a) RECOMMENDATIONS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Special Inspector General for Afghanistan Reconstruction shall, in consultation with the Inspector General of the Department of Defense, the Inspector General of the United States Agency for International Development, and the Inspector General of the Department of State—

(1) issue recommendations on measures to increase oversight of contractors engaged in activities relating to Afghanistan;

(2) report on the status of efforts of the Department of Defense, the United States Agency for International Development, and the Department of State to implement existing recommendations regarding oversight of such contractors; and

(3) report on the extent to which military and security contractors or subcontractors engaged in activities relating to Afghanistan have been responsible for the deaths of Afghan civilians.

(b) ELEMENTS OF RECOMMENDATIONS.—The recommendations issued under subsection (a)(1) shall include recommendations for reducing the reliance of the United States on—

(1) military and security contractors or subcontractors engaged in activities relating to Afghanistan that have been responsible for the deaths of Afghan civilians; and

(2) Afghan militias or other armed groups that are not part of the Afghan National Security Forces.

SEC. 1220. EXTENSION AND MODIFICATION OF PAKISTAN COUNTER-INSURGENCY FUND.

(a) EXTENSION.—Subsection (h) of section 1224 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521) is amended by striking "September 30, 2010" both places it appears and inserting "September 30, 2011".

(b) REQUIRED ELEMENTS OF ASSISTANCE.—Subsection (b) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

"(2) REQUIRED ELEMENTS OF ASSISTANCE.—Assistance provided to the security forces of Pakistan under this section in a fiscal year after fiscal year 2010 shall be provided in a manner that promotes—

"(A) observance of and respect for human rights and fundamental freedoms; and

"(B) respect for legitimate civilian authority within Pakistan.".

Subtitle C—Reports and Other Matters

SEC. 1231. ONE-YEAR EXTENSION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

Section 1230(a) 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), is further amended by striking "2011" and inserting "2012".

SEC. 1232. TWO-YEAR EXTENSION OF UNITED STATES PLAN FOR SUSTAINING THE AFGHANISTAN NATIONAL SECURITY FORCES.

Section 1231(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 390) is amended by striking "2010" and inserting "2012".

SEC. 1233. MODIFICATION OF REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ.

(a) REPORT REQUIRED.—Subsection (a) of section 1227 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2525; 50 U.S.C. 1541 note) is amended—

(1) by striking "December 31, 2009" and inserting "December 31, 2010"; and

(2) by striking "90 days thereafter" and inserting "180 days thereafter".

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (5), by striking "Multi-National Force–Iraq" each place it occurs and inserting "United States Forces–Iraq"; and

(2) by adding at the end the following:

"(6) An assessment of progress to transfer responsibility of programs, projects, and activities carried out in Iraq by the Department of Defense to other United States Government departments and agencies, international or nongovernmental entities, or the Government of Iraq. The assessment should include a description of the numbers and categories of programs, projects, and activities for which such other entities have taken responsibility or which have been discontinued by the Department of Defense. The assessment should also include a discussion of any difficulties or barriers in transitioning such programs, projects, and activities and what, if any, solutions have been developed to address such difficulties or barriers.

"(7) An assessment of progress toward the goal of building the minimum essential capabilities of the Ministry of Defense and the Ministry of the Interior of Iraq, including a description of—

"(A) such capabilities both extant and remaining to be developed;

"(B) major equipment necessary to achieve such capabilities;

"(C) the level and type of support provided by the United States to address shortfalls in such capabilities; and

"(D) the level of commitment, both financial and political, made by the Government of Iraq to develop such capabilities, including a discussion of resources used by the Government of Iraq to develop capabilities that the Secretary determines are not minimum essential capabilities for purposes of this paragraph.

"(8) A listing and assessment of the anticipated level and type of support to be provided by United States special operations forces to the Government of Iraq and Iraqi special operations forces during the redeployment of United States conventional forces from Iraq. The assessment should include a listing of anticipated critical support from general purpose forces required by United States special operations forces and Iraqi special operations forces. The assessment should also include combat support, including rotary aircraft and intelligence, surveillance, and reconnaissance assets, combat service support, and contractor support needed through December 31, 2011.".

(c) SECRETARY OF STATE COMMENTS.—Such section is further amended by striking subsection (c) and inserting the following:

"(c) SECRETARY OF STATE COMMENTS.—Prior to submitting the report required under subsection (a), the Secretary of Defense shall provide a copy of the report to the Secretary of State for review. At the request of the Secretary of State, the Secretary of Defense shall include an appendix to the report which contains any comments or additional information that the Secretary of State requests.".

(d) FORM.—Subsection (d) of such section is amended by striking ", whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense,".

(e) TERMINATION.—Such section is further amended by adding at the end the following:

"(f) TERMINATION.—The requirement to submit the report required under subsection (a) shall terminate on September 30, 2012.".

(f) REPEAL OF OTHER REPORTING REQUIREMENTS.—The following provisions of law are hereby repealed:

(1) Section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465; 50 U.S.C. 1541 note) (as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 373)).

(2) Section 1225 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 375).

SEC. 1234. REPORT ON DEPARTMENT OF DEFENSE SUPPORT FOR COALITION OPERATIONS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the coalition support authorities of the Department of Defense during Operation Iraqi Freedom and Operation Enduring Freedom.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the purpose and use of each coalition support authority of the Department of Defense.

(2) For the period of Operation Enduring Freedom ending on September 30, 2010, a summary of the amount of training, equipment, services, or other assistance provided or loaned under any coalition support authority of the Department of Defense set forth, for each such authority, by amount provided or loaned during each fiscal year of such period for each recipient country.

(3) For the period of Operation Iraqi Freedom ending on September 30, 2010, a summary of the amount of training, equipment, services, or other assistance provided or loaned under any coalition support authority of the Department of Defense set forth, for each such authority, by amount provided or loaned during each fiscal year of such period for each recipient country.

(4) An assessment of the effectiveness of each coalition support authority of the Department of Defense in meeting its intended purpose.

(5) For each recipient country of coalition support under a coalition support authority of the Department of Defense—

(A) a description of the contribution of such country to coalition operations in Operation Enduring Freedom or Operating Iraqi Freedom; and

(B) an assessment of the extent to which coalition support provided by the United States enhanced the ability of such country to participate in coalition operations in Operation Enduring Freedom or Operating Iraqi Freedom.

(6) A description of the actions taken by the Department Defense to eliminate duplication and overlap in coalition support provided under the coalition support authorities of the Department of Defense.

(7) An assessment by the Secretary of Defense whether there is an ongoing need for each coalition support authority of the Department of Defense, and an estimate of the anticipated future demand for coalition support under such coalition support authorities.

(c) COALITION SUPPORT AUTHORITIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term "coalition support authorities of the Department of Defense" means the following:

(1) Coalition Support Funds, including the authority to provide specialized training and loan specialized equipment under the Coalition Support Fund (commonly referred to as the "Coalition Readiness Support Program").

(2) Lift and sustain authority under appropriations Acts or under section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394).

(3) Global lift and sustain authority under section 127c of title 10, United States Code.

(4) The authority to provide logistic support, supplies, and services to allied forces participating in combined operations under section 127d of title 10, United States Code.

(5) The temporary authority to lend significant military equipment under acquisition and cross-servicing agreements pursuant to section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

(6) The authority under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) to provide assistance to build the capacity of foreign nations to support military or stability operations in which the United States Armed Forces are a participant.

(7) Any other authority that the Secretary of Defense designates as a coalition support authority of the Department of Defense for purposes of the report required by subsection (a).

SEC. 1235. REPORTS ON POLICE TRAINING PROGRAMS.

(a) DOD INSPECTOR GENERAL REPORT ON AFGHAN NATIONAL POLICE TRAINING PROGRAM.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall, in consultation with the Inspector General of the Department of State, submit to the appropriate committees of Congress a report on the Afghan National Police training program.

(2) REVIEW.—In preparing the report required by paragraph (1), the Inspector General of the Department of Defense shall

conduct a review of the Afghan National Police training program that focuses on developments since the Inspector General of the Department of Defense and the Inspector General of the Department of State released the report entitled "Department of Defense Obligations and Expenditures of Funds Provided to the Department of State for the Training and Mentoring of the Afghan National Police" (DODIG Report No. D–2010–042, DOSIG Report No. MERO–A–10–06, February 9, 2010).

(3) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include the following:

(A) A description of the components, planning, and scope of the Afghan National Police training program since the United States assumed control of the program in 2003.

(B) A description of the cost to the United States of the Afghan National Police training program, including the source and amount of funding, and a description of the allocation of responsibility between the Department of Defense and the Department of State for funding the program.

(C) A description of the allocation of responsibility between the Department of Defense and the Department of State for the oversight and execution of the program.

(D) A description of the personnel and staffing requirements for overseeing and executing the program, both in the United States and in theater, including United States civilian government and military personnel, contractor personnel, and nongovernmental personnel, and non-United States civilian and military personnel, contractor personnel, and nongovernmental personnel.

(E) An assessment of the cost, performance metrics, and planning associated with the transfer of administration of the contract for the Afghan National Police training program from the Department of State to the Department of Defense.

(b) GAO REPORT ON USE OF GOVERNMENT PERSONNEL RATHER THAN CONTRACTORS FOR TRAINING AFGHAN NATIONAL POLICE.—

(1) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the use of United States Government personnel rather than contractors for the training of the Afghan National Police.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the roles and responsibilities of contractors and United States Government personnel in the Afghan National Police training program and a description of how the division of roles and responsibilities between such contractors and personnel has been determined.

(B) An assessment of the relative advantages and disadvantages of using contractors or United States Government personnel in the Afghan National Police training program, including an assessment of—

(i) the shortfalls and inefficiencies, if any, in contractor performance in the program; and

(ii) options for leveraging United States Government resources and capacity to address the shortfalls and inefficiencies described in clause (i) and to better address current and future needs under the program.

(C) An assessment of the factors, such as oversight, cost considerations, performance, policy, and other factors, that would be impacted by transferring responsibilities for the performance of the Afghan National Police training program from contractors to United States Government personnel.

(D) A review of the lessons learned from the execution and oversight of the police training program in Iraq, and any other relevant police training programs led by the Department of Defense, regarding the relative advantages and disadvantages of using United States Government personnel or contractors to carry out police training programs for foreign nations.

(c) REPORT ON GOVERNMENT POLICE TRAINING AND EQUIPPING PROGRAMS.—

(1) REPORT.—Not later than 1 year after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on United States Government police training and equipping programs outside the United States.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A list of all United States Government departments and agencies involved in implementing police training and equipping programs.

(B) A description of the scope, size, and components of all police training and equipping programs for fiscal years 2010 and 2011, to include for each such program—

(i) the name of each country that received assistance under the program;

(ii) the types of recipient nation units receiving such assistance, including national police, gendarmerie, counternarcotics police, counterterrorism police, Formed Police Units, border security, and customs;

(iii) the purpose and objectives of the program;

(iv) the funding and personnel levels for the program in each such fiscal year;

(v) the authority under which the program is conducted;

(vi) the name of the United States Government department or agency with lead responsibility for the program and the mechanisms for oversight of the program;

(vii) the extent to which the program is implemented by contractors or United States Government personnel; and

(viii) the metrics for measuring the results of the program.

(C) An assessment of the requirements for police training and equipping programs, and what changes, if any, are required to improve the capacity of the United States Government to meet such requirements.

(D) An evaluation of the appropriate role of United States Government departments and agencies in coordinating on and carrying out police training and equipping programs.

(E) An evaluation of the appropriate role of contractors in carrying out police training and equipping programs, and what modifications, if any, are needed to improve oversight of such contractors.

(F) Recommendations for legislative modifications, if any, to existing authorities relating to police training and equipping programs.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Foreign Relations, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Foreign Affairs, Oversight and Government Reform, and Appropriations of the House of Representatives.

SEC. 1236. REPORT ON CERTAIN IRAQIS AFFILIATED WITH THE UNITED STATES.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Attorney General, the Secretary of Homeland Security, the Administrator of the United States Agency for International Development, and the heads of other appropriate Federal agencies (as determined by the Secretary of Defense), shall submit to the Congress a report containing the information described in subsection (b). In preparing such report, the Secretary of Defense shall use available information from organizations and entities closely associated with the United States mission in Iraq that have received United States Government funding through an official and documented contract, award, grant, or cooperative agreement.

(b) INFORMATION.—The information described in this subsection is the following:

(1) The number of Iraqis who were or are employed by the United States Government in Iraq or who are or were employed in Iraq by an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement.

(2) The number of Iraqis who have applied—

(A) for resettlement in the United States as a refugee under section 1243 of the Refugee Crisis in Iraq Act of 2007 (subtitle C of title XII of division A of Public Law 110–181; 122 Stat. 395 et seq.);

(B) to enter the United States as a special immigrant under section 1244 of such Act; or

(C) to enter the United States as a special immigrant under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note).

(3) The status of each application described in paragraph (2).

(4) The estimated number of individuals described in paragraph (1) who have been injured or killed in Iraq.

(c) EXPEDITED PROCESSING.—The Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security shall develop a plan using the report submitted under subsection (a) to expedite the processing of the applications described in subsection (b)(2) in the case of Iraqis at risk as the United States withdraws from Iraq.

SEC. 1237. REPORT ON DEPARTMENT OF DEFENSE'S PLANS TO REFORM THE EXPORT CONTROL SYSTEM.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the Department of Defense's plans to implement the reforms to the United States export control system recommended by the interagency task force established at the direction of the President on August 13, 2009.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include an assessment of the extent to which the plans to reform the export control system will—

(1) impact the Defense Technology Security Administration of the Department of Defense;

(2) affect the role of the Department of Defense with respect to export control policy; and

(3) ensure greater protection and monitoring of militarily critical technologies.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate.

SEC. 1238. REPORT ON UNITED STATES EFFORTS TO DEFEND AGAINST THREATS POSED BY THE ANTI-ACCESS AND AREA-DENIAL CAPABILITIES OF CERTAIN NATION-STATES.

(a) FINDING.—Congress finds that the 2010 report on the Department of Defense Quadrennial Defense Review concludes that "[a]nti-access strategies 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. Without dominant capabilities to project power, the integrity of United States alliances and security partnerships could be called into question, reducing United States security and influence and increasing the possibility of conflict".

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in light of the finding in subsection (a), the Secretary of Defense should ensure that the United States has the appropriate authorities, capabilities, and force structure to defend against any potential future threats posed by the anti-access and area-denial capabilities of potentially hostile foreign countries.

(c) REPORT.—Not later than April 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on United States efforts to defend against any potential future threats posed

by the anti-access and area-denial capabilities of potentially hostile nation-states.

(d) ELEMENTS.—The report required under subsection (c) shall include the following:

(1) An assessment of any potential future threats posed by the anti-access and area-denial capabilities of potentially hostile foreign countries, including an identification of the foreign countries with such capabilities, the nature of such capabilities, and the possible advances in such capabilities over the next 10 years.

(2) A description of any efforts by the Department of Defense to address the potential future threats posed by the anti-access and area-denial capabilities of potentially hostile foreign countries.

(3) A description of the authorities, capabilities, and force structure that the United States may require over the next 10 years to address the threats posed by the anti-access and area-denial capabilities of potentially hostile foreign countries.

(e) FORM.—The report required under subsection (c) shall be submitted in unclassified form, but may contain a classified annex if necessary.

(f) DEFINITIONS.—In this section—

(1) the term "anti-access", with respect to capabilities, means any action that has the effect of slowing the deployment of friendly forces into a theater, preventing such forces from operating from certain locations within that theater, or causing such forces to operate from distances farther from the locus of conflict than such forces would normally prefer; and

(2) the term "area-denial", with respect to capabilities, means operations aimed to prevent freedom of action of friendly forces in the more narrow confines of the area under a potentially hostile nation-state's direct control, including actions by an adversary in the air, on land, and on and under the sea to contest and prevent joint operations within a defended battlespace.

SEC. 1239. DEFENSE SCIENCE BOARD REPORT ON DEPARTMENT OF DEFENSE STRATEGY TO COUNTER VIOLENT EXTREMISM OUTSIDE THE UNITED STATES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Defense Science Board shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the strategy of the Department of Defense to counter violent extremism outside the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) A review of the current strategy, research activities, resource allocations, and organizational structure of the Department of Defense for countering violent extremism outside the United States.

(2) A review of interagency coordination and decision-making processes for executing and overseeing strategies and programs for countering violent extremism outside the United States.

(3) An analysis of alternatives and options available to the Department of Defense to counter violent extremism outside the United States.

(4) An analysis of legal, policy, and strategy issues involving efforts to counter violent extremism outside the United States as such efforts potentially affect domestic efforts to interrupt radicalization efforts within the United States.

(5) An analysis of the current information campaign of the Department of Defense against violent extremists outside the United States.

(6) Such recommendations for further action to address the matters covered by the report as the Defense Science Board considers appropriate.

(7) Such other matters as the Defense Science Board determines relevant.

SEC. 1240. REPORT ON MERITS OF AN INCIDENTS AT SEA AGREEMENT BETWEEN THE UNITED STATES, IRAN, AND CERTAIN OTHER COUNTRIES.

(a) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report assessing the relative merits of a multilateral or bilateral Incidents at Sea military-to-military agreement between the United States, the Government of Iran, and other countries operating in the Persian Gulf aimed at preventing accidental naval conflict in the Persian Gulf and the Strait of Hormuz.

(b) MATTERS TO BE INCLUDED.—Such assessment should consider and evaluate the current maritime security situation in the Persian Gulf and the effect that such an agreement might have on military and other maritime activities in the region, as well as other United States regional strategic interests.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1241. REQUIREMENT TO MONITOR AND EVALUATE DEPARTMENT OF DEFENSE ACTIVITIES TO COUNTER VIOLENT EXTREMISM IN AFRICA.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall monitor and evaluate the impact of United States Africa Command (USAFRICOM) Combined Joint Task Force-Horn of Africa's (CJTF–HOA) activities to counter violent extremism in Africa, including civil affairs, psychological operations, humanitarian assistance, and operations to strengthen the capacity of partner nations.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the following:

(1) An evaluation of the impact of CJTF–HOA's activities described in subsection (a) to advance United States security objectives in the Horn of Africa, including the extent to which CJTF–HOA's activities—

(A) disrupt or deny terrorist networks;

(B) combat violent extremist ideology;

(C) are aligned with USAFRICOM's mission; and

(D) complement programs conducted by the United States Agency for International Development.

(2) USAFRICOM's efforts to monitor and evaluate the impact of CJTF–HOA's activities described in subsection (a), including—

(A) the means by which CJTF–HOA follows up on such activities to evaluate the effectiveness of such activities;

(B) USAFRICOM's specific assessments of CJTF–HOA's activities; and

(C) a description of plans by the Secretary of Defense to make permanent CJTF–HOA's presence in Djibouti.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1242. NATO SPECIAL OPERATIONS HEADQUARTERS.

(a) IN GENERAL.—Section 1244 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2541) is amended—

(1) in subsection (a)—

(A) by striking "fiscal year 2010" and inserting "fiscal year 2011";

(B) by striking "pursuant to section 301(1)"; and

(C) by striking "$30,000,000" and inserting "$50,000,000";

(2) in subsection (b)—

(A) by striking "NATO Special Operations Coordination Center" and inserting "NATO Special Operations Headquarters"; and

(B) by striking "NSCC" and inserting "NSHQ"; and

(3) in subsection (c), by striking "NSCC" each place it appears and inserting "NSHQ".

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking "**NATO SPECIAL OPERATIONS COORDINATION CENTER**" and inserting "**NATO SPECIAL OPERATIONS HEADQUARTERS**".

SEC. 1243. NATIONAL MILITARY STRATEGY TO COUNTER IRAN AND REQUIRED BRIEFINGS.

(a) NATIONAL MILITARY STRATEGY REQUIRED.—The Secretary of Defense shall develop a strategy, to be known as the "National Military Strategy to Counter Iran". The strategy should—

(1) provide strategic guidance for activities of the Department of Defense that support the objective of countering threats posed by Iran;

(2) undertake a review of the intelligence in the possession of the Department of Defense to develop a list of gaps in intelligence that limit the ability of the Department of Defense to counter threats emanating from Iran that the Secretary considers to be critical;

(3) undertake a review of the ability of the Department of Defense to counter threats to the United States, its forces, allies, and interests from Iran, including—

(A) contributions of the Department of Defense to the efforts of other agencies of the United States Government to counter or address the threat emanating from Iran; and

(B) any gaps in the capabilities and authorities of the Department.

(b) BRIEFINGS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees in classified session regarding any resources, capabilities, or changes to current law the Secretary believes are necessary to address the gaps identified in the strategy required in subsection (a).

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union.
Sec. 1304. Plan for nonproliferation, proliferation prevention, and threat reduction activities with the People's Republic of China.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2011 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2011 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2011, 2012, and 2013.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $522,512,000 authorized to be appropriated to the Department of Defense for fiscal year 2011 in section 301(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $66,732,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,800,000.

(3) For nuclear weapons storage security in Russia, $9,614,000.

(4) For nuclear weapons transportation security in Russia, $45,000,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $79,821,000.

(6) For biological threat reduction in the former Soviet Union, $209,034,000.

(7) For chemical weapons destruction, $3,000,000.

(8) For defense and military contacts, $5,000,000.

(9) For Global Nuclear Lockdown, $74,471,000.

(10) For activities designated as Other Assessments/Administrative Costs, $23,040,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2011 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2011 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2011 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. LIMITATION ON USE OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE IN COUNTRIES OUTSIDE OF THE FORMER SOVIET UNION.

Not more than $500,000 of the fiscal year 2011 Cooperative Threat Reduction funds may be obligated or expended to establish a center of excellence in a country that is not a state of the former Soviet Union until the date that is 15 days after the date on which the Secretary of Defense submits to the congressional defense committees a report that includes the following:

(1) An identification of the country in which the center will be located.

(2) A description of the purpose for which the center will be established.

(3) The agreement under which the center will operate.

(4) A funding plan for the center, including—

(A) the amount of funds to be provided by the government of the country in which the center will be located; and

(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

SEC. 1304. PLAN FOR NONPROLIFERATION, PROLIFERATION PREVENTION, AND THREAT REDUCTION ACTIVITIES WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than April 1, 2011, the Secretary of Defense and the Secretary of Energy shall jointly submit to the congressional defense committees a plan to carry out activities of the Department of Defense Cooperative Threat Reduction Program and the Department of Energy Defense Nuclear Nonproliferation program relating to nonproliferation, proliferation prevention, and threat reduction with the Government of the People's Republic of China during fiscal years 2011 through 2016.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) A description of the activities to be carried out under the plan.

(2) A description of milestones and goals for such activities.

(3) An estimate of the annual cost of such activities.

(4) An estimate of the amount of the total cost of such activities to be provided by the Government of the People's Republic of China.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. Study on working capital fund cash balances.
Sec. 1403. Modification of certain working capital fund requirements.
Sec. 1404. Reduction of unobligated balances within the Pentagon Reservation Maintenance Revolving Fund.
Sec. 1405. National Defense Sealift Fund.
Sec. 1406. Chemical Agents and Munitions Destruction, Defense.
Sec. 1407. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1408. Defense Inspector General.
Sec. 1409. Defense Health Program.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Revision to required receipt objectives for previously authorized disposals from the National Defense Stockpile.

Subtitle C—Chemical Demilitarization Matters

Sec. 1421. Consolidation and reorganization of statutory authority for destruction of United States stockpile of lethal chemical agents and munitions.

Subtitle D—Other Matters

Sec. 1431. Authorization of appropriations for Armed Forces Retirement Home.
Sec. 1432. 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.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $160,965,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,273,571,000.

SEC. 1402. STUDY ON WORKING CAPITAL FUND CASH BALANCES.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center with appropriate expertise in revolving fund financial management to carry out a study to determine a sufficient operational level of cash that each revolving fund of the Department of Defense should maintain in order to sustain a single rate or price throughout the fiscal year.

(b) CONTENTS OF STUDY.—In carrying out a study pursuant to a contract entered into under subsection (a), the federally funded research and development center shall—

(1) qualitatively analyze the operational requirements and inherent risks associated with maintaining a specific level of cash within each revolving fund of the Department;

(2) for each such revolving fund, take into consideration any effects on appropriation accounts that have occurred due to changes made in the rates charged by the fund during a fiscal year;

(3) take into consideration direct input from the Secretary of Defense and officials of each of the military departments with leadership responsibility for financial management;

(4) examine the guidance provided and regulations prescribed by the Secretary of Defense and the Secretary of each of the military departments, as in effect on the date of the enactment of this Act, including such guidance with respect to programming and budgeting and the annual budget displays provided to Congress;

(5) examine the effects on appropriations accounts that have occurred due to congressional adjustments relating to excess cash balances in revolving funds;

(6) identify best business practices from the private sector relating to sufficient cash balance reserves;

(7) examine any relevant applicable laws, including the relevant body of work performed by the Government Accountability Office; and

(8) address—

(A) instances where the fiscal policy of the Department of Defense directly follows the law, as in effect on the date of the enactment of this Act, and instances where such policy is more restrictive with respect to the fiscal management of revolving funds than such law requires;

(B) instances where current Department fiscal policy restricts the capability of a revolving fund to achieve the most economical and efficient organization and operation of activities;

(C) fiscal policy adjustments required to comply with recommendations provided in the study, including proposed adjustments to—

(i) the Department of Defense Financial Management Regulation;

(ii) published service regulations and instructions; and

(iii) major command fiscal guidance; and

(D) such other matters as determined relevant by the center carrying out the study.

(c) AVAILABILITY OF INFORMATION.—The Secretary of Defense and the Secretary of each of the military departments shall make available to a federally funded research and development center carrying out a study pursuant to a contract entered into under subsection (a) all necessary and relevant information to allow the center to conduct the study in a quantitative and analytical manner.

(d) REPORT.—Any contract entered into under subsection (a) shall provide that not later than 9 months after the date on which the Secretary of Defense enters into the contract, the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense a final report on the study. The report shall include each of the following:

(1) A description of the revolving fund environment, as of the date of the conclusion of the study, and the anticipated future environment, together with the quantitative data used in conducting the assessment of such environments under the study.

(2) Recommended fiscal policy adjustments to support the initiatives identified in the study, including adjustments to—

(A) the Department of Defense Financial Management Regulation;

(B) published service regulations and instructions; and

(C) major command fiscal guidance.

(3) Recommendations with respect to any changes to any applicable law that would be appropriate to support the initiatives identified in the study.

(e) SUBMITTAL OF COMMENTS.—Not later than 90 days after the date of the submittal of the report under subsection (d), the Secretary of Defense and the Secretaries of each of the military departments shall submit to the Committees on Armed Services of the Senate and House of Representatives comments on the findings and recommendations contained in the report.

SEC. 1403. MODIFICATION OF CERTAIN WORKING CAPITAL FUND REQUIREMENTS.

Section 2208 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by inserting before the semicolon the following: ", including the cost of the procurement and qualification of technology-enhanced maintenance capabilities that improve either reliability, maintainability, sustainability, or supportability and have, at a minimum, been demonstrated to be functional in an actual system application or operational environment"; and

(2) in subsection (k)(2), by striking "$100,000" and inserting "$250,000".

SEC. 1404. REDUCTION OF UNOBLIGATED BALANCES WITHIN THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $53,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United

States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

SEC. 1405. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2011 for the National Defense Sealift Fund in the amount of $934,866,000.

SEC. 1406. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,467,307,000, of which—

(1) $1,067,364,000 is for Operation and Maintenance;

(2) $392,811,000 is for Research, Development, Test, and Evaluation; and

(3) $7,132,000 is for Procurement.

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

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), as amended by section 1421 of this Act; and

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

SEC. 1407. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,160,851,000.

SEC. 1408. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $317,154,000.

SEC. 1409. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $30,959,611,000.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2011, the National Defense Stockpile Manager may obligate up to $41,181,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h)

for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

Section 3402(b)(5) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 98d note), as most recently amended by section 1412(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 418), is amended by striking "$710,000,000" and inserting "$730,000,000".

Subtitle C—Chemical Demilitarization Matters

SEC. 1421. CONSOLIDATION AND REORGANIZATION OF STATUTORY AUTHORITY FOR DESTRUCTION OF UNITED STATES STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) RESTATEMENT OF STATUTORY AUTHORITY WITH CONSOLIDATION AND REORGANIZATION.—Section 1412 of the National Defense Authorization Act, 1986 (50 U.S.C. 1521) is amended to read as follows:

"SEC. 1412. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

"(a) IN GENERAL.—The Secretary of Defense shall, in accordance with the provisions of this section, carry out the destruction of the United States' stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

"(b) DATE FOR COMPLETION.—(1) The destruction of such stockpile shall be completed by the stockpile elimination deadline.

"(2) If the Secretary of Defense determines at any time that there will be a delay in meeting the requirement in paragraph (1) for the completion of the destruction of chemical weapons by the stockpile elimination deadline, the Secretary shall immediately notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of that projected delay.

"(3) For purposes of this section, the term 'stockpile elimination deadline' means the deadline established by the Chemical Weapons Convention, but not later than December 31, 2017.

"(c) INITIATION OF DEMILITARIZATION OPERATIONS.—The Secretary of Defense may not initiate destruction of the chemical

munitions stockpile stored at a site until the following support measures are in place:

"(1) Support measures that are required by Department of Defense and Army chemical surety and security program regulations.

"(2) Support measures that are required by the general and site chemical munitions demilitarization plans specific to that installation.

"(3) Support measures that are required by the permits required by the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.) for chemical munitions demilitarization operations at that installation, as approved by the appropriate State regulatory agencies.

"(d) ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.—(1) In carrying out the requirement of subsection (a), the Secretary of Defense shall provide for—

"(A) maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions referred to in subsection (a), including but not limited to the use of technologies and procedures that will minimize risk to the public at each site; and

"(B) adequate and safe facilities designed solely for the destruction of lethal chemical agents and munitions.

"(2) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with applicable laws and regulations and mutual agreements between the Secretary of the Army and the Governor of the State in which the facility is located.

"(3)(A) Facilities constructed to carry out this section may not be used for a purpose other than the destruction of the stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

"(B) The prohibition in subparagraph (A) shall not apply with respect to items designated by the Secretary of Defense as lethal chemical agents, munitions, or related materials after November 8, 1985, if the State in which a destruction facility is located issues the appropriate permit or permits for the destruction of such items at the facility.

"(e) GRANTS AND COOPERATIVE AGREEMENTS.—(1)(A) In order to carry out subsection (d)(1)(A), the Secretary of Defense may make grants to State and local governments and to tribal organizations (either directly or through the Federal Emergency Management Agency) to assist those governments and tribal organizations in carrying out functions relating to emergency preparedness and response in connection with the disposal of the lethal chemical agents and munitions referred to in subsection (a). Funds available to the Department of Defense for the purpose of carrying out this section may be used for such grants.

"(B) Additionally, the Secretary may provide funds through cooperative agreements with State and local governments, and with tribal organizations, for the purpose of assisting them in processing, approving, and overseeing permits and licenses necessary for the construction and operation of facilities to carry out this section. The Secretary shall ensure that funds provided through such a cooperative agreement are used only for the purpose set forth in the preceding sentence.

"(C) In this paragraph, the term 'tribal organization' has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

"(2)(A) In coordination with the Secretary of the Army and in accordance with agreements between the Secretary of the Army and the Administrator of the Federal Emergency Management Agency, the Administrator shall carry out a program to provide assistance to State and local governments in developing capabilities to respond to emergencies involving risks to the public health or safety within their jurisdictions that are identified by the Secretary as being risks resulting from—

"(i) the storage of lethal chemical agents and munitions referred to in subsection (a) at military installations in the continental United States; or

"(ii) the destruction of such agents and munitions at facilities referred to in subsection (d)(1)(B).

"(B) Assistance may be provided under this paragraph for capabilities to respond to emergencies involving an installation or facility as described in subparagraph (A) until the earlier of the following:

"(i) The date of the completion of all grants and cooperative agreements with respect to the installation or facility for purposes of this paragraph between the Federal Emergency Management Agency and the State and local governments concerned.

"(ii) The date that is 180 days after the date of the completion of the destruction of lethal chemical agents and munitions at the installation or facility.

"(C) Not later than December 15 of each year, the Administrator shall transmit a report to Congress on the activities carried out under this paragraph during the fiscal year preceding the fiscal year in which the report is submitted.

"(f) REQUIREMENT FOR STRATEGIC PLAN.—(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretary of the Army shall jointly prepare, and from time to time shall update as appropriate, a strategic plan for future activities for destruction of the United States' stockpile of lethal chemical agents and munitions.

"(2) The plan shall include, at a minimum, the following considerations:

"(A) Realistic budgeting for stockpile destruction and related support programs.

"(B) Contingency planning for foreseeable or anticipated problems.

"(C) A management approach and associated actions that address compliance with the obligations of the United States under the Chemical Weapons Convention and that take full advantage of opportunities to accelerate destruction of the stockpile.

"(3) The Secretary of Defense shall each year submit to the Committee on the Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the strategic plan as most recently prepared and updated under paragraph (1). Such submission shall be made each year at the time of the submission to the Congress that year of the President's budget for the next fiscal year.

"(g) MANAGEMENT ORGANIZATION.—(1) In carrying out this section, the Secretary of Defense shall provide for a management organization within the Department of the Army. The Secretary of the Army shall be responsible for management of the destruction of agents and munitions at all sites except Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado

"(2) The program manager for the Assembled Chemical Weapons Alternative Program shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at Blue Grass Army Depot, Kentucky, and Pueblo Army Depot, Colorado, including management of the pilot-scale facility phase of the alternative technology selected for the destruction of lethal chemical munitions. In performing such management, the program manager shall act independently of the Army program manager for Chemical Demilitarization and shall report to the Under Secretary of Defense for Acquisition, Technology, and Logistics

"(3) The Secretary of Defense shall designate a general officer or civilian equivalent as the director of the management organization established under paragraph (1). Such officer shall have—

"(A) experience in the acquisition, storage, and destruction of chemical agents and munitions; and

"(B) outstanding qualifications regarding safety in handling chemical agents and munitions.

"(h) IDENTIFICATION OF FUNDS.—(1) Funds for carrying out this section, including funds for military construction projects necessary to carry out this section, shall be set forth in the budget of the Department of Defense for any fiscal year as a separate account. Such funds shall not be included in the budget accounts for any military department.

"(2) Amounts appropriated to the Secretary of Defense for the purpose of carrying out subsection (e) shall be promptly made available to the Administrator of the Federal Emergency Management Agency.

"(i) ANNUAL REPORTS.—(1) Except as provided by paragraph (3), the Secretary of Defense shall transmit, by December 15 each year, a report to Congress on the activities carried out under this section during the fiscal year ending on September 30 of the calendar year in which the report is to be made.

"(2) Each annual report shall include the following:

"(A) A site-by-site description of the construction, equipment, operation, and dismantling of facilities (during the fiscal year for which the report is made) used to carry out the destruction of agents and munitions under this section, including any accidents or other unplanned occurrences associated with such construction and operation.

"(B) A site-by-site description of actions taken to assist State and local governments (either directly or through the Federal Emergency Management Agency) in carrying out functions relating to emergency preparedness and response in accordance with subsection (e).

"(C) An accounting of all funds expended (during such fiscal year) for activities carried out under this section, with a separate accounting for amounts expended for—

"(i) the construction of and equipment for facilities used for the destruction of agents and munitions;

"(ii) the operation of such facilities;

"(iii) the dismantling or other closure of such facilities;

"(iv) research and development;

"(v) program management;

"(vi) travel and associated travel costs for Citizens' Advisory Commissioners under subsection (m)(7); and

"(vii) grants to State and local governments to assist those governments in carrying out functions relating to emergency preparedness and response in accordance with subsection (e).

"(D) An assessment of the safety status and the integrity of the stockpile of lethal chemical agents and munitions subject to this section, including—

"(i) an estimate on how much longer that stockpile can continue to be stored safely;

"(ii) a site-by-site assessment of the safety of those agents and munitions; and

"(iii) a description of the steps taken (to the date of the report) to monitor the safety status of the stockpile and to mitigate any further deterioration of that status.

"(3) The Secretary shall transmit the final report under paragraph (1) not later than 120 days following the completion of activities under this section.

"(j) SEMIANNUAL REPORTS.—(1) Not later than March 1 and September 1 each year until the year in which the United States completes the destruction of its entire stockpile of chemical weapons under the terms of the Chemical Weapons Convention, the Secretary of Defense shall submit to the members and committees of Congress referred to in paragraph (3) a report on the implementation by the United States of its chemical weapons destruction obligations under the Chemical Weapons Convention.

"(2) Each report under paragraph (1) shall include the following:

"(A) The anticipated schedule at the time of such report for the completion of destruction of chemical agents, munitions, and materiel at each chemical weapons demilitarization facility in the United States.

"(B) A description of the options and alternatives for accelerating the completion of chemical weapons destruction at each such facility, particularly in time to meet the stockpile elimination deadline.

"(C) A description of the funding required to achieve each of the options for destruction described under subparagraph (B), and a detailed life-cycle cost estimate for each of the affected facilities included in each such funding profile.

"(D) A description of all actions being taken by the United States to accelerate the destruction of its entire stockpile of chemical weapons, agents, and materiel in order to meet the current stockpile elimination deadline under the Chemical Weapons Convention of April 29, 2012, or as soon thereafter as possible.

"(3) The members and committees of Congress referred to in this paragraph are—

"(A) the majority leader and the minority leader of the Senate and the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Speaker of the House of Representatives, the majority leader and the minority leader of the House of Representatives, and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

"(k) AUTHORIZED USE OF TOXIC CHEMICALS.—Consistent with United States obligations under the Chemical Weapons Convention, the Secretary of Defense may develop, produce, otherwise acquire, retain, transfer, and use toxic chemicals and their precursors for purposes not prohibited by the Chemical Weapons Convention if the types and quantities of such chemicals and precursors are consistent with such purposes, including for protective purposes such as protection against toxic chemicals and protection against chemical weapons.

"(l) SURVEILLANCE AND ASSESSMENT PROGRAM.—The Secretary of Defense shall conduct an ongoing comprehensive program of—

"(1) surveillance of the existing United States stockpile of chemical weapons; and

"(2) assessment of the condition of the stockpile.

"(m) CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—(1)(A) The Secretary of the Army shall establish a citizens' commission for each State in which there is a chemical demilitarization facility under Army management.

"(B) The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall establish a chemical demilitarization citizens' commission in Colorado and in Kentucky.

"(C) Each commission under this subsection shall be known as the 'Chemical Demilitarization Citizens' Advisory Commission' for the State concerned.

"(2)(A) The Secretary of the Army, or the Department of Defense with respect to Colorado and Kentucky, shall provide for a representative to meet with each commission established under this subsection to receive citizen and State concerns regarding the ongoing program for the disposal of the lethal chemical agents and munitions in the stockpile referred to in subsection (a) at each of the sites with respect to which a commission is established pursuant to paragraph (1).

"(B) The Secretary of the Army shall provide for a representative from the Office of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) to meet with each commission under Army management.

"(C) The Department of Defense shall provide for a representative from the Office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs to meet with the commissions in Colorado and Kentucky.

"(3)(A) Each commission under this subsection shall be composed of nine members appointed by the Governor of the State. Seven of such members shall be citizens from the local affected areas in the State. The other two shall be representatives of State government who have direct responsibilities related to the chemical demilitarization program.

"(B) For purposes of this paragraph, affected areas are those areas located within a 50-mile radius of a chemical weapons storage site.

"(4) For a period of five years after the termination of any commission under this subsection, no corporation, partnership, or other organization in which a member of that commission, a spouse of a member of that commission, or a natural or adopted child

of a member of that commission has an ownership interest may be awarded—

"(A) a contract related to the disposal of lethal chemical agents or munitions in the stockpile referred to in subsection (a); or

"(B) a subcontract under such a contract.

"(5) The members of each commission under this subsection shall designate the chair of such commission from among the members of such commission.

"(6) Each commission under this subsection shall meet with a representative from the Army, or the Office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs with respect to the commissions in Colorado and Kentucky, upon joint agreement between the chair of such commission and that representative. The two parties shall meet not less often than twice a year and may meet more often at their discretion.

"(7) Members of each commission under this subsection shall receive no pay for their involvement in the activities of their commissions. Funds appropriated for the Chemical Stockpile Demilitarization Program may be used for travel and associated travel costs for commissioners of commissions under this subsection when such travel is conducted at the invitation of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) or the invitation of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs for the commissions in Colorado and Kentucky.

"(8) Each commission under this subsection shall be terminated after the closure activities required pursuant to regulations prescribed by the Administrator of the Environmental Protection Agency pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) have been completed for the chemical agent destruction facility in such commission's State, or upon the request of the Governor of such commission's State, whichever occurs first.

"(n) INCENTIVE CLAUSES IN CHEMICAL DEMILITARIZATION CONTRACTS.—(1)(A) The Secretary of Defense may, for the purpose specified in paragraph (B), authorize the inclusion of an incentives clause in any contract for the destruction of the United States stockpile of lethal chemical agents and munitions carried out pursuant to subsection (a).

"(B) The purpose of a clause referred to in subparagraph (A) is to provide the contractor for a chemical demilitarization facility an incentive to accelerate the safe elimination of the United States chemical weapons stockpile and to reduce the total cost of the Chemical Demilitarization Program by providing incentive payments for the early completion of destruction operations and the closure of such facility.

"(2)(A) An incentives clause under this subsection shall permit the contractor for the chemical demilitarization facility concerned the opportunity to earn incentive payments for the completion of destruction operations and facility closure activities within target incentive ranges specified in such clause.

"(B) The maximum incentive payment under an incentives clause with respect to a chemical demilitarization facility may not exceed the following amounts:

"(i) In the case of an incentive payment for the completion of destruction operations within the target incentive range specified in such clause, $110,000,000.

"(ii) In the case of an incentive payment for the completion of facility closure activities within the target incentive range specified in such clause, $55,000,000.

"(C) An incentives clause in a contract under this section shall specify the target incentive ranges of costs for completion of destruction operations and facility closure activities, respectively, as jointly agreed upon by the contracting officer and the contractor concerned. An incentives clause shall require a proportionate reduction in the maximum incentive payment amounts in the event that the contractor exceeds an agreed-upon target cost if such excess costs are the responsibility of the contractor.

"(D) The amount of the incentive payment earned by a contractor for a chemical demilitarization facility under an incentives clause under this subsection shall be based upon a determination by the Secretary on how early in the target incentive range specified in such clause destruction operations or facility closure activities, as the case may be, are completed.

"(E) The provisions of any incentives clause under this subsection shall be consistent with the obligation of the Secretary of Defense under subsection (d)(1)(A), to provide for maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions.

"(F) In negotiating the inclusion of an incentives clause in a contract under this subsection, the Secretary may include in such clause such additional terms and conditions as the Secretary considers appropriate.

"(3)(A) No payment may be made under an incentives clause under this subsection unless the Secretary determines that the contractor concerned has satisfactorily performed its duties under such incentives clause.

"(B) An incentives clause under this subsection shall specify that the obligation of the Government to make payment under such incentives clause is subject to the availability of appropriations for that purpose. Amounts appropriated for Chemical Agents and Munitions Destruction, Defense, shall be available for payments under incentives clauses under this subsection.

"(o) DEFINITIONS.—In this section:

"(1) The term 'chemical agent and munition' means an agent or munition that, through its chemical properties, produces lethal or other damaging effects on human beings, except that such term does not include riot control agents, chemical herbicides, smoke and other obscuration materials.

"(2) The term 'Chemical Weapons Convention' means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

"(3) The term 'lethal chemical agent and munition' means a chemical agent or munition that is designed to cause death, through its chemical properties, to human beings in field concentrations.

"(4) The term 'destruction' means, with respect to chemical munitions or agents—

"(A) the demolishment of such munitions or agents by incineration or by any other means; or

"(B) the dismantling or other disposal of such munitions or agents so as to make them useless for military purposes and harmless to human beings under normal circumstances.".

(b) REPEAL OF LAWS RESTATED IN SECTION 1412 AND OBSOLETE PROVISIONS OF LAW.—The following provisions of law are repealed:

(1) Section 125 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1043; 50 U.S.C. 1521 note).

(2) Sections 172, 174, 175, and 180 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2341; 50 U.S.C. 1521 note).

(3) Section 152 of the National Defense Authorization Act for Fiscal Year 1996 (50 U.S.C. 1521 note).

(4) Section 8065 of the Omnibus Consolidated Appropriations Act, 1997 (50 U.S.C. 1521 note).

(5) Section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note).

(6) Section 141 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 537; 50 U.S.C. 1521 note).

(7) Section 8122 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1566; 50 U.S.C. 1521 note).

(8) Section 923 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2360; 50 U.S.C. 1521 note).

(9) Section 8119 of the Department of Defense Appropriations Act, 2008 (Public Law 110–116; 121 Stat. 1340; 50 U.S.C. 1521 note).

(10) Section 922(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 283; 50 U.S.C. 1521 note).

Subtitle D—Other Matters

SEC. 1431. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2011 from the Armed Forces Retirement Home Trust Fund the sum of $71,200,000 for the operation of the Armed Forces Retirement Home.

SEC. 1432. 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.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1409 and available for the Defense Health Program for operation and maintenance, $132,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated

as amounts authorized and appropriated for the Department of Defense specifically for such transfer.

(b) USE OF TRANSFERRED FUNDS.—For purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement pursuant to section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 455).

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Additional Appropriations

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
Sec. 1504. Navy and Marine Corps procurement.
Sec. 1505. Air Force procurement.
Sec. 1506. Defense-wide activities procurement.
Sec. 1507. National Guard and Reserve equipment.
Sec. 1508. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1509. Research, development, test, and evaluation.
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Sec. 1511. Military personnel.
Sec. 1512. Working capital funds.
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Sec. 1514. Drug Interdiction and Counter-Drug Activities, Defense-wide.
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Subtitle B—Financial Matters

Sec. 1521. Treatment as additional authorizations.
Sec. 1522. Special transfer authority.

Subtitle C—Limitations and Other Matters

Sec. 1531. Limitations on availability of funds in Afghanistan Security Forces Fund.
Sec. 1532. Limitations on availability of funds in Iraq Security Forces Fund.
Sec. 1533. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
Sec. 1534. Joint Improvised Explosive Device Defeat Fund.
Sec. 1535. Task Force for Business and Stability Operations in Afghanistan and economic transition plan and economic strategy for Afghanistan.

Subtitle A—Authorization of Additional Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2011 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $1,373,803,000.
(2) For missile procurement, $343,828,000.
(3) For weapons and tracked combat vehicles procurement, $687,500,000.
(4) For ammunition procurement, $384,441,000.
(5) For other procurement, $5,827,274,000.

SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the Joint Improvised Explosive Device Defeat Fund in the amount of $3,465,868,000.

SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Navy and Marine Corps in amounts as follows:
(1) For aircraft procurement, Navy, $420,358,000.
(2) For weapons procurement, Navy, $93,425,000.
(3) For ammunition procurement, Navy and Marine Corps, $565,084,000.
(4) For other procurement, Navy, $480,735,000.
(5) For procurement, Marine Corps, $1,705,069,000.

SEC. 1505. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Air Force in amounts as follows:
(1) For aircraft procurement, $1,096,520,000.
(2) For ammunition procurement, $292,959,000.
(3) For missile procurement, $56,621,000.
(4) For other procurement, $2,992,681,000.

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the procurement account for Defense-wide activities in the amount of $844,546,000.

SEC. 1507. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $700,000,000.

SEC. 1508. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $3,415,000,000.

SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Department of Defense for research, development, test, and evaluation as follows:
(1) For the Army, $150,906,000.
(2) For the Navy, $60,401,000.
(3) For the Air Force, $266,241,000.
(4) For Defense-wide activities, $661,240,000.

SEC. 1510. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $63,202,618,000.

(2) For the Navy, $8,692,173,000.

(3) For the Marine Corps, $4,136,522,000.

(4) For the Air Force, $13,487,283,000

(5) For Defense-wide activities, $9,436,358,000.

(6) For the Army Reserve, $286,950,000.

(7) For the Navy Reserve, $93,559,000.

(8) For the Marine Corps Reserve, $29,685,000.

(9) For the Air Force Reserve, $129,607,000.

(10) For the Army National Guard, $544,349,000.

(11) For the Air National Guard, $350,823,000.

(12) For the Afghanistan Security Forces Fund, $11,619,283,000.

(13) For the Iraq Security Forces Fund, $1,500,000,000.

(14) For the Overseas Contingency Operations Transfer Fund, $506,781,000.

SEC. 1511. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the Department of Defense for military personnel in the amount of $15,275,502,000.

SEC. 1512. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $485,384,000.

SEC. 1513. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,398,092,000 for operation and maintenance.

SEC. 1514. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $457,110,000.

SEC. 1515. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $10,529,000.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2011 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations and Other Matters

SEC. 1531. LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

(a) APPLICATION OF EXISTING LIMITATIONS.—Funds made available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2011 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by subsection (b) of this section.

(b) MODIFICATION OF PRIOR NOTICE AND REPORTING REQUIREMENTS.—Section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428) is amended—

(1) in subsection (e), by striking "five days" and inserting "15 days"; and

(2) in subsection (g), by adding at the end the following new sentence: "The Secretary may treat a report submitted under section 9010 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 123 Stat. 3466), or a successor provision of law, with respect to a fiscal-year quarter as satisfying the requirements for a report under this subsection for that fiscal-year quarter.".

SEC. 1532. LIMITATIONS ON AVAILABILITY OF FUNDS IN IRAQ SECURITY FORCES FUND.

(a) APPLICATION OF EXISTING LIMITATIONS.—Subject to subsection (b), funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2011 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426), as amended by subsection (d) of this section.

(b) COST-SHARE REQUIREMENT.—

(1) REQUIREMENT.—If funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2011 are used for the purchase of any item or service for Iraq Security Forces, the funds may not cover more than 80 percent of the cost of the item or service.

(2) EXCEPTION.—Paragraph (1) does not apply to any item that the Secretary of Defense determines—

(A) is an item of significant military equipment (as such term is defined in section 47(9) of the Arms Export Control Act (22 U.S.C. 2794(9))); or

(B) is included on the United States Munitions List, as designated pursuant to section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(c) LIMITATION ON OBLIGATION OF FUNDS PENDING CERTAIN COMMITMENT BY GOVERNMENT OF IRAQ.—

(1) LIMITATION.—Of the amount available to the Iraq Security Forces Fund as described in subsection (a), not more than $1,000,000,000 may be obligated until the Secretary of Defense certifies to Congress that the Government of Iraq has demonstrated a commitment to each of the following:

(A) To adequately build the logistics and maintenance capacity of the Iraqi security forces.

(B) To develop the institutional capacity to manage such forces independently.

(C) To develop a culture of sustainment for equipment provided by the United States or acquired with United States assistance.

(2) BASIS FOR CERTIFICATION.—The certification of the Secretary under paragraph (1) shall include a description of the actions taken by the Government of Iraq that, in the determination of the Secretary, support the certification.

(d) MODIFICATION OF PRIOR NOTICE AND REPORTING REQUIREMENTS.—Section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426) is amended—

(1) in subsection (e), by striking "five days" and inserting "15 days"; and

(2) in subsection (g), by adding at the end the following new sentence: "The Secretary may treat a report submitted under section 9010 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 123 Stat. 3466), or a successor provision of law, with respect to a fiscal-year quarter as satisfying the requirements for a report under this subsection for that fiscal-year quarter.".

SEC. 1533. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1534. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the

Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2011.

(b) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—

(1) REPORTS REQUIRED.—Not later than 15 days after the end of each month of fiscal year 2011, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

(2) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439) is amended by striking subsection (e).

SEC. 1535. TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN AND ECONOMIC TRANSITION PLAN AND ECONOMIC STRATEGY FOR AFGHANISTAN.

(a) PROJECTS OF TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.—

(1) IN GENERAL.—The Task Force for Business and Stability Operations in Afghanistan may carry out projects to assist the commander of United States Forces-Afghanistan and the Ambassador of the United States Mission in Afghanistan to reduce violence, enhance stability, and support economic normalcy in Afghanistan through strategic business and economic activities.

(2) DIRECTION, CONTROL, AND CONCURRENCE.—A project carried out under paragraph (1) shall be subject to—

(A) the direction and control of the Secretary of Defense; and

(B) the concurrence of the Secretary of State.

(3) SCOPE OF PROJECTS.—The projects carried out under paragraph (1) may include projects that facilitate private investment, industrial development, banking and financial system development, agricultural diversification and revitalization, and energy development in and with respect to Afghanistan.

(4) FUNDING.—The Secretary may use funds available for overseas contingency operations for operation and maintenance for the Army for additional activities to carry out projects under paragraph (1). The amount of funds used under authority in the preceding sentence may not exceed $150,000,000.

(5) PROHIBITION ON USE OF CERTAIN FUNDS.—Funds provided for the Commanders' Emergency Response Program may not be utilized to support or carry out projects of the Task Force for Business and Stability Operations.

(6) REPORT.—Not later than October 31, 2011, the Secretary of Defense shall submit to the appropriate congressional committees a report describing—

(A) the activities of the Task Force for Business and Stability Operations in Afghanistan in support of Operation Enduring Freedom during fiscal year 2011, including the projects carried out under paragraph (1) during that fiscal year; and

(B) how the activities of the Task Force for Business and Stability Operations in Afghanistan support the long-term stabilization of Afghanistan.

(7) EXPIRATION OF AUTHORITY.—The authority provided in paragraph (1) shall expire on September 30, 2011.

(b) PLAN FOR TRANSITION OF TASK FORCE ACTIVITIES TO AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) PLAN REQUIRED.—The Secretary of Defense, the Administrator of the Agency for International Development, and the Secretary of State shall jointly develop a plan to transition the activities of the Task Force for Business and Stability Operations in Afghanistan to the Department of State.

(2) ELEMENTS OF PLAN.—The plan shall describe at a minimum the following:

(A) The activities carried out by the Task Force for Business and Stability Operations in Afghanistan in fiscal year 2011.

(B) Those activities that the Task Force for Business and Stability Operations in Afghanistan carried out in fiscal year 2011 that the Agency for International Development will continue in fiscal year 2012, including those activities that, rather than explicitly continued, may be merged with similar efforts carried out by the Agency for International Development.

(C) Any activities carried out by the Task Force for Business and Stability Operations in Afghanistan in fiscal year 2011 that the Agency for International Development will not continue and the reasons that such activities shall not be continued.

(D) Those actions that may be necessary to transition activities carried out by the Task Force for Business and Stability Operations in Afghanistan in fiscal year 2011 and that will be continued by the Agency for International Development in fiscal year 2012 from the Department of Defense to the Agency for International Development.

(3) REPORT REQUIRED.—At the same time that the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2012, the Secretary of Defense shall submit the plan to the appropriate congressional committees.

(c) REPORT ON ECONOMIC STRATEGY FOR AFGHANISTAN.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President, acting through the Secretary of State and the Secretary of Defense, shall submit to the appropriate congressional committees a report on an economic strategy for Afghanistan that—

(A) supports the United States counterinsurgency campaign in Afghanistan;

(B) promotes economic stabilization in Afghanistan, consistent with a longer-term development plan for Afghanistan; and

(C) enhances the establishment of sustainable institutions in Afghanistan.

(2) ELEMENTS.—The report shall include the following:

(A) An identification of the sectors within the Afghanistan economy that offer the greatest economic opportunities

to support the purposes of the economic strategy for Afghanistan set forth under paragraph (1).

(B) An assessment of the capabilities of the Government of Afghanistan to increase revenue generation to meet its own operational and developmental costs in the short-term, medium-term, and long-term.

(C) An assessment of the infrastructure (water, power, rail, road) required to underpin economic development in Afghanistan.

(D) A description of the potential role in the economic strategy for Afghanistan of each of the following:

(i) Private sector investment, including investment by and through the Overseas Private Investment Corporation.

(ii) Efforts to promote public-private partnerships.

(iii) National Priority Programs of the Government of Afghanistan, including the Afghanistan National Solidarity Program, and public works projects.

(iv) International financial institutions, including the International Bank for Reconstruction and Development and the Asian Development Bank.

(v) Efforts to promote trade, including efforts by and through the Export-Import Bank of the United States.

(vi) Department of Defense policies to promote economic stabilization and development, including the Afghanistan First procurement policy and efforts by the Department to enhance transportation, electrification, and communications networks both within Afghanistan and between Afghanistan and neighboring countries.

(E) An evaluation of the regional dimension of an economic strategy for Afghanistan, including a description of economic areas suitable for regional collaboration and a prioritization among such areas for attention under the strategy.

(F) A timeline and milestones for activities that can promote economic stabilization, development, and sustainability in Afghanistan in the short-term, medium-term, and long-term.

(G) Metrics for assessing progress under the economic strategy for Afghanistan.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committees on Armed Services, Foreign Relations, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Foreign Affairs, and Appropriations of the House of Representatives.

TITLE XVI—IMPROVED SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES

Sec. 1601. Definition of Department of Defense sexual assault prevention and response program and other definitions.
Sec. 1602. Comprehensive Department of Defense policy on sexual assault prevention and response program.

Subtitle A—Organizational Structure and Application of Sexual Assault Prevention and Response Program Elements

Sec. 1611. Sexual Assault Prevention and Response Office.
Sec. 1612. Oversight and evaluation standards.
Sec. 1613. Report and plan for completion of acquisition of centralized Department of Defense sexual assault database.
Sec. 1614. Restricted reporting of sexual assaults.

Subtitle B—Improved and Expanded Availability of Services

Sec. 1621. Improved protocols for providing medical care for victims of sexual assault.
Sec. 1622. Sexual assault victims access to Victim Advocate services.

Subtitle C—Reporting Requirements

Sec. 1631. Annual report regarding sexual assaults involving members of the Armed Forces and improvement to sexual assault prevention and response program.
Sec. 1632. Additional reports.

SEC. 1601. DEFINITION OF DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM AND OTHER DEFINITIONS.

(a) SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM DEFINED.—In this title, the term "sexual assault prevention and response program" refers to Department of Defense policies and programs, including policies and programs of a specific military department or Armed Force, that, as modified as required by this title—

(1) are intended to reduce the number of sexual assaults involving members of the Armed Forces, whether members are the victim, alleged assailant, or both; and

(2) improve the response of the Department of Defense, the military departments, and the Armed Forces to reports of sexual assaults involving members of the Armed Forces, whether members are the victim, alleged assailant, or both, and to reports of sexual assaults when a covered beneficiary under chapter 55 of title 10, United States Code, is the victim.

(b) OTHER DEFINITIONS.—In this title:

(1) The term "Armed Forces" means the Army, Navy, Air Force, and Marine Corps.

(2) The terms "covered beneficiary" and "dependent" have the meanings given those terms in section 1072 of title 10, United States Code.

(3) The term "department" has the meaning given that term in section 101(a)(6) of title 10, United States Code.

(4) The term "military installation" has the meaning given that term by the Secretary concerned.

(5) The term "Secretary concerned" means—

(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy and the Marine Corps; and

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force.

(6) The term "sexual assault" has the definition developed for that term by the Secretary of Defense pursuant to subsection (a)(3) of section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note), subject to such modifications as the Secretary considers appropriate.

SEC. 1602. COMPREHENSIVE DEPARTMENT OF DEFENSE POLICY ON SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than March 30, 2012, the Secretary of Defense shall submit to the congressional defense committees a revised comprehensive policy for the Department of Defense sexual assault prevention and response program that—

(1) builds upon the comprehensive sexual assault prevention and response policy developed under subsections (a) and (b) of section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note);

(2) incorporates into the sexual assault prevention and response program the new requirements identified by this title; and

(3) ensures that the policies and procedures of the military departments regarding sexual assault prevention and response are consistent with the revised comprehensive policy.

(b) CONSIDERATION OF TASK FORCE FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the comprehensive policy required by subsection (a), the Secretary of Defense shall take into account the findings and recommendations found in the report of the Defense Task Force on Sexual Assault in the Military Services issued in December 2009.

(c) SEXUAL ASSAULT PREVENTION AND RESPONSE EVALUATION PLAN.—

(1) PLAN REQUIRED.—The Secretary of Defense shall develop and implement an evaluation plan for assessing the effectiveness of the comprehensive policy prepared under subsection (a) in achieving its intended outcomes at the department and individual Armed Force levels.

(2) ROLE OF SERVICE SECRETARIES.—As a component of the evaluation plan, the Secretary of each military department shall assess the adequacy of measures undertaken at military installations and by units of the Armed Forces under the jurisdiction of the Secretary to ensure the safest and most secure living and working environments with regard to preventing sexual assault.

(d) PROGRESS REPORT.—Not later than October 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) describing the process by which the comprehensive policy required by subsection (a) is being revised;

(2) describing the extent to which revisions of the comprehensive policy and the evaluation plan required by subsection (c) have already been implemented; and

(3) containing a determination by the Secretary regarding whether the Secretary will be able to comply with the revision deadline specified in subsection (a).

(e) CONSISTENCY OF TERMINOLOGY, POSITION DESCRIPTIONS, PROGRAM STANDARDS, AND ORGANIZATIONAL STRUCTURES.—

(1) IN GENERAL.—The Secretary of Defense shall require the use of consistent terminology, position descriptions, minimum program standards, and organizational structures throughout the Armed Forces in implementing the sexual assault prevention and response program.

(2) MINIMUM STANDARDS.—The Secretary of Defense shall establish minimum standards for—

(A) the training, qualifications, and status of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates for the Armed Forces; and

(B) the curricula to be used to provide sexual assault prevention and response training and education for members of the Armed Forces and civilian employees of the department to strengthen individual knowledge, skills, and capacity to prevent and respond to sexual assault.

(3) RECOGNIZING OPERATIONAL DIFFERENCES.—In complying with this subsection, the Secretary of Defense shall take into account the responsibilities of the Secretary concerned and operational needs of the Armed Force involved.

Subtitle A—Organizational Structure and Application of Sexual Assault Prevention and Response Program Elements

SEC. 1611. SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.

(a) APPOINTMENT OF DIRECTOR.—There shall be a Director of the Sexual Assault Prevention and Response Office. During the development and implementation of the comprehensive policy for the Department of Defense sexual assault prevention and response program, the Director shall operate under the oversight of the Advisory Working Group of the Deputy Secretary of Defense.

(b) DUTIES OF DIRECTOR.—The Director of the Sexual Assault Prevention and Response Office shall—

(1) oversee implementation of the comprehensive policy for the Department of Defense sexual assault prevention and response program;

(2) serve as the single point of authority, accountability, and oversight for the sexual assault prevention and response program; and

(3) provide oversight to ensure that the military departments comply with the sexual assault prevention and response program.

(c) ROLE OF INSPECTORS GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Defense, the Inspector General of the Army, the Naval Inspector General, and the Inspector General of the Air Force shall treat the sexual assault prevention and response program

as an item of special interest when conducting inspections of organizations and activities with responsibilities regarding the prevention and response to sexual assault.

(2) COMPOSITION OF INVESTIGATION TEAMS.—The Inspector General inspection teams shall include at least one member with expertise and knowledge of sexual assault prevention and response policies related to a specific Armed Force.

(d) STAFF.—

(1) ASSIGNMENT.—Not later than 18 months after the date of the enactment of this Act, an officer from each of the Armed Forces in the grade of O–4 or above shall be assigned to the Sexual Assault Prevention and Response Office for a minimum tour length of at least 18 months.

(2) HIGHER GRADE.—Notwithstanding paragraph (1), of the four officers assigned to the Sexual Assault Prevention and Response Office under this subsection at any time, one officer shall be in the grade of O–6 or above.

SEC. 1612. OVERSIGHT AND EVALUATION STANDARDS.

(a) ISSUANCE OF STANDARDS.—The Secretary of Defense shall issue standards to assess and evaluate the effectiveness of the sexual assault prevention and response program of each Armed Force in reducing the number of sexual assaults involving members of the Armed Forces and in improving the response of the department to reports of sexual assaults involving members of the Armed Forces, whether members of the Armed Forces are the victim, alleged assailant, or both.

(b) SEXUAL ASSAULT PREVENTION EVALUATION PLAN.—The Secretary of Defense shall use the sexual assault prevention and response evaluation plan developed under section 1602(c) to ensure that the Armed Forces implement and comply with assessment and evaluation standards issued under subsection (a).

SEC. 1613. REPORT AND PLAN FOR COMPLETION OF ACQUISITION OF CENTRALIZED DEPARTMENT OF DEFENSE SEXUAL ASSAULT DATABASE.

(a) REPORT AND PLAN REQUIRED.—Not later than April 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(1) describing the status of development and implementation of the centralized Department of Defense sexual assault database required by section 563 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4470; 10 U.S.C. 113 note);

(2) containing a revised implementation plan under subsection (c) of such section for completing implementation of the database; and

(3) indicating the date by which the database will be operational.

(b) CONTENT OF IMPLEMENTATION PLAN.—The plan referred to in subsection (a)(2) shall address acquisition best practices associated with successfully acquiring and deploying information technology systems related to the centralized sexual assault database, such as economically justifying the proposed system solution and effectively developing and managing requirements.

SEC. 1614. RESTRICTED REPORTING OF SEXUAL ASSAULTS.

The Secretary of Defense shall clarify the limitations on the ability of a member of the Armed Forces to make a restricted report regarding the occurrence of a sexual assault and the circumstances under which information contained in a restricted report may no longer be confidential.

Subtitle B—Improved and Expanded Availability of Services

SEC. 1621. IMPROVED PROTOCOLS FOR PROVIDING MEDICAL CARE FOR VICTIMS OF SEXUAL ASSAULT.

The Secretary of Defense shall establish comprehensive and consistent protocols for providing and documenting medical care to a member of the Armed Forces or covered beneficiary who is a victim of a sexual assault, including protocols with respect to the appropriate screening, prevention, and mitigation of diseases. In establishing the protocols, the Secretary shall take into consideration the gender of the victim.

SEC. 1622. SEXUAL ASSAULT VICTIMS ACCESS TO VICTIM ADVOCATE SERVICES.

(a) AVAILABILITY OF VICTIM ADVOCATE SERVICES.—

(1) AVAILABILITY.—A member of the Armed Forces or a dependent, as described in paragraph (2), who is the victim of a sexual assault is entitled to assistance provided by a qualified Sexual Assault Victim Advocate.

(2) COVERED DEPENDENTS.—The assistance described in paragraph (1) is available to a dependent of a member of the Armed Forces who is the victim of a sexual assault and who resides on or in the vicinity of a military installation. The Secretary concerned shall define the term "vicinity" for purposes of this paragraph.

(b) NOTICE OF AVAILABILITY OF ASSISTANCE; OPT OUT.—The member or dependent shall be informed of the availability of assistance under subsection (a) as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator. The victim shall also be informed that the services of a Sexual Assault Response Coordinator and Sexual Assault Victim Advocate are optional and that these services may be declined, in whole or in part, at any time.

(c) NATURE OF REPORTING IMMATERIAL.—In the case of a member of the Armed Forces, Victim Advocate services are available regardless of whether the member elects unrestricted or restricted (confidential) reporting of the sexual assault.

Subtitle C—Reporting Requirements

SEC. 1631. ANNUAL REPORT REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES AND IMPROVEMENT TO SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) ANNUAL REPORTS ON SEXUAL ASSAULTS.—Not later than March 1, 2012, and each March 1 thereafter through March 1, 2017, the Secretary of each military department shall submit to

the Secretary of Defense a report on the sexual assaults involving members of the Armed Forces under the jurisdiction of that Secretary during the preceding year. In the case of the Secretary of the Navy, separate reports shall be prepared for the Navy and for the Marine Corps.

(b) CONTENTS.—The report of a Secretary of a military department for an Armed Force under subsection (a) shall contain the following:

(1) The number of sexual assaults committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated.

(2) The number of sexual assaults committed by members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated. The information required by this paragraph may not be combined with the information required by paragraph (1).

(3) A synopsis of each such substantiated case, organized by offense, and, for each such case, the action taken in the case, including the type of disciplinary or administrative sanction imposed, if any, including courts-martial sentences, nonjudicial punishments administered by commanding officers pursuant to section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), and administrative separations.

(4) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by the report in response to incidents of sexual assault involving members of the Armed Force concerned.

(5) The number of substantiated sexual assault cases in which the victim is a deployed member of the Armed Forces and the assailant is a foreign national, and the policies, procedures, and processes implemented by the Secretary concerned to monitor the investigative processes and disposition of such cases and any actions taken to eliminate any gaps in investigating and adjudicating such cases.

(6) A description of the implementation of the accessibility plan implemented pursuant to section 596(b) of such Act, including a description of the steps taken during that year to ensure that trained personnel, appropriate supplies, and transportation resources are accessible to deployed units in order to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit, location, or environment.

(c) CONSISTENT DEFINITION OF SUBSTANTIATED.—Not later than December 31, 2011, the Secretary of Defense shall establish a consistent definition of "substantiated" for purposes of paragraphs (1), (2), (3), and (5) of subsection (b) and provide synopses for those cases for the preparation of reports under this section.

(d) SUBMISSION TO CONGRESS.—Not later than April 30 of each year in which the Secretary of Defense receives reports under subsection (a), the Secretary of Defense shall forward the reports to the Committees on Armed Services of the Senate and House of Representatives, together with—

(1) the results of assessments conducted under the evaluation plan required by section 1602(c); and

(2) such assessments on the reports as the Secretary of Defense considers appropriate.

(e) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—

(1) REPEAL.—Subsection (f) of section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note) is repealed.

(2) SUBMISSION OF 2010 REPORT.—The reports required by subsection (f) of section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note) covering calendar year 2010 are still required to be submitted to the Secretary of Defense and the Committees on Armed Services of the Senate and House of Representatives pursuant to the terms of such subsection, as in effect before the date of the enactment of this Act.

SEC. 1632. ADDITIONAL REPORTS.

(a) EXTENSION OF SEXUAL ASSAULT PREVENTION AND RESPONSE SERVICES TO ADDITIONAL PERSONS.—The Secretary of Defense shall evaluate the feasibility of extending department sexual assault prevention and response services to Department of Defense civilian employees and employees of defense contractors who—

(1) are victims of a sexual assault; and

(2) work on or in the vicinity of a military installation or with members of the Armed Forces.

(b) EXTENSION OF SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM TO RESERVE COMPONENTS.—The Secretary of Defense shall evaluate the application of the sexual assault prevention and response program to members of the reserve components, including, at a minimum, the following:

(1) The ability of members of the reserve components to access the services available under the sexual assault prevention and response program, including policies and programs of a specific military department or Armed Force.

(2) The quality of training provided to Sexual Assault Response Coordinators and Sexual Assault Victim Advocates in the reserve components.

(3) The degree to which the services available for regular and reserve members under the sexual assault prevention and response program are integrated.

(4) Such recommendations as the Secretary of Defense considers appropriate on how to improve the services available for reserve members under the sexual assault prevention and response program and their access to the services.

(c) COPY OF RECORD OF COURT-MARTIAL TO VICTIM OF SEXUAL ASSAULT.—The Secretary of Defense shall evaluate the feasibility of requiring that a copy of the prepared record of the proceedings of a general or special court-martial involving a sexual assault be given to the victim in cases in which the victim testified during the proceedings.

(d) ACCESS TO LEGAL ASSISTANCE.—The Secretary of Defense shall evaluate the feasibility of authorizing members of the Armed Forces who are victims of a sexual assault and dependents of members who are victims of a sexual assault to receive legal assistance provided by a military legal assistance counsel certified as competent to provide legal assistance related to responding to sexual assault.

(e) USE OF FORENSIC MEDICAL EXAMINERS.—The Secretary of Defense shall evaluate the feasibility of utilizing, when sexual assaults involving members of the Armed Forces occur in a military environment where civilian resources are limited or unavailable, forensic medical examiners who are specially trained regarding the collection and preservation of evidence in cases involving sexual assault.

(f) SUBMISSION OF RESULTS.—The Secretary of Defense shall submit the results of the evaluations required by this section to the Committees on Armed Services of the Senate and House of Representatives.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2011".

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

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

(1) October 1, 2013; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014.

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

(1) October 1, 2013; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2014 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. FUNDING TABLES.

(a) IN GENERAL.—The amounts authorized to be appropriated by sections 2104, 2204, 2304, 2403, 2411, 2502, 2606, 2701, and 2703 shall be available in the amounts specified in the funding table in section 3001.

(b) OVERSEAS CONTINGENCY OPERATIONS.—The amounts authorized to be appropriated by sections 2901, 2902, and 2903 shall be available in the amounts specified in the funding table in section 3002.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Use of unobligated Army military construction funds in conjunction with funds provided by the Commonwealth of Virginia to carry out certain fiscal year 2002 project.
Sec. 2106. Modification of authority to carry out certain fiscal year 2009 project.
Sec. 2107. Modification of authority to carry out certain fiscal year 2010 project.
Sec. 2108. Extension of authorizations of certain fiscal year 2008 projects.

SECTION 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

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

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Fort Rucker	$69,650,000
Alaska	Fort Greely	$26,000,000
	Fort Richardson	$113,238,000
	Fort Wainwright	$173,000,000
California	Presidio Monterey	$140,000,000
Colorado	Fort Carson	$106,350,000
Florida	Eglin Air Force Base	$6,900,000
	Miami-Dade County	$41,000,000
Georgia	Fort Benning	$145,400,000
	Fort Gordon	$4,150,000
	Fort Stewart	$125,250,000
Hawaii	Fort Shafter	$81,000,000
	Schofield Barracks	$212,000,000
	Tripler Army Medical Center	$28,000,000
Kansas	Fort Leavenworth	$7,100,000
	Fort Riley	$57,100,000
Kentucky	Fort Campbell	$143,900,000
	Fort Knox	$18,800,000
Louisiana	Fort Polk	$63,250,000
Maryland	Aberdeen Proving Ground	$14,600,000
	Fort Meade	$32,600,000
Missouri	Fort Leonard Wood	$111,700,000
New Mexico	White Sands	$29,000,000
New York	Fort Drum	$228,800,000
	U.S. Military Academy	$132,324,000
North Carolina	Fort Bragg	$310,900,000
Oklahoma	Fort Sill	$13,800,000
	McAlester Army Ammunition Plant	$3,000,000
South Carolina	Fort Jackson	$91,000,000
Texas	Fort Bliss	$149,950,000
	Fort Hood	$145,050,000
	Fort Sam Houston	$22,200,000
Virginia	Fort A.P. Hill	$93,600,000
	Fort Eustis	$18,000,000
	Fort Lee	$18,400,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
Washington	Fort Lewis	$171,800,000
	Yakima Firing Range	$3,750,000

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

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram	$101,500,000
Germany	Ansbach	$31,800,000
	Grafenwoehr	$75,500,000
	Rhine Ordnance Barracks	$35,000,000
	Sembach Air Base	$9,100,000
	Wiesbaden Air Base	$126,500,000
Honduras	Soto Cano Air Base	$20,400,000
Korea	Camp Walker	$19,500,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Alaska	Fort Wainwright	110	$21,000,000
Germany	Baumholder	64	$34,329,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,040,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $35,000,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $4,565,507,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $3,152,562,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $419,300,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $249,636,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $92,369,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $518,140,000.

(6) For the construction of increment 4 of a brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $25,000,000.

(7) For the construction of increment 4 of a brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $26,000,000.

(8) For the construction of increment 2 of the Command and Battle Center at Wiesbaden, Germany, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4662), $59,500,000.

SEC. 2105. USE OF UNOBLIGATED ARMY MILITARY CONSTRUCTION FUNDS IN CONJUNCTION WITH FUNDS PROVIDED BY THE COMMONWEALTH OF VIRGINIA TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECT.

(a) FIRE STATION AT FORT BELVOIR, VIRGINIA.—Section 2836(d) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1314), as amended by section 2846 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3527) and section 2849 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2486), is further amended—

(1) in paragraph (2), by inserting "through a project for construction of an Army standard-design, two-company fire station at Fort Belvoir, Virginia," after "Building 191"; and

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

"(3) The Secretary may use up to $3,900,000 of available, unobligated Army military construction funds appropriated for a fiscal

year before fiscal year 2011, in conjunction with the funds provided under paragraph (1), for the project described in paragraph (2).".

(b) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information, in accordance with section 2851(c) of title 10, United States Code, regarding the project described in the amendment made by subsection (a). If it becomes necessary to exceed the estimated project cost of $8,780,000, including $4,880,000 contributed by the Commonwealth of Virginia, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4661) is amended by striking "Katterbach" and inserting "Grafenwoehr".

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in 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, the Secretary of the Army may construct up to a 40,100 square-feet brigade headquarters consistent with the Army's construction guidelines for brigade headquarters.

SEC. 2108. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 504), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2008 Project Authorizations

State	Installation or Location	Project	Amount
Georgia	Fort Stewart	Unit Operations Facilities	$16,000,000
Hawaii	Schofield Barracks	Tactical Vehicle Wash Facility	$10,200,000
		Barracks Complex-Wheeler 205	$51,000,000
Louisiana	Fort Polk	Brigade Headquarters	$9,800,000
		Child Care Facility	$6,100,000
Missouri	Fort Leonard Wood	Multipurpose Machine Gun Range	$4,150,000
Oklahoma	Fort Sill	Multipurpose Machine Gun Range	$3,300,000
Washington	Fort Lewis	Alternative Fuel Facility	$3,300,000

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Technical amendment to reflect multi-increment fiscal year 2010 project.
Sec. 2206. Extension of authorization of certain fiscal year 2008 project.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

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

Inside the United States

State	Installation or Location	Amount
Alabama	Mobile	$29,082,000
Arizona	Marine Corps Air Station, Yuma	$285,060,000
California	Marine Corps Base, Camp Pendleton	$362,124,000
	Naval Base, Coronado	$67,160,000
	Marine Corps Air Station, Miramar	$190,610,000
	San Diego	$193,706,000
	Marine Corps Base, Twentynine Palms	$53,158,000
Florida	Blount Island Command	$74,620,000
Georgia	Naval Submarine Base, Kings Bay	$60,664,000
Hawaii	Marine Corps Base, Camp Smith	$29,960,000
	Marine Corps Base, Kaneohe Bay	$109,660,000
	Naval Station, Pearl Harbor	$108,468,000
Maryland	Naval Support Facility, Indian Head	$34,328,000
	Naval Air Station, Patuxent River	$42,211,000
North Carolina	Marine Corps Base, Camp Lejeune	$789,393,000
	Marine Corps Air Station, Cherry Point	$65,510,000
Rhode Island	Naval Station, Newport	$27,007,000
South Carolina	Marine Corps Air Station, Beaufort	$129,410,000
Virginia	Naval Station, Norfolk	$12,435,000
	Marine Corps Base, Quantico	$143,632,000
Washington	Bangor	$56,893,000

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

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$213,153,000
Djibouti	Camp Lemonier	$11,148,000
Guam	Naval Activities, Guam	$66,730,000
Japan	Atsugi Naval Air Facility	$6,908,000
Spain	Naval Station, Rota	$23,190,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Cuba	Guantanamo Bay	71	$37,169,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,255,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $146,020,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $4,068,963,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,865,001,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $321,129,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $20,877,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $120,050,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $186,444,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $366,346,000.

(6) For the construction of increment 7 of a limited area production and storage complex at Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $19,116,000.

(7) For the construction of increment 2 of a ship repair pier replacement at Norfolk Naval Shipyard, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2633), $100,000,000.

(8) For the construction of increment 2 of a wharves improvement at Apra Harbor, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2633), $40,000,000.

(9) For the construction of increment 2 of a tertiary water treatment plant at Marine Corps Base Camp Pendleton, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2632), $30,000,000.

SEC. 2205. TECHNICAL AMENDMENT TO REFLECT MULTI-INCREMENT FISCAL YEAR 2010 PROJECT.

Section 2204 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2634) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(14) For the construction of the first increment of a tertiary water treatment plant at Marine Corps Base, Camp Pendleton, California, authorized by section 2201(a), $112,330,000."; and

(2) in subsection (b), by adding at the end the following new paragraph:

"(7) $30,000,000 (the balance of the amount authorized under section 2201(a) for North Region Tertiary Treatment Plant, Camp Pendleton, California).".

SEC. 2206. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2201(c) of that Act (122 Stat. 511), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2008 Project Authorization

Location	Installation or Location	Project	Amount
Worldwide	Unspecified	Host Nation Infrastructure	$2,700,000

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorization of certain fiscal year 2007 project.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

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

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$13,400,000
Alaska	Eielson Air Force Base	$28,000,000
	Elmendorf Air Force Base	$30,274,000
Arizona	Davis-Monthan Air Force Base	$48,500,000
	Luke Air Force Base	$64,410,000
Colorado	Buckley Air Force Base	$12,160,000
	Peterson Air Force Base	$24,800,000
	U.S. Air Force Academy	$27,600,000
Delaware	Dover Air Force Base	$3,200,000
District of Columbia	Bolling Air Force Base	$13,200,000
Florida	Eglin Air Force Base	$11,400,000
	Hurlburt Field	$34,670,000
	Patrick Air Force Base	$158,009,000
Louisiana	Barksdale Air Force Base	$18,140,000
Nevada	Creech Air Force Base	$11,710,000
	Nellis Air Force Base	$51,640,000
New Jersey	McGuire Air Force Base	$26,440,000
New Mexico	Cannon Air Force Base	$34,000,000
	Holloman Air Force Base	$37,970,000
	Kirtland Air Force Base	$24,402,000
New York	Fort Drum	$20,440,000
North Dakota	Minot Air Force Base	$18,770,000
Oklahoma	Tinker Air Force Base	$14,000,000
South Carolina	Charleston Air Force Base	$15,000,000
Texas	Dyess Air Force Base	$4,080,000
	Lackland Air Force Base	$127,280,000
Utah	Hill Air Force Base	$14,900,000
Virginia	Langley Air Force Base	$8,800,000
Wyoming	Camp Guernsey	$4,650,000

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

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram	$42,960,000
Bahrain	SW Asia	$45,000,000
Germany	Kapaun	$19,600,000
	Ramstein Air Base	$22,354,000
	Vilseck	$12,900,000

Air Force: Outside the United States—Continued

Country	Installation or Location	Amount
Guam	Andersen Air Force Base	$50,300,000
Italy	Aviano Air Base	$29,200,000
Korea	Kunsan Air Base	$7,500,000
Qutar	Al Udeid	$62,300,000
United Kingdom	RAF Mildenhall	$15,000,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,225,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $73,800,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,885,112,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $901,845,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $307,114,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $18,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $66,336,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $78,025,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $513,792,000.

SEC. 2305. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorization set forth in the table in subsection (b), as provided in section 2302 of that Act (120 Stat. 2455) and extended by section 2306 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2638), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing

funds for military construction for fiscal year 2012, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2007 Project Authorization

State	Installation	Project	Amount
Idaho	Mountain Home Air Force Base	Replace Family Housing (457 units)	$107,800,000

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 2010 projects.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.
Sec. 2412. Modification of authority to carry out certain fiscal year 2000 project.

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma Proving Ground	$8,977,000
California	Point Magu Naval Base	$3,100,000
Colorado	Fort Carson	$3,717,000
District of Columbia	Bolling Air Force Base	$3,000,000
Florida	Eglin Air Force Base	$6,030,000
Georgia	Augusta	$12,855,000
	Fort Benning	$26,865,000
	Fort Stewart	$35,100,000
	Hunter Air National Guard Station	$2,400,000
	Hunter Army Airfield	$3,318,000
Hawaii	Hickam Air Force Base	$8,500,000
	Pearl Harbor	$28,804,000
Idaho	Mountain Home Air Force Base	$27,500,000
Illinois	Scott Air Force Base	$1,388,000
Kentucky	Fort Campbell	$38,095,000
Maryland	Andrews Air Force Base	$14,000,000
	Bethesda Naval Hospital	$80,000,000

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
	Fort Detrick	$45,700,000
	Fort Meade	$219,360,000
Massachusetts	Hanscom Air Force Base	$2,900,000
New Mexico	Cannon Air Force Base	$116,225,000
	White Sands Missile Range	$22,900,000
New York	United States Military Academy	$27,960,000
North Carolina	Camp Lejeune	$16,646,000
	Fort Bragg	$168,693,000
Ohio	Defense Supply Center, Columbus.	$7,400,000
Pennsylvania	Defense Distribution Depot New Cumberland	$96,000,000
Texas	Lackland Air Force Base	$162,500,000
Virginia	Craney Island	$58,000,000
	Fort Belvoir	$6,300,000
	Pentagon Reservation	$63,324,000
	Marine Corps Base, Quantico	$47,355,000
Washington	Fort Lewis	$8,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Belgium	Brussels	$99,174,000
Germany	Katterbach	$37,100,000
	Panzer Kaserne	$48,968,000
	Vilseck	$34,800,000
Japan	Kadena Air Base	$3,000,000
	Misawa Air Base	$31,000,000
Korea	Camp Carroll	$19,500,000
Puerto Rico	Fort Buchanan	$58,708,000
Qatar	Al Udeid	$1,961,000
United Kingdom	Menwith Hill Station	$2,000,000
	Royal Air Force Alconbury	$30,308,000
	Royal Air Force Mildenhall	$15,900,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

(a) PROJECTS AUTHORIZED.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $120,000,000.

(b) AVAILABILITY OF FUNDS FOR RESERVE COMPONENT PROJECTS.—Of the amount authorized to be appropriated by section 2403(6) for energy conservation projects, the Secretary of Defense shall reserve a portion of the amount for energy conservation projects for the reserve components in an amount that is not less than an amount that bears the same proportion to the total amount

authorized to be appropriated as the total quantity of energy consumed by reserve facilities (as defined in section 18232(2) of title 10, United States Code) during fiscal year 2010 bears to the total quantity of energy consumed by all military installations (as defined in section 2687(e)(1) of such title) during that fiscal year, as determined by the Secretary.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,116,137,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,373,312,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $382,419,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $42,856,000.

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

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $431,617,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $120,000,000.

(7) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $50,464,000.

(B) For credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $17,611,000.

(8) For the construction of increment 5 of the Army Medical Research Institute of Infectious Diseases Stage I at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $17,400,000.

(9) For the construction of increment 3 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2646), $20,000,000.

(10) For the construction of increment 3 of the United States Army Medical Research Institute of Chemical Defense replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4689), $105,000,000.

(11) For the construction of increment 3 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888), $398,358,000.

(12) For the construction of increment 2 of the hospital at Fort Bliss, Texas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2642), $147,100,000.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) AUTHORIZATION OF PROJECT FOR WHICH FUNDS HAVE BEEN APPROPRIATED.—

(1) AUTHORIZATION.—The table relating to the Missile Defense Agency in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2641) is amended by adding at the end the following:

Worldwide Unspecified	Range Facility	$68,500,000

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2404(a)(1) of that Act (123 Stat. 2644) is amended by striking "$1,048,783,000" and inserting "$1,117,283,000".

(3) PROJECT DESCRIPTION.—In the case of the authorization contained in the amendment made by paragraph (1), the authorized project relates to an Aegis ashore test facility for which funds were made available by title I of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (division E of Public Law 111–117; 123 Stat. 3286) under the heading "MILITARY CONSTRUCTION, DEFENSE-WIDE".

(b) PURPOSE OF FORT BRAGG PROJECT.—In the case of the authorization contained in the table relating to the TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2642) for Fort Bragg, North Carolina, for construction of a Health Clinic at the installation, the Secretary of Defense may construct a Behavioral Health clinic that predominantly provides behavioral health specialty care.

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for military construction and land acquisition for chemical demilitarization in the total amount of $124,971,000, as follows:

(1) For the construction of phase 12 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction

Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $65,569,000.

(2) For the construction of phase 11 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), and section 2412 of this Act, $59,402,000.

SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), is amended—

(1) in the item relating to Blue Grass Army Depot, Kentucky, by striking "$492,000,000" in the amount column and inserting "$746,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$1,203,920,000".

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), is further amended by striking "$469,200,000" and inserting "$723,200,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

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

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $258,884,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Extension of authorizations of certain fiscal year 2008 projects.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Arizona	Florence	$16,500,000
Arkansas	Camp Robinson	$30,000,000
	Fort Chaffee	$21,500,000
California	Camp Roberts	$19,000,000
Colorado	Colorado Springs	$20,000,000
	Fort Carson	$40,000,000

Army National Guard: Inside the United States—Continued

State	Location	Amount
	Gypsum	$39,000,000
	Windsor	$7,500,000
Connecticut	Windsor Locks	$41,000,000
Delaware	New Castle	$27,000,000
Georgia	Cumming	$17,000,000
	Dobbins Air Reserve Base	$10,400,000
Hawaii	Kalaeloa	$38,000,000
Idaho	Gowen Field	$17,500,000
	Mountain Home	$6,300,000
Illinois	Springfield	$15,000,000
Kansas	Wichita	$67,000,000
Kentucky	Burlington	$19,500,000
Louisiana	Fort Polk	$5,500,000
	Minden	$28,000,000
Maryland	St. Inigoes	$5,500,000
Massachusetts	Hanscom Air Force Base	$23,000,000
Michigan	Camp Grayling Range	$19,000,000
Minnesota	Arden Hills	$29,000,000
	Camp Ripley	$8,750,000
Nebraska	Lincoln	$3,300,000
	Mead	$11,400,000
New Hampshire	Pembroke	$36,000,000
New Mexico	Farmington	$8,500,000
North Carolina	High Point	$1,551,000
North Dakota	Camp Grafton	$11,200,000
Rhode Island	East Greenwich	$27,000,000
South Dakota	Watertown	$25,000,000
Texas	Camp Maxey	$2,500,000
	Camp Swift	$2,600,000
Washington	Tacoma	$25,000,000
West Virginia	Moorefield	$14,200,000
	Morgantown	$21,000,000
Wisconsin	Madison	$5,700,000
Wyoming	Laramie	$14,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Guam	Barrigada	$19,000,000
Virgin Islands	St. Croix	$25,000,000
Puerto Rico	Camp Santiago	$12,300,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fairfield	$26,000,000
	Fort Hunter Liggett	$52,000,000
Florida	North Fort Myers	$13,800,000
	Orlando	$10,200,000
	Tallahasee	$10,400,000
Georgia	Macon	$11,400,000
Illinois	Quincy	$12,200,000
Indiana	Michigan City	$15,500,000
Iowa	Des Moines	$8,175,000
Massachusetts	Devens Reserve Forces Training Area	$4,700,000
Missouri	Belton	$11,800,000
New Mexico	Las Cruces	$11,400,000
New York	Binghamton	$13,400,000
Texas	Denton	$12,600,000
	Rio Grande	$6,100,000
	San Marcos	$8,500,000
Virginia	Fort A.P. Hill	$15,500,000
	Fort Story	$11,000,000
	Roanoke	$14,800,000
Wisconsin	Fort McCoy	$19,800,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Marine Corps Base, Twentynine Palms	$5,991,000
Louisiana	New Orleans	$16,281,000
Virginia	Williamsburg	$21,346,000
Washington	Yakima	$13,844,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Alabama	Montgomery Regional Airport (ANG)	$7,472,000
Arizona	Davis Monthan Air Force Base	$4,650,000
	Fort Huachuca	$11,000,000
Delaware	New Castle County Airport	$1,500,000
Florida	Jacksonville International Airport	$6,700,000

Air National Guard—Continued

State	Location	Amount
Georgia	Savannah/Hilton Head International Airport	$7,450,000
Hawaii	Hickam Air Force Base	$71,450,000
Illinois	Capital Municipal Airport	$16,700,000
Indiana	Hulman Regional Airport	$4,100,000
Maryland	Martin State Airport	$11,400,000
New York	Fort Drum	$2,500,000
	Stewart International Airport	$14,250,000
North Carolina	Stanly County Airport	$2,000,000
Pennsylvania	State College Air National Guard Station	$4,100,000
Tennessee	Nashville International Airport	$5,500,000
Texas	Ellington Field	$7,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(5), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve location inside the United States, and in the amount, set forth in the following table:

Air Force Reserve

State	Location	Amount
Florida	Patrick Air Force Base	$3,420,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army, for the Army National Guard of the United States, $873,664,000.

(2) For the Department of the Army, for the Army Reserve, $318,175,000.

(3) For the Department of the Navy, for the Navy and Marine Corps Reserve, $61,557,000.

(4) For the Department of the Air Force, for the Air National Guard of the United States, $194,986,000.

(5) For the Department of the Air Force, for the Air Force Reserve, $7,832,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the tables in subsection (b), as provided in section 2601 and

2604 of that Act, shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.

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

Army National Guard: Extension of 2008 Project Authorization

State	Installation or Location	Project	Amount
Pennsylvania	East Fallowfield Township	Readiness Center (SBCT)	$ 8,300,000

Air National Guard: Extension of 2008 Project Authorization

State	Installation or Location	Project	Amount
Vermont	Burlington	Base Security Improvements	$ 6,600,000

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorized base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
Sec. 2703. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
Sec. 2704. Transportation plan for BRAC 133 project under Fort Belvoir, Virginia, BRAC initiative.

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $360,474,000, as follows:

(1) For the Department of the Army, $73,600,000.
(2) For the Department of the Navy, $162,000,000.
(3) For the Department of the Air Force, $124,874,000.

SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and

funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $2,354,285,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $2,354,285,000.

SEC. 2704. TRANSPORTATION PLAN FOR BRAC 133 PROJECT UNDER FORT BELVOIR, VIRGINIA, BRAC INITIATIVE.

(a) SUBMISSION OF TRANSPORTATION PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a transportation plan for the BRAC 133 project.

(b) TRANSPORTATION PLAN CONDITIONS.—The transportation plan for the BRAC 133 project must address ingress and egress of all personnel to and from the BRAC 133 project site. The transportation plan shall also assess the costs and programming of short-, medium-, and long-term projects, and the use of other methods of transportation, that are necessary to maintain existing level of service, and the proposed funding source to obtain such levels of service, at the following six intersections

(1) The intersection of Beauregard Street and Mark Center Drive.

(2) The intersection of Beauregard Street and Seminary Road.

(3) The intersection of Seminary Road and Mark Center Drive.

(4) The intersection of Seminary Road and the northbound entrance-ramp to I–395.

(5) The intersection of Seminary Road and the northbound exit-ramp from I–395.

(6) The intersection of Seminary Road and the southbound exit-ramp from I–395.

(c) INSPECTOR GENERAL REPORT.—Not later than September 15, 2011, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report evaluating the sufficiency and coordination conducted in completing the requisite environmental studies associated with the site selection of the BRAC 133 project pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Inspector General shall give specific attention to the transportation determinations associated with the BRAC 133 project and review and provide comment on the transportation plan for the BRAC 133 project and the plan's adherence to the conditions imposed by subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term "BRAC 133 project" refers to the proposed office complex to be developed at an established mixed-use

business park in Alexandria, Virginia, to implement recommendation 133 of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "level of service" has the meaning given that term in the most-recent Highway Capacity Manual of the Transportation Research Board.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Availability of military construction information on Internet.
Sec. 2802. Use of Pentagon Reservation Maintenance Revolving Fund for construction or alteration at Pentagon Reservation.
Sec. 2803. Reduced reporting time limits for certain military construction and real property reports when submitted in electronic media.
Sec. 2804. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
Sec. 2805. Sense of Congress and report regarding employment of veterans to work on military construction projects.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Notice-and-wait requirements applicable to real property transactions.
Sec. 2812. Treatment of proceeds generated from leases of non-excess property involving military museums.
Sec. 2813. Limitation on enhanced use leases of non-excess property.
Sec. 2814. Repeal of expired authority to lease land for special operations activities.
Sec. 2815. Former Naval Bombardment Area, Culebra Island, Puerto Rico.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2821. Extension of term of Deputy Secretary of Defense's leadership of Guam Oversight Council.
Sec. 2822. Utility conveyances to support integrated water and wastewater treatment system on Guam.
Sec. 2823. Report on types of facilities required to support Guam realignment.
Sec. 2824. Report on civilian infrastructure needs for Guam.

Subtitle D—Energy Security

Sec. 2831. Consideration of environmentally sustainable practices in Department energy performance plan.
Sec. 2832. Enhancement of energy security activities of the Department of Defense.

Subtitle E—Land Conveyances

Sec. 2841. Land conveyance, Defense Fuel Support Point (DFSP) Whittier, Alaska.
Sec. 2842. Land conveyance, Fort Knox, Kentucky.
Sec. 2843. Land conveyance, Naval Support Activity (West Bank), New Orleans, Louisiana.
Sec. 2844. Land conveyance, former Navy Extremely Low Frequency communications project site, Republic, Michigan.
Sec. 2845. Land conveyance, Marine Forces Reserve Center, Wilmington, North Carolina.

Subtitle F—Other Matters

Sec. 2851. Limitation on availability of funds pending report regarding construction of a new outlying landing field in North Carolina and Virginia.
Sec. 2852. Requirements related to providing world class military medical centers.
Sec. 2853. Report on fuel infrastructure sustainment, restoration, and modernization requirements.
Sec. 2854. Naming of Armed Forces Reserve Center, Middletown, Connecticut.
Sec. 2855. Sense of Congress on proposed extension of the Alaska Railroad corridor across Federal land in Alaska.

Sec. 2856. Sense of Congress on improving military housing for members of the Air Force.
Sec. 2857. Sense of Congress regarding recreational hunting and fishing on military installations.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. AVAILABILITY OF MILITARY CONSTRUCTION INFORMATION ON INTERNET.

(a) MODIFICATION OF INFORMATION REQUIRED TO BE PROVIDED.—Paragraph (2) of subsection (c) of section 2851 of title 10, United States Code, is amended—

(1) by striking subparagraph (F); and

(2) by redesignating subparagraphs (G) and (H) as subparagraphs (F) and (G), respectively.

(b) EXPANDED AVAILABILITY OF INFORMATION.—Such subsection is further amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in paragraph (1), by striking "that, when activated by a person authorized under paragraph (3), will permit the person" and inserting "that will permit a person"; and

(2) in paragraph (3), as redesignated by subsection (b)(2)—

(A) by striking "to the persons referred to in paragraph (3)" and inserting "on the Internet site required by such paragraph"; and

(B) by striking "to such persons".

SEC. 2802. USE OF PENTAGON RESERVATION MAINTENANCE REVOLVING FUND FOR CONSTRUCTION OR ALTERATION AT PENTAGON RESERVATION.

Section 2674(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "Monies" and inserting "Subject to paragraphs (3) and (4), monies"; and

(2) by adding at the end the following new paragraphs:

"(3) If the cost of a construction or alteration activity proposed to be financed in whole or in part using monies from the Fund will exceed the limitation specified in section 2805 of this title for a comparable unspecified minor military construction project, the activity shall be subject to authorization as provided by section 2802 of this title before monies from the Fund are obligated for the activity.

"(4) The authority of the Secretary to use monies from the Fund to support construction or alteration activities at the Pentagon Reservation expires on September 30, 2012.".

SEC. 2803. REDUCED REPORTING TIME LIMITS FOR CERTAIN MILITARY CONSTRUCTION AND REAL PROPERTY REPORTS WHEN SUBMITTED IN ELECTRONIC MEDIA.

(a) CONVEYANCE OF PROPERTY FOR NATURAL RESOURCE CONSERVATION.—Section 2694a(e) of title 10 United States Code, is amended by inserting before the period at the end the following: "or, if earlier, a period of 14 days has elapsed from the date

on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title".

(b) NATO SECURITY INVESTMENT CONTRIBUTIONS.—Section 2806(c)(2)(B) of such title is amended by inserting before the period at the end the following: "or, if earlier, a period of 14 days has elapsed from the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title".

(c) FORD ISLAND DEVELOPMENT.—Section 2814(g)(2) of such title is amended by inserting before the period at the end the following: "or, if earlier, a period of 20 days has elapsed from the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title".

(d) LEASING OF MILITARY FAMILY HOUSING.—Section 2828(f)(2) of such title is amended by inserting before the period at the end the following: "or, if earlier, a period of 14 days has elapsed from the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title".

(e) LEASING OF MILITARY FAMILY HOUSING TO BE CONSTRUCTED.—Section 2835(g)(2) of such title is amended—

(1) by striking "calendar"; and

(2) by inserting before the period at the end the following: "or, if earlier, a period of 14 days has elapsed from the date on which a copy of the analysis is provided in an electronic medium pursuant to section 480 of this title".

(f) ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.—Section 2881a(e)(2) of such title is amended by inserting before the period at the end the following: "or, if earlier, a period of 20 days has elapsed from the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title".

(g) USE OF MILITARY CONSTRUCTION ALTERNATIVE AUTHORITY.—Section 2884(a)(4) of such title is amended by inserting before the period at the end the following: "or, if earlier, a period of 20 days has elapsed from the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title".

SEC. 2804. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) INCLUSION OF AREA FORMERLY WITHIN UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.—Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by subsections (a) and (b) of section 2806 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2662), is amended by striking "United States Central Command area of responsibility" and inserting "area of responsibility of the United States Central Command or the area of responsibility and area of interest of Combined Task Force-Horn of Africa".

(b) ANNUAL LIMITATION ON USE OF AUTHORITY IN AFGHANISTAN.—Subsection (c)(2) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2806(c) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2663), is amended—

(1) by striking "$300,000,000 in funds available for operation and maintenance for fiscal year 2010 may be used in Afghanistan upon completing the prenotification requirements under subsection (b)" and inserting "$100,000,000 in funds available for operation and maintenance for fiscal year 2011 may be used in Afghanistan subject to the notification requirements under subsection (b)"; and

(2) by striking "$500,000,000" and inserting "$300,000,000".

(c) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as added by section 2806(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2662), is amended—

(1) in paragraph (1), by striking "September 30, 2010" and inserting "September 30, 2011"; and

(2) in paragraph (2), by striking "fiscal year 2011" and inserting "fiscal year 2012".

(d) DEFINITION.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723) is amended by adding at the end the following new subsection:

"(i) DEFINITIONS.—In this section:

"(1) The term 'area of responsibility', with respect to the Combined Task Force-Horn of Africa, is Kenya, Somalia, Ethiopia, Sudan, Eritrea, Djibouti, and Seychelles.

"(2) The term 'area of interest', with respect to the Combined Task Force-Horn of Africa, is Yemen, Tanzania, Mauritius, Madagascar, Mozambique, Burundi, Rwanda, Comoros, Chad, the Democratic Republic of Congo, and Uganda.".

SEC. 2805. SENSE OF CONGRESS AND REPORT REGARDING EMPLOYMENT OF VETERANS TO WORK ON MILITARY CONSTRUCTION PROJECTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should establish a Veterans to Work program to provide an opportunity for apprentices, who are also veterans, to work on military construction projects.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes at a minimum the following:

(A) An assessment of the number of unemployed apprentices, who are also veterans, with data presented by appropriate age groupings.

(B) An evaluation of benefits to be derived from establishing a program to employ apprentices, who are also veterans, in military construction projects, including the impacts of the program on the following:

(i) Workforce sustainability.

(ii) Workforce skills enhancement.

(iii) Short- and long-term cost-effectiveness.

(iv) Improved veteran employment in sustainable wage fields.

(C) Any challenges, difficulties, or problems projected in recruiting apprentices, who are also veterans.

(2) CONSULTATION.—The Secretary of Defense shall prepare the report in consultation with the Secretary of Labor and the Secretary of Veterans Affairs.

(c) DEFINITIONS.—In this section:

(1) The term "apprentice" means an individual who is employed pursuant to, and individually registered in, a qualified apprenticeship program.

(2) The term "qualified apprenticeship program" means an apprenticeship or other training program that qualifies as an employee welfare benefit plan, as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

(3) The term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. NOTICE-AND-WAIT REQUIREMENTS APPLICABLE TO REAL PROPERTY TRANSACTIONS.

(a) EXCEPTION FOR LEASES UNDER BASE CLOSURE PROCESS.—Subsection (a)(1)(C) of section 2662 of title 10, United States Code, is amended by inserting after "United States" the following: "(other than a lease or license entered into under section 2667(g) of this title)".

(b) REPEAL OF ANNUAL REPORT ON MINOR REAL ESTATE TRANSACTIONS.—Subsection (b) of such section is repealed.

(c) GEOGRAPHIC SCOPE OF REQUIREMENTS.—Subsection (c) of such section is amended—

(1) by striking "GEOGRAPHIC SCOPE; EXCEPTED" and inserting "EXCEPTED";

(2) by striking the first sentence; and

(3) by striking "It does not" and inserting "This section does not".

(d) REPEAL OF NOTICE AND WAIT REQUIREMENT REGARDING GSA LEASES OF SPACE FOR DOD.—Subsection (e) of such section is repealed.

(e) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—Such section is further amended by inserting after subsection (a) the following new subsection:

"(b) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—(1) In the case of a proposed lease or license of real property owned by the United States covered by paragraph (1)(C) of subsection (a), the Secretary concerned shall comply with the notice-and-wait requirements of paragraph (3) of such subsection before—

"(A) issuing a contract solicitation or other lease offering with regard to the transaction; and

"(B) providing public notice regarding any meeting to discuss a proposed contract solicitation with regard to the transaction.

"(2) The report under paragraph (3) of subsection (a) shall include the following with regard to a proposed transaction covered by paragraph (1)(C) of such subsection:

"(A) A description of the proposed transaction, including the proposed duration of the lease or license.

"(B) A description of the authorities to be used in entering into the transaction.

"(C) A statement of the scored cost of the entire transaction, determined using the scoring criteria of the Office of Management and Budget.

"(D) A determination that the property involved in the transaction is not excess property, as required by section 2667(a)(3) of this title, including the basis for the determination.

"(E) A determination that the proposed transaction is directly compatible with the mission of the military installation or Defense Agency at which the property is located and a description of the anticipated long-term use of the property at the conclusion of the lease or license.

"(F) A description of the requirements or conditions within the contract solicitation or other lease offering for the person making the offer to address taxation issues, including payments-in-lieu-of taxes, and other development issues related to local municipalities.

"(G) If the proposed lease involves a project related to energy production, a certification by the Secretary of Defense that the project, as it will be specified in the contract solicitation or other lease offering, is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.

"(3) The Secretary concerned may not enter into the actual lease or license with respect to property for which the information required by paragraph (2) was submitted in a report under subsection (a)(3) unless the Secretary again complies with the notice-and-wait requirements of such subsection. The subsequent report shall include the following with regard to the proposed transaction:

"(A) A cross reference to the prior report that contained the information submitted under paragraph (2) with respect to the transaction.

"(B) A description of the differences between the information submitted under paragraph (2) and the information regarding the transaction being submitted in the subsequent report.

"(C) A description of the payment to be required in connection with the lease or license, including a description of any in-kind consideration that will be accepted.

"(D) A description of any community support facility or provision of community support services under the lease or license, regardless of whether the facility will be operated by a covered entity (as defined in section 2667(d) of this title) or the lessee or the services will be provided by a covered entity or the lessee.

"(E) A description of the competitive procedures used to select the lessee or, in the case of a lease involving the public benefit exception authorized by section 2667(h)(2) of this title, a description of the public benefit to be served by the lease.".

(f) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "the Secretary submits" in the matter preceding subparagraph (A) and inserting "the Secretary concerned submits"; and

(B) in paragraph (3), by striking "the Secretary of a military department or the Secretary of Defense" and inserting "the Secretary concerned";

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively;

(3) in subsection (f), as so redesignated—

(A) in paragraph (1), by striking ", and the reporting requirement set forth in subsection (e) shall not apply with respect to a real property transaction otherwise covered by that subsection,";

(B) in paragraph (3), by striking "or (e), as the case may be"; and

(C) by striking paragraph (4); and

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

"(g) SECRETARY CONCERNED DEFINED.—In this section, the term 'Secretary concerned' includes, with respect to Defense Agencies, the Secretary of Defense.".

(g) CONFORMING AMENDMENTS TO LEASE OF NON-EXCESS PROPERTY AUTHORITY.—Section 2667 of such title is amended—

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

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

(3) in subsection (e)(1), by striking subparagraph (E); and

(4) in subsection (h)—

(A) by striking paragraphs (3) and (5); and

(B) by redesignating paragraph (4) as paragraph (3).

SEC. 2812. TREATMENT OF PROCEEDS GENERATED FROM LEASES OF NON-EXCESS PROPERTY INVOLVING MILITARY MUSEUMS.

Section 2667(e)(1) of title 10, United States Code, as amended by section 2811(g), is amended by inserting after subparagraph (D) the following new subparagraph (E):

"(E) If the proceeds deposited in the special account established for the Secretary concerned are derived from activities associated with a military museum described in section 489(a) of this title, the proceeds shall be available for activities described in subparagraph (C) only at that museum.".

SEC. 2813. LIMITATION ON ENHANCED USE LEASES OF NON-EXCESS PROPERTY.

(a) IN GENERAL.—Section 2667(b)(7) of title 10, United States Code, is amended by striking the period at the end and inserting ", or otherwise commit the Secretary concerned or the Department of Defense to annual payments in excess of such amount.".

(b) ARMED FORCES RETIREMENT HOME.—Section 1511(i)(2) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(i)(2)) is amended—

(1) in subparagraph (D), by striking "; and" and inserting a semicolon;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) may not provide for a leaseback by the Retirement Home with an annual payment in excess of $100,000, or otherwise commit the Retirement Home or the Department of Defense to annual payments in excess of such amount.".

SEC. 2814. REPEAL OF EXPIRED AUTHORITY TO LEASE LAND FOR SPECIAL OPERATIONS ACTIVITIES.

(a) REPEAL.—Section 2680 of title 10, United States Code, is repealed.

(b) EFFECT OF REPEAL.—The amendment made by subsection (a) shall not affect the validity of any contract entered into under section 2680 of title 10, United States Code, on or before September 30, 2005.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2680.

SEC. 2815. FORMER NAVAL BOMBARDMENT AREA, CULEBRA ISLAND, PUERTO RICO.

(a) STUDY REQUIRED.—At the request of the Commonwealth of Puerto Rico, the Secretary of Defense shall conduct a study relating to the presence of unexploded ordnance in a portion of the former bombardment area at Culebra Island, Puerto Rico, transferred to the Commonwealth of Puerto Rico by quitclaim deed. The Secretary shall complete the study within 270 days after receiving the request from the Commonwealth.

(b) CONTENTS OF STUDY.—The study shall include a specific assessment of Flamenco Beach located within the former bombardment area and shall include the following elements for each area:

(1) An estimate of the type and amount of unexploded ordnance.

(2) An estimate of the cost of removing unexploded ordnance.

(3) An examination of the impact of such removal on any endangered or threatened species and their habitat.

(4) An examination of current public access to the former bombardment area.

(5) An examination of any threats to public health or safety and the environment from unexploded ordnance.

(c) CONSULTATION WITH COMMONWEALTH.—In conducting the study, the Secretary of Defense shall consult with the Commonwealth of Puerto Rico regarding the Commonwealth's planned future uses of the former bombardment area. The Secretary shall consider the Commonwealth's planned future uses in developing any conclusions or recommendations the Secretary may include in the study.

(d) DEFINITIONS.—In this section:

(1) The term "quitclaim deed" refers to the quitclaim deed from the United States to the Commonwealth of Puerto Rico, signed by the Secretary of the Interior on August 11, 1982, for that portion of Tract (1b) consisting of the former bombardment area on the island of Culebra, Puerto Rico.

(2) The term "unexploded ordnance" has the meaning given that term by section 101(e)(5) of title 10, United States Code.

Subtitle C—Provisions Related to Guam Realignment

SEC. 2821. EXTENSION OF TERM OF DEPUTY SECRETARY OF DEFENSE'S LEADERSHIP OF GUAM OVERSIGHT COUNCIL.

Subsection (d) of section 132 of title 10, United States Code, as added by section 2831(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2669), is amended by striking "September 30, 2015" and inserting "September 30, 2020".

SEC. 2822. UTILITY CONVEYANCES TO SUPPORT INTEGRATED WATER AND WASTEWATER TREATMENT SYSTEM ON GUAM.

(a) CONVEYANCE OF UTILITIES.—The Secretary of Defense may convey to the Guam Waterworks Authority (in this section referred to as the "Authority") all right, title, and interest of the United States in and to the water and wastewater treatment utility systems on Guam, including the Fena Reservoir, for the purpose of establishing an integrated water and wastewater treatment system on Guam.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the conveyance of the water and wastewater treatment utility systems on Guam, the Authority shall pay to the Secretary of Defense an amount equal to the fair market value of the utility infrastructure to be conveyed, as determined pursuant to an agreement between the Secretary and the Authority.

(2) DEFERRED PAYMENTS.—At the discretion of the Authority, the Authority may elect to pay the consideration determined under paragraph (1) in equal annual payments over a period of not more than 25 years, starting with the first year beginning after the date of the conveyance of the water and wastewater treatment utility systems to the Authority.

(3) ACCEPTANCE OF IN-KIND SERVICES.—The consideration required by paragraph (1) may be paid in cash or in-kind, as acceptable to the Secretary of Defense. The Secretary of Defense, in consultation with the Secretary of the Interior, shall consider the value of in-kind services provided by the Government of Guam pursuant to section 311 of the Compact of Free Association between the Government of the United States and the Government of the Federated States of Micronesia, approved by Congress in the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 117 Stat. 2781), section 311 of the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands, approved by Congress in such Act, and the Compact of Free Association between the Government of the United States and the Government of the Republic of Palau, approved by Congress in the Palau Compact of Free Association Act (Public Law 99–658; 100 Stat. 3672).

(c) CONDITION OF CONVEYANCE.—As a condition of the conveyance under subsection (a), the Secretary of Defense must obtain at least a 33 percent voting representation on the Guam Consolidated Commission on Utilities, including a proportional representation as chairperson of the Commission.

(d) IMPLEMENTATION REPORT.—

(1) REPORT REQUIRED.—If the Secretary of Defense determines to use the authority provided by subsection (a) to convey the water and wastewater treatment utility systems to the Authority, the Secretary shall submit to the congressional defense committees a report containing—

(A) a description of the actions needed to efficiently convey the water and wastewater treatment utility systems to the Authority; and

(B) an estimate of the cost of the conveyance.

(2) SUBMISSION.—The Secretary shall submit the report not later than 30 days after the date on which the Secretary makes the determination triggering the report requirement.

(e) NEW WATER SYSTEMS.—If the Secretary of Defense determines to use the authority provided by subsection (a) to convey the water and wastewater treatment utility systems to the Authority, the Secretary shall also enter into an agreement with the Authority, under which the Authority will manage and operate any water well or wastewater treatment plant that is constructed by the Secretary of a military department on Guam on or after the date of the enactment of this Act.

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary of Defense may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(g) TECHNICAL ASSISTANCE.—

(1) ASSISTANCE AUTHORIZED; REIMBURSEMENT.—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may provide technical assistance to the Secretary of Defense and the Authority regarding the development of plans for the design, construction, operation, and maintenance of integrated water and wastewater treatment utility systems on Guam.

(2) CONTRACTING AUTHORITY; CONDITION.—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may enter into memoranda of understanding, cooperative agreements, and other agreements with the Secretary of Defense to provide technical assistance as described in paragraph (1) under such terms and conditions as the Secretary of the Interior and the Secretary of Defense consider appropriate, except that costs incurred by the Secretary of the Interior to provide technical assistance under paragraph (1) shall be covered by the Secretary of Defense.

(3) REPORT AND OTHER ASSISTANCE.—Not later than one year after date of the enactment of this Act, the Secretary of the Interior and the Secretary of Defense shall submit to the congressional defense committees, the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate a report detailing the following:

(A) Any technical assistance provided under paragraph (1) and information pertaining to any memoranda of understanding, cooperative agreements, and other agreements entered into pursuant to paragraph (2).

(B) An assessment of water and wastewater systems on Guam, including cost estimates and budget authority, including authorities available under the Acts of June 17,

1902, and June 12, 1906 (popularly known as the Reclamation Act; 43 U.S.C. 391) and other authority available to the Secretary of the Interior, for financing the design, construction, operation, and maintenance of such systems.

(C) The needs related to water and wastewater infrastructure on Guam and the protection of water resources on Guam identified by the Authority.

SEC. 2823. REPORT ON TYPES OF FACILITIES REQUIRED TO SUPPORT GUAM REALIGNMENT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the congressional defense committees a report on the structural integrity of facilities required to support the realignment of military installations and the relocation of military personnel on Guam.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall contain the following elements:

(1) A threat assessment to the realigned forces, including natural and manmade threats.

(2) An evaluation of the types of facilities and the enhanced structural requirements required to deter the threat assessment specified in paragraph (1).

(3) An assessment of the costs associated with the enhanced structural requirements specified in paragraph (2).

SEC. 2824. REPORT ON CIVILIAN INFRASTRUCTURE NEEDS FOR GUAM.

(a) REPORT REQUIRED.—The Secretary of the Interior shall prepare a report—

(1) detailing the civilian infrastructure improvements needed on Guam to directly and indirectly support and sustain the realignment of military installations and the relocation of military personnel on Guam; and

(2) identifying, to the maximum extent practical, the potential funding sources for such improvements from other Federal departments and agencies and from existing authorities and funds within the Department of Defense.

(b) CONSULTATION.—The Secretary of the Interior shall prepare the report required by subsection (a) in consultation with the Secretary of Defense, the Government of Guam, and the Interagency Group on the Insular Areas established by Executive Order No. 13537.

(c) SUBMISSION.—The Secretary of the Interior shall submit the report required by subsection (a) to the congressional defense committees and the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act.

Subtitle D—Energy Security

SEC. 2831. CONSIDERATION OF ENVIRONMENTALLY SUSTAINABLE PRACTICES IN DEPARTMENT ENERGY PERFORMANCE PLAN.

Section 2911(c) of title 10, United States Code, is amended—

(1) in paragraph (4), by inserting "and hybrid-electric drive" after "alternative fuels";

(2) by redesignating paragraph (9) as paragraph (11);

(3) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(4) by inserting after paragraph (4) the following new paragraph:

"(5) Opportunities for the high-performance construction, lease, operation, and maintenance of buildings."; and

(5) by inserting after paragraph (9) (as redesignated by paragraph (3)) the following new paragraph:

"(10) The value of incorporating electric, hybrid-electric, and high efficiency vehicles into vehicle fleets.".

SEC. 2832. ENHANCEMENT OF ENERGY SECURITY ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) ENERGY PERFORMANCE MASTER PLAN.—

(1) ENHANCEMENT OF ENERGY PERFORMANCE PLAN TO MASTER PLAN.—Subsection (b) of section 2911 of title 10, United States Code, is amended to read as follows:

"(b) ENERGY PERFORMANCE MASTER PLAN.—(1) The Secretary of Defense shall develop a comprehensive master plan for the achievement of the energy performance goals of the Department of Defense, as set forth in laws, executive orders, and Department of Defense policies.

"(2) The master plan shall include the following:

"(A) A separate master plan, developed by each military department and Defense Agency, for the achievement of energy performance goals.

"(B) The use of a baseline standard for the measurement of energy consumption by transportation systems, support systems, utilities, and facilities and infrastructure that is consistent for all of the military departments.

"(C) A method of measurement of reductions or conservation in energy consumption that provides for the taking into account of changes in the current size of fleets, number of facilities, and overall square footage of facility plants.

"(D) Metrics to track annual progress in meeting energy performance goals.

"(E) A description of specific requirements, and proposed investments, in connection with the achievement of energy performance goals reflected in the budget of the President for each fiscal year (as submitted to Congress under section 1105(a) of title 31).

"(3) Not later than 30 days after the date on which the budget of the President is submitted to Congress for a fiscal year under section 1105(a) of title 31, the Secretary shall submit the current version of the master plan to Congress.".

(2) CONFORMING AMENDMENTS.—Such section is further amended by striking "plan" each place it appears and inserting "master plan".

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

"§ 2911. Energy performance goals and master plan for the Department of Defense".

(b) EXPANSION OF FACILITIES FOR WHICH USE OF RENEWABLE ENERGY AND ENERGY EFFICIENT PRODUCTS IS REQUIRED.—

(1) RENEWABLE ENERGY.—Subsection (a) of section 2915 of title 10, United States Code, is amended—

(A) by inserting "and facility repairs and renovations" after "military family housing projects)"; and

(B) by striking "energy performance plan" and inserting "energy performance master plan".

(2) CONSIDERATION IN DESIGN.—Subsection (b)(1) of such section is amended by striking "the design" and all that follows and inserting the following: "the design for the construction, repair, or renovation of facilities (including family housing and back-up power generation facilities) requires consideration of energy systems using solar energy or other renewable forms of energy when use of a renewable form of energy—

"(A) is consistent with the energy performance goals and energy performance master plan for the Department of Defense developed under section 2911 of this title; and

"(B) supported by the special considerations specified in subsection (c) of such section.".

(3) ENERGY EFFICIENT PRODUCTS.—Subsection (e) of such section is amended—

(A) by striking the heading and inserting the following: "USE OF ENERGY EFFICIENT PRODUCTS IN FACILITIES.—";

(B) in paragraph (1)—

(i) by striking "new facility construction" and inserting "construction, repair, or renovation of facilities"; and

(ii) by striking "energy performance plan" and inserting "energy performance master plan";

(C) by redesignating paragraph (2) as paragraph (3); and

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

"(2) For purposes of this subsection, energy efficient products may include, at a minimum, the following technologies, consistent with the products specified in paragraph (3):

"(A) Roof-top solar thermal, photovoltaic, and energy reducing coating technologies.

"(B) Energy management control and supervisory control and data acquisition systems.

"(C) Energy efficient heating, ventilation, and air conditioning systems.

"(D) Thermal windows and insulation systems.

"(E) Electric meters.

"(F) Lighting, equipment, and appliances that are designed to use less electricity.

"(G) Hybrid vehicle plug-in charging stations.

"(H) Solar-power collecting structures to shade vehicle parking areas.

"(I) Wall and roof insulation systems and air infiltration-mitigation systems, such as weatherproofing.".

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

"§ 2915. Facilities: use of renewable forms of energy and energy efficient products".

(c) OTHER AMENDMENTS.—

(1) CONFORMING AMENDMENT.—Section 2925(a) of title 10, United States Code, is amended by striking "energy performance plan" each place it appears and inserting "energy performance master plan".

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter I of chapter 173 of such title is amended—

(A) by striking the item relating to section 2911 and inserting the following new item:

"2911. Energy performance goals and master plan for the Department of Defense."; and

(B) by striking the item relating to section 2915 and inserting the following new item:

"2915. Facilities: use of renewable forms of energy and energy efficient products.".

Subtitle E—Land Conveyances

SEC. 2841. LAND CONVEYANCE, DEFENSE FUEL SUPPORT POINT (DFSP) WHITTIER, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army or the Secretary of the Air Force may convey to the City of Whittier, Alaska (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 62 acres, located at the Defense Fuel Support Point (DFSP) Whittier, Alaska, that the Secretary making the conveyance considers appropriate in the public interest.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the Secretary conveying the property an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary. The Secretary's determination shall be final. In lieu of all or a portion of cash payment of consideration, the Secretary may accept in-kind consideration, including environmental remediation for the property conveyed.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary conveying property under subsection (a) shall require the City to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City of Whittier.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and

subject to the same conditions and limitations, as amounts in such fund or account.

(d) COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(e) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyance under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Interior.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary making the conveyance under subsection (a) may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. LAND CONVEYANCE, FORT KNOX, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Department of Veterans Affairs of the Commonwealth of Kentucky (in this section referred to as the "Department") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 194 acres at Fort Knox, Kentucky, for the purpose of permitting the Department to establish and operate a State veterans home and future expansion of the adjacent State veterans cemetery for veterans and eligible family members of the Armed Forces.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OR COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including costs related to environmental documentation and other administrative costs. This paragraph does not apply to costs associated with the environmental remediation of the property to be conveyed.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts

so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. LAND CONVEYANCE, NAVAL SUPPORT ACTIVITY (WEST BANK), NEW ORLEANS, LOUISIANA.

(a) CONVEYANCE AUTHORIZED.—Except as provided in subsection (b), the Secretary of the Navy may convey to the Algiers Development District all right, title, and interest of the United States in and to the real property comprising the Naval Support Activity (West Bank), New Orleans, Louisiana, including—

(1) any improvements and facilities on the real property; and

(2) available personal property on the real property.

(b) CERTAIN PROPERTY EXCLUDED.—The conveyance under subsection (a) may not include—

(1) the approximately 29-acre area known as the Secured Area of the real property described in such subsection, which shall remain subject to the Lease; and

(2) the Quarters A site, which is located at Sanctuary Drive, as determined by a survey satisfactory to the Secretary of the Navy.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(d) TIMING.—The authority provided in subsection (a) may only be exercised after—

(1) the Secretary of the Navy determines that the property described in subsection (a) is no longer needed by the Department of the Navy; and

(2) the Algiers Development District delivers the full consideration as required by Article 3 of the Lease.

(e) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall include a condition that expressly prohibits any use of the property that would interfere or otherwise restrict operations of the Department of the Navy in the Secured Area referred to in subsection (b), as determined by the Secretary of the Navy.

(f) SUBSEQUENT CONVEYANCE OF SECURED AREA.—If at any time the Secretary of the Navy determines and notifies the Algiers Development District that there is no longer a continuing requirement to occupy or otherwise control the Secured Area referred to in subsection (b) to support the mission of the Marine Forces Reserve or other comparable Marine Corps use, the Secretary may convey to the Algiers Development District the Secured Area and the any improvements situated thereon.

(g) SUBSEQUENT CONVEYANCE OF QUARTERS A.—If at any time the Secretary of the Navy determines that the Department of the

Navy no longer has a continuing requirement for general officers quarters to be located on the Quarters A site referred to in subsection (b) or the Department of the Navy elects or offers to transfer, sell, lease, assign, gift or otherwise convey any or all of the Quarters A site or any improvements thereon to any third party, the Secretary may convey to the Algiers Development District the real property containing the Quarters A site.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance of property under this section, consistent with the Lease, as the Secretary considers appropriate to protect the interest of the United States.

(i) DEFINITIONS.—In this section:

(1) The term "Algiers Development District" means the Algiers Development District, a local political subdivision of the State of Louisiana.

(2) The term "Lease" means that certain Real Estate Lease for Naval Support Activity New Orleans, West Bank, New Orleans, Louisiana, Lease No. N47692–08–RP–08P30, by and between the United States, acting by and through the Department of the Navy, and the Algiers Development District dated September 30, 2008.

SEC. 2844. LAND CONVEYANCE, FORMER NAVY EXTREMELY LOW FREQUENCY COMMUNICATIONS PROJECT SITE, REPUBLIC, MICHIGAN.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to Humboldt Township in Marquette County, Michigan, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in Republic, Michigan, consisting of approximately seven acres and formerly used as an Extremely Low Frequency communications project site, for the purpose of permitting the Township to use the property for public benefit.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2845. LAND CONVEYANCE, MARINE FORCES RESERVE CENTER, WILMINGTON, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the North Carolina State Port Authority of Wilmington, North Carolina (in this section referred to as the "Port Authority"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 3.03 acres and known as the Marine Forces Reserve Center in Wilmington, North Carolina, for the purpose of permitting the Port Authority to use the parcel for development of a port facility and for other public purposes.

(b) INCLUSION OF PERSONAL PROPERTY.—The Secretary of the Navy may include as part of the conveyance under subsection (a) personal property of the Navy at the Marine Forces Reserve Center that the Secretary of Transportation recommends is appropriate for the development or operation of the port facility and

the Secretary of the Navy agrees is excess to the needs of the Navy.

(c) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary of the Navy may lease the property to the Port Authority.

(d) CONSIDERATION.—

(1) CONVEYANCE.—The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Navy determines that the Port Authority satisfies the criteria specified in section 554 of title 40, United States Code, and regulations prescribed to implement such section. If the Secretary determines that the Port Authority fails to qualify for a public benefit conveyance, but still desires to acquire the property, the Port Authority shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary.

(2) LEASE.—The Secretary of the Navy may accept as consideration for a lease of the property under subsection (c) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy and the Port Authority. The cost of such survey shall be borne by the Port Authority.

(f) ADDITIONAL TERMS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2851. LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORT REGARDING CONSTRUCTION OF A NEW OUTLYING LANDING FIELD IN NORTH CAROLINA AND VIRGINIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Navy has studied the feasibility and potential locations of a new outlying landing field on the East Coast since 2001.

(2) Since January 2008, the Navy has studied five potential sites in North Carolina and Virginia, whose communities have expressed opposition. Some local governments where the sites under consideration are located have taken formal action in opposition by resolution or correspondence to the Navy and congressional officials.

(b) LIMITATION ON FUNDS PENDING REPORT.—

(1) IN GENERAL.—The Secretary of the Navy may not obligate or expend funds for the study or development of a new outlying landing field in North Carolina or Virginia after fiscal year 2011 until the Secretary has provided the congressional defense committees a report on the Navy's efforts with respect to the outlying landing field.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall include the following:

(A) A description of the actual training requirements and completed training events involving Fleet Carrier Landing Practice operations at Naval Air Station Oceana and Naval Auxiliary Landing Field Fentress for the previous 10 years, to include statistics for the current fiscal year.

(B) An assessment of the aviation training requirements and completed aviation training events conducted on all existing Navy outlying landing fields and installations located in North Carolina and Virginia, to include statistics for the current fiscal year.

(C) An assessment of the suitability of all Naval installations in North Carolina and Virginia to conduct Fleet Carrier Landing Practice operations, including necessary facility modifications and requirements to de-conflict with current operations at each installation.

(D) A description of the estimated funding necessary to construct a new outlying landing field at each of the five sites under current consideration, and a cost comparison analysis between construction of a new outlying landing field versus use of an existing facility.

(E) A description of all completed or pending environmental studies conducted on any of the five sites currently under consideration, including the methodology, conclusions, and recommendations.

(F) Criteria for the basing of the Joint Strike Fighter F-35 aircraft and a description of the outlying landing field facilities that will be required to support its training requirements.

SEC. 2852. REQUIREMENTS RELATED TO PROVIDING WORLD CLASS MILITARY MEDICAL CENTERS.

(a) UNIFIED CONSTRUCTION STANDARD FOR MILITARY CONSTRUCTION AND REPAIRS TO MILITARY MEDICAL CENTERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a unified construction standard for military construction and repairs for military medical centers that provides a single standard of care. This standard shall also include—

(1) size standards for operating rooms and patient recovery rooms; and

(2) such other construction standards that the Secretary considers necessary to support military medical centers.

(b) INDEPENDENT REVIEW PANEL.—

(1) ESTABLISHMENT; PURPOSE.—The Secretary of Defense shall establish an independent advisory panel for the purpose of—

(A) reviewing the unified construction standards established pursuant to subsection (a) to determine the standards consistency with industry practices and benchmarks for world class medical construction;

(B) reviewing ongoing construction programs within the Department of Defense to ensure medical construction standards are uniformly applied across applicable military medical centers;

(C) assessing the approach of the Department of Defense approach to planning and programming facility improvements with specific emphasis on—

(i) facility selection criteria and proportional assessment system; and

(ii) facility programming responsibilities between the Assistant Secretary of Defense for Health Affairs and the Secretaries of the military departments;

(D) assessing whether the Comprehensive Master Plan for the National Capital Region Medical, dated April 2010, is adequate to fulfill statutory requirements, as required by section 2714 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2656), to ensure that the facilities and organizational structure described in the plan result in world class military medical centers in the National Capital Region; and

(E) making recommendations regarding any adjustments of the master plan referred to in subparagraph (D) that are needed to ensure the provision of world class military medical centers and delivery system in the National Capital Region.

(2) MEMBERS.—

(A) APPOINTMENTS BY SECRETARY.—The panel shall be composed of such members as determined by the Secretary of Defense, except that the Secretary shall include as members—

(i) medical facility design experts;

(ii) military healthcare professionals;

(iii) representatives of premier health care centers in the United States; and

(iv) former retired senior military officers with joint operational and budgetary experience.

(B) CONGRESSIONAL APPOINTMENTS.—The chairmen and ranking members of the Committees on the Armed Services of the Senate and House of Representatives may each designate one member of the panel.

(C) TERM.—Members of the panel may serve on the panel until the termination date specified in paragraph (7).

(D) COMPENSATION.—While performing duties on behalf of the panel, a member and any adviser referred to in paragraph (4) shall be reimbursed under Government travel regulations for necessary travel expenses.

(3) MEETINGS.—The panel shall meet not less than quarterly. The panel or its members may make other visits to military treatment centers and military headquarters in connection with the duties of the panel.

(4) STAFF AND ADVISORS.—The Secretary of Defense shall provide necessary administrative staff support to the panel. The panel may call in advisers for consultation.

(5) REPORTS.—

(A) INITIAL REPORT.—Not later than 120 days after the first meeting of the panel, the panel shall submit to the Secretary of Defense a written report containing—

(i) an assessment of the adequacy of the plan of the Department of Defense to address the items specified in subparagraphs (A) through (E) of paragraph (1) relating to the purposes of the panel; and

(ii) the recommendations of the panel to improve the plan.

(B) ADDITIONAL REPORTS.—Not later than February 1, 2011, and each February 1 thereafter until termination of the panel, the panel shall submit to the Secretary of Defense a report on the findings and recommendations of the panel to address any deficiencies identified by the panel.

(6) ASSESSMENT OF RECOMMENDATIONS.—Not later than 30 days after the date of the submission of each report under paragraph (5), the Secretary of Defense shall submit to the congressional defense committees a report including—

(A) a copy of the panel's assessment;

(B) an assessment by the Secretary of the findings and recommendations of the panel; and

(C) the plans of the Secretary for addressing such findings and recommendations.

(7) TERMINATION.—The panel shall terminate on September 30, 2015.

(c) DEFINITIONS.—In this section:

(1) NATIONAL CAPITAL REGION.—The term "National Capital Region" has the meaning given the term in section 2674(f) of title 10, United States Code.

(2) WORLD CLASS MILITARY MEDICAL CENTER.—The term "world class military medical center" has the meaning given the term "world class military medical facility" by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report titled "Achieving World Class—An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital" and published in May 2009, as required by section 2721 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4716).

SEC. 2853. REPORT ON FUEL INFRASTRUCTURE SUSTAINMENT, RESTORATION, AND MODERNIZATION REQUIREMENTS.

Not later than 270 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency shall submit to the congressional defense committees a report on the fuel infrastructure of the Department of Defense. The report shall include the following:

(1) Fiscal projections for fuel infrastructure sustainment, restoration, and modernization requirements to fully meet Department of Defense sustainment models and industry recapitalization practices.

(2) An assessment of the risk associated with not providing adequate funding to support such fuel infrastructure sustainment, restoration, and modernization requirements.

(3) An assessment of fuel infrastructure real property deficiencies impacting the ability of the Defense Logistics Agency to fully support mission requirements.

(4) An assessment of environmental liabilities associated with current fueling operations.

(5) A list of real property previously used to support fuel infrastructure and an assessment of the environmental liabilities associated with such real property and whether any of such real property can be declared excess to the needs of the Department of Defense.

(6) An assessment of the real property demarcation between the Secretaries of the military departments and the Defense Logistics Agency.

SEC. 2854. NAMING OF ARMED FORCES RESERVE CENTER, MIDDLETOWN, CONNECTICUT.

The newly constructed Armed Forces Reserve Center in Middletown, Connecticut, shall be known and designated as the "Major General Maurice Rose Armed Forces Reserve Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such Armed Forces Reserve Center shall be deemed to be a reference to the Major General Maurice Rose Armed Forces Reserve Center.

SEC. 2855. SENSE OF CONGRESS ON PROPOSED EXTENSION OF THE ALASKA RAILROAD CORRIDOR ACROSS FEDERAL LAND IN ALASKA.

(a) FINDING.—Congress finds that the Alaska Railroad proposes the extension of its railroad corridor over approximately 950 acres of land located south and east of North Pole, Alaska, including lands located near or adjacent to the Chena River spillway, Eielson Air Force Base, Tanana Flats Training Area (Fort Wainwright), Donnelly Training Area (Fort Wainwright), and Fort Greely.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of the Army and the Department of the Air Force should explore means of accommodating the railroad corridor expansion referred to in subsection (a) using existing authorities that will not adversely impact military missions, operations, and training.

SEC. 2856. SENSE OF CONGRESS ON IMPROVING MILITARY HOUSING FOR MEMBERS OF THE AIR FORCE.

(a) FINDING.—Congress makes the following findings:

(1) In the mid-1990s, the Department of Defense became concerned that inadequate and poor quality housing for members of the Armed Forces was adversely affecting the quality of life for members and their families and adversely affecting military readiness by contributing to decisions by members to leave the Armed Forces.

(2) At that time, the Department of Defense designated about 180,000 houses, or nearly two-thirds of its domestic family housing inventory, as inadequate and needing repair or complete replacement.

(3) The Department of Defense believed that it would need about $20,000,000,000 in appropriated funds and would take up to 40 years to eliminate poor quality military housing through new construction or renovation using its traditional military construction approach.

(4) In 1996, Congress enacted the Military Housing Privatization Initiative to provide the Department of Defense with a variety of authorities to obtain private sector financing

and management for the repair, renovation, construction, and management of military family housing.

(5) The Air Force has used the Military Housing Privatization Initiative to award 27 projects at 44 military bases to improve over 37,000 homes.

(6) The Air Force has received $7,100,000,000 in total development investment from the private sector for new housing with a taxpayer contribution of approximately $425,000,000, representing a 15 to 1 leveraging of taxpayer dollars.

(7) The Air Force, like the other military services, has been able to leverage varying conditions of housing at military bases into fiscally viable projects by packaging housing inventories at multiple bases into a single transaction.

(8) Congress has approved transactions involving the packaging of multiple bases as a critical tool to maximize the efficient use of taxpayer funds.

(9) Congress supports the goal of the Air Force to complete transactions for the repair, renovation, construction, and management of 100 percent of their military family housing inventory in the United States by December 31, 2012.

(10) The Air Force currently has 6 project solicitations prepared for open competition at 22 Air Force installations to improve over 15,000 homes.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force should use existing authority to carry out solicitations for the 6 military housing projects involving the packaging of 22 bases consistent with the goal of improving 15,000 homes for Air Force personnel and their families by December 31, 2012.

SEC. 2857. SENSE OF CONGRESS REGARDING RECREATIONAL HUNTING AND FISHING ON MILITARY INSTALLATIONS.

It is the sense of the Congress that—

(1) military installations that permit public access for recreational hunting and fishing should continue to permit such hunting and fishing where appropriate;

(2) permitting the public to access military installations for recreational hunting and fishing benefits local communities by conserving and promoting the outdoors and establishing positive relations between the civilian and defense sectors;

(3) any military installations that make recreational hunting and fishing permits available for purchase should provide a discounted rate for active and retired members of the Armed Forces and veterans with disabilities; and

(4) the Department of Defense, all of the service branches, and military installations that permit public access for recreational hunting and fishing should promote access to such installations by making the appropriate accommodations for members of the Armed Forces and veterans with disabilities.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Air Force construction and land acquisition project.
Sec. 2903. Authorized Defense Wide Construction and Land Acquisition Projects and Authorization of Appropriations.

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$270,000,000
	Delaram II	$4,400,000
	Dwyer	$74,100,000
	Frontenac	$8,400,000
	Kandahar	$80,400,000
	Maywand	$7,000,000
	Shank	$98,300,000
	Sharana	$12,400,000
	Shindand	$6,100,000
	Tarin Kowt	$29,600,000
	Tombstone/Bastion	$112,600,000
	Various locations	$100,000,000
	Wolverine	$13,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $816,300,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $78,350,000.

(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $79,716,000.

(4) OVERSIGHT.—For the Department of Defense Inspector General, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $7,000,000.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECT.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Oman	Al Musannah	$69,000,000
Qatar	Al Udeid	$63,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $132,000,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $49,584,000.

(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $13,422,000.

SEC. 2903. AUTHORIZED DEFENSE WIDE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and carry out military construction projects for the Defense Agencies for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Wide: Outside the United States

Country	Installation or Location	Amount
Classified Location	Classified Project	$41,900,000

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $41,900,000.

(2) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design authorized by section 2807 of title 10, United States Code, funds are hereby authorized

to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $4,600,000.

TITLE XXX—MILITARY CONSTRUCTION FUNDING TABLES

Sec. 3001. Military construction.
Sec. 3002. Overseas contingency operations.

SEC. 3001. MILITARY CONSTRUCTION.

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
	Alabama			
Army	Fort Rucker	Aviation Component Maintenance Shop	29,000	29,000
Army	Fort Rucker	Aviation Maintenance Facility	36,000	36,000
Army	Fort Rucker	Training Aids Center	4,650	4,650
	Alaska			
Army	Fort Greely	Fire Station	26,000	26,000
Army	Fort Richardson	Brigade Complex, Ph 1	67,038	67,038
Army	Fort Richardson	Multipurpose Machine Gun Range	12,200	12,200
Army	Fort Richardson	Simulations Center	34,000	34,000
Army	Fort Wainwright	Aviation Task Force Complex, Ph 1 Incr 2	30,000	0
Army	Fort Wainwright	Aviation Task Force Complex, Ph 2A (Hangar).	142,650	142,650
Army	Fort Wainwright	Aviation Task Force Complex, Ph 2B (Company Ops Facility).	27,000	27,000
Army	Fort Wainwright	Urban Assault Course	3,350	3,350
	California			
Army	Fort Irwin	Water Treatment and Distro System	0	0
Army	Presidio Monterey	Advanced Individual Training Barracks	63,000	63,000
Army	Presidio Monterey	General Instruction Building	39,000	39,000
Army	Presidio Monterey	Satellite Communications Facility	38,000	38,000
	Colorado			
Army	Fort Carson	Automated Sniper Field Fire Range	3,650	3,650
Army	Fort Carson	Battalion Headquarters	6,700	6,700
Army	Fort Carson	Brigade Complex	56,000	56,000
Army	Fort Carson	Simulations Center	40,000	40,000
	Florida			
Army	Eglin Ab	Chapel	6,900	6,900
Army	Miami-Dade County	Command & Control Facility	41,000	41,000
Army	US Army Garrison Miami	Commissary	19,000	0
	Georgia			
Army	Fort Benning	Land Acquisition	12,200	12,200
Army	Fort Benning	Museum Operations Support Building	32,000	0
Army	Fort Benning	Trainee Barracks, Ph 2	51,000	51,000
Army	Fort Benning	Training Battalion Complex, Ph 2	14,600	14,600
Army	Fort Benning	Training Battalion Complex, Ph 2	14,600	14,600
Army	Fort Benning	Vehicle Maintenance Shop	53,000	53,000
Army	Fort Gordon	Qualification Training Range	0	0
Army	Fort Gordon	Training Aids Center	4,150	4,150
Army	Fort Stewart	Automated Infantry Platoon Battle Course.	6,200	6,200
Army	Fort Stewart	Automated Multipurpose Machine Gun Range.	9,100	9,100
Army	Fort Stewart	Aviation Unit Operations Complex	47,000	47,000
Army	Fort Stewart	Battalion Complex	18,000	18,000
Army	Fort Stewart	General Instruction Building	8,200	8,200
Army	Fort Stewart	Modified Record Fire Range	3,750	3,750
Army	Fort Stewart	Simulations Center	26,000	26,000
Army	Fort Stewart	Training Aids Center	7,000	7,000

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
	Hawaii			
Army	Fort Shafter	Command & Control Facility, Ph 1	58,000	58,000
Army	Fort Shafter	Flood Mitigation	23,000	23,000
Army	Schofield Barracks	Barracks	98,000	98,000
Army	Schofield Barracks	Barracks	90,000	90,000
Army	Schofield Barracks	Training Aids Center	24,000	24,000
Army	Tripler Army Medical Center	Barracks	28,000	28,000
	Kansas			
Army	Fort Leavenworth	Vehicle Maintenance Shop	7,100	7,100
Army	Fort Riley	Automated Infantry Squad Battle Course	4,100	4,100
Army	Fort Riley	Automated Qualification/Training Range	14,800	14,800
Army	Fort Riley	Battalion Complex, Ph 1	31,000	31,000
Army	Fort Riley	Known Distance Range	7,200	7,200
	Kentucky			
Army	Fort Campbell	Automated Sniper Field Fire Range	1,500	1,500
Army	Fort Campbell	Brigade Complex	67,000	67,000
Army	Fort Campbell	Company Operations Facilities	25,000	25,000
Army	Fort Campbell	Infantry Squad Battle Course	0	0
Army	Fort Campbell	Rappelling Training Area	5,600	5,600
Army	Fort Campbell	Shoot House	0	0
Army	Fort Campbell	Unit Operations Facilities	26,000	26,000
Army	Fort Campbell	Urban Assault Course	3,300	3,300
Army	Fort Campbell	Vehicle Maintenance Shop	15,500	15,500
Army	Fort Knox	Access Corridor Improvements	6,000	6,000
Army	Fort Knox	Military Operation Urban Terrain Collective Training Facility.	12,800	12,800
Army	Fort Knox	Rail Head Upgrade	0	0
	Louisiana			
Army	Fort Polk	Barracks	29,000	29,000
Army	Fort Polk	Emergency Services Center	0	0
Army	Fort Polk	Heavy Sniper Range	4,250	4,250
Army	Fort Polk	Land Acquisition	24,000	24,000
Army	Fort Polk	Land Acquisition	6,000	6,000
	Maryland			
Army	Aberdeen Proving Ground	Auto Tech Evaluate Facility, Ph 2	14,600	14,600
Army	Fort Meade	Indoor Firing Range	7,600	7,600
Army	Fort Meade	Wideband SATCOM Operations Center	25,000	25,000
	Missouri			
Army	Fort Leonard Wood	Barracks	29,000	29,000
Army	Fort Leonard Wood	Brigade Headquarters	12,200	12,200
Army	Fort Leonard Wood	General Instruction Building	7,000	7,000
Army	Fort Leonard Wood	Information Systems Facility	15,500	15,500
Army	Fort Leonard Wood	Training Barracks	19,000	19,000
Army	Fort Leonard Wood	Transient Advanced Trainee Barracks, Ph 2.	29,000	29,000
	New Mexico			
Army	White Sands	Barracks	29,000	29,000
	New York			
Army	Fort Drum	Aircraft Fuel Storage Complex	14,600	14,600
Army	Fort Drum	Aircraft Maintenance Hangar	16,500	16,500
Army	Fort Drum	Alert Holding Area Facility	0	0
Army	Fort Drum	Battalion Complex	61,000	61,000
Army	Fort Drum	Brigade Complex, Ph 1	55,000	55,000
Army	Fort Drum	Infantry Squad Battle Course	8,200	8,200
Army	Fort Drum	Railhead Loading Area	0	0
Army	Fort Drum	Training Aids Center	18,500	18,500
Army	Fort Drum	Transient Training Barracks	55,000	55,000
Army	U.S. Military Academy	Science Facility, Ph 2	130,624	130,624

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
Army	U.S. Military Academy	Urban Assault Course	1,700	1,700
	North Carolina			
Army	Fort Bragg	Battalion Complex	33,000	33,000
Army	Fort Bragg	Brigade Complex	41,000	41,000
Army	Fort Bragg	Brigade Complex	25,000	25,000
Army	Fort Bragg	Brigade Complex	50,000	50,000
Army	Fort Bragg	Command and Control Facility	53,000	53,000
Army	Fort Bragg	Company Operations Facilities	12,600	12,600
Army	Fort Bragg	Dining Facility	11,200	11,200
Army	Fort Bragg	Murchison Road Right of Way Acquisition	17,000	17,000
Army	Fort Bragg	Staging Area Complex	14,600	14,600
Army	Fort Bragg	Student Barracks	18,000	18,000
Army	Fort Bragg	Vehicle Maintenance Shop	7,500	7,500
Army	Fort Bragg	Vehicle Maintenance Shop	28,000	28,000
	Oklahoma			
Army	Fort Sill	General Purpose Storage Building	13,800	13,800
Army	Fort Sill	Museum Operations Support Building	12,800	0
Army	McAlester	Igloo Storage, Depot Level	3,000	3,000
	South Carolina			
Army	Fort Jackson	Trainee Barracks	28,000	28,000
Army	Fort Jackson	Trainee Barracks Complex, Ph 1	46,000	46,000
Army	Fort Jackson	Training Aids Center	17,000	17,000
	Texas			
Army	Corpus Christi NAS	Rotor Blade Processing Facility, Ph 2	0	0
Army	Fort Bliss	Automated Multipurpose Machine Gun Range.	6,700	6,700
Army	Fort Bliss	Company Operations Facilities	18,500	18,500
Army	Fort Bliss	Digital Multipurpose Training Range	22,000	22,000
Army	Fort Bliss	Heavy Sniper Range	3,500	3,500
Army	Fort Bliss	Indoor Swimming Pool	15,500	15,500
Army	Fort Bliss	Light Demolition Range	2,100	2,100
Army	Fort Bliss	Live Fire Exercise Shoothouse	3,150	3,150
Army	Fort Bliss	Scout/Reconnaissance Crew Engagement Gunnery Complex.	15,500	15,500
Army	Fort Bliss	Squad Defense Range	3,000	3,000
Army	Fort Bliss	Theater High Altitude Area Defense Battery Complex.	17,500	17,500
Army	Fort Bliss	Transient Training Complex	31,000	31,000
Army	Fort Bliss	Urban Assault Course	2,800	2,800
Army	Fort Bliss	Vehicle Bridge Overpass	8,700	8,700
Army	Fort Hood	Battalion Complex	40,000	40,000
Army	Fort Hood	Brigade Complex	38,000	38,000
Army	Fort Hood	Company Operations Facilities	4,300	4,300
Army	Fort Hood	Convoy Live Fire	3,200	3,200
Army	Fort Hood	Live Fire Exercise Shoothouse	2,100	2,100
Army	Fort Hood	Soldier Readiness Processing Center	0	0
Army	Fort Hood	Unmanned Aerial System Hangar	55,000	55,000
Army	Fort Hood	Urban Assault Course	2,450	2,450
Army	Fort Sam Houston	Simulations Center	16,000	16,000
Army	Fort Sam Houston	Training Aids Center	6,200	6,200
	Virginia			
Army	Fort A.P. Hill	1200 Meter Range	14,500	14,500
Army	Fort A.P. Hill	Indoor Firing Range	6,200	6,200
Army	Fort A.P. Hill	Known Distance Range	3,800	3,800
Army	Fort A.P. Hill	Light Demolition Range	4,100	4,100
Army	Fort A.P. Hill	Military Operation Urban Terrain Collective Training Facility.	65,000	65,000
Army	Fort Eustis	Warrior in Transition Complex	18,000	18,000
Army	Fort Lee	Automated Qualification Training Range	7,700	7,700
Army	Fort Lee	Company Operations Facility	4,900	4,900
Army	Fort Lee	Museum Operations Support Building	30,000	0
Army	Fort Lee	Training Aids Center	5,800	5,800
	Washington			
Army	Fort Lewis	Barracks	47,000	47,000
Army	Fort Lewis	Barracks Complex	40,000	40,000

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
Army	Fort Lewis	Rappelling Training Area	5,300	5,300
Army	Fort Lewis	Regional Logistic Support Complex	63,000	63,000
Army	Fort Lewis	Regional Logistic Support Complex Warehouse.	16,500	16,500
Army	Yakima	Sniper Field Fire Range	3,750	3,750
	Afghanistan			
Army	Bagram AB	Army Aviation HQ Facilities	19,000	19,000
Army	Bagram AB	Barracks	18,000	18,000
Army	Bagram AB	Consolidated Community Support Area	14,800	14,800
Army	Bagram AB	Eastside Electrical Distribution	10,400	10,400
Army	Bagram AB	Eastside Utilities Infrastructure	29,000	29,000
Army	Bagram AB	Entry Control Point	7,500	7,500
Army	Bagram AB	Joint Defense Operations Center	2,800	2,800
	Germany			
Army	Ansbach	Physical Fitness Center	13,800	13,800
Army	Ansbach	Vehicle Maintenance Shop	18,000	18,000
Army	Grafenwoehr	Barracks	20,000	20,000
Army	Grafenwoehr	Barracks	19,000	19,000
Army	Grafenwoehr	Barracks	19,000	19,000
Army	Grafenwoehr	Barracks	17,500	17,500
Army	Rhine Ordnance Barracks	Barracks Complex	35,000	35,000
Army	Sembach AB	Confinement Facility	9,100	9,100
Army	Wiesbaden AB	Command and Battle Center, Incr 2	59,500	59,500
Army	Wiesbaden AB	Construct New Access Control Point	5,100	5,100
Army	Wiesbaden AB	Information Processing Center	30,400	30,400
Army	Wiesbaden AB	Sensitive Compartmented Information Facility.	91,000	91,000
	Honduras			
Army	Soto Cano AB	Barracks	20,400	20,400
	Italy			
Army	Vicenza	Brigade Complex—Barracks/Community, Incr 4.	26,000	26,000
Army	Vicenza	Brigade Complex—Operations Support Facility, Incr 4.	25,000	25,000
	Korea			
Army	Camp Walker	Electrical System Upgrade & Natural Gas System.	19,500	19,500
	Unspecified			
Army	Troop Trainee Housing	Training Barracks	0	0
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Host Nation Support FY 11	28,000	28,000
Army	Unspecified Worldwide Locations	Minor Construction FY 11	23,000	23,000
Army	Unspecified Worldwide Locations	Planning and Design FY 11	221,636	221,636
Total Military Construction, Army			**4,078,798**	**3,954,998**
	Alabama			
Navy	Mobile	T–6 Outlying Landing Field	29,082	29,082
	Arizona			
Navy	Yuma	Aircraft Maintenance Hangar	40,600	40,600
Navy	Yuma	Aircraft Maintenance Hangar	63,280	63,280
Navy	Yuma	Communications Infrastructure Upgrade	63,730	63,730
Navy	Yuma	Intermediate Maintenance Activity Facility.	21,480	21,480
Navy	Yuma	Simulator Facility	36,060	36,060
Navy	Yuma	Utilities Infrastructure Upgrades	44,320	44,320
Navy	Yuma	Van Pad Complex Relocation	15,590	15,590
	California			
Navy	Camp Pendleton	Bachelor Enlisted Quarters—13 Area	42,864	42,864
Navy	Camp Pendleton	Bachelor Enlisted Quarters—Las Flores	37,020	37,020

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
Navy	Camp Pendleton	Center for Naval Aviation Technical Training/Fleet Replacement Squadron—Aviation Training and Bachelor Enlisted Quarters.	66,110	66,110
Navy	Camp Pendleton	Conveyance/Water Treatment	100,700	100,700
Navy	Camp Pendleton	Marine Aviation Logistics Squadron–39 Maintenance Hangar Expansion.	48,230	48,230
Navy	Camp Pendleton	Marine Corps Energy Initiative	9,950	9,950
Navy	Camp Pendleton	North Region Tert Treat Plant (Incremented).	30,000	30,000
Navy	Camp Pendleton	Small Arms Magazine—Edson Range	3,760	3,760
Navy	Camp Pendleton	Truck Company Operations Complex	53,490	53,490
Navy	Coronado	Maritime Expeditionary Security Group-One (Mesg–1) Consolidated Boat Maintenance Facility.	0	0
Navy	Coronado	Rotary Hangar	67,160	67,160
Navy	Miramar	Aircraft Maintenance Hangar	90,490	90,490
Navy	Miramar	Hangar 4	33,620	33,620
Navy	Miramar	Parking Apron/Taxiway Expansion	66,500	66,500
Navy	Monterey NSA	International Academic Instruction Building.	0	0
Navy	San Diego	Bachelor Enlisted Quarters, Homeport Ashore.	75,342	75,342
Navy	San Diego	Berthing Pier 12 Replace & Dredging, Ph 1.	108,414	108,414
Navy	San Diego	Marine Corps Energy Initiative	9,950	9,950
Navy	Twentynine Palms	Bachelor Enlisted Quarters & Parking Structure.	53,158	53,158
	Connecticut			
Navy	New London NSB	Submarine Group 2 Headquarters	0	0
	Florida			
Navy	Blount Island	Consolidated Warehouse Facility	17,260	17,260
Navy	Blount Island	Container Staging and Loading Lot	5,990	5,990
Navy	Blount Island	Container Storage Lot	4,910	4,910
Navy	Blount Island	Hardstand Extension	17,930	17,930
Navy	Blount Island	Paint and Blast Facility	18,840	18,840
Navy	Blount Island	Washrack Expansion	9,690	9,690
Navy	Panama City NSA	Land Acquisition	0	0
Navy	Panama City NSA	Purchase 9 Acres	0	0
Navy	Tampa	Joint Comms Support Element Vehicle Paint Facility.	2,300	0
	Georgia			
Navy	Albany MCLB	Maintenance Center Test Firing Range	0	0
Navy	Kings Bay	Security Enclave & Vehicle Barriers	45,004	45,004
Navy	Kings Bay	Waterfront Emergency Power	15,660	15,660
	Hawaii			
Navy	Camp Smith	Physical Fitness Center	29,960	29,960
Navy	Kaneohe Bay	Bachelor Enlisted Quarters	90,530	90,530
Navy	Kaneohe Bay	Waterfront Operations Facility	19,130	19,130
Navy	Pacific Missile Range Facility	Replace North Loop Electrical Distribution System.	0	0
Navy	Pearl Harbor	Center for Disaster Mgt/Humanitarian Assistance.	9,140	9,140
Navy	Pearl Harbor	Fire Station, West Loch	0	0
Navy	Pearl Harbor	Joint Pow/Mia Accounting Command	99,328	99,328
Navy	Pearl Harbor	Pre-Fab Bridge Nohili Ditch	0	0
Navy	Pearl Harbor	Welding School Shop Consolidation	0	0
	Maine			
Navy	Portsmouth NSY	Consolidation of Structural Shops	0	0
Navy	Portsmouth NSY	Structural Shops Addition, Ph 1	0	0
	Maryland			
Navy	Indian Head	Advanced Energetics Research Lab Complex Phase 2.	0	0
Navy	Indian Head	Agile Chemical Facility, Ph 2	34,238	34,238
Navy	Patuxent River	Atlantic Test Range Addition	0	0
Navy	Patuxent River	Broad Area Maritime Surveillance & E Facility.	42,211	42,211

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
	Mississippi			
Navy	Gulfport	Branch Health Clinic	0	0
	North Carolina			
Navy	Camp Lejeune	2nd Intel Battalion Maintenance/Ops Complex.	90,270	90,270
Navy	Camp Lejeune	Armory- II Mef—Wallace Creek	12,280	12,280
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Courthouse Bay.	42,330	42,330
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Courthouse Bay.	40,780	40,780
Navy	Camp Lejeune	Bachelor Enlisted Quarters—French Creek.	43,640	43,640
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Rifle Range	55,350	55,350
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Wallace Creek.	51,660	51,660
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Wallace Creek North.	46,290	46,290
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Camp Johnson.	46,550	46,550
Navy	Camp Lejeune	Explosive Ordnanance Disposal Unit Addition—2nd Marine Logistics Group.	7,420	7,420
Navy	Camp Lejeune	Hangar	73,010	73,010
Navy	Camp Lejeune	Maintenance Hangar	74,260	74,260
Navy	Camp Lejeune	Maintenance/Ops Complex—2nd Air Naval Gunfire Liaison Company.	36,100	36,100
Navy	Camp Lejeune	Marine Corps Energy Initiative	9,950	9,950
Navy	Camp Lejeune	Mess Hall—French Creek	25,960	25,960
Navy	Camp Lejeune	Mess Hall Addition—Courthouse Bay	2,553	2,553
Navy	Camp Lejeune	Motor Transportation/Communications Maintenance Facility.	18,470	18,470
Navy	Camp Lejeune	Utility Expansion—Hadnot Point	56,470	56,470
Navy	Camp Lejeune	Utility Expansion—French Creek	56,050	56,050
Navy	Cherry Point Marine Corps Air Station	Bachelor Enlisted Quarters	42,500	42,500
Navy	Cherry Point Marine Corps Air Station	Mariners Bay Land Acquisition—Bogue	3,790	3,790
Navy	Cherry Point Marine Corps Air Station	Missile Magazine	13,420	13,420
Navy	Cherry Point Marine Corps Air Station	Station Infrastructure Upgrades	5,800	5,800
	Pennsylvania			
Navy	Naval Support Activity Mechanicsburg	North Gate Security Improvements	0	0
Navy	Naval Support Activity Mechanicsburg	Quiet Propulsion Load House	0	0
	Rhode Island			
Navy	Newport	Electromagnetic Facility	27,007	27,007
Navy	Newport	Gate Improvements	0	0
Navy	Newport	Submarine Payloads Integration Laboratory.	0	0
	South Carolina			
Navy	Beaufort	Air Installation Compatable Use Zone Land Acquisition.	21,190	21,190
Navy	Beaufort	Aircraft Hangar	46,550	46,550
Navy	Beaufort	Physical Fitness Center	15,430	15,430
Navy	Beaufort	Training and Simulator Facility	46,240	46,240
	Texas			
Navy	Kingsville NAS	Youth Center	0	0
	Virginia			
Navy	Dahlgren	Building 1200—Missile Support Facility Replacement Phase 1.	0	0

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Navy	Norfolk	Pier 9 & 10 Upgrades for Ddg 1000	2,400	2,400
Navy	Norfolk	Pier 1 Upgrades to Berth Usns Comfort	10,035	10,035
Navy	Portsmouth	Ship Repair Pier Replacement, Incr 2	100,000	100,000
Navy	Quantico	Academic Facility Addition—Staff Non Comissioned Officer Academy.	12,080	12,080
Navy	Quantico	Bachelor Enlisted Quarters	37,810	37,810
Navy	Quantico	Research Center Addition—MCU	37,920	37,920
Navy	Quantico	Student Officer Quarters—the Basic School.	55,822	55,822
	Washington			
Navy	Bangor	Commander Submarine Development Squadron 5 Laboratory Expansion Ph1.	16,170	16,170
Navy	Bangor	Limited Area Emergency Power	15,810	15,810
Navy	Bangor	Waterfront Restricted Area Emergency Power.	24,913	24,913
Navy	Naval Base Kitsap	Charleston Gate Ecp Improvements	0	0
Navy	Naval Base Kitsap	Limited Area Product/Strg Complex (Incremented).	19,116	19,116
	Bahrain Island			
Navy	SW Asia	Navy Central Command Ammunition Magazines.	89,280	89,280
Navy	SW Asia	Operations and Support Facilities	60,002	60,002
Navy	SW Asia	Waterfront Development, Ph 3	63,871	63,871
	Guam			
Navy	Guam	Anderson AFB North Ramp Parking, Ph 1, Inc 2.	93,588	0
Navy	Guam	Anderson AFB North Ramp Utilities, Ph 1, Inc 2.	79,350	0
Navy	Guam	Apra Harbor Wharves Improvements, Ph 1.	40,000	40,000
Navy	Guam	Defense Access Roads Improvements	66,730	66,730
Navy	Guam	Finegayan Site Prep and Utilities	147,210	0
	Japan			
Navy	Atsugi	MH–60r/S Trainer Facility	6,908	6,908
	Spain			
Navy	Rota	Air Traffic Control Tower	23,190	23,190
	Djibouti			
Navy	Camp Lemonier	Camp Lemonier HQ Facility	12,407	0
Navy	Camp Lemonier	General Warehouse	7,324	7,324
Navy	Camp Lemonier	Horn of Africa Joint Operations Center	28,076	0
Navy	Camp Lemonier	Pave External Roads	3,824	3,824
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Planning and Design	120,050	120,050
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	20,877	20,877
Total Military Construction, Navy			**3,879,104**	**3,516,173**
	Alabama			
AF	Maxwell AFB	Adal Air University Library	13,400	13,400
	Alaska			
AF	Eielson AFB	Repair Central Heat Plant & Power Plant Boilers.	28,000	28,000
AF	Elmendorf AFB	Add/Alter Air Support Operations Squadron Training.	4,749	4,749
AF	Elmendorf AFB	Construct Railhead Operations Facility	15,000	15,000
AF	Elmendorf AFB	Dod Joint Regional Fire Training Facility	0	0
AF	Elmendorf AFB	F–22 Add/Alter Weapons Release Systems Shop.	10,525	10,525
	Arizona			
AF	Davis-Monthan AFB	Aerospace Maintenance and Regeneration Group Hangar.	25,000	25,000
AF	Davis-Monthan AFB	HC–130 Aerospace Ground Equipment Maintenance Facility.	4,600	4,600

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
AF	Davis-Monthan AFB	HC–130J Aerial Cargo Facility	10,700	10,700
AF	Davis-Monthan AFB	HC–130J Parts Store	8,200	8,200
AF	Fort Huachuca	Total Force Integration-Predator Launch and Recovery Element Beddown.	11,000	0
AF	Luke AFB	F–35 Academic Training Center	0	54,150
AF	Luke AFB	F–35 Squadron Operations Facility	0	10,260
	California			
AF	Edwards AFB	Flightline Fire Station	0	0
AF	Los Angeles AFB	Consolidated Parking Area, Ph 2	0	0
	Colorado			
AF	Buckley AFB	Land Acquisition	0	0
AF	Buckley AFB	Security Forces Operations Facility	12,160	12,160
AF	Peterson AFB	Rapid Attack Identification Detection Repair System Space Control Facility.	24,800	24,800
AF	U.S. Air Force Academy	Const Center for Character & Leadership Development.	27,600	27,600
	Delaware			
AF	Dover AFB	C–5M/C–17 Maintenance Training Facility, Ph 2.	3,200	3,200
	District of Columbia			
AF	Bolling AFB	Joint Air Defense Operations Center	13,200	13,200
	Florida			
AF	Eglin AFB	F–35 Fuel Cell Maintenance Hangar	11,400	11,400
AF	Hurlburt Field	Adal Special Operations School Facility	6,170	6,170
AF	Hurlburt Field	Add to Visiting Quarters (24 Rm)	4,500	4,500
AF	Hurlburt Field	Base Logistics Facility	24,000	24,000
AF	Patrick AFB	Air Force Technical Application Center	158,009	158,009
AF	Patrick AFB	Relocate Main Gate	0	0
	Georgia			
AF	Robins AFB	54th Combat Communications Squadron Warehouse Facility, Ph 2.	0	0
	Louisiana			
AF	Barksdale AFB	Weapons Load Crew Training Facility	18,140	18,140
	Missouri			
AF	Whiteman AFB	Consolidated Air Ops Facility	0	0
	Montana			
AF	Malmstrom AFB	Physical Fitness Center, Phase II	0	0
	Nebraska			
AF	Offutt AFB	Kenney/Bellevue Gates	0	0
	Nevada			
AF	Creech AFB	UAS Airfield Fire/Crash Rescue Station	11,710	11,710
AF	Nellis AFB	Communication Network Control Center	0	0
AF	Nellis AFB	F–35 Add/Alter 422 Test Evaluation Squadron Facility.	7,870	7,870
AF	Nellis AFB	F–35 Add/Alter Flight Test Instrumentation Facility.	1,900	1,900
AF	Nellis AFB	F–35 Flight Simulator Facility	13,110	13,110
AF	Nellis AFB	F–35 Maintenance Hangar	28,760	28,760
	New Jersey			
AF	McGuire AFB	Base Ops/Command Post Facility (TFI)	8,000	8,000
AF	McGuire AFB	Dormitory (120 Rm)	18,440	18,440
	New Mexico			
AF	Cannon AFB	Dormitory (96 Rm)	14,000	14,000
AF	Cannon AFB	Family Support Center	0	0
AF	Cannon AFB	UAS Squadron Ops Facility	20,000	20,000
AF	Holloman AFB	Parallel Taxiway, Runway 07/25	0	0
AF	Holloman AFB	UAS Add/Alter Maintenance Hangar	15,470	15,470
AF	Holloman AFB	UAS Maintenance Hangar	22,500	22,500
AF	Kirtland AFB	Aerial Delivery Facility Addition	3,800	3,800
AF	Kirtland AFB	Armament Shop	6,460	6,460
AF	Kirtland AFB	H/MC–130 Fuel System Maintenance Facility.	14,142	14,142
AF	Kirtland AFB	Military Working Dog Facility	0	0
AF	Kirtland AFB	Replace Fire Station 3	0	0
	New York			

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
AF	Fort Drum	20th Air Support Operations Squadron Complex.	20,440	20,440
	North Carolina			
AF	Pope AFB	Crash/Fire/Rescue Station	0	0
	North Dakota			
AF	Grand Forks AFB	Central Deployment Center	0	0
AF	Minot AFB	Control Tower/Base Operations Facility	18,770	18,770
	Oklahoma			
AF	Tinker AFB	Air Traffic Control Tower	0	0
AF	Tinker AFB	Upgrade Building 3001 Infrastructure, Ph 3.	14,000	14,000
	South Carolina			
AF	Charleston AFB	Civil Engineer Complex (TFI)—Ph 1	15,000	15,000
	South Dakota			
AF	Ellsworth AFB	Maintenance Training Facility	0	0
	Texas			
AF	Dyess AFB	C–130J Add/Alter Flight Simulator Facility.	4,080	4,080
AF	Ellington Field	Upgrade Unmanned Aerial Vehicle Maintenance Hangar.	7,000	0
AF	Lackland AFB	Basic Military Training Satellite Classroom/Dining Facility No 2.	32,000	32,000
AF	Lackland AFB	One-Company Fire Station	5,500	5,500
AF	Lackland AFB	Recruit Dormitory, Ph 3	67,980	67,980
AF	Lackland AFB	Recruit/Family Inprocessing & Info Center.	21,800	21,800
AF	Laughlin AFB	Community Event Complex	0	0
AF	Randolph AFB	Fire Crash Rescue Station	0	0
	Utah			
AF	Hill AFB	Consolidated Transportation Facilities, Phase I.	0	0
AF	Hill AFB	F–22 T–10 Engine Test Cell	2,800	2,800
AF	Hill AFB	F–35 Add/Alt Building 118 for Flight Simulator.	0	3,600
AF	Hill AFB	F–35 Add/Alt Hangar 45W/AMU	0	6,500
AF	Hill AFB	F–35A Modular Storage Magazine	0	2,000
	Virginia			
AF	Langley AFB	F–22 Add/Alter Hangar Bay Lo/Cr Facility.	8,800	8,800
	Washington			
AF	Fairchild AFB	Precision Measurement Equipment Laboratory (Pmel) Facility.	0	0
AF	Mcchord AFB	Chapel Center	0	0
	Wyoming			
AF	Camp Guernsey	Nuclear/Space Security Tactics Training Center.	4,650	4,650
	Afghanistan			
AF	Bagram AFB	Consolidated Rigging Facility	9,900	9,900
AF	Bagram AFB	Fighter Hangar	16,480	16,480
AF	Bagram AFB	Medevac Ramp Expansion/Fire Station	16,580	16,580
	Bahrain Island			
AF	SW Asia	North Apron Expansion	45,000	45,000
	Germany			
AF	Kapaun	Dormitory (128 Rm)	19,600	19,600
AF	Ramstein AB	Construct C–130J Flight Simulator Facility.	8,800	8,800
AF	Ramstein AB	Deicing Fluid Storage & Dispensing Facility.	2,754	2,754
AF	Ramstein AB	Unmanned Aerial System Satellite Communication Relay Pads & Facility.	10,800	10,800
AF	Vilseck	Air Support Operations Squadron Complex.	12,900	12,900
	Guam			
AF	Andersen AFB	Combat Communications Operations Facility.	9,200	9,200
AF	Andersen AFB	Commando Warrior Open Bay Student Barracks.	11,800	11,800

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
AF	Andersen AFB	Guam Strike Ops Group & Tanker Task Force.	9,100	9,100
AF	Andersen AFB	Guam Strike South Ramp Utilities, Ph 1	12,200	12,200
AF	Andersen AFB	Red Horse Headquarters/Engineering Facility.	8,000	8,000
	Italy			
AF	Aviano AFB	Air Support Operations Squadron Facility	10,200	10,200
AF	Aviano AFB	Dormitory (144 Rm)	19,000	19,000
	Korea			
AF	Kunsan AFB	Construct Distributed Mission Training Flight Simulator Facility.	7,500	7,500
	Qatar			
AF	Al Udeid	Blatchford-Preston Complex Ph 3	62,300	62,300
	United Kingdom			
AF	Royal Air Force Mildenhall	Extend Taxiway Alpha	15,000	15,000
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	F–35 Academic Training Center	54,150	0
AF	Unspecified Worldwide Locations	F–35 Flight Simulator Facility	12,190	0
AF	Unspecified Worldwide Locations	Planning & Design	66,336	66,336
AF	Unspecified Worldwide Locations	Unspecified Minor Construction—FY11	18,000	18,000
AF	Various Worldwide Locations	F–35 Squadron Operations Facility	10,260	0
Total Military Construction, Air Force			**1,311,385**	**1,293,295**
	Arizona			
Def-Wide	Marana	Special Operations Forces Parachute Training Facility.	0	0
Def-Wide	Yuma	Special Operations Forces Military Free Fall Simulator.	8,977	8,977
	California			
Def-Wide	Point Loma Annex	Replce Storage Facility, Incr 3	20,000	20,000
Def-Wide	Point Mugu	Aircraft Direct Fueling Station	3,100	3,100
	Colorado			
Def-Wide	Fort Carson	Special Operations Forces Tactical Unmanned Aerial Vehicle Hangar.	3,717	3,717
	District of Columbia			
Def-Wide	Bolling AFB	Replace Parking Structure, Ph 1	3,000	3,000
	Florida			
Def-Wide	Eglin AFB	Special Operations Forces Ground Support Battalion Detachment.	6,030	6,030
	Georgia			
Def-Wide	Augusta	National Security Agency/Central Security Service Georgia Training Facility.	12,855	12,855
Def-Wide	Fort Benning	Dexter Elementary School Construct Gym	2,800	2,800
Def-Wide	Fort Benning	Special Operations Forces Company Support Facility.	20,441	20,441
Def-Wide	Fort Benning	Special Operations Forces Military Working Dog Kennel Complex.	3,624	3,624
Def-Wide	Fort Stewart	Health Clinic Addtion/Alteration	35,100	35,100
Def-Wide	Hunter Angs	Fuel Unload Facility	2,400	2,400
Def-Wide	Hunter Army Airfield	Special Operations Forces Tactical Equipment Maintenance Facility Expansion.	3,318	3,318
	Hawaii			
Def-Wide	Hickam AFB	Alter Fuel Storage Tanks	8,500	8,500
Def-Wide	Pearl Harbor	Naval Special Warfare Group 3 Command and Operations Facility.	28,804	28,804
	Idaho			
Def-Wide	Mountain Home AFB	Replace Fuel Storage Tanks	27,500	27,500
	Illinois			

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Def-Wide	Scott Air Force Base	Field Command Facility Upgrade	1,388	1,388
	Kentucky			
Def-Wide	Fort Campbell	Landgraf Hangar Addition, 160th Soar	0	0
Def-Wide	Fort Campbell	Special Operations Forces Battalion Ops Complex.	38,095	38,095
	Maryland			
Def-Wide	Aberdeen Proving Ground	US Army Medical Research Institue of Infectious Diseases Replacement, Inc 3.	105,000	105,000
Def-Wide	Andrews AFB	Replace Fuel Storage & Distribution Facility.	14,000	14,000
Def-Wide	Bethesda Naval Hospital	National Naval Medical Center Parking Expansion.	17,100	17,100
Def-Wide	Bethesda Naval Hospital	Transient Wounded Warrior Lodging	62,900	62,900
Def-Wide	Fort Detrick	Consolidated Logistics Facility	23,100	23,100
Def-Wide	Fort Detrick	Information Services Facility Expansion	4,300	4,300
Def-Wide	Fort Detrick	National Interagency Biodefense Campus Security Fencing and Equipment.	2,700	2,700
Def-Wide	Fort Detrick	Supplemental Water Storage	3,700	3,700
Def-Wide	Fort Detrick	US Army Medical Research Institue of Infectious Diseases—Stage I, Inc 5.	17,400	17,400
Def-Wide	Fort Detrick	Water Treatment Plant Repair & Supplement.	11,900	11,900
Def-Wide	Fort Meade	North Campus Utility Plant, Incr 1	219,360	219,360
	Massachusetts			
Def-Wide	Hanscom AFB	Mental Health Clinic Addition	2,900	2,900
	Mississippi			
Def-Wide	Stennis Space Center	SOF Western Maneuver Area (Phase II)	0	0
Def-Wide	Stennis Space Center	SOF Western Maneuver Area (Phase III)	0	0
Def-Wide	Stennis Space Center	Special Operations Forces Land Acquisition, Ph 3.	0	0
	New Mexico			
Def-Wide	Cannon AFB	Special Operations Forces Add/Alt Simulator Facility for MC–130.	13,287	13,287
Def-Wide	Cannon AFB	Special Operations Forces Aircraft Parking Apron (MC–130J).	12,636	12,636
Def-Wide	Cannon AFB	Special Operations Forces C–130 Parking Apron Phase I.	26,006	26,006
Def-Wide	Cannon AFB	Special Operations Forces Hangar/AMU (MC–130J).	24,622	24,622
Def-Wide	Cannon AFB	Special Operations Forces Operations and Training Complex.	39,674	39,674
Def-Wide	White Sands	Health and Dental Clinics	22,900	22,900
	New York			
Def-Wide	U.S. Military Academy	West Point MS Add/Alt	27,960	27,960
	North Carolina			
Def-Wide	Camp Lejeune	Tarawa Terrace I Elementry School Replace School.	16,646	16,646
Def-Wide	Fort Bragg	Mcnair Elementry School—Replace School.	23,086	23,086
Def-Wide	Fort Bragg	Murray Elementry School—Replace School.	22,000	22,000
Def-Wide	Fort Bragg	SOF Baffle Containment for Range 19C	0	0
Def-Wide	Fort Bragg	SOF Medical Support Addition	0	0
Def-Wide	Fort Bragg	Special Operations Forces Admin/Company Operations.	10,347	10,347
Def-Wide	Fort Bragg	Special Operations Forces C4 Facility	41,000	41,000
Def-Wide	Fort Bragg	Special Operations Forces Joint Intelligence Brigade Facility.	32,000	32,000
Def-Wide	Fort Bragg	Special Operations Forces Operational Communications Facility.	11,000	11,000
Def-Wide	Fort Bragg	Special Operations Forces Operations Additions.	15,795	15,795

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Def-Wide	Fort Bragg	Special Operations Forces Operations Support Facility.	13,465	13,465
	Ohio			
Def-Wide	Columbus	Replace Public Safety Facility	7,400	7,400
	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Replace Headquarters Facility	96,000	96,000
	Texas			
Def-Wide	Fort Bliss	Hospital Replacement, Incr 2	147,100	147,100
Def-Wide	Lackland AFB	Ambulatory Care Center, Ph 2	162,500	162,500
	Utah			
Def-Wide	Camp Williams	Comprehensive National Cybersecurity Initiative Data Center Increment 2.	398,358	398,358
	Virginia			
Def-Wide	Craney Island	Replace Fuel Pier	58,000	58,000
Def-Wide	Fort Belvoir	Dental Clinic Replacement	6,300	6,300
Def-Wide	Pentagon	Pentagon Metro & Corridor 8 Screening Facility.	6,473	6,473
Def-Wide	Pentagon	Power Plant Modernization, Ph 3	51,928	51,928
Def-Wide	Pentagon	Secure Access Lane-Remote Vehicle Screening.	4,923	4,923
Def-Wide	Quantico	New Consolidated Elemetary School	47,355	47,355
	Washington			
Def-Wide	Fort Lewis	Preventive Medicine Facility	8,400	8,400
Def-Wide	Fort Lewis	Special Operations Forces Military Working Dogs Kennel.	0	0
	Belgium			
Def-Wide	Brussels	NATO Headquarters Facility	31,863	31,863
Def-Wide	Brussels	Replace Shape Middle School/High School	67,311	67,311
	Germany			
Def-Wide	Katterbach	Health/Dental Clinic Replacement	37,100	37,100
Def-Wide	Panzer Kaserne	Replace Boeblingen High School	48,968	48,968
Def-Wide	Vilseck	Health Clinic Add/Alt	34,800	34,800
	Guam			
Def-Wide	Agana NAS	Hospital Replacement, Incr 2	70,000	0
	Japan			
Def-Wide	Kadena AB	Install Fuel Filters-Separators	3,000	3,000
Def-Wide	Misawa AB	Hydrant Fuel System	31,000	31,000
	Korea			
Def-Wide	Camp Carroll	Health/Dental Clinic Replacement	19,500	19,500
	Qatar			
Def-Wide	Al Udeid	Qatar Warehouse	1,961	1,961
	Puerto Rico			
Def-Wide	Fort Buchanan	Antilles Elementry School/Intermediate School—Replace School.	58,708	58,708
	United Kingdom			
Def-Wide	Menwith Hill Station	Menwith Hill Station PSC Construction—Generators 10 & 11.	2,000	2,000
Def-Wide	Royal Air Force Alconbury	Alconbury Elementry School Replacement	30,308	30,308
Def-Wide	Royal Air Force Mildenhall	Replace Hydrant Fuel Distribution System.	15,900	15,900
	Various Locations			
Def-Wide	Unspecified Worldwide Locations	General Reduction	0	0
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program.	120,000	120,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design (DODEA)	79,763	79,763
Def-Wide	Unspecified Worldwide Locations	Planning and Design (DSS)	1,988	1,988

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Def-Wide	Unspecified Worldwide Locations	Planning and Design (NSA)	28,239	28,239
Def-Wide	Unspecified Worldwide Locations	Planning and Design (SOCOM)	30,836	30,836
Def-Wide	Unspecified Worldwide Locations	Planning and Design (TMA)	230,300	230,300
Def-Wide	Unspecified Worldwide Locations	Planning and Design (Undistributed)	54,221	54,221
Def-Wide	Unspecified Worldwide Locations	Planning and Design (WHS)	6,270	6,270
Def-Wide	Unspecified Worldwide Locations	Planning and Design-ECIP	0	0
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction (DODEA)	13,841	13,841
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction (JCS)	8,210	8,210
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction (TMA)	4,884	4,884
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction (Undistributed).	3,000	3,000
Def-Wide	Various Worldwide Locations	Unspecified Minor Construction (DLA)	5,258	5,258
Def-Wide	Various Worldwide Locations	Unspecified Minor Construction (SOCOM)	7,663	7,663
Total Military Construction, Defense-Wide			**3,118,062**	**3,048,062**
	Colorado			
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph 12.	65,569	65,569
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph 11	59,402	59,402
Total Chemical Demilitarization Construction, Defense			**124,971**	**124,971**
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program	258,884	258,884
Total NATO Security Investment Program			**258,884**	**258,884**
	Alabama			
Army NG	Fort Mcclellan	Live Fire Shoot House	0	0
	Arizona			
Army NG	Florence	Readiness Center	16,500	16,500
	Arkansas			
Army NG	Camp Robinson	Combined Support Maintenance Shop	30,000	30,000
Army NG	Fort Chaffee	Combined Arms Collective Training Facility.	19,000	19,000
Army NG	Fort Chaffee	Convoy Live Fire/Entry Control Point Range.	0	0
Army NG	Fort Chaffee	Live Fire Shoot House	2,500	2,500
	California			
Army NG	Camp Roberts	Combined Arms Collective Training Facility.	19,000	19,000
	Colorado			
Army NG	Colorado Springs	Readiness Center	20,000	20,000
Army NG	Fort Carson	Regional Training Institute	40,000	40,000
Army NG	Gypsum	High Altitude Army Aviation Training Site/Army Aviation Support Facility.	39,000	39,000
Army NG	Watkins	Parachute Maintenance Facility	0	0
Army NG	Windsor	Readiness Center	7,500	7,500
	Connecticut			
Army NG	Windsor Locks	Readiness Center (Aviation)	41,000	41,000

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
	Delaware			
Army NG	New Castle	Armed Forces Reserve Center(JFHQ)	27,000	27,000
	Georgia			
Army NG	Cumming	Readiness Center	17,000	17,000
Army NG	Dobbins ARB	Readiness Center Add/Alt	10,400	10,400
	Hawaii			
Army NG	Kalaeloa	Combined Support Maintenance Shop	38,000	38,000
	Idaho			
Army NG	Gowen Field	Barracks (Operational Readiness Training Complex) Ph1.	17,500	17,500
Army NG	Mountain Home	Tactical Unmanned Aircraft System Facility.	6,300	6,300
	Illinois			
Army NG	Marseilles TA	Simulation Center	0	0
Army NG	Springfield	Combined Support Maintenance Shop Add/Alt.	15,000	15,000
	Iowa			
Army NG	Camp Dodge	Combined Arms Collective Training Facility.	0	0
	Kansas			
Army NG	Topeka Army Aviation Support Facility	Taxiway, Parking Ramps and Hanger Alterations.	0	0
Army NG	Wichita	Field Maintenance Shop	24,000	24,000
Army NG	Wichita	Readiness Center	43,000	43,000
	Kentucky			
Army NG	Burlington	Readiness Center	19,500	19,500
	Louisiana			
Army NG	Fort Polk	Tactical Unmanned Aircraft System Facility.	5,500	5,500
Army NG	Minden	Readiness Center	28,000	28,000
	Maryland			
Army NG	St. Inigoes	Tactical Unmanned Aircraft System Facility.	5,500	5,500
	Massachusetts			
Army NG	Hanscom AFB	Armed Forces Reserve Center(JFHQ)Ph2	23,000	23,000
	Michigan			
Army NG	Camp Grayling Range	Barracks Replacement, Phase Ii	0	0
Army NG	Camp Grayling Range	Combined Arms Collective Training Facility.	19,000	19,000
Army NG	Camp Grayling Range	Light Demolition Range	0	0
	Minnesota			
Army NG	Arden Hills	Field Maintenance Shop	29,000	29,000
Army NG	Camp Ripley	Infantry Squad Battle Course	4,300	4,300
Army NG	Camp Ripley	Tactical Unmanned Aircraft System Facility.	4,450	4,450
	Missouri			
Army NG	Fort Leonard Wood	Regional Training Institute	0	0
	Nebraska			
Army NG	Lincoln	Readiness Center Add/Alt	3,300	3,300
Army NG	Mead	Readiness Center	11,400	11,400
	Nevada			
Army NG	Las Vegas	Cst Ready Building	0	0
Army NG	Nevada National Guard	Las Vegas Field Maintenance Shop	0	0
	New Hampshire			
Army NG	Pembroke	Barracks Facility (Regional Training Institute).	15,000	15,000
Army NG	Pembroke	Classroom Facility (Regional Training Institute).	21,000	21,000
	New Mexico			
Army NG	Farmington	Readiness Center Add/Alt	8,500	8,500
	New York			
Army NG	Ronkonkoma	Flightline Rehabilitation	0	0

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
	North Carolina			
Army NG	High Point	Readiness Center Add/Alt	1,551	1,551
Army NG	Morrisville	Aasf 1 Fixed Wing Aircraft Hangar Annex.	0	0
	North Dakota			
Army NG	Camp Grafton	Readiness Center Add/Alt	11,200	11,200
	Ohio			
Army NG	Camp Sherman	Maintenance Building Add/Alt	0	0
	Rhode Island			
Army NG	East Greenwich	United States Property & Fiscal Office	27,000	27,000
Army NG	Middletown	Readiness Center Add/Alt	0	0
	South Dakota			
Army NG	Watertown	Readiness Center	25,000	25,000
	Texas			
Army NG	Camp Maxey	Combat Pistol/Military Pistol Qualification Course.	2,500	2,500
Army NG	Camp Swift	Urban Assault Course	2,600	2,600
	Washington			
Army NG	Tacoma	Combined Support Maintenance Shop	25,000	25,000
	West Virginia			
Army NG	Moorefield	Readiness Center	14,200	14,200
Army NG	Morgantown	Readiness Center	21,000	21,000
	Wisconsin			
Army NG	Madison	Aircraft Parking	5,700	5,700
Army NG	Wausau	Field Maintenance Shop	0	0
	Wyoming			
Army NG	Laramie	Field Maintenance Shop	14,400	14,400
	Guam			
Army NG	Barrigada	Combined Support Maint Shop Ph1	19,000	19,000
	Puerto Rico			
Army NG	Camp Santiago	Live Fire Shoot House	3,100	3,100
Army NG	Camp Santiago	Multipurpose Machine Gun Range	9,200	9,200
	Virgin Islands			
Army NG	St. Croix	Readiness Center (JFHQ)	25,000	25,000
	Unspecified			
Army NG	Varlocs	Varlocs	0	0
	Worldwide Unspecified			
Army NG	Unspecified Worldwide Locations	Planning & Design	25,663	25,663
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	11,400	11,400
Total Military Construction, Army National Guard			**873,664**	**873,664**
	California			
Army Res	Fairfield	Army Reserve Center	26,000	26,000
Army Res	Fort Hunter Liggett	Equipment Concentration Site Tactical Equipment Maint Facility.	22,000	22,000
Army Res	Fort Hunter Liggett	Equipment Concentration Site Warehouse	15,000	15,000
Army Res	Fort Hunter Liggett	Grenade Launcher Range	1,400	1,400
Army Res	Fort Hunter Liggett	Hand Grenade Familiarization Range (Live).	1,400	1,400
Army Res	Fort Hunter Liggett	Light Demolition Range	2,700	2,700
Army Res	Fort Hunter Liggett	Tactical Vehicle Wash Rack	9,500	9,500
	Florida			
Army Res	North Fort Myers	Army Reserve Center/Land	13,800	13,800
Army Res	Orlando	Army Reserve Center/Land	10,200	10,200
Army Res	Tallahassee	Army Reserve Center/Land	10,400	10,400
	Georgia			
Army Res	Macon	Army Reserve Center/Land	11,400	11,400
	Illinois			
Army Res	Quincy	Army Reserve Center/Land	12,200	12,200

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Army Res	Rockford Usarc	Army Reserve Center	0	0
	Indiana			
Army Res	Michigan City	Army Reserve Center/Land	15,500	15,500
	Iowa			
Army Res	Des Moines	Army Reserve Center	8,175	8,175
	Massachusetts			
Army Res	Devens Reserve Forces Training Area	Automated Record Fire Range	4,700	4,700
	Missouri			
Army Res	Belton	Army Reserve Center	11,800	11,800
	New Jersey			
Army Res	Fort Dix	Automated Multipurpose Machine Gun Range.	0	0
	New Mexico			
Army Res	Las Cruces	Army Reserve Center/Land	11,400	11,400
	New York			
Army Res	Binghamton	Army Reserve Center/Land	13,400	13,400
	Texas			
Army Res	Denton	Army Reserve Center/Land	12,600	12,600
Army Res	Fort Hood	Army Reserve Center	0	0
Army Res	Rio Grande	Army Reserve Center/Land	6,100	6,100
Army Res	San Marcos	Army Reserve Center/Land	8,500	8,500
	Virginia			
Army Res	Fort A.P. Hill	Army Reserve Center	15,500	15,500
Army Res	Fort Story	Army Reserve Center	11,000	11,000
Army Res	Roanoke	Army Reserve Center/Land	14,800	14,800
	Wisconsin			
Army Res	Fort Mccoy	AT/MOB Billeting Complex, Ph 1	9,800	9,800
Army Res	Fort Mccoy	Nco Academy, Ph 2	10,000	10,000
	Unspecified			
Army Res	Varlocs	Varlocs	0	0
	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design	25,900	25,900
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Total Military Construction, Army Reserve			**318,175**	**318,175**
	California			
N/MC Res	Twentynine Palms	Tank Vehicle Maintenance Facility	5,991	5,991
	Louisiana			
N/MC Res	New Orleans	Joint Air Traffic Control Facility	16,281	16,281
	Virginia			
N/MC Res	Williamsburg	Navy Ordnance Cargo Logistics Training Camp.	21,346	21,346
	Washington			
N/MC Res	Yakima	Marine Corps Reserve Center	13,844	13,844
	Unspecified			
N/MC Res	Varlocs	Varlocs	0	0
N/MC Res	Varlocs	Varlocs	0	0
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	Mcnr Unspecified Minor Construction	2,238	2,238
N/MC Res	Unspecified Worldwide Locations	Planning and Design	1,857	1,857
Total Military Construction, Naval Reserve			**61,557**	**61,557**
	Alabama			
Air NG	Montgomery Regional Airport (ANG) Base	Fuel Cell and Corrosion Control Hangar	7,472	7,472

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Air NG	Montgomery Regional Airport (ANG) Base	Replace Squad Ops Facility	0	0
	Alaska			
Air NG	Eielson AFB	Add/Alter Communications Facility	0	0
	Arizona			
Air NG	Davis Monthan AFB	TFI—Predator FOC—Increased Mission Orbit Tasking.	4,650	4,650
Air NG	Fort Huachuca	Total Force Integration—Predator Launch and Recovery Element Beddown.	0	11,000
	Arkansas			
Air NG	Little Rock AFB	Fuel Cell and Corrosion Control Hangar	0	0
	Colorado			
Air NG	Buckely AFB	Taxiway Juliet and Lima	0	0
	Delaware			
Air NG	New Castle County Airport	C–130 Aircraft Maintenance Shops (Phase III).	0	0
Air NG	New Castle County Airport	Joint Forces Operations Center-ANG Share.	1,500	1,500
	Florida			
Air NG	Jacksonville IAP	Security Forces Training Facility	6,700	6,700
	Georgia			
Air NG	Savannah/Hilton Head IAP	Relocate Air Supt Opers Sqdn (Asos) Fac	7,450	7,450
	Hawaii			
Air NG	Hickam AFB	F–22 Beddown Intrastructure Support	5,950	5,950
Air NG	Hickam AFB	F–22 Hangar, Squadron Operations and AMU.	48,250	48,250
Air NG	Hickam AFB	F–22 Upgrade Munitions Complex	17,250	17,250
	Illinois			
Air NG	Capital Map	CNAF Beddown-Upgrade Facilities	16,700	16,700
	Indiana			
Air NG	Hulman Regional Airport	Asos Beddown-Upgrade Facilities	4,100	4,100
	Iowa			
Air NG	Des Moines	Corrosion Control Hangar	0	0
Air NG	Des Moines IAP	Corrosion Control Hangar	0	0
	Maryland			
Air NG	Martin State Airport	Replace Ops and Medical Training Facility.	11,400	11,400
	Massachusetts			
Air NG	Barnes ANGB	Add to Aircraft Maintenance Hangar	0	0
Air NG	Barnes Municipal Airport	Additions and Renovations to Building 15	0	0
	Michigan			
Air NG	Alpena Combat Readiness Training Center	Replace Troop Quarters, Phase II	0	0
	Minnesota			
Air NG	Duluth	Load Crew Training and Weapon Release Shops.	0	0
	New Jersey			
Air NG	177th Fighter Wing, Atlantic City	Fuel Cell and Corrosion Control Hanger	0	0
Air NG	Atlantic City IAP	Fuel Cell and Corrosion Control Hangar	0	0
	New York			
Air NG	Fort Drum	Reaper Infrastructure Support	2,500	2,500
Air NG	Stewart IAP	Aircraft Conversion Facility	0	0
Air NG	Stewart IAP	Base Defense Group Beddown	14,250	14,250
	North Carolina			
Air NG	Stanly County Airport	Upgrade Asos Facilities	2,000	2,000
	Ohio			
Air NG	Toledo Express Airport	Replace Security Forces Complex	0	0

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Air NG	Toledo Express Airport	Replace Security Forces Complex	0	0
	Oregon			
Air NG	Kingsley Field ANG Base	Replace Fire Station	0	0
	Pennsylvania			
Air NG	State College Angs	Add to and Alter AOS Facility	4,100	4,100
	Rhode Island			
Air NG	Quonset State Airport	C–130 Parking Apron	0	0
	South Carolina			
Air NG	Mcentire	Training/Operations Center	0	0
Air NG	Mcentire Joint National Guard Base	Replace Operations and Training	0	0
	South Dakota			
Air NG	Joe Foss Field	Aircraft Maintenance Shops	0	0
	Tennessee			
Air NG	Mcghee Tyson ANG Base	Hobbs Road Acquisition	0	0
Air NG	Nashville IAP	Renovate Intel Squadron Facilities	5,500	5,500
	Texas			
Air NG	Ellington Field	Upgrade Unmanned Aerial Vehicle Maintenance Hangar.	0	7,000
	Vermont			
Air NG	Burlington International Airport	Upgrade Taxiways and Replace Arm/Disarm Pads.	0	0
	West Virginia			
Air NG	Yeager AFB	Communications Training Fac.	0	0
Air NG	Yeager AFB	Force Protection/Antiterrorism	0	0
	Wisconsin			
Air NG	General Mitchell International Airport	Replace Fire Station	0	0
	Unspecified			
Air NG	Varlocs	Varlocs	0	0
	Worldwide Unspecified			
Air NG	Unspecified Worldwide Locations	Minor Construction	8,000	8,000
Air NG	Unspecified Worldwide Locations	Planning & Design	9,214	9,214
Total Military Construction, Air National Guard			**176,986**	**194,986**
	Florida			
AF Res	Patrick AFB	Weapons Maintenance Facility	3,420	3,420
	New York			
AF Res	Niagara ARS	C–130 Flightline Operations Facility, Ph 1.	0	0
	Unspecified			
AF Res	Varlocs	Varlocs	0	0
	Worldwide Unspecified			
AF Res	Unspecified Worldwide Locations	Planning and Design	1,653	1,653
AF Res	Various Worldwide Locations	Unspecified Minor Construction	2,759	2,759
Total Military Construction, Air Force Reserve			**7,832**	**7,832**
	Alaska			
FH Con Army	Fort Wainwright	Family Housing Replacement Constrution (110 Units).	21,000	21,000
	Germany			
FH Con Army	Baumholder	Family Housing Replacement Construction (64 Units).	34,329	34,329

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
	Worldwide Unspecified			
FH Con Army	Unspecified Worldwide Locations	Construction Improvements (235 Units)	35,000	35,000
FH Con Army	Unspecified Worldwide Locations	Family Housing Planning & Design	2,040	2,040
Total, Family Housing Construction, Army			**92,369**	**92,369**
	Worldwide Unspecified			
FH Ops Army	Unspecified Worldwide Locations	Leasing	203,184	203,184
FH Ops Army	Unspecified Worldwide Locations	Maintenance of Real Property	120,899	120,899
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous Account	1,201	1,201
FH Ops Army	Unspecified Worldwide Locations	Operations	96,142	96,142
FH Ops Army	Unspecified Worldwide Locations	Privatization Support Costs	27,059	27,059
FH Ops Army	Unspecified Worldwide Locations	Utilities Account	69,655	69,655
Total, Family Housing Operation And Maintenance, Army			**518,140**	**518,140**
	Guantanamo Bay, Cuba			
FH Con Navy	Guantanamo Bay	Replace GTMO Housing	37,169	37,169
Total, Family Housing Construction, Navy And Marine Corps			**37,169**	**37,169**
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Classified Project	50	0
FH Con AF	Unspecified Worldwide Locations	Construction Improvments	73,750	73,800
Total, Family Housing Construction, Air Force			**73,800**	**73,800**
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Design	3,255	3,255
FH Con Navy	Unspecified Worldwide Locations	Improvements	146,020	146,020
Total Family Housing Construction, Navy And Marine Corps			**149,275**	**149,275**
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Planning & Design	4,225	4,225
Total Family Housing Construction, Air Force			**4,225**	**4,225**
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings Account	14,478	14,478
FH Ops Navy	Unspecified Worldwide Locations	Leasing	97,484	97,484
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property	87,134	87,134
FH Ops Navy	Unspecified Worldwide Locations	Management Account	63,551	63,551

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account	464	464
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs	26,526	26,526
FH Ops Navy	Unspecified Worldwide Locations	Services Account	16,790	16,790
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account	59,919	59,919
Total Family Housing Operation And Maintenance, Navy And Marine Corps			**366,346**	**366,346**
	Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Furnishings Account	35,399	35,399
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	53,903	53,903
FH Ops AF	Unspecified Worldwide Locations	Leasing	95,143	95,143
FH Ops AF	Unspecified Worldwide Locations	Leasing Account	528	528
FH Ops AF	Unspecified Worldwide Locations	Maintenance	159,725	159,725
FH Ops AF	Unspecified Worldwide Locations	Maintenance Account	1,971	1,971
FH Ops AF	Unspecified Worldwide Locations	Management Account	1,561	1,561
FH Ops AF	Unspecified Worldwide Locations	Management Account	54,633	54,633
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account	1,710	1,710
FH Ops AF	Unspecified Worldwide Locations	Services Account	19,974	19,974
FH Ops AF	Unspecified Worldwide Locations	Utilities Account	89,245	89,245
Total Family Housing Operation And Maintenance, Air Force			**513,792**	**513,792**
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	4,501	4,501
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	18	18
FH Ops DW	Unspecified Worldwide Locations	Leasing	10,293	10,293
FH Ops DW	Unspecified Worldwide Locations	Leasing	34,124	34,124
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	707	707
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	70	70
FH Ops DW	Unspecified Worldwide Locations	Management Account	365	365
FH Ops DW	Unspecified Worldwide Locations	Operations	50	50
FH Ops DW	Unspecified Worldwide Locations	Services Account	29	29
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	10	10
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	297	297
Total Family Housing Operation And Maintenance, Defense-Wide			**50,464**	**50,464**

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
	Worldwide Unspecified			
HOAP	Unspecified Worldwide Locations	Homeowers Assistance Program	16,515	16,515
Total Homeowners Assistance Fund			**16,515**	**16,515**
	Worldwide Unspecified			
FHIF	Unspecified Worldwide Locations	Family Housing Improvement Fund	1,096	1,096
Total DOD Family Housing Improvement Fund			**1,096**	**1,096**
	Maryland			
BRAC 05	Bethesda (Wrnmmc)	Defense Access Roads—Medical Center Entrance.	20,000	20,000
BRAC 05	Bethesda (Wrnmmc)	Traffic Mitigation, Incr 2	7,600	7,600
	Texas			
BRAC 05	Fort Sam Houston	San Antonio Military Medical Center (North), Incr 4.	93,941	93,941
	Virginia			
BRAC 05	Fort Belvoir	Hospital Replacement, Incr 5	63,637	63,637
BRAC 05	Fort Belvoir	NGA Headquarters Facility	83,328	83,328
BRAC 05	Fort Belvoir	Office Complex, Incr 4	5,610	5,610
	Worldwide Unspecified			
BRAC 05	Unspecified Worldwide Locations	Rescission	0	0
BRAC 05	Various	Environmental	19,555	19,555
BRAC 05	Various	Environmental	73,511	73,511
BRAC 05	Various	Environmental	15,201	15,201
BRAC 05	Various	Military Personnel Permanent Change of Station.	1,456	1,456
BRAC 05	Various	Military Personnel Permanent Change of Station.	1,277	1,277
BRAC 05	Various	Operation and Maintenance	476,764	476,764
BRAC 05	Various	Operation and Maintenance	99,570	99,570
BRAC 05	Various	Operation and Maintenance	887,231	887,231
BRAC 05	Various	Operation and Maintenance	321,888	321,888
BRAC 05	Various	Other	121,584	121,584
BRAC 05	Various	Other	3,601	3,601
BRAC 05	Various	Other	6,853	6,853
BRAC 05	Various	Other	51,678	51,678
Total Base Realignment and Closure Account 2005			**2,354,285**	**2,354,285**
	Worldwide Unspecified			
BRAC IV	Base Realignment & Closure, Air Force	Base Realignment & Closure	124,874	124,874
BRAC IV	Base Realignment & Closure, Army	Base Realignment & Closure	73,600	73,600
BRAC IV	Base Realignment & Closure, Navy	Base Realignment & Closure	162,000	162,000
Total Base Realignment and Closure Account 1990			**360,474**	**360,474**
	Unspecified			
GR	Unspecified Worldwide Locations	General Reductions	0	0
Total General Reductions			**0**	

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
Total Military Construction			**18,747,368**	**18,190,547**

SEC. 3002. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 3002. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
	Afghanistan			
Army	Airborne	Rotary Wing Parking	1,200	0
Army	Bagram AFB	Army Aviation HQ Facilities	0	0
Army	Bagram AFB	Barracks	0	0
Army	Bagram AFB	Command & Control Facility	13,600	13,600
Army	Bagram AFB	Consolidated Community Support Area	0	0
Army	Bagram AFB	Consolidated Laboratory	0	13,800
Army	Bagram AFB	Counter-Improvised Explosive Device Task Force Compound.	24,000	24,000
Army	Bagram AFB	Detention Facility in Parwan Detainee Housing.	23,000	0
Army	Bagram AFB	Dining Facility	2,650	6,000
Army	Bagram AFB	Eastside Electrical Distribution	0	0
Army	Bagram AFB	Eastside Utilities Infrastructure	0	0
Army	Bagram AFB	Entry Control Point	0	0
Army	Bagram AFB	Joint Defense Operations Center	0	0
Army	Bagram AFB	Military Police HQ	2,800	5,500
Army	Bagram AFB	Replace Temporary Guard Towers	5,500	5,500
Army	Bagram AFB	Role III Hospital	35,000	42,000
Army	Bagram AFB	Tanker Truck Off-Load Facility	5,700	0
Army	Bagram AFB	Task Force Freedom Compound	18,000	18,000
Army	Bagram AFB	Troop Housing, Ph 4	23,000	23,000
Army	Bagram AFB	Troop Housing, Ph 5	29,000	29,000
Army	Bagram AFB	Troop Housing, Ph 6	29,000	29,000
Army	Bagram AFB	Troop Housing, Ph 7	29,000	29,000
Army	Bagram AFB	Troop Housing, Ph 8	29,000	29,000
Army	Bagram AFB	Vet Clinic & Kennel	2,600	2,600
Army	Delaram Ii	Entry Control Point and Access Roads	0	4,400
Army	Dwyer	Dining Facility	6,000	9,000
Army	Dwyer	Entry Control Point	5,100	5,100
Army	Dwyer	Rotary Wing Apron	44,000	44,000
Army	Dwyer	Wastewater Treatment Facility	16,000	16,000
Army	Frontenac	Waste Management Complex	4,200	4,200
Army	Frontenac	Wastewater Treatment Facility	4,200	4,200
Army	Jalalabad	Rotary Wing Parking	1,100	0
Army	Kandahar	Command & Control Facility	5,200	5,200
Army	Kandahar	North Area Utilities, Ph 2	21,000	26,000
Army	Kandahar	Special Operations Forces Joint Operations Center.	6,000	9,200
Army	Kandahar	Troop Housing, Ph 4	20,000	20,000
Army	Kandahar	Troop Housing, Ph 5	20,000	20,000
Army	Kandahar	Troop Housing, Ph 6	20,000	0
Army	Kandahar	Troop Housing, Ph 7	20,000	0
Army	Maywand	Wastewater Treatment Facility	7,000	7,000
Army	Shank	Ammunition Supply Point	25,000	23,000
Army	Shank	Electrical Utility Systems, Ph 2	0	6,400
Army	Shank	Expand Extended Cooperation Programme 1 and Extended Cooperation Programme 2.	16,000	16,000
Army	Shank	Guard Towers	2,400	5,200
Army	Shank	Roads and Utilities, Ph 1	8,000	25,000
Army	Shank	Special Operations Forces Parking Apron	0	15,000
Army	Shank	Wastewater Treatment Plant	0	7,700

SEC. 3002. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
Army	Sharana	Bulk Materials Transfer Station	12,400	12,400
Army	Shindand	Medical Facility	7,700	0
Army	Shindand	Waste Management Complex	0	6,100
Army	Tarin Kowt	Medical Facility	5,500	0
Army	Tarin Kowt	Rotary Wing Parking and Taxiway, Ph 2	24,000	24,000
Army	Tarin Kowt	Wastewater Treatment Facility	4,200	5,600
Army	Tombstone/Bastion	Command & Control HQ	0	13,600
Army	Tombstone/Bastion	Contingency Housing	41,000	0
Army	Tombstone/Bastion	Dining Facility	12,800	27,000
Army	Tombstone/Bastion	Paved Roads	0	9,800
Army	Tombstone/Bastion	Rotary Wing Parking	35,000	35,000
Army	Tombstone/Bastion	Waste Management Complex Expansion	0	14,200
Army	Tombstone/Bastion	Wastewater Treatment Facility	13,000	13,000
Army	Various Locations	Air Pollution Abatement	0	0
Army	Various Locations	Community Facilities	0	0
Army	Various Locations	Hospital and Medical Facilities	0	0
Army	Various Locations	Operational Facilities	0	0
Army	Various Locations	Route Gypsum, Ph 1	40,000	50,000
Army	Various Locations	Route Gypsum, Ph 2	0	50,000
Army	Various Locations	Supply Facilities	0	0
Army	Various Locations	Supporting Activities	0	0
Army	Various Locations	Troop Housing Facilities	0	0
Army	Various Locations	Utility Facilities	0	0
Army	Wolverine	Perimeter Fence	5,100	0
Army	Wolverine	Rotary Wing Apron	24,000	0
Army	Wolverine	Wastewater Treatment Facility	13,000	13,000
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Minor Construction	78,330	78,330
Army	Unspecified Worldwide Locations	Planning & Design	89,716	79,716
Army	Unspecified Worldwide Locations	Rescission (Public Law 111–117)	0	0
Army	Unspecified Worldwide Locations	Transfer to DOD Inspector General	0	7,000
Total Military Construction, Army			**929,996**	**981,346**
	Bahrain Island			
Navy	Sw Asia	Navy Central Command Ammunition Magazines.	0	0
Navy	Sw Asia	Operations & Support Facilities	0	0
	Djibouti			
Navy	Camp Lemonier	General Warehouse	0	0
Navy	Camp Lemonier	Pave External Roads	0	0
Total Military Construction, Navy			**0**	
	Afghanistan			
AF	Bagram AFB	Consolidated Rigging Facility	0	0
AF	Bagram AFB	Fighter Hanger	0	0
AF	Bagram AFB	Medevac Ramp Expansion/Fire Station	0	0
AF	Kandahar	Expand Cargo Handling Area	7,100	0
AF	Kandahar	Expeditionary Airlift Shelter	7,400	0
AF	Sharana	Runway	35,000	0
AF	Shindand	Passenger & Cargo Terminal	15,800	0
AF	Tombstone/Bastion	Expand Fuels Operations and Storage	2,500	0
AF	Tombstone/Bastion	Parallel Taxiway	86,000	0
AF	Tombstone/Bastion	Refueler Apron	55,000	0
AF	Various Locations	Maintenance and Production Facilities	0	0
AF	Various Locations	Operational Facilities	0	0
AF	Various Locations	Supply Facilities	0	0
AF	Warrior	Runway	8,700	0
	Bahrain Island			
AF	Sw Asia	North Apron Expansion	0	0
	Oman			

SEC. 3002. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
AF	AL Musannah	Airlift Ramp & Fuel Facilities	0	69,000
	Qatar			
AF	AL Udeid	Blatchford-Preston Complex, Ph 3	0	0
AF	AL Udeid	Tactical Ramp/Vehicle Maintenance Facility.	0	63,000
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	Planning & Design	13,422	13,422
AF	Unspecified Worldwide Locations	Rescission (Public Law 111–117)	0	0
AF	Unspecified Worldwide Locations	Unspecified Minor Construction—FY11 OCO.	49,584	49,584
Total Military Construction, Air Force			**280,506**	**195,006**
	Conus Classified			
Def-Wide	Classified Location	Classified Project	41,900	41,900
Def-Wide	Worldwide Unspecified	Planning and Design	4,600	4,600
	Qatar			
Def-Wide	AL Udeid	Qatar Warehouse	0	0
Total Military Construction, Defense-Wide			**46,500**	**46,500**
Total Military Construction			**1,257,002**	**1,222,852**

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

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Energy security and assurance.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Aircraft procurement.
Sec. 3112. Biennial plan on modernization and refurbishment of the nuclear security complex.
Sec. 3113. Comptroller General assessment of adequacy of budget requests with respect to the modernization and refurbishment of the nuclear weapons stockpile.
Sec. 3114. Notification of cost overruns for certain Department of Energy projects.
Sec. 3115. Establishment of cooperative research and development centers.
Sec. 3116. Future-years defense environmental management plan.
Sec. 3117. Extension of authority of Secretary of Energy for appointment of certain scientific, engineering, and technical personnel.
Sec. 3118. Extension of authority of Secretary of Energy to enter into transactions to carry out certain research projects.
Sec. 3119. Extension of authority relating to the International Materials Protection, Control, and Accounting Program of the Department of Energy.
Sec. 3120. 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. Repeal of sunset provision for modification of minor construction threshold for plant projects.
Sec. 3122. Enhancing private-sector employment through cooperative research and development activities.
Sec. 3123. Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union.
Sec. 3124. Department of Energy energy parks program.

Subtitle C—Reports

Sec. 3131. Report on graded security protection policy.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $11,214,755,000, to be allocated as follows:

(1) For weapons activities, $7,028,835,000.

(2) For defense nuclear nonproliferation activities, $2,667,167,000.

(3) For naval reactors, $1,070,486,000.

(4) For the Office of the Administrator for Nuclear Security, $448,267,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) Project 11–D–801, reinvestment project phase 2, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,000,000.

(2) Project 11–D–601, sanitary effluent reclamation facility expansion, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,588,039,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for other defense activities in carrying out programs necessary for national security in the amount of $878,209,000.

SEC. 3104. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for energy security and assurance programs necessary for national security in the amount of $6,188,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. AIRCRAFT PROCUREMENT.

Of the amounts authorized to be appropriated and made available for obligation under section 3101(1) for weapons activities for any fiscal year before fiscal year 2012, the Secretary of Energy may procure not more than two aircraft.

SEC. 3112. BIENNIAL PLAN ON MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

(a) IN GENERAL.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by inserting after section 4203 the following new section:

"SEC. 4203A. BIENNIAL PLAN ON MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

"(a) IN GENERAL.—In each even-numbered year, beginning in 2012, the Administrator for Nuclear Security shall include in the plan for maintaining the nuclear weapons stockpile required by section 4203 a plan for the modernization and refurbishment of the nuclear security complex.

"(b) PLAN DESIGN.—

"(1) IN GENERAL.—The plan required by subsection (a) shall be designed to ensure that the nuclear security complex is capable of supporting the following:

"(A) Except as provided in paragraph (2), the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

"(B) The nuclear posture of the United States as set forth in the most recent Nuclear Posture Review.

"(2) EXCEPTION.—If, at the time the plan is submitted under subsection (a), a national security strategy report has not been submitted to Congress under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), the plan required by subsection (a) shall be designed to ensure that the nuclear security complex is capable of supporting the national defense strategy recommended in the report of the most recent Quadrennial Defense Review.

"(c) PLAN ELEMENTS.—The plan required by subsection (a) shall include the following:

"(1) A description of the modernization and refurbishment measures the Administrator determines necessary to meet the requirements of—

"(A) the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a) or the national defense strategy recommended in the report of the most recent Quadrennial Defense Review, as applicable under subsection (b); and

"(B) the Nuclear Posture Review.

"(2) A schedule for implementing the measures described in paragraph (1) during the ten years following the date on

which the plan for maintaining the nuclear weapons stockpile required by section 4203 and into which the plan required by subsection (a) is incorporated is submitted to Congress under section 4203(c).

"(3) Consistent with the budget justification materials submitted to Congress in support of the Department of Energy budget for the fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), an estimate of the annual funds the Administrator determines necessary to carry out the plan required by subsection (a), including a discussion of the criteria, evidence, and strategies on which the estimate is based.

"(d) FORM.—The plan required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

"(e) NUCLEAR WEAPONS COUNCIL ASSESSMENT.—

"(1) ASSESSMENT REQUIRED.—For each plan required by subsection (a), the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall conduct an assessment that includes the following:

"(A) An analysis of the plan, including—

"(i) whether the plan supports the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under subsection (b), and the Nuclear Posture Review; and

"(ii) whether the modernization and refurbishment measures described under paragraph (1) of subsection (c) and the schedule described under paragraph (2) of such subsection are adequate to support such requirements.

"(B) An analysis of whether the plan adequately addresses the requirements for infrastructure recapitalization of the facilities of the nuclear security complex.

"(C) If the Nuclear Weapons Council determines that the plan does not adequately support modernization and refurbishment requirements under subparagraph (A) or the nuclear security complex facilities infrastructure recapitalization requirements under subparagraph (B), a risk assessment with respect to—

"(i) supporting the annual certification of the nuclear weapons stockpile under section 4203; and

"(ii) maintaining the long-term safety, security, and reliability of the nuclear weapons stockpile.

"(2) REPORT REQUIRED.—Not later than 180 days after the date on which the Administrator submits the plan required by subsection (a), the Nuclear Weapons Council shall submit to the congressional defense committees a report detailing the assessment required under paragraph (1).

"(f) DEFINITIONS.—In this section:

"(1) The term 'nuclear security complex' means the physical facilities, technology, and human capital of the following:

"(A) The national security laboratories (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).

"(B) The Kansas City Plant, Kansas City, Missouri.

"(C) The Nevada Test Site, Nevada.

"(D) The Savannah River Site, Aiken, South Carolina.

"(E) The Y-12 National Security Complex, Oak Ridge, Tennessee.

"(F) The Pantex Plant, Amarillo, Texas.

"(2) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4203 the following new item:

"Sec. 4203A. Biennial plan on modernization and refurbishment of the nuclear security complex.".

SEC. 3113. COMPTROLLER GENERAL ASSESSMENT OF ADEQUACY OF BUDGET REQUESTS WITH RESPECT TO THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR WEAPONS STOCKPILE.

(a) IN GENERAL.—Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is amended to read as follows:

"SEC. 3255. COMPTROLLER GENERAL ASSESSMENT OF ADEQUACY OF BUDGET REQUESTS WITH RESPECT TO THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR WEAPONS STOCKPILE.

"(a) GAO STUDY AND REPORTS.—(1) For the nuclear security budget materials submitted in each fiscal year by the Administrator, the Comptroller General of the United States shall conduct a study on whether both the budget for the fiscal year following the fiscal year in which such budget materials are submitted and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex.

"(2) Not later than 90 days after the date on which the Administrator submits the nuclear security budget materials, the Comptroller General shall submit to the congressional defense committees a report on the study under paragraph (1), including—

"(A) the findings of such study; and

"(B) whether the nuclear security budget materials support the requirements for infrastructure recapitalization of the facilities of the nuclear security complex.

"(b) DEFINITIONS.—In this section:

"(1) The term 'budget' means the budget for a fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

"(2) The term 'nuclear security budget materials' means the materials submitted to Congress by the Administrator in support of the budget for a fiscal year.

"(3) The term 'nuclear security complex' means the physical facilities, technology, and human capital of the following:

"(A) The national security laboratories.

"(B) The Kansas City Plant, Kansas City, Missouri.

"(C) The Nevada Test Site, Nevada.

"(D) The Savannah River Site, Aiken, South Carolina.

"(E) The Y-12 National Security Complex, Oak Ridge, Tennessee.

"(F) The Pantex Plant, Amarillo, Texas.".

(b) CLERICAL AMENDMENT.—The table of contents for the National Nuclear Security Administration Act is amended by striking the item relating to section 3255 and inserting the following new item:

"Sec. 3255. Comptroller General assessment of adequacy of budget requests with respect to the modernization and refurbishment of the nuclear weapons stockpile.".

SEC. 3114. NOTIFICATION OF COST OVERRUNS FOR CERTAIN DEPARTMENT OF ENERGY PROJECTS.

(a) IN GENERAL.—Subtitle A of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2741 et seq.) is amended by adding at the end the following new section:

"SEC. 4713. NOTIFICATION OF COST OVERRUNS FOR CERTAIN DEPARTMENT OF ENERGY PROJECTS.

"(a) ESTABLISHMENT OF COST AND SCHEDULE BASELINES.—

"(1) STOCKPILE LIFE EXTENSION PROJECTS.—

"(A) IN GENERAL.—The Administrator for Nuclear Security shall establish a cost and schedule baseline for each nuclear stockpile life extension project of the National Nuclear Security Administration.

"(B) PER UNIT COST.—The cost baseline developed under subparagraph (A) shall include, with respect to each life extension project, an estimated cost for each warhead in the project.

"(C) NOTIFICATION TO CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 30 days after establishing a cost and schedule baseline under subparagraph (A), the Administrator shall submit the cost and schedule baseline to the congressional defense committees.

"(2) DEFENSE-FUNDED CONSTRUCTION PROJECTS.—

"(A) IN GENERAL.—The Secretary of Energy shall establish a cost and schedule baseline under the project management protocols of the Department of Energy for each construction project that is—

"(i) in excess of $50,000,000; and

"(ii) carried out by the Department using funds authorized to be appropriated for a fiscal year pursuant to a DOE national security authorization.

"(B) NOTIFICATION TO CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 30 days after establishing a cost and schedule baseline under subparagraph (A), the Secretary shall submit the cost and schedule baseline to the congressional defense committees.

"(3) DEFENSE ENVIRONMENTAL MANAGEMENT PROJECTS.—

"(A) IN GENERAL.—The Secretary shall establish a cost and schedule baseline under the project management protocols of the Department of Energy for each defense environmental management project that is—

"(i) in excess of $50,000,000; and

"(ii) carried out by the Department pursuant to such protocols.

"(B) NOTIFICATION TO CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 30 days after establishing a cost and schedule baseline under subparagraph (A), the

Secretary shall submit the cost and schedule baseline to the congressional defense committees.

"(b) NOTIFICATION OF COSTS EXCEEDING BASELINE.—The Administrator or the Secretary, as applicable, shall notify the congressional defense committees not later than 30 days after determining that—

"(1) the total cost for a project referred to in paragraph (1), (2), or (3) of subsection (a) will exceed an amount that is equal to 125 percent of the cost baseline established under subsection (a) for that project; and

"(2) in the case of a stockpile life extension project referred to in subsection (a)(1), the cost for any warhead in the project will exceed an amount that is equal to 200 percent of the cost baseline established under subsection (a)(1)(B) for each warhead in that project.

"(c) NOTIFICATION OF DETERMINATION WITH RESPECT TO TERMINATION OR CONTINUATION OF PROJECTS.—Not later than 90 days after submitting a notification under subsection (b) with respect to a project, the Administrator or the Secretary, as applicable, shall—

"(1) notify the congressional defense committees with respect to whether the project will be terminated or continued; and

"(2) if the project will be continued, certify to the congressional defense committees that—

"(A) a revised cost and schedule baseline has been established for the project and, in the case of a stockpile life extension project referred to in subparagraph (A) or (B) of subsection (a)(1), a revised estimate of the cost for each warhead in the project has been made;

"(B) the continuation of the project is necessary to the mission of the Department of Energy and there is no alternative to the project that would meet the requirements of that mission; and

"(C) a management structure is in place adequate to manage and control the cost and schedule of the project.

"(d) APPLICABILITY OF REQUIREMENTS TO REVISED COST AND SCHEDULE BASELINES.—A revised cost and schedule baseline established under subsection (c) shall—

"(1) be submitted to the congressional defense committees with the certification submitted under subsection (c)(2); and

"(2) be subject to the notification requirements of subsections (b) and (c) in the same manner and to the same extent as a cost and schedule baseline established under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4712 the following new item:

"Sec. 4713. Notification of cost overruns for certain Department of Energy projects.".

SEC. 3115. ESTABLISHMENT OF COOPERATIVE RESEARCH AND DEVELOPMENT CENTERS.

(a) COOPERATIVE RESEARCH AND DEVELOPMENT CENTERS.—

(1) IN GENERAL.—Section 4813 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2794) is amended—

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

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

"(b) COOPERATIVE RESEARCH AND DEVELOPMENT CENTERS.—(1) Subject to the availability of appropriations provided for such purpose, the Administrator for Nuclear Security shall establish a cooperative research and development center described in paragraph (2) at each national security laboratory.

"(2) A cooperative research and development center described in this paragraph is a center to foster collaborative scientific research, technology development, and the appropriate transfer of research and technology to users in addition to the national security laboratories.

"(3) In establishing a cooperative research and development center under this subsection, the Administrator—

"(A) shall enter into cooperative research and development agreements with governmental, public, academic, or private entities; and

"(B) may enter into a contract with respect to constructing, purchasing, managing, or leasing buildings or other facilities.".

(2) DEFINITION.—Subsection (c) of such section, as redesignated by paragraph (1)(A), is amended by adding at the end the following new paragraph:

"(5) The term 'national security laboratory' has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).".

(3) SECTION HEADING.—The heading of such section is amended by inserting "**AND COOPERATIVE RESEARCH AND DEVELOPMENT CENTERS**" after "**PARTNERSHIPS**".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4813 and inserting the following new item:

"Sec. 4813. Critical technology partnerships and cooperative research and development centers.".

SEC. 3116. FUTURE-YEARS DEFENSE ENVIRONMENTAL MANAGEMENT PLAN.

(a) IN GENERAL.—Title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2581 et seq.) is amended by inserting after section 4402 the following new section:

"SEC. 4402A. FUTURE-YEARS DEFENSE ENVIRONMENTAL MANAGEMENT PLAN.

"(a) IN GENERAL.—The Secretary of Energy shall submit to Congress each year, at or about the same time that the President's budget is submitted to Congress for a fiscal year under section 1105(a) of title 31, United States Code, a future-years defense environmental management plan that—

"(1) reflects the estimated expenditures and proposed appropriations included in that budget for the Department of Energy for environmental management; and

"(2) covers a period that includes the fiscal year for which that budget is submitted and not less than the four succeeding fiscal years.

"(b) ELEMENTS.—Each future-years defense environmental management plan required by subsection (a) shall contain the following:

"(1) A detailed description of the projects and activities relating to defense environmental management to be carried out during the period covered by the plan at the sites specified in subsection (c) and with respect to the activities specified in subsection (d).

"(2) A statement of proposed budget authority, estimated expenditures, and proposed appropriations necessary to support such projects and activities.

"(3) With respect to each site specified in subsection (c), the following:

"(A) A statement of each milestone included in an enforceable agreement governing cleanup and waste remediation for that site for each fiscal year covered by the plan.

"(B) For each such milestone, a statement with respect to whether each such milestone will be met in each such fiscal year.

"(C) For any milestone that will not be met, an explanation of why the milestone will not be met and the date by which the milestone is expected to be met.

"(c) SITES SPECIFIED.—The sites specified in this subsection are the following:

"(1) The Idaho National Laboratory, Idaho.

"(2) The Waste Isolation Pilot Plant, Carlsbad, New Mexico.

"(3) The Savannah River Site, Aiken, South Carolina.

"(4) The Oak Ridge National Laboratory, Oak Ridge, Tennessee.

"(5) The Hanford Site, Richland, Washington.

"(6) Any defense closure site of the Department of Energy.

"(7) Any site of the National Nuclear Security Administration.

"(d) ACTIVITIES SPECIFIED.—The activities specified in this subsection are the following:

"(1) Program support.

"(2) Program direction.

"(3) Safeguards and security.

"(4) Technology development and deployment.

"(5) Federal contributions to the Uranium Enrichment Decontamination and Decommissioning Fund established under section 1801 of the Atomic Energy Act of 1954 (42 U.S.C. 2297g).".

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4402 the following new item:

"Sec. 4402A. Future-years defense environmental management plan.".

SEC. 3117. EXTENSION OF AUTHORITY OF SECRETARY OF ENERGY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking "September 30, 2011" and inserting "September 30, 2016".

SEC. 3118. EXTENSION OF AUTHORITY OF SECRETARY OF ENERGY TO ENTER INTO TRANSACTIONS TO CARRY OUT CERTAIN RESEARCH PROJECTS.

Section 646(g)(10) of the Department of Energy Organization Act (42 U.S.C. 7256(g)(10)) is amended by striking "September 30, 2010" and inserting "September 30, 2015".

SEC. 3119. EXTENSION OF AUTHORITY RELATING TO THE INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM OF THE DEPARTMENT OF ENERGY.

Section 3156(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 50 U.S.C. 2343(b)(1)) is amended by striking "January 1, 2013" and inserting "January 1, 2018".

SEC. 3120. 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.

(a) ENVIRONMENTAL RESTORATION.—If the Secretary of Energy determines under any authority previously established by law that a parcel of land described in subsection (c) requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the parcel not later than September 30, 2022, and otherwise in compliance with such law.

(b) CONVEYANCE OR TRANSFER.—If the Secretary determines under any authority previously established by law that environmental restoration or remediation cannot reasonably be expected to be completed with respect to a parcel of land described in subsection (c) by September 30, 2022, the Secretary shall not convey or transfer the parcel of land.

(c) PARCELS OF LAND.—A parcel of land described in this subsection is a parcel of land under the jurisdiction or administrative control of the Secretary at or in the vicinity of Los Alamos National Laboratory that the Secretary has previously identified as suitable for conveyance or transfer in a report submitted to the congressional defense committees prior to the date of the enactment of this Act.

SEC. 3121. REPEAL OF SUNSET PROVISION FOR MODIFICATION OF MINOR CONSTRUCTION THRESHOLD FOR PLANT PROJECTS.

(a) MINOR CONSTRUCTION THRESHOLD.—Paragraph (3) of section 4701 of the Atomic Energy Defense Act (50 U.S.C. 2741(3)), as amended by section 3118(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2709), is amended by striking "$5,000,000" and inserting "$10,000,000".

(b) NOTIFICATION.—Section 3118(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2709) is amended by striking "during fiscal year 2010".

SEC. 3122. ENHANCING PRIVATE-SECTOR EMPLOYMENT THROUGH COOPERATIVE RESEARCH AND DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—The Administrator for Nuclear Security shall encourage cooperative research and development activities at the

national security laboratories (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)) that lead to the creation of new private-sector employment opportunities.

(b) REPORTS.—Not later than January 31 of each year from 2012 through 2017, the Administrator shall submit to Congress a report detailing the number of new private-sector employment opportunities created as a result of the previous years' cooperative research and development activities at each national security laboratory.

SEC. 3123. LIMITATION ON USE OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE IN COUNTRIES OUTSIDE OF THE FORMER SOVIET UNION.

Not more than $500,000 of the funds authorized to be appropriated by section 3101(a)(2) for defense nuclear nonproliferation activities may be obligated or expended to establish a center of excellence in a country that is not a state of the former Soviet Union until the date that is 15 days after the date on which the Administrator for Nuclear Security submits to the congressional defense committees a report that includes the following:

(1) An identification of the country in which the center will be located.

(2) A description of the purpose for which the center will be established.

(3) The agreement under which the center will operate.

(4) A funding plan for the center, including—

(A) the amount of funds to be provided by the government of the country in which the center will be located; and

(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

SEC. 3124. DEPARTMENT OF ENERGY ENERGY PARKS PROGRAM.

(a) IN GENERAL.—The Secretary of Energy may establish a program to permit the establishment of energy parks on former defense nuclear facilities.

(b) OBJECTIVES.—The objectives for establishing energy parks pursuant to subsection (a) are the following:

(1) To provide locations to carry out a broad range of projects relating to the development and deployment of energy technologies and related advanced manufacturing technologies.

(2) To provide locations for the implementation of pilot programs and demonstration projects for new and developing energy technologies and related advanced manufacturing technologies.

(3) To set a national example for the development and deployment of energy technologies and related advanced manufacturing technologies in a manner that will promote energy security, energy sector employment, and energy independence.

(4) To create a business environment that encourages collaboration and interaction between the public and private sectors.

(c) CONSULTATION.—In establishing an energy park pursuant to subsection (a), the Secretary shall consult with—

(1) the local government with jurisdiction over the land on which the energy park will be located;

(2) the local governments of adjacent areas; and

(3) any community reuse organization recognized by the Secretary at the former defense nuclear facility on which the energy park will be located.

(d) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the program under subsection (a). The report shall include such recommendations for additional legislative actions as the Secretary considers appropriate to facilitate the development of energy parks on former defense nuclear facilities.

(e) DEFENSE NUCLEAR FACILITY DEFINED.—In this section, the term "defense nuclear facility" has the meaning given the term "Department of Energy defense nuclear facility" in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

Subtitle C—Reports

SEC. 3131. REPORT ON GRADED SECURITY PROTECTION POLICY.

(a) REPORT.—Not later than February 1, 2011, the Secretary of Energy shall submit to the congressional defense committees a report on the implementation of the graded security protection policy of the Department of Energy.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A comprehensive plan and schedule (including any benchmarks, milestones, or other deadlines) for implementing the graded security protection policy.

(2) An explanation of the current status of the graded security protection policy for each site with respect to the comprehensive plan under paragraph (1).

(3) An explanation of the Secretary's objective end-state for implementation of the graded security protection policy (such end-state explanation shall include supporting justification and rationale to ensure that robust and adaptive security measures meet the graded security protection policy requirements).

(4) Identification of each site that has received an exception or waiver to the graded security protection policy, including the justification for each such exception or waiver.

(5) A schedule for "force-on-force" exercises that the Secretary considers necessary to maintain operational readiness.

(6) A description of a program that will provide proper training and equipping of personnel to a certifiable standard.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2011, $28,640,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $23,614,000 for fiscal year 2011 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2011.
Sec. 3502. Extension of Maritime Security Fleet program.
Sec. 3503. United States Merchant Marine Academy nominations of residents of the Northern Mariana Islands.
Sec. 3504. Research authority.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2011.

Funds are hereby authorized to be appropriated for fiscal year 2011, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $100,020,000, of which—

(A) $63,120,000 shall remain available until expended for Academy operations;

(B) $6,000,000 shall remain available until expended for refunds to Academy midshipmen for improperly charged fees; and

(C) $30,900,000 shall remain available until expended for capital improvements at the Academy.

(2) For expenses necessary to support the State maritime academies, $15,007,000, of which—

(A) $2,000,000 shall remain available until expended for student incentive payments;

(B) $2,000,000 shall remain available until expended for direct payments to such academies; and

(C) $11,007,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $10,000,000.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $60,000,000, of which $3,688,000 shall remain available until expended for administrative expenses of the program.

SEC. 3502. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

Chapter 531 of title 46, United States Code, is amended—

(1) in section 53104(a), by striking "2015" and inserting "2025";

(2) in section 53106(a)(1)(C), by striking "for each fiscal years 2012, 2013, 2014, and 2015" and inserting "for each of fiscal years 2012 though 2025"; and

(3) in section 53111(3), by striking "2015" and inserting "2025".

SEC. 3503. UNITED STATES MERCHANT MARINE ACADEMY NOMINATIONS OF RESIDENTS OF THE NORTHERN MARIANA ISLANDS.

Section 51302(b) of title 46, United States Code, is amended—

(1) in paragraph (3), by inserting "the Northern Mariana Islands," after "Guam,"; and

(2) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. 3504. RESEARCH AUTHORITY.

Section 51301 title 46, United States Code, is amended—

(1) by inserting "as an institution of higher education" after "Academy"; and

(2) by striking "States." and inserting "States, to conduct research with respect to maritime-related matters, and to provide such other appropriate academic support, assistance,

training, and activities in accordance with the provisions of this chapter as the Secretary may authorize.”.

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEES ON ARMED SERVICES

OF THE U.S. SENATE AND HOUSE OF REPRESENTATIVES

ON H.R. 6523,

IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT

FOR FISCAL YEAR 2011

DECEMBER 22, 2010

Explanation of funding summary

The administration's budget request for national defense discretionary programs within the jurisdiction of the Committees on Armed Services of the Senate and the House of Representatives 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.

The agreement authorizes $724.6 billion national defense discretionary programs and includes $548.2 billion for the base budget of the Department of Defense, $158.7 billion for overseas contingency operations, and $17.7 billion for national security programs in the Department of Energy.

The following table lists the discretionary authorizations in the agreement.

Summary of National Defense Authorizations for Fiscal Year 2011

(In Thousands of Dollars)	Request	Authorization
National Defense Function (050) Funding, Base Budget		
Function 051, Department of Defense-Military		
Division A: Department of Defense Authorizations		
Title I - Procurement		
Aircraft Procurement, Army	5,976,867	5,908,384
Missile Procurement, Army	1,887,437	1,670,463
Weapons & Tracked Combat Vehicles, Army	1,723,561	1,656,263
Procurement of Ammunition, Army	1,979,414	1,953,194
Other Procurement, Army	9,765,808	9,758,965
Joint Improvised Explosive Device Defeat Fund	215,868	0
Aircraft Procurement, Navy	18,508,613	18,877,139
Weapons Procurement, Navy	3,359,794	3,358,264
Shipbuilding & Conversion, Navy	15,724,520	15,724,520
Procurement of Ammunition, Navy & Marine Corps	817,991	817,991
Other Procurement, Navy	6,450,208	6,381,815
Procurement, Marine Corps	1,344,044	1,296,838
Aircraft Procurement, Air Force	15,366,508	14,668,408
Procurement of Ammunition, Air Force	667,420	672,420
Missile Procurement, Air Force	5,463,272	5,444,464
Other Procurement, Air Force	17,845,380	17,845,342
Procurement, Defense-Wide	4,280,368	4,398,168
Subtotal, Title I - Procurement	**111,377,073**	**110,432,638**
Title II - Research, Development, Test and Evaluation		
Research, Development, Test & Evaluation, Army	10,333,392	10,093,704
Research, Development, Test & Evaluation, Navy	17,693,496	17,881,008
Research, Development, Test & Evaluation, Air Force	27,247,302	27,319,627
Research, Development, Test & Evaluation, Defense-Wide	20,661,600	21,097,666
Operational Test & Evaluation, Defense	194,910	194,910
Subtotal, Title II - Research, Development, Test and Evaluation	**76,130,700**	**76,586,915**
Title III - Operation and Maintenance		
Operation & Maintenance, Army	33,971,965	33,921,165
Operation & Maintenance, Navy	38,134,308	38,232,943
Operation & Maintenance, Marine Corps	5,590,340	5,590,340
Operation & Maintenance, Air Force	36,844,512	36,822,516
Operation & Maintenance, Defense-Wide	30,583,896	30,562,619
Operation & Maintenance, Army Reserve	2,879,077	2,879,077
Operation & Maintenance, Navy Reserve	1,367,764	1,367,764
Operation & Maintenance, Marine Corps Reserve	285,234	285,234
Operation & Maintenance, Air Force Reserve	3,301,035	3,403,827
Operation & Maintenance, Army National Guard	6,572,704	6,621,704
Operation & Maintenance, Air National Guard	5,941,143	6,042,239

Summary of National Defense Authorizations for Fiscal Year 2011

(In Thousands of Dollars)	Request	Authorization
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
Defense Acquisition Development Workforce Fund	217,561	217,561
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	296,546
Overseas Contingency Operations Transfer Fund	5,000	0
Subtotal, Title III - Operation and Maintenance	**167,878,542**	**168,150,992**
Title IV - Military Personnel		
Military Personnel Appropriations	138,540,700	138,540,700
Subtotal, Title IV - Military Personnel	**138,540,700**	**138,540,700**
Title XIV - Other Authorizations		
Working Capital Fund, Army	54,636	54,636
Working Capital Fund, Air Force	66,861	66,861
Working Capital Fund, Defense-Wide	39,468	39,468
Working Capital Fund, DECA	1,273,571	1,273,571
National Defense Sealift Fund	934,866	934,866
Defense Coalition Support, Defense	10,000	0
Defense Health Program	30,935,111	30,959,611
Chemical Agents & Munitions Destruction	1,467,307	1,467,307
Drug Interdiction and Counter Drug Activities	1,131,351	1,160,851
Office of the Inspector General	283,354	317,154
Subtotal, Title XIV - Other Authorizations	**36,196,525**	**36,274,325**
Subtotal, Division A: Department of Defense Authorizations	**530,123,540**	**529,985,570**
Division B: Military Construction Authorizations		
Military Construction		
Military Construction, Army	4,078,798	3,954,998
Military Construction, Navy	3,879,104	3,516,173
Military Construction, Air Force	1,311,385	1,293,295
Military Construction, Defense-Wide	3,118,062	3,048,062
Chemical Demilitarization Construction, Defense	124,971	124,971
NATO Security Investment Program	258,884	258,884
Military Construction, Army National Guard	873,664	873,664
Military Construction, Army Reserve	318,175	318,175
Military Construction, Naval Reserve	61,557	61,557
Military Construction, Air National Guard	176,986	194,986
Military Construction, Air Force Reserve	7,832	7,832
Subtotal, Military Construction	**14,209,418**	**13,652,597**

Summary of National Defense Authorizations for Fiscal Year 2011

(In Thousands of Dollars)	Request	Authorization
Family Housing		
Family Housing Construction, Army	92,369	92,369
Family Housing Operation And Maintenance, Army	518,140	518,140
Family Housing Construction, Navy And Marine Corps	186,444	186,444
Family Housing Operation And Maintenance, Navy And Marine C	366,346	366,346
Family Housing Construction, Air Force	78,025	78,025
Family Housing Operation And Maintenance, Air Force	513,792	513,792
Family Housing Operation And Maintenance, Defense-Wide	50,464	50,464
Homeowners Assistance Fund	16,515	16,515
DOD Family Housing Improvement Fund	1,096	1,096
Subtotal, Family Housing	**1,823,191**	**1,823,191**
Base Realignment and Closure		
Base Realignment and Closure Account 1990	360,474	360,474
Base Realignment and Closure Account 2005	2,354,285	2,354,285
Subtotal, Base Realignment and Closure	**2,714,759**	**2,714,759**
Undistributed Adjustments		
General Reductions	0	0
Prior Year Savings	0	0
Subtotal, Undistributed Adjustments	**0**	**0**
Subtotal, Division B: Military Construction Authorizations	**18,747,368**	**18,190,547**
Subtotal, 051, Department of Defense-Military	**548,870,908**	**548,176,117**
Function 053, Atomic Energy Defense Activities		
Division C: Department of Energy National Security Authorization and Other Authorizations		
Environmental and Other Defense Activities		
Energy Security and Assurance	6,188	6,188
Weapons Activities	7,008,835	7,028,835
Defense Nuclear Nonproliferation	2,687,167	2,667,167
Naval Reactors	1,070,486	1,070,486
Office of the Administrator	448,267	448,267
Defense Environmental Cleanup	5,588,039	5,588,039
Other Defense Activities	878,209	878,209
Subtotal, Environmental and Other Defense Activities	**17,687,191**	**17,687,191**
Independent Federal Agency Authorization		
Defense Nuclear Facilities Safety Board	28,640	28,640
Subtotal, Independent Federal Agency Authorization	**28,640**	**28,640**
Subtotal, Division C: Department of Energy National Security A	**17,715,831**	**17,715,831**
Subtotal, 053, Atomic Energy Defense Activities	**17,715,831**	**17,715,831**
Total, National Defense Function (050) Funding, Base Budget	**566,586,739**	**565,891,948**
National Defense Function (050) Funding, OCO Budget		
Function 051, Department of Defense-Military		
Overseas Contingency Operations		

Summary of National Defense Authorizations for Fiscal Year 2011

(In Thousands of Dollars)	Request	Authorization
Procurement		
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	384,441
Other Procurement, Army	5,827,274	5,827,274
Joint Improvised Explosive Device Defeat Fund	3,250,000	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	1,705,069
Aircraft Procurement, Air Force	1,362,420	1,096,520
Procurement of Ammunition, Air Force	292,959	292,959
Missile Procurement, Air Force	56,621	56,621
Other Procurement, Air Force	3,087,481	2,992,681
Procurement, Defense-Wide	874,546	844,546
Mine Resistant Ambush Protection Vehicle Fund	3,415,000	3,415,000
National Guard & Reserve Equipment	0	700,000
Subtotal, Procurement	**24,611,868**	**24,745,712**
Research, Development, Test and Evaluation		
Research, Development, Test & Evaluation, Army	150,906	150,906
Research, Development, Test & Evaluation, Navy	60,401	60,401
Research, Development, Test & Evaluation, Air Force	266,241	266,241
Research, Development, Test & Evaluation, Defense-Wide	157,240	661,240
Subtotal, Research, Development, Test and Evaluation	**634,788**	**1,138,788**
Operation and Maintenance		
Operation & Maintenance, Army	62,602,618	63,202,618
Operation & Maintenance, Navy	8,946,634	8,692,173
Operation & Maintenance, Marine Corps	4,136,522	4,136,522
Operation & Maintenance, Air Force	13,487,283	13,487,283
Operation & Maintenance, Defense-Wide	9,426,358	9,436,358
Operation & Maintenance, Army Reserve	286,950	286,950
Operation & Maintenance, Navy Reserve	93,559	93,559
Operation & Maintenance, Marine Corps Reserve	29,685	29,685
Operation & Maintenance, Air Force Reserve	129,607	129,607
Operation & Maintenance, Army National Guard	544,349	544,349
Operation & Maintenance, Air National Guard	350,823	350,823
Afghanistan Security Forces Fund	11,619,283	11,619,283
Iraq Security Forces Fund	2,000,000	1,500,000
Overseas Contingency Operations Transfer Fund	1,551,781	506,781

Summary of National Defense Authorizations for Fiscal Year 2011

(In Thousands of Dollars)	Request	Authorization
Subtotal, Operation and Maintenance	**115,205,452**	**114,015,991**
Military Personnel		
Military Personnel Appropriations	15,275,502	15,275,502
Subtotal, Military Personnel	**15,275,502**	**15,275,502**
Other Authorizations		
Working Capital Fund, Air Force	17,000	17,000
Working Capital Fund, Defense-Wide	468,384	468,384
Defense Health Program	1,398,092	1,398,092
Drug Interdiction and Counter Drug Activities	457,110	457,110
Office of the Inspector General	10,529	10,529
Subtotal, Other Authorizations	**2,351,115**	**2,351,115**
Military Construction		
Military Construction, Army	929,996	981,346
Military Construction, Navy	0	0
Military Construction, Air Force	280,506	195,006
Military Construction, Defense-Wide	46,500	46,500
Subtotal, Military Construction	**1,257,002**	**1,222,852**
Subtotal, Overseas Contingency Operations	**159,335,727**	**158,749,960**
Subtotal, 051, Department of Defense-Military	**159,335,727**	**158,749,960**
Total, National Defense Function (050) Funding, OCO Budget	**159,335,727**	**158,749,960**
Total, National Defense	**725,922,466**	**724,641,908**

Division A—Department of Defense Authorizations

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Authorization of appropriations (secs. 101-104)

The House bill contained provisions (secs. 101-104) that would authorize appropriations for procurement for the Army, the Navy and the Marine Corps, the Air Force, and for defense-wide activities.

The Senate committee-reported bill authorized appropriations for these activities in one provision (sec. 101).

The agreement includes the House provisions with amendments to reflect the agreed authorization levels.

Subtitle B—Navy Programs

Multiyear funding for detail design and construction of LHA Replacement ship designated LHA-7 (sec. 111)

The Senate committee-reported bill contained a provision (sec. 121) 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.

The House bill contained a provision (sec. 121) that would provide more general authority for the Navy to incrementally fund large naval vessels.

The agreement includes the Senate committee-reported provision.

Requirement to maintain Navy airborne signals intelligence, surveillance, and reconnaissance capabilities (sec. 112)

The Senate committee-reported bill contained a provision (sec. 122) that would prohibit the retirement of the EP-3E Airborne Reconnaissance Integrated Electronic System (ARIES)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 would require that the Navy upgrade both aircraft systems as necessary to meet combatant command requirements.

The report accompanying the Senate committee-reported bill (S. Rept. 111-201) also expressed concern about the Navy's plan to cease operations of its Reaper unmanned aerial systems (UAS), developed under the Saber Focus program, and to transfer the aircraft to the Air Force early in calendar year 2011. These concerns have been amplified by continuing shortages of persistent intelligence, surveillance, and reconnaissance assets, especially in critical regions such as the Horn of Africa.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would prohibit the retirement of the EP-3E and SPA fleets until the commencement of the fielding of a platform or mix of platforms and sensors that are, in the aggregate, equivalent or superior to the EP-3 ARIES II (Spiral 3) or the SPA (P909) platform. The amendment also would prohibit the Secretary of the Navy from halting the operations of the Saber Focus UAS and associated ground-based capabilities and transferring the assets to the Air Force until 30 days after the Secretary of the Air Force certifies to the congressional defense committees that the Air Force is providing an equal or superior capability and capacity to the same area of operations.

Report on naval force structure and missile defense (sec. 113)

The House bill contained a provision (sec. 123) that would require the Secretary of the Navy to submit a report on naval force structure requirements related to ballistic missile defense.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Reports on service-life extension of F/A-18 aircraft by the Department of the Navy (sec. 114)

The Senate committee-reported bill contained a provision (sec. 123) that would require the Secretary of the Navy to conduct a business case analysis of 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 House bill contained no similar provision.

The agreement includes the Senate committee-reported provision with an amendment that would require that the Secretary conduct a cost-benefit analysis of the two options.

Subtitle C—Joint and Multiservice Matters

Limitations on biometric systems funds (sec. 121)

The House bill contained a provision (sec. 142) that would limit the amount of funds obligated or expended for biometrics programs and operations subject to the submission of a report. In addition, there was a specific limitation on obligations or expenditures of funds unless such obligations or expenditures were approved in writing by the Under Secretary of Defense for Acquisition, Technology, and Logistics (or designee).

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would eliminate the specific limitation clause.

System management plan and matrix for the F-35 Joint Strike Fighter aircraft program (sec. 122)

The Senate committee-reported bill contained a provision (sec. 141) that would require that the Secretary of Defense establish a system management plan and matrix for the F-35 Joint Strike Fighter 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 provision would look prospectively to measure progress during the remainder of the SDD program and 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 House bill contained no similar provision.

The agreement includes the Senate committee-reported provision.

Quarterly reports on use of Combat Mission Requirements funds (sec. 123)

The Senate committee-reported bill contained a provision (sec. 143) that would require the Commander of the 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 House bill contained no similar provision.

The agreement includes the Senate provision with a technical amendment.

Counter-improvised explosive device initiatives database (sec. 124)

The House bill contained a provision (sec. 143) that would direct the Secretary of Defense to direct the military services and the Director of the Joint Improvised Explosive Device Defeat Organization (JIEDDO) to create a comprehensive improvised explosive device defeat initiative database and work with JIEDDO to develop a Department of Defense-wide database for all counter-improvised explosive device initiatives.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that strikes subsection (c) of the House provision.

In creating this database, the JIEDDO Director shall determine whether a classified or unclassified database is more appropriate.

Study on lightweight body armor solutions (sec. 125)

The House bill contained a provision (sec. 144) that would direct a study to identify and examine the requirements for lighter weight body armor systems.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Integration of solid state laser systems into certain aircraft (sec. 126)

The Senate committee-reported bill contained a provision

(sec. 144) that would require the Department of Defense to conduct an analysis of the feasibility of integrating solid state laser systems into certain aircraft platforms.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Contracts for commercial imaging satellite capacities (sec. 127)

The Senate committee-reported bill contained a provision (sec. 142) 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 House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would provide the Secretary of Defense with the authority to waive the requirements of the provision if the Secretary determines that it is not in the national security interest to acquire or procure this capability.

Commercial imagery satellites are becoming a key part of the overhead imagery architecture.

Legislative Provisions Not Adopted

Report on Army battlefield network plans and programs

The House bill contained a provision (sec. 112) that would require a report and limit the obligation of procurement funds for the Army's future tactical network technology and the acquisition programs to achieve this network.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

The committees on Armed Services of the Senate and the House of Representatives recognize the Army's recent efforts to adjust its tactical network plans through capability portfolio reviews, and is encouraged by the move toward a more flexible approach to communications equipment that can keep pace with private sector innovation. However, the committees remain concerned that the Army plans to continue to invest in the Network Integration Kit (NIK) for vehicles that originated in the Future Combat Systems (FCS) program. These concerns stem from the apparent contradiction between the Army's new focus on affordable and flexible network equipment and the high cost, poor reliability, and poor performance of NIK systems to date.

Specifically, the committees note that the NIK has yet to demonstrate desired performance levels in testing, has very large power, space, and cooling requirements, and is projected to cost $450,000 each. When combined with the cost of the required Joint Tactical Radio System Ground Mobile Radio the per-vehicle cost of the NIK increases to $970,000 - a level that may be unaffordable to procure and deploy on the scale desired. In addition, the committees note that this particular combination of computer hardware and software has never been integrated successfully into an Abrams tank or Bradley Fighting Vehicle, significantly limiting the NIK's potential utility in Heavy Brigade Combat Teams. Further, the committees are concerned that the NIK is dependent upon continued development of the System of Systems Common Operating Environment (SOSCOE) and associated applications. The committees note that, despite seven years of development and billions of dollars invested by the Army through the FCS and Early Infantry Brigade Combat Team programs, that the Army has yet to deploy a single element of SOSCOE-based software for combat operations.

The committees urge the Army to continue its communications and network capability portfolio review and reevaluate its requirements for vehicle-based network equipment. For example, the committees note that the Army has already procured and fielded more than 88,000 Force XXI Battle Command Brigade and Below vehicle network systems, and could pursue upgrades to those systems as a lower-cost alternative to continued investment in the NIK. The Army should also conduct a comprehensive market survey to identify technologically mature and affordable alternatives to continued NIK and SOSCOE development, and compare these alternatives to moving forward with NIK and SOSCOE. Should any identified alternatives show the potential to provide a lower-cost, lower-risk path to achieving the desired capability, the Army should then conduct an open competition for a new or upgraded system for pushing network capability down to lower tactical level platforms.

Limitation on the use of funds for line-haul tractors

The House bill contained a provision (sec. 113) that would modify the Army's current acquisition and investment strategy for the M915 line-haul tractor trailer program. The provision would prohibit the Army from obligating funds for the continued procurement of M915 line-haul tractor trailers unless the source selection is based on a new, full and open competition.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

The conferees are aware the Secretary of the Army opposes this provision and that the Army is nearing completion of its acquisition objective required for the M915 line haul tractor trailer program. The conferees would encourage the Secretary of the Army, should the M915 requirement increase, to consider a full and open competition for any new, future procurement. The conferees understand the Army Reserve have significant unfunded requirements for their M915 truck fleet and the conferees would encourage the Secretary of the Army to develop courses of action that could help to accelerate meeting those requirements in a timely manner.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Authorization of appropriations (sec. 201)

The House bill contained a provision (sec. 201) that would authorize appropriations for fiscal year 2011 for the use of the Department of Defense for research, development, test, and evaluation.

The Senate committee-reported bill contained a similar provision (sec. 201).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Subtitle B—Program Requirements, Restrictions, and Limitations

Enhancement of Department of Defense support of science, mathematics, and engineering education (sec. 211)

The Senate committee-reported bill contained a provision (sec. 213) that would provide the secretaries of the military departments and directors of defense laboratories certain authorities pertaining to educational activities in science, mathematics, and engineering.

The House bill contained no similar provision.

The agreement includes the Senate provision.

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

The Senate committee-reported bill contained a provision (sec. 212) that would prohibit the use of funds for the National Cyber Range pending a report, as well as place certain limitations on the use of funds after the submission of this report.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

Separate program elements required for research and development of Joint Light Tactical Vehicle (sec. 213)

The House bill contained a provision (sec. 214) that would require separate program elements in the Army and Navy research, development, test, and evaluation accounts for the Joint Light Tactical Vehicle program.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

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

The Senate committee-reported bill contained a provision (sec. 214) that would permit the Department of Defense to carry out a program for research and development on, and deployment of, advanced technology ground vehicles, ground vehicle systems, and components.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that removed explicit reference to the Defense Production Act (Public Law 81-774).

Demonstration and pilot projects on cybersecurity (sec. 215)

The Senate committee-reported bill contained a provision (sec. 215) that would require the Secretary of Defense to conduct demonstration and pilot projects on cybersecurity. The purpose of these projects would be to evaluate commercial solutions, business processes, and policy options to enhance cybersecurity within the Department of Defense (DOD), the defense industrial base, the government as a whole, and the Nation’s critical infrastructure.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would provide more latitude to DOD in choosing

what projects to pursue and how to implement them, including by encouraging the Department to pursue pilots on supply chain security and cloud computing security, and to involve the military services in the program.

Subtitle C—Missile Defense Programs

Sense of Congress on ballistic missile defense (sec. 221)

The Senate committee-reported bill contained a provision (sec. 231) that would express the sense of Congress on ballistic missile defense issues, particularly related to the Phased Adaptive Approach to missile defense in Europe.

The House bill contained a related provision (sec. 1236).

The agreement includes the Senate provision with a clarifying amendment.

Repeal of prohibition of certain contracts by Missile Defense Agency with foreign entities (sec. 222)

The House bill contained a provision (sec. 222) that would repeal section 222 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180).

The Senate committee-reported bill included an identical provision.

The agreement includes the provision.

Limitation on availability of funds for missile defense interceptors in Europe (sec. 223)

The House bill contained a provision (sec. 221) that would limit the availability of funds for construction and deployment of a missile defense system in Europe until any host nation approves the required basing and deployment agreements, and 45 days have elapsed after Congress receives an independent assessment required by section 235(c)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84). The provision would also limit the availability of funds for the procurement or deployment of operational missile defense interceptors on land in Europe until the Secretary of Defense certifies that such interceptor has demonstrated a high probability of working in an operationally effective manner.

The Senate committee-reported bill contained no similar provision.

The agreement contains the House provision, with an amendment that would clarify that the provision applies to land-based interceptors as part of the Phased Adaptive Approach to

missile defense in Europe. It would also provide the Secretary of Defense with a national security waiver authority of the limitations. Finally, the provision would clarify a number of activities permitted under the provision in relation to the planned deployment of land-based interceptors in Europe as part of the Phased Adaptive Approach to missile defense in Europe.

The provision is not intended to impede or delay the successful implementation of the Phased Adaptive Approach to missile defense in Europe, which is important for protection against existing and potential future Iranian missile threats. Nor is it intended to limit the production of missile defense interceptors for ground- and flight-testing, or production process validation.

Medium Extended Air Defense System (sec. 224)

The Senate committee-reported bill contained a provision (sec. 233) that would limit the availability of any fiscal year 2011 funds for the Medium Extended Air Defense System (MEADS) until certain conditions had been met, including a decision by the Secretary of Defense on whether to proceed with MEADS, and a report to the congressional defense committees concerning MEADS.

The House bill contained no similar provision.

The agreement includes a provision that would limit the availability of more than 25 percent of fiscal year 2011 funds for the MEADS program until the Secretary informs the congressional defense committees of a decision to proceed with the MEADS program. The provision would also limit more than 50 percent of fiscal year 2011 funds for the MEADS program until 30 days after the Secretary submits a report on MEADS to the congressional defense committees.

Given the significant cost increases and schedule delays in the MEADS development program, there is considerable uncertainty in the future of the program. It would not be prudent to spend fiscal year 2011 funds on the program unless the Department of Defense decides to proceed with the program in a fiscally sound manner in agreement with our allies. The provision is included without prejudice to the MEADS program.

Acquisition accountability reports on the ballistic missile defense system (sec. 225)

The Senate committee-reported bill contained a provision (sec. 234) that would require the Missile Defense Agency to establish, maintain, and report on acquisition baselines for each program element of the ballistic missile defense system.

The House bill contained no similar provision.

The agreement contains the Senate provision.

Authority to support ballistic missile shared early warning with the Czech Republic (sec. 226)

In May of 2010, after the President had submitted the budget request for fiscal year 2011, the Department of Defense requested the authority to carry out a shared ballistic missile early warning program with the Czech Republic.

Since the request came to Congress late, neither the House bill nor the Senate committee-reported bill contained a provision authorizing such a program.

The agreement includes a provision authorizing such a shared early warning program with the Czech Republic.

Report on Phased, Adaptive Approach to missile defense in Europe (sec. 227)

The House bill contained a provision (sec. 223) that would require a report on the Phased Adaptive Approach to Missile Defense in Europe.

The Senate committee-reported bill contained no similar provision.

The agreement contains the House provision with a clarifying amendment.

Independent review and assessment of the Ground-based Midcourse Defense system (sec. 228)

The House bill contained a provision (sec. 225) that would require an independent assessment of the plans of the Department of Defense for defending the United States homeland against ballistic missiles, and a report on the results of that assessment.

The Senate committee-reported bill contained a similar provision (sec. 235).

The agreement contains the Senate provision with a clarifying amendment.

Iron Dome short-range rocket defense system (sec. 229)

The House bill contained a provision (sec. 1507) that would authorize the Secretary of Defense to provide $205.0 million from the Overseas Contingency Operations procurement account to the Government of Israel for the Iron Dome short-range rocket defense system.

The Senate committee-reported bill authorized the same amount of funding for Iron Dome in its research, development, test and evaluation (RDT&E) funding tables.

The agreement includes a provision that would authorize $205.0 million of Defense-wide RDT&E funds for Iron Dome.

Subtitle D-Reports

Report on analysis of alternatives and program requirements for the Ground Combat Vehicle program (sec. 231)

The House bill contained a provision (sec. 231) that would limit the obligation of research and development funding for the Army Ground Combat Vehicle program until certain program documentation is provided to the congressional defense committees.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Cost benefit analysis of future tank-fired munitions (sec. 232)

The House bill contained a provision (sec. 232) that would require a cost benefit analysis of future options for developing tank-fired munitions.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Annual Comptroller General report on the VH-(XX) presidential helicopter acquisition program (sec. 233)

The House bill contained a provision (sec. 233) that would require the Comptroller General to produce an annual report on the VH-(XX) presidential helicopter acquisition program during the time that the Department expects to continue development, ending with a report in 2018.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision, amended to have the reporting requirement expire after the fiscal year 2013 report.

Subtitle E-Other Matters

Sense of Congress affirming the importance of Department of Defense participation in development of next generation semiconductor technologies (sec. 241)

The House bill contained a sense of Congress (sec. 245) that the Department of Defense (DOD) should establish research and development facilities and a public-private partnership focused on extreme ultraviolet lithography technologies for the next-generation of semiconductors.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that removes references to facilities and any specific public-private partnerships and generalizes the focus of semiconductor manufacturing technology development beyond extreme ultraviolet lithography technologies. This agreement recognizes the importance of pursuing a range of techniques to develop next-generation advanced semiconductors, without prematurely narrowing down on any specific technological approaches before they are sufficiently proven to meet DOD mission needs.

Pilot program on collaborative energy security (sec. 242)

The House bill contained a provision (sec. 243) that would establish a pilot program on collaborative energy security between the Departments of Energy and Defense.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Pilot program to include technology protection features during research and development of defense systems (sec. 243)

The House bill contained a provision (sec. 242) that would direct the Secretary of Defense to develop and incorporate technology protection features in designated systems during the research and development phase of such systems.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Legislative Provision Not Adopted

Joint assessment of the joint effects targeting system

The House bill contained a provision (sec. 234) that would require an assessment and report on the joint effects targeting system.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

The committees remain concerned about the future of the joint effects targeting system, and direct the Secretary of the Army to provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the current status and future plans for the joint effects targeting system not later than March 15, 2011. The briefing shall include detailed information on funding and schedule for the joint effects targeting system.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Authorization of appropriations (sec. 301)

The House bill contained a provision (sec. 301) that would authorize appropriations for fiscal year 2011 for the use of the Department of Defense for operation and maintenance.

The Senate committee-reported bill contained a similar provision (sec. 301).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Subtitle B—Energy and Environmental Provisions

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

The Senate committee-reported bill contained a provision (sec. 311) that would authorize the Secretary of Defense to transfer not more than $5,620,000 to the Environmental Protection Agency (EPA) to reimburse EPA for costs incurred relating to response actions performed at the Twin Cities Army Ammunition Plant, Minnesota.

The House bill contained a similar provision (sec. 311).

The agreement includes the Senate committee-reported provision with a clarifying amendment that reflects the amount

as $5,611,671.

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

The House bill contained a provision (sec. 312) that would authorize the Secretary of Defense to transfer to the Environmental Protection Agency not more than $153,000 to satisfy a stipulated penalty assessed by EPA against Naval Air Station, Brunswick.

The Senate committee-reported bill contained a similar provision (sec. 312).

The agreement includes the House provision.

Requirements related to the investigation of exposure to drinking water contamination at Camp Lejeune, North Carolina (sec. 313)

The House bill contained a provision (sec. 316) that would require the Secretary of Defense to provide information and expertise to the Agency for Toxic Substances and Disease Registry (ATSDR) relating to contaminated drinking water at Camp Lejeune in North Carolina.

The Senate committee-reported bill contained a similar provision (sec. 313) that would also limit the use of certain funds and provide for the resolution of certain disputes.

The agreement includes the House provision with several clarifying amendments and a provision limiting the use of certain funds subject to notification.

The Department of the Navy and ATSDR have been working on the issue of water contamination at Camp Lejeune for many years and various studies are still to be completed. The recently established Camp Lejeune Data Mining Technical Working Group is a positive development in the collaboration between the two agencies. Nonetheless, the cooperation has not always been as productive as it should have have been. Service members and civilians who lived at Camp Lejeune and may have been exposed to contaminated water deserve to have the Navy and ATSDR work together cooperatively and collaboratively to ensure that the remaining studies and analyses are completed as comprehensively and expeditiously as possible.

The committees note that a number of relevant studies of Camp Lejeune water contamination and the possible health effects are still underway and could bear on the outcome of the claims filed with the Department of the Navy. It is the intention of the committees that no claims associated with water

contamination at Camp Lejeune be fully and finally adjudicated until after these studies are fully completed. Nonetheless, the committees recognize that the Department of the Navy may need to take certain ministerial actions associated with administration of the claims, which would be necessary to properly manage the claims and to support the eventual final action, before these studies are complete. Therefore, this provision would allow the Navy to take certain administrative and non-dispositive actions on the claims but only after the Committees on Armed Services for the Senate and the House of Representatives are notified.

Comptroller General assessment on military environmental exposures (sec. 314)

The Senate committee-reported bill contained a provision (sec. 314) that would establish a commission on military environmental exposures that would, among other things, make recommendations for how the Federal Government should respond to the issue of exposures of current and former members of the armed forces and their dependents to environmental hazards on military installations.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would drop the requirement for a commission and, instead, require the Comptroller General to assess various issues associated with environmental exposures on military installations, including impacts to current and former members of the armed forces, their dependents, and civilian employees, and to submit a report to the Committees on Armed Services of the Senate and the House of Representatives.

Subtitle C-Workplace and Depot Issues

Technical amendments to requirement for service contract inventory (sec. 321)

The House bill contained a provision (sec. 321) that would amend section 2330a of title 10, United States Code, to make technical changes to the requirement for a service contract inventory.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment clarifying that responsibility for the development of the guidance on certain types of information to be included in the inventory would reside with the Under Secretary of Defense (Personnel and Readiness), since the inventory is intended in

part to facilitate the human capital planning efforts of the Department of Defense. The Under Secretary of Defense (Acquisition, Technology, and Logistics) would retain responsibility for developing guidance on other data elements and implementing procedures.

The amendment would further require that information on the number of contractor employees be collected using direct labor hours and associated cost data collected from contractors to the maximum extent practicable. Only where such direct data is not available and cannot reasonably be made available in a timely manner would the use of estimates based on contract expenditures be authorized.

Repeal of conditions on expansion of functions performed under prime vendor contracts for depot-level maintenance and repair (sec. 322)

The House bill contained a provision (sec. 322) that would repeal an obsolete provision requiring the Secretary of Defense to report to Congress before entering into a prime vendor contract for depot-level maintenance and repair of a weapon system or other significant military equipment.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Prohibition on establishing goals or quotas for conversion of functions to performance by Department of Defense civilian employees (sec. 323)

The House bill contained a provision (sec. 325) that would prohibit the Secretary of Defense from establishing goals or quotas for the in-sourcing of functions currently performed in the private sector, unless such goals or quotas are based on considered research and analysis.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

We are aware of instances in which budget-driven quotas appear to have led to decisions that were not in the best interest of the Department of Defense and risk jeopardizing the workforce, potentially displacing highly-qualified and long-serving personnel.

We believe that the Department’s hiring efforts should focus on the acquisition workforce and other critical capabilities needed by the Department. At a time when the

Department desperately needs to rebuild its in-house capabilities 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.

Subtitle D-Reports

Additional reporting requirements relating to corrosion prevention projects and activities (sec. 331)

The House bill contained a provision (sec. 332) that would add corrosion reporting requirements and increase oversight with respect to the efforts of corrosion control and prevention within the services.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Modification and repeal of certain reporting requirements (sec. 332)

The House bill contained a provision (sec. 333) that would modify or repeal certain reporting requirements in sections 323 and 349 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) and section 355 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

The Senate committee-reported bill contained two similar provisions (sec. 346 and sec. 347) that would amend section 323 and repeal section 349 respectively of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

The agreement includes a provision that would combine language from the House and the Senate provisions.

Report on Air Sovereignty Alert mission (sec. 333)

The House bill contained a provision (sec. 334) that would require the Commander of the United States Northern Command and the North American Aerospace Defense Command to submit a report on the Air Sovereignty Alert mission. The provision would also provide the opportunity for the Director of the National Guard Bureau to review and provide independent analysis and comments on this report.

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision similar to the House provision, but the agreement would require the Director of the National Guard Bureau to review and provide independent analysis and comments on this report, rather than leaving that to the discretion of the Director of the National Guard Bureau.

Report on the SEAD/DEAD mission requirement for the Air Force (sec. 334)

The House bill contained a provision (sec. 335) that would require the Secretary of the Air Force to submit a report on the feasibility and desirability of designating the Suppression of Enemy Air Defenses/Destruction of Enemy Air Defenses (SEAD/DEAD) mission as a responsibility of the Air National Guard. The provision would also provide the opportunity for the Director of the National Guard Bureau to review and provide independent analysis and comments on this report.

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision similar to the House provision, but the agreement would require the Director of the National Guard Bureau to review and provide independent analysis and comments on this report, rather than leaving that to the discretion of the Director of the National Guard Bureau.

Requirement to update study on strategic seaports (sec. 335)

The House bill contained a provision (sec. 336) that would require the Commander of the United States Transportation Command to update the study entitled "PORT LOOK 2008 Strategic Seaports Study."

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Subtitle E-Limitations and Extensions of Authority

Permanent authority to accept and use landing fees charged for use of domestic military airfields by civil aircraft (sec. 341)

The House bill contained a provision (sec. 341) that would amend title 10, United States Code, to add a new section 2697. The new section 2697 would provide permanent authority for the

secretary of a military department to impose landing fees for use by civil aircraft at domestic military airfields for the purpose of funding operation and maintenance of such airfields.

The Senate committee-reported bill contained a provision (sec. 2822) that would amend section 377 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) to achieve the same purpose.

The agreement includes the House provision, amended to incorporate a requirement that the secretary of a military department determine whether the government has received consideration for landing fees in a lease, license, or other real estate agreement. If so, the secretary would be required to use such a determination to offset appropriate amounts of the proceeds associated with any landing fees assessed.

Extension of the Arsenal Support Program Initiative (sec. 342)

The House bill contained a provision (sec. 342) that would extend the Arsenal Support Program Initiative, prioritize the program purposes, and require a report.

The Senate committee-reported bill contained a similar provision (sec. 342) that would extend the ASPI for 1 year.

The agreement includes the Senate provision.

Limitation on obligation of funds for the Army Human Terrain System (sec. 343)

The House bill contained a provision (sec. 344) that would limit the obligation of 50 percent of funds for the Army's Human Terrain System until a number of requirements were met, including an independent assessment of the program.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would reduce the funding limitation from 50 percent to 15 percent and would eliminate the requirement for an independent assessment since this has already been completed and delivered.

Limitation on obligation of funds pending submission of classified justification material (sec. 344)

The House bill contained a provision (sec. 345) that would limit the obligation of operations and maintenance funds for the Office of the Secretary of Defense, in budget activity 4, to not more than 90 percent of available funds until 15 days after the information cited in the classified annex accompanying this Act

relating to the provision of classified justification material to Congress is provided to the congressional defense committees.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Requirements for transferring aircraft within the Air Force inventory (sec. 345)

The House bill contained a provision (sec. 346) that would have prevented the Secretary of the Air Force from retiring any C-130 aircraft until 30 days after the Secretary submitted a report on the specific terms and conditions and personnel effects of any aircraft transfers between the active Air Force and the Air National Guard.

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision similar to the House provision, but that provision would require prospectively such a report from the Secretary before taking action on future proposed transfers of aircraft between the active Air Force and the reserve components.

Commercial sale of small arms ammunition in excess of military requirements (sec. 346)

The House bill contained a provision (sec. 347) that would authorize the sale of small arms ammunition and ammunition components in excess of military requirements.

The Senate committee-reported bill contained a similar provision (sec. 345) with additional safeguards for state and local law enforcement, firefighting, homeland security, and emergency management agencies.

The agreement includes the Senate provision. We note that the Army has previously recycled once-fired small arms cartridge casings through the Qualified Recycling Program. Out of the revenue generated through the program, installation commanders were authorized to transfer up to 50 percent to the Morale, Welfare, and Recreation (MWR) fund for the benefit of soldiers and their families. Recognizing that removing the brass cartridges from the program may have an unintended consequence on the MWR program, we direct the Secretary of Defense to determine the impact on the MWR program and to take into account such impact when issuing guidance to implement this provision.

Subtitle F-Other Matters

Expedited processing of background investigations for certain individuals (sec. 351)

The House bill contained a provision (sec. 351) that would amend section 1564, title 10, United States Code, to authorize the use of expedited procedures for completing background investigations for the granting of security clearances to assist the transition to a civilian career for military personnel who are applying for a position with the Department of Defense and have been retired or separated for a physical disability pursuant to chapter 61 of title 10, United States Code.

The Senate committee-reported bill contained a similar provision (sec. 572) that would 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.

The agreement includes the House provision with an amendment that would authorize expedited background investigations for members of the armed forces expected to be retired or separated for physical disability, spouses of members who retire or are separated for physical disability after the date of enactment of this Act, and spouses of members who die after date of enactment of this Act as a result of a wound, injury, or illness incurred or aggravated in the line of duty.

Revision to authorities relating to transportation of civilian passengers and commercial cargoes by Department of Defense when space available on commercial lines (sec. 352)

The House bill contained a provision (sec. 353) that would amend current authorities relating to transportation of civilian passengers and commercial cargoes by Department of Defense transportation when space is available on commercial lines.

The Senate committee-reported bill contained a similar provision (sec. 348).

The agreement includes the House provision with a clarifying amendment.

Technical correction to obsolete reference relating to use of flexible hiring authority to facilitate performance of certain Department of Defense functions by civilian employees (sec. 353)

The House bill contained a provision (sec. 354) that would

delete an obsolete reference to the National Security Personnel System in section 2463 of title 10, United States Code.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Authority for payment of full replacement value for loss or damage to household goods in limited cases not covered by carrier liability (sec. 354)

The House bill contained a provision (sec. 362) 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 move under certain circumstances where reimbursement is not available from the contracted carrier.

The Senate committee-reported bill contained a similar provision (sec. 622) with an effective date of March 1, 2008.

The agreement includes the House provision.

Recovery of improperly disposed of defense property (sec. 355)

The House bill contained a provision (sec. 361) that would authorize the recovery of Department of Defense property that has been disposed of in violation of applicable statutory and regulatory requirements.

The Senate committee-reported bill contained a similar provision (sec. 344).

The agreement includes the Senate provision with an amendment clarifying the applicability of the provision and the process required for the recovery of covered property.

Operational readiness models (sec. 356)

The House bill contained a provision (sec. 355) that would require a Comptroller General report and a study by a federally funded research and development center on the Department of Defense's modeling and simulation tools used to develop and analyze its annual budget submission.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that focused on budget tools for operational readiness, required a study from the Congressional Budget Office (CBO) instead, and required briefings to the congressional defense committees from each service on their responses to the CBO study.

Sense of Congress regarding continued importance of high-altitude aviation training site, Colorado (sec. 357)

The House bill contained a provision (sec. 356) that would express the sense of Congress that the High-Altitude Aviation Training Site in Gypsum, Colorado, is an important element of the Department of Defense aviation training activities, and that the Department of Defense should take all appropriate measures to prevent encroachment on the training site that would negatively impact training activities.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Study of effects of new construction of obstructions on military installations and operations (sec. 358)

The House bill contained a provision (sec. 358) that would require the Secretary of Defense to assess military installations and operations and determine areas that are vital to national defense and training missions. This section would also require the Secretary of Defense to designate a single organization to coordinate hazard determinations with the Secretary of Transportation.

The Senate committee-reported bill contained a similar provision (sec. 1047) 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.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to designate a single individual and lead organization 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.

Legislative Provisions Not Adopted

Depot level maintenance and recapitalization parts supply

The Senate committee-reported bill contained a provision (sec. 321) that would direct the Defense Logistics Agency to report to Congress on the status of Reset and Retrograde for the equipment from Iraq and Afghanistan.

The House bill contained no similar provision.

The Senate agreement does not include this provision.

Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency shall brief the Committees on Armed Services of the Senate and the House of Representatives to include: an estimate of the current and projected scope of work to repair and resupply materiel to the military services, including projected costs and lists of major end items needed to meet Department of Defense readiness requirements; the current and projected timeline for the completion of reset of Operations Iraqi Freedom and New Dawn equipment up to and beyond December 31, 2011; the percentage and level of expected reset to take place in the United States and the percentage and level of expected reset overseas; a comprehensive assessment of parts management including backlogs and plans to reduce and minimize backlogs in parts availability; and a description of Department-wide efforts to find and implement more efficient parts supply, repair, and manufacturing solutions that will provide capacity and flexibility.

Pilot program on best value for contracts for private security functions

The House bill contained a provision (sec. 323) that would require the Secretary of Defense to establish a pilot program for the use of a "best value" approach in the award of contracts for private security functions in the Republic of Iraq and the Islamic Republic of Afghanistan.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

Part 15 of the Federal Acquisition Regulation already authorizes the use of "best value" contracting in the acquisition of products and services, including private security functions. We expect the Department of Defense to exercise this authority in the acquisition of private security functions in Iraq and Afghanistan, in a manner that is consistent with the requirements of conditions on the ground in theaters of military operations. As the Commission on Wartime Contracting stated in an October 2009 report, "a best value evaluation in a contingency environment, such as Iraq and Afghanistan, would

give due weight to the needs of operational commanders."

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

The Senate committee-reported bill contained a provision (sec. 341) that would provide added protections from indemnification to the Department of Defense for articles and services sold by working-capital funded Army industrial facilities and arsenals.

The House bill contained no similar provision.

The Senate agreement does not include this provision.

The results of the comprehensive depot study due to the Committees on Armed Services of the Senate and House of Representatives in December 2010 is expected to suggest many recommendations and potential legislative solutions to the full spectrum of policy issues related to Department of Defense manufacturing and maintenance operations. As such, the Committees on Armed Services of the Senate and House of Representatives defer action until fiscal year 2011.

Report on use of domestically-produced alternative fuels or technologies by vehicles of the Department of Defense

The Senate committee-reported bill contained a provision (sec. 1062) that would require a comprehensive report regarding the current and projected use of domestically-produced alternative fuels or technologies by vehicles of the Department of Defense (DOD).

The House bill contained no similar provision.

The agreement does not include this provision.

The Committees on Armed Services of the Senate and House of Representatives note that while the Department of Defense is making advances in alternative fuels for vehicles and hybrid electric technologies, concerns remain that a strategic-level plan and coordinated approach are lacking and proliferation of technology is not as robust across the fleet as it could be. Not later than 45 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics jointly with the Director of the Defense Logistics Agency, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the status of: use and potential use of domestically-produced alternative fuels including but not limited to, natural gas-based fuels and biodiesel, in DOD vehicles; current and projected actions by the

DOD to increase the use of alternative fuels in vehicles; a description and assessment of current and anticipated commercial availability and demand for alternative fuels including cost; a description of the infrastructure and associated costs required to store and distribute alternative fuels on military installations in the United States that could be adapted for use by alternative fuels; a list and status of the current tactical, non-tactical, and combat vehicle programs that are pursuing either hybrid or electric technologies, or advances to accept alternative fuels; a list of research and development programs and funding investments for operational energy; and any recommendations for legislative or administrative action to ensure that the DOD meets goals for the use of alternative fuels and vehicles.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize the following end strengths for active-duty personnel of the armed forces as of September 30, 2011: Army, 569,400; Navy, 328,700; Marine Corps, 202,100; and Air Force, 332,200.

The Senate committee-reported bill contained an identical provision (sec. 401).

The agreement includes the provision.

End strength levels for the active forces for fiscal year 2011 are set forth in the following table:

Service	FY 2010 authorized	FY 2011		Change from	
		Request	Recommendation	FY 2011 request	FY 2010 authorized
Army	562,400	569,400	569,400	0	7,000
Navy	328,800	328,700	328,700	0	-100
Marine Corps	202,100	202,100	202,100	0	0
Air Force	331,700	332,200	332,200	0	500
DOD Total	1,425,000	1,432,400	1,432,400	0	7,400

Revision in permanent active duty end strength minimum levels (sec. 402)

The House bill contained a provision (sec. 402) that would

establish the following minimum end strengths for active-duty personnel as of September 30, 2011: Army, 547,400; Navy, 324,300; Marine Corps, 202,100; and Air Force 332,200.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Minimum end strength levels for active forces are set forth in the following table:

Service	FY 2010 authorized	FY 2011 Recommendation	Change from FY 2010
Army	547,400	547,400	0
Navy	328,800	324,300	-4,500
Marine Corps	202,100	202,100	0
Air Force	331,700	332,200	500
DOD Total	1,410,000	1,406,000	-4,000

Subtitle B-Reserve Forces

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel, including the end strengths for reserves on active duty in support of the reserves, as of September 30, 2011: the Army National Guard of the United States, 358,200; the Army Reserve, 205,000; the Navy Reserve, 65,500; the Marine Corps Reserve, 39,600; the Air National Guard of the United States, 106,700; the Air Force Reserve, 71,200; and the Coast Guard Reserve, 10,000.

The Senate committee-reported bill contained an identical provision (sec. 411).

The agreement includes the provision.

End strength levels for the Selected Reserve are set forth in the following table:

Service	FY 2010 authorized	FY 2011 Request	FY 2011 Recommendation	Change from FY 2011 request	Change from FY 2010 authorized
Army National Guard	358,200	358,200	358,200	0	0
Army Reserve	205,000	205,000	205,000	0	0
Navy Reserve	65,500	65,500	65,500	0	0
Marine Corps Reserve	39,600	39,600	39,600	0	0
Air National Guard	106,700	106,700	106,700	0	0
Air Force Reserve	69,500	71,200	71,200	0	1,700

DOD Total	844,500	846,200	846,200	0	1,700
Coast Guard Reserve	10,000	10,000	10,000	0	0

End strengths for reserves on active duty in support of the reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize the following end strengths for reserves on active duty in support of the reserve components as of September 30, 2011: the Army National Guard of the United States, 32,060; the Army Reserve, 16,261; the Navy Reserve, 10,688; the Marine Corps Reserve, 2,261; the Air National Guard of the United States, 14,584; and the Air Force Reserve, 2,992.

The Senate committee-reported bill contained an identical provision (sec. 412).

The agreement includes the provision.

End strength levels for reserves on active duty in support of the reserves are set forth in the following table:

Service	FY 2010 authorized	FY 2011		Change from	
		Request	Recommendation	FY 2011 request	FY 2010 authorized
Army National Guard	32,060	32,060	32,060	0	0
Army Reserve	16,261	16,261	16,261	0	0
Navy Reserve	10,818	10,688	10,688	0	-130
Marine Corps Reserve	2,261	2,261	2,261	0	0
Air National Guard	14,555	14,584	14,584	0	29
Air Force Reserve	2,896	2,992	2,992	0	96
DOD Total	78,851	78,846	78,846	0	-5

End strengths for military technicians (dual status) (sec. 413)

The House bill contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2011: the Army Reserve, 8,395; the Army National Guard of the United States, 27,210; the Air Force Reserve, 10,720; and the Air National Guard of the United States, 22,394.

The Senate committee-reported bill contained an identical provision (sec. 413).

The agreement includes the provision.

End strength levels for military technicians (dual status) are set forth in the following table:

	FY 2011	Change from

Service	FY 2010 authorized	Request	Recommendation	FY 2011 request	FY 2010 authorized
Army Reserve	8,395	8,395	8,395	0	0
Army National Guard	27,210	27,210	27,210	0	0
Air Force Reserve	10,417	10,720	10,720	0	303
Air National Guard	22,313	22,394	22,394	0	81
DOD Total	68,335	68,719	68,719	0	384

Fiscal year 2011 limitation on number of non-dual status technicians (sec. 414)

The House bill contained a provision (sec. 414) that would establish the following maximum end strengths for the reserve components of the Army and Air Force for non-dual status technicians as of September 30, 2011: the Army National Guard of the United States, 2,520; the Air National Guard of the United States, 350; the Army Reserve, 595; and the Air Force Reserve, 90.

The Senate committee-reported bill contained a similar provision (sec. 414) that would establish maximum end strength for the Army National Guard for non-dual status technicians of 1,600.

The agreement includes the Senate provision.

End strength levels for non-dual status technicians are set forth in the following table:

Service	FY 2010 authorized	FY 2011		Change from	
		Request	Recommendation	FY 2011 request	FY 2010 authorized
Army National Guard.....	1,600	2,520	1,600	-920	0
Air National Guard.....	350	350	350	0	0
Army Reserve	595	595	595	0	0
Air Force Reserve	90	90	90	0	0
DOD Total	2,635	3,555	2,635	-920	0

Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)

The House bill contained a provision (sec. 415) that would authorize the maximum number of reserve component personnel who may be on active duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal

year 2011 to provide operational support.

The Senate committee-reported bill contained an identical provision (sec. 415).

The agreement includes the provision.

The maximum number of reserve component personnel who may be on active duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2011 is set forth in the following table:

Service	FY 2010 authorized	FY 2011		Change from	
		Request	Recommendation	FY 2011 request	FY 2010 authorized
Army National Guard	17,000	17,000	17,000	0	0
Army Reserve	13,000	13,000	13,000	0	0
Navy Reserve	6,200	6,200	6,200	0	0
Marine Corps Reserve	3,000	3,000	3,000	0	0
Air National Guard	16,000	16,000	16,000	0	0
Air Force Reserve	14,000	14,000	14,000	0	0
DOD Total	69,200	69,200	69,200	0	0

Subtitle C-Authorization of Appropriations

Military personnel (sec. 421)

The House bill contained a provision (sec. 421) that would authorize appropriations for military personnel.

The Senate committee-reported bill contained a similar provision (sec. 421).

The agreement includes the House provision.

TITLE V-MILITARY PERSONNEL POLICY

Subtitle A-Officer Personnel Policy Generally

Ages for appointment and mandatory retirement for health professions officers (sec. 501)

The House bill contained a provision (sec. 501) 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 would also amend 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.

The Senate committee-reported bill contained a similar provision (sec. 507).

The agreement includes the Senate provision with a technical amendment.

Authority for appointment of warrant officers in the grade of W-1 by commission and standardization of warrant officer appointing authority (sec. 502)

The House bill contained a provision (sec. 502) 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.

The Senate committee-reported bill contained a similar provision (sec. 509).

The agreement includes the Senate provision.

Nondisclosure of information from discussions, deliberations, notes, and records of special selection boards (sec. 503)

The House bill contained a provision (sec. 503) 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.

The Senate committee-reported bill contained a similar provision (sec. 502).

The agreement includes the House provision.

Administrative removal of officers from promotion list (sec. 504)

The House bill contained a provision (sec. 504) 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 is discharged or dropped from the rolls, transferred to retired status, or found to have been erroneously included in a zone of consideration.

The Senate committee-reported bill contained a similar provision (sec. 503) that did not authorize administrative

removal from a promotion list of an officer found to have been erroneously included in a zone of consideration. We believe that higher authority outside the service concerned must give careful scrutiny to the circumstances surrounding erroneous inclusion of an officer's name on a list of officers recommended for promotion by a selection board and determine that removal from the promotion list is justified.

The agreement includes the Senate provision with a technical amendment.

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 Senate committee-reported bill contained a provision (sec. 505) 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 nominations have 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.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer (sec. 506)

The House bill contained a provision (sec. 506) 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.

The Senate committee-reported bill contained a similar provision (sec. 506).

The agreement includes the House provision.

Subtitle B-Reserve Component Management

Removal of statutory distribution limits on Navy reserve flag

officer allocation (sec. 511)

The House bill contained a provision (sec. 513) that would amend section 12004 of title 10, United States Code, by removing the statutory distribution limits on Navy Reserve flag officers.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Assignment of Air Force Reserve military technicians (dual status) to positions outside Air Force Reserve unit program (sec. 512)

The House bill contained a provision (sec. 514) that would amend section 10216 of title 10, United States Code, to authorize up to 50 Air Force Reserve technicians to be assigned outside of the unit program.

The Senate committee-reported bill contained a similar provision (sec. 523).

The agreement includes the House provision.

Temporary authority for temporary employment of non-dual status military technicians (sec. 513)

The House bill contained a provision (sec. 515) that would amend section 10217 of title 10, United States Code, to authorize the Secretary of the Army or the Secretary of the Air Force to employ, for a period of up to 2 years, a non-dual status technician to backfill a mobilized dual status technician. The authority would expire 2 years after the date of enactment of this Act.

The Senate committee-reported bill contained a similar provision (sec. 524).

The agreement includes the House provision with an amendment that clarifies that non-dual status technicians hired under this authority do not count against the permanent limitations on the number of non-dual status technicians contained in section 10217 of title 10, United States Code.

Revision of structure and functions of the Reserve Forces Policy Board (sec. 514)

The House bill contained a provision (sec. 516) that would amend section 10301 of title 10, United States Code, to revise the membership and operating framework of the Reserve Forces Policy Board.

The Senate committee-reported bill contained a similar provision (sec. 903).

The agreement includes the Senate provision with an amendment that would strike the paragraph specifying employee status and compensation and the requirement for the Secretary of Defense to certify an effective date.

Repeal of requirement for new oath when officers transfer from active-duty list to reserve active-status list (sec. 515)

The Senate committee-reported bill contained a provision (sec. 521) 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.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

Leave of members of the reserve components of the armed forces (sec. 516)

The Senate committee-reported bill contained a provision (sec. 556) 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. 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.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

Direct appointment of graduates of the United States Merchant Marine Academy into the National Guard (sec. 517)

The Senate committee-reported bill contained a provision (sec. 525) 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.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Subtitle C-Joint Qualified Officers and Requirements

Technical revisions to definition of joint matters for purposes of joint officer management (sec. 521)

The House bill contained a provision (sec. 521) 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.

The Senate committee-reported bill contained a similar provision (sec. 504).

*The agree*ment includes the House provision.

Modification of promotion board procedures for joint qualified officers and officers with joint staff experience (sec. 522)

The House bill contained a provision (sec. 522) 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.

The Senate committee-reported bill contained a similar provision (sec. 501).

The agreement includes the House provision with a clarifying amendment.

Subtitle D-General Service Authorities

Extension of temporary authority to order retired members of the armed forces to active duty in high-demand, low-density assignments (sec. 531)

The House bill contained a provision (sec. 531) that would amend section 688a(f) of title 10, United States Code, to extend from December 31, 2010, to December 31, 2012, the temporary authority to order retired members of the armed forces to active duty in high-demand, low-density assignments and require the Secretary of the Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives containing an assessment of the need to extend this authority beyond December 31, 2012.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would extend the temporary authority to December 31, 2011.

Non-chargeable rest and recuperation absence for certain members undergoing extended deployment to a combat zone (sec. 532)

The Senate committee-reported bill contained a provision (sec. 557) 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.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Correction of military records (sec. 533)

The House bill contained a provision (sec. 532) that would amend sections 1552, 1553, and 1554 of title 10, United States Code, to require boards for the correction of military records, discharge review boards, and disability retirement and separation review boards to ensure that the documents announcing decisions of the boards convey the findings and conclusions of the board in an itemized and orderly fashion with specific attention to each issue presented by the member in regard to that member's case. The provision would also amend section 1554 of title 10, United States Code, to authorize disability

retirement and separation review boards to review retirements and separations for physical disability of enlisted members as well as officers. The provision would also extend from December 31, 2010, to December 31, 2013, the limitation on reduction of military and civilian personnel assigned to duty with the service review agencies of the military departments.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would authorize disability retirement and separation review boards to review retirements and separations of enlisted members as well as officers, and would extend until December 31, 2013, the limitation on reduction in personnel assigned to duty with service review agencies.

Disposition of members found to be fit for duty who are not suitable for deployment or worldwide assignment for medical reasons (sec. 534)

The Senate committee-reported bill contained a provision (sec. 571) 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.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would make the Secretary of Defense the final approval authority.

Review of laws, policies, and regulations restricting service of female members of the armed forces (sec. 535)

The House bill contained a provision (sec. 534) that would recognize the role and service of female members of the armed forces and require the Secretary of Defense to conduct a review of military occupational specialties open to women, and to review, in coordination with the service secretaries, the collocation and other policies and regulations that restrict the service of female service members.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense, in coordination with the service secretaries, to review applicable law, policies, and regulations, including the collocation policy, that may restrict the service of female service members and determine whether changes are needed to ensure that female members have an equitable opportunity to compete and excel in the armed forces. The provision would require the Secretary of Defense to submit a report containing the results of the review to the congressional defense committees by April 15, 2011.

Subtitle E-Military Justice and Legal Matters

Continuation of warrant officers on active duty to complete disciplinary action (sec. 541)

The House bill contained a provision (sec. 541) that would amend section 580 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.

The Senate committee-reported bill contained a similar provision (sec. 510).

The agreement contains the House provision.

Enhanced authority to punish contempt in military justice proceedings (sec. 542)

The House bill contained a provision (sec. 542) 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 and would add 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.

The Senate committee-reported bill contained a similar provision (sec. 562).

The agreement includes the House provision with an amendment that would include willful disobedience of a civilian judge as a basis for punishment for contempt.

Improvements to Department of Defense domestic violence programs (sec. 543)

The House bill contained a provision (sec. 545) that would require the Secretary of Defense to implement recommendations contained in the report of the Comptroller General of the United States titled "Status of Implementation of GAO's 2006 Recommendations on the Department of Defense's Domestic Violence Program" (GAO-10-577R).

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Subtitle F-Member Education and Training Opportunities and Administration

Enhancements of Department of Defense undergraduate nurse training program (sec. 551)

The Senate committee-reported bill contained a provision (sec. 539) 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 House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

Repayment of education loan repayment benefits (sec. 552)

The House bill contained a provision (sec. 551) 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.

The Senate committee-reported bill contained a similar provision (sec. 538).

The agreement includes the House provision.

Participation of Armed Forces Health Professions Scholarship and Financial Assistance Program recipients in active duty health profession loan repayment program (sec. 553)

The House bill contained a provision (sec. 671) 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 Aid Program.

The Senate committee-reported bill contained a similar provision (sec. 534).

The agreement includes the Senate provision.

Active duty obligation for military academy graduates who participate in the Armed Forces Health Professions Scholarship and Financial Assistance Program (sec. 554)

The House bill contained a provision (sec. 552) that would require graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy to serve the full period of the active duty service obligation associated with their military academy attendance notwithstanding that their participation in the Health Professions Scholarship Program (HPSP) requires them to resign their regular commission and serve as a reserve officer.

The Senate committee-reported bill contained a similar provision (sec. 533) 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 must serve their academy service obligation on active duty after graduating from HPSP.

The agreement includes the Senate provision.

Subtitle G- Defense Dependents' Education

Enrollment of dependents of members of the armed forces who reside in temporary housing in Department of Defense domestic dependent elementary and secondary schools (sec. 561)

The House bill contained a provision (sec. 562) that would authorize the Secretary of Defense to permit certain dependents who reside in temporary housing in lieu of permanent living

quarters on a military installation the ability to attend Department of Defense (DOD) domestic dependent elementary and secondary schools.

The Senate committee-reported bill contained a provision (sec. 553) that would authorize the enrollment in DOD 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.

The agreement includes the House provision with an amendment that would authorize the Secretary to permit a dependent of a member of the armed forces to enroll in a DOD elementary or secondary school if the dependents reside in temporary housing, regardless of whether the temporary housing is on federal property, due to the unavailability of adequate permanent living quarters on the military installation to which the member is assigned, or while the member is wounded, ill, or injured.

Continuation of authority to assist local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 562)

The House bill contained a provision (sec. 561) that would authorize $50.0 million for continuation of the Department of Defense (DOD) assistance program to local educational agencies that are impacted by the enrollment of dependent children of military members and DOD civilian employees. The provision would also authorize $15.0 million for assistance to local educational agencies with significant changes in enrollment of school-aged dependents of military members and civilian employees due to base closures, force structure changes, or force relocations.

The Senate committee-reported bill contained a provision (sec. 551) that would authorize $30.0 million and $5.0 million for each assistance program, respectively.

The agreement includes the House provision with an amendment that would authorize $30.0 million for continuation of assistance to agencies impacted by enrollment of DOD military and civilian employee dependents, and $10.0 million for assistance to agencies with significant changes in enrollment of children due to base closures, force structure changes, or force relocations.

Impact aid for children with severe disabilities (sec. 563)

The Senate committee-reported bill contained a provision (sec. 552) 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 the Department of Defense's assistance to local educational agencies that benefit dependents with severe disabilities.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Subtitle H-Decorations and Awards

Clarification of persons eligible for awards of Bronze Star medal (sec. 571)

The House bill contained a provision (sec. 574) that would amend section 1133 of title 10, United States *Code, to authorize award of the Bronze Star medal to members of a military force who were: (1) serving in a geographic area in which hostile fire/imminent danger pay or hazardous duty pay was authorized at the time events occurred for which the medal would be awarded; or (2) in receipt of hostile fire/imminent danger pay or hazardous duty pay as a result of the events for which the medal would be awarded.*

The Senate committee-reported bill contained a similar provision (sec. 567).

*The agreement includes th*e House provision.

Authorization and request for award of Distinguished-Service Cross to Shinyei Matayoshi for acts of valor during World War II (sec. 572)

The Senate committee-reported bill contained a provision (sec. 568) that would authorize the Secretary of the Army to award the Distinguished-Service Cross to Shinyei Matayoshi for acts of valor during World War II.

The House bill contained no similar provision.

The agreement includes Senate provision.

Authorization and request for award of Distinguished-Service Cross to Jay C. Copley for acts of valor during the Vietnam War (sec. 573)

The House bill contained a provision (sec. 577) that would authorize the Secretary of the Army to award the Distinguished-Service Cross to Jay C. Copley, who served in the United States Army during the Vietnam War.

The Senate committee-reported bill contained a similar provision (sec. 569).

The agreement includes the Senate provision.

Program to commemorate 60th anniversary of the Korean War (sec. 574)

The House bill contained a provision (sec. 578) that would authorize the Secretary of Defense to establish a program to commemorate the 60th anniversary of the Korean War.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Subtitle I-Military Family Readiness Matters

Appointment of additional members of Department of Defense Military Family Readiness Council (sec. 581)

The House bill contained a provision (sec. 581) that would expand the membership of the Department of Defense Military Family Readiness Council to include a spouse of a general or flag officer, and would clarify the appointment options for the enlisted member representation.

The Senate committee-reported bill contained a provision (sec. 581) that would 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 agreement includes the House provision with an amendment that would expand membership on the Council to include a spouse of a general or flag officer and the Director of the Office of Community Support for Military Families With Special Needs, and clarify the appointment options for enlisted representation on the Council.

Enhancement of community support for military families with special needs (sec. 582)

The House bill contained a provision (sec. 582) that would require the Director of the Office of Community Support for Military Families With Special Needs to be a member of the Senior Executive Service or a general or flag officer.

The Senate committee-reported bill contained a provision (sec. 582) that would: require that the Office of Community Support for Military Families With Special Needs conduct periodic reviews of best practices in the provision of medical and educational services for children with special needs; 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 require the formation of an advisory panel comprised of military family members to provide advice to the Director of the Office of Community Support for Military Families With Special Needs on services and support for military children with special needs.

The agreement includes the Senate provision with an amendment that would add to the Senate provision the requirement contained in the House bill that the Director of the Office of Community Support for Families With Special Needs be a member of the Senior Executive Service or a general or flag officer.

Modification of Yellow Ribbon Reintegration Program (sec. 583)

The House bill contained a provision (sec. 584) that would: authorize service and state based programs to provide access to service members and their families of all components; require a process for evaluating the effectiveness of the Yellow Ribbon Reintegration Program; provide information on employment opportunities during the post-deployment reconstitution phase; and include resiliency training programs in the outreach services provided under the Yellow Ribbon Reintegration Program.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Expansion and continuation of the Joint Family Support Assistance Program (sec. 584)

The House bill contained a provision (sec. 590A) that would amend chapter 88 of title 10, United States Code, to require the Secretary of Defense to continue to carry out the Joint Family Support Assistance Program at not less than six locations, up to three of which must be geographically isolated from a military installation.

The Senate committee-reported bill contained no similar

provision.

The agreement includes the House provision with an amendment that would amend section 675 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) to require the Secretary to continue to carry out the Joint Family Support Assistance Program through December 31, 2012, at not less than six locations, at least three of which must be geographically isolated from a military installation.

Report on military spouse education programs (sec. 585)

The House bill contained a provision (sec. 589) that would require the Secretary of Defense to review all Department of Defense education programs designed to support spouses of military service members.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to review all Department of Defense and Department of Veterans Affairs education programs designed to support spouses of military service members.

Report on enhancing benefits available for military dependent children with special education needs (sec. 586)

The Senate committee-reported bill contained a provision (sec. 583) that would require the Secretary of Defense to conduct a pilot program 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 House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would require the Secretary of Defense, in consultation with the Secretary of Education, to submit a report describing the needs of military families with children with special needs and evaluating options to enhance the benefits available to those families and 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. 587)

The Senate committee-reported bill contained a provision (sec. 584) 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.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Subtitle J-Other Matters

Authority for members of the armed forces and Department of Defense and Coast Guard civilian employees and their families to accept gifts from non-federal entities (sec. 591)

The House bill contained a provision (sec. 596) that would amend chapter 155 of title 10, United States Code, to authorize direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require review and approval by a designated agency ethics official before acceptance of a gift to ensure that acceptance of the gift complies with the Joint Ethics Regulation.

Increase in number of private sector civilians authorized for admission to the National Defense University (sec. 592)

The House bill contained a provision (sec. 592) 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.

The Senate committee-reported bill contained an identical provision (sec. 535).

The agreement includes this provision.

Admission of defense industry civilians to attend United States Air Force Institute of Technology (sec. 593)

The House bill contained a provision (sec. 593) that would amend chapter 901 of title 10, United States Code, to authorize the Secretary of the Air Force to permit no more than 125 defense industry employees to receive instruction at the United States Air Force Institute of Technology.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Updated terminology for the Army Medical Service Corps (sec. 594)

The House bill contained a provision (sec. 712) 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.

The Senate committee-reported bill contained a similar provision (sec. 593).

The agreement includes the House provision.

Date of submission of annual report on Department of Defense STARBASE program (sec. 595)

The House bill contained a provision (sec. 594) that would amend section 2193b of title 10, United States Code, to change the date for submission of the annual STARBASE program report from 90 days after the end of each fiscal year to March 31 of each year.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Extension of deadline of submission of final report of Military Leadership Diversity Commission (sec. 596)

The House bill contained a provision (sec. 595) that would amend section 596 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to extend the deadline for submission of the final report of the Military Leadership Diversity Commission from 12 months to 18 months after the date on which the Commission first meets.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Ineligibility of certain federal civilian employees for reservist income replacement payments on account of availability of comparable benefits under another program (sec. 601)

The House bill contained a provision (sec. 607) that would amend section 910 of title 37, United States Code, to clarify that civilian employees of the Federal Government may not receive income replacement differential payments concurrently under that section and section 5538 of title 5, United States Code.

The Senate committee-reported bill contained a similar provision (sec. 603).

The agreement includes the House provision with a technical amendment.

Subtitle B—Bonuses and Special and Incentive Pays

One-year extension of certain bonus and special pay authorities for reserve forces (sec. 611)

The House bill contained a provision (sec. 611) 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.

The Senate committee-reported bill contained an identical provision (sec. 611).

The agreement includes the provision.

One-year extension of certain bonus and special pay authorities for health care professionals (sec. 612)

The House bill contained a provision (sec. 612) 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.

The Senate committee-reported bill contained an identical provision (sec. 612).

The agreement includes the provision.

One-year extension of special pay and bonus authorities for nuclear officers (sec. 613)

The House bill contained a provision (sec. 613) 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.

The Senate committee-reported bill contained an identical provision (sec. 613).

The agreement includes the provision.

One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities (sec. 614)

The House bill contained a provision (sec. 614) 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 bonus and incentive pay authorities for officers in the health professions. 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.

The Senate committee-reported bill contained an identical provision (sec. 614).

The agreement includes the provision with a technical amendment.

One-year extension of authorities relating to payment of other title 37 bonuses and special pays (sec. 615)

The House bill contained a provision (sec. 615) 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.

The Senate committee-reported bill contained a similar provision (sec. 615).

The agreement includes the Senate provision.

One-year extension of authorities relating to payment of referral bonuses (sec. 616)

The House bill contained a provision (sec. 616) 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.

The Senate committee-reported bill contained an identical provision (sec. 616).

The agreement includes the provision.

Subtitle C—Travel and Transportation Allowances

Extension of authority to provide travel and transportation allowances for inactive duty training outside of normal commuting distances (sec. 621)

The House bill contained a provision (sec. 631) that would extend for 1 year the authority to pay travel and transportation allowances for certain inactive duty training outside of normal commuting distances.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Travel and transportation allowances for attendance at Yellow Ribbon Reintegration events (sec. 622)

The House bill contained a provision (sec. 632) that would authorize travel and transportation allowances for members of the uniformed services and one or more designees to attend Yellow Ribbon Reintegration Program events.

The Senate committee-reported bill contained a similar provision (sec. 621).

The agreement includes the House provision with a technical amendment.

Subtitle D—Disability, Retired Pay and Survivor Benefits

Elimination of cap on retired pay multiplier for members with greater than 30 years of service who retire for disability (sec. 631)

The House bill contained a provision (sec. 641) that would amend sections 1401, 1402, and 1402a of title 10, United States Code, to authorize service members who serve on active duty for more than 30 years and who are retired with a disability to receive retired pay based on their years of service up to 100 percent of their retired pay base.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Payment date for retired and retainer pay (sec. 632)

The House bill contained a provision (sec. 646) that would amend section 1412 of title 10, United States Code, to require military retired and retainer pay to be paid on the first day of each month instead of the first business day of each month.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Clarification of effect of ordering reserve component member to active duty to receive authorized medical care on reducing eligibility age for receipt of non-regular service retired pay (sec. 633)

The House bill contained a provision (sec. 644) that would amend section 12731 of title 10, United States Code, to credit time spent by a reserve component member on active duty receiving medical care for wounds, injuries, or illness incurred during qualifying active duty service toward the calculation of the age at which such member would be entitled to receive retired pay below the age of 60.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

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. 634)

The Senate committee-reported bill contained a provision (sec. 632) 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 House bill contained no similar provision.

The agreement includes the Senate provision.

Sense of Congress concerning age and service requirements for retired pay for non-regular service (sec. 635)

The House bill contained a provision (sec. 647) that would express the sense of Congress that amendments to section 12731 of title 10, United States Code, made by section 647 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) were intended to reduce the minimum age at which members of a reserve component of the armed forces would begin receiving retired pay by 3 months for every 90-day period spent deployed on active duty over the course of a career, rather than limiting qualifying time to such periods served wholly within the same fiscal year, and that the Department of Defense should correct its erroneous interpretation of that authority.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would express the sense of Congress as stated above, and urge the Department of Defense to implement the congressional intent.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Addition of definition of morale, welfare, and recreation telephone services for use in contracts to provide such services

for military personnel serving in combat zones (sec. 641)

The House bill contained a provision (sec. 652) that would clarify that the competitive contracting requirements for procuring personal telephone services in combat zones established in section 885 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) apply to unofficial calling centers provided by a nonappropriated fund activity and do not apply to wireless cell phone services.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Feasibility study on establishment of full exchange store in the Northern Mariana Islands (sec. 642)

The House bill contained a provision (sec. 653) that would require the Secretary of Defense to conduct a study to determine the feasibility of establishing a full-service exchange store to support the members and dependents within the military community residing in the Northern Mariana Islands.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary to submit within 180 days of the enactment of this Act the results of a study to determine the feasibility of establishing a full-service exchange store in the Northern Mariana Islands in accordance with existing Department of Defense policy.

Continuation of commissary and exchange operations at Brunswick Naval Air Station, Maine (sec. 643)

The House bill contained a provision (sec. 654) that would require the Secretary of Defense to provide for the continued operation through September 30, 2011, of each commissary or exchange store serving Brunswick Naval Air Station, Maine. The provision would also prohibit the Secretary from taking any action to reduce or terminate the sale of goods at such stores during fiscal year 2011.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to provide for the continued operation of commissary or exchange stores serving Brunswick Naval Air Station, Maine, through the later of: the closure of the Naval Air Station; or 60 days after the

Secretary has made a determination regarding the closure of the military resale stores based on a review beginning not earlier than 120 days after the enactment of this Act of any report prepared by the Comptroller General relating to commissary or exchange operations at Brunswick Naval Air Station.

Subtitle F-Other Matters

Report on basic allowance for housing for personnel assigned to sea duty (sec. 651)

The Senate committee-reported bill contained a provision (sec. 605) that would direct the Secretary of Defense to submit to the congressional defense committees by 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.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Report on savings from enhanced management of special pay for aviation career officers extending period of active duty (sec. 652)

The House bill contained a provision (sec. 617) that would amend section 301b of title 37, United States Code, to require that officers transferring from one armed force to another receive the same aviation continuation pay (ACP) as other officers in that armed force with the same years of aviation service performing similar aviation duties notwithstanding any additional active-duty service obligation incurred as a result of the transfer.

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision that would require the Secretary of Defense to review the use and management of ACP, including the payment of ACP to an officer serving under a pre-existing active-duty service obligation, and to report to the congressional defense committees by no later than August 1, 2011, on the results of this review.

Legislative Provision Not Adopted

Increase in maximum amount of special pay for duty subject to hostile fire or imminent danger or for duty in foreign area designated as an imminent danger area

The House bill contained a provision (sec. 618) that would amend section 310 of title 37, United States Code, to increase the maximum amount of hostile fire and imminent danger pay to $260 per month.

The Senate committee-reported bill contained no similar provision.

The agreement does not include this provision.

The Department of Defense's current policy is to pay hostile fire and imminent danger pay at the maximum statutory rate to all service members in a specified area. The Department determines in regulation which areas qualify. We are sensitive to the fact that some service members serve under much more difficult and dangerous circumstances than others, and that not all areas which qualify for hostile fire or imminent danger pay are equal. Service in certain areas of Iraq or Afghanistan, for instance, is qualitatively different from service in Qatar or Saudi Arabia.

Under its current implementation timeline, the Department is scheduled to implement section 351 of title 37, United States Code, in 2013. Section 351, enacted in 2008 as part of the consolidation of special and incentive pay authorities, authorizes hostile fire pay at the increased maximum rate of $450 per month. We urge the Department to accelerate implementation of sections 351(b) (1) and (3) to 2011, and to consider implementing them in a tiered manner that recognizes the increased daily stress and exposure to danger experienced by those service members most engaged in the fight.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A-Improvements to Health Benefits

Extension of prohibition on increases in certain health care costs (sec. 701)

The House bill contained a provision (sec. 701) that would prohibit increasing the premium and copayment for TRICARE Prime, the charge for inpatient care for TRICARE Standard, and the premium for TRICARE Standard for members of the Selected Reserve until September 30, 2011.

The Senate committee-reported bill contained a provision (sec. 701) that would extend for 1 year the current limitation on charges for inpatient care in a civilian hospital under TRICARE Standard.

The agreement includes the House provision.

We are concerned about the growth of military health care costs, and note that the Department has not yet developed a comprehensive plan to enhance quality, efficiencies, and savings in the military health care system. We are encouraged that the Secretary of Defense continues to express a willingness to engage in a thoughtful dialogue with Congress to develop this comprehensive strategy, and expect to engage with the Department and with beneficiary organizations in the coming year to identify effective strategies to control costs so that this important quality of life benefit continues into the future.

Extension of dependent coverage under the TRICARE program (sec. 702)

The House bill contained a provision (sec. 702) that would allow TRICARE beneficiaries to extend health care coverage to dependent children up to age 26 so that TRICARE beneficiaries would have the same ability to extend coverage to dependent children afforded to others under the Patient Protection and Affordable Care Act (Public Law 111-148).

The Senate committee-reported bill contained a similar provision (sec. 702).

The agreement includes the Senate provision with a technical amendment.

Survivor dental benefits (sec. 703)

The House bill contained a provision (sec. 703) that would make dependent survivors eligible to enroll in the TRICARE dental program even if they were not enrolled prior to the death of their sponsor.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Aural screenings for members of the armed forces (sec. 704)

The House bill contained a provision (sec. 704) that would require members of the armed forces to receive pre- and post-deployment aural screenings, to include an assessment of tinnitus.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to conduct a study to identify the best tests currently available to screen service members for tinnitus, to develop a plan to ensure that

all service members are screened for tinnitus both pre- and post-deployment to a combat zone, and to submit a report on the study and plan. The amendment would also require the Secretary to examine and submit a report on methods to improve aural protection for service members in combat, and require the Secretary to ensure that all studies, findings, plans, and reports are forwarded to the center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries established in the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program (sec. 705)

The House bill contained a provision (sec. 705) that would extend for 1 year the limitation on cost sharing requirements for drugs provided through the TRICARE retail pharmacy program to amounts not more than $3 for generic drugs, $9 for formulary drugs, and $22 for non-formulary drugs.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Subtitle B-Health Care Administration

Administration of TRICARE (sec. 711)

The House bill contained a provision (sec. 711) that would amend section 1073 of title 10, United States Code, to state that except as otherwise provided in chapter 55 of title 10, United States Code, the Secretary of Defense has sole responsibility for administering the TRICARE program.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Postdeployment health reassessments for purposes of the medical tracking system for members of the armed forces deployed overseas (sec. 712)

The Senate committee-reported bill contained a provision (sec. 711) that would require that postdeployment health reassessments 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 House bill contained no similar provision.

The agreement includes the Senate provision with a technical amendment.

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. 713)

The House bill contained a provision (sec. 713) 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 title 32, United States Code, in response to an actual or potential disaster.

The Senate committee-reported bill contained a similar provision (sec. 716).

The agreement includes the Senate provision.

Improvements to oversight of medical training for Medical Corps officers (sec. 714)

The House bill contained a provision (sec. 715) that would require the Secretary of Defense to conduct a review of training programs for military Medical Corps officers to ensure that their academic and military performance has been completely documented in their military personnel records.

The Senate committee-reported bill contained a provision (sec. 542) that would require the Secretary of Defense to report annually on the status of graduate medical education programs of the Department of Defense.

The agreement includes the House provision with an amendment to include the Senate provision.

Health information technology (sec. 715)

The House bill contained a provision (sec. 718) that would require the Secretary of Defense to conduct an enterprise risk assessment methodology study of all Department of Defense (DOD) health information technology programs.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to conduct an enterprise risk assessment methodology study of all DOD health information technology programs. The amendment would

also require the Secretary to submit a report to the congressional defense committees on the organizational structure of and future plans for all DOD health information technology systems, to conduct a survey of the users of those systems, and to report on the status of implementing the recommendations made by the Comptroller General in the report titled "Information Technology: Opportunies Exist to Improve Management of DOD's Electronic Health Record Initiative" (GAO-11-50).

Education and training on use of pharmaceuticals in rehabilitation programs for wounded warriors (sec. 716)

The Senate committee-reported bill contained a provision (sec. 717) 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 House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would require education and training programs on the use of pharmaceuticals for patients in or in transition to a wounded warrior unit, nonmedical case managers, military leaders, and family members. The amendment would also require the Secretary to review all Department of Defense policies and procedures regarding the use of pharmaceuticals in rehabilitation programs for seriously ill or injured service members.

Subtitle C-Other Matters

Repeal of report requirement on separations resulting from refusal to participate in anthrax vaccine immunization program (sec. 721)

The Senate committee-reported bill contained a provision (sec. 732) that would a 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.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Comprehensive policy on consistent neurological cognitive assessments of members of the armed forces before and after

deployment (sec. 722)

The House bill contained a provision (sec. 722) that would require the Secretary of Defense to implement a comprehensive policy on neurocognitive assessments for all members of the military who are preparing to deploy or have returned from deployment.

The Senate committee-reported bill contained a provision (sec. 712) 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.

The agreement includes the Senate provision with an amendment that would require the Secretary to develop and implement a comprehensive policy on consistent neurological cognitive assessments of service members before and after deployment.

Assessment of post-traumatic stress disorder by military occupation (sec. 723)

The House bill contained a provision (sec. 725) that would require the Secretary of Defense to conduct an assessment of post-traumatic stress disorder incidence by military occupation.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the secretaries of the military departments to each conduct an assessment of post-traumatic stress disorder incidence by military occupation. The amendment would also require the secretaries of the military departments to provide a copy of any assessments, studies, findings, plans, and reports to the centers of excellence established by sections 1621 and 1622 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

Licensed mental health counselors and the TRICARE program (sec. 724)

The House bill contained a provision (sec. 729) that would express the sense of Congress that the Secretary of Defense should implement the recommendations made by the Institute of Medicine in its congressionally-mandated report regarding the credentials, preparation, and training of licensed mental health counselors in order for them to practice independently under the

TRICARE program, as well as the study's recommendations regarding TRICARE's implementation of a comprehensive quality management system for all of its mental health professionals.

The Senate committee-reported bill contained a provision (sec. 703) that would 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 setting forth the specific requirements that such counselors must meet in order to practice independently under TRICARE.

The agreement includes the Senate provision with an amendment that would require the Secretary of Defense to issue regulations in accordance with section 717 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) no later than June 20, 2011.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Disclosure to litigation support contractors (sec. 801)

The House bill contained a provision (sec. 801) that would amend section 2320 of title 10, United States Code, to address the protections applicable when non-public information is disclosed to litigation support contractors.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Designation of engine development and procurement program as major subprogram (sec. 802)

The House bill contained a provision (sec. 802) that would require the Secretary of Defense to designate the F135 and F136 engine development and procurement programs as major subprograms of the F-35 Lightning II aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision, amended to require that the Secretary designate an F-35 engine development and procurement program as a major subprogram.

Enhancement of Department of Defense authority to respond to combat and safety emergencies through rapid acquisition and deployment of urgently needed supplies (sec. 803)

The House bill contained a provision (sec. 804) that would enhance the acquisition flexibility provided to the Secretary of Defense to respond quickly to combat emergencies.

The Senate committee-reported bill contained a similar provision (sec. 835).

The agreement includes a provision combining elements of the House and Senate provisions.

Review of acquisition process for rapid fielding of capabilities in response to urgent operational needs (sec. 804)

The Senate committee-reported bill contained a provision (sec. 811) that would require the Secretary of Defense to develop a new acquisition process for rapid fielding of capabilities in response to urgent operational needs.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would require the Secretary to revise and update existing processes for the rapid fielding of capabilities in response to urgent operational needs.

Acquisition of major automated information system programs (sec. 805)

The Senate committee-reported bill contained a provision (sec. 812) that would codify planning and oversight requirements for major automated information system (MAIS) programs.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment to ensure that resources and infrastructure for the test and evaluation of MAIS programs are appropriately addressed.

Requirements for information relating to supply chain risk (sec. 806)

The Senate committee-reported bill contained a provision (sec. 815) that would authorize the head of an agency to take certain actions to address supply chain risk in the acquisition

of national security systems.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment to clarify the determinations required before the head of an agency may act, the circumstances in which such determinations may be made, and the scope of the actions that may be taken pursuant to such determinations.

Subtitle B-Provisions Relating to Major Defense Acquisition Programs

Cost estimates for program baselines and contract negotiations for major defense acquisition and major automated information system programs (sec. 811)

The Senate committee-reported bill contained a provision (sec. 802) that would amend section 2334 of title 10, United States Code, to clarify that cost estimates developed for baseline descriptions and budgetary purposes are not appropriate for use in contract negotiations and the obligation of funds.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

We expect the next annual report prepared by the Director of Cost Assessment and Performance Evaluation to include an assessment of whether and to what extent personnel responsible for cost estimates developed for major defense acquisition programs by military departments and defense agencies are independent and the impact that any lack of independence may have on the quality and reliability of such cost estimates.

Management of manufacturing risk in major defense acquisition programs (sec. 812)

The Senate committee-reported bill contained a provision (sec. 803) that would require the Secretary of Defense to issue guidance on the management of manufacturing risk in major defense acquisition programs.

The House bill contained no similar provision.

The agreement includes the Senate provision with a technical amendment.

Modification and extension of requirements of Weapon Systems Acquisition Reform Act of 2009 (sec. 813)

The Senate committee-reported bill contained a provision

(sec. 804) that would extend by 5 years certain reporting requirements under section 102 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23). The bill contained a second provision (sec. 806) that would make technical and clarifying amendments to the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23).

The House bill contained no similar provisions.

The agreement includes the Senate provisions with an amendment that would merge the two provisions into a single section and extend the reporting requirements for 3 years.

Inclusion of major subprograms to major defense acquisition programs under various acquisition-related requirements (sec. 814)

The House bill contained a provision (sec. 803) that would clarify the applicability of a number of acquisition statutes to major subprograms to major defense acquisition programs.

The Senate committee-reported bill contained a similar provision (sec. 805).

The agreement includes a provision combining elements of the House and Senate provisions.

Subtitle C-Amendments to General Contracting Authorities, Procedures, and Limitations

Provisions relating to fire resistant fiber for production of military uniforms (sec. 821)

The House bill contained a provision (sec. 811) that would extend to 2021 the authority in section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) for the Department of Defense to procure fire resistant rayon fiber that is manufactured in a foreign country under certain circumstances.

The Senate committee-reported bill contained a provision (sec. 856) that would require a comprehensive study of the issue.

The agreement includes the House provision with an amendment that would extend the authority in section 829 for 2 years and require a comprehensive study of the issue.

Repeal of requirement for certain procurements from firms in the small arms production industrial base (sec. 822)

The House bill contained a provision (sec. 812) that would amend section 2473 of title 10, United States Code.

The Senate committee-reported bill contained a provision (sec. 817) that would repeal section 2473 of title 10, United States Code.

The agreement includes the Senate provision.

Review of regulatory definition relating to production of specialty metals (sec. 823)

The House bill contained a provision (sec. 813) that would define the term "produced" for the purposes of section 2533b of title 10, United States Code, relating to the production of specialty metals within the United States.

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision that would require the Secretary of Defense to review and, if necessary, revise the definition of the term "produced" currently included in the regulations implementing section 2533b to ensure that the definition is consistent with the language of the statute and congressional intent in enacting the provision.

Guidance relating to rights in technical data (sec. 824)

The Senate committee-reported bill contained a provision (sec. 832) that would require the Secretary of Defense to revise guidance on rights in technical data to promote competition and ensure that the United States is not required to pay more than once for the same technical data.

The House bill contained no similar provision.

The agreement includes the provision with a clarifying amendment.

Extension of sunset date for certain protests of task and delivery order contracts (sec. 825)

The Senate committee-reported bill contained a provision (sec. 833) that would eliminate the sunset date in section 2304c of title 10, United States Code, which authorizes bid protests of certain task and delivery orders issued under Department of Defense contracts.

The House bill contained no similar provision.

The agreement includes the provision with an amendment extending the sunset date for an additional 5 years.

Inclusion of option amounts in limitations on authority of the

Department of Defense to carry out certain prototype projects (sec. 826)

The Senate committee-reported bill contained a provision (sec. 834) that would amend section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) to clarify that dollar limitations on the size of other transactions under that section include option amounts.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

Permanent authority for Defense Acquisition Challenge Program; pilot expansion of Program (sec. 827)

The House bill contained a provision (sec. 831) that would amend section 2359b of title 10, United States Code, to extend the Defense Acquisition Challenge Program for 5 years, to 2017. The House bill contained a second provision (sec. 408 of division D) that would establish a new program, similar to the Challenge Program, focused on non-developmental items.

The Senate committee-reported bill contained a provision (sec. 813) that would eliminate the sunset date for the Challenge Program, making the program permanent.

The agreement includes a provision that would make the Challenge Program permanent and amend the program to ensure that it covers the non-developmental items addressed in section 408 of division D of the House bill.

Energy savings performance contracts (sec. 828)

The House bill contained a provision (sec. 832) that would clarify the manner in which competition requirements applicable to multiple award task and delivery order contracts apply to energy savings performance contracts (ESPC).

The Senate committee-reported bill contained no similar provision.

The agreement includes the provision.

We note that section 8287 of title 42, which provides the authority for ESPCs, provides for the use of such contracts "solely for the purpose of achieving energy savings and benefits ancillary to that purpose." The Department of Defense does not construct new buildings or facilities "solely for the purpose of achieving energy savings and benefits ancillary to that purpose." Accordingly, ESPC contracts may not be used for the construction of new buildings or facilities. We expect the Department of Defense to comply with requirements applicable to

military construction programs in the construction of all new buildings and facilities.

Definition of materials critical to national security (sec. 829)

The House bill contained a provision (sec. 834) that would amend section 187 of title 10, United States Code, to define the term "materials critical to national security".

The Senate committee-reported bill contained no similar provision.

The agreement includes the provision with an amendment incorporating additional clarifying changes to section 187.

Subtitle D-Contractor Matters

Oversight and accountability of contractors performing private security functions in areas of combat operations (sec. 831)

The Senate committee-reported bill contained a provision (sec. 842) that would establish new oversight and accountability mechanisms for contactors performing private security functions in areas of combat operations.

The House bill contained no similar provision.

The agreement includes the Senate provision with a clarifying amendment.

Extension of regulations on contractors performing private security functions to areas of other significant military operations (sec. 832)

The House bill contained a provision (sec. 845) that would require the Secretary of Defense, in coordination with the Secretary of State, to issue regulations to extend and apply the requirements of Section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to the Horn of Africa, Yemen, the Philippines, Haiti, and other areas in which significant military operations are conducted.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment extending the regulations to areas of other significant military operations that are designated by the Secretary of Defense. The provision would require the concurrence of the Secretary of State before extension of the regulations to such areas. The provision would also allow, by agreement of the Secretaries, non-profit nongovernmental organizations operating in areas of other significant military

operations to be exempted from the regulations. The provision would define other significant military operations as activities, other than combat operations, that are carried out by U.S. Armed Forces in an uncontrolled or unpredictable high-threat environment where personnel performing security functions may be called upon to use deadly force.

Section 862 would be unchanged as to its applicability to areas of combat operations. In particular, the applicability of the regulations in such areas would not require the concurrence of the Secretary of State and the exemption for nongovernmental organizations would not be available in such areas.

Standards and certification for private security contractors (sec. 833)

The House bill contained a provision (sec. 324) that would require the Secretary of Defense to establish third-party certification of adherence to specified operational and business practice standards as a condition for award of certain contracts for private security functions.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment giving the Secretary flexibility to review proposed standards and certification processes and act in the best interests of the Department of Defense. Regardless of the outcome of this review, we expect the Department to develop and implement operational and business practice standards for private security contractors in full compliance with the requirements of section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

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. 834)

The Senate committee-reported bill contained a provision (sec. 843) that would establish a process pursuant to which conduct by a contractor which results in the death or serious injury of U.S. Government personnel may be considered in the evaluation of contractor performance even in the absence of a judicial determination of fault.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment clarifying that the process may be used only where the Secretary has reason to believe that the contractor's action is not subject to the jurisdiction of United States courts.

Annual joint report and Comptroller General review on contracting in Iraq and Afghanistan (sec. 835)

The House bill contained a provision (sec. 822) that would amend section 863 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to require the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development to submit a joint annual report to Congress on contracting in Iraq and Afghanistan. The provision would also require an annual review of the joint report by the Comptroller General.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would clarify the matters covered by the joint report.

Subtitle E-Other Matters

Improvements to structure and functioning of Joint Requirements Oversight Council (sec. 841)

The House bill contained a provision (sec. 102 of division D) that would update section 181 of title 10, United States Code, to improve the structure and functioning of the Joint Requirements Oversight Council.

The Senate committee-reported bill contained a similar provision (sec. 801).

The agreement includes the Senate provision.

Department of Defense policy on acquisition and performance of sustainable products and services (sec. 842)

The House bill contained a provision (sec. 833) that would require the Secretary of Defense to develop and issue guidance on the consideration of sustainable practices in the procurement of products and services.

The Senate committee-reported bill contained a provision (sec. 816) that would require the Secretary to report to the congressional defense committees on steps taken to meet the requirements established in Executive Order 13514 for the procurement of sustainable products and services.

The agreement includes the Senate provision with an amendment streamlining the reporting requirements. We note that the Secretary of Defense issued a Strategic Sustainability Performance Plan in August 2010 that meets the requirements of

the House provision.

Assessment and plan for critical rare earth materials in defense applications (sec. 843)

The House bill contained a provision (sec. 835) that would require the Secretary of Defense to undertake an assessment of the supply chain for rare earth materials and develop plans for the assured supply of critical rare earth materials that could be subject to interruption of supply based on actions outside the control of the United States Government. The House bill contained a second provision (sec. 840) that would require the Department of Defense to develop a plan to develop a secure supply chain for sintered neodymium iron boron magnets.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provisions with an amendment that would combine the two provisions into a single section and require that the Secretary's assessment and plan for critical rare earth materials specifically address sintered neodumium iron boron magnets.

Review of national security exception to competition (sec. 844)

The House bill contained a provision (sec. 836) that would require the Secretary of Defense to review the implementation of the national security exception to full and open competition and draft new regulations that account for the findings of the review.

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision that would require the Government Accountability Office to review the implementation of the national security exception. We expect the examination of possible additional uses in this review to consider, at a minimum, a review of any legislative proposals to establish national security-related exceptions to full and open competition that have been submitted to the Department of Defense's Office of Legislative Counsel in the 5 years preceding the date of enactment of this Act.

Requirement for entities with facility clearances that are not under foreign ownership control or influence mitigation (sec. 845)

The House bill contained a provision (sec. 838) that would require entities with facility clearances that are not subject

to foreign ownership control or influence (FOCI) mitigation to establish government security committees to ensure compliance with the requirements of the national industrial security program.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment requiring the Secretary of Defense to develop a plan to ensure compliance with the national industrial security program by entities with facility clearances that are not subject to FOCI mitigation. In developing the plan, the Secretary would be required to consider whether or not such entities, or any category of such entities, should be required to establish government security committees.

Procurement of photovoltaic devices (sec. 846)

The House bill contained a provision (sec. 846) that would require each Department of Defense contract for the procurement of photovoltaic devices – including energy savings performance contracts, utility service contracts, land leases, and private housing contracts – to include a provision requiring compliance with the Buy American Act (41 U.S.C. 10a et seq.).

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the inclusion of the clause in contracts only if those contracts will result in the ownership of photovoltaic devices by the Department of Defense. The provision would also clarify that exceptions applicable to Buy American requirements would apply to such contracts.

Non-availability exception from Buy American requirements for procurement of hand or measuring tools (sec. 847)

The Senate committee-reported bill contained a provision (sec. 852) that would amend section 2533a of title 10, United States Code (known as the "Berry amendment"), to clarify that the non-availability exception in that section applies to hand and measuring tools.

The House bill contained no similar provision.

The agreement includes the provision.

Contractor logistics support of contingency operations (sec. 848)

The Senate committee-reported bill contained a provision

(sec. 857) that would require the Defense Science Board (DSB) to conduct a comprehensive review of issues arising in contractor logistics support of contingency operations. The provision would also require that the Quadrennial Defense Review (QDR) and other military planning documents address the expected roles and responsibilities of contractors in military operations.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment requiring the DSB to conduct a comprehensive review of the full range of issues arising in contractor logistics support of contingency operations, including the extent to which the QDR and other military planning documents should address the roles and responsibilities of contractors.

Subtitle F-Improve Acquisition Act

Short title (sec. 860)

The House bill contained a provision (sec. 100A of division D) that would provide the short title for the acquisition improvement bill incorporated into the House bill.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Part I-Defense Acquisition System

Improvements to the management of the defense acquisition system (sec. 861)

The House bill contained a provision (sec. 101 of division D) that would: (1) codify certain requirements for the defense acquisition system; (2) require periodic performance assessments for elements of the defense acquisition system; and (3) codify the acquisition-related functions of the chiefs of staff of the armed forces.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would: (1) codify a definition of the defense acquisition system and the responsibility of the Under Secretary of Defense for Acquisition, Technology, and Logistics and the service acquisition executives for the management of the defense acquisition system; (2) codify the acquisition-related functions of the chiefs of staff of the armed forces; and (3) require periodic performance assessments for elements of the defense

acquisition system.

Comptroller General report on Joint Capabilities Integration and Development System (sec. 862)

The House bill contained three provisions addressing requirements for major defense acquisition programs: a provision (sec. 825) that would require two reports on the Joint Capabilities Integration and Development System (JCIDS) of the Department of Defense; a provision (sec. 103 of division D) that would require certain changes to JCIDS; and a provision (sec. 105 of division D) that would require the establishment of a joint evaluation task force for each joint military requirement involving a materiel solution.

The Senate committee-reported bill contained no similar provision.

The agreement includes a single provision that would require a report by the Government Accountability Office addressing the issues raised by section 825. The report would also address the feasibility and advisability of the changes to JCIDS as contemplated by section 103 and the establishment of joint evaluation task forces as contemplated by section 105.

Requirements for the acquisition of services (sec. 863)

The House bill contained a provision (sec. 104 of division D) that would require the Secretary of Defense to ensure that each military department establishes a process for establishing requirements for the acquisition of contract services.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision, with an amendment to distinguish between the processes applicable to contract services in support of combatant commands and military operations, and other categories of contract services.

Review of defense acquisition guidance (sec. 864)

The House bill contained a provision (sec. 106 of division D) that would require the Secretary of Defense to review the acquisition guidance of the Department of Defense.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Requirement to review references to services acquisition

throughout the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement (sec. 865)

The House bill contained a provision (sec. 107 of Division D) that would require that the Federal Acquisition Regulation (FAR) be revised to incorporate appropriate references to services acquisition.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision, with an amendment that would require the Secretary of Defense, in coordination with the Administrator for Federal Procurement Policy and other appropriate agency heads, to review the FAR and the Defense Supplement to the FAR and make recommendations as to any changes that may be needed to ensure appropriate guidance for and references to services acquisition.

As highlighted in the report of the Committee on Armed Services of the House of Representatives' Panel on Defense Acquisition Reform, "services acquisitions require at least the same level of discipline as weapon systems acquisition. Such discipline is critical for planning, requirements definition, market research, price reasonableness determinations, and project management and oversight." While the FAR now includes references to the term "services," a review focused on services acquisition throughout the FAR would enhance and support the procurement and project management community in all aspects of the acquisition planning process.

Pilot program on acquisition of military purpose nondevelopmental items (sec. 866)

The House bill contained a provision (sec. 108 of division D) that would establish procedures for the procurement of military purpose nondevelopmental items.

The Senate committee-reported bill contained a provision (sec. 831) that would establish a pilot program on acquisition of military purpose nondevelopmental items.

The agreement includes the Senate provision with a clarifying amendment.

Part II-Defense Acquisition Workforce

Acquisition workforce excellence (sec. 871)

The House bill contained a provision (sec. 201 of division D) that would require the Department of Defense to use existing workforce authorities to build the capabilities and skills of

the acquisition workforce.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Amendments to the acquisition workforce demonstration project (sec. 872)

The House bill contained a provision (sec. 202 of division D) that would codify the acquisition workforce demonstration project established pursuant to section 4308 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-108), and extend the demonstration project to 2017.

The Senate committee-reported bill contained a provision (sec. 851) that would extend the demonstration project to 2017.

The agreement includes the House provision with a clarifying amendment.

Career development for civilian and military personnel in the acquisition workforce (sec. 873)

The House bill contained a provision (sec. 204 of division D) that would require the Secretary of Defense to ensure the development of career paths for military and civilian personnel in the acquisition workforce.

The Senate committee-reported bill contained no similar provision.

The agreement includes the provision with an amendment to streamline certain reporting requirements.

Recertification and training requirements (sec. 874)

The House bill contained a provision (sec. 205 of division D) that would require the Secretary of Defense to establish recertification and training requirements for the acquisition workforce.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision, with an amendment deleting the reference to training provided by private sector contractors.

In general, the Defense Acquisition University (DAU) is responsible for providing and monitoring training for the Department's acquisition workforce. DAU approves additional training providers based on review by the American Council on Education to ensure that the provider is capable of meeting DAU

standards. We expect DAU to continue to use public and private resources to train the acquisition workforce, as appropriate.

Information technology acquisition workforce (sec. 875)

The House bill contained a provision (sec. 206 of division D) that would require the Secretary of Defense to develop and carry out a plan to strengthen the part of the acquisition workforce that specializes in information technology.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Definition of acquisition workforce (sec. 876)

The House bill contained a provision (sec. 207 of division D) that would provide for the general applicability of the existing statutory definition of the acquisition workforce.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Defense Acquisition University curriculum review (sec. 877)

The House bill contained a provision (sec. 208 of division D) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to review and validate the curriculum of the Defense Acquisition University.

The Senate committee-reported bill contained no similar provision.

The agreement includes the provision.

Part III-Financial Management

Audit readiness of financial statements of the Department of Defense (sec. 881)

The House bill contained two provisions (sec. 301 and 302 of division D) that are designed to ensure that the Department of Defense achieves the objective of having financial statements that are validated as ready for audit by September 30, 2017, as required by section 1003 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision that would require the

Under Secretary of Defense (Comptroller) to: (1) establish interim milestones for achieving audit readiness; and (2) review and report to Congress on options for providing incentives to the military departments, defense agencies, and defense field activities to achieve financial statements validated as ready for audit by September 30, 2017.

The Chief Financial Officers Act of 1990 (Public Law 101-576) required all federal agencies to achieve auditable financial statements. Twenty years later, the Department of Defense (DOD) remains one of the few federal agencies that has not yet achieved this objective. Indeed, not one of the major DOD components has yet achieved an auditable financial statement. Moreover, the DOD approach to business transformation, DOD business systems modernization, and DOD financial management all remain on the "high risk" list of at-risk programs compiled by the Government Accountability Office.

For these reasons, we conclude that the Department of Defense must give a higher priority to its business transformation and financial management objectives, and that concrete milestones are required to ensure that senior DOD officials can be held accountable for their efforts to reach these objectives.

Review of obligation and expenditure thresholds (sec. 882)

The House bill contained a provision (sec. 303 of division D) that would require two reviews of obligation and expenditure benchmarks used by the Department of Defense (DOD).

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment requiring only one review and report.

We believe that DOD program managers should be encouraged to place a higher priority on seeking the best value for the Department and the taxpayer than on meeting arbitrary benchmarks for spending. The review and report required by this section is intended to ensure that obligation and expenditure benchmarks do not inadvertently prevent the Department from achieving the best value possible in the obligation and expenditure of funds.

Disclosure and traceability of the cost of Department of Defense health care contracts (sec. 883)

The House bill contained a provision (sec. 304 of division D) that would require each offeror on a Department of Defense health care contract to submit with its bid or proposal a disclosure of the additional cost contained in the bid or

proposal as a result of health care reform legislation.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment to require a one-time study and report on added costs.

Part IV-Industrial Base

Expansion of the industrial base (sec. 891)

The House bill contained a provision (sec. 401 of division D) that would require the Secretary of Defense to establish a program to expand the Department of Defense industrial base to increase the Department's access to innovation and the benefits of competition.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Price trend analysis for supplies and equipment purchased by the Department of Defense (sec. 892)

The House bill contained a provision (sec. 402 of division D) that would amend section 803 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) to extend the requirement for commercial price trend analysis.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment clarifying the requirement for price trend analysis and expanding the requirement to the full range of supplies and equipment purchased by the Department of Defense.

Contractor business systems (sec. 893)

The House bill contained a provision (sec. 404 of division D) that would address contract audits and business system reviews conducted by the Department of Defense. The House provision would also establish an independent Office of General Counsel within the Defense Contract Audit Agency (DCAA).

The Senate committee-reported bill contained a provision (sec. 841) that would require the Secretary of Defense to develop a program for the improvement of contractor business systems.

The agreement includes the Senate provision, with an

amendment requiring the Secretary of Defense to ensure that appropriate legal resources are provided to DCAA in a manner that is consistent with DCAA's need to maintain audit independence. When DCAA faces a critical legal issue relating to the independence of its audit function, we believe it would be appropriate for DCAA to seek advice from the General Counsel to the Inspector General of the Department of Defense (DOD IG), and for the General Counsel to the DOD IG to provide such advice.

The Government Accountability Office recommended that DCAA take a risk-based approach to contract audits and reform its processes to focus on performing quality audits that meet generally accepted government accounting standards. We concur with these recommendations, note that the Department also concurred, and expect that the Department will continue with its implementation of these reforms.

Review and recommendations on eliminating barriers to contracting with the Department of Defense (sec. 894)

The House bill contained a provision (sec. 405 of division D) that would require the Secretary of Defense to establish a blue ribbon panel of business owners who are not traditional Department of Defense (DOD) contractors to make recommendations for eliminating barriers to contracting with the Department.

The Senate committee-reported bill contained no similar provision.

The agreement includes a provision that would require the DOD Director of Small Business Programs, after reaching out to a wide range of non-traditional contractors, to review and report on steps that could be taken to address such barriers.

Inclusion of providers of services and information technology in the national technology and industrial base (sec. 895)

The House bill contained a provision (sec. 406 of division D) that would amend section 2500 of title 10, United States Code, to include the providers of contract services and information technology in the definition of the national technology and industrial base.

The Senate committee-reported bill contained no similar provision.

The agreement includes the provision with a technical amendment.

Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy; Industrial Base Fund (sec. 896)

The House bill contained a provision (sec. 410 of division D) that would establish an Industrial Base Council and an Industrial Base Fund in the Department of Defense.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would establish statutory authorities for the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy and provide for an Industrial Base Fund.

Legislative Provisions Not Adopted

Clothing allowance requirement

The House bill contained a provision (sec. 501 of division D) that would require a review and evaluation of whether items purchased under section 418 of title 37, United States Code, should be considered subject to section 2533a of title 10, United States Code (popularly known as the "Berry Amendment").

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

We understand that the Department of Defense changed its policy with regard to the purchase of footwear in recent years, to provide members of the armed forces with an increased clothing allowance, rather than purchasing footwear on their behalf. The Department is directed to report to the Committees on Armed Services of the Senate and the House of Representatives by March 31, 2011 on the rationale for this change in policy.

Cost estimating internship and scholarship programs

The House bill contained a provision (sec. 209 of division D) that would require the Secretary of Defense to develop internship and scholarship programs in cost estimating.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

The Defense Acquisition Workforce Improvement Act (chapter 87, title 10, United States Code) already provides the Department of Defense with the authority to establish internship and scholarship programs for highly qualified individuals to prepare them for entry into the acquisition workforce. We urge the Department of Defense to take advantage of this authority to assist in the recruitment and training of the highly-qualified cost estimators that the Department needs. According to

testimony provided to the House of Representatives Panel on Defense Acquisition Reform, sound cost estimating is essential to the acquisition process and should be considered a core acquisition function. The use of internship and scholarship programs in this area would benefit the acquisition process.

Debarment of BP and its subsidiaries

The House bill contained a provision (sec. 849) that would require the Secretary of Defense to determine whether BP or its subsidiaries should be debarred from contracting with the Department of Defense.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

Several reviews are currently under way to determine what went wrong and who was responsible for the catastrophic oil spill in the Gulf of Mexico earlier this year. It appears that actions and inactions by a number of entities may have contributed to the failures that led to the spill. To the extent that gross negligence or misconduct by any Department of Defense contractor is found to have played a significant role in the disaster, we expect the Department of Defense to review the matter and determine whether suspension, debarment, or any other contract action is required to protect the interests of the Department and the taxpayer.

Incentive programs for civilian and military personnel in the acquisition workforce

The House bill contained a provision (sec. 203 of division D) that would require the Secretary of Defense to develop an enhanced system of incentives to promote excellence in the acquisition workforce.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

Section 9902(a) of title 5, United States Code, as added by section 1113(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), created a Department of Defense Civilian Workforce Incentive Fund and directed the Secretary of Defense to develop a new system of performance management and workforce incentives to connect pay, promotions, and awards to performance for the civilian workforce of the Department of Defense. We expect the Department of Defense to fully utilize this authority, and to give special consideration to high performing individuals within the acquisition workforce.

Penalties for not providing information to contractor databases on Iraq and Afghanistan

The House bill contained a provision (sec. 852) that would require the establishment of penalties for contractors who fail to comply with the requirement to provide information for databases on contractor personnel in Iraq and Afghanistan.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

We recognize that the information in the contractor personnel database required by section 861 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) remains far from complete. We expect the Department of Defense to develop a plan of action, including appropriate penalties and incentives, to ensure contractor compliance with applicable data requirements.

Prohibition on contracts with entities engaging in commercial activity in the energy sector of Iran

The House bill contained a provision (sec. 805) that would prohibit the Secretary of Defense from entering into any contract with an entity that engages in commercial activity in the energy sector of the Islamic Republic of Iran.

The Senate committee-reported bill contained a similar provision (sec. 818) that would prohibit the Department of Defense from entering into any contract unless the person or entity certifies to the Secretary of Defense that the person or entity is not in violation of any sanctions laws related to the Islamic Republic of Iran.

Subsequent to the actions of the Committees on Armed Services of the Senate and the House of Representatives the Comprehensive Iran Sanctions and Divestment Act (CISADA, Public Law 111-195) was enacted. This law is a more comprehensive approach to the problems addressed in either the House or Senate-committee provisions. As a result, the goals of these two provisions have been achieved with the passage of the CISADA.

Sense of Congress regarding cost savings through reductions in waste, fraud, and abuse

The House bill contained a provision (sec. 841) that would express the sense of Congress that: (1) the Department of Defense could achieve significant cost savings through

reductions in waste, fraud, and abuse, particularly with regard to contracting processes; and (2) the Department should establish a high priority for the implementation of open recommendations of Government Accountability Office (GAO) reports.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

We agree that the Department of Defense could achieve significant cost savings through improved management of its acquisition and contracting processes, better decisions on what to buy and how to buy it, and the elimination of waste, fraud, and abuse. Many GAO reports include constructive recommendations on steps that the Department could take to address these problems. We urge the Department to implement such recommendations.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Reorganization of Office of the Secretary of Defense to carry out reduction required by law in number of Deputy Under Secretaries of Defense (sec. 901)

The House bill contained a provision (sec. 902) 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 recommended by the Department of Defense in response to the requirements of section 906 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate committee-reported bill contained a similar provision (sec. 902).

The agreement includes the Senate provision with an amendment clarifying responsibility within the Office of the Secretary of Defense for matters relating to Prisoners of War and missing personnel.

Subtitle B—Space Activities

Integrated space architectures (sec. 911)

The House bill contained a provision (sec. 911) that would

require the Secretary of Defense and the Director of National Intelligence to maintain the capability to conduct integrated national security space architecture planning, development, coordination, and analysis.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would direct the Secretary of Defense and the Director of National Intelligence to develop an integrated process for national security space architecture planning, development, coordination, and analysis. This process would be coordinated with the relevant activities of the military departments and the intelligence community.

Limitation on use of funds for costs of terminating contracts under the National Polar-Orbiting Operational Environmental Satellite System program (sec. 912)

The Senate committee-reported bill contained a provision (sec. 911) that would prohibit the Secretary of Defense from using any funds available for the National Polar-orbiting Operational Environmental Satellite System 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 and the Department of Commerce.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Limitation on use of funds for purchasing Global Positioning System user equipment (sec. 913)

The Senate committee-reported bill contained a provision (sec. 912) 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, in which the DOD has made significant investments by deploying GPS satellites with M code capability to allow improved accessibility to GPS satellites and increase anti-jam and anti-spoof capabilities. The provision also 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.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Plan for integration of space-based nuclear detection sensors (sec. 914)

The Senate committee-reported bill contained a provision (sec. 913) 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.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would prohibit the Secretary of Defense from spending more than 90 percent of the funds available for the SBIRS from being obligated until the plan is submitted.

Preservation of the solid rocket motor industrial base (sec. 915)

The Senate committee-reported bill contained a provision (sec. 914) that would set forth a series of findings dealing with the fragility of the solid rocket motor industrial base and the importance of coordination amongst federal agencies, particularly the National Aeronautics and Space Administration (NASA) and the Department of Defense (DOD) to ensure the viability of that base. 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 NASA 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.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would strike the findings and clarify the appropriate congressional committees to receive the report.

Implementation plan to sustain solid rocket motor industrial base (sec. 916)

The Senate committee-reported bill contained a provision

(sec. 915) 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 House bill contained no similar provision.

The agreement includes the Senate provision.

Review and plan on sustainment of liquid rocket propulsion systems industrial base (sec. 917)

The Senate committee-reported bill contained a provision (sec. 916) that would direct the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, 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 House bill contained no similar provision.

The agreement includes the Senate provision.

Subtitle C—Intelligence-Related Matters

Five-year extension of authority for Secretary of Defense to engage in commercial activities as security for intelligence collection activities (sec. 921)

The House bill contained a provision (sec. 921) that would extend for 5 years the authority of the Secretary of Defense to engage in commercial activities as security for intelligence collection activities.

The Senate committee-reported bill contained a provision (sec. 921) that would provide permanent authority to the Secretary of Defense for commercial cover operations.

The agreement includes the House provision.

Modification of attendees at proceedings of Intelligence, Surveillance, and Reconnaissance Integration Council (sec. 922)

The Senate committee-reported bill contained a provision

(sec. 922) 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.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Report on Department Of Defense interservice management and coordination of remotely piloted aircraft support of intelligence, surveillance, and reconnaissance (sec. 923)

The Senate committee-reported bill contained a provision (sec. 923) 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.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that makes a technical clarification.

Report on requirements fulfillment and personnel management relating to Air Force intelligence, surveillance, and reconnaissance provided by remotely piloted aircraft (sec. 924)

The Senate committee-reported bill contained a provision (sec. 924) 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.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Subtitle D—Cyber Warfare, Cyber Security, and Related Matters

Continuous monitoring of Department of Defense information systems for cybersecurity (sec. 931)

The Senate committee-reported bill contained a provision (sec. 931) that would require the Secretary of Defense to implement a set of information security controls on Department of Defense information networks and systems, and to automate the monitoring and reporting on those control measures.

The House bill contained no similar provision.

The agreement includes the Senate provision.

The Secretary of Defense is instructed to broaden the concept of automated monitoring and reporting of security controls and status to include real-time detection and reporting of intrusions and attacks, and automated response and remediation efforts, through such programs as the Host-Based Security System and the evolution of the Security Content Automation Protocols.

Strategy on computer software assurance (sec. 932)

The Senate committee-reported bill contained a provision (sec. 932) that would require the Secretary of Defense to develop and implement a strategy for assuring the security of software and software-based applications for all covered systems.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would require that the strategy include mechanisms to ensure reciprocity between the military services and defense agencies regarding certification and accreditation processes.

Strategy for acquisition and oversight of Department of Defense cyber warfare capabilities (sec. 933)

The Senate committee-reported bill contained a provision (sec. 933) that would require the Secretary of Defense to develop a strategy and report to Congress on the rapid acquisition of tools, applications, and other capabilities for cyber warfare.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would (1) tie the required strategy to the overall information technology acquisition process being developed pursuant to section 804 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84); (2)

require consultation in developing the strategy with the military services; and (3) require that the strategy address information sharing and collaboration with allies, other government organizations, academia, and the private sector.

Report on the cyber warfare policy of the Department of Defense (sec. 934)

The Senate committee-reported bill contained a provision (sec. 934) that would require the Secretary of Defense to report to Congress by March 1, 2011, on the cyber warfare policy of the Department of Defense.

The House bill contained a provision (sec. 1046) that would require the Secretary of Defense to conduct a study on the current and potential use of modeling and simulation tools and technology for cyber warfare, including for the purpose of developing deterrence strategies and capabilities.

The agreement includes the Senate provision with an amendment that would require the Secretary to include in the report the current and potential application of modeling and simulation to cyber warfare capabilities and deterrence.

Reports on Department of Defense progress in defending the Department of Defense and the defense industrial base from cyber events (sec. 935)

The Senate committee-reported bill contained a provision (sec. 935) that would require the Secretary of Defense to report annually through 2015 on the progress of the Department of Defense (DOD) in defending DOD and the defense industrial base from cyber attacks.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would require the Secretary to measure progress not just against a baseline but also in relation to Presidential directives and national cybersecurity strategies. The amendment also would require that the report include (1) a synopsis of damage assessments investigated by the Damage Assessment Management Office, and (2) known or suspected supply chain attacks.

Subtitle E-Other Matters

Two-Year extension of authorities relating to temporary waiver of reimbursement of costs of activities for nongovernmental personnel at Department of Defense Regional Centers for Security Studies (sec. 941)

The House bill contained a provision (sec. 933) that would amend section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to extend for 2 fiscal years the temporary authority for the five Regional Centers for Security Studies of the Department of Defense to waive the reimbursement of costs required under section 184(f) of title 10, United States Code, for personnel of nongovernmental organizations and international organizations to participate in activities of the centers.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Additional Requirements for quadrennial roles and missions review in 2011 (sec. 942)

The House bill contained a provision (sec. 934) that would require consideration of additional operational functions as part of the 2011 Quadrennial Roles and Missions Review as required by section 118b of title 10, United States Code.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Report on organizational structure and policy guidance of the Department of Defense regarding information operations (sec. 943)

The Senate committee-reported bill contained a provision (sec. 951) that would direct the Secretary of Defense to conduct a review of the Department of Defense's organizational structure and policy guidance relating to information operations activities.

The House bill contained no similar provision.

The agreement includes the Senate provision with a technical and clarifying amendment to the specific reporting requirements.

Additional guidance relating to this provision is provided in the classified annex.

Report on organizational structures of the geographic combatant command headquarters (sec. 944)

The Senate committee-reported bill contained a provision (sec. 952) 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 House bill contained no similar provision.

The agreement includes the Senate provision.

Legislative Provision Not Adopted

Unified medical command

The House bill contained a provision (sec. 903) that would authorize the Secretary of Defense to establish a unified medical command to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of title 10, United States Code, and would require the Secretary to develop a comprehensive plan to establish a unified medical command.

The Senate committee-reported bill contained no similar provision.

The agreement does not include this provision.

We share the Department's concern about the growth of military health care costs, and note that the Department has not yet developed a comprehensive plan to enhance quality, efficiencies, and savings in the military health care system. We also note that the Secretary of Defense is currently conducting a comprehensive review of Department of Defense structure and operations with the goal of improving efficiency through streamlining. We encourage the Secretary of Defense to evaluate the potential operational, organizational, and financial benefits of a unified medical command during this process.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

General transfer authority (sec. 1001)

The House bill contained a provision (sec. 1001) that would allow the Secretary of Defense to make transfers between any amounts of authorizations for fiscal year 2011 in division A of this Act. This section would limit the total amount transferred under this authority to $3.5 billion with an exception that a transfer of funds between military personnel authorizations

under title IV shall not be counted against the dollar limitation. This section would also require prompt notification to Congress of each transfer made.

The Senate committee-reported bill contained a similar provision (sec. 1001) that would provide $5.0 billion in transfer authority.

The agreement includes the House provision with an amendment that provides $4.0 billion in transfer authority.

Authorization of additional appropriations for operations in Afghanistan, Iraq, and Haiti for fiscal year 2010 (sec. 1002)

The House bill contained a provision (sec. 1002) that would authorize additional appropriations for fiscal year 2010.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Budgetary effects of this Act (sec. 1003)

The House bill contained a provision (sec. 1003) dealing with the budgetary effects of this Act.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Subtitle B—Counter-Drug Activities

Unified counter-drug and counterterrorism campaign in Colombia (sec. 1011)

The House bill contained a provision (sec. 1011) that would extend, through fiscal year 2011, a continuation of the limited authority provided by section 1021 of the Ronald W. Reagan National Defense Authorization Act (NDAA) for Fiscal Year 2005 (Public Law 108-375), as amended, which allows the Department of Defense to provide assistance to the Government of Colombia to support a unified counterdrug and counterterrorism campaign.

The Senate committee-reported bill contained a provision (sec. 1024) that would only extend, through fiscal year 2011, the limitation established by section 1021(c) of the Ronald W. Reagan NDAA for Fiscal Year 2005, as amended, on the number of U.S. military and federally funded civilian contractor personnel authorized to conduct certain activities in the Republic of Colombia.

The agreement includes the House provision.

Extension and modification of joint task forces support to law enforcement agencies conducting counter-terrorism activities (sec. 1012)

The House bill contained a provision (sec. 1012) that would extend, through fiscal year 2011, the support provided by joint task forces under section 1022(b) of the National Defense Authorization Act (NDAA) for Fiscal Year 2004 (Public Law 108-136), as amended.

The Senate committee-reported bill contained a provision (sec. 1023) that would extend, through fiscal year 2011, the authority provided under section 1022 of the NDAA for Fiscal Year 2004, as amended. The Senate provision would also limit the availability of this authority for any fiscal year after 2010. The Senate provision would require the Secretary of Defense to determine that a significant connection exists between an entity engaged in illegal drug trafficking and the foreign terrorist organization concerned before utilizing this authority for any support activity, and it 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.

The agreement includes the Senate provision with an amendment that would authorize the provision of joint task force support for counterterrorism activities if the Secretary of Defense determines that the objectives of using the counterdrug funds of any joint task force to provide such support relate significantly to the objectives of providing support for counterdrug activities by that joint task force or any other joint task force. The provision also provides the Secretary with the authority to waive this requirement if it is in the vital national security interests of the United States. An interim compliance report and subsequent annual compliance reports are also required.

Reporting requirement on expenditures to support foreign counter-drug activities (sec. 1013)

The House bill contained a provision (sec. 1013) 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.

The Senate committee-reported bill contained an identical provision (sec. 1025).

The agreement includes this provision.

Support for counter-drug activities of certain foreign governments (sec. 1014)

The House bill contained a provision (sec. 1014) that would extend, through fiscal year 2011, the authority of the Secretary of Defense to provide limited support to certain foreign governments for counterdrug activities under section 1033 of the National Defense Authorization Act (NDAA) for Fiscal Year 1998 (Public Law 105-85), as amended. The House provision would also extend the limitation on the maximum amount of support through fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 1022) that would extend, through fiscal year 2011, the Secretary's authority to provide support under section 1033 of the NDAA for Fiscal Year 1998, as amended, extend the limitation on the maximum amount of support for that duration, and expand the list of foreign governments eligible to receive support under section 1033 to include the Government of Nicaragua.

The agreement includes the House provision with an amendment that would extend the Secretary's authority and the limitation on the maximum amount of support through fiscal year 2012.

Notice to Congress on military construction projects for facilities of Department of Defense and foreign law enforcement agencies for counter-drug activities (sec. 1015)

The Senate committee-reported bill contained a provision (sec. 1021) 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 notice and wait requirement under section 1004(h) of the National Defense Authorization Act (NDAA) for Fiscal Year 1991, as amended (Public Law 101-510).

The House bill contained no similar provision.

The agreement includes the Senate provision with clarifying amendments to section 1004 of the NDAA for Fiscal Year 1991, as amended.

To promote transparency, the managers urge the Department of Defense to inform the following committees upon commencement of any construction outside of the United States under section 1004, as amended: the congressional defense and military

construction committees, as well as the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

Subtitle C—Naval Vessels and Shipyards

Extension of authority for reimbursement of expenses for certain Navy mess operations (sec. 1021)

The Senate committee-reported bill contained a provision (sec. 1011) 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.

The House bill contained a nearly identical provision (sec.343).

The agreement includes the Senate provision.

Expressing the sense of Congress regarding the naming of a naval combat vessel after Father Vincent Capodanno (sec. 1022)

The House bill included a provision (sec. 1025) that would express the sense of Congress that the Navy should name a combat vessel of the United States Navy the "U.S.S. Father Vincent Capodanno," in honor of Father Vincent Capodanno, a lieutenant in the Navy Chaplain Corps.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Requirements for long-range plan for construction of naval vessels (sec. 1023)

The House bill included a provision (sec. 1021) that would amend section 231 of tile 10, United States Code, to require the Secretary of the Navy to submit a long-range plan for the construction of naval vessels with each submission of the Quadrennial Defense Review (QDR).

The House provision would require that the long-range plan include three distinct sections, each spanning a period of 10 years. The first section would be a detailed construction plan for the first 10 years, the second a probable construction plan for the second 10 years, and the third a notional construction plan for the last 10 years.

The provision would prevent the Secretary from modifying future shipbuilding budget requests during the intervening years between submissions of the QDR, unless the change were to be an increase in the shipbuilding plan or the change were accompanied by an addendum to the QDR which explained and justified the decrease with respect to the national security of the United States.

The provision would also require that the plan fully comply with section 5062(b) of title 10, United States Code, to maintain a minimum of 11 operational aircraft carriers and to phase the construction of such carriers as to minimize the total cost of procurement.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision, modified to require that the Secretary report on the basis for making any reductions in the planned shipbuilding levels in years when DOD is not producing a new QDR and to delete the requirement relating to aircraft carriers.

The committees expect that, following the submission of the President's budget materials for a fiscal year, the Secretary of the Navy, at the written request of one of the congressional defense committees, will promptly deliver the Navy's long-term shipbuilding plan used to develop the President's budget request for that fiscal year, as well as a certification from the Secretary of the Navy that both the President's budget request for that fiscal year and the budget for the future-years defense program is sufficient to fund the construction schedule provided in that plan. The committees expect that such a plan would include the quantity of each class of ship to be constructed in that fiscal year and the nine following fiscal years.

Subtitle D—Counterterrorism

Extension of certain authority for making rewards for combating terrorism (sec. 1031)

The House bill contained a provision (sec. 1031) that would extend the authority for the Secretary of Defense to offer and make rewards to a person providing information or nonlethal assistance to U.S. Government personnel or government personnel of allied forces participating in a combined operation with U.S. Armed Forces through fiscal year 2011.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1032)

The House bill contained a provision (sec. 1032) that would prohibit the use of Department of Defense (DOD) funds to transfer, release, or assist in the transfer or release of any detainee at the Guantanamo detention facility to or within the United States, its territories, or possessions.

The Senate committee-reported bill contained a provision (sec. 1043) that would extend through December 31, 2011, the restrictions on the disposition of detainees at United States Naval Station, Guantanamo Bay, Cuba, under section 1041 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2454). Under this provision, the DOD would be prohibited from releasing any detainee at the Guantanamo detention facility into the United States, its territories, or possessions, and would be restricted from transferring any detainee into the United States until 45 days after the President submits a detailed, comprehensive plan for the disposition of any such detainee.

The agreement includes the House provision with a clarifying amendment.

Certification requirements relating to the transfer of individuals detained at Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities (sec. 1033)

The House bill contained a provision (sec. 1033) that would prohibit the use of any funds authorized to be appropriated by this Act or otherwise available to the Department of Defense to transfer any detainee at United States Naval Station, Guantanamo Bay, Cuba, to the custody or effective control of a foreign country or other foreign entity unless, 30 days prior to the transfer, the Secretary of Defense certifies to Congress, with the concurrence of the Secretary of State, that the government of the country or the recognized leadership of the entity receiving the transferred individual meets certain specified criteria.

The provision would also prohibit the use of Department of Defense funds to transfer any such detainee to the custody or effective control of a foreign country or entity if there is a confirmed case of an individual transferred from United States Naval Station, Guantanamo Bay, Cuba, to that country or entity who has subsequently engaged in terrorist activity. The Secretary of Defense would be authorized to waive this

prohibition on transfers to countries or foreign entities with a history of recidivism if the Secretary certifies that such a transfer would be in the national interest of the United States.

The Senate committee-reported bill contained a provision (sec. 1044) that would prohibit for 1 year the transfer of any detainee at the Guantanamo detention facility to a country where Al Qaeda has an active presence, specified as Afghanistan, Pakistan, Saudi Arabia, Somalia, and Yemen.

The agreement includes the House provision with an amendment that would clarify that the provision covers the 1 year period beginning on the date of the enactment of this Act. The provision is also amended to exempt from the prohibitions under the section actions taken by the Secretary of Defense to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. In the event such an order is issued, the Secretary of Defense is required to notify Congress promptly of the order's issuance.

Prohibition on the use of funds to modify or construct facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba (sec. 1034)

The House bill contained a provision (sec. 1034) that would prohibit the use of funds authorized to be appropriated by this Act to construct or modify any facility in the United States, its territories, or possessions to house any detainee transferred from United States Naval Station, Guantanamo Bay, Cuba, for purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense (DOD). The provision would also require a report on the merits, costs, and risks of using any facility in the United States, its territories, or possessions to house detainees from the Guantanamo detention facility for purposes of detention or imprisonment under DOD custody or control.

The Senate committee-reported bill contained a provision (sec. 1531) that would restrict the use of the DOD funds available for detention operations within the Department of Defense Overseas Contingency Operations Transfer Fund solely for such operations at the United States Naval Station, Guantanamo Bay, Cuba.

The agreement includes the House provision.

Comprehensive review of force protection policies (sec. 1035)

The House bill contained a provision (sec. 1035) that would require the Secretary of Defense to conduct a comprehensive review of the force protection policies of the Department of Defense.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Subtitle E—Homeland Defense and Civil Support

Limitation on deactivation of existing Consequence Management Response Forces (sec. 1041)

The Senate committee-reported bill contained a provision (sec. 1031) that would prohibit the Secretary of Defense from deactivating any existing Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive (CBRNE) Consequence Management Response Force until 90 days after certifying that there exists within the military an alternative CBRNE consequence management response capability at least as capable as the existing forces. The provision would also require the Secretary to submit a report to the congressional defense committees on plans to establish alternative Homeland Response Forces.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would remove the 90-day waiting period.

Subtitle F—Studies and Reports

Interagency national security knowledge and skills (sec. 1051)

The House bill contained a provision (sec. 1042) that would require the Secretary of Defense to commission an appropriate, independent non-profit organization to conduct a study to assess the current state of interagency national security knowledge and skills of Department of Defense civilians and uniformed personnel and make recommendations for strengthening such knowledge and skills.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Report on establishing a Northeast Regional Joint Training

Center (sec. 1052)

The House bill contained a provision (sec. 1043) that would require a report on the need for the establishment of a Northeast Regional Joint Training Center.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Comptroller General report on previously requested reports (sec. 1053)

The House bill contained a provision (sec. 1044) that would require the Comptroller General to submit a report evaluating the sufficiency, adequacy, and conclusions of several Department of Defense reports on combat air force equipment and programs. The Air Force would be prohibited from retiring any fighter aircraft until 180 days after the Comptroller General submits the report.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision, amended to reduce the waiting period for the prohibition on retiring fighter aircraft after the Comptroller General submits the report from 180 days to 90 days.

Biennial report on nuclear triad (sec. 1054)

The House bill contained a provision (sec. 1045) that would require the Secretary of Defense in cooperation with the Administrator of the National Nuclear Security Administration, to submit a report to the congressional defense committees on the modernization and sustainment of the nuclear triad over the next 20 years no later than March 1, 2011.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would direct the Secretary of Defense in cooperation with the Administrator to submit the report on a biennial basis with the first report due on March 1, 2012. The report would cover the next 10 year period beginning on the date of the report.

Comptroller General study on common alignment of world regions in departments and agencies with international responsibilities (sec. 1055)

The House bill contained a provision (sec. 1047) that would require the President to commission a study to assess the need for and implications of a common alignment of world regions in the internal organization of departments and agencies of the Federal Government with international responsibilities.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that directs the Comptroller General of the United States to conduct the study and clarifies the agencies included and the matters covered.

Required reports concerning bomber modernization, sustainment, and recapitalization efforts in support of the national defense strategy (sec. 1056)

The House bill contained a provision (sec. 1048) that would require the Secretary of the Air Force to submit a report to the congressional defense committees, the Congressional Budget Office, and the Comptroller General of the United Sates, on the cost, schedule, and performance of modernization and sustainment programs and plans for the current bomber fleet, a discussion of the various studies and analysis of alternatives dealing with future long-range strike platforms, and the outcome of the ongoing long-range strike study when completed. In addition, the report would include a description of the efforts to field a next-generation long-range strike platform and a comparative discussion of the costs, testing, fielding, and other attributes of a family of systems as compared to a single platform. The provision would also direct the Director of the Cost Analysis and Program evaluation office to prepare and submit a report to the congressional defense committees, the Congressional Budget Office, and the Comptroller General of the United Sates, on the comparative assumptions and costs associated with a family of systems and on the previous plans, cancelled in 2009, to have a single platform. Finally, the provision would direct the Congressional Budget Office to submit a report that includes a life cycle cost analysis of the costs of sustaining and modernizing the current bomber fleet, a single next-generation bomber platform, a family of long-range strike systems, and an objectivity and sufficiency review of all the report elements.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would direct the Air Force to submit a comparative report on the cost, schedule, performance, and

challenges of modernization and sustainment programs and plans for the current bomber fleet, a discussion of the various long-range strike studies conducted and underway, and a comparative analysis of the cost, testing, fielding, operational challenges, and other associated issues with a family of systems when compared to a single long-range strike platform. The required report shall be prepared by a federally funded research and development center selected by the Secretary of the Air Force. The report is due 365 days from the date of enactment of this Act. In addition, the provision would direct the Director of Cost Analysis and Program Evaluation to submit to the congressional defense committee a report setting forth a comparison of the assumptions and life cycle costs of a family of long-range strike systems and on the previous plans, cancelled in 2009, to have a single platform.

Comptroller General study and recommendations regarding security of southern land border of the United States (sec. 1057)

The Senate committee-reported bill contained a provision (sec. 1041) that would require the Secretary of Defense to deploy not fewer than 6,000 National Guard personnel along the southern land border of the United States in order to assist the U.S. Customs and Border Protection in securing the border.

The House bill contained no similar provision.

The agreement includes a provision that would require the Comptroller General to study the security of the southern land border of the United States and report the findings and recommendations of the study to the Committees on Armed Services of the Senate and the House of Representatives.

Subtitle G-Miscellaneous Authorities and Limitations

Public availability of Department of Defense reports required by law (sec. 1061)

The Senate committee-reported bill contained a provision (sec. 1048) that would require the Department of Defense to make certain reports available to the public.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment to ensure that the Department has the flexibility that it needs to withhold reports containing sensitive information that is not suitable for public disclosure.

Prohibition on infringing on the individual right to lawfully acquire, possess, own, carry, and otherwise use privately owned firearms, ammunition, and other weapons (sec. 1062)

The Senate committee-reported bill contained a provision (sec. 1042) that would prohibit the Secretary of Defense from regulating the otherwise lawful acquisition, possession, ownership, carrying, or use of firearms by Department of Defense personnel, subject to specified exceptions.

The House bill contained no similar provision.

The agreement includes the Senate provision with a technical amendment.

Development of criteria and methodology for determining the safety and security of nuclear weapons (sec. 1063)

The Senate committee-reported bill contained a provision (sec. 1049) that would direct the Secretary of Energy and the Secretary of Defense, acting through the Nuclear Weapons Council 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 House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would clarify that the criteria for determining the appropriate baseline should cover the life cycle of the nuclear weapons. The amendment would also require that the report be submitted no later than March 1, 2012.

Subtitle H-Other Matters

National Defense Panel (sec. 1071)

The House bill contained a provision (sec. 1051) that would amend section 118 of title 10, United States Code, by replacing the Independent Review Panel with a National Defense Panel.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Sale of surplus military equipment to State and local homeland security and emergency management agencies (sec. 1072)

The House bill included a provision (sec. 1053) that would authorize the sale of excess military equipment to state and local homeland security and emergency management agencies.

The Senate committee-reported bill had a nearly identical provision (sec. 1033).

The agreement includes the Senate provision.

Defense research and development rapid innovation program (sec. 1073)

The House bill contained a provision (sec. 1054) that would establish a Rapid Innovation Program to accelerate the fielding of innovative technologies.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would stress the importance of a competitive, merit-based program to directly support primarily major defense acquisition programs, but also other defense acquisition programs that meet critical national security needs (such as those articulated through, for example, a Joint Urgent Operational Needs Statement). Under this program, projects should be selected, among other things, on the basis of their responsiveness to identified needs, as articulated in the acquisition plan of those programs they intend to support (or a validated requirements document). In executing this program, the committees expect the Secretary of Defense, working through the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD AT&L) and in coordination with the service secretaries to:

(1) Develop and implement a competitive, merit-based program designed to stimulate innovative technologies; reduce acquisition or life cycle costs; address technical risks; improve the timeliness and thoroughness of test and evaluation outcomes; and rapidly insert such products into military systems that meet critical national security needs;

(2) Develop and implement clear goals and metrics for the program that would enhance the insertion of those technologies (including dual use technologies) identified in paragraph (1); and

(3) Ensure that projects described below are given full consideration in accordance with competitive and merit-based procedures:

(a) Phase II Small Business Innovation Research (SBIR) or other projects, as determined by the Program Executive Officers or Program Managers, which are most likely to be fielded within 3 years;

(b) Responses to an annual broad agency announcement or other competitive or merit-based processes;

(c) Projects executed by the defense laboratories and the test and evaluation community; and,

(d) Projects cost-shared with state, local, or other government funds.

The committees further note that (sec. 1073) would not require or enable any official of the Department of Defense to provide funding to any earmark as defined pursuant to House Rule XXI, clause nine or any congressionally directed spending item as defined pursuant to Senate Rule XLIV, paragraph 5.

Pursuant to similar ongoing studies, the committees encourage the Secretary of Defense to request the National Academies to evaluate the program after the first year of execution.

The committees believe that the Department of the Navy's experience with a similar initiative suggests the broader utility of this program within the Department of Defense. During fiscal years 2008 through 2010, the Navy Program Executive Office Submarine successfully capitalized on the successes of SBIR Phase I and II innovations. Funding for those innovations was provided to small business projects identified in program acquisition plans for developing certain components for insertion in the procurement process.

Authority to make excess nonlethal supplies available for domestic emergency assistance (sec. 1074)

The House bill contained a provision (sec. 360) that would authorize the Secretary of Defense to make excess nonlethal supplies of the Department of Defense available to support domestic emergency assistance activities.

The Senate committee-reported bill contained a similar provision (sec. 1032).

The agreement includes the House provision.

Technical and clerical amendments (sec. 1075)

The House bill contained a provision (sec. 1055) that would make certain technical and clerical amendments.

The Senate committee-reported bill contained a similar provision (sec. 1081).

The agreement includes the House provision with an amendment making additional technical and clerical amendments.

Study on optimal balance of manned and remotely piloted aircraft (sec. 1076)

The House bill contained a provision (sec. 1069) that would require the Secretary of Defense to submit a report evaluating the balance of manned and remotely piloted aircraft, including, among other things, the Secretary's assessment of the feasibility and desirability of making a more rapid transition from manned to remotely piloted aircraft for a range of operations, including combat operations.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Treatment of successor contingency operation to Operation Iraqi Freedom (sec. 1077)

The House bill contained a provision (sec. 4) that would apply any law or regulation applicable to Operation Iraqi Freedom to the successor contingency operation known as Operation New Dawn.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Program to assess the utility of non-lethal weapons (sec. 1078)

The House bill contained a provision (sec. 241) that would require the Secretary of Defense to carry out a program to operationally test and evaluate non-lethal weapons and to designate, in the annual budget submission and within each of the military department's procurement account, a procurement line item for non-lethal weapons.

The Senate committee-reported bill contained a provision (sec. 1063) that would require the Secretary of Defense to submit a report to the congressional defense committees on the role and utility of non-lethal weapons and technologies in counterinsurgency operations.

The agreement includes a provision that would require the Department of Defense to carry out a program to demonstrate and assess the utility and effectiveness of non-lethal weapons, and to submit a report to the congressional defense committees.

Sense of Congress on nuclear force reductions (sec. 1079)

The House bill contained a provision (sec. 1057) that included a series of findings with respect to the history of nuclear weapons and delivery systems. The provision also included a sense of Congress that any future reductions in the nuclear forces of the United States should be supported by a thorough assessment of the strategic environment, threat, and policy, and the technical and operational implications of such reductions, and that specific criteria are necessary to guide future decisions regarding further reductions in such nuclear forces. Finally the provision would prevent any further reductions in nuclear forces until the Secretary of Defense submitted a report setting for the reasons and rational for additional reductions and made a series of certifications. Additional reductions could not be implemented until 180 days after the Secretary had submitted the report and made the required certifications.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would set forth a sense of Congress that any future reductions in strategic nuclear systems below the levels outlined in the New START Treaty, should not be implemented until the President submits a report to the congressional defense committees a report on the rational for the reductions. This report would include a justification for such reductions and an assessment of the strategic environment, threat and policy, and the technical and operational implications of such reductions. In addition the report would include a series of certifications with respect to the strategic environment, modernization efforts, the capability of the remaining nuclear forces, and the entire strategic picture including how such reductions are compensated by other measures including conventional forces and missile defense.

Legislative Provisions Not Adopted

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

The Senate committee-reported bill contained a provision (sec. 1002) to repeal the requirement for an annual joint report from the Office of Management and Budget and the Congressional Budget Office on scoring of outlays in the defense budget

function.

The House bill contained no similar provision.

The agreement does not include this provision.

The Committees on Armed Services of the Senate and the House of Representatives would have preferred inclusion of this provision requested by the Administration and supported by the Congressional Budget Office. However, inclusion of the provision would have subjected the agreement to a point of order in the Senate.

Department of Defense aerospace-related mishap safety investigation reports

The House bill contained a provision (sec. 1041) that would require the secretary of a military department to provide, upon written request by the chairman and ranking member of any of the congressional defense committees, a briefing on the privileged findings, causal factors and recommendations contained in a Department of Defense aerospace-related mishap safety investigation report.

The Senate committee-reported bill contained no similar provision.

The agreement does not contain the provision.

We understand that there is a 1989 agreement between the Secretary of the Air Force and the Committee on Armed Services of the House of Representatives to provide a briefing to the Chairman and Ranking Minority Member of the Committee in response to a personal request of the Chairman and the Ranking Minority Member. We encourage the Secretary of the Air Force to modernize this agreement in a manner that would provide technical subject matter expertise during briefings to the Chairman and Ranking Minority Member of the committee concerned.

Report on use of domestically-produced alternative fuels or technologies by vehicles of the Department of Defense

The Senate committee-reported bill contained a provision (sec. 1062) that would require a comprehensive report regarding the current and projected use of domestically-produced alternative fuels or technologies by vehicles of the Department of Defense (DOD).

The House bill contained no similar provision.

The agreement does not include this provision.

The Committees on Armed Services of the Senate and House of Representatives note that while the Department of Defense is making advances in alternative fuels for vehicles and hybrid electric technologies, concerns remain that a strategic-level

plan and coordinated approach are lacking and proliferation of technology is not as robust across the fleet as it could be. Not later than 45 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics jointly with the Director of the Defense Logistics Agency, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the status of: use and potential use of domestically-produced alternative fuels including but not limited to, natural gas-based fuels and biodiesel, in DOD vehicles; current and projected actions by the DOD to increase the use of alternative fuels in vehicles; a description and assessment of current and anticipated commercial availability and demand for alternative fuels including cost; a description of the infrastructure and associated costs required to store and distribute alternative fuels on military installations in the United States that could be adapted for use by alternative fuels; a list and status of the current tactical, non-tactical, and combat vehicle programs that are pursuing either hybrid or electric technologies, or advances to accept alternative fuels; a list of research and development programs and funding investments for operational energy; and any recommendations for legislative or administrative action to ensure that the DOD meets goals for the use of alternative fuels and vehicles.

Coordination of Federal Information Policy

The House bill contained provisions (sec. 1701-1704) that would amend Chapter 35 of title 44, United States Code, to update the coordination process for information security for the Federal Government. Such updates would include the establishing a National Office for Cybersecurity in the Executive Office of the President, clarifying agency responsibilities, requiring annual independent audits, and establishing a federal information security incident center.

The Senate committee-reported bill contained no similar provision.

The agreement does not include this provision.

We note with concern the proliferation of recent events that underscore critical vulnerabilities to the information infrastructure of the United States. Despite a number of efforts by both the Obama and Bush administrations to deal with these growing threats, U.S. policies are still woefully outdated. We reiterate the need for additional focus on cybersecurity issues across the Federal Government in the near-term, and urge the Obama administration and the next Congress to form a strong, collaborative effort that engages the public to

develop the necessary comprehensive, bipartisan cybersecurity legislation.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Clarification of authorities at personnel demonstration laboratories (sec. 1101)

The House bill contained a provision (sec. 1102) that would clarify authorities relating to personnel demonstration laboratories and increase the number of positions for which such direct hiring authority may be used.

The Senate committee-reported bill contained a similar provision (sec. 1101).

The agreement includes a provision that would combine the House and Senate provisions.

Requirements for Department of Defense senior mentors (sec. 1102)

The House bill contained a provision (sec. 210 of division D) that would prohibit the use of personal services contracts to hire senior mentors.

The Senate committee-reported bill contained a provision (sec. 1102) that would require that senior mentors be hired as highly qualified experts and comply with all applicable federal laws and regulations on personnel and ethics matters.

The agreement includes the Senate provision.

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 House bill contained a provision (sec. 1104) that would authorize for 2 additional years the head of an executive agency to waive the limitations on the aggregate of basic and premium pay payable 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 Senate committee-reported bill contained a provision (sec. 1103) that would authorize the same waiver authority, but for only 1 additional year.

The agreement includes the Senate provision.

Extension and modification of enhanced Department of Defense appointment and compensation authority for personnel and care and treatment of wounded and injured members of the armed forces (sec. 1104)

The Senate committee-reported bill contained a provision (sec. 1104) that would authorize the Secretary of Defense to designate any category of health care occupation within the Department of Defense (DOD) 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.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would authorize the Secretary of Defense to designate any category of medical or health professional positions within DOD as a shortage category occupation or critical need occupation and to recruit and appoint qualified individuals to those positions directly until December 31, 2015.

Rate of overtime pay for Department of the Navy employees performing work aboard or dockside in support of the nuclear aircraft carrier forward deployed in Japan (sec. 1105)

The House bill contained a provision (sec. 1103) that would allow certain executive branch employees working aboard or in support of the forward-deployed carrier USS *George Washington* (CVN 73) to earn overtime pay while the carrier is forward deployed in Japan.

The Senate committee-reported bill contained a provision (sec. 1107) 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 forward deployed in Japan to receive overtime pay.

The agreement includes the Senate provision with a technical amendment.

Legislative Provisions Not Adopted

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

The Senate committee-reported bill contained a provision (sec. 1105) that would designate the Space and Missile Defense Technical Center as a science and technology reinvention laboratory.

The House bill contained no similar provision.

The agreement does not include the provision.

The Department of Defense Science and Technology Reinvention Laboratories (STRL) program was established by Congress to enable the Department to attract and retain the best and brightest scientists and engineers in an increasingly competitive market for skilled technical expertise. The committees note that the current STRL list may not encompass the full range of laboratories that may meet the Department's criteria for eligibility as a STRL. Therefore, the committees direct the Secretary of Defense to undertake, in coordination with the military services, a thorough review of the organizations that also may meet such criteria and to submit to the Committees on Armed Services of the Senate and House of Representatives by October 1, 2011, a list of any additional organizations that should be considered for designation as a STRL pursuant to section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

Waiver of certain pay limitations

The House bill contained a provision (sec. 1105) that would clarify that highly qualified experts hired pursuant to section 9903 of title 5, United States Code, should receive benefits and compensation similar to those that other federal civilian employees serving in those areas currently receive. This includes premium pay or danger pay allowances, compensatory time off, and other appropriate compensation or allowances authorized under chapter 59 of title 5, United States Code.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

We note that currently, highly qualified experts serving in areas of contingency operations have been denied any type of hazardous duty compensation because the Department of Defense and the Office of Personnel Management have interpreted such compensation as an incentive, which is explicitly prohibited under section 9903. We do not agree with the interpretation that hazardous duty compensation is an incentive and expect the Department to remedy the compensation inequities experienced by the highly qualified experts currently working in the Republic

of Iraq and the Islamic Republic of Afghanistan.

Services of post-combat case coordinators

The House bill contained a provision (sec. 1106) that would require each federal agency that sends civilian employees on hazardous duty assignments in support of U.S. military operations in a contingency operation to assign post-combat case coordinators to employees who sustain a traumatic injury, or experience a serious disease or illness during performance of their duty in the contingency operation.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

We note that federal civilian employees increasingly are providing support in contingency operations and some are experiencing serious medical problems upon return to their regular assignment. The Department of Defense (DOD) already assigns case workers to its civilian expeditionary workforce. The responsibility of these case workers is to guide and direct all deployed DOD civilians to available resources, provide intervention in problem claims, and work with the service component's Injury Compensation Program Administrators to help injured employees navigate the Office of Worker's Compensation Program claims process. We encourage other federal agencies to provide similar support for their deployed employees who need assistance coordinating benefits between the Federal Employees Health Benefits Program and Federal Employees Compensation Act.

Authority to waive maximum age limit for certain appointments

The House bill contained a provision (sec. 1107) that would allow the Department of Defense (DOD) to waive the hiring and retirement age limits for federal law enforcement and firefighter positions in certain circumstances.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

We note that in 2009 the Secretary of Defense announced plans to scale back significantly the use of contractors in support services. While consistent with current law (section 2463 of title 10, United States Code), this decision may have resulted in unintended consequences when converting law enforcement and firefighting functions to Federal Government positions since many contractor employees currently performing those functions may not be able to compete for the position as a federal employee because of statutory age limits. We are aware

that the underlying statute (section 3307 of title 5, United States Code) and DOD instruction (DODI 1440-25, volume 336) allow for exceptions to the age limits set for DOD firefighters and law enforcement officers. We expect the Secretary of Defense to take advantage of these flexibilities in order to retain a highly skilled and ready workforce.

Sense of Congress for waiver of recovery of certain payments previously made under civilian employees voluntary separation incentive program

The House bill contained a provision (sec. 1108) that would express the Sense of Congress that the Secretary of Defense should waive repayment of the voluntary separation incentive pay (VSIP) for employees who accepted a reassignment with the Department of Defense during the period of April 1, 2004, to May 1, 2008, and had received written assurance that repayment would not be required or would be waived.

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

We note that approximately 40 individuals hired during the period of April 1, 2004, to May 1, 2008, were assured that they would not be required to repay their separation pay based on an Office of Personnel Management (OPM) national emergency guidance issued following September 11, 2001. However, we understand that it was subsequently determined that the guidance did not apply to employees covered under section 9902 of title 5, United States Code, which effectively superseded the OPM guidance. While the Department no longer waives VSIP repayment for individuals who have been rehired since May 1, 2008, we believe those individuals who returned to the Department immediately following the declaration of a national emergency, and who received written assurances that repayment would not be required, should retain, or be repaid, their voluntary separation incentive pay. We note that paragraphs (f)(6)(A) and (f)(6)(B) of section 9902 of title 5, United States Code, already authorize a waiver of VSIP repayment and urge the Secretary to utilize this authority for the affected individuals.

Suspension of DCIPS pay authority extended for a year

The House bill contained a provision (sec. 1109) that would extend for 1 year the prohibition in section 1114(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) against adjusting pay rates under the Defense

Civilian Intelligence Personnel System (DCIPS).

The Senate committee-reported bill contained no similar provision.

The agreement does not include the provision.

On August 4, 2010, the Secretary of Defense announced that the Department of Defense (DOD) would not implement the DCIPS policies that would link employee base pay increases to individual performance and that all DOD intelligence employees, other than those at the National Geo-Spatial Intelligence Agency, would be returned to a General Schedule-like pay system. For this reason, the prohibition in section 1114(a) is no longer needed.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A-Assistance and Training

Expansion of authority for support of special operations to combat terrorism (sec. 1201)

The House bill contained a provision (sec. 1201) that would increase the amount of funds available to the Secretary of Defense to provide assistance to foreign forces, irregular forces, groups, or individuals supporting or facilitating military operations by U.S. special operations forces to combat terrorism from $40.0 million to $50.0 million.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment increasing the amount of funds available to the Secretary of Defense for these purposes from $40.0 million to $45.0 million.

The Committees on Armed Services of the Senate and the House of Representatives applaud the Department for taking action to ensure funded activities meet the original intent of this authority, including closing out operations which have achieved their intended result or which no longer fit within the scope of the authority. However, we remain concerned about the Department's compliance with reporting requirements under this authority, specifically in the annual report, and the lack of operational details included in the annual report and notifications. Therefore, we direct the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict and Interdependent Capabilities and U.S. Special Operations Command

to provide the Committees on Armed Services of the Senate and the House of Representatives detailed briefings within 30 days of delivering the required annual report and 6 months thereafter. Such briefings should include, but not be limited to, operational details regarding each funded activity, funding execution levels, an assessment of progress toward meeting the intent of authorized funding, and anticipated funding requirements through future fiscal years.

Addition of allied government agencies to enhanced logistics interoperability authority (sec. 1202)

The House bill contained a provision (sec. 1202) that would amend section 127d of title 10, United States Code, to authorize the Secretary of Defense to provide logistic support, supplies and services to nonmilitary logistics, security, or similar agencies of allied governments if it would be beneficial to the United States Armed Forces.

The Senate committee-reported bill contained a similar provision (sec. 1201).

The agreement includes the House provision.

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. 1203)

The Senate committee-reported bill contained a provision (sec. 1202) that would amend section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as amended, to allow certain personnel protection equipment to be loaned to partner military forces prior to deployment in connection with the training of forces participating in combined operations.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Authority to pay personnel expenses in connection with African cooperation (sec. 1204)

The Senate committee-reported bill contained a provision (sec. 1204) that would permit 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.

The House bill contained no similar provision.

The agreement includes the Senate provision with a

technical amendment.

Authority to build the capacity of Yemen Ministry of Interior Counter Terrorism Forces (sec. 1205)

The House bill contained a provision (sec. 1203(c)) that would require that the Secretary of Defense transfer to the Secretary of State $75.0 million for the purpose of providing assistance to build the capacity of the Yemeni Ministry of Interior (MOI), provided that, not later than July 31, 2011, the Secretary of State certifies that the Department of State is able to provide that assistance. If the Secretary of State is unable to issue such a certification, then the Secretary of Defense may, with the concurrence of the Secretary of State and subject to the standard procedures of 'train and equip' authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as amended, use that $75.0 million only for the purposes of training and equipping those Yemeni MOI forces.

The Senate committee-reported bill contained a similar provision (sec. 1203). The Senate provision 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 build the capacity of the Yemen MOI counterterrorism forces to conduct counterterrorism operations against al Qaeda in the Arabian Peninsula and its affiliates.

The agreement includes the Senate provision.

Air Force scholarships for Partnership for Peace nations to participate in the Euro-NATO Joint Jet Pilot Training Program (sec. 1206)

The House bill contained a provision (sec. 1204) that would require the Secretary of the Air Force to establish and maintain a demonstration scholarship program to allow personnel of countries participating in the North Atlantic Treaty Organization (NATO) Partnership for Peace (PfP) program to receive undergraduate pilot training through the Euro-NATO Joint Jet Pilot Training (ENJJPT) program. The demonstration program would be authorized through the end of fiscal year 2015.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would give the Secretary of the Air Force the authority to establish and maintain a program to allow PfP nations' personnel to receive pilot training through the ENJJPT

program. This authority would expire at the end of fiscal year 2012.

Modification and extension of authorities relating to program to build the capacity of foreign military forces (sec. 1207)

The House bill contained a provision (sec. 1203) that would increase the amount authorized for the "global train and equip" program under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as amended, to $500.0 million. The provision would also raise to $100.0 million the temporary limitation on the amount of section 1206 funds available for building the capacity of foreign military forces to participate in or support stabilization operations in which the United States Armed Forces are a participant. In addition, the provision in the House bill would require the Secretary of Defense to transfer $75.0 million of section 1206 funds to the Secretary of State for a program to build the capacity of the counterterrorism forces of the Yemeni Ministry of the Interior (MOI), or, if the Secretary of State fails to certify by July 31, 2011, that the Department of State is able to carry out such a program effectively, the Secretary of Defense is authorized to conduct or support such a program. The provision would also extend for 1 year the authority for the section 1206 program through the end of fiscal year 2012.

The Senate committee-reported bill contained a provision (sec. 1212) that would increase the temporary limitation on the amount available to build the capacity of foreign military forces to participate in or support military or stability operations in which the United States Armed Forces are a participant to $100.0 million.

The agreement includes the House provision with an amendment that would eliminate the increase in funding for the section 1206 program for fiscal year 2011. The amendment would also remove the authority to use section 1206 funding to build the capacity of the counterterrorism forces of the Yemeni MOI. Assistance to build the capacity of the Yemeni MOI is authorized in another section of this title.

Subtitle B-Matters Relating to Iraq, Afghanistan, and Pakistan

Limitation on availability of funds for certain purposes relating to Iraq (sec. 1211)

The House bill contained a provision (sec. 1211) that would prohibit the use of funds authorized by this Act to establish permanent United States military installations or bases in the Republic of Iraq or to exercise United States control of the oil resources of Iraq.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

One-year extension and modification of Commanders' Emergency Response Program (sec. 1212)

The House bill contained a provision (sec. 1212) that would authorize funding for the Commanders' Emergency Response Program (CERP) during fiscal year 2011 at no more than $100.0 million for CERP in Iraq and no more than $800.0 million for CERP in Afghanistan. The provision would also require the Secretary of Defense to report to the congressional defense committees on a quarterly basis on CERP.

The Senate committee-reported bill contained a provision (sec. 1211) that would extend for 1 year the authority for CERP under section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3455), as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2518). The provision would authorize up to $900.0 million in CERP funding in fiscal year 2011. The provision also included a 1-year extension of the authority in section 1222(e) of Public Law 111-84 to use up to $100.0 million in CERP funds to support activities to reintegrate former insurgents into Afghanistan society.

The agreement includes the Senate provision with an amendment that would authorize funding during fiscal year 2011 of $100.0 million for CERP in Iraq and $400.0 million for CERP in Afghanistan. Funding for CERP in Afghanistan would be reduced at the request of the Department of Defense to make funds available for the Afghanistan Infrastructure Fund authorized in a separate section of this title. The provision would also prohibit using CERP funds in excess of $20.0 million to fund any project, including any ancillary or related elements of the project. In addition, the provision would require the Secretary of Defense to provide a detailed notification to the congressional defense committees 15 days prior to the use of CERP funds for any project anticipated to cost $5.0 million or more.

We remain concerned by the Department's continuing practice of using CERP to fund large-scale projects, particularly in

Afghanistan, which is inconsistent with CERP's purpose of enabling commanders to carry out small-scale projects designed to meet urgent humanitarian relief and reconstruction requirements that directly benefit the local people. The Afghanistan Infrastructure Fund is authorized in a separate section of this title with the expectation that this fund, rather than CERP, will be the primary source for Department of Defense funding for large-scale development and reconstruction projects in Afghanistan.

Extension of authority for reimbursement of certain coalition nations for support provided to United States military operations (sec. 1213)

The House bill contained a provision (sec. 1213) that would modify section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as amended by 1223 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2521), to authorize the Secretary of Defense to provide reimbursement to any key cooperating nation (Coalition Support Fund reimbursement) for: (a) logistical, military, and other support provided by that nation to or in connection with U.S. military operations in Operation Iraqi Freedom (OIF) or Operation Enduring Freedom (OEF); or (b) logistical and military support provided by that nation to confront the threat posed by al'Qaida, the Taliban, and other militant extremists in Pakistan. The aggregate amount of reimbursements made under this authority would not exceed $1.6 billion during fiscal year 2011. The congressional notice and reporting requirements under section 1233 of Public Law 110-181, as amended by section 1232 of Public Law 111-84, would apply to Coalition Support Fund reimbursements authorized by this section.

The Senate committee-reported bill contained a provision (sec. 1213) that would extend for fiscal year 2011 the authority of the Secretary of Defense under 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), to reimburse key cooperating nations for logistical, military and other support provided to or in connection with OIF or OEF. The provision would also require submission to Congress of the Department's guidance for the Coalition Readiness Support Program (CRSP), under the authority of section 1233, as amended, to provide specialized training and supplies and loan specialized equipment to key cooperating nations, and to provide any modifications to that guidance. The provision would also

allow the Department to provide reimbursements for access based on an international agreement without a 15-day pre-notification. In addition, the provision would extend through September 30, 2012, the notification requirements relating to Pakistan of section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393).

The agreement includes the Senate provision with an amendment that would eliminate the requirement to provide the guidance for CRSP. We note that the Department has provided the CRSP guidance to the Committees on Armed Services of the Senate and the House of Representatives and urge the Department to keep the committees informed of any modification to that guidance in the future.

Extension of authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan (sec. 1214)

The Senate committee-reported bill contained a provision (sec. 1215) 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) for the Secretary of Defense, with the concurrence of the Secretary of State, to transfer defense articles, and provide defense services in connection with such transfers, to the Iraq security forces or the Afghanistan security forces to support their efforts to restore and maintain peace and security internally.

The House bill contained no similar provision.

The agreement includes the Senate provision.

No permanent military bases in Afghanistan (sec. 1215)

The House bill contained a provision (sec. 1216) that would prohibit the use of funds authorized by this Act to establish permanent United States military installations in the Islamic Republic of Afghanistan.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Authority to use funds for reintegration activities in Afghanistan (sec. 1216)

The House bill contained a provision (sec. 1217) that would authorize the Secretary of Defense to use up to $50.0 million to support the reintegration of former low-level insurgent fighters

into Afghan society. The provision would also require a certification by the Secretary of State before the Secretary of Defense could carry out a reintegration program under this section. In addition, the provision would require the Secretary of Defense to submit to Congress the guidance for implementing the program and quarterly reports on the activities carried out under this section.

The Senate committee-reported bill contained a provision (sec. 1211) that would extend and modify the authority for the Commanders' Emergency Response Program (CERP), which would include a 1-year extension of the authority in section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2518) for the Secretary of Defense to use CERP funds to support a program to reintegrate former low-level insurgent fighters into Afghan society.

The agreement includes the House provision with an amendment that would eliminate the requirement for a certification by the Secretary of State before the Secretary of Defense could carry out a reintegration program under this section. The provision is also amended to require reporting on the activities carried out under this section on a semi-annual basis.

We encourage the Department of Defense and the Department of State to provide a briefing within 60 days of enactment of this Act to the Committees on Armed Services, Appropriations, and Foreign Relations of the Senate and the Committees on Armed Services, Appropriations, and Foreign Affairs of the House of Representatives on the plan for the use of funds authorized under this section to support a program of reintegration in Afghanistan.

Authority to establish a program to develop and carry out infrastructure projects in Afghanistan (sec. 1217)

The agreement includes a provision that would authorize the Secretary of Defense and the Secretary of State to establish a program to undertake high-priority, large-scale infrastructure projects in support of the civil-military campaign in Afghanistan. The program would be funded through the establishment of the Afghanistan Infrastructure Fund (AIF). Infrastructure projects authorized under this program would be jointly developed by the Secretary of Defense and the Secretary of State and would be implemented by the Secretary of State, in coordination with the Secretary of Defense, unless they agree that the project should be implemented by the Secretary of Defense.

Infrastructure projects authorized under this program would

include water, power, transportation and other projects in support of the counterinsurgency strategy. AIF funds could also be used for certain maintenance and sustainment costs, such as the costs of fuel for generators under a program to provide electrical power to Kandahar. The provision would authorize the use of up to $400.0 million in Department of Defense operation and maintenance funds in fiscal year 2011 for the AIF. The provision would also require the Secretary of Defense to notify Congress no less than 30 days prior to the obligation or expenditure of AIF funds or the transfer of such funds to the Department of State to implement a project under this program. The provision would also include a requirement to report to Congress on the implementation of the Afghanistan infrastructure program.

The Afghanistan infrastructure program is intended to be a whole-of-government approach in support of the counterinsurgency plan, with both the Department of Defense and the Department of State bringing resources to the effort. We note that the Department of Defense has requested, and this Act would provide, that $400.0 million be made available for the AIF through a reduction in the request for the Commanders' Emergency Response Program. We also note that the Department of State has said it plans to reprogram existing foreign assistance resources to support large-scale infrastructure projects deemed critical to the civil-military campaign in Afghanistan.

The Afghanistan infrastructure program is authorized with the expectation that these funds will be used for critical large-scale infrastructure projects, and costs directly related to the sustainment and maintenance of those projects, that are critical to counterinsurgency objectives. We expect the Secretary of Defense to closely monitor the development and implementation of projects under the Afghanistan infrastructure program to ensure that the program is carried out consistent with congressional intent.

Extension of logistical support for coalition forces supporting operations in Iraq and Afghanistan (sec. 1218)

The House bill contained a provision (sec. 1219) that would authorize the Department of Defense to provide from funds made available for operations and maintenance up to $400.0 million in supplies, services, transportation (including airlift and sealift), and other logistical support for coalition forces supporting operations in the Republic of Iraq and the Islamic Republic of Afghanistan.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would replace the House provision with a provision that extends for fiscal year 2011 the authority provided in section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 394) to provide logistical support for coalition forces supporting operations in the Republic of Iraq and the Islamic Republic of Afghanistan.

Recommendations on oversight of contractors engaged in activities relating to Afghanistan (sec. 1219)

The House bill contained a provision (sec. 1222) that would require the Special Inspector General for Afghanistan Reconstruction, in consultation with other Inspectors General, to issue recommendations on measures to improve oversight of contractors in Afghanistan.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Extension and modification of Pakistan Counterinsurgency Fund (sec. 1220)

The House bill contained a provision (sec. 1218) that would extend through fiscal year 2011 the Department of Defense Pakistan Counterinsurgency Fund (PCF) under section 1224 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate committee-reported bill contained a provision (sec. 1214) that would extend the PCF through fiscal year 2011 and require that assistance under the PCF be provided in a manner that promotes: (1) observance of and respect for human rights and fundamental freedoms; and (2) respect for legitimate civilian authority within Pakistan.

The agreement includes the Senate provision.

Subtitle C-Reports and Other Matters

One-year extension of report on progress toward security and stability in Afghanistan (sec. 1231)

The House bill contained a provision (sec. 1215) that in subsection (a) would modify and extend through the end of fiscal year 2012 the requirement under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-

181; 122 Stat. 385), as amended, for a semi-annual report to Congress on progress toward security and stability in Afghanistan.

The Senate committee-reported bill contained a provision (sec. 1231) that would extend the reporting requirement under section 1230 of Public Law 110-181, as amended, through the end of fiscal year 2012.

The agreement includes the Senate provision.

Two-year extension of United States plan for sustaining the Afghanistan National Security Forces (sec. 1232)

The House bill contained a provision (sec. 1215) that in subsection (b) would extend through fiscal year 2012 the requirement under section 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385) for the Secretary of Defense to report on a long-term plan for sustaining the Afghanistan National Security Forces.

The Senate committee-reported bill contained a similar provision (sec. 1232).

The agreement includes the Senate provision.

Modification of report on responsible redeployment of United States Armed Forces from Iraq (sec. 1233)

The House bill contained a provision (sec. 1214) that would modify reports concerning United States involvement in the Republic of Iraq and would also repeal the reports required by section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) as amended, and by section 1225 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Report on Department of Defense support for coalition operations (sec. 1234)

The Senate committee-reported bill contained a provision (sec. 1233) that would require the Secretary of Defense to report on the implementation of Department of Defense authorities to enhance the ability of coalition partners to participate in Operation Iraqi Freedom and Operation Enduring Freedom.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Reports on police training programs (sec. 1235)

The Senate committee-reported bill contained a provision (sec. 1216) that would express the sense of Congress on the need for the U.S. Government to take measurable steps to build capacity to advise and mentor the Afghan National Police (ANP) and to clarify the roles and missions within the U.S. Government for police training and rule of law operations. The provision would also require a number of reports to Congress relating to police training abroad. The Department of Defense Inspector General, in consultation with the Department of State Inspector General, would be required to report on the ANP training program. The provision would also require the U.S. Comptroller General to report on the advantages and disadvantages of using U.S. Government personnel in place of contractors for the training of the ANP. In addition, the provision would require a report by the Secretary of Defense, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, on a strategy for police training and rule of law programs in Afghanistan, Iraq, and elsewhere abroad.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would remove the sense of Congress. The amendment would also replace the report by the Secretary of Defense with a Presidential report on U.S. Government programs for training and equipping police abroad. The report would provide a survey of all U.S. Government programs involved in police training and equipping and include an assessment of: the ongoing requirements for police training and equipping programs; the appropriate roles of the various U.S. Government departments and agencies in implementing such programs; and the appropriate role of contractors in carrying out such programs. The report would also include any recommendations the President may have for legislative modification to existing authorities relating to police training and equipping programs.

Report on certain Iraqis affiliated with the United States (sec. 1236)

The House bill contained a provision (sec. 1239) that would direct the Secretary of Defense, in consultation with various heads of appropriate Federal departments and agencies to submit to Congress a report on (1) the number of Iraqis who were or are employed by the United States Government in Iraq or who are or were employed in Iraq by an organization or entity closely

associated with the United States mission in Iraq that has received United States Government funding; (2) The number of Iraqis who have applied for resettlement in the United States as a refugee under section 1243 of the Refugee Crisis in Iraq Act of 2007 (Public Law 110-181), to enter the United States as a special immigrant under section 1244 of such Act, the status of each application, and the estimated number of individuals who were or are employed by the United States Government in Iraq or who are or were employed in Iraq by an organization or entity closely associated with the United States mission in Iraq who have been injured or killed in Iraq.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical and clarifying amendment. The Secretary may submit this report in a classified format.

Report on Department of Defense's plans to reform the export control system (sec. 1237)

The House bill contained a provision (sec. 1233) that would require the Secretary of Defense to submit a report within 60 days after the date of enactment of this Act to a number of congressional committees on the Department of Defense's plans to reform the United States export control system. The report would include a description of plans to reform the export control system and an assessment of the plans' impact on the Department.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would adjust the content to reflect a variety of developments on this matter, as well as provide the Secretary with 120 days to submit the report.

Report on United States efforts to defend against threats posed by the anti-access and area-denial capabilities of certain nation-states (sec. 1238)

The Senate committee-reported bill contained a provision (sec. 1064) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on United States efforts to defend against potential threats posed by anti-access and area-denial capabilities of potentially hostile nation-states.

The House bill contained a similar provision (sec. 1234).

The agreement includes the Senate committee-reported

provision with an amendment that would reflect a due date of April 1, 2011.

Defense Science Board report on Department of Defense strategy to counter violent extremism outside the United States (sec. 1239)

The Senate committee-reported bill contained a provision (sec. 1235) that would direct the Defense Policy Board to provide a report to Congress on the Department's countering violent extremism strategy outside of the United States.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would direct the Defense Science Board to conduct the study vice the Defense Policy Board.

Report on merits of an Incidents at Sea agreement between the United States, Iran, and certain other countries (sec. 1240)

The House bill contained a provision (sec. 1237) that would require the Secretary of Defense, in coordination with the Secretary of State, to submit to the appropriate congressional committees a report assessing the merits of the successful negotiation of a multilateral or bilateral Incidents at Sea agreement between the United States, the Government of Iran, and certain other countries operating in the Persian Gulf aimed at preventing accidental naval conflict in the Persian Gulf and the Strait of Hormuz.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a series of technical and clarifying amendments.

Requirement to monitor and evaluate Department of Defense activities to counter violent extremism in Africa (sec. 1241)

The House bill contained a provision (sec. 1238) that would require the Secretary of Defense, in consultation with the Secretary of State, to evaluate the impact of Combined Joint Task Force-Horn of Africa’s activities to counter violent extremism.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

NATO Special Operations Headquarters (sec. 1242)

The House bill contained a provision (sec.1231) that would increase the amount of authorized funds available to the Secretary of Defense to support the North Atlantic Treaty Organization Special Operations Headquarters from $30.0 million to $50.0 million.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

National military strategy to counter Iran and required briefings (sec. 1243)

The House bill contained a provision (sec. 1232) that would require that the Secretary of Defense develop a National Military Strategic Plan to Counter Iran. This section would further require that the Secretary of Defense develop a plan to address any gaps in capabilities identified as part of the planning and review process. Finally, this section would require a report to Congress identifying and justifying any resources, capabilities, legislative authorities, or changes to current law the Secretary believes are necessary to address the gaps in capabilities.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would direct the Secretary of Defense to develop a national military strategy to counter Iran and to provide a classified briefing to the congressional defense committees regarding any resources, capabilities, or changes to current law the Secretary believes are necessary to address the gaps identified in the strategy.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Specification of Cooperative Threat Reduction program and funds (sec. 1301)

The Senate committee-reported bill contained a provision (sec. 1301) 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 the CTR funds to be available for obligation for 3 years.

The House bill contained a similar provision (sec. 1301).

The agreement includes the House provision.

Funding allocations (sec. 1302)

The House bill contained a provision (sec. 1302) 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 Senate committee-reported bill contained a similar provision (sec. 1302).

The agreement includes the House provision.

Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union (sec. 1303)

The Senate committee-reported bill contained a provision (sec. 1303) 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 House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would prohibit no more than $0.5 million from being obligated to establish any given center of excellence until 15 days after receipt of the required information.

While there is support for the expansion of CTR into countries outside of the FSU, the members of the Committees on Armed Services of the Senate and the House of Representatives would like to understand in more detail plans for new centers as these plans evolve.

Plan for nonproliferation, proliferation prevention, and threat reduction activities with The People's Republic of China (sec. 1304)

The Senate committee-reported bill contained a provision (sec. 1304) 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 House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would change the due date of the report to April 1, 2011.

While there is support for nonproliferation, threat reduction, and proliferation prevention efforts with the PRC, there is also an expectation that these efforts should be part of a partnership to address common threats and challenges. To be successful this partnership must include commitments by the PRC to actively support these important efforts technically, financially, and politically.

TITLE XIV-OTHER AUTHORIZATIONS

Subtitle A-Military Programs

Working capital funds (sec. 1401)

The House bill contained a provision (sec. 1401) that would authorize appropriations for working capital funds.

The Senate committee-reported bill contained a similar provision (sec. 1401).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Study on working capital fund cash balances (sec. 1402)

The House bill contained a provision (sec. 1402) that would require a study to determine a sufficient operational level of cash that each revolving fund of the Department of Defense should maintain in order to sustain a single rate or price throughout the fiscal year.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Modification of certain working capital fund requirements (sec. 1403)

The House bill contained a provision (sec. 1403) that would amend section 2208 of title 10, United States Code, and update funding account levels in line with standard capital purchases.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Reduction of unobligated balances within the Pentagon Reservation Maintenance Revolving Fund (sec. 1404)

The House bill contained a provision (sec. 1404) that would require the return of $53.0 million of excess unobligated balances within the Pentagon Reservation Maintenance Revolving Fund to the Miscellaneous Receipts Fund of the United States Treasury.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

National Defense Sealift Fund (sec. 1405)

The House bill contained a provision (sec. 1405) that would authorize appropriations for the National Defense Sealift Fund.

The Senate committee-reported bill contained a similar provision (sec. 1402).

The agreement includes the House provision.

Chemical Agents and Munitions Destruction, Defense (sec. 1406)

The House bill contained a provision (sec. 1406) that would authorize appropriations for the Chemical Agents and Munitions Destruction, Defense.

The Senate committee-reported bill contained a similar provision (sec. 1404).

The agreement includes the House provision.

Drug Interdiction and Counter-Drug Activities, Defense-wide (sec. 1407)

The House bill contained a provision (sec. 1407) that would authorize appropriations for fiscal year 2011 for Drug Interdiction and Counter-Drug Activities, Defense-wide.

The Senate committee-reported bill contained a similar provision (sec. 1405).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Defense Inspector General (sec. 1408)

The House bill contained a provision (sec. 1408) that would authorize appropriations for fiscal year 2011 for the Office of

the Inspector General of the Department of Defense.

The Senate committee-reported bill contained a similar provision (sec. 1406).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Defense Health Program (sec. 1409)

The House bill contained a provision (sec. 1409) that would authorize appropriations for fiscal year 2011 for the Defense Health Program.

The Senate committee-reported bill contained a similar provision (sec. 1403).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Subtitle B-National Defense Stockpile

Authorized uses of National Defense Stockpile funds (sec. 1411)

The House bill contained a provision (sec. 1411) that would authorize up to $41.2 million of funds in the National Defense Stockpile fund and additional amounts in the event of extraordinary or emergency conditions.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Revision to required receipt objectives for previously authorized disposals from the National Defense Stockpile (sec. 1412)

The House bill contained a provision (sec. 1412) revising the receipt objectives for previously authorized disposals from the National Defense Stockpile.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Subtitle C-Chemical Demilitarization Matters

Consolidation and reorganization of statutory authority for destruction of United States stockpile of lethal chemical agents and munitions (sec. 1421)

The Senate committee-reported bill contained a provision (sec. 1411) that would consolidate, reorganize, and restate the statutory authority for the destruction of the United States stockpile of lethal chemical agents and munitions.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Subtitle D-Other Matters

Authorization of appropriations for Armed Forces Retirement Home (sec. 1431)

The House bill contained a provision (sec. 1421) 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.

The Senate committee-reported bill contained a similar provision (sec. 431).

The agreement includes the Senate provision.

Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Heath Care Center, Illinois (sec. 1432)

The House bill contained a provision (sec. 717) that would require the Secretary of Defense to submit to Congress a report providing notice of any proposed transfer of funds to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund created by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate committee-reported bill contained a provision (sec. 1421) 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 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 agreement includes the Senate provision with an amendment that would authorize the transfer of $132.0 million in fiscal year 2011 to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A-Authorization of Additional Appropriations

Purpose (sec. 1501)

The House bill contained a provision (sec. 1501) stating the purpose of this title which is to authorize additional appropriations for overseas contingency operations.

The Senate committee-reported bill contained a similar provision (sec. 1500).

The agreement includes the House provision.

Procurement (secs. 1502-1508)

The House bill contained provisions (secs. 1502, 1503(a), 1504-1506, 1508, and 1509) that would authorize appropriations for Army procurement, the Joint Improvised Explosive Device Defeat Fund, Navy and Marine Corps procurement, Air Force procurement, defense-wide activities, National Guard and Reserve equipment, and the Mine Resistant Ambush Protected Vehicle Fund.

The Senate committee-reported bill authorized appropriations for these activities in one provision (sec. 1501).

The agreement includes the House provisions with amendments to reflect the agreed authorization levels.

Research, development, test and evaluation (sec. 1509)

The House bill contained a provision (sec. 1510) that would authorize appropriations for research, development, test, and evaluation.

The Senate committee-reported bill contained a similar provision (sec. 1502).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Operation and maintenance (sec. 1510)

The House bill contained a provision (sec. 1511) that would authorize appropriations for operation and maintenance.

The Senate committee-reported bill contained a similar

provision (sec. 1503).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Military personnel (sec. 1511)

The House bill contained a provision (sec. 1514) that would authorize appropriations for military personnel.

The Senate committee-reported bill contained a similar provision (sec. 1504).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Working capital funds (sec. 1512)

The House bill contained a provision (sec. 1515) that would authorize appropriations for working capital funds.

The Senate committee-reported bill contained a similar provision (sec. 1505).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Defense Health Program (sec. 1513)

The House bill contained a provision (sec. 1516) that would authorize appropriations for the Defense Health Program.

The Senate committee-reported bill contained a similar provision (sec. 1506).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Drug Interdiction and Counter-Drug Activities, Defense-wide (sec. 1514)

The House bill contained a provision (sec. 1517) that would authorize appropriations for drug interdiction and counter-drug activities, defense-wide.

The Senate committee-reported bill contained a similar provision (sec. 1507).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Defense Inspector General (sec. 1515)

The House bill contained a provision (sec. 1518) that would authorize appropriations for the Defense Inspector General.

The Senate committee-reported bill contained a similar

provision (sec. 1508).

The agreement includes the House provision with an amendment to reflect the agreed authorization level.

Subtitle B-Financial Matters

Treatment as additional authorizations (sec. 1521)

The House bill contained a provision (sec. 1521) that would treat the amounts authorized in this title as additional to amounts otherwise authorized by this Act.

The Senate committee-reported bill contained an identical provision.

The agreement includes this provision.

Special transfer authority (sec. 1522)

The House bill contained a provision (sec. 1522) that would authorize the transfer of up to $3.5 billion of authorizations for overseas contingency operations funding authorizations in this title.

The Senate committee-reported bill contained a similar provision (sec. 1522) that would provide $4.0 billion in transfer authority.

The agreement includes the Senate provision.

Subtitle C-Limitations and Other Matters

Limitations on availability of funds in Afghanistan Security Forces Fund (sec. 1531)

The House bill contained a provision (sec. 1512) that would apply certain terms and conditions of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to funds authorized in this title for the Afghanistan Security Forces Fund (ASFF) or any other funds made available to the Department of Defense for the ASFF.

The Senate committee-reported bill contained a similar provision (sec. 1532). The provision would also make technical amendments to section 1513 of Public Law 110-181.

The agreement includes the House provision with a technical amendment.

Limitations on availability of funds in Iraq Security Forces Fund (sec. 1532)

The House bill contained a provision (sec. 1513) that would apply certain terms and conditions of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to funds authorized in this title for the Iraq Security Forces Fund (ISFF) or otherwise made available to the Department of Defense for the ISFF during fiscal year 2011. The provision would also require that the Government of Iraq share the costs of any item or service procured for the Iraqi security forces with funds from the ISFF, with the exception of items or services that are either significant military equipment as defined by the Arms Export Control Act (22 U.S.C. 2794(9)) or are included on the United States Munitions List, as defined in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778 (a)(1)).

The Senate committee-reported bill contained a provision (sec. 1533) that would authorize funds for the ISFF and subject those funds to certain terms and conditions. The provision would also limit the availability of funds authorized for the ISFF to $500.0 million until the Secretary of Defense certifies to Congress that the Government of Iraq has demonstrated a commitment to build its capacity to maintain and manage the Iraqi security forces and to sustain equipment provided or acquired with U.S. assistance.

The agreement includes the House provision with an amendment that would limit the availability of funds authorized for the ISFF to $1.0 billion until the Secretary of Defense provides a certification relating to the commitment of the Government of Iraq to maintain, manage, and sustain the Iraqi security forces. The House provision is also amended to include a technical amendment.

Continuation of prohibition on use of United States funds for certain facilities projects in Iraq (sec. 1533)

The House bill contained a provision (sec. 1519) that would make funds authorized to be appropriated under this title subject to the prohibition in section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) on the use of authorized funds for the acquisition, conversion, rehabilitation, or installation of facilities in Iraq for the use of the Government of the Republic of Iraq, political subdivisions of Iraq, or agencies, departments, or forces of the Government of Iraq or its subdivisions.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Joint Improvised Explosive Device Defeat Fund (sec. 1534)

The House bill contained a provision (sec. 1503) that would authorize $3.5 billion for the Joint Improvised Explosive Device Defeat Fund.

The Senate committee-reported bill contained a similar provision (sec. 1501).

The agreement includes the House provision with an amendment that repeals section 1503 of the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year 2009 (Public Law 110-417) as well as section 1514(e) of the John Warner NDAA for Fiscal Year 2007 (Public Law 109-364).

Task Force for Business and Stability Operations in Afghanistan and economic transition plan and economic strategy for Afghanistan (sec. 1535)

The Senate committee-reported bill contained a provision (sec. 1534) that would authorize the use of up to $150.0 million to support the activities of the Department of Defense's Task Force on Business and Stability Operations in Afghanistan (TFBSO). The provision would also require the Secretary of Defense, in consultation with the Secretary of State, to submit to Congress a report on an economic strategy for Afghanistan that supports the counterinsurgency campaign and promotes economic stabilization.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would authorize the activities of the TFBSO until September 30, 2011, subject to the direction and control of the Secretary of Defense and with the concurrence of the Secretary of State. The Secretary of Defense and the Secretary of State would be required to submit a plan to transition the activities of the TFBSO to the United States Agency for International Development (USAID) for those activities that will continue in fiscal year 2012. The Senate provision is also amended to require the President to submit a report on an economic strategy for Afghanistan in support of the counterinsurgency campaign and Afghanistan's economic stabilization.

We request that within 60 days of enactment of this Act the TFBSO brief the appropriate congressional committees on the Task Force's activities and its process for selecting projects.

We understand that the Government Accountability Office is in the process of conducting a review of the TFBSO. We also understand that the U.S. Embassy in Afghanistan and the Commander, United States Forces Afghanistan, are nearing

completion of a revised civil-military campaign plan. We direct the Comptroller General to ensure that its review of the TFBSO include a discussion of (1) how the Task Force's activities support the pending civil-military campaign plan in Afghanistan; and (2) the advantages and disadvantages of transferring the activities of the TFBSO to USAID, including the potential impact on the staffing, operations, and oversight of the Task Force's activities.

TITLE XVI-IMPROVED SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES

Definition of Department of Defense sexual assault prevention and response program and other definitions (sec. 1601)

The House bill contained a provision (sec. 1601) that would define the term 'sexual assault prevention and response program' as referring to Department of Defense policies and programs, that are intended to reduce the number of sexual assaults involving members of the armed forces and improve the response to reports of sexual assaults involving members of the armed forces.

The Senate committee-reported bill contained no similar provisions.

The agreement includes the House provision with a clarifying amendment.

Comprehensive Department of Defense policy on sexual assault prevention and response program (sec. 1602)

The House bill contained a provision (sec. 1612) that would require the Secretary of Defense, within 1 year of the date of enactment of this Act, to use consistent terminology, position descriptions, minimum program standards, and organizational structures throughout the armed forces in implementing the Department of Defense sexual assault prevention and response program.

The House bill also contained a provision (sec. 1631) that would require the Secretary of Defense, within 1 year of the date of enactment of this Act, to submit to the congressional defense committees a comprehensive strategy to reduce the number of sexual assaults involving members of the armed forces.

The Senate committee-reported bill contained no similar provisions.

The agreement includes a provision that would combine the House provisions and would require the Secretary of Defense, not

later than March 30, 2012, to submit to the congressional defense committees a revised comprehensive policy for the Department of Defense sexual assault prevention and response program.

Subtitle A-Organizational Structure and Application of Sexual Assault Prevention and Response Program Elements

Sexual Assault Prevention and Response Office (sec. 1611)

The House bill contained a provision (sec. 1641) that would require that the Director of the Sexual Assault Prevention and Response Office be a general or flag officer or a Senior Executive Service employee of the Department of Defense who would serve as the single point of authority, accountability, and oversight for the Department of Defense sexual assault prevention and response program.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment that would require that there would be a Director of the Sexual Assault Prevention and Response Office and that Department of Defense and service Inspectors General treat the sexual assault prevention and response program as an item of special interest when conducting certain inspections. The agreement would also require that the staff of the Sexual Assault Prevention and Response Office include an officer in the grade of 0-4 or above from each of the armed forces, and that one of these officers must be in the grade of 0-6 or above.

Oversight and evaluation standards (sec. 1612)

The House bill contained a provision (sec. 1615) that would require the Secretary of Defense, within 1 year of the date of enactment of this Act, to issue standards to be used to assess and evaluate the effectiveness of the sexual assault prevention and response program of each military.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Report and plan for completion of acquisition of centralized Department of Defense sexual assault database (sec. 1613)

The House bill contained a provision (sec. 1624) that would set a new deadline of September 30, 2011, for the Secretary of Defense to complete the implementation of the centralized sexual assault database required by section 563 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to submit a report and plan for completion of the centralized Department of Defense sexual assault database to the Committees on Armed Services of the Senate and the House of Representatives no later than April 1, 2011.

Restricted reporting of sexual assaults (sec. 1614)

The House bill contained a provision (sec. 1643) that would entitle a member of the armed forces or a dependent of a member of the armed forces who is the victim of a sexual assault to legal assistance and assistance provided by a qualified Sexual Assault Victim Advocate. This provision would also require the Secretary of Defense to implement a Sexual Assault Response Coordinator-led process by which a member or dependent who is the victim of a sexual assault may decline to participate in the investigation of the sexual assault, and authorize a member of the armed forces who is a victim of a sexual assault to confidentially disclose the details of the assault to specified individuals and receive medical treatment, legal assistance, or counseling without triggering an official investigation.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the Secretary of Defense to clarify the limitations on the ability of a member of the armed forces to make a restricted report regarding the occurrence of a sexual assault and the circumstances under which information contained in a restricted report may no longer be confidential.

Subtitle B-Improved and Expanded Availability of Services

Improved protocols for providing medical care for victims of

sexual assault (sec. 1621)

The House bill contained a provision (sec. 1646) that would require the Secretary of Defense to establish protocols for providing medical care to a member of the armed forces who is a victim of a sexual assault.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a clarifying amendment.

Sexual assault victims access to victim advocate services (sec. 1622)

The House bill contained a provision (sec. 1643) that would entitle a member of the armed forces or a dependent of a member of the armed forces who is the victim of a sexual assault to legal assistance and assistance provided by a qualified Sexual Assault Victim Advocate. This provision would also require the Secretary of Defense to implement a Sexual Assault Response Coordinator-led process by which a member or dependent who is the victim of a sexual assault may decline to participate in the investigation of the sexual assault, and authorize a member of the armed forces who is a victim of a sexual assault to confidentially disclose the details of the assault to specified individuals and receive medical treatment, legal assistance, or counseling without triggering an official investigation.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision that would entitle the member or dependent to assistance of a qualified Sexual Assault Victim Advocate with a clarifying amendment.

Subtitle C-Reporting Requirements

Annual report regarding sexual assaults involving members of the armed forces and improvement to sexual assault prevention response program (sec. 1631)

The House bill contained a provision (sec. 1632) that would require the secretaries of the military departments, by January 15 of each year, to submit to the Secretary of Defense a report on the sexual assaults involving members of the armed forces under the jurisdiction of that secretary during the preceding year, and the Secretary of Defense to submit these reports, with comments, to the Committees on Armed Services of the Senate and

the House of Representatives no later than March 15 of the year following the year covered by the report.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would require the service secretaries to submit reports on sexual assault to the Secretary of Defense not later than March 1 of each year, and the Secretary of Defense to forward the reports, including an assessment of the reports, to the Committees on Armed Services of the Senate and the House of Representatives not later than April 30 of each year. The provision would also require the Secretary of Defense to establish a consistent definition of "substantiated" not later than December 31, 2011.

Additional reports (sec. 1632)

The House bill contained a provision (sec. 1662) that would require the Secretary of Defense, within 90 days of the date of enactment of this Act, to revise materials made available under the sexual assault prevention and response program to include information on the extent to which dependents of members of the armed forces, retired members, Department of Defense civilian employees, and employees of defense contractors are eligible for sexual assault prevention and response services under the sexual assault prevention and response program; and, within 1 year of the date of enactment of this Act, to submit to the congressional defense committees a report on the feasibility of extending all sexual assault prevention and response services to dependents of members of the armed forces, retired members, Department of Defense civilian employees, and employees of defense contractors who are victims of a sexual assault.

The House bill also contained a provision (sec. 1617) that would require the Secretary of Defense, within 1 year of the date of enactment of this Act, to submit to the congressional defense committees a report on the application of the sexual assault prevention and response program for the reserve components.

The House bill also contained a provision (sec. 1645) that would amend section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), to require that, in the case of a general or special court-martial involving a sexual assault, a copy of the prepared record of the proceedings of the court-martial would be given to the victim of the offense if the victim testified during the proceedings.

The House bill also contained a provision (sec. 1643) that would entitle a member of the armed forces, or a dependent of a

member of the armed forces, who is the victim of a sexual assault to legal assistance provided by a certified military legal assistance counsel.

The House bill also contained a provision (sec. 1618) that would require the Secretary of Defense to conduct a review of the effectiveness of section 920 of title 10 United States Code (article 120 of the Uniform Code of Military Justice).

The Senate committee-reported bill contained no similar provisions.

The agreement combines the House provisions with an amendment that would require the Secretary of Defense to evaluate: (1) the feasibility of extending sexual assault prevention and response services to Department of Defense civilian employees and employees of defense contractors who are victims of sexual assault; (2) the application of the sexual assault prevention and response program to members of the reserve components; (3) the feasibility of requiring that a copy of the prepared record of proceedings of a general or special court-martial involving a sexual assault be given to the victim in cases in which the victim testified; (4) the feasibility of authorizing legal assistance for service members and dependents of service members who are victims of a sexual assault; and (5) the feasibility of utilizing trained forensic medical examiners when sexual assaults involving members of the armed forces occur in a military environment where civilian resources are limited or unavailable.

DIVISON B-MILITARY CONSTRUCTION AUTHORIZATIONS

Short title (sec. 2001)

The House bill contained a provision (sec. 2001) that would designate division B of this Act as the Military Construction Authorization Act for Fiscal Year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2001).

The agreement includes the Senate provision.

Expiration of authorizations and amounts required to be specified by law (sec. 2002)

The House bill contained a provision (sec. 2002) that would ensure that the authorizations provided in titles XXI through XXVI and title XXIX shall expire on October 1, 2013, or the date

of enactment of an act authorizing funds for military construction for fiscal year 2014, whichever is later.

The Senate committee-reported bill had an identical provision (sec. 2002).

The agreement contains this provision.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Authorized Army construction and land acquisition projects (sec. 2101)

The House bill contained a provision (sec. 2101) that would authorize military construction projects for the active component of the Army for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2101).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

The agreement does not include authorizations for construction of three museum support facilities requested by the Department of the Army at Fort Benning, Georgia, Fort Sill, Oklahoma, and Fort Lee, Virginia. The proposed facilities were intended to support the relocation of military artifacts and collections currently on display and open to the general public at museums at Fort Knox, Kentucky, Fort Bliss, Texas, and Aberdeen Proving Ground, Maryland. The Army requested the authorizations for the new construction to support the realignment of three schools, Armor, Ordnance, and Air Defense Artillery, to new locations as a part of the 2005 round of Base Realignments and Closures (BRAC). The Department of the Army has conveyed its intent to construct facilities that will not be open to the general public, but will serve primarily as a training room for the schools.

We strongly support the Army’s objective to properly preserve for public use historic sites, buildings, and objects of national significance as these collections not only inform the general public of the proud legacy and history of the Army, but also inspire younger generations to military service.

As such, we are concerned that the Army’s current plan will prohibit the general public from viewing these outstanding collections at their new locations until museums are constructed with privately-raised resources. In addition, if these collections are deemed by the Department of the Army as critical

to the relocation and operation of the three schools, the facilities should be funded from accounts established to carry out BRAC construction.

As such, we strongly encourage the Department of the Army to develop a plan that will allow the relocation of these museum artifacts and collections in a way that satisfies the law, meets the training and education needs of the Department of the Army, and continues to afford the general public the opportunity to view these critical representations of American history.

Family housing (sec. 2102)

The House bill contained a provision (sec. 2102) that would authorize new construction and 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 and housing maintenance and storage facilities.

The Senate committee-reported bill contained an identical provision (sec. 2102).

The agreement includes this provision.

Improvements to military family housing (sec. 2103)

The House bill contained a provision (sec. 2102(c)) that would authorize funding for fiscal year 2011 to improve existing family housing.

The Senate committee-reported bill contained an identical provision (sec. 2103).

The agreement includes this provision.

Authorization of appropriations, Army (sec. 2104)

The House bill contained a provision (sec. 2101(c)) that would authorize appropriations for the active component military construction and family housing projects of the Army for fiscal year 2011. This provision would also provide an overall limitation on the cost of the fiscal year 2011 military construction and family housing projects authorized for the active-duty component of the Army.

The Senate bill contained a similar provision (sec. 2104).

The agreement includes these provisions.

Use of unobligated Army military construction funds in conjunction with funds provided by the Commonwealth of Virginia to carry out certain fiscal year 2002 project (sec. 2105)

The House bill contained a provision (sec. 2103) that would authorize the Secretary of the Army to construct a fire station at Fort Belvoir, Virginia, using available, unobligated Army military construction funds appropriated for a fiscal year before fiscal year 2011, in conjunction with funds contributed by the Commonwealth of Virginia.

The Senate committee-reported bill contained a similar provision (sec. 2833).

The agreement includes the House provision with an amendment adding a requirement for congressional notification.

Modification of authority to carry out certain fiscal year 2009 project (sec. 2106)

The House bill contained a provision (sec. 2104) that amends 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 "Katterback" and inserting "Grafenwoehr".

The Senate committee-reported bill contained an identical provision (sec. 2106).

The agreement includes this provision.

Modification of authority to carry out certain fiscal year 2010 project (sec. 2107)

The House bill contained a provision (sec. 2105) that allows the Secretary of the Army to construct up to a 40,100 square-feet brigade headquarters for Fort Riley, Kansas, consistent with the Army's construction guidelines for brigade headquarters. This project was previously authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84).

The Senate committee-reported bill contained an identical provision (sec. 2107).

The agreement includes this provision.

Extension of authorizations of certain fiscal year 2008 projects (sec. 2108)

The House bill contained a provision (sec. 2106) that would extend the authorization for Army fiscal year 2008 military construction projects at various locations.

The Senate committee-reported bill contained a similar provision (sec. 2105).

The agreement includes the Senate provision.

TITLE XXII—NAVY MILITARY CONSTRUCTION

Authorized Navy construction and land acquisition projects (sec. 2201)

The House bill contained a provision (sec. 2201) that would authorize military construction projects for the active component of the Navy and Marine Corps for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2201).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

The agreement includes a reduction in the authorization of appropriations of $32.5 million that was requested for the construction of two headquarters facilities at Camp Lemonier, Djibouti.

We strongly support the Department of the Navy's intent to construct modern and secure facilities at Camp Lemonier that will protect U.S. military personnel while enabling Combined Joint Task Force-Horn of Africa (CJTF-HOA) and other military forces operating at the Camp to carry out their assigned missions.

We note that this installation has been identified by the Department of Defense as the only location in Africa proposed as an enduring presence and that it will continue to serve United States Africa Command (AFRICOM) as a hub for its full range of humanitarian and military missions on the continent and region.

We also strongly support projects intended to improve the living conditions and quality of life for military forces stationed at this location.

We note that over $180.0 million has been invested in military construction projects in the last 3 years and another $200.0 million is planned to be invested over the next 5 years to support the long-term presence of U.S. military forces at Camp Lemonier. We understand that the Department plans the eventual stationing of 3,500 U.S. military personnel at Camp Lemonier with the potential to surge to 5,000 personnel.

Given this sizable force of U.S. personnel, we are concerned that major construction projects are being sited and constructed within an existing, constrained 500 acre compound adjacent to the joint-use host nation civilian runway without a master plan to ensure all facilities meet force protection and anti-terrorism standards adopted by the Department of Defense.

We note that the current future-years defense plan of the Department of the Navy for Camp Lemonier does not include all projects or the costs required to correct critical deficiencies in living and work facilities. We are also concerned that formal agreements are not in place with the host nation to transition from a 5-year lease with one more 5-year option to a more long-term agreement that would ensure long-term access to the facilities.

The committees also note that the Department of the Navy has identified available land for expansion and "the opportunity to plan and build the bases correctly from the beginning."

We therefore direct the Department of the Navy, in collaboration with AFRICOM, to review the planned roles and missions proposed for Camp Lemonier, including the future of CJTF-HOA, and develop a master plan for the installation that will establish a set of facility priorities to focus resources towards compliance with Unified Facility Criteria (UFC) and other force protection measures, particularly in the elimination of temporary facilities and tents. This master plan should be formally agreed upon by all pertinent functions within the Department of Defense before proceeding with further military construction projects.

The master plan should contain, at a minimum, the following elements:

(1) the results of a Joint Staff Integrated Vulnerability Assessment (JSIVA);

(2) a review of all current and planned missions proposed to be conducted at Camp Lemonier in order to ascertain the full range of facility requirements;

(3) a comprehensive facility list and site plan required to support the planned military force that is informed by the JSIVA, UFC, and other force protection guidance;

(4) a site plan for Camp utility plants, fuel storage, and infrastructure that will ensure maximum practicable force protection, while minimizing negative impacts to the quality of life of base personnel;

(5) a determination whether more acreage will be required to safely support the planned military population;

(6) a list of priorities for construction intended to focus resources on the greatest risks to the protection of forces, as well as the elimination of expensive temporary facilities and tents.

(7) an agreement with the Host Nation for long-term use of the base;

(8) an investment strategy that will establish annual funding levels for new construction projects to meet the operational needs of incoming forces with minimum reliance on temporary structures and tents.

(9) a review of the proposed site and design of the two headquarters facilities proposed in the Fiscal Year 2011 budget request to determine whether combining the two requirements in one facility will reduce the overall square footage and save taxpayer funds.

We direct the Secretary of the Navy and the Commander, AFRICOM to report back to the congressional defense committees, no later than 1 month after completion of the master plan or within 1 year of enactment of this Act, so that there is no further delay to the execution of critical construction projects at Camp Lemonier.

The agreement includes a reduction in the authorization of appropriations of $320.0 million that was requested for the construction of aircraft parking, site preparation, and utilities on Guam to support relocation of 8,000 Marines and their families from Okinawa to Guam. 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.

We are aware that the success of this agreement continues to depend on many factors including tangible progress towards completion of the Futenma Replacement Facility (FRF), the completion of the environmental impact statement for Guam for coral reefs and training operations, as well as final coordination with the Guam State Historical Preservation Office concerning the impact to cultural and historic resources on the Island.

We also note that negotiations still continue in the U.S. government and with the Government of Japan to determine the funding responsibility for over $1.3 billion estimated by the Environmental Protection Agency to upgrade utilities and civilian infrastructure on the Island.

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." We note 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 yet to be completed.

As for the planned construction on Guam, the Department of the Navy published a Record of Decision (ROD) for an Environmental Impact Statement (EIS) on September 20, 2010. We note that the ROD deferred any recommendation or mitigation proposals for the impact to coral reefs in Apra Harbor and for Marine Corps training ranges on the island pending further studies.

We also note that litigation against the Department of the Navy's ROD has been filed by the National Trust for Historic Preservation, the Guam Preservation Trust, and a local organization, "We are Guahan."

We also note that construction for the majority of the military construction projects authorized to date has been delayed pending resolution of these issues and the goal for completion of the move by 2014 has been deferred by a recommendation in the ROD to adopt a pace of construction consistent with the ability of Guam's resources and infrastructure to support a certain level of effort.

In addition, the congressional committees have requested in numerous Acts the need for the Department of Defense to provide Congress a plan detailing the level of effort and the total cost estimate for each facility and infrastructure item required to complete the relocation of Marines to Guam. As of the date of this Act, the Department of Defense has not submitted this plan.

We are also concerned that required investments in civilian infrastructure, highlighted by the Government Accountability Office (GAO) in numerous reports in 2008 and 2009 are not addressed in the current budget for other federal agencies. 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 Committee on Energy and Natural Resources of the Senate in May 2008, where the Governor of Guam outlined requirements totaling $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. 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.

We also note that the leaders in the United States Marine Corps have publicly stated that the establishment of live fire training areas on Guam is absolutely essential to the successful relocation of Marines from Okinawa. While the EIS identified two parcels of land on Guam currently under the control of the Government of Guam or private owners, the ROD defers a decision on land required to satisfy training and range requirements identified by the Marine Corps. Even with the successful purchases of the non-DOD lands identified in the EIS, 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, we recommend that authorizations for the construction of future 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 certification that section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665)consultation has concluded and a description of the proposed mitigation to support the culmination of negotiations;

(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;

(5) tangible progress towards the acquisition of lands on Guam required to support Marines Corps training ranges; and

(6) an updated master plan for the construction of facilities, infrastructure, and costs required to complete the relocation of Marines to Guam.

Family housing (sec. 2202)

The House bill contained a provision (sec. 2202) that would authorize new construction and planning and design of family housing units for the Navy and Marine Corps for fiscal year 2011. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate committee-reported bill contained an identical provision (sec. 2202).

The agreement includes this provision.

Improvements to military family housing (sec. 2203)

The House bill contained a provision (sec. 2202(c)) that would authorize funding for fiscal year 2011 to improve existing family housing.

The Senate committee-reported bill contained an identical provision (sec. 2203).

The agreement includes this provision.

Authorization of appropriations, Navy (sec. 2204)

The House bill contained a provision (sec. 2201) that would authorize appropriations for the active component military construction and family housing projects of the Navy and Marine Corps for fiscal year 2011. This provision would also provide an overall limitation on the cost of the fiscal year 2011 military construction and family housing projects authorized for the active-duty component of the Navy and Marine Corps.

The Senate committee-reported bill contained a similar provision (sec. 2204).

The agreement includes the House provision with an amendment deleting a restriction on architectural and engineering services and design funds. While the agreement imposes no restrictions on architectural and engineering services and construction design funds, such restrictions may be warranted in the future. The lack of restriction in this agreement for such funds to establish a homeport for a nuclear-powered aircraft carrier at Naval Station Mayport, Florida, should not imply a position either for or against homeporting. Such a position will be determined should military construction projects be included in future budget submissions. We will review carefully any such projects that may be included in future budget requests, while closely examining evolving military construction cost estimates needed to achieve this

capability.

Technical amendment to reflect multi-increment fiscal year 2010 project (sec. 2205)

The House bill contained a provision (sec. 2203) to make a technical correction to the authorization contained in section 2204 of the Military Construction Act for Fiscal Year 2010 (division B of Public Law 111-84) for the first increment of a tertiary water treatment plant at Marine Corps Base, Camp Pendleton, California.

The Senate committee-reported bill contained a similar provision (sec. 2206).

The agreement includes the House provision.

Extension of authorization of certain fiscal year 2008 project (sec. 2206)

The House bill contained a provision (sec. 2204) that would extend the authorization until October 1, 2011, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later, for a Host Nation Infrastructure project at an unspecified worldwide location.

The Senate committee-reported bill contained a similar provision (sec. 2205).

The agreement includes the House provision.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Authorized Air Force construction and land acquisition projects (sec. 2301)

The House bill contained a provision (sec. 2301) that would authorize military construction projects for the active component of the Air Force for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2301).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2302)

The House bill contained a provision (sec. 2302) 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 and housing maintenance and storage facilities.

The Senate committee-reported bill contained a similar provision (sec. 2302).

The agreement includes these provisions.

Improvements to military family housing (sec. 2303)

The House bill contained a provision (sec. 2302(c)) that would authorize funding for fiscal year 2011 to improve existing family housing.

The Senate committee-reported bill contained an identical provision (sec. 2303).

The agreement includes this provision.

Authorization of appropriations, Air Force (sec. 2304)

The House bill contained a provision (sec. 2301(c)) that would authorize appropriations for the active component military construction and family housing projects of the Air Force for fiscal year 2011. This provision would also provide an overall limitation on the cost of the fiscal year 2011 military construction and family housing projects authorized for the active-duty component of the Air Force.

The Senate committee-reported bill contained a similar provision (sec. 2304).

The agreement includes these provisions.

Extension of authorization of certain fiscal year 2007 project (sec. 2305)

The House bill contained a provision (sec. 2303) that would extend the authorization until October 1, 2011, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later, for replacement family housing units at Mountain Home Air Force Base, Idaho.

The Senate committee-reported bill contained an identical provision (sec. 2305).

The agreement includes this provision.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A-Defense Agency Authorizations

Authorized defense agencies construction and land acquisition projects (sec. 2401)

The House bill contained a provision (sec. 2401) that would authorize military construction projects for the defense agencies for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2401).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

Energy conservation projects (sec. 2402)

The Senate committee-reported bill contained a provision (sec. 2402) that authorized the Secretary of Defense to carry out energy conservation projects.

The House bill contained a similar provision (sec. 2403) that authorized the Secretary of Defense to carry out energy conservation projects and require that the Secretary of Defense reserve a portion of the amount for energy conservation projects for reserve components.

The agreement includes the Senate provision with an amendment requiring that the Secretary of Defense reserve a portion of the amount for energy conservation projects for reserve components.

Authorization of appropriations, Defense Agencies (sec. 2403)

The House bill contained a provision (sec. 2401(c)) that would authorize appropriations for the defense agencies. This provision would also provide an overall limitation on the cost of the fiscal year 2011 military construction projects authorized for the defense agencies.

The Senate committee-reported bill contained a similar provision (sec. 2404).

The agreement includes these provisions.

Modification of authority to carry out certain fiscal year 2010 project (sec. 2404)

The Senate committee-reported bill contained a provision

(sec. 2404) 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) 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.

The House bill did not contain a similar provision.

The agreement includes the Senate provision with an amendment that does not specify the location for this provision.

Subtitle B-Chemical Demilitarization Authorizations

Authorization of appropriations, chemical demilitarization construction, defense-wide (sec. 2411)

The House bill contained a provision (sec. 2411) that would authorize appropriations for military construction projects for the chemical demilitarization program for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2411).

The agreement includes these provisions.

Modification of authority to carry out certain fiscal year 2000 project (sec. 2412)

The House bill contained a provision (sec. 2412) modifying the table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65), as amended, by striking $492.0 million and inserting $746.0 million for an item relating to Blue Grass Army Depot, Kentucky.

The Senate committee-reported bill contained an identical provision (sec. 2412).

The agreement includes this provision.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Authorized NATO construction and land acquisition projects (sec. 2501)

The House bill contained a provision (sec. 2501) 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.

The Senate committee-reported bill contained an identical provision (sec. 2501).

The agreement includes this provision.

Authorization of appropriations, NATO (sec. 2502)

The House bill contained a provision (sec. 2502) that would authorize $258.884 million as the U.S. contribution to the North Atlantic Treaty Organization Security Investment Program.

The Senate committee-reported bill contained a similar provision (sec. 2502).

The agreement includes these provisions.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Authorized Army National Guard construction and land acquisition projects (sec. 2601)

The House bill contained a provision (sec. 2601) that would authorize military construction projects for the Army National Guard for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2601).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Army Reserve construction and land acquisition projects (sec. 2602)

The House bill contained a provision (sec. 2602) that would authorize military construction projects for the Army Reserve for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2602).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects (sec. 2603)

The House bill contained a provision (sec. 2603) that would authorize military construction projects for the Navy Reserve and Marine Corps Reserve for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2603).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Air National Guard construction and land acquisition projects (sec. 2604)

The House bill contained a provision (sec. 2604) that would authorize military construction projects for the Air National Guard for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2604).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Air Force Reserve construction and land acquisition projects (sec. 2605)

The House bill contained a provision (sec. 2605) that would authorize military construction projects for the Air Force Reserve for fiscal year 2011.

The Senate committee-reported bill contained a similar provision (sec. 2605).

The agreement includes these provisions.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects

contained in the table in section 3001 of this Act provides the binding list of specific construction projects authorized at each location.

Authorization of appropriations, National Guard and Reserve (sec. 2606)

The House bill contained provisions (secs. 2601(b), 2602(b), 2603(b), 2604(b), and 2605(b)) that would authorize appropriations for the reserve component military construction projects for fiscal year 2011. This provision would also provide an overall limitation on the cost of the fiscal year 2011 military construction projects authorized for the reserve components.

The Senate committee-reported bill contained a similar provision (sec. 2606).

The agreement includes these provisions.

Extension of authorizations of certain fiscal year 2008 projects (sec. 2607)

The House bill contained a provision (sec. 2606) that would extend the authorization for a Readiness Center at East Fallowfield Township, Pennsylvania, and Base Security Improvements at Burlington, Vermont, until October 1, 2011, or the date of enactment of an Act authorizing funds for military contstruction for fiscal year 2012, whichever is later.

The Senate committee-reported bill contained a similar provision (sec. 2607).

The agreement includes these provisions.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Authorization of appropriations for Base Realignment and Closure activities funded through Department of Defense Base Closure account 1990 (sec. 2701)

The House bill contained a provision (sec. 2701) that would authorize appropriations for fiscal year 2011 for ongoing activities that are required to implement the decision of the 1988, 1991, 1993, and 1995 Base Closure and Realignment.

The Senate committee-reported bill contained a similar provision (sec. 2701).

The agreement includes these provisions.

Authorized Base Realignment and Closure activities funded through Department of Defense Base Closure account 2005 (sec. 2702)

The House bill contained a provision (sec. 2702) that would authorize military construction projects for fiscal year 2011 for ongoing activities that are required to implement the decision of the 2005 Base Closure and Realignment.

The Senate committee-reported bill contained a similar provision (sec. 2702).

The agreement includes these provisions.

Authorization of appropriations for Base Realignment and Closure activities funded through Department of Defense Base Closure account 2005 (sec. 2703)

The House bill contained a provision (sec. 2703) that would authorize appropriations for fiscal year 2011 for ongoing activities that are required to implement the decision of the 2005 Base Closure and Realignment.

The Senate committee-reported bill contained a similar provision (sec. 2703).

The agreement includes these provisions.

Transportation plan for BRAC 133 project under Fort Belvior, Virginia, BRAC initiative (sec. 2704)

The House bill contained a provision (sec. 2711) that would limit the acceptance of not more than 1,000 parking spaces at a Base Realignment and Closure (BRAC) project at Fort Belvoir, Virginia known as the "Mark Center," until the Secretary of the Army submits to the congressional defense committees a viable transportation management plan and certifies that construction has been completed to provide adequate ingress and egress from the business park at which the BRAC project is located.

The Senate committee-reported bill did not contain a similar provision.

The agreement includes the House provision with an amendment requiring the Secretary of the Army to submit a transportation plan to the congressional defense committees.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Availability of military construction information on internet (sec. 2801)

The House bill contained a provision (sec. 2801) that seeks to expand the availability of military construction information on the internet.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Use of Pentagon reservation maintenance revolving fund for construction or alteration at Pentagon reservation (sec. 2802)

The House bill contained a provision (sec. 2804) that rescinds the authority of the Secretary of Defense to use the Pentagon Reservation Maintenance Revolving Fund for construction and repairs on September 30, 2011. The Secretary has reported that the overall Pentagon renovation is scheduled to be complete in fiscal year 2012.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that restricts the use of the Pentagon Maintenance Revolving Fund for construction and alterations on September 30, 2012.

Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility (sec. 2804)

The House bill contained a provision (sec. 2805) that amends section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136), as amended, to extend the use of operation and maintenance funds for construction projects at locations in the United States Central Command area of responsibility for an additional year. This section limits the total use of this authority to $300.0 million in funds available for operation and maintenance for fiscal year 2011 with no more than $100.0 million of operation and maintenance funds for fiscal year 2011 to be used in Afghanistan.

The Senate committee-reported bill contained a similar provision (sec. 2801).

The agreement includes the House provision with an amendment adding language extending the geographic reach of this provision to certain areas of the United States Africa Command.

Sense of Congress and report regarding employment of veterans to work on military construction projects (sec. 2805)

The House bill contained a provision (sec. 2806) that would establish a Veterans to Work pilot program that requires veterans apprenticeship programs on 20 military construction projects annually through fiscal year 2015.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment expressing the Sense of Congress that the Secretary of Defense should establish a Veterans to Work program to provide an opportunity for apprentices, who are also veterans, to work on military construction projects.

Subtitle B—Real Property and Facilities Administration

Notice-and-wait requirements applicable to real property transactions (sec. 2811)

The House bill contained a provision (sec. 2811) that would amend section 2662 of title 10, United States Code, and require additional reporting requirements associated with leases of real property owned by the United States that were previously included in section 2667 of title 10, United States Code.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Treatment of proceeds generated from leases of non-excess property involving military museums (sec. 2812)

The House bill contained a provision (sec. 2812) that would amend section 2667 of title 10, United States Code, and authorize the secretary concerned to retain all the proceeds derived at a museum as a result of lease of non-excess property for the exclusive use by the museum developing such proceeds.

The Senate committee-reported bill contained a similar provision (sec. 2852) that would authorize 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.

The agreement includes the House provision.

Limitation on enhanced use leases of non-excess property (sec. 2813)

The Senate committee-reported bill contained a provision (sec. 2811) that would ensure that enhanced use leases for non-excess property 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.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Repeal of expired authority to lease land for special operations activities (sec. 2814)

The House bill contained a provision (sec. 2813) that would repeal section 2680 of title 10, United States Code, whose authority expired on September 30, 2005.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Former naval bombardment area, Culebra Island, Puerto Rico (sec. 2815)

The House bill contained a provision (sec. 2814) that would require the Secretary of Defense to remediate a portion of the bombardment area referred to as Flamenco Beach on the Island of Culebra, Commonwealth of Puerto Rico, to permit the land to be used for public park or public recreational purposes. This section would also require the Secretary to assess the extent of military munitions safety hazards and environmental contamination exiting on the balance of the bombardment area.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment requiring the Secretary of Defense to conduct a study of unexploded ordinance in a portion of the former bombardment area on Culebra Island, Puerto Rico.

Subtitle C—Provisions Related to Guam Realignment

Extension of term of Deputy Secretary of Defense's leadership of

Guam Oversight Counsel (sec. 2821)

The House bill contained a provision (sec. 2823) that would extend the Deputy Secretary of Defense's leadership of the Guam Oversight Counsel until September 30, 2020.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Utility conveyances to support integrated water and wastewater treatment system on Guam (sec. 2822)

The House bill contained a provision (sec. 2824) that would provide the Secretary of Defense the authority to convey water and wastewater treatment utility systems to the Guam Waterworks Authority. As consideration for conveying these utilities, should they be conveyed, the Guam Waterworks Authority shall pay the fair market value of the conveyed infrastructure. If the Secretary of Defense and the Guam Waterworks Authority decide to convey these utilities, the Secretary of Defense shall be apportioned 33 percent voting representation on the Guam Consolidated Commission on Utilities. If the Secretary conveys the water and wastewater treatment utility systems to the Guam Waterworks Authority, this section would require new water and wastewater systems to also be managed and operation by the Guam Waterworks Authority. Furthermore, in the determination of fair market value, the Secretary of Defense, in consultation with the Secretary of the Interior, shall consider the value of in kind service provided by the Government of Guam pursuant to the Compact of Free Association between the Government of the United States and the Government of the Federated States of Micronesia, the Government of the Republic of the Marshall Islands, and the Government of the Republic of Palau. Finally, this section would authorize the Secretary of Interior to provide technical assistance to the Secretary of Defense to support the integrated water and wastewater treatment utility systems on Guam.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Report on types of facilities required to support Guam realignment (sec. 2823)

The House bill contained a provision (sec. 2825) that would require the Secretary of Defense to provide a report to the congressional defense committees within 180 days after the enactment of this Act, on the structural requirements of

facilities necessary to support the realigned forces on Guam.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Report on civilian infrastructure needs for Guam (sec. 2824)

The House bill contained a provision (sec. 2826) that would require the Secretary of Interior, in consultation with the Secretary of Defense, the Government of the Territory of Guam, and the Interagency Group on Insular Affairs, to provide a report to the congressional defense committees, the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate, within 180 days after the date of enactment of this Act. The Secretary of Interior would be required to include in the report an assessment of the civilian infrastructure improvements needed on Guam to support the military relocation on Guam and identify potential funding sources to support the implementation of this effort.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Subtitle D—Energy Security

Consideration of environmentally sustainable practices in Department energy performance plan (sec. 2831)

The House bill contained a provision (sec. 2831) that would amend section 2911(c) of title 10, United States Code, by modifying the required elements of the Department of Defense energy performance plan to include consideration of hybrid-electric drive and high efficiency vehicles and opportunities for high-performance construction, lease, maintenance, and operation of buildings.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Enhancement of energy security activities of the Department of Defense (sec. 2832)

The House bill contained a provision (sec. 2832) that would require the Department of Defense (DOD) to develop a plan and implementation guidelines for achieving their renewable energy requirements.

The Senate committee-reported bill contained a provision (sec. 2821) requiring the Secretary of Defense to (1) develop a comprehensive Energy Performance Master Plan including baselines, measurement methods, metrics, milestones, and investments needed to meet DOD energy performance goals; (2) require consideration of renewable energy in repairs and renovations; and (3) define specific energy efficient technologies.

The agreement includes the Senate provision with several clarifying amendments.

Subtitle E-Land Conveyances

Land conveyance, Defense Fuel Support Point (DFSP) Whittier, Alaska (sec. 2841)

The House bill contained a provision (sec. 2842) that would authorize the Secretary of the Army to convey, without consideration, to the City of Whittier, Alaska, a parcel of land for the purpose of local public activities.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with a technical amendment.

Land conveyance, Fort Knox, Kentucky (sec. 2842)

The House bill contained a provision (sec. 2843) that would authorize the Secretary of the Army to convey, without consideration, approximately 194 acres at Fort Knox, Kentucky, to the Department of Veterans Affairs of the Commonwealth of Kentucky for the purpose of establishing and operating a state veterans home and future expansion of the adjacent veterans cemetery.

The Senate committee-reported bill contained a similar provision (sec. 2831).

The agreement includes the Senate provision.

Land conveyance, Naval Support Activity (West Bank), New Orleans, Louisiana (sec. 2843)

The House bill contained a provision (sec. 2844) that would convey real property interests at the formal Naval Support Activity (West Bank), New Orleans, Louisiana, to the Algiers Development District.

The Senate committee-reported contained a similar provision (sec. 2832).

The agreement includes the House provision with a technical amendment.

Land conveyance, former Navy Extremely Low Frequency Communications Project Site, Republic, Michigan (sec. 2844)

The House bill contained a provision (sec. 2845) that would authorize the Secretary of the Navy to convey, without consideration, approximately seven acres comprising the former Navy Extremely Low Frequency communications project site to Humboldt Township in Marquette County, Michigan, for the purpose of assisting the local public activities.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Land conveyance, Marine Forces Reserve Center, Wilmington, North Carolina (sec. 2845)

The House bill contained a provision (sec. 2846) that would authorize the Secretary of the Navy to convey, without consideration, the former Marine Forces Reserve Center in Wilmington, North Carolina, to the North Carolina State Port Authority for development of a port facility and for other public purposes.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Subtitle F-Other Matters

Limitation on availability of funds pending report regarding construction of a new outlying landing field in North Carolina and Virginia (sec. 2851)

The Senate committee-reported bill contained a provision (sec. 2841) 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 committees with a report.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment clarifying the provision's findings and the report's requirements.

Requirements related to providing world class military medical

centers (sec. 2852)

The House bill contained a provision (sec. 2851) that would require the Secretary of Defense to establish a unified construction and repair standard for military medical facilities. The section would further require that the Secretary establish an advisory committee to assess the proposed design and organizational structure for military medical facilities in the National Capital Region to achieve world-class medical facility.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment increasing the scope of the advisory committee to assess design and organizational structure for military medical facilities regardless of location.

Report on fuel infrastructure sustainment, restoration, restoration, and modernization requirements (sec. 2853)

The House bill contained a provision (sec. 1422) that would require the Director of the Defense Logistics Agency to submit to the congressional defense committees a plan for addressing fuel infrastructure sustainment, restoration, and modernization requirements.

The Senate committee-reported bill had no similar provision.

The agreement includes the House provision with an amendment that provides an extended reporting date with additional reporting requirements.

Naming of Armed Forces Reserve Center, Middleton, Connecticut (sec. 2854)

The House bill contained a provision (sec. 2852) that would name the newly constructed Armed Forces Reserve Center in Middletown, Connecticut, as the "Major General Maurice Rose Armed Forces Reserve Center."

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Sense of Congress on proposed extension of the Alaska Railroad corridor across federal land in Alaska (sec. 2855)

The Senate committee-reported bill contained a provision (sec. 2853) 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.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment making this a sense of Congress.

Sense of Congress on improving military housing for members of the Air Force (sec. 2856)

The Senate committee-reported bill contained a provision (sec. 2854) that would express the sense of Congress that the Department 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 end of 2010.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment clarifying the findings contained in the provision.

Sense of Congress regarding recreational hunting and fishing on military installations (sec. 2857)

The House bill contained a provision (sec. 1067) that would express the sense of Congress that military institutions that permit recreational hunting and fishing should continue to do so.

The Senate committee-reported bill had no similar provision.

The agreement includes the House provision.

Legislative Provisions Not Adopted

Department of Defense assistance for community adjustments related to realignment of military installations and relocation of military personnel on Guam

The House bill contained a provision (sec. 2822) that would provide the Secretary of Defense temporary authority to assist the Government of Guam in mitigating the costs associated with the realignment of military forces on Guam, if the Secretary determines an unfair and excessive financial burden would be incurred by the Government of Guam, and the services and facilities would directly support the Guam realignment. This authority would be provided through existing federal programs. Finally, the transfer authority would be limited to $500.0

million and, pending the receipt of semi-annual reports on the execution of this authority, would expire on September 30, 2017.

The Senate committee-reported bill contained no similar provision.

The agreement does not include this provision.

We note that the Statement of Administration Policy of May 27, 2010 indicates that "the Administration is committed to addressing the needs on Guam (both on base and off) to allow for the realignment of Marines and their families from Japan. That effort requires a comprehensive government-wide approach". We share the concern that the Government of Guam does not have the capabilities to fully address the community infrastructure needs to support the relocated forces without adversely impacting Guam. We expect a Federal Government-wide approach to address community support deficiencies concurrent with support from the Government of Japan. We expect this Federal Government-wide approach to be evident in the President's fiscal year 2012 budget submission.

Insulation retrofitting assessment for Department of Defense facilities

The House bill contained a provision (sec. 2833) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives an assessment of Department of Defense facilities that, if retrofitted with improved insulation, would result in cost and energy savings.

The Senate committee-reported bill contained no similar provision.

The agreement does not include this provision; however, when performing annual energy evaluations as directed by section 8253 of title 42, United States Code, the Department should consider insulation retrofitting as one possible energy conservation measure.

TITLE XXIX-OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Authorized Army construction and land acquisition projects (sec. 2901)

The House bill contained a provision (sec. 2911) that would authorize overseas contingency military construction projects for the Army for fiscal year 2011. The list contained in the table in section 3002 of this Act is intended to be the binding

list of the specific project authorized at each location. Furthermore, this section would provide an authorization of appropriations for each project and provide an overall limit on the amount the Army may obligate on the military construction project.

The Senate committee-reported bill contained a similar provision (sec. 2901).

The agreement includes the Senate provision with an amendment clarifying the projects authorized by the provision.

Authorized Air Force construction and land acquisition projects (sec. 2902)

The House bill contained a provision (sec. 2912) that would authorize overseas contingency military construction projects for the Air Force for fiscal year 2011. The list contained in the table in section 3002 of this Act is intended to be the binding list of the specific project authorized at each location. Furthermore, this section would provide an authorization of appropriations for each project and provide an overall limit on the amount the Air Force may obligate on the military construction project.

The Senate committee-reported bill contained a similar provision (sec. 2902).

The agreement includes the Senate provision with an amendment clarifying the projects authorized by the provision.

Authorized defense wide construction and land acquisition projects and authorization of appropriations (sec. 2903)

The House bill contained a provision (sec. 2913) that would authorize overseas contingency military construction projects for the defense agencies for fiscal year 2011. The list contained in the table in section 3002 of this Act is intended to be the binding list of the specific project authorized at each location. Furthermore, this section would provide an authorization of appropriations for each project and provide an overall limit on the amount the defense agencies may obligate on the military construction project.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment clarifying the projects authorized.

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 activities; nuclear nonproliferation activities; naval nuclear propulsion; environmental cleanup; 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 four categories: (1) National Nuclear Security Administration (NNSA); (2) defense environmental cleanup; (3) other defense activities; and (4) energy security and assurance.

The budget request for atomic energy defense activities at the Department of Energy included $17.7 billion for atomic energy defense activities, a 13.4 percent increase above the fiscal year 2010 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 for energy security and assurance within energy supply.

The agreement includes $17.7 billion for atomic energy defense activities, the amount of the budget request.

National Nuclear Security Administration (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize $11.2 billion, the amount of the budget for the activities of the National Nuclear Security Administration (NNSA).

The Senate committee-reported bill contained a provision (sec. 3101) that would authorize $11.2 billion for the activities of the National Nuclear Security Administration.

The agreement includes a provision that would authorize $11.2 billion.

Defense environmental cleanup (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize $5.6 billion for defense environmental cleanup, the amount of the budget request.

The Senate committee-reported bill contained a provision (sec. 3102) that would authorize $5.6 billion for defense environmental cleanup, the amount of the budget request.

The agreement includes the House provision that would authorize $5.6 billion for defense environmental cleanup.

Other defense activities (sec. 3103)

The House bill contained a provision (sec. 3103) that would authorize $878.2 million for other defense activities, the amount of the budget request.

The Senate committee-reported bill contained a provision (sec. 3102) that would authorize $878.2 million for other defense activities, the amount of the budget request.

The agreement includes the House provision that would authorize $878.2 million for other defense activities.

Energy security and assurance (sec. 3104)

The House bill contained a provision (sec. 3104) that would authorize $6.2 million for energy security and assurance programs.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Subtitle B-Program Authorizations, Restrictions, and Limitations

Aircraft procurement (sec. 3111)

The House bill contained a provision (sec. 3114) that would authorize the Secretary of Energy to use fiscal year 2011 funds available for weapons activities to procure two aircraft.

The Senate committee-reported bill contained a similar provision (sec. 3115).

The agreement includes the House provision with a clarifying amendment that would allow the Secretary to use weapons activities funds for any fiscal year prior to fiscal year 2012 to purchase two aircraft.

The Secure Transportation Asset (STA) program is responsible for moving nuclear weapons, weapons components and special nuclear material for the National Nuclear Security Administration (NNSA). This mission is accomplished through the use of both ground and air transport. The STA program office is in the process of replacing its aging aircraft fleet of DC-9s and C-9s with 737 aircraft. For the past 40 years various contractors have managed, operated, and maintained the aircraft to transport the weapons components, Department of Energy (DOE) and DOE contractor personnel, and other government employees as well as military and other representatives of foreign governments.

The previous contractor operators were certified by the Federal Aviation Administration (FAA) under part 119 of the FAA regulations, (14 CFR 119) as the aircraft were operating in both a public and civil aircraft status and were required to comply with the rules of both Part 121 or Part 135 of the FAA regulations. The FAA reviewed the operations of the STA in 2003 and determined that the aircraft must be operated under Part 119 and comply with Part 121 or Part 135 of FAA regulations. The FAA determined that this would be the case whether the aircraft were operated by a contractor or by pilots directly employed by the DOE or NNSA.

For future operations with the 737 aircraft, the NNSA has determined that it will no longer use a contractor to operate the new aircraft, but will utilize pilots employed by the NNSA and the contractor will manage and maintain but not operate the aircraft. In addition, NNSA has determined that it will self-regulate aircraft operations pursuant to DOE 440.2B, with oversight from the DOE Office of Aviation Management. This DOE order provides for self-regulation but requires that self-regulated aircraft operations operate in a fashion equivalent to

FAA regulations. In this instance the DOE Office of Aviation Management would perform the oversight and inspection function currently provided by the FAA under the current and former contracts for operations, maintenance, and management. NNSA, however, has taken the position that because the 737 aircraft will be operated by pilots directly employed by the NNSA, the aircraft will be operated as public aircraft and the NNSA does not have to meet the equivalency requirements of Part 119 and Part 121 or 135. This appears to be contrary to the 2003 FAA determination and could result in a lower level of flight safety.

The Secretary of Energy and the Administrator of the NNSA are directed to consult with the FAA to determine whether the operations of the STA aircraft are public or civil operations, or a combination, and the appropriate equivalency standard under which the STA aircraft should be operated, maintained, and managed. In addition, the Secretary and the Administrator are directed to submit a report to the congressional defense committees that sets forth the FAA determination, the ability of the NNSA to meet the requirements of the DOE orders if NNSA will operate as a self-regulated entity, and whether the DOE Office of Aviation is capable of conducting FAA like oversight and inspections. This report should be completed before 737 operations begin.

Biennial plan on modernization and refurbishment of the nuclear security complex (sec. 3112)

The Senate committee-reported bill contained a provision (sec. 3112) that would add a new section to the Atomic Energy Defense Act (division D of Public Law 107-314 as amended) to 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.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would direct the Nuclear Weapons Council to conduct an assessment and analysis of the biennial plan and submit a report setting forth the results of that review to the congressional defense committees. The report would be due 180 days after the date on which the biennial plan is submitted. In addition, the amendment includes a series of technical changes.

Comptroller General assessment of adequacy of budget requests

with respect to the modernization and refurbishment of the nuclear weapons stockpile (sec. 3113)

The House bill contained a provision (sec. 3121) that would require the Comptroller General to review the adequacy of funding contained in the budget request to achieve the goals contained in each Biennial Plan and Budget Assessment on the Modernization and Refurbishments of the Nuclear Security Complex required by section 3116 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84). The Comptroller would be required to submit a review to Congress 90 days after the submission of the budget request to Congress during even numbered years, consistent with the timing of the submission of the Biennial Plan and Budget Assessment.

The Senate committee-reported bill contained a provision (sec. 3111) 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.

The agreement includes the House provision with an amendment that would require the Comptroller to conduct an annual review of the NNSA budget request to determine if it is sufficient to fulfill the plan for the modernization and refurbishment of the nuclear security complex.

Notification of cost overruns for certain Department of Energy projects (sec. 3114)

The Senate committee-reported bill contained a provision (sec. 3114) 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

committees 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.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would reduce the threshold for cost breaches for construction line items and covered Environmental Management (EM) projects to $50.0 million. The amendment would eliminate the requirement to report schedule only breaches, and increase the threshold for the breach of the per unit cost of a life extension project to 200 percent. The life extension programs would thus be required to submit a notification if the total project cost exceeds 125 percent of the initial cost baseline or if the per unit cost exceeds 200 percent of the initial per unit cost baseline.

Establishment of cooperative research and development centers (sec. 3115)

The House bill contained a provision (sec. 3113) that would direct the Administrator of the National Nuclear Security Administration to establish a technology center at each national security laboratory, subject to availability of appropriations for this purpose.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would clarify that the centers would be cooperative research and development centers.

While the provision would authorize the Administrator to construct, purchase, or lease facilities for these centers, there is an expectation that the centers will be established in existing facilities.

Future-years defense environmental management plan (sec. 3116)

The Senate committee-reported bill contained a provision (sec.3113) 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 program.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Extension of authority of Secretary of Energy for appointment of certain scientific, engineering, and technical personnel (sec. 3117)

The Senate committee-reported bill contained a provision (sec. 3117) 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 expired September 30, 2011.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Extension of authority of Secretary of Energy to enter into transactions to carry out certain research projects (sec. 3118)

The Senate committee-reported bill contained a provision (sec. 3118) 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.

The House bill contained no similar provision.

The agreement includes the Senate provision.

Extension of authority relating to the International Materials Protection, Control, and Accounting Program of the Department of Energy (sec. 3119)

The House bill contained a provision (sec. 3111) that would extend the international materials protection control and accounting (MPC&A) program work with the Russian Federation from 10 years to 15 years.

The Senate committee-reported bill contained a similar provision (sec. 3119) that would extend the MPC&A program from 10 to 14 years.

The agreement includes the House provision.

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. 3120)

The Senate committee-reported bill contained a provision (sec. 3121) 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 they can be transferred. This extension will allow the Department of Energy additional time to complete the environmental remediation.

The House bill contained no similar provision.

The agreement includes the provision with a technical amendment restating the authority for and the conditions under which the Secretary may transfer land to the Pueblo of San Ildefonso and that would include the requirement to transfer the land by September 30, 2022.

Repeal of sunset provision for modification of minor construction threshold for plant projects (sec.3121)

The Senate committee-reported bill contained a provision (sec. 3120) 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 House bill contained no similar provision.

The agreement includes the Senate provision with a technical amendment.

Enhancing private-sector employment through cooperative research and development activities (sec. 3122)

The House bill contained a provision (sec. 3115) that would direct the Administrator of the National Nuclear Security Administration (NNSA) to encourage technology transfer activities at the national security laboratories and to report annually, on January 31 of each year, the number of private-sector jobs created as a result of the technology activities in the previous year.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision with an amendment that would clarify that the activities would be carried out pursuant to cooperative research and development activities. In addition, the amendment would require annual reports for 5 years beginning on January 31, 2012, and ending on January 31, 2017.

Limitation on use of funds for establishment of centers of excellence in countries outside the former Soviet Union (sec. 3123)

The Senate committee-reported bill contained a provision (sec. 3116) 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 Secretary of Energy submits to the congressional defense committees a report on the particular center to be established.

The House bill contained no similar provision.

The agreement includes the Senate provision with an amendment that would prohibit no more than $0.5 million from being obligated to establish any given center of excellence until 15 days after receipt of the required information.

While there is support for the expansion of National Nuclear Security Administration programs into countries outside of the FSU, the members of the Committees on Armed Services of the Senate and the House of Representatives would like to understand in more detail plans for the new centers as these plans evolve.

Department of Energy Energy Parks Program (sec.3124)

The Senate committee-reported bill contained a provision (sec. 3131) that would authorize the Secretary of Energy to establish energy parks on former defense nuclear facilities.

The House bill contained a similar provision (sec. 3112).

The agreement includes the Senate provision.

Subtitle C-Reports

Report on graded security protection policy (sec. 3131)

The House bill contained a provision (sec. 3122) that would require the Secretary of Energy to submit a report to the congressional defense committees on the implementation of the graded security protection policy of the Department of Energy no later than February 1, 2011.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

TITLE XXXII-DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize $28.6 million for the operations of the Defense Nuclear Facilities Safety Board (DNFSB), the amount of the budget request.

The Senate committee-reported bill contained a provision (sec. 3201) that would authorize $33.6 million for the operation of the DNFSB, an increase of $5.0 million.

The agreement includes the House provision.

Given the increasing level of work that the DNFSB will undertake with the two major new construction projects currently in planning by the National Nuclear Security Administration, the budget for the DNFSB will have to increase as well to ensure adequate and timely oversight.

TITLE XXXIV-NAVAL PETROLEUM RESERVES

Authorization of appropriation (sec. 3401)

The House bill contained a provision (sec. 3401) that authorized $23.6 million for fiscal year 2011 for operation and maintenance of the Naval Petroleum Reserves.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

TITLE XXXV-MARITIME ADMINISTRATION

Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2011 (sec. 3501)

The House bill contained a provision (sec. 3501) that would authorize appropriations for the Maritime Administration of the Department of Transportation for those activities of the Maritime Administration associated with maintaining national defense sealift.

The Senate committee-reported bill contained a provision (sec. 3301) that would authorize various appropriations for the Maritime Administration.

The agreement includes the House provision.

Extension of maritime security fleet program (sec. 3502)

The House bill contained a provision (sec. 3502) that would extend the authorization of the Maritime Security Fleet from fiscal year 2015 to fiscal year 2025.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

United States Merchant Marine Academy nominations of residents of the Northern Mariana Islands (sec. 3503)

The House bill contained a provision (sec. 3503) that would grant the Delegate from the Northern Mariana Islands authority to nominate cadets to the United States Merchant Marine Academy in keeping with the procedures followed for all other territories of the United States.

The Senate committee-reported bill contained no similar provision.

The agreement includes the House provision.

Research Authority (sec. 3504)

The Committee on Commerce, Science, and Transportation of the Senate reported a bill (S. 3566) that would authorize various programs within the Maritime Administration. This bill contained a provision (sec. 3) that would specifically grant authority for the faculty and staff of the United States Merchant Marine Academy to conduct research with respect to maritime-related matters and to provide other appropriate academic support and training in accordance with the mission of the Academy. There is a long standing precedent that the conferees on National Defense Authorization Acts from the Senate and the House of Representatives include in the agreement those areas of oversight and jurisdiction granted to the Committee on Commerce, Science, and Transportation of the Senate which mirror oversight and jurisdiction of the Committee on Armed Services of the House of Representatives.

The House bill contained no similar provision.

The agreement includes the Senate committee-reported provision.